

AGENDA

PLANNING COMMITTEE

WEDNESDAY, 18 OCTOBER 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

- 1 To receive apologies for absence.
- 2 Previous Minutes (Pages 5 - 22)

To confirm and sign the minutes from the previous meeting of 20 September 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/YR22/0931/F
10 Redmoor Lane, Wisbech
Erect 2 x dog kennel blocks (part retrospective) (Pages 23 - 44)

To determine the application.
- 6 F/YR22/1186/FDC
Land North Of 2 - 8 Gibside Avenue, Chatteris
Erect up to 4x dwellings and associated works (outline application with matters committed in respect of access) (Pages 45 - 60)

To determine the application.

7 F/YR23/0072/O

Land East Of Station Farm, Fodder Fen Road, Manea

Erect up to 5 dwellings (outline application with matters committed in respect of access) including formation of a footpath on the western side of Fodder Fen Road (Pages 61 - 90)

To determine the application.

8 F/YR23/0237/F

Dukes Head And Land North West Of Dukes Head, Church Terrace, Wisbech

Change of use of land to form pub garden, and erect a gate (0.91m high max), a timber canopy and timber planters (part retrospective)

F/YR23/0249/LB

- Internal and external works to a Listed Building including insertion of external side door, and erect a gate (0.91m high max), a timber canopy and timber planters (Pages 91 - 106)

To determine the applications.

9 F/YR23/0321/F

Land North 120 Leverington Common Accessed Via, Hawthorne Gardens, Leverington

Erect a dwelling (single-storey 2-bed) with integral single garage (Pages 107 - 124)

To determine the application.

10 F/YR23/0423/RM

Site Of Former Lavender Mill, Fallow Corner Drove, Manea

Reserved Matters application relating to detailed matters of appearance, landscaping, layout and scale pursuant to outline permission F/YR22/1273/VOC to erect 29 x dwellings (6 x single-storey 3-bed and 23 x single-storey 2-bed) with associated parking (Pages 125 - 142)

To determine the application.

11 F/YR23/0460/FDC

Land At Inhams Close Murrow

Erect 2 dwellings (2-storey 3-bed) (Pages 143 - 156)

To determine the application.

12 F/YR23/0541/F

Land North of The Barn High Road Bunkers Hill

Erect 5 x dwellings (2-storey 5-bed) involving the formation of a new access (Pages 157 - 188)

To determine the application.

13 F/YR23/0600/O

Land North Of 66, Northgate, Whittlesey

Erect x1 dwelling (outline application with matters committed in respect of access)

(Pages 189 - 202)

To determine the application.

14 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,

This page is intentionally left blank

PLANNING COMMITTEE

WEDNESDAY, 20 SEPTEMBER 2023 -
1.00 PM

PRESENT: 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.

Officers in attendance: Nick Harding (Head of Planning), Danielle Brooke (Senior Development Officer), Stephen Turnbull (Legal Officer) and Jo Goodrum (Member Services & Governance Officer).

P47/23 PREVIOUS MINUTES

The minutes of the meeting of the 23 August 2023 were agreed and signed as an accurate record.

P48/23 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

Nick Harding presented the report to members.

Members asked officers the following questions:

- Councillor Benney asked whether Ellingham Gardens is due to be surfaced as it should have been several years ago? He added that he is aware that some investigation took place a few years ago by officers concerning the same issue and he was advised at that time that it was highly unlikely that the County Council would consider the adoption of the road. Councillor Benney stated that the residents of Ellingham Gardens have contacted all of their local members over a period of time and, in his opinion, this is now the only opportunity that the residents of Ellingham Gardens will be able to get their road surface finished. He stated that when he visited the site there are still raised ironworks and he made the point that if there are no guarantees that the road will be completed, he will not be supporting the application. Councillor Benney expressed the opinion that he is happy with the development, but he wants to see the road surface in Ellingham Gardens finished. Nick Harding explained that condition 13 of the report states that an improvement scheme is required to be submitted to officers for approval and any scheme that is approved will have to be implemented prior to the first occupation of plots 1 and 2 of the development.
- Councillor Mrs French made reference to the point Councillor Benney made with regards to the adoption of roads and she stated that the County Council will adopt roads, however, they do need to be up to an adoptable standard and any new roads which are adopted will now have a 20mph speed limit attached to them.
- Councillor Connor stated that he has spoken to a senior officer at the County Council Highways team, and has been advised that, in his opinion, Ellingham Gardens will never be adopted unless works are undertaken to the drains and the binder course is removed. He stated that the road is a mess, and he does have sympathies with the residents as he is also aware of other roads within the District which are also unadopted and in poor condition. Councillor Connor expressed the opinion that he is disappointed the Agent or Applicant are not in attendance at the meeting today in order to allow members of the committee to be able to ask questions.

- Councillor Marks stated that he also has concerns with regards to unadopted roads and whilst he appreciates the condition affixed to the application, he still has concerns whether it will be adhered to, and he would like to hear from the agent to ascertain what assurances they can provide prior to the application being determined.
- Councillor Benney stated that he had managed to ascertain that the actual site of Ellingham Gardens was constructed by a company called Proctors who had also applied for some additional building works to be undertaken but were refused by the Council and, therefore, the builders chose not to complete the works to the roadway of Ellingham Gardens. He added that the road is a mess and whilst the residents could all contribute together to pay for the completion of the road, there are also residents living there who do not own their property and, therefore, there cannot be the expectation for those residents to contribute if they are only renting their home. Councillor Benney stated that the road is sub standard and whilst there is a management company associated with that piece of land that covers Ellingham Gardens, they need to address, the kerbs, paths, and weeds. He added that if more development is going to be allowed in that area then the issues surrounding the road needs to be considered. Councillor Benney stated that the proposed new dwellings will look out over Ellingham Gardens, and he agreed that it is disappointing that the Agent is not at the meeting today to answer members questions.
- Nick Harding stated that applicant and agent cannot give any assurances to the committee that are enforceable in any way. Officers have proposed condition 13 and will also require a specification of the works that are going to be undertaken on site within a specified time frame.
- Councillor Gerstner asked what arrangements are in place for the refuse and recycling collections? Nick Harding advised that collections are already taking place by the Council and there is a turning circle which is sufficient for the waste collection vehicles to undertake such collections.
- Councillor Marks asked whether there was a possibility of a bond or agreement being put in place to ensure the improvement works are undertaken? Nick Harding stated that when considering the construction and subsequent adoption of roads, a series of technical drawings are submitted to the County Council for technical approval and then a legal agreement and bond is provided in order to cover the situation whereby part way through the works something untoward arises where the companies involved walk away and the County Council then have funds that they can draw on to undertake the works. Nick Harding stated that, in this case, it is an unadopted highway and planning officers are not highway engineers, however, an application which is submitted to the Council with a condition 13 is submitted to the County Council to ascertain whether those works are sufficient in order to improve the quality of the top surface of the road. He added that given that the works need to be undertaken prior to the occupation of plots 1 and 2, officers have time to undertake enforcement action if the works were not carried out. Nick Harding explained that the committee may choose to alter the wording of the condition from plots 1 and 2 so that it reads prior to the occupation of any two plots on site.
- Councillor Marks expressed the view that it does not appear to be clear what the actual specification of works are, and he feels that this should be made clear, and it should be to a standard whether that be adoptable or unadoptable. He added that the developer should be outlining what works they are going to undertake to ensure that it is an acceptable level. Nick Harding stated that is the purpose of the condition and they will advise officers of a technical specification of the works that they are going to undertake then officers will pass that to the Highways Engineers for review and their input. Councillor Marks asked whether that is also the case if it is not to an adoptable standard? Nick Harding explained that in terms of the adoptable highway standard requirements in general terms it will involve digging out base course levels and the specification of materials to be used.
- Councillor Mrs French stated that developers cannot be forced to sign a Section 278 agreement.
- Councillor Benney stated that there is already a management company set up for Ellingham Gardens, however, it appears to be impossible to contact them. He added that if the

application were approved would the developer take over the management of the existing management company to ensure that the streetlights and road are kept to an acceptable standard or will a separate management company be set up for the area of the new development. Councillor Benney expressed the opinion that the developer should be at the meeting to answer the questions for the committee as it is important to know who is going to take responsibility for the site as the company who has the responsibility are shirking their duties.

- Nick Harding stated that whilst he appreciates members comments, he made the point that there is an existing development which is occupied and if the management company is in place to serve the existing residents it is their responsibility to make the management company carry out their job. He added that there is now an additional development taking place but if the road is under the control of the existing management company there cannot be a replication with a new management company. Nick Harding added that the Council should not be getting involved with such matters which are beyond the control of the committee. He stated that any solicitors of those residents who are going to be using Ellingham Gardens should be advising them that it is a private road and any associated consequences with regards to the future maintenance of the road and costs and responsibilities.
- Councillor Benney made the point that whilst he appreciates the comments made by Nick Harding, elected members are in place to deal with issues such as these which are important to the electorate. He stated that he has unanswered questions, and he would like to know which management company is responsible for the development as the one currently in place is not fit for purpose. Councillor Benney expressed the view that he cannot support the application.
- Councillor Connor stated that it is a good development and an excellent officer report but he can see the dilemma, which has been discussed but he would not like to see the application refused as it is 9 much needed homes. He stated that once the issues are resolved he can see the development being a very nice cul de sac. Councillor Connor expressed the opinion that he would rather the committee consider deferring the proposal rather than refusing it. He added that he is very disappointed that the agent and applicant have not come before the committee.
- Nick Harding reiterated to members that there is an existing development at Ellingham Gardens with a management company in place already which although is not working as well as it should be should not be to the detriment of the application being determined. He stated that if members were to consider refusing the proposal then serious consideration needs to be given on the refusal reasons.
- Councillor Connor reiterated that he would prefer to see the application deferred rather than refused.

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

- Councillor Hicks asked Councillor Benney whether he would consider the road to be adequate and useable in its current state? Councillor Benney explained that you can drive down the road, but consideration does need to be given to the raised ironworks and whilst the bin lorry can access the road, it is a mess as there are many weeds. He made the point that he does not wish to see the development refused but it does need to bring some benefit with it and that, in his opinion, means ensuring that the area is tidied up. Councillor Benney stated that if the area is left for the management company to sort out then it will just be a situation which continues. He made the point that if there can be some discussion with the Agent to obtain assurances from them then he would feel in a better position to consider the application.
- Councillor Gerstner referred to 5.6 of the officer's report where the Highways Officer states that officers may wish to consider including a condition that the applicant remedy the existing defects along Ellingham Gardens in response to the proposed intensification.
- Councillor Marks stated that the proposal will add more residents to an existing problem and, in his view, that is no clear direction on what the remedy will be with regards to the top

surfacing of the road. He expressed the view that the members do need to be able to raise their issues and concerns with the Agent in order to ascertain a guarantee albeit a verbal one.

- Councillor Hicks stated that if the application is deferred in order to give the committee the opportunity to address the Agent and the Agent states that they will undertake the necessary works, is there any legal agreement which can be put in place to ensure the works take place. Councillor Connor stated that that if the Agent comes before the committee and gives assurances then members are then in a position where they have done all they can do and advise the residents of Chatteris that they did their best.
- Councillor Connor stated that it appears that the committee are looking to defer the application and there does not appear to be any reasons for refusal.
- Councillor Benney stated that he is aware that the management company that runs Ellingham Gardens are based at Station Road in St Ives.
- Nick Harding stated that the specification of a highway is never requested as part of a planning application, and that there is no justification to request that level of detail for this particular application. He added that there is a condition in place which asks for the details of what improvements are going to be implemented to Ellingham Gardens. Nick Harding added that an adjustment to condition 13 could be made to ask for the details concerning how the road is going to be improved but also the details of its ongoing maintenance. He added that if the application is deferred for the agent to come to address the committee and they give assurances that as and when the houses get build they will be signed up to a management company that will not be included within the planning permission and, therefore, the adjustment to the condition should give the committee assurance on the issue of not only what works are going to be undertaken on the road improvements but also the details of how the road is going to be maintained in the future.
- Councillor Gerstner made reference to the highways section within the officer report which considers including a condition that the applicant remedy the existing defects along Ellingham Gardens in response to the proposed intensification. Nick Harding explained that aspect is already covered in condition 13.
- Councillor Marks stated that there are still concerns with regards to what is required going forward and maybe the committee should focus on road adoptions more going forwards. He added that it will cause the Council issues going forwards as, in his opinion, there are going to be obstacles with the road in the future.
- Councillor Connor stated that the County Council have many issues of unadopted roads that they are dealing with.
- Nick Harding stated that, when planning permission is granted for a brand-new development site, officers cannot require the roads to be built to an adoptable standard and the decision on whether the road is going to be private or whether or not they are going to be adopted is totally in the developers remit. He explained that members need to be aware that it is not within the gift of the committee to be able to get a road adopted. Nick Harding stated that when planning permission is granted for new developments now, a condition is added which requires the details of ongoing maintenance and management of those roads and that is so that Council can tolerate the situation that the County Council have found themselves in previously, where developments have been built and the roads have remained private. Nick Harding explained that a change to the condition which adds in the requirement for the maintenance arrangements to be submitted and approved by officers is no different to the condition that is in place for brand new developments. He stated that the option he has proposed to the committee is just as good as what is placed on brand new developments and if the application is deferred for the applicant and agent to come before the committee, they can give members assurances, however, what actually matters is the detail that is submitted and what details are approved by the authority in relation to how the road is going to improved and the ongoing maintenance arrangements for the road. Nick Harding stated that if the agent states that a management company is going to be set up and associated with all the properties that will be using Ellingham Gardens, in theory there is nothing to stop that management company going bankrupt and the same situation will arise, and the

Council can never resolve that situation.

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

Proposed by Councillor Benney, seconded by Councillor Marks and agreed that the application be DEFERED in order to invite the agent and developer to address the committee and answer their concerns with regards to the management company.

Members do not support the officer's recommendation of approval as they feel that they do not have adequate information from the Agent and Developer to be able to determine the application.

Nick Harding stated that as the committee have voted in favour of a deferment in terms of any other element of the application the assumption is that they are happy with all other parts of the scheme and the only the issue is with the ongoing maintenance of the highway that is of concern to members. He added that when the application is brought back to the committee that will be the only aspect of the scheme that will be discussed.

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

**P49/23 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)**

Nick Harding presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Anne Dew, Head of Planning at Persimmon Homes. Ms Dew stated that the Planning Officers report is very comprehensive, and made the point that the application already has outline and reserved matters consent for 248 dwellings and the developer is currently building those homes. She explained that there is a greater demand for smaller dwellings and a lesser demand for the larger type properties and, therefore, due to that fact the application before the committee proposes a replan of the site which provides a more varied mix and a greater proportion of smaller family houses.

Ms Dew added that the current application proposes 31 dwellings, 27 of these had previously received consent and, therefore, it is only the additional four dwellings that seek determination and there are no changes proposed for the affordable dwellings. She explained that the Section 106 associated with the original consent of 248 dwellings required £2,000 per dwelling which is due to be spent on education and libraries and she confirmed that the contribution has already been paid.

Ms Dew stated that the replanned application shows the increase of 4 dwellings and in line with the Council's Local Plan viability assessment, there will be a further £8,000 infrastructure contribution required and will be secured by the Section 106. She explained that the layout and the design principles approved as part of this application have been followed as part of the replan and through the consultation process all technical consultees have confirmed their support for the proposal and she made reference to the officer's report which states that there is no valid reason to refuse the application given that the site benefits from consent and is currently being built out for residential purposes and, therefore, the comments from the Minerals and Waste Planning Authority do not apply, although there was a policy the site was never going to be a minerals and waste site for that reason.

Ms Dew concluded by stating that the replan application will increase the dwellings on site by 4 and will provide for a better mix of dwellings which accords with the housing demand in Chatteris and is in line with national and local policy and is acceptable in planning terms.

Members asked officers the following questions:

- Councillor Benney asked for clarification that the additional Section 106 monies would be passed to the George Clare Surgery in Chatteris? Nick Harding confirmed this was correct. Councillor Benney stated that he is very pleased to hear the money will go to the surgery as it is needed, and the money will be spent quickly and will go towards assisting the residents of Chatteris.
- Councillor Marks asked how quickly it will take to draw down those monies as it is obvious the money is needed? Nick Harding stated that the conversation with Persimmon Homes is still to take place with regards to the payment of the £8,000. He added that it would normally be quite a quick process in relation to this particular phase but there is the requirement for a project proposal required from the doctors surgery in order to transfer the funding over.
- Councillor Mrs French referred to 5.20 of the officer's report where it refers to the County Council waste and minerals and she asked for an explanation. Nick Harding stated that since planning permission was granted at outline stage for Womb Farm, the site has been identified as minerals waste site, but as there is already an existing extant planning permission for housing the issue is not considered.
- Councillor Hicks referred to the Section 106 agreement and he asked what the normal position is for the Council with regards to contributions being paid and does it vary from application to application? Nick Harding stated that it varies and is dependent on the type of development and scale and other circumstances which are taken into consideration. He provided an example and stated that if there is a development for 1,000 dwellings, there would not be the expectation for the Section 106 contributions to be paid for those 1,000 homes until development commenced due to infrastructure costs which need to be paid in order to start above ground works.
- Councillor Benney stated that the footpath that leads to Tesco roundabout was part of the original application, however, that has yet to be started and he asked whether there were any details of commencement of those works would be? Councillor Connor asked Ms Dew if she could answer the question and she explained that there is a requirement on the outline planning permission for the footway to be provided and currently the Section 278 process is lodged with the County Council and that was submitted in March 2022, however, it will be implemented once approval given by the County Council.

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

- Councillor Benney expressed the opinion that it is another 4 dwellings and an additional £8,000 for the Doctors Surgery. He added that the site is progressing well and if it makes better use of the land, it is a logical and sensible proposal.

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

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

P50/23

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)

Danielle Brooke presented the report to members.

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

- Councillor Gerstner stated that this proposal was debated by Whittlesey Town Council, but he was not present at that meeting when it was discussed. He stated that he visited the site and, in his opinion, the officer's recommendation is correct, however, Turves is a very small community and has little or no infrastructure in place with a small struggling Public House, no shop and no bus service. He added that when you approach the site from March there is a right-angled corner and there is limited space between the entrance to the proposed properties that could cause concern. Councillor Gerstner added that there could be additional development to the proposed three dwellings and the site is in Flood Zone 3 and he reiterated that the officer's recommendation is correct.
- Councillor Marks stated that most Fenland villages on the outskirts of towns are a road in and a road out with houses built either side. He added that across the road from the proposed site there are modern houses and he added that he is sure that the same objections would have been given previously when those dwellings were developed. Councillor Marks made the point that Turves is a very small village and whilst it has no bus route, most people will have cars and whilst it is on a blind corner it is a Fenland village, and he knows that you have to take the bend at a slow speed.
- Councillor Benney stated that he agrees with Councillor Marks and added that the houses opposite are at the same distance from the junction as the proposal and they were approved. He added that he recalls how there have been more dwellings built in Turves over recent years and whilst it is in Flood Zone 3, so is the whole of Turves and if no development takes place, then there will be no services introduced into the village to benefit the community. Councillor Benney stated that the railway line runs behind it and provides a natural boundary and, in his opinion, it is not open countryside.
- Councillor Hicks stated that he does not know what else the plot of land could be used for as it is too small to farm. He added that he can see how the proposal would benefit that particular area and added that the committee had also approved another dwelling which is similar as it is also at the end.
- Councillor Gerstner referred to the recommendation of Whittlesey Town Council with regards to the application and also the officers' reasons for their recommendation of refusal. He expressed the view that it is an open field and whilst it may not be farmed at present it is classed as open land. He added that whilst a precedent has been set, development should be avoided on agricultural land if at all possible and he will be supporting the officer's recommendation for refusal.
- Councillor Connor stated that the proposal is all in Flood Zone 3 and if the proposal is refused where can development take place and will Turves become isolated. He added that if there are no further residents in Turves, they will never get a shop and the Public House will struggle even more, if the population does not grow. Councillor Connor expressed the view that he could support the application and whilst he appreciates that it is close to the corner it can be resolved later and if the proposal does not meet the highway regulations, then the application will not get built out. He added that, in his opinion, the application could be approved with a caveat of receiving highway approval and he does not want to see the village die as not everybody wishes to live in a town and people should have a choice where they live.
- Councillor Marks referred to LP12 of the Local Plan where it states that 'would not have any adverse impact of the character and appearance of the surrounding countryside and farmland' and he expressed the opinion that he does not think that it would. He added that there is a house that it is adjoining onto and there are houses across the road. Councillor Marks expressed the view that he thinks that the proposal is within the scale and in keeping with the settlement and whilst he agrees that it is likely that there will be additional dwellings moving forward he does see anything wrong with that.
- Councillor Connor stated that the railway line does form a natural barrier and had the plot of land been on the other side of the railway line then his view maybe somewhat different as there is sporadic development on the other side. He added that he does not see what harm the three proposed dwellings will cause.

- Councillor Imafidon stated that he understands that if there is not additional development taking place in small villages then they are likely to decline and added that he would like to know why the Town Council were against the development. Councillor Connor stated that the Town Council have recommended that they felt that they could not support the proposal. Nick Harding referred to 5.1 of the officer's report where it states that the Town Council recommend refusal as under the District Council's Local Plan this is not an integral part of the village and the Highway Authority have also requested amendments and there is no report from Middle Level.
- Councillor Connor stated that Middle Level are not statutory consultees and that the proposal is in the middle of the village as there are houses and bungalows which are surrounding the site. He made the point that the committee approved another three dwellings against the officer's recommendation which are further out of the village than the proposal before the committee today.
- Councillor Marks stated that there are properties built on the right-hand side near to the Public House and off towards the riverbank and, therefore, the site cannot be deemed as out of the village.
- Nick Harding stated that when the Fenland Local Plan was prepared, it has to establish a settlement hierarchy which is used to inform the planning policies for different parts of the district and in general terms the settlement hierarchy is based on an analysis of a variety of factors which include the availability of facilities in particular settlements and flood risk. He explained that the conclusion when looking at the village of Turves is that it has been identified as being a small village and growth in that area is normally to be of very limited nature and normally be limited in scale to residential infilling. Nick Harding added that outlines the policy for considering development in that area and when the Council looked at the settlement hierarchy it chose to identify a limited growth policy for the area, which would have considered the existing facilities in the settlement but because of the other issues it was felt that the restricted growth policy as the appropriate one. He explained that the proposal does not conform with policy as it is not infill and from the officer's presentation, the photographs show the view northwards from March Road and in the summer months it would be difficult to see the railway line as there is an expansive view to the north which is clearly rural in nature. Nick Harding expressed the opinion that the location cannot be concluded as falling within the built-up settlement area. He added that when considering flood risk, there has been no attempt by the agents to undertake the sequential test in relation to the proposal and, therefore, if the application was to be approved it could never be said that consideration has been given as to whether or not the development has passed the sequential test because one was never carried out. He explained that with regards to highways, officers conclude that the highways issue does have the potential to be resolved however the application is for all matters reserved including access, there are a series of individual dwellings with little access onto the road. Nick Harding added that the Highways Officer has stated that they are unsure whether all of the required access points can be accommodated due to the fact that no visibility splay information was submitted with the application.
- Danielle Brooke stated that when considering the sequential test, members may feel that the whole area is within Flood Zone 3, however, there is the potential for flood depth information to be submitted and even if another site within Turves was not necessarily in Flood Zone 3 but had lesser flood depths that would be sequentially preferable.
- Councillor Connor stated that if you were to travel from the application site to the public house in the village of Turves, there are no infill plots and then you travel to Burnthouse Road there are still no infill plots left until you travel 600 yards and then there is open countryside.
- Councillor Marks stated three dwellings were approved in recent years near the Public House and he added that with regards to Flood Zone 3 there can be mitigation measures put in place by raising properties and, in his view, it should be for the developer to decide whether they can take steps to mitigate against flooding rather than the committee. He added that whilst he appreciates that it is policy but there are times when the policy is not

adhered to when considering development in Wisbech. Councillor Marks made the point that planning permission was allowed by the committee for the properties over the road from the proposal site which will have been in Flood Zone 3.

- Councillor Connor stated that if permission is not granted for the dwellings on the north side of the road, Turves will not expand anymore and remain stagnant.
- Councillor Gerstner stated that it is an outline application and there are conditions which can be added at a later stage and mitigation measures put in place, however, he still wishes to support the views of Whittlesey Town Council.
- Nick Harding stated that the site is not an integral part of the built-up area of the village and is not an infill site. He made the point that there has been no attempt to undertake a sequential test and those are three key policy areas which the application does not adhere to.

Proposed by Councillor Gerstner, seconded by Councillor Hicks to refuse the application as per officer's recommendation, which did not receive support from the majority of members.

Nick Harding advised members that if they are going against officer's recommendation they need to address the issue of infill, biodiversity and with regards to flood risk members need to demonstrate why a sequential test does not need to be supplied in this instance. Councillor Marks stated that the whole of Turves is in Flood Zone 3 and there would be no more properties built in Turves. Nick Harding stated that the requirement is still for sequential test to be undertaken. Councillor Marks stated that even if a sequential test was undertaken it would still prove that properties are still needed in Turves and, in his opinion, it is not infill as it backs onto another property and is within Turves itself. He added that there are properties built on the left-hand side of the road and the proposal borders onto another property. Nick Harding stated that policy states that only infill will be allowed and, therefore, it needs to be demonstrated that it is infill or there is a reason why there is a diversion away from the Council's policy. He added that the proposal only has built development on one side and the definition of infilling in the Local Plan is that a gap between two buildings exists and, in this case, the next building is a long way away and, therefore, it needs to be identified why it is appropriate.

Councillor Connor expressed the opinion there are no more infill sites in Turves without building out into the open countryside and the fact that there are no more infill sites demonstrates that the application site needs to be built on. He stated that, with regards to biodiversity, the application could be approved with a suitable condition of a biodiversity report to include a 10% biodiversity plus incorporating nesting, bat boxes and three or four more trees.

Councillor Marks stated that, with regards to biodiversity, the whole area is surrounded with fresh air and fields.

Nick Harding expressed the opinion that there are a number of weaknesses with the reasons cited to go against the officer's recommendation and he added that not undertaking a sequential test is a fundamental flaw in approving the development should there be a challenge to the decision.

Councillor Connor noted the comments made by Nick Harding but made the point that Turves will suffer and there are mitigating arguments that could be made.

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

Members did not support officer's recommendation of refusal of planning permission as they feel that the proposal does not adversely impact the character and appearance of the area, they do not feel that it is outside the settlement of Turves or an infill property, that flood mitigation measures can be taken to address the lack of a sequential test, and a condition can be added by Highways

to deal with the visibility splay concerns.

P51/23

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

Danielle Brooke presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Matthew Hall, the Agent. Mr Hall stated that the officer's report appears to sum up the proposal very well and it appears to be a fair report. He added that there are no objections from the County Council, Highways or Environmental Health and the site is in Flood Zone 1 in the middle of March.

Mr Hall stated that at 10.5 of the officer's report it states that the overall width of the proposal is of a similar proportion to other properties in the road which maintains the uniformity that currently exists, and it is considered to be of a good quality design and utilises appropriate material ensuring it is sympathetic to the host dwelling. Mr Hall added that the officer's report also states that there is no impact on the host property or recently constructed property, which was approved by the Planning Committee, to the rear by way of loss of light or privacy, with the report also stating that there is sufficient private amenity space for both dwellings and the Highways Authority have no objections. He added that at the end of the officer's report it states that the officer recommendation for the proposal is one of refusal.

Mr Hall stated that what has not come out in the report is that the Planning Officer has been proactive and worked with them on this application and after the application had been in a few weeks he e-mailed the planning officer and on 22 June he responded by e-mail to say that he had reviewed the application and he supports the scheme, there were 10 objections so the application would have to go to Planning Committee for a decision, with the earliest committee date being August and he would send the conditions for agreement and an extension of time closer to date, which they agreed to. He advised that he did e-mail back the Planning Officer on 23 June and received in writing that the officer would be recommending approval, which he conveyed to the applicant, who is a local carpenter/builder, and he was very happy to receive this information and nothing further was heard for 6-7 weeks. He stated that he had these e-mails if committee wished to view them.

Mr Hall stated that on 12 September they received the committee notification with the recommendation of refusal and they had received no correspondence or warning that the recommendation had changed, with the applicant rightly contacting him asking what was going on and he did not know as there had been no warning at all, with the officer's report being very fair and quite complementary. He questioned why it had changed as he does not know and reiterated that it has the support from March Town Council, Highways, Environmental Health and is located in Flood Zone 1 in the middle of March.

Members asked questions of Mr Hall as follows:

- Councillor Benney asked for confirmation that all the way through the application was going to be approved and at the last moment it had changed to refusal? Mr Hall responded that this was correct, the officer kept them well informed and he has two e-mails from the officer, if members want to view them, in June saying he is going to recommend approval of the scheme, he agreed an extension of time based on this and then last Tuesday the committee notification was for refusal. He believes the Planning Officer was on holiday when this came out but something has changed but the application has not changed from their perspective so he cannot understand why it was now recommended for refusal.
- Councillor Hicks asked if it was acceptable to look at these e-mails? The Chairman stated that it is acceptable, but all members need the opportunity to see them. Mr Hall provided the

e-mails, which were circulated around members. Councillor Connor stated that whether these e-mails are of interest to members this does not affect the planning merits of this application.

Members asked questions of officers as follows:

- Councillor Hicks asked why the Planning Officer had a change of heart, going from approval to a refusal? Nick Harding responded that he has not been privy to the e-mails so it appears, but he cannot confirm it, that the case officer has looked at the application and reported back to the agent that he is comfortable with the proposal but maybe he did not check his thoughts with his line manager before making his thoughts known to the agent, which is the approach that all officers are encouraged to take to avoid this situation whereby a case officer has a particular opinion on an application and they have missed an important factor in consideration of the case which the line manager has picked up on. He stated that with this type of development proposal there is an element of subjectivity to it, and you can understand why different people have different views on it but the line manager is clear that given the open nature of that junction area the application would compromise this. Nick Harding acknowledged that it was an unfortunate situation and apologised to both the agent and the applicant.
- Councillor Connor questioned whether this would undermine the case officer's opinion as the manager has overturned their decision? Nick Harding responded that it all depends where it is on the spectrum, if it was identified to the case officer that they had missed an important aspect of consideration of the proposal and the case officer reflects on this, it is entirely appropriate for the case officer to continue to write up the committee report. He added that if there is a fundamental difference of opinion between the case officer and the line manager on a key issue and a continuing difference of opinion then in those circumstances the case officer would be removed from dealing with the application as you cannot ask someone to write a report that they do not agree with. Nick Harding stated that in this case, as far as he knows, the case officer continued on so clearly the line manager pointed out the missed important component in consideration of the application.
- Councillor Benney made the point that at the last committee meeting Gareth Edwards told the committee exactly the same thing that he had an application that was led all the way for approval and had e-mails to show this and then it was recommended for refusal. He made the point that the case officer for this application is a Senior Planning Officer, so it does not sit well with him for a senior officer to get something wrong and he feels there is one very subjective reason for refusal.
- Councillor Gerstner stated it is concerning and asked for legal advice before the application is taken any further as there are clearly things in writing that state the application was going to be approved and does this carry any weight. Councillor Connor responded that the Legal Officer would have nothing to add, and the e-mails carry no weight on how the application is looked at, with the committee needing to take the merits of what is in front of them. Councillor Gerstner responded that there is evidence from the applicant, which is making him feel uncomfortable. Stephen Turnbull advised that members need to distinguish between the process that has occurred and the decision that needs to be taken today, which is on its planning merits should it be approved or refused so how it has been processed and advised to the applicant is of no relevance to the planning merits you have got to have an open mind today on what are the planning merits or dismerits in the light of the planning officer's report.
- Councillor Mrs French suggested to avoid this happening again that Nick has a word with the line manager and planning officers as it does not reflect very well on this Council. Councillor Connor stated that he is sure that Nick will be doing this and concurs with the comments of Councillor Gerstner that it does not sit comfortably.
- Councillor Marks questioned that it seems the officer who has been dealing with it all the way along has missed something being the fundamental flaw, is this the flaw or would there be other things behind this decision to try to refuse? Nick Harding responded that he is not sure if it has been misunderstood what he said, he was asked the question about whether

or not it was appropriate for the case officer to have written this report given the feedback they had given the agent and what he explained was if it was pointed out to the officer that they had missed something in the consideration of the application and they said yes, reflected on it and agreed that it was no longer appropriate to recommend approval then it is entirely appropriate for that case officer to remain the case officer and is what appears to him to be the situation here.

- Councillor Benney stated that if he was a planning officer and went to a line manager and they said they did not agree with his recommendation and was going to be taken off the case, if this happened regularly he would not feel comfortable and would not be happy working like this because this is undermining, especially if you are taken off a case that you have put a lot of work into.
- Councillor Hicks stated that surely there must be a process of checking somebody's work before any correspondence is sent out in future so this does not happen again. Nick Harding made the point that this is not the appropriate forum to discuss workflows and processes and officers should not be proffering an opinion on the acceptability or otherwise of a development proposal to an agent unless they have the clearance of the line manager who will be signing of the decision.

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

- Councillor Benney stated that he recalls a similar application in the same location which was on the same side of the road and was approved.
- Councillor Connor stated that he recalls the application where the officer recommendation was to refuse the proposal. He added that the application was for a dwelling to be built in the garden of a house and former Councillor Cornwell spoke in favour of the application it was in the garden of a house and the application was approved against the officer's recommendation.
- Councillor Benney stated that he recalls approving a similar application and he referred to LP16d which is subjective and to decide whether it is a good application. He added that he recalls the previous application where he voted in favour as he thought it made a positive contribution.
- Councillor Gerstner stated that the officer's report states that the previous application was in the same property, and it was approved in 2020. He added that March Town Council also recommend the application to be approved.
- Councillor Mrs French stated that looking at the recommendation for refusal under LP16d in her opinion she does not believe that that the proposal does not accord with LP16d. She feels that the report is very good, and she was surprised to see the officer's recommendation for refusal. Councillor Mrs French made the point that she interprets the policy differently to that of officers.
- Councillor Connor stated that he went to the application site, and he was very pleased to see the dwelling which was approved previously by the committee. He added that it looked very nice, it was white, clean and tidy and a credit to the developer. He added that he looked at the other side of the road at the sister corner plot and that is very overgrown. Councillor Connor stated that on planning balance he will be able to support the proposal before the committee as he does not think that it will affect the street scene at all and if it does it will be for the better.
- Councillor Hicks stated that he concurs with the views of Councillor Connor.

Proposed by Councillor Hicks, seconded by Councillor Mrs French and agreed that the application be APPROVED against officer's recommendation with conditions to be applied to the application in consultation with the Chairman of Planning Committee along with Councillor Hicks and Councillor Mrs French .

Members did not support officer's recommendation of refusal of planning permission as they feel that the proposal does make a positive contribution to the local distinctiveness and character of the area and does not have an adverse impact on the amenity of neighbouring properties.

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

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

P52/23 **F/YR23/0491/O**
LAND EAST OF 137 UPWELL ROAD, MARCH
ERECT UP TO 6NO DWELLINGS (OUTLINE APPLICATION WITH ALL MATTERS
RESERVED)

Nick Harding presented the report to members.

Members received a presentation, in accordance with the public participation procedure from Shanna Jackson, the Agent. Mrs Jackson explained that the proposal is for up to 6 dwellings and is submitted in outline with all matters reserved. She stated that members may recall a previous application which was for up to 9 dwellings and at that time members had raised concerns with regards to flooding and ecology and as a result of that concern, the Middle Level Commissioners have been contacted and have confirmed that they are not aware of any flooding on the site, and this has been the case for over 20 years.

Mrs Jackson explained that an ecology report was also commissioned, given the drains at the front of the site and the Ecology Officer has raised no objection to the proposal, with ecological mitigation measures suggesting a condition which has been accepted by the applicant. She stated that she understands that there were previous concerns with regards to highways safety and, therefore, the site access has been revised to a single point which the Highway Authority is happy with, and this is also an approach which was supported by officers.

Mrs Jackson explained that the current proposal is for 6 new dwellings in March and Policy LP3 states that March is a primary market town and should, therefore, be a focus for new development. She added that the proposal will provide additional housing which is supported by Policy LP3.

Mrs Jackson stated that the very nature of growth, it is inevitable that development will extend the town into the open land beyond the existing footprint. She made the point that on the land there can be 6 large detached high quality designed dwellings which set the scene on the approach into March and the first reason for refusal can be overcome.

Mrs Jackson referred to the second reason for refusal and stated that the proposed single access was included as a result of the feedback provided from the previous application submission, however, access is not committed, and should members require multiple single points of access this can be worked through with officers and highways at the reserved matters stage until an agreeable outcome is reached. She stated that the officer's report states that there are no technical objections to the application and the objection from the Town Council is overcome by the comments received by the Middle Level Commissioners and the County Council Highways.

Mrs Jackson stated that the application is in outline form and is for up to 6 units and the number of dwellings along with the layout and scale can be discussed at a later stage if there are any concerns of over development. She stated that the proposal represents a technically acceptable form of development which will provide housing and, therefore, supports growth in a primary market town, and she asked the committee to consider approval of the proposal.

Members asked Mrs Jackson the following questions:

- Councillor Gerstner asked whether the site is currently an agricultural field and being farmed? Mrs Jackson responded that it is currently in active agricultural use. Councillor

Gerstner asked how much of the agricultural land will be lost if the application is approved? Mrs Jackson explained that the land in question is small, however, the applicants land ownership is much larger. Councillor Gerstner referred to the presentation screen and pointed out that he can see the field and Mrs Jackson explained the extra land that is currently being farmed to produce hay. Councillor Connor explained that it is Grade 3 agricultural land.

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

- Councillor Mrs French stated that she is surprised to see the application back at committee and she added that there are 18 letters of support for the application, but she is amazed where the letters of support are coming from, with them being received from Coldham Bank, Russell Avenue and Robingoodfellows Lane. She added that the officers have made the correct recommendation and if the application is approved it will mean that there is sprawling development along Upwell Road.
- Councillor Gerstner stated that this is agricultural land, and he fully supports the officer's recommendation and the views of Councillor Mrs French.
- Councillor Marks stated that he concurs with the views of Councillors Gerstner and Mrs French, and he added that he is also concerned with regards to the speeding along Upwell Road. He made the point that there is already a speed hump in place and if there are accesses introduced it will only make matters worse. Councillor Marks expressed the opinion that March has expanded enough along Christchurch Road and Upwell Road does not need to expand any further out into the open countryside.

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

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

P53/23

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

Nick Harding presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Chris Walford, the Agent. Mr Walford stated that the site has extant planning permission for up to 6 dwellings which was approved by the Planning Committee and the subsequent reserved matters application was originally for 6, 2 storey dwellings which was refused, with the application being converted to a full application because the pond to the rear of the site was outside of the red line and, therefore, that could not be controlled by a condition so it was converted to a full application in order that the red line could encompass the pond. He explained that the general view from members of the committee previously was that bungalows would be preferable on the site and would eliminate overlooking issues and be in more keeping with the local area and the character.

Mr Walford stated that the current application takes into consideration the comments of the committee and now proposes bungalows and is now reduced to 4 dwellings which is more in keeping with the bungalows at the front of the site. He stated that the application is a full application with the pond being situated outside of the outlined red line and that was due to the fact that it was depicted in the original outline ecology report, and it was approved in that report but due to a planning technicality it cannot be secured.

Mr Walford stated that with regards to the drainage and flooding concerns which were raised previously, the application has been accompanied by a specialist drainage report which proposes

a wildlife pond and all surface water from the development will discharge into the pond. He added that the pond is designed to allow adequate flow and holding for the 100 year plus 40% runoff and water held into the pond will slowly discharge to the existing boundary drain on the left and it's restricted flow to greenfield run off which essentially means it cannot leave the pond at any quicker rate than it would've done had the pond not been there.

Mr Walford stated that he has been advised by the drainage designer that because of the drain there is not the requirement to obtain consent according to the drain and, in his opinion, there is no doubt that there will not be any issue with the drainage or flooding. He referred to the Town Council objection to the proposal and stated that they had originally supported the outline application for 6 dwellings and also the reserved matters application for six 2 storey dwellings, however, they are refusing the proposal for 4 bungalows, with efforts being made to contact the Town Clerk to ascertain whether they had made an error, however, he is still waiting for a further response.

Members asked Mr Walford the following questions:

- Councillor Mrs French stated that the reason the committee at March Town Council recommended the proposal for refusal is due to the fact that they are a newly formed committee following the elections held in May.

Members asked officer's the following questions:

- Councillor Gerstner asked whether the refuse vehicles would be able to access the properties in order to collect their waste? Nick Harding stated that either a private collection will have to be organised by the residents or alternatively the bins will need to be placed at the top of the access road.

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

- Councillor Mrs French stated that there appears to be a large number of applications currently being submitted for Upwell Road. She added that she agrees with the officer's recommendation for refusal, and she will not support the proposal.

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

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

**P54/23 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)**

Danielle Brooke presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Mr Victor Aveling, a supporter of the application. Mr Aveling stated that he owns the two plots as well as 90 acres of land adjacent to the proposal site and has lived in Badgeney End since 1966 and his family have owned land there since well before the Second World War. He explained that Badgeney End was originally part of Silt Road until all of the residents were concerned that an unmanned railway crossing was being used by people visiting them and a request was submitted for that section of road to be renamed Badgeney End.

Mr Aveling stated that Railtrack regard the unmanned gates as an occupational crossing and there has been no objection from the County Council and, therefore, there is a proposal to close them for public use and Badgeney End will become a cul de sac at the end of Badgeney Road. He

explained that there are currently 6 dwellings with three of the dwellings being occupied by elderly residents and the addition of younger residents would be a welcome addition to the small community.

Mr Aveling stated that it appears that several people are worried that the proposal is the first step to the creation of a housing estate, and stated that nobody wants the area to become a housing estate. He explained that when he moved to area in 1966 it was all arable land with only 2 or 3 trees and since then he has tried to improve the natural environment by planting 700 trees and allowing the area around the pond and alongside the river to grow naturally, which is appreciated by many people who use the footpath along the River Nene and explained that this is mowed every week and he has never had to litter pick at all as the walkers take it upon themselves to do this.

Mr Aveling expressed the view that there appears to be a shortage of plots in March where people can build their own homes to their own design, and added that he was advised by the two gentlemen that they have been searching for some time for somewhere to build their own houses. He stated that he has read the comments with regards to the risk of flooding and to the best of his knowledge there has been no flooding at the site, and it was safe at the time of the Great Flood in 1947 and was not capable of being flooded after the steam driven Engine was installed in the mid-19th Century.

Mr Aveling expressed the view that he is also puzzled when hearing about flash flood risks and the Environment Agency class the whole of the Fens as a flood plain and measure the flood risk as though there are no drainage works. He expressed the opinion that the only danger to the drainage system is if developments cause so much run off that the drainage authorities cannot cope but in the case of the proposal all of the runoffs will be absorbed within the site.

Mr Aveling stated that the one of the first decisions made by Fenland District Council when it came into existence was that the Council would pay all of the drainage rates that were due on residential and commercial property, and they considered that the whole of Fenland benefited equally from the drainage works and not just those liable for drainage rates. He stated that his son also lives in Badgeney End and between them they believe that they have both created a pleasant natural environment there and they do not want to ruin that by creating a housing estate. He added that if he envisaged a housing estate then he would have registered his land with the Council, when they had put out a call for sites for the emerging Local Plan, and they do not feel that the two additional houses will be out of place.

Members asked questions of Mr Aveling as follows:

- Councillor Gerstner stated that it is very commendable that Mr Aveling has planted all the trees he referred to in his presentation and asked Mr Aveling whether he could confirm if the field is being actively farmed at present? Mr Aveling confirmed that it is being farmed at the present time.
- Councillor Marks asked Mr Aveling whether he expects looking forward as there may be further proposals brought forward for development of barn conversions and more houses at the side where the two proposed properties will be? Mr Aveling stated that is the last thing he wants to see, and he does not want there to be a housing estate as he has spent a great deal of time and energy creating a pleasant environment which he does not want to see ruined as he lives there. Councillor Marks stated that he understands that but questioned that if that is the case then why consideration should be given to the construction of two more dwellings. Mr Aveling stated that half of the houses are occupied by residents who are over 80 years old and there has always been a small community who help each other, and he does not see any harm with the introduction of another two dwellings. He added that two people that he knows are looking for houses and stated that he advised them that he would apply for planning permission to see if approval could be achieved as it would be beneficial to have people he knows living there.

- Councillor Imafidon asked whether the barns that are on site are being used currently, as the images that can be seen on Google maps depict them as being dilapidated and overgrown. Mr Aveling confirmed that all the barns are in use on his farm.
- Councillor Benney asked Mr Aveling whether the plots are in any way in connection with the working farm business? Mr Aveling confirmed that they are not, and added that none of the houses that are there are occupied by anyone in the agricultural business.

Members received a written representation read out by Member Services, in accordance with the public participation procedure, from Mr Douglas Sawyer, the applicant. Mr Sawyer advised that he has lived and worked in March his entire life along with most of his family and his wife has lived here for 20 years plus, with them having 2 children who attend either secondary school or college. He stated that through their work both himself and his wife support many local charities and regularly take part in fundraising, with them already being registered with a local doctor's surgery that they have used for 20 years, and they pay privately for both themselves and their children's dentists.

Mr Sawyer expressed the view that through extensive searching he has found no other executive style homes for sale in March that suit their needs, with this house not only providing a home but also allow them to build a workshop and store as their local business continues to expand. He stated that it is his intention to plant extra trees around our boundaries to offer new habitats for local wildlife and himself and his wife both work for themselves locally, himself as a builder and landscape gardener and his wife as a full-time baker and local market trader.

Mr Sawyer made the point that it is his wish for them and their children to stay within the March area as they have built a client base and friendships here. He believes that this plot will allow them to do this and, in the process, will free their 4-bedroom home in the middle of town to another young family. He thanked members for the opportunity to explain a little about why he would like to build this home.

Members received a presentation, in accordance with the public participation procedure, from Matthew Hall, the Agent. Mr Hall stated that there are no objections from Highways, the Environment Agency, Environmental Health or Archaeology. He added that the occupants plan to include the planting of trees, hedges and to add bat boxes and hedgehog homes and there will be no trees removed as part of the development.

Mr Hall stated that three of the applications on the agenda for this afternoon's meeting fall into Flood Zone 1 and 3 and all are various types of proposal, and all were recommended for refusal by March Town Council. He explained that in the officer's report under 9.5, it states that the site is not physically isolated due to the existence of the nearby dwellings and the officer does raise the concern of lack of nearby services, but, in his view, there a shop in Badgeney Road.

Mr Hall explained that he disagrees with the comment in the report regarding the lack of a bus stop as he recalls a bus stop being outside the shop in Badgeney Road and made the point that the bin lorry accesses Badgeney End. He stated that there have been other applications which have been approved by the committee which are in Flood Zone 3 against the officer's recommendation where the officer believes that the proposal would be away from the built-up form of March, which include an application on land west of 167 Gaul Road which is in Flood Zone 3 and away from the built-up form of March and was approved by the committee in April 2023 and land west of Broadlands, Whitemoor Road in March which was for three plots and was also approved by the committee in April 2023.

Mr Hall clarified that the barns next to the proposal site are not in the ownership Mr Aveling. He expressed the view that the current proposal will allow two executive dwellings adjacent to an existing dwelling and barns and Mr Aveling has already advised the committee with regards to no episodes in the 60 years he has resided there and added that there have been no objections from

highways or environmental health and mitigation measures have been included which have been approved by the Environment Agency, with there being a net gain in biodiversity.

Members asked Mr Hall the following questions:

- Councillor Marks stated that in the written representation from one of the applicants there was a reference made to a workshop and he asked for clarification as to whether the applicant intends to run his business from the site? Mr Hall stated that one of the applicants is a landscape gardener and, if approved, he would be looking to build a larger than normal garage where he would be able to store his tools and plant. Councillor Marks asked for clarity as to the owner of the barns and Mr Hall confirmed that the barns in the photo are in separate ownership.
- Councillor Gerstner asked whether there are any paths and streetlights along the road and Mr Hall confirmed that there are not.

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

- Nick Harding advised the committee that the application has not been made on the basis of an agricultural dwelling nor on the basis of custom or self-build properties notwithstanding what was said by the speakers and on the application form it has been applied for as market housing.
- Councillor Marks asked whether businesses or workshops were mentioned in the application and officers confirmed that is correct.
- Councillor Marks stated that he is concerned to hear the words workshop and plant mentioned by speakers as the road is not an ideal road to be used by lorries whilst he appreciates that agricultural traffic currently uses it. He added that if permission is granted, he has concerns that the barns will fall into being very marketable value for conversion.
- Councillor Gerstner stated that the agricultural land is being farmed and to place two dwellings on such a narrow road with no footpath and lighting is concerning. He added that there is the potential for a workshop which could lead to issues on the road, and he does not agree with the loss of agricultural land.
- Nick Harding stated that the loss of agricultural land is not a reason for refusal that officers have put forward. He added that the proposal is for two dwellings and nothing concerning the operation of a business from the properties is mentioned in the application and, therefore, that cannot be used as a consideration for determining the proposal. Nick Harding added that what may happen in the future with the barns is for a future possible application and planning legislation surrounding barn conversions is generous and if an application is submitted it will be dealt with appropriately.

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

(Councillor Mrs French declared that she is a member of a committee that the applicant also sits on and took no part in the discussion and voting thereon)

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

4.18 pm

Chairman

F/YR22/0931/F

**Applicant: Mr David Barclay
Harlow Town Greyhound Entertainment
Ltd**

Agent : AD Architects

10 Redmoor Lane, Wisbech, Cambridgeshire, PE14 0RN

Erect 2 x dog kennel blocks (part retrospective)

Officer recommendation: Grant

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

1 EXECUTIVE SUMMARY

- 1.1. The site is situated on the southwestern side of Redmoor Lane, a predominantly rural area with sporadic built form. Within the site there is a residential dwelling that fronts onto Redmoor Lane, with a number of outbuildings and to the south of the dwelling is a kennel block which currently houses up to 26 greyhound dogs. The application site relates to an area of land which is located to the south of the dwelling and existing dog kennels at 10 Redmoor Lane. The application site is currently grassland of which part of is currently utilised as an exercising area for the greyhounds housed at the onsite kennels.
- 1.2. The submitted application seeks full planning permission for the erection of 2 dog kennel blocks on the grassland area of the site located to the south of the existing dwelling and dog kennel block. It is noted that the application is part retrospective as development has already commenced on the site as digging for the proposed kennel blocks was begun on the 4th April 2022 as indicated within the submitted application form, the works ceased when the applicant was advised that the proposed building would need to benefit from planning permission according to the applicants agent.
- 1.3. The proposed kennel blocks would house 50 bays each and both would include a kitchen area and W.C. The blocks would run in a northeast to southwest direction down the site. Each kennel block would measure approximately 50m x 7.5m and would include a mono-pitch roof reaching a maximum height of 3.5m with eaves at 2.5m.
- 1.4. It is noted that a number of comments have been received from the public objecting to the proposed development due to the adverse impacts on their amenities in terms of additional noise that would be generated by the proposed development. The proposed kennel blocks at their closest point would be located approximately 26m from the adjoining neighbouring dwelling no. 12 Redmoor Lane at the northeast boundary of the site, the occupants of this property have submitted a series of objections to the proposed development at the site.
- 1.5. The site is located in Flood Zone 3, the highest probability of flooding.

1.6. The proposal is considered acceptable and accords with those policies as set out at section 7.4 of this report of the Fenland Local Plan 2014. The proposed development represents minimal issues in terms of visual amenity, highways safety and flood risk terms and offers opportunity for economic growth in a rural area. In terms of impacts on the amenities of neighbouring dwellings, subject to compliance with conditions on any approval, the potential adverse impacts can be appropriately and properly mitigated.

1.7. Accordingly, a favourable recommendation is forthcoming.

2 SITE DESCRIPTION

2.1. The site is situated on the southwestern side of Redmoor Lane, a predominantly rural area with sporadic built form. Within the site there is a residential dwelling that fronts onto Redmoor Lane, a number of outbuildings and to the south of the dwelling is a kennel block which currently houses up to 26 greyhound dogs. There is a residential property adjoining the site at the north-eastern boundary and further residential properties are located close by to the north and east. There is open countryside to the rear and to the northwest of the site with further residential properties beyond.

2.2. The application site relates to an area of land which is located to the south of the dwelling and existing dog kennels at 10 Redmoor Lane. The application site is currently grassland which part of is currently utilised as an exercising area for the greyhounds currently housed at the onsite kennels.

2.3. The site is located in Flood Zone 3, the highest probability of flooding.

3 PROPOSAL

3.1. The submitted application seeks full planning permission for the erection of 2 dog kennel blocks on the grassland area of the site located to the south of the existing dwelling and dog kennel block. It is noted that the application is part retrospective as development has already commenced on the site as digging for the proposed kennel blocks was begun on the 4th April 2022 as indicated within the submitted application form.

3.2. The proposed kennel blocks would house 50 bays each and both would include a kitchen area and W.C. The blocks would run in a northeast to southwest direction down the site. Each kennel block would measure approximately 50m x 7.5m and would include a mono-pitch roof reaching a maximum height of 3.5m with eaves at 2.5m.

3.3. The proposed materials would include fair faced blockwork for walls, composite insulated cladding for the roof with white uPVC window and door frames.

3.4. The proposed kennel blocks at their closest point would be located approximately 26m from the adjoining neighbouring dwelling no. 12 Redmoor Lane at the northeast boundary of the site.

Full plans and associated documents for this application can be found at:

[F/YR22/0931/F | Erect 2 x dog kennel blocks \(part retrospective\) | 10 Redmoor Lane Wisbech Cambridgeshire PE14 0RN \(fenland.gov.uk\)](#)

4 SITE PLANNING HISTORY

Reference	Description	Decision	Date
F/92/0467/F	Erection of single-storey extensions to sides of existing kennels to form additional kennelling and a kitchen/store	Grant	26/10/1992
F/91/0042/F	Erection of detached boarding kennels and use of existing garage for food preparation	Grant	03/07/1991

5 CONSULTATIONS

5.1. Wisbech Town Council (05/09/2022)

That the application be supported, subject to FDC's Environmental Health service being satisfied that the proposal would have no unacceptable impact upon the amenity of nearby residential properties in terms of noise and the management of waste.

5.2. Councillor Steve Tierney (19/08/2022)

I am strongly opposed to this planning application.

The area has lots of residential properties, who are already being affected by noise issues and should not be subject to such massive detriments to their standard of living.

I may be making further comment once I've taken some legal advice.

Councillor Steve Tierney (21/07/2023)

I have previously recorded my objection as a local member against planning application F/YR22/0931/F.

I did previously explain that I would write with more objections at a later date.

My objections are concerning noise, over-development, inappropriate location in a residential area and traffic concerns.

I would ask that my objection be noted and these remarks added.

When the matter is to be determined I would like to speak on it as the local member.

5.3. Environment Agency (30/08/2023)

We have reviewed the documents, as submitted, and have no objection providing that you have taken into account the flood risk considerations which are your responsibility. We have highlighted these in the flood risk section below.

Flood Risk

Our maps show the site lies within fluvial Flood Zone 3a defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high probability of flooding. The proposal is for two dog kennel blocks, which is classified as a 'less vulnerable' development, as defined in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance. Therefore, to comply with national policy the application is required to pass the Sequential Test and be supported by a site specific Flood Risk Assessment (FRA).

Sequential Test

The requirement to apply the Sequential Test is set out in Paragraph 162 of the National Planning Policy Framework. This test is your responsibility and should be completed before the application is determined. Additional guidance is also provided on Defra's website and in the Planning Practice Guidance.

Other Sources of Flooding

In addition to the above flood risk, the site may be within an area at risk of flooding from surface water, reservoirs, sewer and/or groundwater. We have not considered these risks in any detail, but you should ensure these risks are all considered fully before determining the application.

Flood resistance and resilience

We strongly recommend the use of flood resistance and resilience measures. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage. To find out which measures will be effective for this development, please contact your building control department. If you'd like to find out more about reducing flood damage, visit the Flood Risk and Coastal Change pages of the planning practice guidance. Further guidance on flood resistance and resilience measures can also be found in:

Government guidance on flood resilient construction

<https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings>

CIRIA Code of Practice for property flood resilience

https://www.ciria.org/Research/Projects_underway2/Code_of_Practice_and_guidance_for_property_flood_resilience.aspx

5.4. FDC Environmental Health (08/09/2022)

The application involves a substantial increase in the current number of dogs kennelled on site from 26 to circa 150.

Environmental health are currently investigating a noise complaint about barking dogs at the kennels, and whilst noise levels monitored so far have not amounted to a statutory nuisance this substantial increase is likely to raise the level of noise from barking to an unreasonable level. In view of this I formally object to this application on the grounds that the increased level of barking associated with the increased number of dogs kennelled at this location will cause an unreasonable loss of amenity to nearby residential property.

I would also point out that the application provides no details of how the substantial increase in commercial waste arising from this development will be dealt with.

5.5. FDC Environmental Health (01/06/2023)

I refer to the above application and to the Cass Allen Associates Noise Impact Assessment (NIA) dated 28th February 2023 (RP01-22501-R0).

I logged an objection to the initial application based on concerns about the proposed substantial increase in the number of dogs to be housed at the kennels; the lack of any detail on how the associated anticipated increase in barking was to be mitigated, and the existence of a recent complaint about noise from barking at the kennels. I am now minded, having reviewed the above NIA, and subject to application of appropriate conditions, to accept the application for the following reasons:

- a. Despite the proposal to increase the number of dogs kennelled at the premises from 35 to 120, the NIA concludes that an overall improvement in noise from barking will be achieved. Although the NIA predicts a slightly higher daytime level of noise from barking the application of a strict management plan for the day to day handling of dogs will, I believe, manage the daytime level of barking to a reasonable level.*
- b. The NIA predicts that the construction of two purpose built kennels, and the proposed creation of a store and isolation kennel from the existing kennels, will result in a substantial reduction in noise levels from barking during the evening and through the night. Although the Council's recent investigation concluded that the current level of barking did not amount to a statutory nuisance under the Environmental Protection Act 1990, barking episodes, particularly at night and into the early hours of the morning, have the potential to cause sleep disturbance, and so any improvement to night time noise levels is to be welcomed.*
- c. The cessation of use of the existing kennelling block – its ongoing use as an isolation kennel has no significant implications for noise levels as this the need for isolating individual dogs is rare – is important as this building is not designed to contain noise from barking.*
- d. The NIA predicts that the acoustic upgrade to the roofs and windows to the two new kennel blocks plus the provision of mechanical ventilation (no need to open windows for ventilation purposes) will offer a considerable improvement on containment of noise from barking. This will also reduce the likelihood of external stimuli prompting barking, particularly at night.*
- e. The restriction on exercising dogs to the walkway between the kennels; the provision of a 2.4 metre acoustic screen installed to the façade facing towards the nearest residential amenity; the increased distance from this dwelling to the new kennel blocks, and the retention of the existing building block as a “buffer”, will assist with the reduction of noise levels from barking, and will also promote the routine day to day management and control of barking from the dogs.*

In view of the above and in order to ensure the amenity of nearby residents is protected from excessive noise arising from dog barking I recommend the following conditions are applied:

- 1. The maximum number of dogs kennelled on site be restricted to 120 dogs.*
- 2. Ensure the existing kennel block is used solely for storage purposes, or another non-noise generating use such as an isolation kennel.*
- 3. Subject to the above condition restrict the use of kennelling for dogs on site to the two new kennel blocks.*

4. Retain the existing kennel block to provide a noise “buffer” between the new kennels and the nearest residential dwelling to the northeast.
5. Acoustically upgrade the roofs and windows to the two new kennel blocks. To be achieved by specifying good quality glazing and by adding mass to the currently proposed light weight roof construction. The upgrade to the sound insulation level to achieve a minimum of 43 dB Rw with the installation of a 18mm cemboard ceiling beneath the lightweight roof with 25mm mineral wool in the ceiling void. Construction details to be submitted to the planning authority for approval prior to works commencing. Post construction tests to be carried out by the applicant to determine if the sound insulation level specified has been achieved. The use of the kennels to be permitted only when the planning authority is satisfied that the sound insulation properties of the two kennel blocks has been verified to meet the specified sound insulation level.
6. Provide mechanical ventilation to the new kennel blocks so that windows to the new kennels can remain closed at all times, including in warmer months.
7. No plant shall be installed until an assessment to show that the rating level of any plant & equipment, as part of this development, will be at least 5 dB below the background level has been submitted to and been approved in writing by the Local Planning Authority. The assessment must be carried out by a suitably qualified acoustic consultant/engineer and be in accordance with BS4142: 2014 Methods for rating and assessing industrial and commercial sound. The details are needed prior to the start of work so that any mitigating measures can be incorporated into the build.
8. Remove the openable door from the northern end of the new kennel blocks, which faces the nearest dwelling and add a minimum 2.4m in height noise barrier (e.g. close-boarded timber fence with a minimum mass of 10kg/m²) across the gap between the blocks at the northern end of the new kennels. Construction details to be submitted to the planning authority for approval prior to works commencing.
9. Restrict exercising and toileting via the doors in the resultant courtyard space between the two blocks which will be acoustic screened from the nearest dwellings to the north and southwest.
10. Implement a strict management plan to restrict the periods during which dogs can be fed, toileted and exercised. The management plan to include a complaints procedure which includes measures to be used to deal with nuisance dogs. The management plan to be submitted to the planning authority for approval prior the use of the kennels commences.

REASON - To ensure that the amenity of the occupiers of nearby residential amenity are not adversely affected by noise nuisance from barking dogs.

Waste Management

This development will result in a substantial increase in the generation of dog faeces and therefore details of the waste disposal systems to be employed to be submitted to the planning authority for approval prior to work commencing.

REASON - To ensure that the amenity of the occupiers of nearby residential amenity are not adversely affected by nuisance associated with accumulations of waste.

5.6. FDC Environmental Health (10/08/2023)

In order to provide some context, to date, the Council has received two complaints about noise from barking at the kennels, both from the same source. In April 2022, the Environmental Health Service investigated the first complaint and concluded that the level of barking did not amount to a statutory nuisance. In July 2023, a

second complaint was made from the same source , and this is currently under investigation. Anyone contacting the council with noise concerns have been advised to submit their comments through the planning process.

The Environmental Health Service have completed the review of the Noise Impact Assessment (NIA) and associated documentation in relation to this case and concluded the NIA has been undertaken by suitably competent persons in the field of acoustics – and has been undertaken in accordance with relevant policy documents, technical guidance – and draws conclusions which are based on established good practice.

Although the initial proposed development design would have been contrary to planning policy in relation to noise control, additional work has subsequently been undertaken to identify suitable mitigation - which it is hoped should result in a proposal which is compliant with planning policy. The resultant mitigation measures and associated predicted noise emissions are reasonable - and the Environmental Health Service can find no justifiable reason to disagree with the conclusions of the report.

In relation to the daytime level of noise from barking being found to be slightly higher, it is important to recognise that the overall noise impact will be reduced - due to the lower evening and night time noise levels – as evidenced in the report. The strict implementation of best practice day to day noise management controls should ensure the daytime noise from barking should be able to be kept to a reasonable level.

However, it is recognised that an increase in the number of dogs from 35 to the proposed maximum of 120 will come with the risk of an increased level of barking. For this reason, the Council will take this opportunity to advise the applicant that should planning permission be granted it does not indemnify against the Council taking formal action to address unreasonable levels of noise from barking dogs or other sources of nuisance to comply with its obligations under the Environmental Protection Act 1990, in the event that substantiated complaints are received.

My recommendation, therefore, would be that - if planning permission is to be granted that the intended use of the kennels to which the application refers shall not occur until:

1. Additional information in relation to the noise barrier identified in section 5.18 is submitted in writing to the Council – which shall include (but not necessarily be limited to):

- exact dimensions, materials to be used and full technical specification*
- proposed location*
- evidence of the levels of attenuation which will be achieved*
- confirmation of how the integrity of the barrier will be assured and who will be responsible for maintaining its integrity*
- throughout the lifetime of the proposed development*

2. The Council have provided their written acceptance of the details requested in 1 above.

3. A detailed Noise Management Plan (NMP) has been submitted in writing to the Council.

The NMP should:

- be drawn up by a suitably competent persons (member of the Institute of Acoustics, or similar).
- detail the best practice day to day measures which will be implemented to ensure noise levels are kept as low as is reasonably practicable at all times.
- specifically identify the measures which will be implemented day to day to ensure the daytime level of noise from barking is as low as is reasonably practicable.
- utilise expertise in dog behaviour to inform the development of best practice day to day measures to control noise levels from barking
- clarify who is responsible for implementation of the NMP

4. The Council have provided their written acceptance of the details requested in 3 above.

5. The mitigation proposals are implemented in full – in accordance with the proposals in the NIA and any additional detail submitted (as identified above).

Further to the above and for the purposes of clarifying the said mitigation proposals the following conditions are also recommended; -

6. The maximum number of dogs kennelled on site be restricted to 120 dogs.

7. Ensure the existing kennel block is used solely for storage purposes, or another non-noise generating use such as an isolation kennel.

8. Subject to the above condition restrict the use of kennelling for dogs on site to the two new kennel blocks.

9. Retain the existing kennel block to provide a noise “buffer” between the new kennels and the nearest residential dwelling to the northeast.

10. Acoustically upgrade the roofs and windows to the two new kennel blocks. To be achieved by specifying good quality glazing and by adding mass to the currently proposed light weight roof construction. The treatments should be inspected post construction by a suitably qualified consultant to confirm to the planning authority that they have been built correctly as per the approved details.

11. Provide mechanical ventilation to the new kennel blocks so that windows to the new kennels can remain closed at all times, including in warmer months.

12. No plant shall be installed until an assessment to show that the rating level of any plant & equipment, as part of this development, will be at least 5 dB below the background level has been submitted to and been approved in writing by the Local Planning Authority. The assessment must be carried out by a suitably qualified acoustic consultant/engineer and be in accordance with BS4142: 2014 Methods for rating and assessing industrial and commercial sound. The details are needed prior to the start of work so that any mitigating measures can be incorporated into the build.

13. To control the level of barking restrict activities such as exercising and toileting to the courtyard space between the two kennel blocks which will be acoustically screened from the nearest dwellings to the north and southwest.

REASON

To ensure that the amenity of the occupiers of nearby residential amenity are not adversely affected by nuisance from barking dogs and all forms of machinery associated with the development.

Waste Management

14. The development will result in a substantial increase in the generation of dog faeces and therefore details of the waste disposal systems to be employed to be submitted to the planning authority for approval prior to work commencing.

REASON

To ensure that the amenity of the occupiers of nearby residential amenity are not adversely affected by nuisance associated with accumulations of waste.

5.7. CCC Highways (26/10/2022)

Highways have no objections to the above application.

5.8. Local Residents/Interested Parties

2 letters neither objecting to or supporting the application have been received from addresses within Wisbech, they are summarised as follows:

- The new building construction looks a much better set up and constructed to a modern design and also looks on the drawings that its further away from currently used kennels i would rather live next to this than live next to the railway when it opens devaluing any near by properties
- The new build can only be a positive looking at the plans put forwards will all be modern and sound proof
- The boarding kennels 1/2 mile away is still very much active as is another kennel in the area as well as an equestrian centre

Objectors

18 letters of objection have been received from 10 addresses within Wisbech (Redmoor Lane x7, Broad Drove x1, Cocketts Drive x1, North Brink x1), Sandy (x1) and Redcar (x1) which raised the following summarised concerns:

- Noise impact from additional kennel blocks, the level of noise coming from a potential of over a hundred dogs will amplify the noise significantly due to increase in dogs barking
- Additional traffic will be caused by the development on an already busy road, the road is classed as a high accident spot and deemed unsafe for the police to carry out speed checks, development will increase the likelihood of accidents
- Plans do not cover how animal excrement will be dealt, animal excrement will create smell especially in warmer summer months
- Issues with waste management currently exist at the site
- Proposal will devalue properties within the area
- Numerous noise complaints have been made in respect of the current situation and dog kennels on the site
- The septic tank serving the site is at full capacity
- Adverse impacts on wildlife through proposal
- The amount of dogs proposed in close proximity to residential dwellings is not acceptable
- The Environmental Health team are currently undertaking an investigation into the noise omitted from the site

- The submitted Noise Impact Assessment is inaccurate and the mitigation methods outlined are not sufficient for the proposed development
- The entrance to the site is on a narrow section of the road
- Too many kennels already within the area
- There has been an increase in rats around the site and present in neighbouring gardens
- The current dogs at the kennels are loud throughout the daytime and night-time, more dogs will increase the existing noise issues even further
- The proposed would ruin any enjoyment of being in garden areas due to the noise created from the substantial increase in the number of dogs at the site
- The owners of the property currently burn a loft of waste materials on site
- All residents of Redmoor Lane are opposed to the proposed development and application submitted
- If approved the development will have detrimental impacts on the mental health of residents living close to the site

Supporters

3 letters of support have been received from 3 addresses within Wisbech (x2) and Parson Drove (x2) which made the following summarised comments:

- With potential proposed developments happening in the area (hotels and service stations), I feel this is very small scale compared to that
- This road was frequently used as a diversion route when the Guyhirn roundabout was being developed and was not found to be dangerous if driven correctly, same as any local country road
- Potential Employment from the development would contribute to the local economy
- The cesspit at the site is not broken, there are three on the site
- The site is not in a residential area, the house opposite is used as a greyhound kennel and has done for many years
- The speed limit along the road is 60mph
- Greyhounds are generally quiet dogs, bar feeding times when they can be louder
- The site has housed kennels since 2005

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 81 – Planning decisions should help create the conditions in which businesses can invest, expand and adapt.

Para 84(a) – Planning decisions should enable the sustainable growth and expansion of all types of business, through conversion of existing buildings or well-designed new buildings

Para 130 – achieving well-designed places

7.2. National Planning Practice Guidance (NPPG)

7.3. National Design Guide 2021

Context

Identity

Built Form

7.4. Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP6 – Employment, Tourism, Community Facilities and Retail

LP12 – Rural Area Development Policy

LP14 - Responding to climate change and managing the risk of flooding

LP15 - Facilitating the creation of a more sustainable transport network

LP16 – Delivering and Protecting High Quality Environments across the District

7.5. Emerging Local Plan

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

LP1: Settlement Hierarchy

LP2: Spatial Strategy for the location of residential development

LP4: Securing Fenlands Future

LP5: Health and Wellbeing

LP7: Design

LP15: Employment

LP18: Development in the Countryside

LP20: Accessibility and Transport

LP22: Parking Provision

LP28: Landscape

LP32: Flood and Water Management

7.6. Supplementary Planning Documents/Guidance

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

Cambridgeshire Flood & Water SPD (2016)

8 KEY ISSUES

- Principle of Development
- Design and Character
- Residential Amenity
- Access and Parking
- Flood Risk
- Economic Growth

9 BACKGROUND

- 9.1. In July 1991 under planning application F/91/0042/F planning permission was granted on the site for the 'erection of detached boarding kennels and use of the

existing garage for food preparation'. Following this approval in September 1992 planning permission was granted under planning application F/92/0467/F for the 'erection of single-storey extensions to sides of the existing kennels to form additional kennelling and a kitchen/store'.

- 9.2. It is acknowledged that there have been complaints lodged from neighbouring dwellings surrounding the site in relation to the noise generation of the existing lawful use occurring on the site. The noise complaints that have been submitted to the council have been reviewed and investigated by the Councils Environmental Health Team. They have concluded that there is insufficient evidence that the noise produced by these activities currently being undertaken on the site amount to a statutory nuisance. Nevertheless, it is considered that the complaints and investigations undertaken by the Environmental Health Team are a separate issue and do not relate to this submitted planning application. Subsequently, the above is not considered to be a material consideration in the determination of this planning application.

10 ASSESSMENT

Principle of Development

- 10.1. The application site is located outside the settlement of Wisbech, and as such would be considered an 'elsewhere' location in respect of the settlement hierarchy. LP3 of the Fenland Local Plan 2014 advises that development in elsewhere locations should be restricted to that which is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services. However, it has been accepted elsewhere in the District, and indeed, on this site, that the open countryside/rural setting is an appropriate location for kennel type activities such as this due to the potential noise and amenity considerations. The proposed development for the erection of 2 x kennel blocks, in association with the existing use occurring on the site would not encroach into the open countryside is also considered acceptable.
- 10.2. Policy LP6 of the Fenland Local Plan 2014 supports the rural economy subject to compliance with other relevant policies; therefore, it is considered that the erection of two new dog kennel blocks and the cease of use of the existing kennel block on site is supported in principle.
- 10.3. The above is subject to there being no significant detrimental impact in relation to visual and residential amenity, highways and parking and flood risk. These are considered below in this report.

Design and Character

- 10.4. Policy LP12 of the Fenland Local Plan 2014 highlights that new development will be supported where it contributes to the sustainability of the settlement and does not harm the wide-open character of the countryside. Policy LP16 of the Fenland Local Plan 2014 seeks to ensure that development makes a positive contribution to the local distinctiveness and character of the area.
- 10.5. The proposed kennel blocks would be sited on the grassland area of the site located to the south of the existing dwelling and dog kennel block. The proposed buildings would measure approximately 3.5m in height with eaves at 2.5m. Due to the location of the proposed development a substantial distance away from the public highway (approx. 60m), and that the buildings are being kept at a modest height and sited behind buildings that currently exist on the site, and that the site is

surrounded by mature vegetation it is considered that the proposed development would have minimal adverse impact on the wide-open character or setting of the countryside.

10.6. Overall, it is considered that the proposed development would have minimal adverse impacts on the wide-open countryside and the character of the area and is therefore considered to comply with Policies LP12 and LP16 of the Fenland Local Plan 2014.

Residential Amenity

10.7. Policy LP16 Part e of the Fenland Local Plan 2014 states that development should not adversely impact on the amenity of neighbouring users in terms of noise, light pollution, loss of privacy and loss of light.

10.8. It is noted that a number of comments have been received from the public objecting to the proposed development due to the adverse impacts on their amenities in terms of additional noise that would be generated by the proposed development. The proposed kennel blocks at their closest point would be located approximately 26m from the boundary with adjoining neighbouring dwelling no. 12 Redmoor Lane at the northeast boundary of the site, the occupants of this property have submitted a series of objections to the proposed development at the site.

10.9. The applicant submitted a Noise Impact Assessment dated 28th February 2023 carried out by Cass Allen Associates. This submission was following an initial objection lodged by FDC Environmental Health Team objecting to the proposed development due to the substantial increase in kennelled dogs on the site from circa 26 to circa 150 dogs.

10.10. It is also acknowledged as within the background section of this report above, that the Environmental Health Team have been investigating noise complaints from neighbouring properties surrounding the site in relation to the existing activities and their noise generation that are currently occurring at the site. As previously stated above, these complaints and investigations undertaken by the councils Environmental Health Team are in relation to whether a statutory noise nuisance is currently occurring, and as such should not be considered within the determination of this application.

10.11. Following on from the initial objection to the proposed development from the councils Environmental Health team and submission of the Noise Impact Assessment by the applicant, the Environmental Health Team have submitted revised comments following an in-depth review of the additional information provided by the applicant. The Environmental Health Officer has detailed that 'The Environmental Health Service have completed the review of the Noise Impact Assessment (NIA) and associated documentation in relation to this case and concluded the NIA has been undertaken by suitably competent persons in the field of acoustics – and has been undertaken in accordance with relevant policy documents, technical guidance – and draws conclusions which are based on established good practice.'

10.12. Furthermore, the Environmental Health Officer has commented 'although the initial proposed development design would have been contrary to planning policy in relation to noise control, additional work has subsequently been undertaken to identify suitable mitigation - which it is hoped should result in a proposal which is compliant with planning policy. The resultant mitigation measures and associated

predicted noise emissions are reasonable - and the Environmental Health Service can find no justifiable reason to disagree with the conclusions of the report.'

- 10.13. The Environmental Health team have overall concluded that in relation to daytime level of noise from barking being found to be slightly higher, it is important to recognise that the overall noise impact will be reduced - due to the lower evening and night-time noise levels, this is evidenced within the submitted Noise Impact Assessment report. With the strict implementation of best practice day to day noise management controls this can ensure that the daytime noise from barking is kept to a reasonable level.
- 10.14. However, nonetheless the Environmental Health Officer has included within their comments that "it is recognised that an increase in the number of dogs from 35 to the proposed maximum of 120 will come with the risk of an increased level of barking. For this reason, the Council will take this opportunity to advise the applicant that should planning permission be granted it does not indemnify against the Council taking formal action to address unreasonable levels of noise from barking dogs or other sources of nuisance to comply with its obligations under the Environmental Protection Act 1990, in the event that substantiated complaints are received."
- 10.15. To ensure that the proposed development is acceptable in Environmental Health terms the Environmental Health Officer has recommended the inclusion of certain conditions relating to the intended use of the 2 x new kennel blocks and existing kennel block at the site, which use is to cease. The conditions that have been recommended by the Environmental Health Officer, which include a series of pre-commencement conditions, are determined to be essential to ensure the proposed development is overall acceptable and to safeguard the amenities of neighbouring dwellings surrounding the site. The intended use of the kennels shall not occur until all conditions are deemed to be fittingly addressed.
- 10.16. The proposed conditions include the applicant's accordance with information submitted to accompany the application and further information to be submitted to the council in the following areas:
- further information on the noise barrier outlined in section 5.18 of the submitted Noise Impact assessment;
 - submission of a detailed Noise Management Plan (NMP) drawn up by a suitably competent persons (member of the Institute of Acoustics, or similar);
 - mitigation proposals to be implemented in full in accordance with the proposals in the Noise Impact Assessment and any additional detail submitted;
 - the maximum number of dogs to be kennelled on site is to be restricted to 120 dogs;
 - the existing kennel block is used solely for storage purposes, or another non-noise generating use such as an isolation kennel, restrict the use of kennelling for dogs on site to the two new kennel blocks;
 - retain the existing kennel block to provide a noise "buffer" between the new kennels and the nearest residential dwelling to the northeast;
 - acoustically upgrade the roofs and windows to the two new kennel blocks which are to be inspected post construction by a suitably qualified consultant to confirm to the planning authority that they have been built correctly as per the approved details;

- provide mechanical ventilation to the new kennel blocks so that windows to the new kennels can remain closed at all times, including in warmer months;
- an assessment to show that the rating level of any plant & equipment, as part of this development, will be at least 5 dB below the background level has been submitted to and been approved in writing by the Local Planning Authority;
- to control the level of barking restrict activities such as exercising and toileting to the courtyard space between the two kennel blocks which will be acoustically screened from the nearest dwellings to the north and southwest.

10.17. Comments from the Public have also been received in relation to the increased amounts of waste that the proposed development on the site would create. The Environmental Health Officer has also recommended a condition requesting details of the waste disposal systems to be employed to be submitted to the planning authority for approval. This condition will also be appended to any forthcoming approval.

10.18. Overall, it is considered that the proposed development would be acceptable, subject to relevant conditions to safeguard the amenities of neighbouring dwellings that surround the site. Following the applicant's compliance with these conditions it is considered the proposed development would comply with Policy LP16 of the Fenland Local Plan 2014.

Access and Parking


10.19. Policy LP15 of the Local Plan states that amongst other things, development should provide safe and convenient access for all.

10.20. The existing parking and access at the site are to remain the unchanged, parking spaces at the site are to be retained to include 5 parking spaces for cars, 5 parking spaces for light good vehicles/public carrier vehicles, 10 parking spaces for motorcycles and 20 parking spaces for bicycles.

10.21. A number of public comments have been received outlining that the proposed development will create additional traffic on an already busy road, the road is classed as a high accident spot and deemed unsafe for the police to carry out speed checks, development will increase the likelihood of accidents. Furthermore, comments have been received that state the entrance to the site is on a narrow section of Redmoor Lane.

10.22. The Highways Officer has reviewed the submitted application and offered comments of no objection in relation to the proposed development at the site.

10.23. It is therefore considered that the proposed development is acceptable and complies with Policy LP15 of the Fenland Local Plan 2014.

 10.24. The site falls within Flood Zone 3 (high risk). Flooding is considered an identified risk to both people and property. Both national and local policy seeks to steer new development to areas with lesser flood risk, where appropriate, to ensure areas at lower risk of flooding are developed before those at a higher risk. However, according to Table 4.2 in the Cambridgeshire Flood and Water Supplementary Planning Document, the proposed development to expand an existing dog kennel business can be classed within the following:

Buildings used for shops; financial, professional and other services; restaurants, cafes and hot food takeaways; offices; general industry, storage and distribution; non-residential institutions not included in the 'More Vulnerable' class; and assembly and leisure.

10.25. Thus, the development can be classified as a 'Less Vulnerable' development type. Linking this to Table 4.3, development classed as Less Vulnerable can be considered compatible with Flood Zones 3 in certain circumstances.

10.26. The site lies within the Middle Level Commissioners Drainage Board area and were subsequently consulted. However, no comment was made in regard to this application. Further to this, the Environment Agency was also consulted and no objection to the scheme was received from this consultation.

10.27. Given that the proposed development will not be used for any residential purpose, it is considered that despite the potential flood risk at the site, the proposed development is acceptable in this instance. However, as the site benefits from being with the Environment Agency's Flood Warning Service Area, it would be beneficial for the applicant to sign up for this service if they are not already, particularly to ensure the welfare of occupants to the existing dwelling and animals housed within the kennels.

Economic Growth

10.28. Policy LP12 supports development where it contributes to the sustainability of the settlement and does not harm the wide-open character of the countryside. Policy LP6 of the Fenland Local Plan supports the expansion of business within the District in sustainable locations.

10.29. It has been established that the proposed development does not impact upon the local landscape character, the amenity of neighbouring properties (subject to conditions), highways safety and flood risk.

10.30. Therefore, the expansion of a dog kennelling business on the site is considered appropriate, generating additional employment opportunities as full-time employees at the site would increase from 2 staff to 7 staff and will allow the continued use of a commercial enterprise suitable to its location, and thus accords with Policies LP6 and LP12 of the Fenland Local Plan 2014 in this regard.

11 CONCLUSIONS

11.1. The proposal is considered acceptable and accords with the necessary policies of the Fenland Local Plan 2014 as set out in section 7.4 of this report. The proposed development represents minimal issues in terms of visual amenity, highways safety and flood risk terms and offers opportunity for further economic growth in a rural area. In terms of impacts on the amenities of neighbouring dwellings, subject to compliance with conditions on any approval, the potential adverse impacts can be appropriately mitigated. Accordingly, a favourable recommendation is forthcoming.

12 RECOMMENDATION

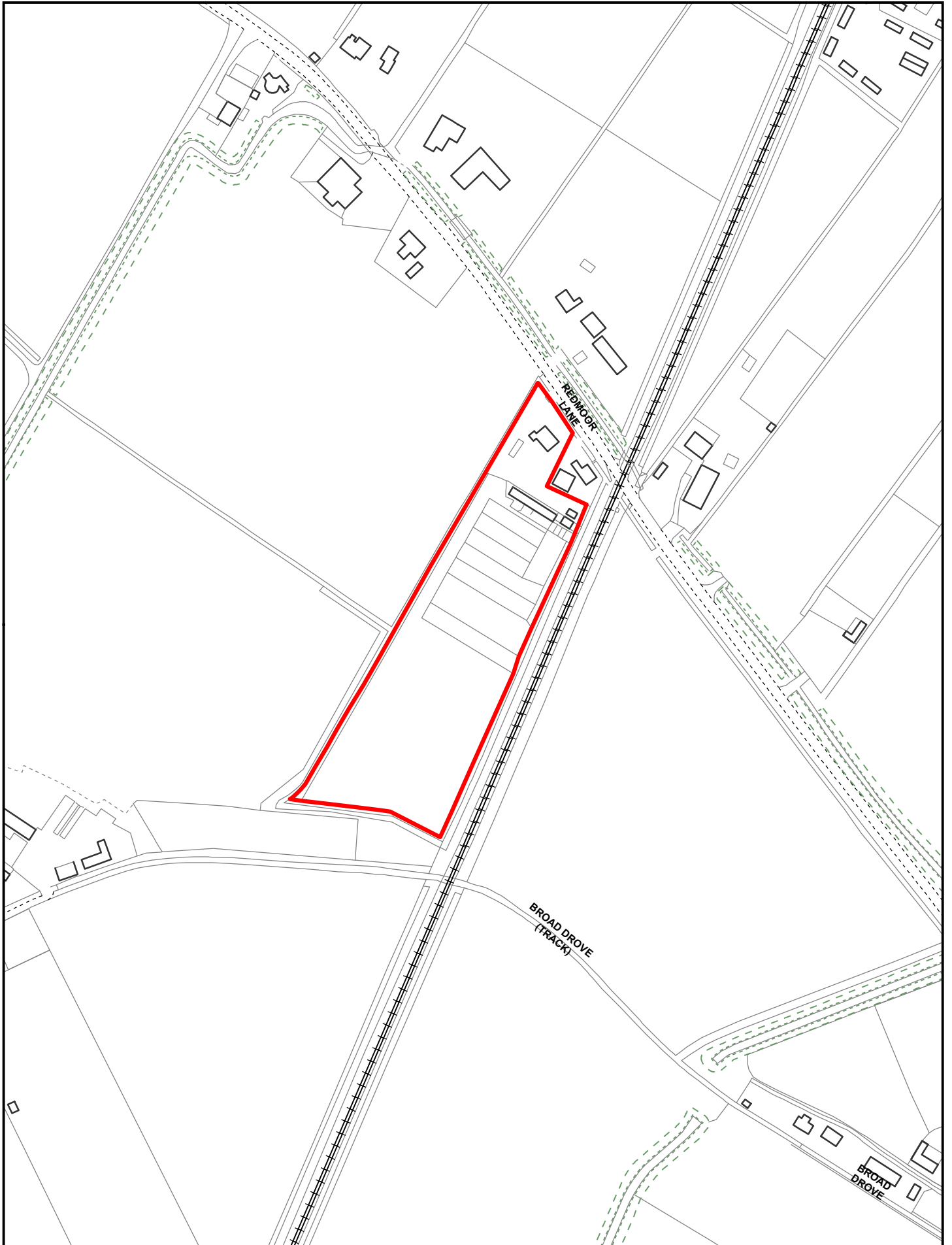
Grant; subject to the following conditions:

1	Details of the noise barrier identified in section 5.18 of the submitted Noise Impact Assessment undertaken by Cass Allen Associates on the 28th
---	--

	<p>February 2023 Ref. RP01-22501-R0 shall be submitted to and approved by the Local Planning Authority and implemented as per the approved details within 4 months of this planning permission and prior to any additional dogs are housed in the kennels and retained thereafter. The details shall include (but not necessarily be limited to):</p> <ul style="list-style-type: none"> - exact dimensions, materials to be used and full technical specification - proposed location - evidence of the levels of attenuation which will be achieved - confirmation of how the integrity of the barrier will be assured and who will be responsible for maintaining its integrity throughout the lifetime of the proposed development. <p>Reason - To ensure that the amenity of the occupiers of nearby residential dwellings are not adversely affected by nuisance from barking dogs and all forms of machinery associated with the development in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
2	<p>A detailed Noise Management Plan (NMP) shall be submitted to and approved in writing by the Local Planning Authority within 4 months of this planning permission and prior to any additional dogs are housed in the kennels.</p> <p>The Noise Management Plan (NMP) shall:</p> <ul style="list-style-type: none"> - be drawn up by a suitably competent persons (member of the Institute of Acoustics, or similar) - detail the best practice day to day measures which will be implemented to ensure noise levels are kept as low as is reasonably practicable at all times - specifically identify the measures which will be implemented day to day to ensure the daytime level of noise from barking is as low as is reasonably practicable - utilise expertise in dog behaviour to inform the development of best practice day to day measures to control noise levels from barking - clarify who is responsible for implementation of the NMP <p>The development shall be operated in accordance with the approved NMP within 4 months of this permission.</p> <p>Reason - To ensure that the amenity of the occupiers of nearby residential dwellings are not adversely affected by nuisance from barking dogs and all forms of machinery associated with the development in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
3	<p>The mitigation proposals outlined within in the Noise Impact assessment undertaken by Cass Allen Associates on the 28th February 2023 Ref. RP01-22501-R0 and any additional detail submitted as required by conditions 1 and 2 shall be implemented in full within 4 months of this planning permission and prior to any additional dogs being housed in the kennels and shall be retained thereafter.</p> <p>Reason - To ensure that the amenity of the occupiers of nearby residential dwellings are not adversely affected by nuisance from barking dogs and all forms of machinery associated with the development in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>

4	<p>The maximum number of dogs kennelled on site shall not exceed 120 at any time.</p> <p>Reason - To enable the local authority to maintain control of their use.</p>
5	<p>The existing kennel block at the site shall cease to be used for the kennelling of dogs on the practical completion of the kennels hereby approved. The existing kennel block is to be retained to provide a noise buffer between the new kennels and nearest residential dwelling to the northeast and shall be utilised solely for storage purposes, or another non-noise generating use such as an isolation kennel.</p> <p>Reason - To ensure that the amenity of the occupiers of nearby residential dwellings are not adversely affected by nuisance from barking dogs associated with the development in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
6	<p>The kennelling of dogs on the site shall only take place within the two new kennel blocks approved under this application.</p> <p>Reason - To ensure that the amenity of the occupiers of nearby residential dwellings are not adversely affected by nuisance from barking dogs associated with the development in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
7	<p>Details of:</p> <ul style="list-style-type: none"> a) the roofs and windows (which shall be unopenable) of the two new kennel blocks in respect of their acoustic performance b) a mechanical ventilation system <p>shall be submitted to and approved by the local planning authority and installed as per the approved details within 4 months of this planning permission and prior to additional dogs being housed in the kennels hereby approved.</p> <p>Reason - To ensure that the amenity of the occupiers of nearby residential dwellings are not adversely affected by nuisance from barking dogs associated with the development in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
8	<p>An assessment to show that the rating level of any plant & equipment, as part of this development will be at least 5 dB below the background level, shall be submitted to and approved by the local planning authority within 4 months of this planning permission and prior to any additional dogs are housed in the kennels hereby approved. The assessment must be carried out by a suitably qualified acoustic consultant/engineer and be in accordance with BS4142: 2014 Methods for rating and assessing industrial and commercial sound. The plant & equipment shall be operated in compliance with the approved assessment.</p> <p>Reason - To ensure that the amenity of the occupiers of nearby residential dwellings are not adversely affected by all forms of machinery associated with the development in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
9	<p>To mitigate the level of barking and noise pollution activities such as exercising and toileting shall only take place within the courtyard space</p>

	<p>between the two new kennel blocks.</p> <p>Reason - To ensure that the amenity of the occupiers of nearby residential dwellings are not adversely affected by nuisance from barking dogs associated with the development in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
10	<p>Details of the waste disposal systems to be employed shall be submitted to and approved by the Local Planning Authority. The development shall only operate in accordance with the approved details within 4 months of this planning permission and prior to any additional dogs are housed in the kennels hereby approved.</p> <p>Reason - To ensure that the amenity of the occupiers of nearby residential dwellings are not adversely affected by nuisance associated with accumulations of waste in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
11	<p>If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA, a Method Statement detailing how this unsuspected contamination shall be dealt with.</p> <p>Reason - To ensure that the development complies with approved details in the interests of the protection of human health and the environment in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
12	<p>Development in accordance with approved plans.</p>



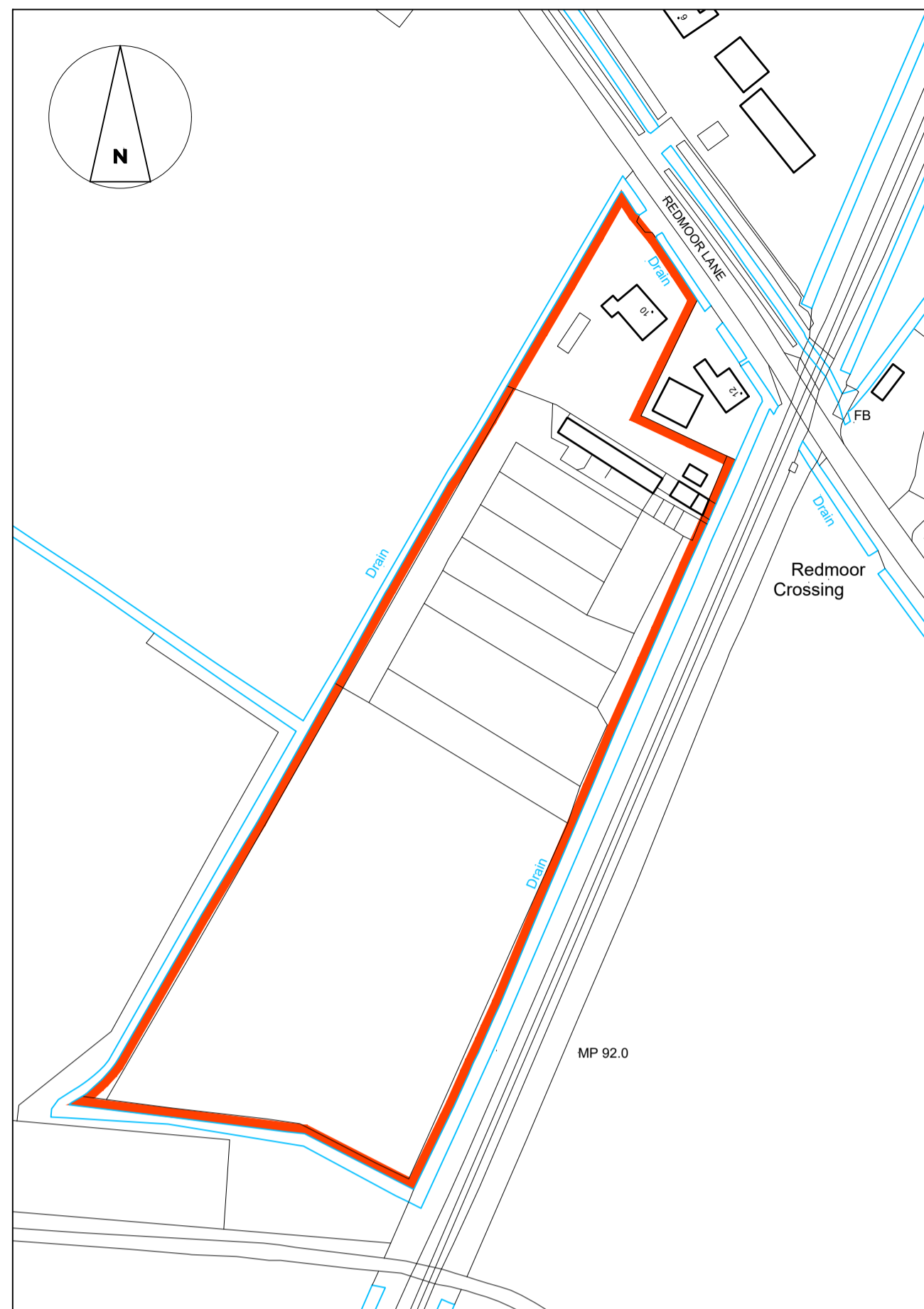
Created on: 17/08/2022

© Crown Copyright and database
rights 2022 Ordnance Survey 10023778

F/YR22/0931/F

Scale = 1:2,500



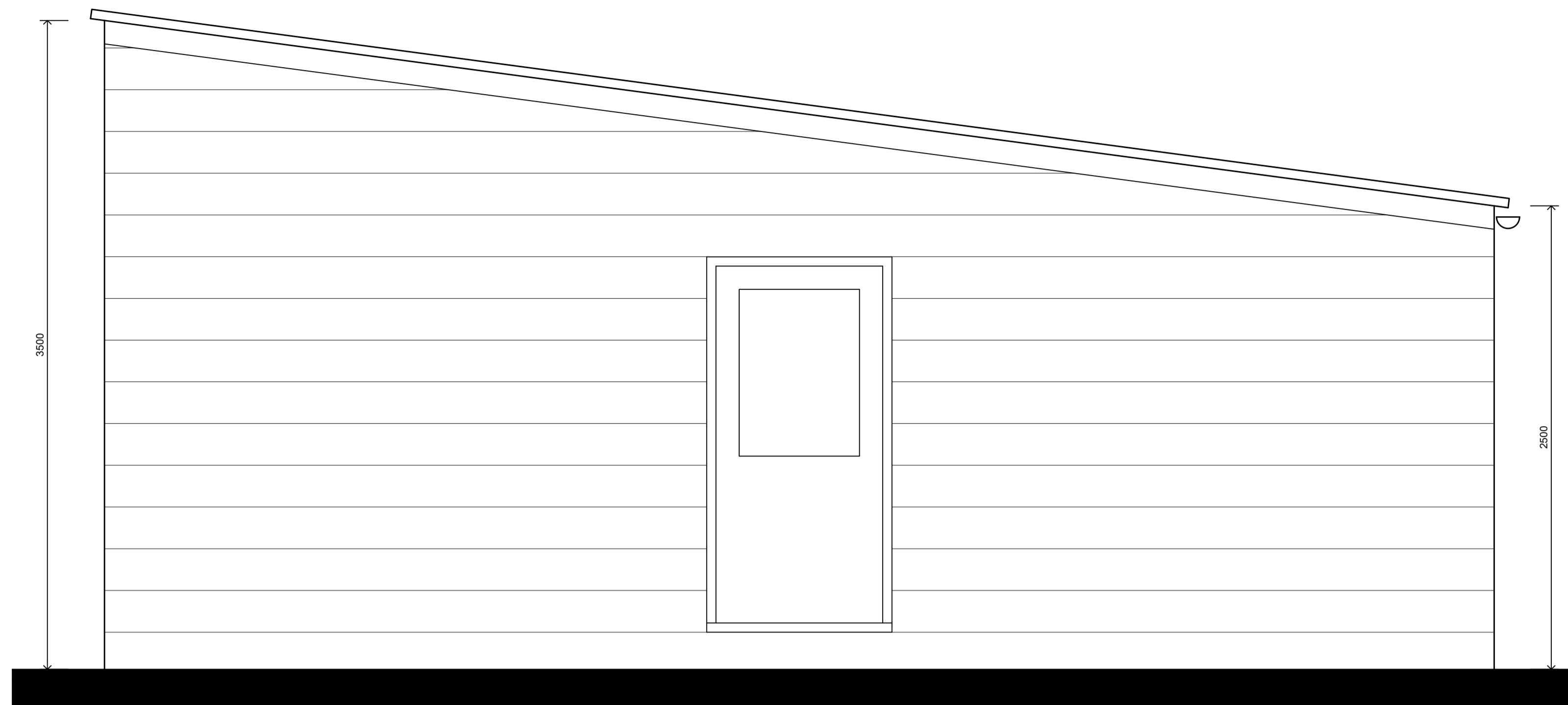


©Crown Copyright and database rights 2022 OS Licence no. 100059809

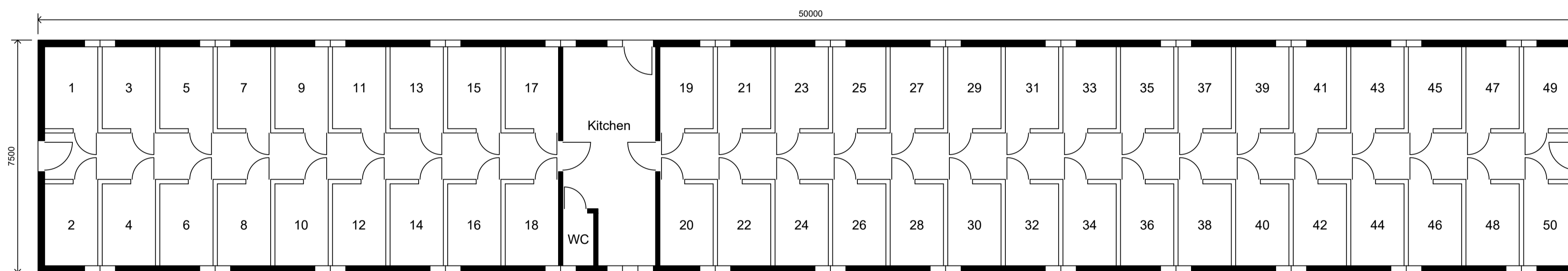
LOCATION PLAN - 1:1250



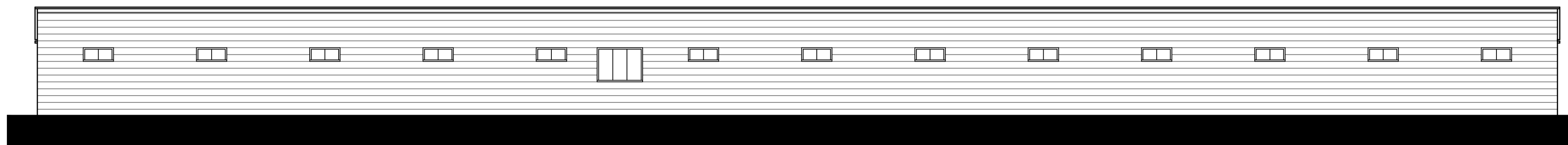
PROPOSED BLOCK PLAN - 1:500



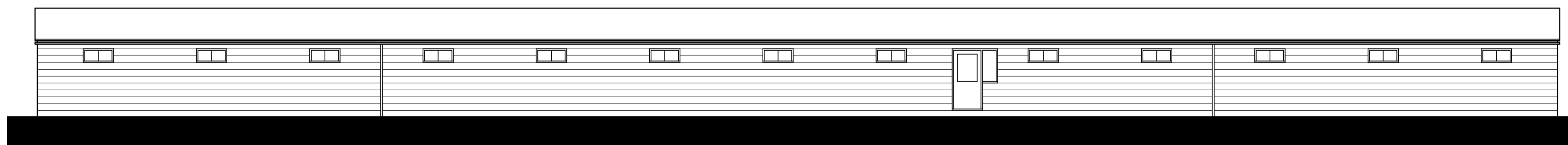
END ELEVATIONS - 1:20



GROUND FLOOR PLANS (GIFA = 350m²) - 1:100



OUTWARD FACING ELEVATIONS - 1:100

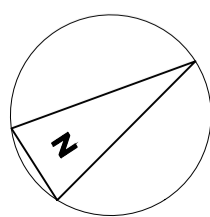


INWARD FACING ELEVATIONS - 1:100

IF IN DOUBT ASK.

Dimensions to be verified on Site. This drawing is the property of AD Architects. Copyright is reserved by them and the drawing is issued on the condition that it is not copied, reproduced, retained or disclosed to any unauthorised person, either wholly or in part without the consent in writing of AD Architects. This document should not be relied on or used in circumstances other than those for which it was originally prepared and for which AD Architects Ltd was commissioned. AD Architects accepts no responsibility for this document to any other party other than the person by whom it was commissioned.

NOTES:



REVISIONS:
2. Plan and elevations updated. SS 04 08 22.



Harlow Town Greyhound Entertainment Ltd
10 Redmoor Lane, Wisbech PE14 0RN
PROPOSED KENNEL BLOCK TO ACCOMMODATE DOUBLE KENNELS
Drawing No. 1555-ADA-Z0-G0-DR-A-0100
info@adarchitects.co.uk Herford +44 (0) 1992 554983 London +44 (0) 20 3582 3292 adarchitects.co.uk
Scale 1:20/100/500/1250 @A1
Date MAY 2022
Drawn SS
Status SO - Work in progress
Revision 2
Checked

This page is intentionally left blank

F/YR22/1186/FDC

**Applicant: Fenland District Council
(FDC)**

Agent: BHD Ltd

Land North Of 2 - 8 Gibside Avenue, Chatteris, Cambridgeshire

Erect up to 4x dwellings and associated works (outline application with matters committed in respect of access)

Officer recommendation: GRANT

Reason for Committee: The officer is recommending approval and FDC is the applicant.

1. EXECUTIVE SUMMARY

- 1.1. The submitted outline application seeks planning permission for the erection of up to four dwellings, with matters committed in respect of access.
- 1.2. The site is located on the north side of Gibside Avenue to the rear of nos. 8 – 2 Gibside Avenue and has an existing access directly from Gibside Avenue.
- 1.3. The site is located within the settlement of Chatteris which is identified within the Settlement Hierarchy as a Market Town, therefore, the principle of residential development is acceptable.
- 1.4. The Highways consultee has no objection to the proposed Means of Access. Matters such as Layout (including parking), Scale, Appearance and Landscaping will be assessed under a reserved matters application.
- 1.5. The planning application is recommended for approval, subject to conditions.

2. SITE DESCRIPTION

- 2.1. The site is located on the north side of Gibside Avenue to the rear of nos. 8 – 2 Gibside Avenue and enclosed by rear and side gardens which are fenced.
- 2.2. The site has a small number relic garages and the area is used by adjacent residents for informal parking and bin storage. Along the north side there is a hedge and a mature Ash/Sycamore tree. The site has an existing access directly from Gibside Avenue which takes an informal route through the site, exiting at the north-east corner and then continuing to Fairways to the east.
- 2.3. The site is located within flood zone 1 (low risk) and within the settlement boundary of Chatteris.

3 PROPOSAL

- 3.1 The submitted outline application seeks planning permission for the erection of up to four dwellings, with matters committed in respect of Access.
- 3.2 The indicative plans outline the dwellings would be set in the centre of the site and would benefit from a shared access from Gibside Avenue. No indication is provided in terms of scale.
- 3.3 Full plans and associated documents for this application can be found at: [F/YR22/1186/FDC | Erect up to 4x dwellings and associated works \(outline application with matters committed in respect of access\) | Land North Of 2 - 8 Gibside Avenue Chatteris Cambridgeshire \(fenland.gov.uk\)](#)

4 SITE PLANNING HISTORY

Reference	Description	Decision	Date
F/YR13/0745/FDC	Erection of 5 dwellings involving the demolition of existing garages	Withdrawn	12.03.2013.
15/0236/PREAPP	Proposed residential development	Acceptable	16.12.2015

5 CONSULTATIONS

- 5.1 **Wisbech Chatteris Town Council**
Supports.
- 5.2 **North Level District Internal Drainage Board**
Provided advice on surface and foul water details.
- 5.3 **FDC Estates Officer**
No comment received.
- 5.4 **CCC Highways (Received 24.04.2023)**
Based on the information provided, I object to this application:
- 5.5 *The existing access onto Gibside Avenue is circa 3.5m and historically housed garages for the surrounding dwellings. This access width is insufficient for vehicle passing and there is a risk that a vehicle may pinch non-motorised users in the access (pedestrian, cyclists, pushchair, wheelchair etc.) due to restricted overtaking width; however, the latter point is partially mitigated by anticipated low vehicle speeds.*
- 5.6 *As such, the access falls short of current standards on highway safety grounds and is not therefore suitable for intensification beyond historically permitted uses.*
- 5.7 *The submission indicates that the site served as parking for eight dwellings. The development adds a further four, bringing the total site use to parking for 12 dwellings (or 13 if you include no. 15 Gibside Avenue – this is unclear on the submission). The residential use also increases the demand for other users (e.g., visitors and delivery vehicles) and changes the nature in which the site will be used increases the probability of conflict with vulnerable road uses in the carriageway. The application therefore constitutes a material intensification which is not acceptable in absence of mitigation.*

- 5.8 *An access width of 5m is needed to allow for safe passing of vehicles. The applicant has proposed an increase in width to 4.8m but this is generally not accepted by CCC. However, either quantum of widening reduces visibility of the pedestrian crossing across the access which is already sub-standard.*
- 5.9 *Should the development be permitted, the internal roads would need to remain private. The applicant should therefore clarify how bins will be collected and on the presumption that FDC's waste team will not enter the site, clarify the location of bin collection points which do not obstruct the access or the public highway.*
- 5.10 *I also recommend that you consult with Cambridgeshire Fire & Rescue to determine if fire tender access is needed.*
- 5.11 *Should the applicant submit alternative proposals, please let me know so that I can provide further comments. However, I object to the current proposals on highway safety grounds by virtue of the restricted access.*
- 5.12 **(Received 20.06.2023)** *In response to my previous comments, the applicant has amended the proposals to include a 4.8m wide access with 2m x 2m pedestrian visibility splays. To achieve the necessary pedestrian visibility, the footway along Gibside Avenue has been locally diverted and a kink in alignment introduced across the access. The re-alignment of the footway is indirect and inconvenient for passing pedestrians, and there is a risk that many pedestrians will continue on a direct desire line across the access.*
- 5.13 *In any case, the works to the footway on the east side of the access are neither within the application boundary nor the public highway. As such I cannot confirm that they are implementable, and they cannot be conditioned unless the application boundary is extended, and notice served on the impacted owner.*
- 5.14 *As previously stated, 4.8m is not generally accepted by CCC as a suitable width for two vehicles to pass. Instead, the access needs to be 5m wide to accommodate the safe passage of road users.*
- 5.15 *Refuse vehicle tracking has been provided for a vehicle of 7.9m length but this is substantially smaller than the typical vehicle in FDC's waste collection fleet and therefore the tracking does not represent a realistic arrangement. Unless FDC's waste team can confirm otherwise, the applicant will need to design for an 11.2m length vehicle.*
- 5.16 *Based on the latest submission, my objection remains valid.*
- 5.17 **(Received 14.08.2023)** *In response to my previous comments, the applicant has provided refuse vehicle tracking for an 11.2m long vehicle. This demonstrates that it is feasible for such a vehicle to turn within the site. However, I recommend that you consult with FDC's waste team regarding refuse collection from private streets; if they are unwilling to enter the site, then bin collection points will be needed at suitable locations which do not obstruct the access or the highway.*
- 5.18 *To ensure pedestrians cross the site access in such a way that provides adequate pedestrian visibility, the applicant has introduced concrete bollards. The placement of concrete bollards so close to turning vehicles is unwelcome. The bollards themselves will contribute to obstruction of visibility and should they be struck, they will become hazardous.*

5.19 *I note that the vegetation which runs along the boundary of the development site and no. 8 Gibside Avenue overhangs the boundary wall contributing to the sub-standard visibility. While I maintain that I have reservations regarding the access arrangements, if the applicant can commit to maintaining the vegetation in line with the application boundary as shown on the drawing PL-02 B, on balance I can accept the access arrangements (subject to removal of the bollards) and do not believe that an objection solely on this basis would stand if appealed. While the access arrangement is sub-standard, the mitigation would be suitable to offset the intensification associated with four additional dwellings.*

5.20 *Can you please confirm if the applicant will accept a condition to maintain any encroaching vegetation from no. 8 so that it does not overhang the application boundary, and maintain this arrangement in perpetuity?*

5.21 **(Received 13.09.2023)** *The revised proposals as shown on the drawing PL-02 Rev C have addressed my previous comments. I therefore do not object to the application.*

5.22 *Please append the following Conditions and Informative(s) 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.*
- Gates/Enclosure/Access Restriction: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, amending or re-enacting that order) no gates or other means of enclosure shall be erected across the vehicular access hereby approved.*
- Parking/Turning Area: Prior to the first occupation of the development the proposed on-site parking/turning area shall be laid out in accordance with the approved plans, surfaced in a bound material and drained within the site. The parking/turning area, surfacing and drainage shall thereafter be retained as such in perpetuity (notwithstanding the provisions of Schedule 2, Part 1, Class F of The Town and Country Planning (General Permitted Development) (England) Order 2015, or any instrument revoking or re-enacting that Order).*
- 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.*
- Non-standard condition: Prior to the first occupation of the development the access works as shown on the drawing PL-02 Rev C shall be carried out. These works include: the re-alignment of the Gibside Avenue footway across the site access; and the maintenance of the access to remove any encroachment of third-party vegetation.*

5.23 FDC Environmental Services

5.24 *The swept path plan using the required vehicle dimensions indicates that a refuse collection vehicle could access the site turn and leave the site in a forward direction.*

5.25 *To allow access the private road would need to be constructed suitably for a 26-tonne refuse vehicle and indemnity would be required from landowners or future management company against any potential damage to the road surface etc. which may be caused during vehicle operations.*

5.26 *Residents would be required to present bins for collection at the boundary of the properties where it meets the private driveway.*

5.27 *New residents will require notification of collection and storage details by the developer before moving in and the first collection takes place.*

5.28 *Refuse and recycling bins will be required to be provided as an integral part of the development.*

5.29 Local Residents/Interested Parties

5.30 3 letters of objection have been received and 2 letters of a neutral position have been received. The objections to the application are summarised below and will be addressed within the body of the report.

- Drainage/Flooding/Foul water
- Access/Refuse access/visibility lines
- Overdevelopment/out of character
- Devaluing property
- Local services unable to cope
- Loss of outlook/overlooking
- Noise
- Parking arrangement
- Ownership issues

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

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

Emerging Local Plan

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

LP1: Settlement Hierarchy

LP2: Spatial Strategy for the location of residential development

LP4: Securing Fenland's Future

LP7: Design

LP8: Amenity Provision

LP19: Strategic Infrastructure

LP22: Parking Provision

LP28: Landscape

LP32: Flood and Water Management

The Sites Evidence Report (Part D) August 2022 identifies the site for 6 dwellings (ref: LP46.06) as part of the emerging Local Plan.

8 KEY ISSUES

- **Principle of Development**
- **Means of Access**
- **Visual & Residential amenity**
- **Other Matters**

9 BACKGROUND

- 9.1 The highway consultee requested works to the east of the footway however, this land was owned by Clarion Housing Group. Subsequently, the applicant served Notice (signed 31st July 2023) and submitted a Certificate B as part of this application.

10 ASSESSMENT

Principle of Development

- 10.1 The site is located within the settlement of Chatteris which is identified within the Settlement Hierarchy as a Market Town. Market Towns are identified within Policy LP3 as the focus for housing growth, therefore, the principle of residential development is considered acceptable in view of planning policy.
- 10.2 It should be noted that this point of general principle is subject to broader planning policy and other material considerations which are discussed in more detail in the following sections.

Means of Access

- 10.3 Policy LP15 of the Fenland Local Plan 2014 requires development schemes to provide well designed, safe and convenient access.
- 10.4 Some third-party objections have been received regarding parking. However, parking arrangement details (layout) will be assessed under a reserved matters application. Notwithstanding this, there appears to be sufficient space within the site to accommodate the parking provision required under Appendix A of the Fenland Local Plan 2014.
- 10.5 Regarding access, the Highways consultee has reviewed the application and has no objection, subject to conditions.
- 10.6 It is acknowledged the site is used by the adjacent properties as informal parking areas. Additionally, the site is accessed via an existing access adjacent no.8. Whilst there would be a modest intensification of the access into the site (4 dwellings), no.8 is setback by 2.5 – 3 meters from the access which would mitigate. Further, the access is relatively shorth with a straight alignment. As such, the means access would not prejudice the amenity of no.8 in terms of noise.

Visual & Residential Amenity

- 10.7 Policy LP16 seeks to ensure that new development makes a positive contribution to the local distinctiveness and character of the area, enhances its local setting, responds to and improves the character of the local built environment, provides resilience to climate change, reinforces local identity and does not adversely impact, either in design or scale terms, on the street scene, settlement pattern or the landscape character of the area, part (d).
- 10.8 Parts (e) and (h) of Policy LP16 require new development to not adversely impact on the amenity of neighbouring users, through noise, light pollution, loss of privacy and loss or light, and provide sufficient private amenity space.
- 10.9 Some third-party objections have been received in regard to the impact on character. However, the scale, appearance and layout are reserved matters and are not for consideration at this stage. The scheme is for the construction of up to four dwellings and the indicative site plan demonstrates the site can accommodate four dwellings with sufficient space for parking and private amenity space. It is however accepted that the local area is characterised by a mixture of dwelling forms and plot ratios and so does not benefit from any prevailing uniformity. Notwithstanding this, the south side of the site is situated behind the bulk of nos.8 – 2 and therefore benefits from a degree of obscurity from the main streetscene of Gibside Avenue.
- 10.10 Some third-party objections have been received regarding the impact on neighbouring amenity. However, a reserved matters application will fully assess the impact of matters such as overlooking, overshadowing and loss of privacy, both in relation to the proposed dwellings and neighbouring properties. The height (scale) of the proposed dwellings has not been outlined however there are single storey dwelling to the north in James Cage Close which have no aspect towards the site. Any forthcoming design/layout would have to be sensitive to the adjacent neighbouring amenities surrounding the site. It is however accepted that the quantum of development proposed could be accommodated within the site without adverse harm to residential amenity.

Other Matters

- 10.11 The site is within a Flood Zone 1 which is low risk and is therefore a sequentially preferable location for residential development. No additional measures are recommended.
- 10.12 The third-party objecting comments in relation to drainage/flooding have been noted. However, the applicant has submitted a Drainage Strategy which outlines surface water can be dealt via SUDs. No foul water details have been provided other than a Mains sewer, but this can be controlled via a condition. Building Regulations would also require details on this matter outside the scope of planning.
- 10.13 The site has little landscape value and has a low ecological value. There is a hedge and a mature Ash/Sycamore tree on the northern boundary (not protected). However, these could be retained to accommodate the proposal. Landscaping and Layout are reserved matters and are not for consideration at this stage.
- 10.14 Regarding third party objection comments, devaluation of neighbouring properties and ownership issues are not material planning matters. There is no requirement for the applicant to improve local services within the area given the level of development proposed (4 dwellings).
- 10.15 The occupants of no.15 outline they currently park in the spaces allocated for no.4 (adjacent their boundary) on the indicative plan effectively relocating their existing parking arrangement. The recommending planning officer acknowledged this however, there are no formal arrangements for any of the parking currently used by surrounding residents. It is in the recommending planning officers view that No.15 has sufficient space to park their vehicles on land within their ownership.
- 10.16 The public benefits of the proposal include the addition of four dwellings within the Market Town and the visual improvement of the site in the interest of placemaking.

11 CONCLUSIONS

- 11.1 The application is made in Outline, with matters committed in respect of Access, and all other matters reserved for later approval therefore any details submitted alongside the proposals are indicative only.
- 11.2 Although the Local Planning Authority must satisfy itself that a development of the number of dwellings proposed can be satisfactorily accommodated within the site, the detailed design of such a scheme is reserved for later consideration.
- 11.3 The application has demonstrated that an appropriate access to the site can be provided. The details also indicate that subject to careful design and layout of the proposal to protect amenities of the surrounding properties there is no evidence to suggest that the level of development proposed could not be satisfactorily accommodated within the site.

12 RECOMMENDATION

Approve, subject to conditions.

1) Approval of the details of:

- i. the layout of the site
- ii. the scale of the building(s);
- iii. the external appearance of the building(s);
- iv. the landscaping

(hereinafter called "the Reserved Matters" shall be obtained from the Local Planning Authority prior to the commencement of development).

Reason - To enable the Local Planning Authority to control the details of the development hereby permitted.

2) Application for approval of the Reserved Matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.

Reason - To ensure compliance with Section 92 of the Town and Country Planning Act 1990.

3) The development hereby permitted shall begin before the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.

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

4) The residential elements of the development shall not exceed four dwellings (Use Class C3).

Reason - For the avoidance of doubt and to ensure a satisfactory standard of development.

5) The details submitted in accordance with Condition 01 of this permission shall include:

- a) existing and proposed site levels including those on adjacent land.
- b) means of enclosure ensuring that adequate gaps are provided under any new fencing to allow for the passage of hedgehogs.
- c) car parking, vehicle and pedestrian access and circulation areas (which shall be of a bound material)
- d) hard surfacing, other hard landscape features and materials
- e) planting plans, including specifications of species, sizes, planting centres number and percentage mix, a range of native tree and shrub species should be included.
- f) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife.
- g) existing trees, hedges or other soft features to be retained, including those on adjoining land and a tree survey is required to ensure the proposal will not have an adverse impact on the trees.

h) timing of landscaping works

All works shall then be carried out in accordance with the approved details.

Reason - To ensure the appearance of the development is satisfactory and contributes to the visual character and amenity of the area and to protect the character of the site and enhance biodiversity in accordance with Policy LP16 of the Fenland Local Plan 2014.

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

Reason - In order to protect birds in accordance with Policy LP19 of Fenland Local Plan 2014.

- 7) If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority (LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA, a Method Statement detailing how this unsuspected contamination shall be dealt with. The development shall then be carried out in full accordance with the amended remediation strategy.

Reason - To ensure that the development complies with approved details in the interests of the protection of human health and the environment in accordance with Policy LP16 of the Fenland Local Plan 2014.

- 8) 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.

Reason – In the interest of neighbouring amenity in accordance with Policy LP16 of the Fenland Local Plan 2014.

- 9) Details of the location, height, design and materials of all screen walls and fences shall be submitted to and approved in writing by the Local Planning Authority before commencement of the relevant parts of the work. The approved scheme shall be implemented concurrently with the erection of the dwelling(s) fully in accordance with the agreed details prior to occupation and thereafter retained in perpetuity.

Reason - To ensure that the appearance of the development is satisfactory and that it contributes to the visual character and amenity of the area, and to ensure that the private areas of the development are afforded an acceptable measure of

privacy in accordance with Policies LP2 and LP16 of the Fenland Local Plan, adopted May 2014.

10) Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, (or any Order or Statutory Instrument revoking and re-enacting that Order), planning permission shall be required for the following developments or alterations:

- i) the erection of freestanding curtilage buildings or structures including car ports, garages, sheds, greenhouses, pergolas, or raised decks (as detailed in Schedule 2, Part 1, Classes A and E);
- ii) the erection of house extensions including conservatories, garages, car ports or porches (as detailed in Schedule 2, Part 1, Classes A, AA, D and E);
- iii) alterations including the installation of additional windows or doors, including dormer windows or roof windows (as detailed in Schedule 2, Part 1, Classes A and B);
- iv) alterations to the roof of the dwelling house (as detailed in Schedule 2, Part 1, Class C).

Reason – To ensure that the Local Planning Authority retains control over the future extension, alteration and enclosure of the development, in the interests of protecting residential and visual amenity of the area in accordance with Policies LP2 and LP16 of the Fenland Local Plan 2014.

11) Prior to the commencement of any works above ground level, a scheme and timetable for the provision and implementation of foul water drainage shall be submitted and approved in writing by the Local Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification at such time(s) as may be specified in the approved scheme and thereafter retained in perpetuity.

Reason - To ensure a satisfactory method of foul water drainage and to prevent the increased risk of flooding in accordance with Policy LP14 of the Fenland Local Plan 2014.

12) Prior to the commencement of the development hereby approved adequate temporary facilities (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.

Reason - To minimise interference with the free flow and safety of traffic on the adjoining public highway in accordance with Policy LP15 of the Fenland Local Plan 2014.

13) 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.

Reason - To minimise interference with the free flow and safety of traffic on the adjoining public highway in accordance with Policy LP15 of the Fenland Local Plan 2014.

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

Reason - To minimise interference with the free flow and safety of traffic on the adjoining public highway in accordance with Policy LP15 of the Fenland Local Plan 2014.

15) 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.

Reason - To minimise interference with the free flow and safety of traffic on the adjoining public highway in accordance with Policy LP15 of the Fenland Local Plan 2014.

16) Prior to the first occupation of the development the access works as shown on the drawing PL-02 Rev C shall be carried out. These works include: the re-alignment of the Gibside Avenue footway across the site access; and the maintenance of the access to remove any encroachment of third-party vegetation.

Reason - To minimise interference with the free flow and safety of traffic on the adjoining public highway in accordance with Policy LP15 of the Fenland Local Plan 2014.

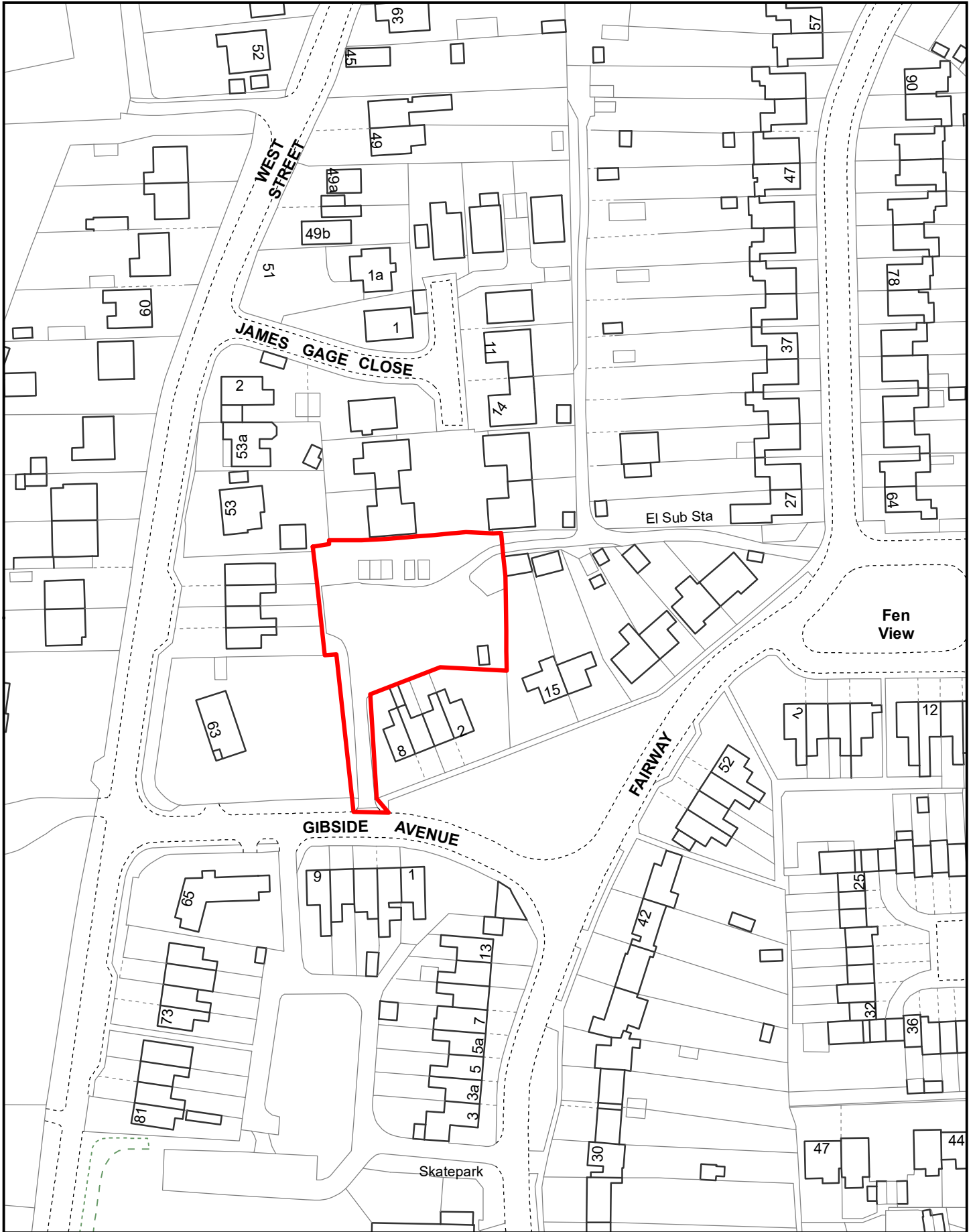
17) Approved Plans

Informative(s)

1. The Local Planning Authority has worked positively and proactively with the applicant to seek solutions to problems arising from the application and as such planning permission/consent is granted.
2. Prior to the occupation of a dwelling a bin charge is payable in accordance with the leaflet found at: <https://www.fenland.gov.uk/newbins> Please contact environmentalservicerequests@fenland.gov.uk for further information.
3. You are reminded that this project may require approval under Building Regulations prior to work commencing. It is recommended that you make enquiries in this respect direct to CNC working in partnership with the Local

Authority Building Control Team (0808 1685041 or E-mail: enquiries@cncbuildingcontrol.gov.uk).

4. This development may involve work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council.
5. Where it is intended to create semi-natural habitats, all species used in the landscaping schedules shall be locally native species of local provenance.
6. For monitoring purposes, the development is considered to be in or adjacent to the settlement as set down in Policies LP4, LP6 and LP12 of the Fenland Local Plan 2014.



Created on: 02/11/2022

© Crown Copyright and database rights 2022 Ordnance Survey 10023778

F/YR22/1186/FDC

Scale = 1:1,250





Created on: 02/11/2022

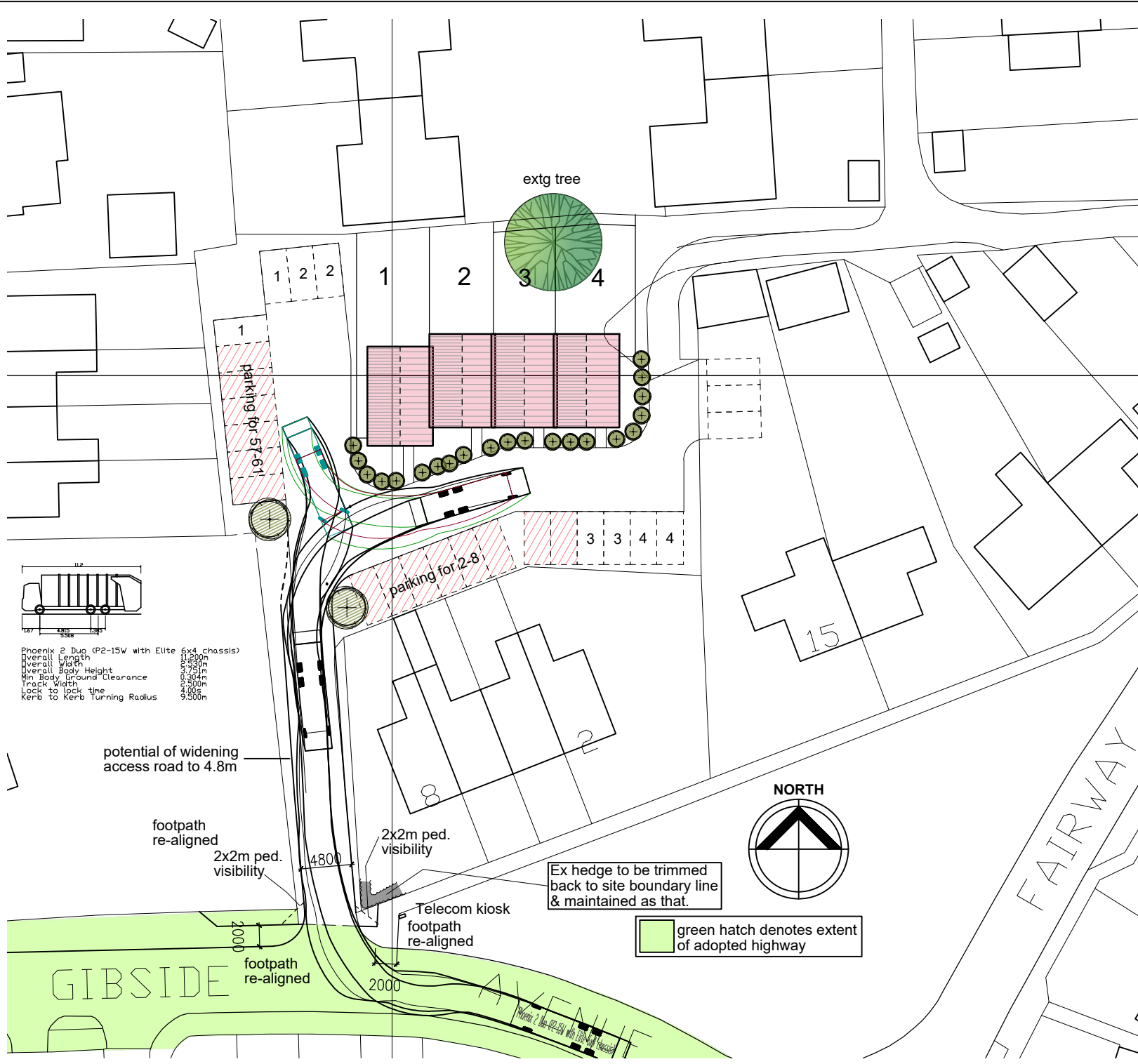
© Crown Copyright and database
rights 2022 Ordnance Survey 10023778

F/YR22/1186/FDC

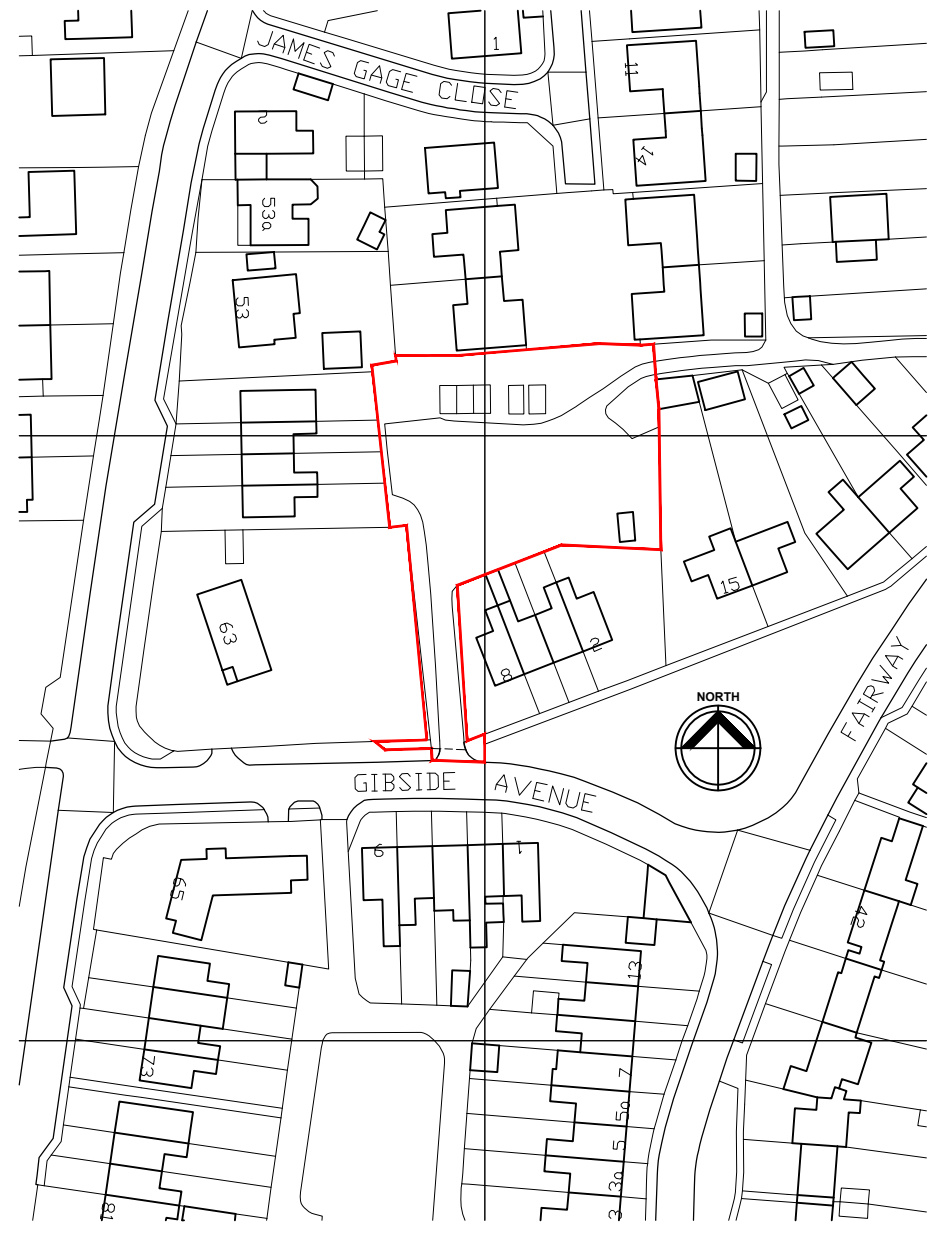
Scale = 1:500



 Fenland
CAMBRIDGESHIRE
Fenland District Council



SITE PLAN WITH INDICATIVE LAYOUT 1:500



LOCATION PLAN 1:1250



P:\2022 projects\Gipside Ave, Chatteris\BHD Docs, Drawings & PDFs\2 Planning Drawings\scheme design.dwg

REVISION:	DATE:	DRAWN:	CHECKED:	DESCRIPTION:
A	22.05.23	BH	-	JUNCTION REV; TRACKING ADDED
B	10.07.23	AC	-	TRACKING ADDED REVISED; ADOPTED EXTENT SHOWN; BOLLARDS ADDED TO JUNCTION DESIGN
C	22.08.23	BH	-	MINOR CHANGES TO JUNCTION - BOLLARDS REMOVED HEDGE SHOWN TRIMMED

<p>bhd R. HARRINGTON, 1st FLOOR 12 CHURCH SQUARE LEIGHTON BUZZARD BEDS. LU7 1AE Tel: 01525 854770 Fax: 01525 854778</p>	PROJECT: LAND REAR OF 2-8 GIBSIDE AVENUE CHATTERIS		
	DRAWING TITLE: SITE PLAN WITH INDICATIVE LAYOUT	SCALE: 1:500 1:1250	PROJECT CODE: 2238
	DRAW DATE: 14.0.22	DRAWN: AC	CHECKED: AC DRAWING NUMBER: PL-02
	DRAWING STATUS: OUTLINE	REVISION DATE: 22.08.23	DRAWN: BH CHECKED: BH REVISION: C SHEET: A3

F/YR23/0072/O

**Applicant: Mr Robert Sears
Sear's Brothers Ltd(1978)Retirement
Benefit Scheme**

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

Land East Of Station Farm, Fodder Fen Road, Manea,

Erect up to 5 dwellings (outline application with matters committed in respect of access) including formation of a footpath on the western side of Fodder Fen Road

Officer recommendation: Refuse

Reason for Committee: Deferred by Committee at its meeting in April 2023 in order to obtain clarification regarding ecology and highway matters.

1 EXECUTIVE SUMMARY

- 1.1 This application has previously been referred to the Planning Committee for determination on 5 April 2023 where it was agreed that the determination of the applications be deferred to obtain the required ecology information and to resolve the highway concerns regarding the footpath and speed limit.
- 1.2 Since this time revised an additional information has been submitted to accompany the application, namely Ornithological Desk Study Results, an Ecological Survey in relation to the proposed footpath and revised plans indicating an uncontrolled pedestrian crossing and footpath link on the eastern side of Fodder Fen Road.
- 1.3 The additional information submitted is considered to overcome refusal reason 3 in relation to ecology. However, it does not alter or overcome the previously asserted recommended refusal reasons 1 (spatial strategy and impact on character of area) and 2 (flood risk).
- 1.4. Consequently, the recommendation is to refuse the application, consistent with the previous decision of the Council regarding development of this site under F/YR21/0555/O in September 2021.

2. UPDATE

- 2.1 This application has previously been referred to the Planning Committee for determination on 5 April 2023 where it was agreed that the determination of the applications be deferred, to obtain the required ecology information and to resolve the highway concerns regarding the footpath and speed limit. Members did not support Officer's recommendation of refusal for reasons 1 and 2 as they did not feel the site lay outside the settlement and is within Manea, it is within the existing village footprint, would not have an adverse impact on the surrounding area, the scale and location is in keeping, it is the right area of Manea to be developed, Manea needs to grow, flourish and thrive, it makes a positive

contribution to the local distinctiveness and mitigation measures can be introduced for flood risk and the safeguarding of the properties.

- 2.2 Since this time revised an additional information has been submitted to accompany the application, namely Ornithological Desk Study Results an Ecological Survey in relation to the proposed footpath and revised plans indicating an uncontrolled pedestrian crossing and footpath link on the eastern side of Fodder Fen Road; further consultations have been undertaken as a result and comments received are as follows:

3. CONSULTATIONS

3.1 Natural England

SUMMARY OF NATURAL ENGLAND'S ADVICE

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.

3.2 Ecology Officer (FDC) (24/7/2023)

We welcome the submission of the Ornithological desk study and note this information addresses Natural England's previous concerns relating to the impact of the proposed scheme on Goose and Swan Functional Land.

In light of the above, we consider the ecological advice provided by Rowan Rumballs on 4th August 2022, which states that the "application scheme is acceptable but only if conditions are imposed". If permission is granted, we recommend the proposed pre-commencement and compliance conditions be included, as set out in Rowan's consultation response.

3.3 Ecology Officer (FDC) (3/10/2023)

We welcome the submission of the ecological assessment associated with the proposed footpath. Wild Frontier Ecology (2023) report confirms there will be no adverse impact to biodiversity, providing that measures set out in the 'mitigation and enhancement' section of the report.

The proposal is acceptable on ecology grounds, providing that the follow information to protect and enhance biodiversity is secured through suitably worded planning condition(s):

- 1. All measures sets within the 'Mitigation and Enhancement' section of the Wildlife Frontier Ecology (2023) letter report dated 28 July 2023 be implemented in full.*
- 2. Planning conditions proposed within Rowan Rumball, Wildlife Officer, Peterborough City Council's response in August 2022.*

3.4 Cambridgeshire County Council Highways

The revised site plan has included a footway with uncontrolled pedestrian crossing suitable to address my previous comments.

I previously advised that a Traffic Regulation Order would be needed to relocate signage clashing with the site access. I am aware that the applicant has enquired with CCC's Policy & Regulation team regarding the application process but due to extreme workloads, the timescales for determination of a TRO are not reasonable in context of the planning process. This can be addressed as a pre-commencement style condition but there is a risk that the Order is refused, albeit

the risk is small. The LPA will need to consider if they can accept such a condition or if they will need the Order approved in advanced of determination of the planning application.

Otherwise, I have no objection to the proposed development, and should the LPA be minded to approve the application, I recommend the following Conditions and Informatives be appended:

Conditions

- Construction Facilities: Prior to the commencement of the development hereby approved adequate temporary facilities area (details of which shall have previously been submitted to and agreed in writing with the Local Planning Authority) shall be provided clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting the site during the period of construction.*
- Highway Drainage: The approved access and all hardstanding within the site shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway and retained in perpetuity.*
- Gates/Enclosure/Access Restriction: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking, amending or re-enacting that order) no gates or other means of enclosure shall be erected across the vehicular access hereby approved.*
- Wheel Wash Facilities: Development shall not commence until fully operational wheel cleaning equipment has been installed within the site. All vehicles leaving the site shall pass through the wheel cleaning equipment which shall be sited to ensure that vehicles are able to leave the site and enter the public highway in a clean condition and free of debris which could fall onto the public highway. The wheel cleaning equipment shall be retained on site in full working order for the duration of the development.*
- Off-Site Highway Works: No development shall take place until details of works to construct a 1.8m footway between the development and Manea Station Car Park, as shown on the drawing 6567-PL01c, 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.*

Informatives

- Works in the Public Highway: This development may involve work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council.*
- Watercourse Management: If you are planning to undertake works within a watercourse within the UK, you need permission to do so by law. It is essential that anyone who intends to carry out works in, over, under or near a watercourse, contacts the relevant flood risk management authority to obtain the necessary consent before starting work. Please refer to this web page for further information;*

4. ASSESSMENT AND CONCLUSIONS

Ecology

- 4.1 Natural England, a statutory consultee, previously advised that the development site falls within the Ouse Washes 'swan functional land' Impact Risk Zone (IRZ), and as such requested further information to enable the potential impact to be assessed. Subsequently, an Ornithological Desk Study Results report has been submitted, this yielded no records of Ouse Washes Special Protection Area (SPA) swan species using the development site or surrounding fields. On this basis, Natural England now have no objection, and consider that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.
- 4.2 A further ecology survey was also submitted in relation to the proposed footpath as this was not included in the original report. This considered that the grass verge where the footpath is proposed is of negligible ecological value due to its recent and likely regular disturbance through mowing, and that the risks posed by the proposed installation of the footpath to water voles and other protected and valued species can all be adequately addressed by adopting the mitigation measures. Recommended mitigation measures include ensuring that the land is maintained in its current condition to minimise potential for wildlife to be present, ensuring that a minimum 2m separation distance is maintained from the nearest part of the works to the base of the ditch, that construction materials are stored within the development site on the eastern side of Fodder Fen Road, that clearance work avoids bird breeding season and if protected species are found that works cease and an ecologist consulted. The Ecology Officer has no objections to the application subject to the mitigation and enhancement measures being secured, along with the originally recommended ecology conditions.

Highways

- 4.3 Cambridgeshire County Council Highways had previously advised that an uncontrolled pedestrian crossing and footpath link on the eastern side of Fodder Fen Road was required, along with a Traffic Regulation Order to relocate signage clashing with the site access.
- 4.4 The revised plans submitted indicate the required pedestrian crossing and footpath link addressing Highway comments and full details could be secured by way of a condition. The applicant's agent has provided correspondence regarding the progress of speed limit repositioning, however, should the application be successful it is still considered necessary to impose a pre-commencement condition in relation to a Traffic Regulation Order to relocate all signage clashing with the site access to ensure that this is achievable and implemented accordingly.

Conclusion

- 4.5 The additional information submitted is considered to overcome refusal reason 3 in relation to ecology. However, it does not alter or overcome the previously asserted failure to comply with the relevant policies in relation to refusal reasons 1 and 2 and as such the conclusions and recommendations in Appendix A remain unchanged in this regard and, notwithstanding the view expressed by Members previously, the Officer recommendation for refusal on these grounds remains.

5. RECOMMENDATION

Whilst noting that Planning Committee did not accept refusal reasons 1, and 2 Officers have included them in order to be consistent with our previous recommendation.

Refuse for the following reasons:

1.	<p>Policy LP12 Part A (a) and associated footnote make it clear that the developed footprint is defined as the as the continuous built form of the village and that development which is not within in or adjacent to this would be contrary to this policy and the spatial strategy set out in Policy LP3. Policy LP12 Part A (c), (d) and (e) seek to ensure development would not have an adverse impact on the character and appearance of the surrounding countryside and would not result in linear development.</p> <p>Furthermore, Policy LP16 (d) of the Fenland Local Plan, Policy DM3 of Delivering and Protecting High Quality Environments in Fenland SPD, paras 130 and 174 of the NPPF and chapters C1 and I1 of the NDG seek to ensure that developments make a positive contribution and are sympathetic to the local distinctiveness and character of the area, recognise the beauty and character of the countryside and do not adversely impact on the landscape character.</p> <p>This site is considered to be located beyond the established settlement of Manea and as such would result in linear development encroaching into the open countryside. The proposed development would erode the openness of this countryside location and result in an urbanisation which would have a significant detrimental impact on the character of the area. It would also set a dangerous precedent for further incremental development and therefore cumulative harm, contrary to the aforementioned policies.</p>
2	<p>The site lies in Flood Zone 3, the highest risk of flooding. Policy LP12 Part A (j) seeks to ensure that developments would not put people or property in dangers from identified risks, such as flooding. Policy LP14 of the Fenland Local Plan and Chapter 14 of the NPPF seek to steer developments to the areas with the least probability of flooding and development will not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. If it is evidenced by an adequate sequential test that it is not possible for development to be located in areas with a lower risk of flooding the exception test will then apply</p> <p>Insufficient assessment has been undertaken and inadequate information submitted to demonstrate that it is not possible for the development to be located on a site with a lower risk of flooding and the development does not provide any wider sustainability benefits, as such both the sequential and exception tests fail and the development is contrary to the aforementioned policies.</p>

Appendix A – Committee Report and Update 5 April 2023

PLANNING COMMITTEE DATE: 5th April 2023

Agenda No: 5

APPLICATION NO: F/YR23/0072/O

SITE LOCATION: Land East Of Station Farm, Fodder Fen Road, Manea

UPDATE

Correspondence from agent

An email has been received from the agent regarding recommended reason for refusal 2 in relation to flood risk.

The agent has cited a case within Parson Drove, F/YR22/1187/FDC which was approved for the erection of 1 x dwelling involving demolition of existing garage block (outline application with matters committed in respect of access). This application site was also situated within Flood Zone 3.

The agent has also referred to the specifications of the proposed dwellings, including the use of triple glazing, heat source air pumps and PV cells, and asserts that this is not referred to in the report to Committee.

Officer response

The Sequential Test submitted for F/YR22/1187/FDC was thoroughly reviewed by the case officer and the identified sites discounted for various reasons (F/YR22/0702/F for example is a replacement dwelling).

This application is accompanied by a Sequential and Exception Test which advises that the area of search is Manea rather than the whole rural area, Officers disagree with this as the site is considered to be outside the settlement and as such the Sequential Test is considered to fail.

Notwithstanding this, even if the site was considered part of the settlement and the search area was the village of Manea, the Sequential Test is considered to be inadequate as it discounts smaller/larger sites, specifies a type of dwelling (where all matters are reserved in this case so this is unknown) and does not consider whether there are sites in Flood Zone 3 at lesser risk of flooding. The two applications are therefore not comparable.

With regards to the Exception Test; reference has been made to renewable energy solutions at 10.31 of the report. The provision of renewable energy solutions is not considered to provide a wider sustainability benefit to the community which outweighs flood risk, in the context of a proposal for 5 dwellings (whereas it may be acceptable for a single dwelling), the proposed footpath link is only required to mitigate the unsustainable location of the site and as such is not of wider benefit, and whilst it is noted that reference is made to ecological enhancement on the wider agricultural holding, it is advised that this is being undertaken in relation to the Government's countryside stewardship mid-tier scheme and as such would be undertaken irrespective of this application and would not be relevant to the development.

Report Correction

Paragraph 10.28 of the report refers to application F/YR21/1439/O which was refused by Planning Committee for failure to adequately apply or meet the sequential test; for clarity this was refused in November 2022.

Resolution: No change to the recommendation which is to refuse this application as per Section 12 of Agenda item 5.

F/YR23/0072/O

**Applicant: Mr Robert Sears
Sear's Brothers Ltd(1978)Retirement
Benefit Scheme**

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

Land East Of Station Farm, Fodder Fen Road, Manea,

Erect up to 5 dwellings (outline application with matters committed in respect of access) including formation of a footpath on the western side of Fodder Fen Road

Officer recommendation: Refuse

Reason for Committee: Number of representations contrary to Officer recommendation

2 EXECUTIVE SUMMARY

- 1.1 The application seeks outline planning permission for up to 5 dwellings with matters committed in relation to access only. A single access point is proposed off Fodder Fen Road, with the agricultural access retained. Illustrative drawings show a row of 5 detached dwellings, with garages, set back from the road behind a shared access. It is also proposed to provide a footpath on the western side of Fodder Fen Road from opposite the access to link to the footpath constructed for the station car park.
- 1.2 The principle of development in this location is considered unacceptable as it is beyond the established settlement of Manea.
- 1.3 The development would erode the openness of this countryside location and result in an urbanisation which would have a significant detrimental impact on the character of the area.
- 1.4 The LHA have raised queries regarding the viability and acceptability of the works required to Fodder Fen Road, which remain unresolved.
- 1.5 The site lies in Flood Zone 3, the highest risk of flooding and has failed to demonstrate that it is not possible for the development to be located on a site with a lower risk of flooding and the development does not provide any wider sustainability benefits, as such both the sequential and exception tests fail.
- 1.6 Insufficient information has been submitted to enable the Local Planning Authority to undertake the Habitat Regulations Assessment 'likely significant effect' screening in relation to the Ouse Washes Functionally Linked Land
- 1.7 Overall, the proposed development is considered to be unacceptable and the recommendation is one of refusal, consistent with the previous decision of the Council regarding development of this site.

3 SITE DESCRIPTION

The application site is located to the north of the main settlement of Manea, on the eastern side of Fodder Fen Road (B Class road with a 40-60mph speed limit) and is within an agricultural field with open countryside beyond. To the south are two historically established dwellings and to the west Station Farm and associated bungalow, there is a newly constructed car park to serve the station to the south of this. The site appears to slope down from the road, is served by an informal access and is currently being actively farmed, the western and southern boundaries are formed by drains. The site is located in Flood Zone 3, the highest risk of flooding.

4 PROPOSAL

3.1 The application seeks outline planning permission for up to 5 dwellings with matters committed in relation to access only.

3.2 A single access point is proposed off Fodder Fen Road, with the agricultural access retained. Illustrative drawings show a row of 5 detached dwellings, with garages, set back from the road behind a shared access. It is also proposed to provide a footpath on the western side of Fodder Fen Road from opposite the access to link to the footpath constructed for the station car park.

3.3 Full plans and associated documents for this application can be found at:

[F/YR23/0072/O | Erect up to 5 dwellings \(outline application with matters committed in respect of access\) including formation of a footpath on the western side of Fodder Fen Road | Land East Of Station Farm Fodder Fen Road Manea \(fenland.gov.uk\)](#)

5 SITE PLANNING HISTORY

Application site:

F/YR22/0709/O	Erect up to 5 dwellings (outline application with matters committed in respect of access) including formation of a footpath on the western side of Fodder Fen Road	Withdrawn
F/YR21/0555/O	Erect up to 5 dwellings (outline application with matters committed in respect of access)	Refused 23/9/2021

Of relevance in the vicinity in relation to whether the area is considered as part of the settlement is the following:

F/YR14/0113/F	Erection of 3no dwellings comprising of 1 x 2-storey 4-bed with detached double garage/workshop/store, 1 x 2-storey 4-bed with attached garage with store above and 1 x 4-bed with attached double garage	Refused 1/7/2014
	At Land South Of Bungalow Station Farm Fodder Fen Road Manea Cambridgeshire	Dismissed on appeal 9/1/2015 (current local plan had been adopted and was considered)

6 CONSULTATIONS

5.1 Parish Council

Object.

Outside of the village curtilage

Green field site

Would set a precedent.

5.2 Environmental Health (FDC)

The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposal, as it is unlikely to be affected by ground contamination.

Having previously studied the content of the Environmental Noise Survey, Noise Break-in Assessment & Sound Insulation Scheme report provided by Nova Acoustics (Project Number: 7694RS) dated 09.05.2022, this service is satisfied with the methodology and subsequent findings having regard to the appropriate acoustic standards in this scenario. This is however based on the assumption that glazing standards will be installed in accordance with those in Table 6.0 (Glazing Specification – All Façades – Living Rooms and Bedrooms) to ensure that internal noise levels fall within the accepted parameters as stated within the aforementioned report.

In the interests of protecting the amenity of existing nearby residents during the construction phase, this service would welcome the submission of a robust Construction Environmental Management Plan (CEMP). This should be in accordance with the template now available on the Fenland District Council website via the following link: <https://www.fenland.gov.uk/planningforms>

5.3 Natural England

We advised that further information should be provided, including desk-records from suitable sources including RSPB, BTO and the Wildfowl and Wetlands Trust, to confirm that the development site and surrounding area is not regularly used by SPA birds and can therefore be excluded as Ouse Washes functionally linked land. We note that the current planning application includes an email from the Applicant to Fenland District Council (22 September 2022) incorporating a rebuttal of Natural England's request for this additional information on the basis of the findings of the Applicant's Ecology Report and advice from the Council's Wildlife Officer.

Natural England's advice is that the Applicant should be requested to provide the additional information originally requested in our previous response. This is required to confirm that the proposed development site and surrounding area is not regularly used by SPA birds can therefore be excluded as Ouse Washes 'functionally linked land'.

The Council, as Competent Authority under the requirements of the Conservation of Habitats and Species Regulations 2017, amended will require this information to inform its Habitats Regulations Assessment (HRA) screening with regard to the likely significant effects of the proposed development on the Ouse Washes SPA and Ramsar site. Alternatively you may wish to consult the RSPB on this planning application as their views may help to inform your HRA screening.

5.4 Wildlife Officer (FDC)

Recommendation:

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

Recommended condition(s)/Reason(s) for refusal:

Pre-Commencement Conditions(s) –

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

-Planting plans to all public areas, retained hedge and trees, species, numbers, size and density of planting, in line with the mitigation recommendations within the Preliminary Ecological Appraisal;

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

-Boundary treatments.

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

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

Compliance Condition(s) -

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

interest on site. Any such written confirmation should be submitted to the local planning authority.

Assessment/Comment:

The proposed application is unlikely to have significant negative impacts on biodiversity or protected species so long as the proposed mitigation within the PEA is carried out. The landscaping document conditioned above should include these mitigations, specifically related to the species suggested for the landscaping belt.

5.5 Environment Agency

We have no objection to the proposed development but wish to make the following comments.

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

By consulting us on this planning application we assume that your Authority has applied and deemed the site to have passed the NPPF Sequential Test. Please be aware that although we have raised no objection to this planning application on flood risk grounds this should not be taken to mean that we consider the proposal to have passed the Sequential Test.

Review of Flood Risk Assessment (FRA) We have no objection to the proposed development, but strongly recommend that the mitigation measures proposed in the submitted Flood Risk Assessment (FRA) (ECL0442a) are adhered to. In particular, the FRA recommends that:

- Finished floor levels will be set no lower than 0.4m.*
- Flood resistance measures will be incorporated up to 0.6m above finished floor levels.*
- There will be no ground floor sleeping accommodation.*

Advice for the LPA

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

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.

We have reviewed the submitted FRA with regard to tidal and main river flood risk sources only. The Internal Drainage Board should be consulted with regard to flood risk associated with their watercourses and surface water drainage proposals.

Advice for the Applicant

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

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. Flood Warnings Service (F.W.S.) is a national system run by the Environment Agency for broadcasting flood warnings. 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 for developments. Advice should be sought from the Emergency Services and the Local Planning Authority's Emergency Planners when producing a flood evacuation plan.

5.6 Middle Level Commissioners

No comments received.

5.7 Cambridgeshire County Council Highways

On the basis of the information submitted, I have no objections in principle, however, the following points require attention to make the development acceptable in highway terms:

To provide safe pedestrian access to the site, a proposed footway on the west side of Fodder Fen Road between the development and Manea station car park is proposed. While welcome in principle, an uncontrolled pedestrian crossing between the footway and the development site is needed. The crossing needs to be separate from the vehicular access (with a short length of intervening full height footway) and will therefore require a localised length of footway on the east side of the road. The footway should be 2m were possible and only reduce to 1.8m if dictated by physical constraints.

Fodder Fen Road currently drains over-edge into verge. Once a footway is introduced, this means of drainage will no longer be possible and a positive system will be required. While this is an engineering detail which can be addressed post-planning, an acceptable solution may impact upon scheme viability and should therefore be considered now by the applicant.

The proposed vehicular access clashes with existing terminal speed signs and level crossing warning signs, both of which will require re-location. Re-locating the speed limit signs (and road markings), even by a short distance, will require a Traffic Regulation Order. The determination of TROs sits outside of the planning system so I cannot provide any certainty regarding their acceptability. Should the LPA consider it unreasonable to condition these works which are outside of the applicant's control, then the TRO would need to be approved prior to determination of the planning application.

The applicant should be made aware that removal of existing road markings by hyrdoblasting (or similar) will not be permitted and it will be necessary to plane and re-surface a length of carriageway.

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

5.8 Arboricultural Officer (FDC)

Received on previous application (F/YR22/0709/O), however still considered relevant:

The Council's Arboricultural Officer considers that it is likely any roots present in the highway verge would have been lost as a result of previous works and that as much of the large vegetation is in or on the other side of the ditch there is unlikely to be an issue.

5.9 Cambridgeshire County Council Archaeology

I am writing to you regards the archaeological implications of the above referenced planning application. The proposed development is located to the north of Manea. Manea is situated on a fen island within the fen with the island of Stonea to the north. These high places in the fen are known to have been focuses of activity particularly in the prehistoric period. Lidar and aerial imagery indicate the development red line is located of a small 'sandy' island to the northeast of the main settlement. A findspot located in the fenland survey shows a large number of Mesolithic flints potentially covering part of the development area (Cambridgeshire Historic Environment Record ref 05990). Stretching eastwards across the fen are further flint finds of a neolithic polished axe and two Mesolithic axes towards another shallow hill (CHER MCB15986, MCB15984, 05976). There is a further Mesolithic flint scatter to the southeast (CHER 05977).

The land changes in the area combined with a large number of archaeological finds indicate a high potential for Mesolithic activity within the development area, therefore 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.

5.10 Local Residents/Interested Parties

7 supporting comments have been received (1 from Pingle Wood Row, 3 from Days Lode Road, 2 from Westfield Road and 1 from Willow Drive, all Manea), in relation to the following:

- Many cases where building has taken place on agricultural land
- Similar to other developments in the village
- Close to railway station, proposal can make use of improved services, ideal for commuters
- Further away from station than Charlemont Drive so less noise impact
- Front the highway/not filling fields behind other houses
- Houses nearby but not densely populated so shouldn't have issues with access
- Would benefit the local economy and community
- Manea has good infrastructure/facilities
- Addresses the need for local and affordable homes
- Not sufficient executive housing in the area

Comments, where they relate to planning considerations will be addressed in the sections below. It should however be noted that the proposal is for market housing, not affordable and the scale/design is indicative at this stage as it is not being committed.

7 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).

8 POLICY FRAMEWORK

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

National Design Guide 2021

Context – C1

Identity – I1
Movement – M1
Nature – 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
LP4 – Housing
LP12 – Rural Areas Development Policy
LP13 – Supporting and Managing the Impact of a Growing District
LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland
LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland
LP16 – Delivering and Protecting High Quality Environments across the District
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 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 LP26 – Carbon Sinks and Carbon Sequestration
Policy LP27 – Trees and Planting
Policy LP28 – Landscape
Policy LP32 – Flood and Water Management
Policy LP49 – Residential site allocations in Manea

Delivering and Protecting High Quality Environments in Fenland SPD

DM3 – Making a Positive Contribution to Local Distinctiveness and character of the Area
DM6 – Mitigating Against Harmful Effects

Cambridgeshire Flood and Water SPD 2016

9 KEY ISSUES

- **Principle of Development and visual amenity of area**
- **Loss of Agricultural land**
- **Residential Amenity/Health and wellbeing**
- **Highways**
- **Flood Risk**
- **Ecology**
- **Archaeology**

10 BACKGROUND

- 9.1 This site has been subject to a pre-application enquiry (20/0110/PREAPP), which advised that the site is not considered to adjoin the developed footprint of the village, would create character harm to the openness of the area and result in an urbanising impact, is not considered to be sustainably linked to the settlement and as such would likely result in a reliance on private motor vehicles and was unlikely to pass the sequential test as there is a high likelihood that there are other sites at a lower risk of flooding which could accommodate the proposal.
- 9.2 It was advised that the scheme was unlikely to receive officer support for the above reasons; however, should an application be submitted (contrary to recommendation) then it should be accompanied by a phase 1 habitat survey due to the potential for the site to provide habitat for protected species and a noise assessment at the request of the Council's Environmental Health team due to the proximity of the site to the railway line.
- 9.3 Subsequently an outline planning application was submitted (F/YR21/0555/O) which was refused by Planning Committee for the following reasons:

1. *Policy LP12 Part A (a) and associated footnote make it clear that the developed footprint is defined as the as the continuous built form of the village and that development which is not within in or adjacent to this would be contrary to this policy and the spatial strategy set out in Policy LP3. Policy LP12 Part A (c), (d) and (e) seek to ensure development would not have an adverse impact on the character and appearance of the surrounding countryside and would not result in linear development.*

Furthermore, Policy LP16 (d) of the Fenland Local Plan, Policy DM3 of Delivering and Protecting High Quality Environments in Fenland SPD, para 130 of the NPPF and chapters C1 and I1 of the NDG seek to ensure that developments make a positive contribution and are sympathetic to the local distinctiveness and character of the area, and do not adversely impact on the landscape character.

This site is considered to be located beyond the established settlement of Manea and as such would result in linear development encroaching into the open countryside. The proposed development would erode the openness of this verdant countryside location and result in an urbanisation which would have a significant detrimental impact on the character of the area. It would also set a dangerous precedent for further incremental development and therefore cumulative harm, contrary to the aforementioned policies.

- 2 *Policy LP2 and LP16 (l) of the Fenland Local Plan, DM6 of the Delivering and Protecting High Quality Environments in Fenland SPD and para 130 of the NPPF seek to promote health and well-being and high levels of residential amenity whilst identifying, managing and*

mitigating against sources of noise and avoid adverse impacts.

The site is in the relatively close proximity to the railway line and it is recognised that noise can lead to reduced living conditions and impacts on health and well-being and quality of life. Insufficient assessment has been undertaken and inadequate information submitted to enable the Local Planning Authority to ascertain whether the proposal would result in adverse impact in this regard and as such it is considered contrary to the aforementioned policies.

- 3 *Policy LP2 and LP15 of the Fenland Local Plan seek to provide sustainable, adequate and safe access to essential services, paras 110 and 112 of the NPPF and chapter M1 of the NDG 2019 seek to prioritise pedestrians and cyclists by ensuring that routes are safe, direct, convenient and accessible for people of all abilities and that people should not need to rely on the car for everyday journeys.*

Fodder Fen Road has a 60mph speed limit alongside the site, it does not feature any footpaths and is unlit, with the potential for pedestrian/cycle and vehicle conflict. Hence it is likely there would be reliance upon the use of private motor vehicles, and as such the site is not considered to be sustainably linked to the settlement. The development is therefore considered contrary to the aforementioned policies.

- 4 *The site lies in Flood Zone 3, the highest risk of flooding. Policy LP12 Part A (j) seeks to ensure that developments would not put people or property in dangers from identified risks, such as flooding. Policy LP14 of the Fenland Local Plan and Chapter 14 of the NPPF seek to steer developments to the areas with the least probability of flooding and development will not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. If it is evidenced by an adequate sequential test that it is not possible for development to be located in areas with a lower risk of flooding the exception test will then apply*

Insufficient assessment has been undertaken and inadequate information submitted to demonstrate that it is not possible for the development to be located on a site with a lower risk of flooding and the development does not provide any wider sustainability benefits, as such both the sequential and exception tests fail and the development is contrary to the aforementioned policies.

- 5 *Policies LP16 (b) and LP19 of the Fenland Local Plan 2014 and Paragraph 174 of the NPPF 2019 seek to conserve, enhance and promote biodiversity. Paragraph 182 advises that the presumption in favour of sustainable development does not apply where a project is likely to have a significant effect on a habitats site unless an appropriate assessment has concluded that it will not adversely affect the integrity of the habitats site.*

Due to the location and features surrounding and within the site there is potential for protected species to be affected by the proposed development, particularly as it would be necessary to undertake works to the drain to the west for accesses. Insufficient assessment has been

undertaken and inadequate information submitted to enable the Local Planning Authority to ascertain whether the proposal would impact protected species and as such it is considered contrary to the aforementioned policies.

- 9.4 Whilst it is acknowledged in the Minutes of Planning Committee on 22/9/2021 regarding the previous application that one Member did not agree with Officers' assessment of scheme, the Committee ultimately agreed with the Officer recommendation of refusal and the reasons for refusal put forward, there has been no material change in circumstance since this time which would overcome these reasons.
- 9.5 A further application was submitted (F/YR22/0709/O), accompanied by a noise assessment, ecology appraisal and proposing a footpath link, this was due to be determined by Planning Committee in December 2022 with a recommendation of refusal for the following reasons:

1. *Policy LP12 Part A (a) and associated footnote make it clear that the developed footprint is defined as the as the continuous built form of the village and that development which is not within in or adjacent to this would be contrary to this policy and the spatial strategy set out in Policy LP3. Policy LP12 Part A (c), (d) and (e) seek to ensure development would not have an adverse impact on the character and appearance of the surrounding countryside and would not result in linear development.*

Furthermore, Policy LP16 (d) of the Fenland Local Plan, Policy DM3 of Delivering and Protecting High Quality Environments in Fenland SPD, para 130 of the NPPF and chapters C1 and I1 of the NDG seek to ensure that developments make a positive contribution and are sympathetic to the local distinctiveness and character of the area, and do not adversely impact on the landscape character.

This site is considered to be located beyond the established settlement of Manea and as such would result in linear development encroaching into the open countryside. The proposed development would erode the openness of this verdant countryside location and result in an urbanisation which would have a significant detrimental impact on the character of the area. It would also set a dangerous precedent for further incremental development and therefore cumulative harm, contrary to the aforementioned policies.

2. *Policies LP3 and LP12 Part D of the Fenland Local Plan 2014 seek to restrict development in elsewhere locations, such as the application site, to that which is demonstrably essential to be so located, and to ensure that any such applications are accompanied by robust evidence of the need and suitability of the development.*

No evidence has been forthcoming to establish need in relation to the requirements of LP12 Part D. Furthermore, the proposal is for up to 5 dwellings, even if the need for 1 dwelling was established this would not render the remaining dwellings applied for acceptable. As such, the proposal is contrary to the aforementioned policies.

- 3 *The site lies in Flood Zone 3, the highest risk of flooding. Policy LP12 Part A (j) seeks to ensure that developments would not put people or property in dangers from identified risks, such as flooding. Policy LP14 of the Fenland*

Local Plan and Chapter 14 of the NPPF seek to steer developments to the areas with the least probability of flooding and development will not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. If it is evidenced by an adequate sequential test that it is not possible for development to be located in areas with a lower risk of flooding the exception test will then apply

Insufficient assessment has been undertaken and inadequate information submitted to demonstrate that it is not possible for the development to be located on a site with a lower risk of flooding and the development does not provide any wider sustainability benefits, as such both the sequential and exception tests fail and the development is contrary to the aforementioned policies.

- 4 *Policies LP16 (b) and LP19 of the Fenland Local Plan 2014 and Paragraph 174 of the NPPF 2021 seek to conserve, enhance and promote biodiversity. Paragraph 182 advises that the presumption in favour of sustainable development does not apply where a project is likely to have a significant effect on a habitats site unless an appropriate assessment has concluded that it will not adversely affect the integrity of the habitats site.*

Insufficient information has been submitted to enable the Local Planning Authority to undertake the Habitat Regulations Assessment 'likely significant effect' screening in relation to the Ouse Washes Functionally Linked Land, and as such the development is considered contrary to the aforementioned policies.

- 9.6 This application was withdrawn the day before the Committee meeting, no reason was provided within the written request, however it is understood that the applicant had requested to speak but was unable to attend the meeting.
- 9.7 This application contended that a dwelling was required in relation to the running of Sears Bros Ltd (reason for refusal 2 above), however this claim has since fallen away under the current application.
- 9.8 All other reasons for refusal remain. It is acknowledged that the applicant's agent now disputes the site being described as 'verdant' as referred to above in reason for refusal 1, this word does not undermine the rationale for this reason and for the avoidance of doubt Officers are content for this to be omitted, the reason will however be updated in relation to para 174 of the NPPF in relation to recognising character and beauty of the countryside.

11 ASSESSMENT

Principle of Development and visual amenity of area

- 10.1 Policy LP3 of the Fenland Local Plan identifies Manea as a 'growth village' where development within the existing urban area or as small village extensions of a limited scale will be appropriate as part of the strategy for sustainable growth. This policy also states that development elsewhere will be restricted to that which is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services. Policy LP3 must be read in conjunction with other policies in the Local Plan which steer development to the most appropriate sites:

- 10.2 Policy LP12 Part A states that for villages, new development will be supported where it contributes to the sustainability of that settlement (para 79 of the NPPF concurs), does not harm the wide-open character of the countryside (para 174 of the NPPF recognises the intrinsic value of the countryside) and complies with criteria (a) – (k). Policy LP12 makes it clear that the developed footprint is defined as the as the continuous built form of the village and excludes the following:
- Individual buildings and groups of dispersed or intermittent buildings that are clearly detached from the continuous built-up area,
 - gardens, paddocks and other undeveloped land within the curtilage of buildings on the edge of the settlement where the land relates more to the surrounding countryside than to the built-up area of the settlement,
 - agricultural buildings and associated land on the edge of the settlement,
 - outdoor sports and recreation facilities and other formal open spaces on the edge of the settlement.
- 10.3 This site is considered to be located beyond the established settlement of Manea; development north of the railway line is limited and reasonably dispersed, with the form of land and buildings relating more to the surrounding countryside than the built-up area of development. This is a position that is supported by the previous recent refusal for development on this site (F/YR21/0555/O) and also the refusal of application F/YR14/0113/F and subsequent appeal APP/D0515/A/14/2227264 which was dismissed, in relation to an application for dwellings on a site on the opposite side of Fodder Fen Road, closer to the railway. Para 13 of the appeal decision stating:
- ‘.....due to its largely open character and the modest structures within it, in my judgement the rail corridor including the station forms a visual break and material buffer between the continuous settlement to the southwest and the more sporadic development and open countryside to the northeast. Therefore, the appeal site is neither within or adjacent to the existing development footprint of Manea in the terms of Policy LP12 of the Local Plan. Consequently, in this regard, the proposed development conflicts with this Policy and the associated spatial strategy for the District.’*
- 10.4 LP12 Part A (a) which requires the site to be in or adjacent to the existing developed footprint of the village cannot be satisfied as demonstrated above.
- 10.5 LP12 Part A (c) and (d) which require that developments do not have an adverse impact on the character and appearance of the surrounding countryside and are in keeping with the core shape and form of the settlement cannot be satisfied as the development would result in an encroachment into the open countryside resulting in an urbanising impact.
- 10.6 LP12 Part A (e) which requires that development does not extend linear features or result in ribbon development cannot be satisfied as the development would result in ribbon development extending onto the countryside.
- 10.7 LP12 Part A (j) which requires that development would not put people or property in danger from identified risks has not been fully addressed with respect to flood risk (please refer to Flood Risk section below).

- 10.8 It is acknowledged that planning permission has been granted (F/YR20/0427/F) for a car park in association with the railway station on land adjoining the railway line on the western side of Fodder Fen Road. In determining this application, it was acknowledged that the land does not adjoin the developed footprint of the village and would therefore be classed as an 'elsewhere location'; however, Policy LP3 supports such development, and it is necessary to be located in close proximity to the railway. As the site was considered to relate more to the countryside than the built settlement it was considered important that this character was retained as much as possible to limit the impact. The site is bounded by trees and vegetation which it is proposed to retain and enhance, a buffer also surrounds the car park which mitigates the impact of the development on the character of this rural location; any impact was considered to be outweighed by the public benefit of the scheme. This development is not considered comparable to the current application for dwellings, which has no such policy support and creates a significant detrimental impact on the character of the area.
- 10.9 The applicant's agent has made reference to village and speed limit signs in their justification, Officers contend that the spatial assessment of sites by the location of highway signs is not considered to be an appropriate or logical approach and sites should instead be assessed in accordance with the criteria set out in Policy LP12 as above.
- 10.10 Policy LP16 (d) of the Fenland Local Plan, Policy DM3 of Delivering and Protecting High Quality Environments in Fenland SPD, paras 130 and 174 of the NPPF and chapters C1 and I1 of the NDG seek to ensure that developments make a positive contribution and are sympathetic to the local distinctiveness and character of the area, recognise the beauty and character of the countryside and do not adversely impact on the landscape character. The proposed development would erode the openness of this countryside location and result in an urbanisation which would have a significant detrimental impact on the character of the area. It would also set a dangerous precedent for further incremental development and therefore cumulative harm.
- 10.11 Whilst the policies of the emerging local plan carry extremely limited weight in decision making the following are relevant to this application:
- Policy LP1, Part A identifies Manea as a large village; Part B advises that land outside settlement boundaries is defined as countryside where development is restricted (as set out in LP18), this site is outside of the defined settlement and Part C would not be applicable as the development is not considered to adjoin the settlement, would be located in an area of flood risk and would exceed the 3 dwelling threshold for this policy. LP49 defines residential site allocations in Manea and this site does not have such an allocation. As such the proposal is also considered contrary to the aforementioned policies of the emerging local plan.

Loss of Agricultural land

- 10.12 The site comprises of approximately 0.46ha of Grade 2 Agricultural land as defined by DEFRA ([Defra Spatial Data Download](#)) and classified as very good.
- 10.13 Para 174 of the NPPF 2021 recognises the intrinsic character and beauty of the countryside, including the economic and other benefits of the best and most versatile (BMV) agricultural land (defined as Grades 1, 2 and 3a) and para 175

(footnote 58) advises that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.

10.14 Having regard to the wider DEFRA mapping site, it is acknowledged that a significant majority of the Fenland District falls within the BMV land with only the urban areas of the main Market Towns, the Kings Delph and Morton's Leam areas and the north of March including the prison area falling within the lower grades. As such, it is recognised that there are very few areas of poorer quality agricultural land, and it would not be possible therefore for Fenland to meet its housing demands without developing areas of BMV land.

10.15 This does not however confer that all agricultural land should be developed, especially where it relates more to open countryside than to the settlement and Officers consider that this is the intention of LP12, Part A (c), supported by the preamble at paragraph 4.7.1 of the Fenland Local Plan. An assessment however should be made as to the relationship of the land to the open countryside, in comparison to the built envelope of the settlement. As stated in the section above, the application site is considered to relate more to the open countryside than the built form though it is acknowledged that 0.46ha is not significant in the context of BMV land within Fenland.

Residential Amenity/Health and wellbeing

10.16 The site is separated from Victoria House to the south by the agricultural access, a drain, a vegetation belt on the boundary and a number of outbuildings serving Victoria House. To the west on the opposite side of the road is the Bungalow at Station Farm and the site of the railway car park. The separation distances, scale of the existing sites surrounding and the application site are such that significant detrimental impacts are not expected, and it is considered a policy compliant scheme could be achieved in relation to the relationships between existing and proposed sites.

10.17 The site is located in relatively close proximity to the railway line and the application is accompanied by a noise assessment due to concerns raised and reason for refusal 2 of the previously determined application in relation to this. The report concluded that providing the recommendations specified were implemented the internal and external noise levels are expected to be within the relevant British Standard criteria. The Council's Environmental Health team are satisfied with the methodology and subsequent findings having regard to the appropriate acoustic standards in this scenario. This is however based on the assumption that glazing standards will be installed in accordance with those in Table 6.0 (Glazing Specification – All Façades – Living Rooms and Bedrooms) to ensure that internal noise levels fall within the accepted parameters as stated within the aforementioned report. Hence subject to relevant conditions the previous reason for refusal in this regard is considered to be overcome.

10.18 Environmental Health also recommend the submission of a Construction Environmental Management Plan (CEMP), which can be secured through a pre-commencement condition should the application be successful.

Highways

10.19 Aside from the principle of development, access is the only matter being committed as part of this application. A 6m wide shared access point is proposed off Fodder Fen Road, requiring the drain to be culverted, full details of which can be secured by way of a condition. Visibility splays as required by the LHA are

indicated and the agent has confirmed that this is achievable within Highways land. The shared access leads to a private road within the site and individual parking and turning areas; the detailed layout would be a Reserved Matter should this application be successful.

- 10.20 Fodder Fen Road is some distance from the majority of facilities and services, and in order to provide a sustainable link to existing infrastructure, the railway station and village beyond, a 1.8m wide footpath is proposed on the western side of Fodder Fen Road to adjoin the recently constructed footpath serving the station car park. More detailed comments have been provided by the LHA for the current application, these advise that an uncontrolled crossing between the footway and the development is needed, that this needs to be separate from the vehicular access and will therefore require a length of footway on the eastern side of Fodder Fen Road, the footway should be 2m wide and only reduced to 1.8m if necessitated by physical constraints. The issue of drainage has also been raised as Fodder Fen Road currently drains over-edge into the verge and the introduction of the footpath would result in this no longer being possible, whilst full details could be secured by condition this may impact the viability of the scheme.
- 10.21 The LHA have also advised that the proposed access clashes with speed and level crossing warning signs, both of which will require re-location, this would require a Traffic Regulation Order, this process sits outside of the planning system and as such there is no certainty that this could be achieved.
- 10.22 The proposed footpath would be in close proximity to a drain and a number of trees, whilst the area has already been disturbed by the construction of the car park, it would be necessary to establish and consider the potential impact of the footpath on these trees and ecology.
- 10.23 These matters remain outstanding, however in the interests of expediting the application, and on the basis there are a number of other reasons for refusal, it was not considered reasonable to seek further details in this regard.

Flood Risk

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

insufficient. Section 4.4 of the adopted Cambridgeshire Flood and Water SPD clearly sets out the stages that are required; the developer should identify and list reasonably available sites irrespective of land ownership within the search area which could accommodate the proposal, obtain flood risk information for all sites and apply the sequential test by comparing the flood risk from all sources on the sites identified; this has not been done.

- 10.27 The application is accompanied by a Sequential and Exception Test which advises that the area of search is Manea rather than the whole rural area, Officers disagree with this as the site is considered to be outside the settlement and as such the Sequential Test is considered to fail.
- 10.28 Notwithstanding this, even if the site was considered part of the settlement and the search area was the village of Manea, the Sequential Test is considered to be inadequate as it discounts smaller/larger sites, specifies a type of dwelling (where all matters are reserved in this case so this is unknown) and does not consider whether there are sites in Flood Zone 3 at lesser risk of flooding. Reference should be made to application F/YR21/1439/O for up to 4 dwellings at Land West Of 78-88 Station Road Manea, which was refused by Planning Committee in November this year for failure to adequately apply or meet the Sequential Test.
- 10.29 Planning Practice Guidance (Paragraph: 028 Reference ID: 7-028-20220825) states that: *'Reasonably available sites' are those in a suitable location for the type of development with a reasonable prospect that the site is available to be developed at the point in time envisaged for the development. These could include a series of smaller sites and/or part of a larger site if these would be capable of accommodating the proposed development. Such lower-risk sites do not need to be owned by the applicant to be considered 'reasonably available'.*
- 10.30 Even if the Sequential Test could be passed the Exception Test would also need to be passed. For the Exception Test to be passed it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk and a site specific flood risk assessment must demonstrate that the development will be safe from all sources of flooding and will not increase flood risk elsewhere.
- 10.31 Para 4.5.9 of the adopted Cambridgeshire Flood and Water SPD advises that provision of housing by itself would not be considered a wider sustainability benefit. The Exception Test indicates that the proposal would utilise renewable energy solutions, however the application is in outline only and as such this is not detailed (though it would be possible to condition a scheme). It also relates to biodiversity mitigation/enhancement measures and landscaping which would be required irrespective of flood risk and as such this is not a benefit. The development does propose a footpath link however this is only required to mitigate the unsustainable location of the site and as such is not of wider benefit.
- 10.32 Environment Agency (EA) data indicates that in the event of a breach of flood defences the site could flood to a depth of up to 1m. The EA do not object to the application in relation to site specific risk, but recommend that the development is carried out in accordance with the submitted flood risk assessment and the following mitigation measures it details:
- Finished floor levels shall be set no lower than 0.4 metres above existing ground levels
 - A further 0.6 metres of flood resistant construction shall be provided

- There will be no ground floor sleeping accommodation.

The submitted FRA also recommends that occupants register with Floodline Direct Warnings Service to receive any future flood warnings.

Ecology

- 10.33 Public Authorities have a duty under Section 40 of the Natural Environment and Rural Communities Act 2006 to have regard to conserving biodiversity in policy and decision making.
- 10.34 The application is accompanied by an Ecological Appraisal which considers that the minor increase in population would have no discernible recreational impacts to designated sites and the site provides limited opportunities for breeding birds, mitigation and enhancement measures are recommended.
- 10.35 The Council's Wildlife Officer considers that the proposed application is unlikely to have significant negative impacts on biodiversity or protected species so long as the proposed mitigation measures are carried out and subject to recommended conditions.
- 10.36 Natural England, a statutory consultee, previously advised that the development site falls within the Ouse Washes 'swan functional land' Impact Risk Zone (IRZ), and as such requested further information to enable the potential impact to be assessed. Natural England maintain that further information should be provided, including desk-records from suitable sources to confirm that the development site and surrounding area is not regularly used by SPA birds and can therefore be excluded as Ouse Washes functionally linked land. It is their view that in the absence of desk records, it is not possible to determine with sufficient certainty that the site and surrounding area is not regularly used by Special Protection Area birds and can therefore be excluded as Ouse Washes Functionally Linked Land. As such insufficient information has been submitted to inform the Habitat Regulations Assessment 'likely significant effect' screening and the proposal is considered contrary to Policies LP16 (b) and LP19 of the Fenland Local Plan 2014 and Paragraph 174 of the NPPF 2021.
- 10.37 It is acknowledged that within the submitted Planning Design and Access Statement that the applicant has asked that the ecological enhancement made on his wider agricultural holding be taken into account in relation to this application. It is advised that this is being undertaken in relation to the Government's countryside stewardship mid-tier scheme and as such would be undertaken irrespective of this application and would not be relevant to the development.

Archaeology

- 10.38 Cambridgeshire County Council Archaeology consider that there is high potential for Mesolithic activity within the development area and consider that the site should be subject to a programme of archaeological investigation, which can be secured by way of a pre-commencement condition should the application be successful.

12 CONCLUSIONS

- 11.1 The principle of development in this location is considered unacceptable as it is beyond the established settlement of Manea.

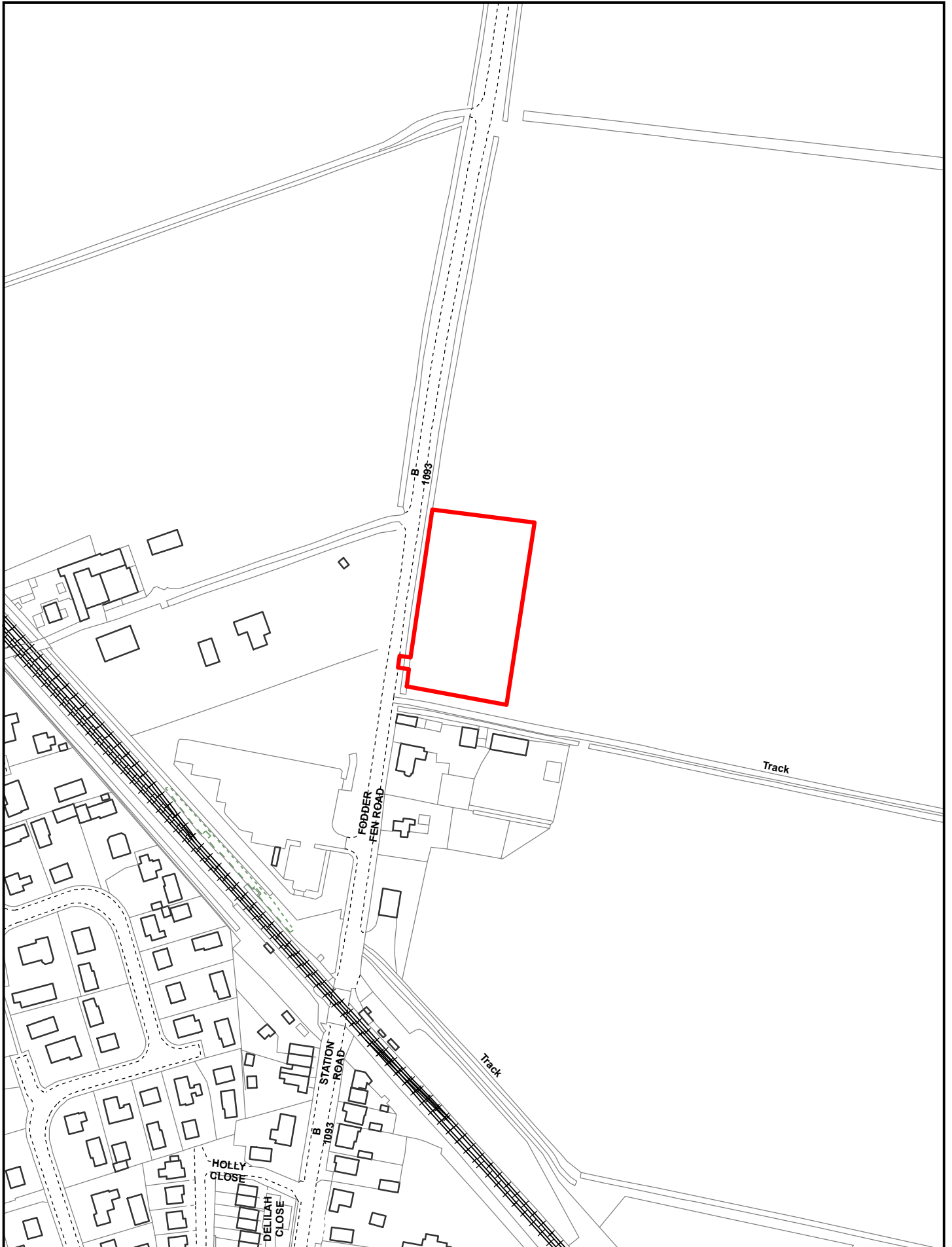
- 11.2 The development would erode the openness of this countryside location and result in an urbanisation which would have a significant detrimental impact on the character of the area.
- 11.3 The LHA have raised queries regarding the viability and acceptability of the works required to Fodder Fen Road, which remain unresolved.
- 11.4 The site lies in Flood Zone 3, the highest risk of flooding and has failed to demonstrate that it is not possible for the development to be located on a site with a lower risk of flooding and the development does not provide any wider sustainability benefits, as such both the sequential and exception tests fail.
- 11.5 Insufficient information has been submitted to enable the Local Planning Authority to undertake the Habitat Regulations Assessment 'likely significant effect' screening in relation to the Ouse Washes Functionally Linked Land.
- 11.6 Overall, the proposed development is considered to be unacceptable, and the recommendation is one of refusal, consistent with the previous decision of the Council regarding development of this site.

13 RECOMMENDATION

Refuse for the following reasons:

1.	<p>Policy LP12 Part A (a) and associated footnote make it clear that the developed footprint is defined as the as the continuous built form of the village and that development which is not within in or adjacent to this would be contrary to this policy and the spatial strategy set out in Policy LP3. Policy LP12 Part A (c), (d) and (e) seek to ensure development would not have an adverse impact on the character and appearance of the surrounding countryside and would not result in linear development.</p> <p>Furthermore, Policy LP16 (d) of the Fenland Local Plan, Policy DM3 of Delivering and Protecting High Quality Environments in Fenland SPD, paras 130 and 174 of the NPPF and chapters C1 and I1 of the NDG seek to ensure that developments make a positive contribution and are sympathetic to the local distinctiveness and character of the area, recognise the beauty and character of the countryside and do not adversely impact on the landscape character.</p> <p>This site is considered to be located beyond the established settlement of Manea and as such would result in linear development encroaching into the open countryside. The proposed development would erode the openness of this countryside location and result in an urbanisation which would have a significant detrimental impact on the character of the area. It would also set a dangerous precedent for further incremental development and therefore cumulative harm, contrary to the aforementioned policies.</p>
2	<p>The site lies in Flood Zone 3, the highest risk of flooding. Policy LP12 Part A (j) seeks to ensure that developments would not put people or property in dangers from identified risks, such as flooding. Policy LP14 of the Fenland Local Plan and Chapter 14 of the NPPF seek to steer developments to the areas with the least probability of flooding and development will not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. If it is evidenced by an</p>

	<p>adequate sequential test that it is not possible for development to be located in areas with a lower risk of flooding the exception test will then apply</p> <p>Insufficient assessment has been undertaken and inadequate information submitted to demonstrate that it is not possible for the development to be located on a site with a lower risk of flooding and the development does not provide any wider sustainability benefits, as such both the sequential and exception tests fail and the development is contrary to the aforementioned policies.</p>
3	<p>Policies LP16 (b) and LP19 of the Fenland Local Plan 2014 and Paragraph 174 of the NPPF 2021 seek to conserve, enhance and promote biodiversity. Paragraph 182 advises that the presumption in favour of sustainable development does not apply where a project is likely to have a significant effect on a habitats site unless an appropriate assessment has concluded that it will not adversely affect the integrity of the habitats site.</p> <p>Insufficient information has been submitted to enable the Local Planning Authority to undertake the Habitat Regulations Assessment 'likely significant effect' screening in relation to the Ouse Washes Functionally Linked Land, and as such the development is considered contrary to the aforementioned policies.</p>



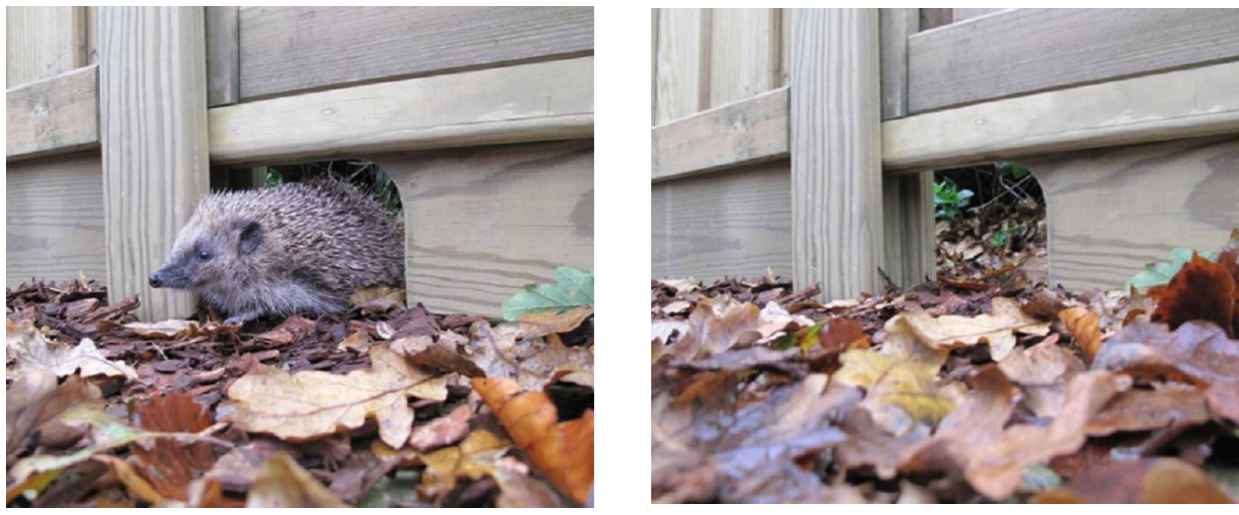
Created on: 27/01/2023

© Crown Copyright and database rights 2023 Ordnance Survey 10023778

F/YR23/0072/O

Scale = 1:2,500





Boundary fence to have 1 hedgehog gravel board to each boundary



Schwegler triple cavity swift box
1 to each East elevation plots 2,3,4 and 5



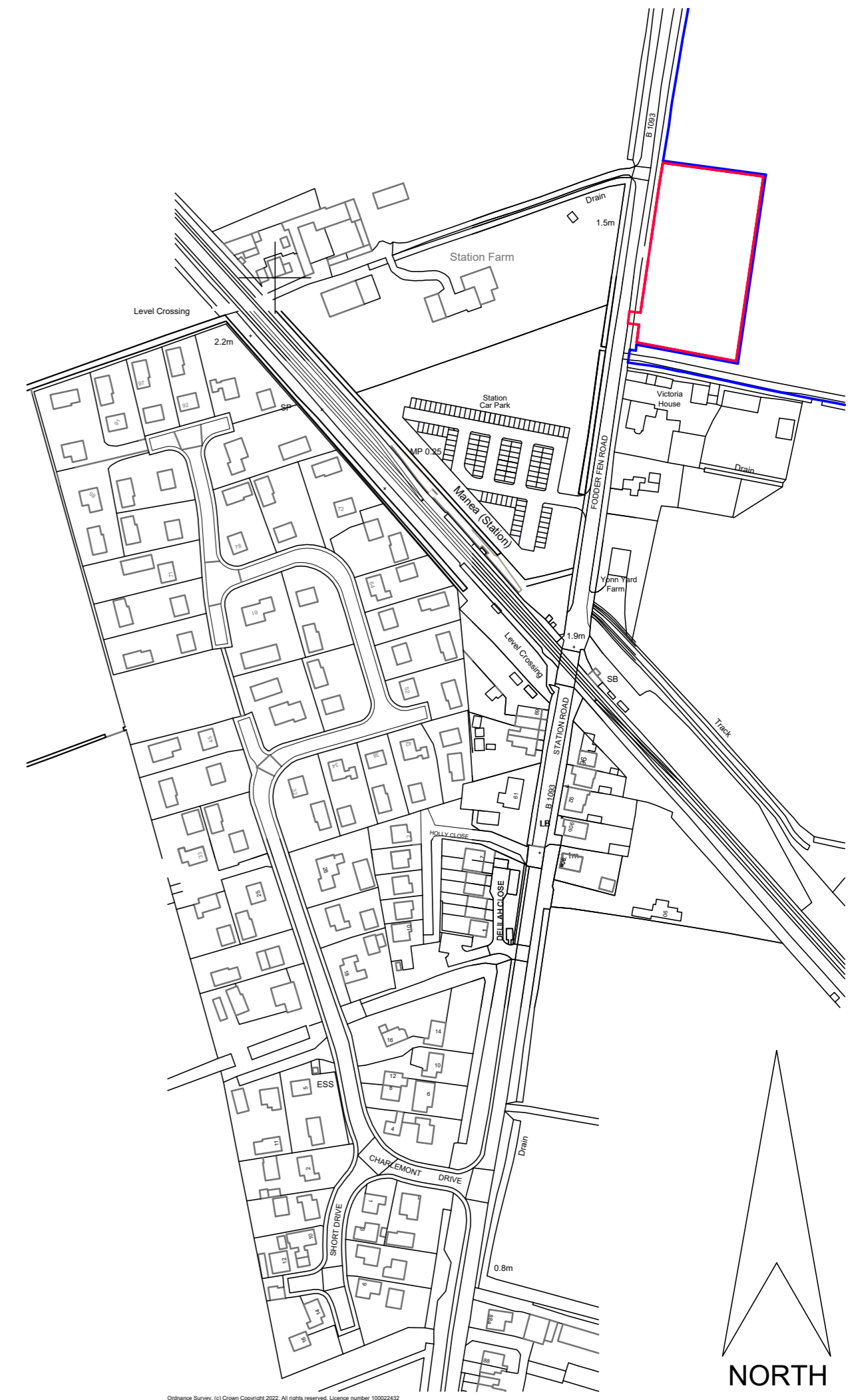
Eco House Martin nest
1 to each East elevation plots 1 & 5 (2 No. on 5, 1.00m gap between)



NHBS Habitat bat box
One on each South Elevation plots 1 & 4



Application site on the left within the village of Manea



Location Plan 1:2500

All finished floor levels to be 400mm above ground level

REVISIONS



PETER HUMPHREY ASSOC

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

TELEPHONE: 01945 466960
E-MAIL: info@peterhumphrey.co.uk
WEB: www.peterhumphrey.co.uk

CLIENT
Mr Robert Sears
Sear'sBrothers Ltd(1978)Retirement Benefit Scheme
PROJECT

SITE
LAND EAST OF STATION FARM
FODDER FEN
MANEA
PE150HQ

DRAWING
6567-PL01c

JOB NO.	PAPER SIZE	DATE
6567	A1	April 2022

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

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

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

Site Plan including indicative layout 1:500

F/YR23/0237/F & F/YR23/0249/LB

Applicant: Adam Amiras Ltd

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

Dukes Head And Land North West Of Dukes Head, Church Terrace, Wisbech, Cambridgeshire

F/YR23/0237/F - Change of use of land to form pub garden, and erect a gate (0.91m high max), a timber canopy and timber planters (part retrospective)

F/YR23/0249/LB - Internal and external works to a Listed Building including insertion of external side door, and erect a gate (0.91m high max), a timber canopy and timber planters

Officer recommendation: Grant

Reason for Committee: Cllr Imafidon is a director of the company that owns the pub.

1 Executive Summary

- 1.1** The application seeks full planning permission and listed building consent for the change of use of land to form a pub garden, the internal and external works to a Listed Building including insertion of external side door, erection of a gate (0.91m high max), a timber canopy and timber planters (part retrospective).
- 1.2** The host property is a Grade II listed building within the Wisbech Conservation Area. The host property sits opposite the grade I listed St Peters and St Pauls Church.
- 1.3** The proposal is not considered to harm the listed building or the character/setting of the historic environment or residential amenity. The Conservation Officer has no objection to the current proposal.
- 1.4** As such, the recommendation is to grant planning permission.

2 SITE DESCRIPTION

- 2.1** The site is located on a corner plot to the north of the junction between Church Terrace and Falcon Lane within the market town of Wisbech. The host property is a grade II listed Public House (PH) that is joined to the rear with No 1 to 3 Church Terrace a vacant commercial premises.
- 2.2** Directly to the southwest of the site is the Grade I listed St Peter and St Pauls Church and directly to the southeast are No12 and No 13 Church Terrace which are both grade II listed properties. The site is on the edge of the town centre where numerous grade II listed properties are sited.
- 2.3** The site is located within the Wisbech Conservation Area.

3 PROPOSAL

- 3.1 The above applications are for change of use of land to form a pub garden, the internal and external works to a Listed Building including insertion of external side door, erection of a gate (0.91m high max), a timber canopy and timber planters (part retrospective).
- 3.2 The proposed door should match like-for-like the pub front door. The colour, material, appearance and detailing including ironmongery is to match the front door.

4 SITE PLANNING HISTORY

Pertinent planning history listed below:

Application	Description	Decision	Date
F/YR03/0828/LB	Internal and external alterations	Granted	29 Sep 2003
F/YR03/0827/A	Display of 4 no. non-illuminated sign boards and 1 no. externally illuminated hanging sign	Granted	29 Sep 2003
F/92/0724/LB	Erection of kitchen and office including demolition of existing	Granted	05 Mar 1993
F/92/0723/F	Erection of kitchen and office including demolition of existing	Granted	05 Mar 1993
F/0544/83/F	Erection of sunblinds to front and side windows (retrospective) Dukes Head PH Church Street Wisbech	Application permitted	13 Oct 1983
F/0025/83/A	Display of 2 externally illuminated wall signs, 1 externally illuminated sign board and 1 externally illuminated hanging sign (retrospective)	Application permitted	13 Oct 1983
F/0644/81/F	Alterations to toilet facilities, bricking-up of external doorway and insertion of a window	Application permitted	23 Oct 1981

5 CONSULTATIONS

Wisbech Town Council

That the application be supported

Conservation (East Cambs District Council) 02/05/23

The application site is NHLE ref 1125912 the Duke's Head, a Grade II listed public house of C17 origins in Wisbech. The building is prominently sited on Church Terrace in the centre of the Wisbech conservation area, directly opposite the Grade I medieval parish church of St Peter & St Paul (NHLE ref 1229992).

The NPPF states:

'In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's

conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.'

The Duke's Head occupies the southernmost angle of a roughly triangular block which has been almost entirely given over to C20 postwar redevelopment.

However its immediate neighbour to the north, a single storey 1970s shop, made at least some effort to acknowledge its context, and its façade was set back to give primacy to the pub.

In the first instance the heritage assessment does not meet the NPPF's requirements: there is insufficient information on the fabric to be lost or justification for the harm involved (the triangular area north of the pub already operates as a beer 'garden' without any direct physical link and no floor plan has been provided to illustrate alternatives). Secondly the proposal to enclose this area with a 2m solid fence on the back-of-pavement line is detrimental to the streetscape and the setting of adjoining heritage assets. A timber fence is out-of-keeping in an urban street frontage by default and its hostile, defensive character does not make a positive contribution to the area. Its main function seems to be to hide a utilitarian flat roofed smoking shelter, but a better design would not require screening in the first place.

Conservation Officer (FDC) 30/05/23

*Due regard is given to the impact of this proposal on the architectural and historic interests of the host listed building, setting of adjacent listed buildings and on the character and appearance of the conservation area with due regard to the duty in law under S66 and S72 Planning (Listed Buildings and Conservation Areas) Act 1990. **The proposal requires amendment and some additional information.** The following comments are made:*

Proposal:

Internal and external works to a Listed Building including insertion of external side door, and erect a gate (0.91m high max), a timber canopy and timber planters

Comments:

The application site is NHLE ref 1125912 the Duke's Head, a Grade II listed public house of C17 origins in Wisbech. The building is prominently sited on Church Terrace in the centre of the Wisbech conservation area, directly opposite the Grade I medieval parish church of St Peter & St Paul (NHLE ref 1229992).

The NPPF states: 'In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or

from development within its setting), should require clear and convincing justification.'

The Duke's Head occupies the southernmost angle of a roughly triangular block which has been almost entirely given over to C20 postwar redevelopment. However, its immediate neighbour to the north, a single storey 1970s shop, made at least some effort to acknowledge its context, and its façade was set back to give primacy to the pub.

In the first instance the heritage assessment does not meet the NPPF's requirements: there remains insufficient information on the fabric to be lost or justification for the harm involved.

Having visited the site, the internal wall is finished in modern gypsum plaster flanking a large fireplace and the external wall is again finished in a cementitious render finish. The gable wall has a modern secondary wall built in parallel and almost touching the gable end. It should be noted that the modern wall in such close proximity is likely resulting in damp forming owing to lack of air circulation.

I can see the benefit of creating a doorway in this position for the pub and its newly associated beer garden and the current issue of customers and staff needing to navigate a convoluted route along an often-busy pavement. Whilst there will be some loss of fabric, the aforementioned wall has been rendered in unsympathetic materials on both sides and offers little by way of significance on its own. This element is supported provided that the new door is timber and match the existing front door as proposed.

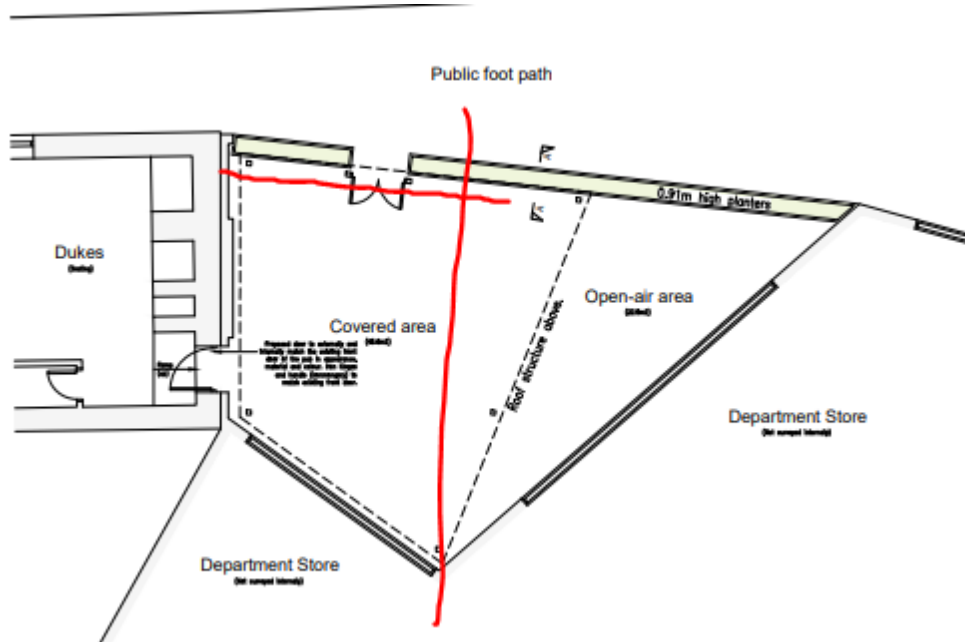
The day I visited; the beer garden had many customers enjoying the sunshine. It offers customers a great view of the GI listed church opposite and in return the beer garden was considered to add vitality and footfall to the area.

The currently unauthorised planters are on balance supported. They are not of the best quality of appearance, but successfully create a delineation of public and private space and are low enough to retain views of the gable end of the listed building and a relationship between the beer garden and the street. This element is supported.

The previous proposal to enclose the majority of this newly created beer garden with a 2m fence on the back-of-pavement line was entirely detrimental to the streetscape and the setting of adjoining heritage assets. The vitality that a beer garden open to the street provides, would have been entirely lost and replaced with a barren and hostile timber fence of defensive appearance, would have impacted detrimentally on the setting of the GI listed pub, the GI listed church opposite and the character and appearance of the Wisbech Conservation Area. It is positive to see this element deleted from the proposal.

Following the removal of the fence enclosing the canopy, this leaves just the proposed timber canopy supported on timber posts. The canopy is shown to be no taller than the modern wall as it is shown to be using the wall for support. This will ensure the upper gable wall of the listed building remains visible and appreciated. Care needs to be taken not to send rainwater collected by the canopy between the modern wall and the building gable end as it will exacerbate damp issues.

Although there is on balance support for a canopy, I consider that the existing canopy is too large in footprint. The canopy should be set back from the footpath a small distance to allow it to recess and should be reduced to give a greater area of outside garden space, which will look less dominant within the setting of the surrounding heritage assets and also offer a greater area for customers to enjoy good weather. This could be achieved by running the outer edge of the canopy parallel with the gable end of the pub as shown in red below.



Suggested Conditions

If the case officer is minded to approve this application, a condition should be appended to preclude the enclosure of the open canopy sides in perpetuity.

Conservation Officer (FDC) 06/06/23

Due regard is given to the impact of this proposal on the architectural and historic interests of the listed building, setting of adjacent listed buildings and on the character and appearance of the conservation area with due regard to the duty in law under S66 and S72 Planning (Listed Buildings and Conservation Areas) Act 1990. The following comments are made:

The following comments should be read in conjunction with the previous comments dated 9 June.

The canopy has been reduced in both width and also brought back slightly from the back edge of the highway so as to recess it from the corner of the building. Both alterations are in line with the suggestions in my last comments and the proposal is now on balance supported.

From a heritage consideration there is no further objection.

Principal Licensing Officer (FDC) 01/06/23

Re the planning application (F/YR23/0237/F) - it mentions a beer garden can we please remind the applicant that should this be approved they will need to consider a variation to the licence to allow them to sell alcohol from this location. k

Environment & Health Services (FDC) 05/06/23

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

Valuation & Estates Officer (FDC) 30/03/23

From estates side, we do not have land ownership that would be affected by this development.

Housing Strategy (FDC) 30/03/23

As this does not impact affordable housing, I have no comment to make.

Historic England

Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.

We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at <https://historicengland.org.uk/advice/find/>

It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request.

The Wisbech Society

The Wisbech Society, OBJECTS to this application, for the following reasons.

1. A 2metre high timber fence would affect the setting of the Grade 1 listed St. Peter & St. Paul church. Better if the wall and roof was of a laminated glass construction so that it fits better into the built heritage environment.

2. Although details of the new external door is provided, how will the internal finish of the doorway appear. Will it fit with the 17th Century coaching Inn?

3. It is noticed that the structure will impinge on the side view and natural light of the ex-department store's windows. Is this acceptable?

National Amenity Bodies

No comments received.

Designing Out Crime Officers 03/04/23

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

The planters look very nice, however, during the out of hours they could be used as a climbing aid to gain entry to the beer garden, this area does not appear to be well overlooked. I would therefore recommend the following measures to help reduce the vulnerability to crime.

- CCTV - It is also recommended that a monitored CCTV is considered. It is not a universal solution to security problems; it can help deter vandalism or*

burglary and assist with the identification of culprits once a crime has been committed. The provision and effective use of CCTV fits well within the overall framework of security management and is most effective when it forms part of an overall security plan. CCTV should meet BS EN 50132-7: 2012+A1:2013 CCTV surveillance systems for use in security applications. CCTV Signs should conform to the Information Commissioners Office regulations and placed in relevant areas around each unit. Please ensure that staff are fully trained and can provide footage upon request by the Police.

- *External Lighting - The garden should be well lit and with LED bulkhead dusk to dawn lighting above the external door. CCTV and Lighting – The security is optimised when applications are mixed to complement each other, this will assist in providing is good CCTV footage should it be required for evidential purposes.*
- *Alarm – Our recommendation is that a monitored alarm system is installed. Visit the National Security Inspectorate (NSI), or the Security Systems and Alarms Inspection Board (SSAIB) for more information.*
- *Gate – Our recommendation is that the gate has a self-closer and is locked out of hours to reduce the risk of unwanted attention within the garden space.*

Designing Out Crime Officers 05/06/23

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

I note the amendment to the drawings (removal of fence). This will open the area up and provide more natural surveillance.

All other comments dated 3rd April 23 are still applicable.

If I can be of further assistance, please do not hesitate to contact me.

Cambridgeshire County Council Highways Authority

The Local Highway Authority raises no objections to the proposed development. From the information provided, the proposal appears unlikely to have any detrimental impact on the public highway. The applicant must however ensure that any gates provided are fitted such that they are unable to swing outwards across the adjacent footway.

Should the LPA be mindful to approve the application, please append the following Condition to any consent granted.

Protection of Highway

HDMC 24 No part of any structure shall overhang or encroach under or upon the public highway and no gate shall open outwards over the public highway.

Reason: In the interests of highway safety.

Cambridgeshire County Council Highways Authority

The Local Highway Authority raises no objections to the proposed development. The amended plans change the height of the fence, but otherwise do not appear to change its relationship with the public highway. The observations and condition

recommended previously in correspondence dated 26th April 2023 therefore remain applicable.

Senior Archaeologist (CCC) 30/03/23

Considering the limited development impact we would not consider archaeological intervention to be proportionate. Therefore, we have no objections or requirements for this development.

Senior Archaeologist (CCC) 01/06/23

Thank you for the re-consultation of the above referenced planning application. We have reviewed the amending documents and confirm that our previous advice still applies, we have no requirements or objections to the planning application.

Local Residents/Interested Parties

No representations 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).

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.

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)

Paragraph 11 Sustainable development

Paragraph 47 Decisions should accord with the development plan

Paragraph 130 Well-designed development

Paragraph 190 Heritage assets

National Planning Practice Guidance (NPPG)

Determining a Planning Application

National Design Guide 2021

C1 – Context –How well does the proposal relate to the site and its wider context

I1, 2 & 3 – Identity Well-designed, high-quality places that fit with local character

Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP6 – Employment, Tourism, Community Facilities and Retail

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

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 LP3 – Spatial Strategy for Employment Development

Policy LP4 – Securing Fenlands Future

Policy LP5 – Health and Wellbeing

Policy LP7 – Design

Policy LP8 – Amenity Provision

Policy LP10 – Shop Frontages, Security Shutters and Canopies

Policy LP23 – Historic Environment

8 KEY ISSUES

- **Principle of Development**
- **Character and Historic Environment**
- **Residential Amenity**
- **Economic Growth**
- **Other considerations**
 - **Change Of Use and Ownership**
 - **Wisbech Society Questions**
 - **Highways**
 - **Design Out of Crime Comments**

9 BACKGROUND

- 9.1 A lot of negotiations have been conducted to overcome Conservations Officer objections and Planning Officer concerns. The 2m high Fence and gate have been removed from the application, the canopy has been reduced and further detail on the proposed external door submitted.

10 ASSESSMENT

Principle of Development

- 10.1 Policy LP16 of the Fenland Local Plan states that proposals for alterations to existing buildings will be permitted if it can be demonstrated that the proposal protects and enhances any affected heritage assets and their settings to an extent commensurate with paragraph 190 of the National Planning Policy Framework and in accordance with Policy LP18 of the Fenland Local Plan.

- 10.2 The principle is therefore considered acceptable and in accordance with Policy LP16 of the Fenland Local Plan 2014.

Character and Historic Environment

- 10.3 Policy LP16 and LP18 of the Fenland Local Plan state that the council will work to protect, conserve and seek opportunities to enhance the historic environment.

- 10.4 The Conservation Officers comments were taken on board by the applicant/agent and alterations were made to the scheme. The FDC Conservation Officer has given due regards to the impact of this proposal on the architectural and historic interests of the listed building, setting of adjacent listed buildings and on the character and appearance of the conservation area with due regard to the duty in law under S66 and S72 Planning (Listed Buildings and Conservation Areas) Act 1990 and on balance no longer raises any objection.
- 10.5 The addition of a pub beer garden is common practice throughout Fenland and not in itself considered out of character. Beer gardens have become more common place since the introduction of smoking in public spaces laws and Covid. Owing to the position of the pub backing onto other buildings the opportunities for locating a beer garden are limited. The position of the beer garden is in a recessed area subservient to the main host building. The planters to the front of the beer garden adjacent to the back edge of the public footpath are not considered the best quality however they clearly distinguish the beer garden from the footpath. The canopy has been reduced through negotiation and sits back from the corner of the building so as to make it appear subservient.
- 10.6 On balance the proposed planters and canopy are not considered to harm the listed building or its setting or any features of special architectural or historic interest which it possesses, the setting of adjacent listed buildings or on the character and appearance of the conservation area. Therefore, the proposal is considered on balance to be acceptable under policies LP16 and LP18 of the Fenland Local Plan 2014.
- 10.7 The proposal includes the insertion of a door into the side of the listed building to enable customers and employees to move between the inside of the pub and the beer garden freely without having to walk around the front of the pub along the main public footpath. The Conservation Officer has visited the site and states that the internal wall is finished in modern gypsum plaster flanking a large fireplace and the external wall is again finished in a cementitious render finish.
- 10.8 The Conservation Officer can see the benefit of creating a doorway in this position for the pub and its newly associated beer garden and the current issue of customers and staff needing to navigate a convoluted route along an often-busy pavement. Whilst there will be some loss of fabric, the aforementioned wall has been rendered in unsympathetic materials on both sides and offers little by way of significance on its own. The Conservation Officer therefore supports the insertion of the new doorway provided that the new door is timber to match the existing front door as proposed.
- 10.9 Therefore, the proposed new doorway into the beer garden from the existing listed building is considered on balance acceptable under policy LP18 of the Fenland Local Plan 2014.

Residential Amenity

- 10.10 There are a number of residential flats above commercial premises in the vicinity but not immediately adjacent to the host property. The Public House and the beer garden proposed would be subject to licensing restricting times of use. The Environmental Health team did not raise any concerns over any potential residential amenity issues. There are no concerns of overlooking or overshadowing

and any noise issues/complaints would be dealt with under Environmental Health legislation.

10.11 Therefore, no significant harm in terms of overlooking, loss of light or noise is anticipated, and the proposal is considered acceptable under policy LP16 and LP2 of the Fenland Local Plan 2014.

Economic Growth

10.12 Creating a doorway from the pub and to the proposed beer garden overcome the current issue of customers and staff needing to navigate a convoluted route along an often-busy pavement. The beer garden allows customers to enjoy the sunshine and offers customers a great view of the Grade I listed church opposite. The proposed beer garden is also considered to add vitality and footfall to the area and viability of the Public House.

10.13 Therefore, the proposals are considered acceptable under policy LP6 of the Fenland Local Plan 2014.

Other Considerations

Change Of Use and Ownership

10.14 The land on which the pub garden is proposed is not under the ownership of the pub owner and was not previously used for anything other than additional pavement adjacent to the main footpath. Land registry searches have been undertaken to clarify who owns the plot of land. It is understood that the plot was owned by Beales shop which went into administration a few years ago. The application form includes Certificate B and the notifications were sent to the correct people dealing with the administration of Beales.

Wisbech Society Questions

10.15

1. A 2metre high timber fence would affect the setting of the Grade 1 listed St. Peter & St. Paul church. Better if the wall and roof was of a laminated glass construction so that it fits better into the built heritage environment.

The 2m high fence has now been removed from the proposal. There is no wall proposed. The timber canopy proposed is considered a suitable material for the location.

10.16

2. Although details of the new external door is provided, how will the internal finish of the doorway appear. Will it fit with the 17th Century coaching Inn?

The Conservation Officer visited the site and states that the existing internal wall is finished in modern gypsum plaster flanking a large fireplace and the external wall is again finished in a cementitious render finish. Whilst there will be some loss of fabric, the aforementioned wall has been rendered in unsympathetic materials on both sides and offers little by way of significance on its own. This element is supported provided that the new door is timber to match the existing front door as proposed.

10.17

3. It is noticed that the structure will impinge on the side view and natural light of the ex-department store's windows. Is this acceptable?

The revised scheme has reduced the canopy and moved it away from the side window of the ex-department store.

Highways

10.18 The proposed planters and gate would lie adjacent to the public footpath. The Highways department have no objection to the proposal subject to the gate opening into the site rather than out onto the footpath and no part of the scheme overhanging the public footpath. The revised scheme has reduced the canopy back from the back edge of the highway therefore no encroachment onto the footpath is anticipated. This will be conditioned within the decision notice.

Design Out of Crime Comments

10.19 Owing to the amendments made to the scheme (removal of the 2m high fence) the area is opened up and provides natural surveillance. Suggestions were made with regards external lighting, alarm and gate. The building is listed, and alterations may need planning permission or building control consent therefore it is suggested that should the applicant wish to erect alarms or external lighting they discuss this with the conservation officer and building control.

11 CONCLUSIONS

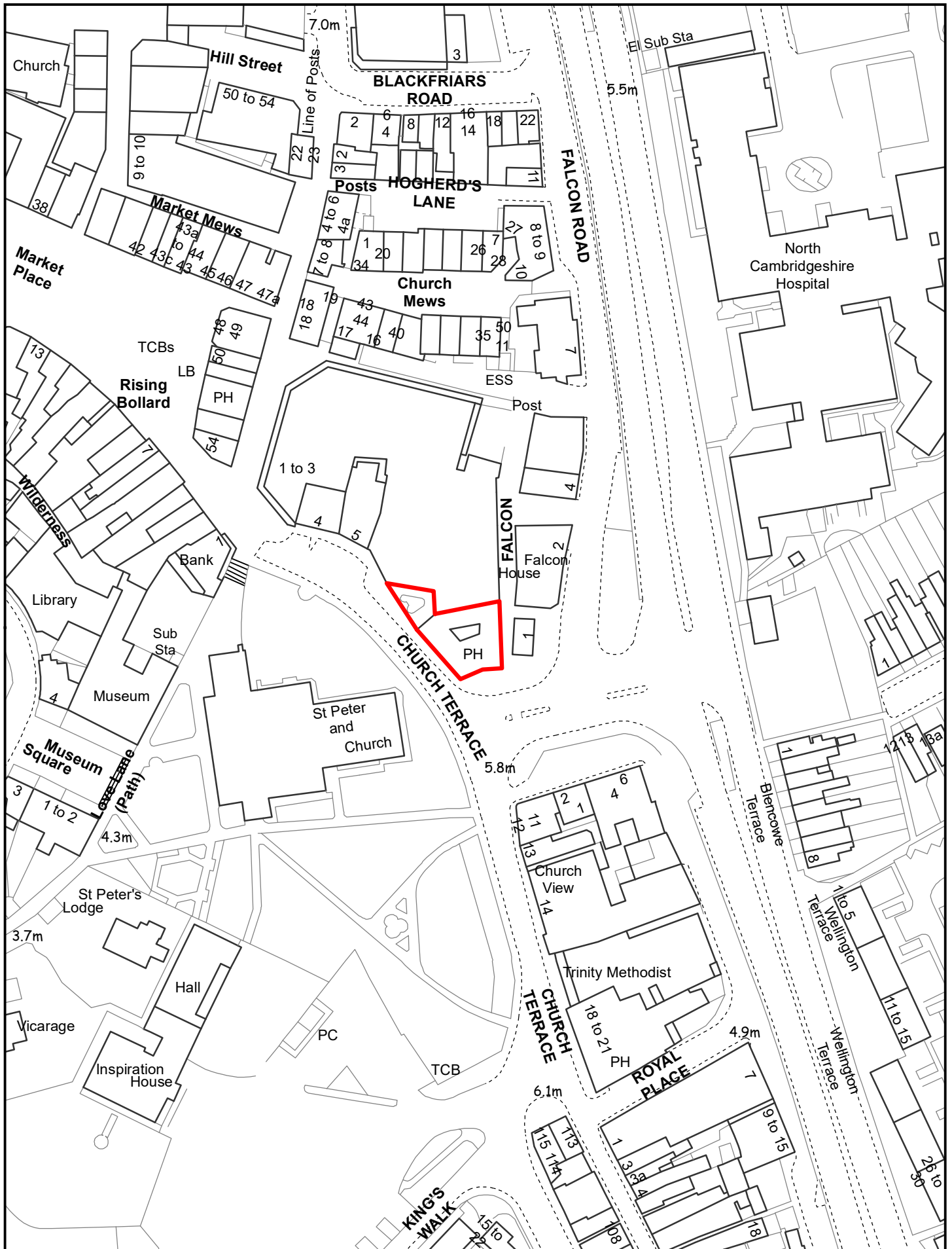
11.1 The application is considered on balance to be acceptable as it is considered that the proposal will not cause significant harm to the Grade II Listed Building, the surrounding listed buildings or their settings, the setting of the Conservation Area, residential amenity and would give the pub long term viability. As such, the proposed development complies with Policies LP1, LP6, LP16 and LP18 of the Fenland Local Plan 2014.

12 RECOMMENDATION

GRANT: Subject to the following conditions:

1	<p>There shall be no enclosure of the open canopy sides in perpetuity.</p> <p>Reason: In order to preserve the special architectural and historic character of the area and in accordance with the provisions of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and Policy LP18 of the Fenland Local Plan 2014.</p>
2	<p>Prior to the commencement of the use hereby approved the gate hereby approved shall be hung to open inwards only.</p> <p>Reason: To minimise interference with the free flow and safety of traffic on the adjoining public highway and to ensure compliance with Policies LP15 and LP16 of the Fenland Local Plan, adopted May 2014.</p>
3	<p>No part of any structure shall overhang or encroach under or upon the public highway.</p> <p>Reason: Reason: To minimise interference with the free flow and safety of traffic on the adjoining public highway and to ensure compliance with Policies LP15 and LP16 of the Fenland Local Plan, adopted May 2014.</p>
4	<p>Prior to the commencement of development, details of any services which</p>

	<p>may be visible on external elevations, particularly CCTV and lighting, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.</p> <p>Reason: In order to preserve the special architectural and historic character of the ** and/or in accordance with the provisions of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and Policy LP18 of the Fenland Local Plan 2014.</p>
5	<p>The development hereby permitted shall be carried out in accordance with the following approved plans and documents</p>

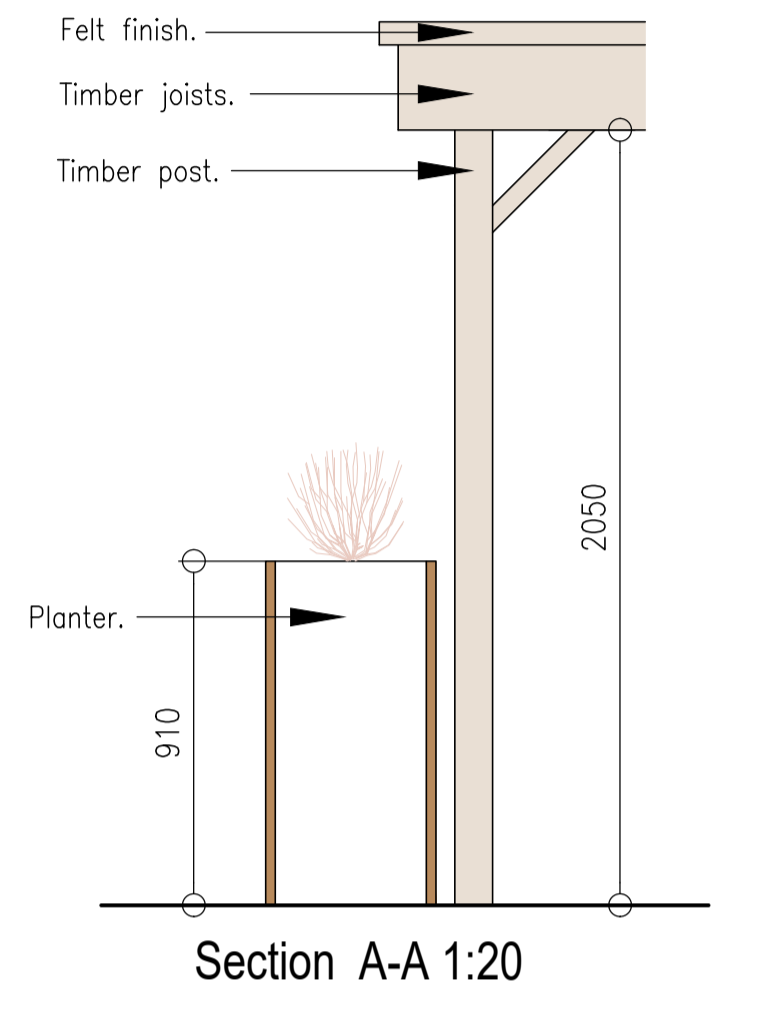
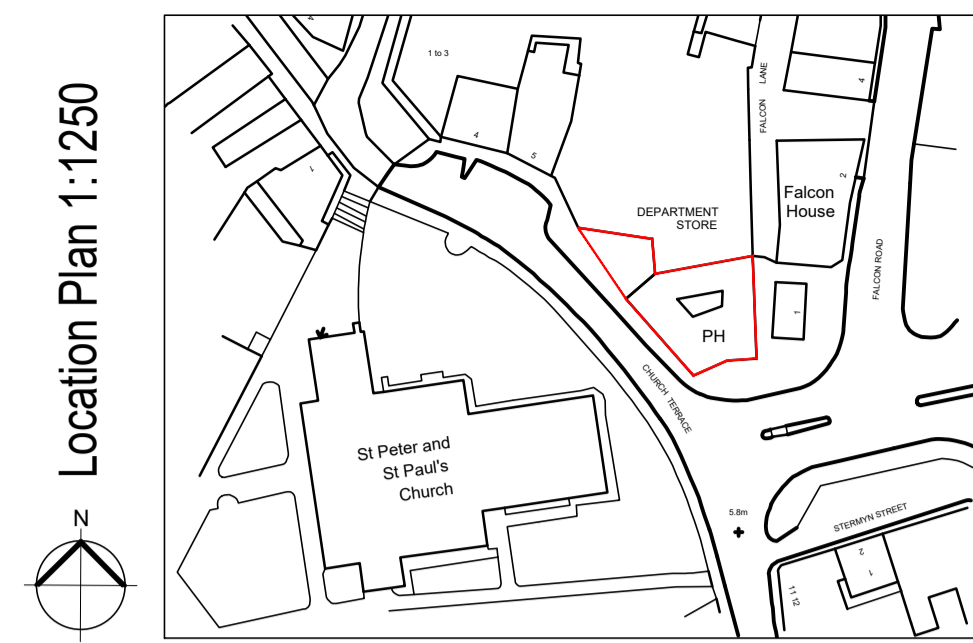
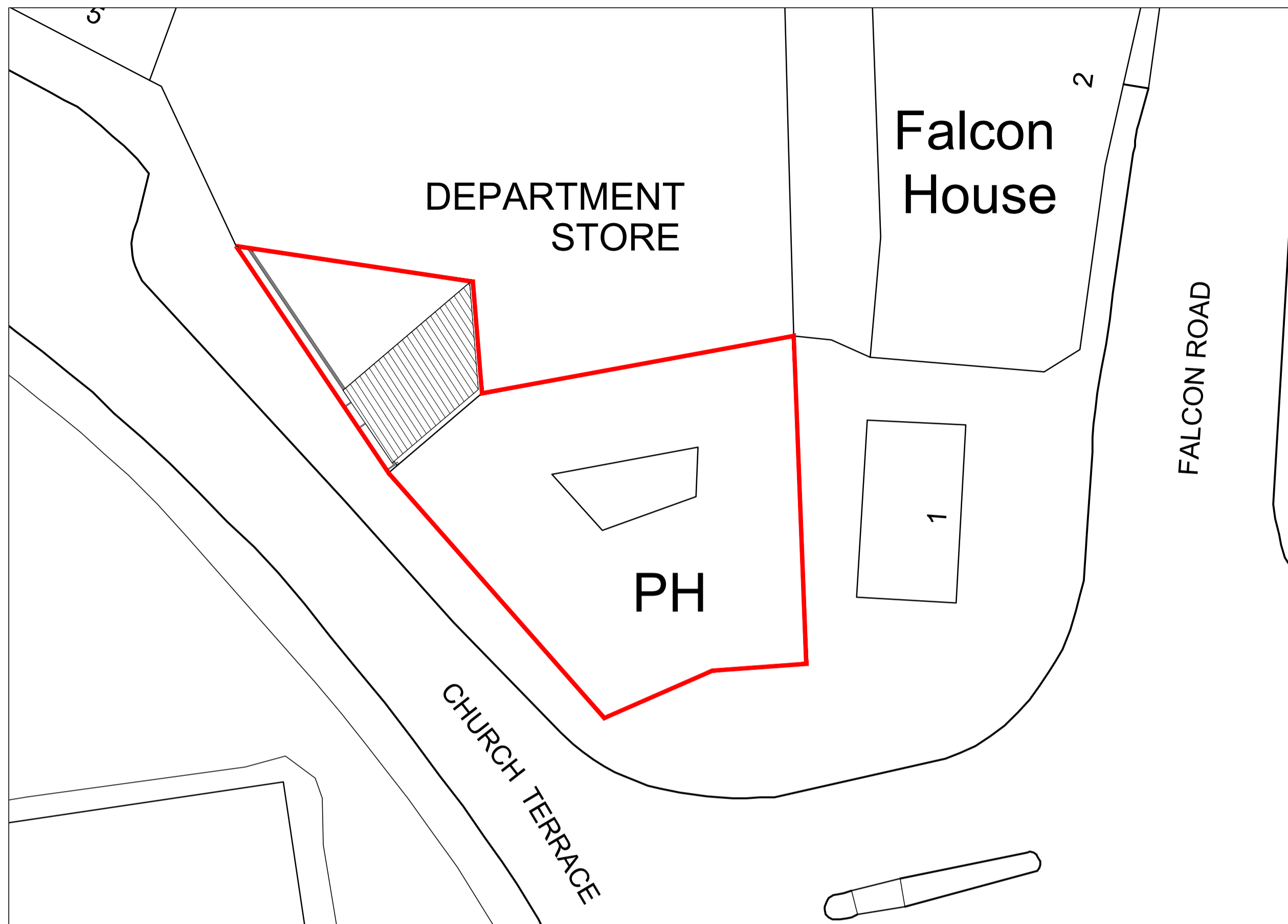
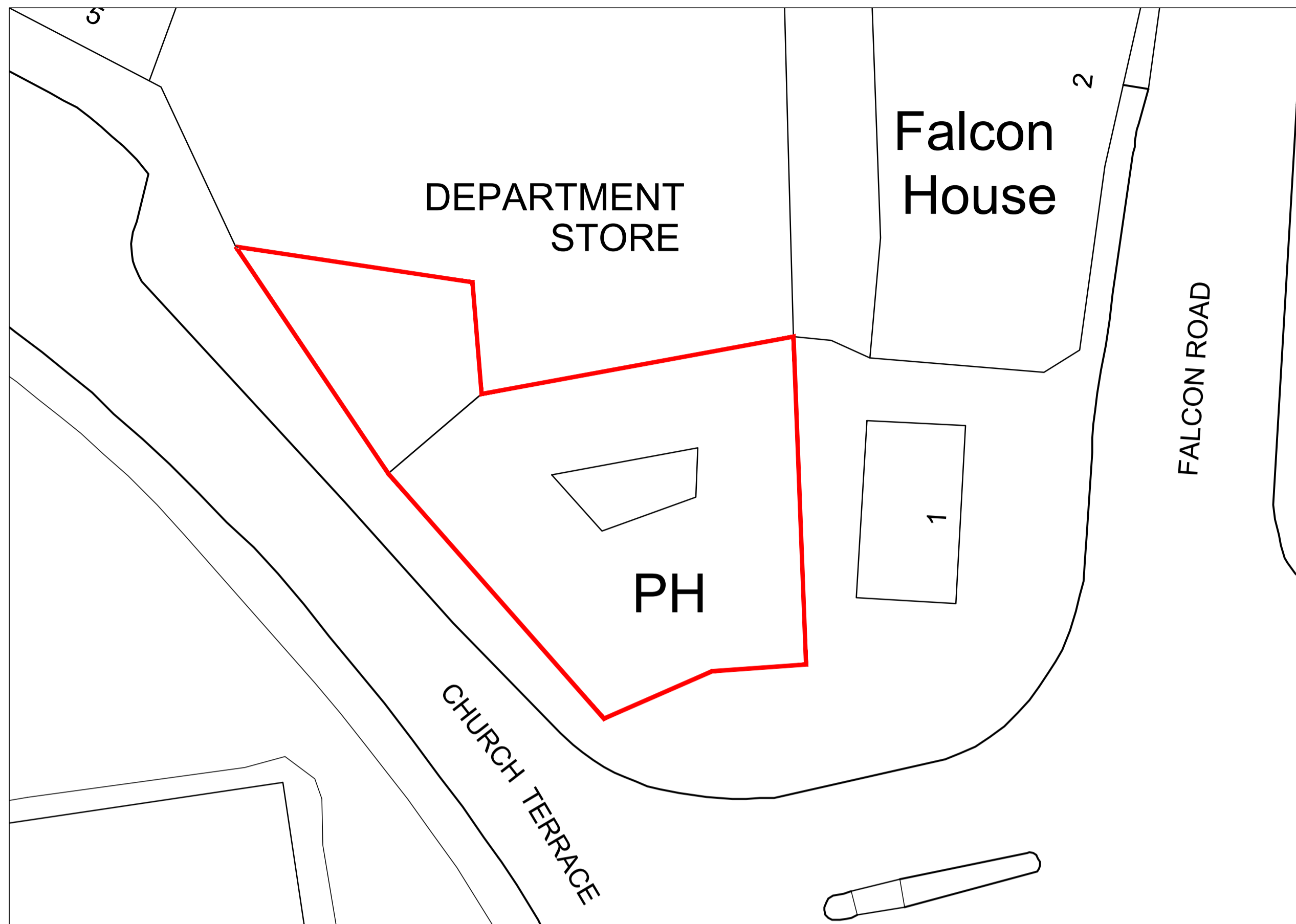


Created on: 30/03/2023

© Crown Copyright and database rights 2023 Ordnance Survey 10023778

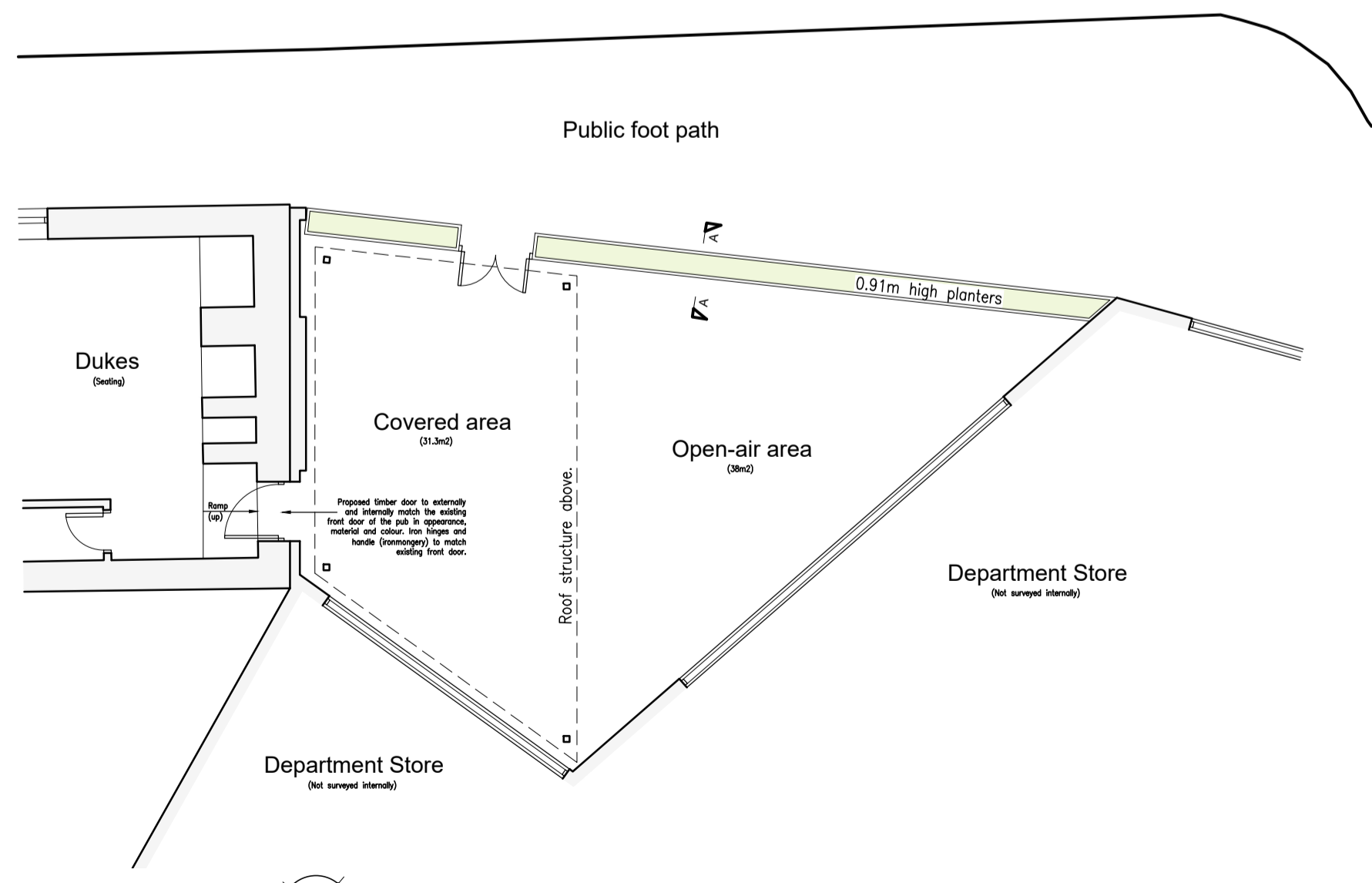
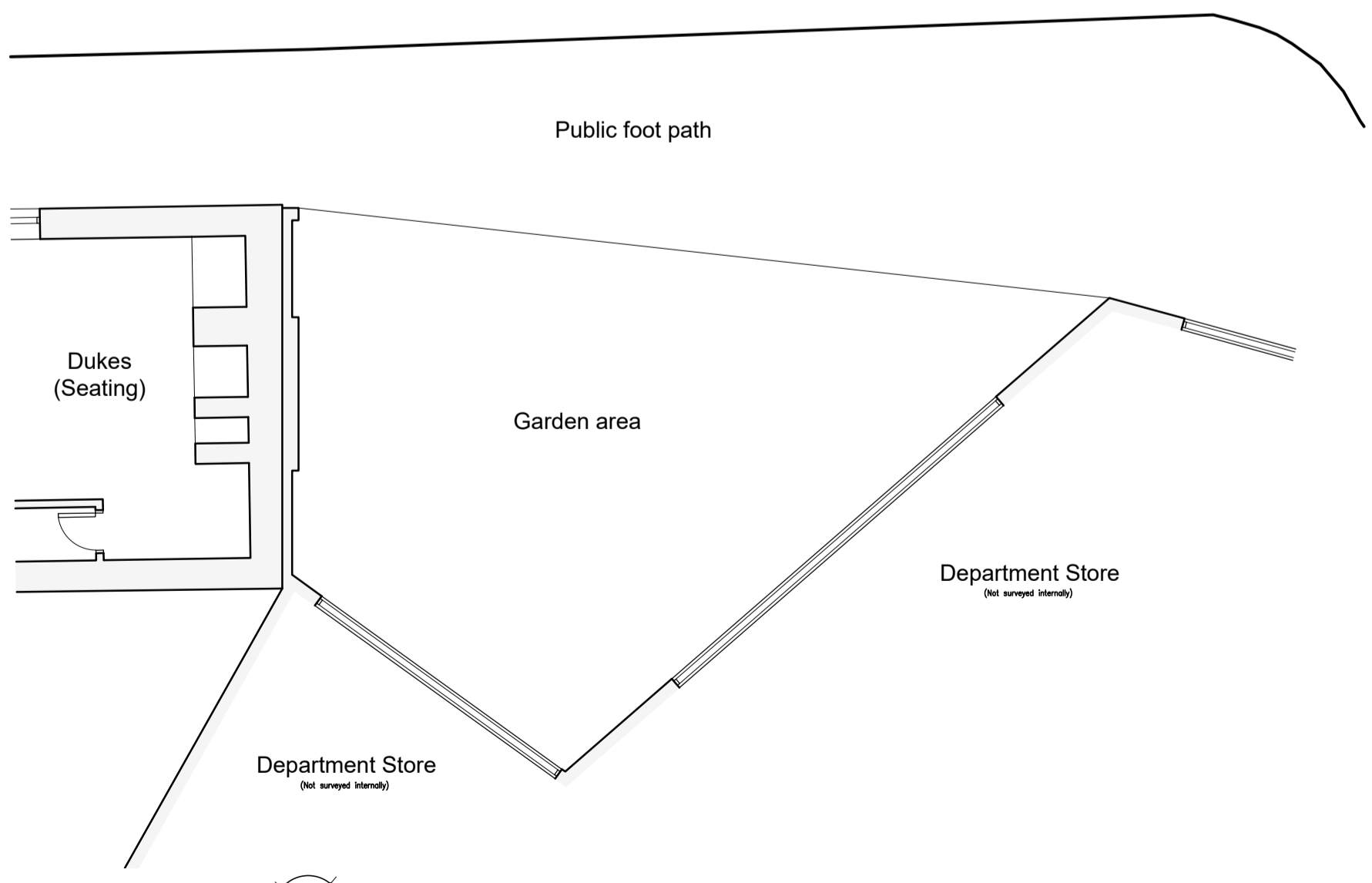
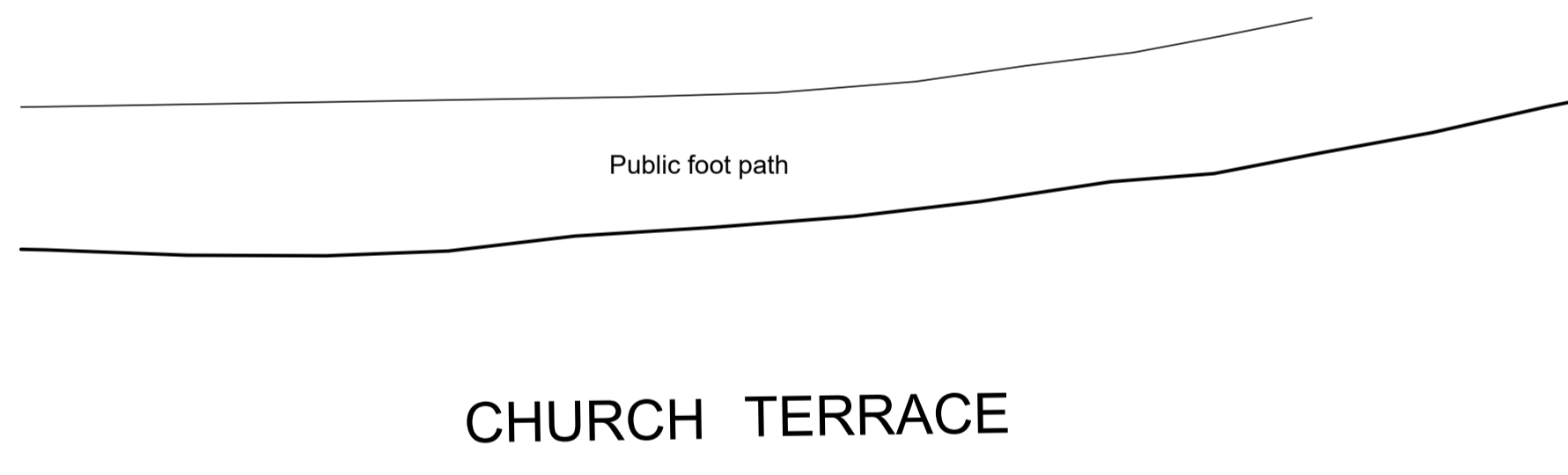
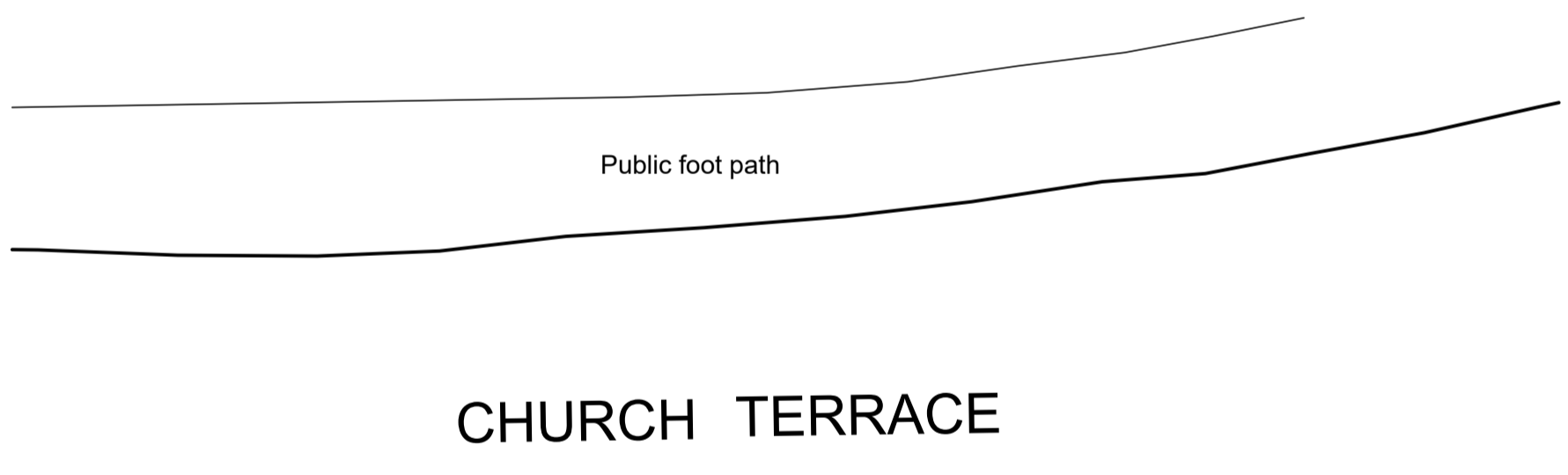
F/YR23/0237/F
F/YR23/0249/LB
 Scale = 1:1,250





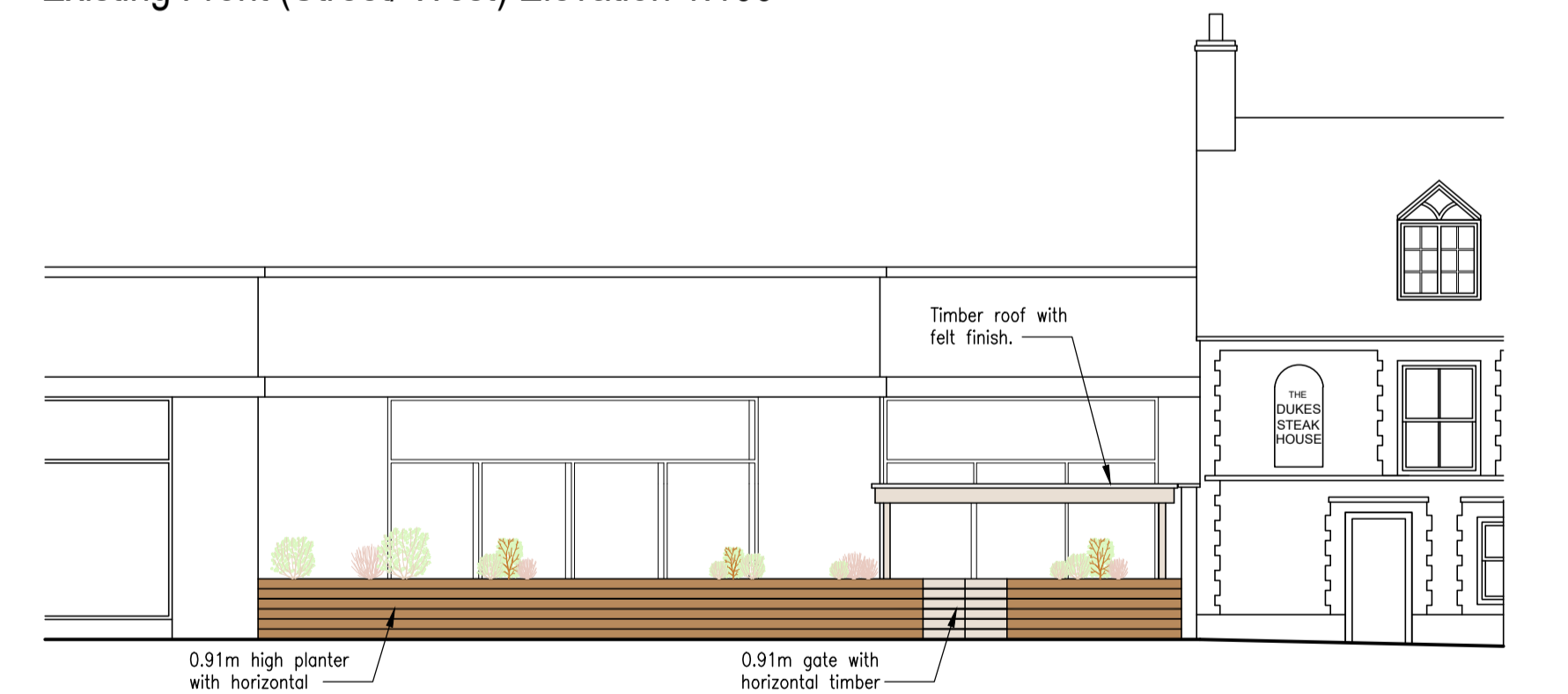
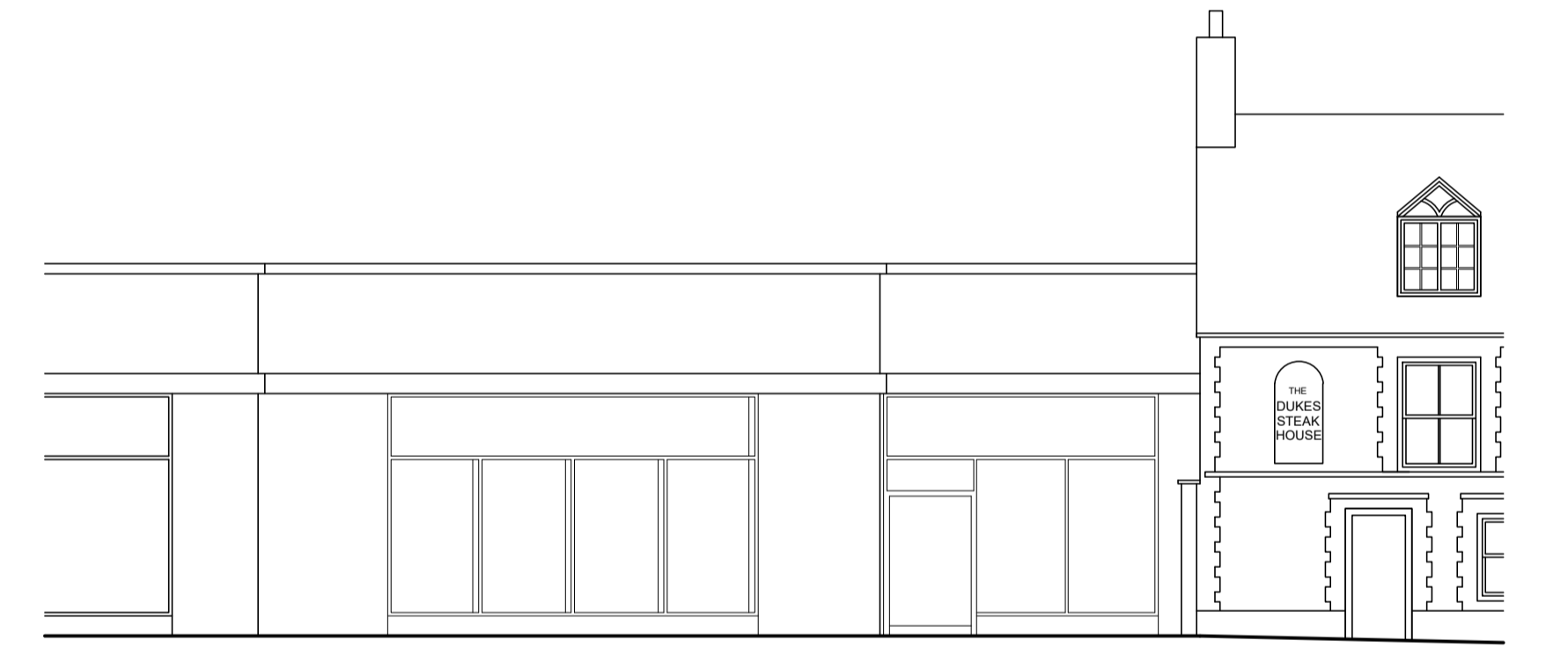
Existing Site Plan 1:200

Proposed Site Plan 1:200



Existing plan 1:100

Proposed plan 1:100



Existing Front (Street/ West) Elevation 1:100

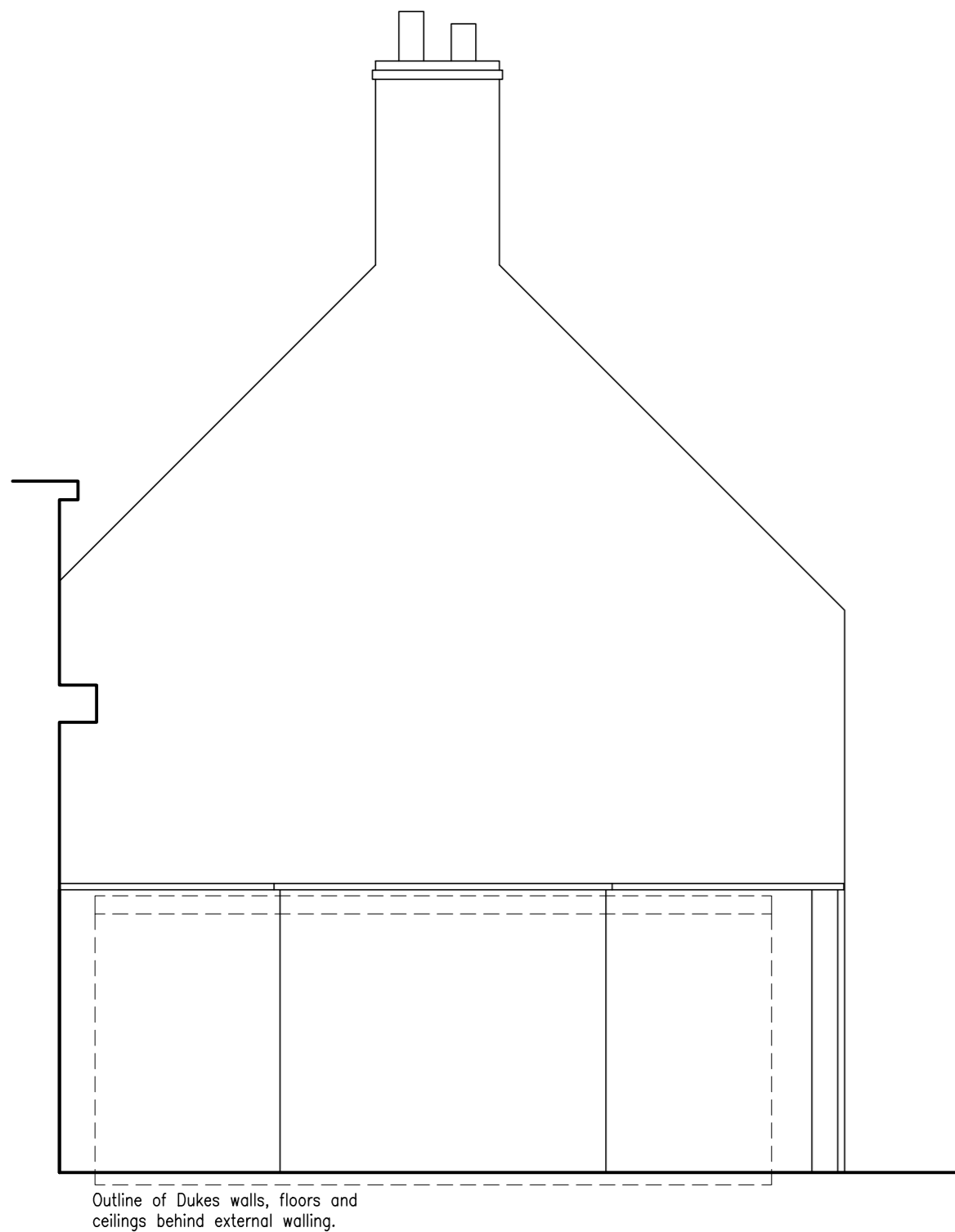
Proposed Front (Street/ West) Elevation 1:100

REVISIONS	PAPER SIZE	DATE
JOB NO: 6647/PL01C	A1	JUNE 2023

Notes:
This drawing is the permission of Peter Humphrey Associates Ltd. and may not be reissued, loaned or copied in whole or part without written consent.
All dimensions shown on the drawing are in millimeters unless stated otherwise. If the drawing is received electronically (PDF) it is the recipient's responsibility to ensure it is printed to the correct paper size. All dimensions to be checked on site prior to commencing work and any discrepancies to be highlighted immediately.
The Construction (Design and Management) Regulations 2015:
Peter Humphrey Associates' form of appointment with the client confirms whether the agent is appointed as 'Designer' or 'Principal Designer' under these regulations. Nevertheless, the design phase has been carried out with due consideration for the safety during construction, occupation and maintenance of the finished project. No extraordinary hazards or risks were identified outside of the routine construction operations that would not already be apparent to a competent contractor.

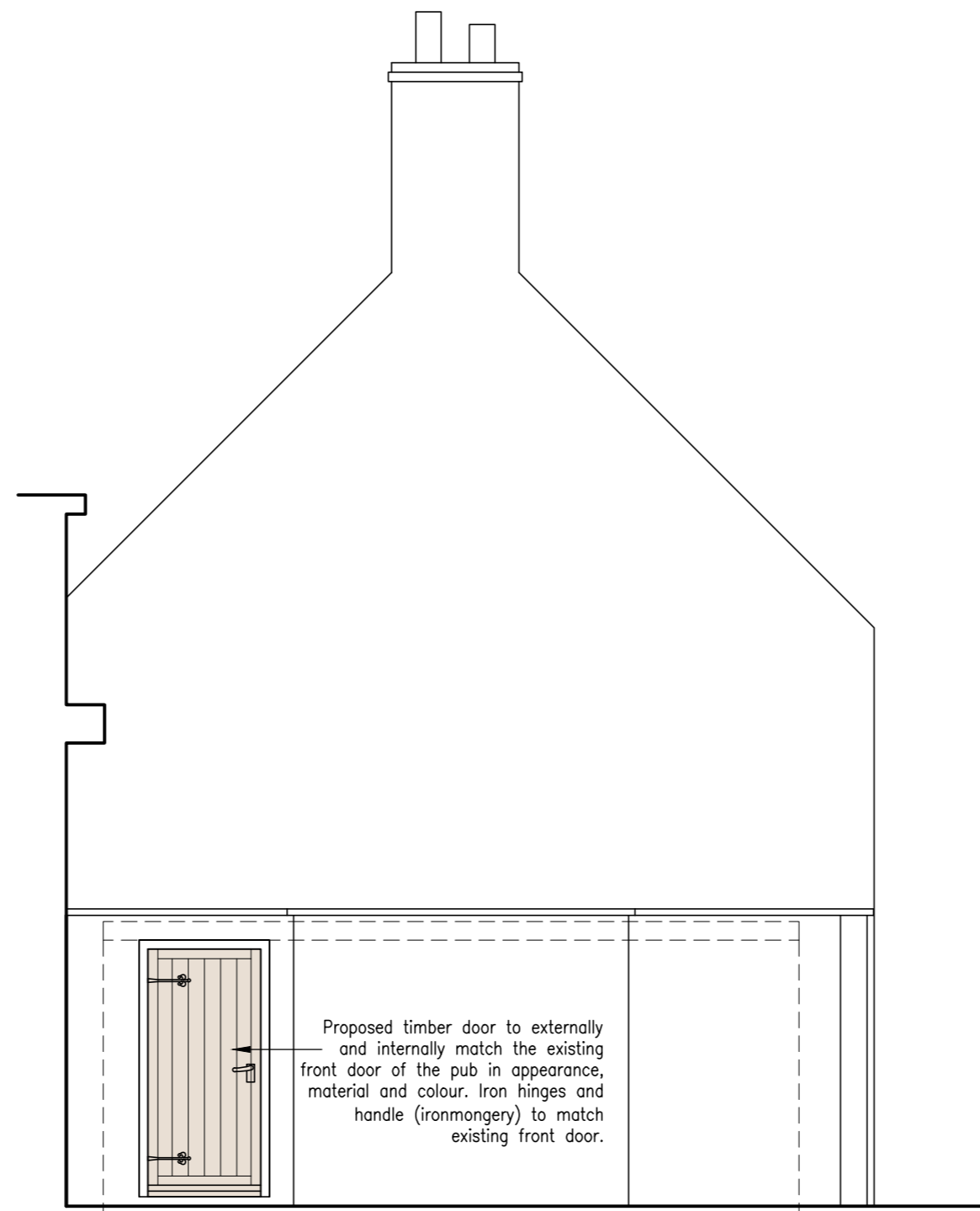
CLIENT
ADAM AMIRAS LTD
PROJECT
FORMATION OF PUB GARDEN
SITE
DUKES HEAD/ STEAK HOUSE
8 CHURCH TERRACE
WISBECH
CAMBRIDGESHIRE
PE13 1BJ
DRAWING
EXISTING & PROPOSED COMBINATION

PETER HUMPHREY ASSOCIATES
ADDRESS: 2 CHAPEL ROAD, WISBECH, CAMBS. PE13 1RG.
TELEPHONE: 01945 466966
E-MAIL: info@peterhumphrey.co.uk
WEB: www.peterhumphrey.co.uk



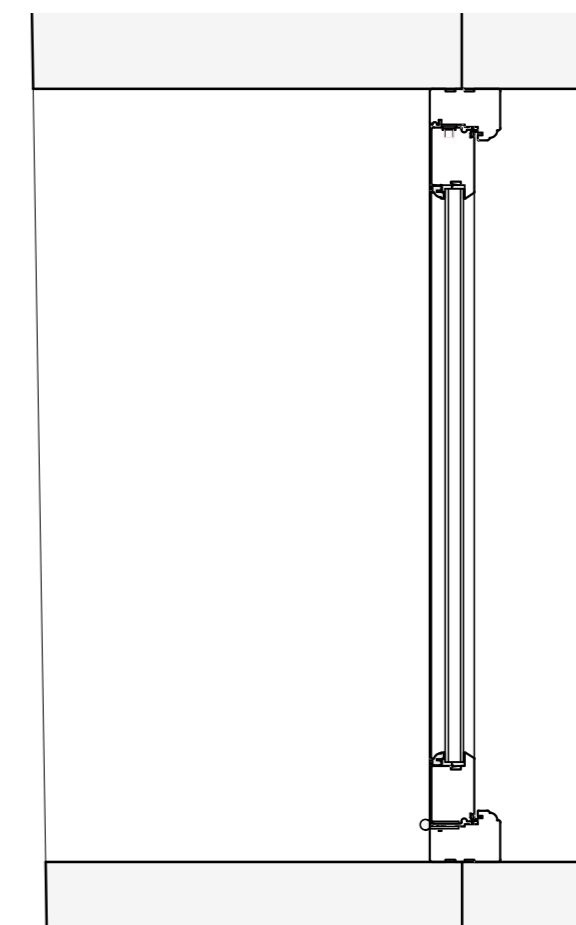
Outline of Dukes walls, floors and ceilings behind external walling.

Existing Side (North-West)
Elevation 1:50

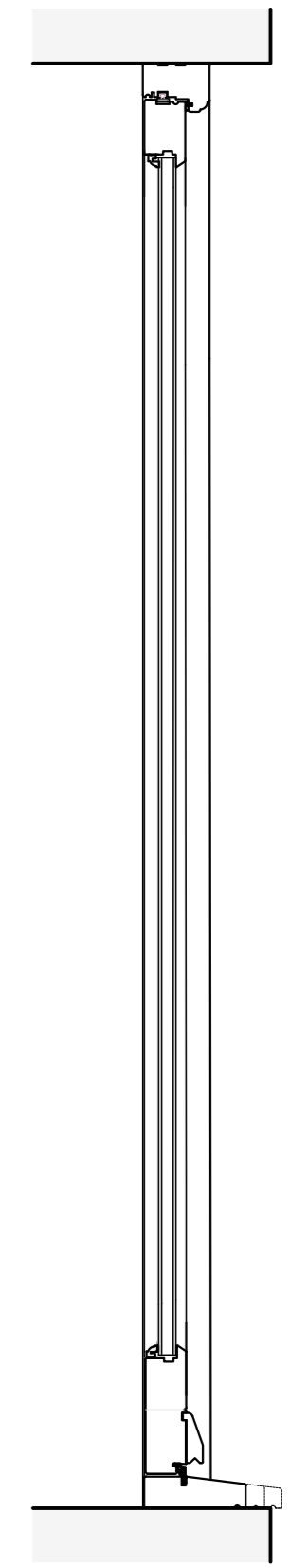


Outline of Dukes walls, floors and ceilings behind external walling.

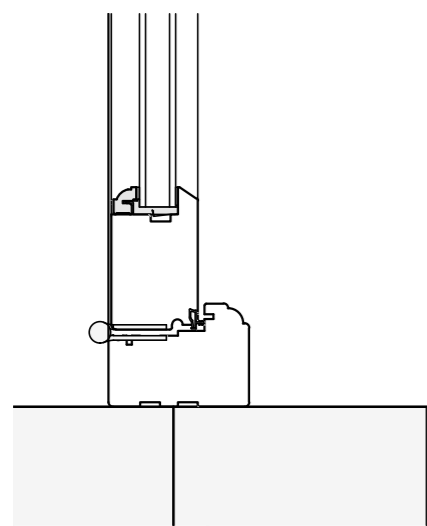
Proposed Side (North-West)
Elevation 1:100



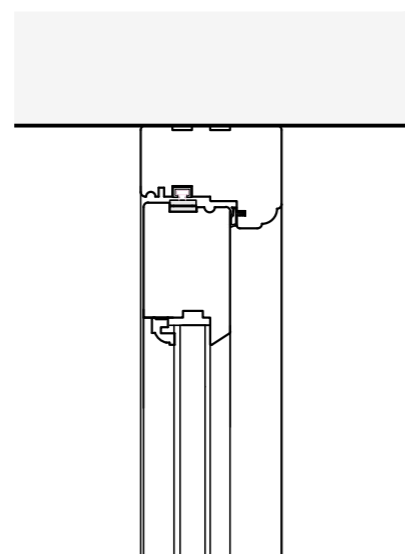
Door Jamb 1:10



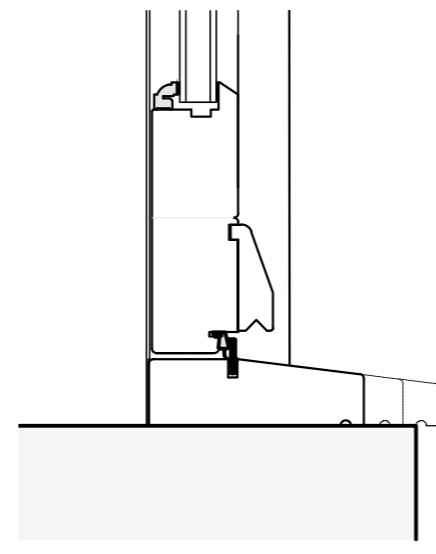
Door Head & Sill Section 1:10



Door Jamb 1:5



Door Head Section 1:5



Door Sill Section 1:5

REVISIONS

JOB NO.	PAPER SIZE	DATE
6647/PL02C	A2	JUNE 2023

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

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

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

CLIENT
ADAM AMIRAS LTD

PROJECT
FORMATION OF PUB GARDEN

SITE
DUKES HEAD/ STEAK HOUSE
8 CHURCH TERRACE
WISBECH
CAMBRIDGESHIRE
PE13 1BJ

DRAWING
ADDITIONAL DETAILS



PETER HUMPHREY ASSOCIATES

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

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

F/YR23/0321/F

Applicant: Mr Anthony Gibson

**Agent: Mr Matt Sparrow
Peter Humphrey Associates Ltd**

**Land North 120 Leverington Common Accessed Via, Hawthorne Gardens,
Leverington, Cambridgeshire**

Erect a dwelling (single-storey 2-bed) with integral single garage.

Officer recommendation: Approve.

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

1. EXECUTIVE SUMMARY

- 1.1. The proposal is for the erection of a detached, single storey, 2-bedroom dwelling in the existing rear garden associated with no.120 Leverington Common.
- 1.2. The site is within the built-up area of Leverington which is defined as a `Limited Growth Village` as set out in Policy LP3 of the Fenland Local Plan 2014.
- 1.3. The proposed residential development is acceptable in principle. Additionally, the proposal would not result in an adverse impact on the visual, residential, or neighbouring amenity and would not prejudice highway safety.
- 1.4. The proposed development would wholly accord with Policies, LP3, LP12, LP15 and LP16 of the Fenland Local Plan 2014.
- 1.5. As such, the proposal is recommended for approval.

2. SITE DESCRIPTION

2.1 The site is located to the rear (north) of 120 Leverington Common, within the settlement of Leverington and is surrounded by residential properties ranging from single to two storeys in scale. The site is currently comprised of a rear garden area serving no.120 Leverington Common, bounded to the north, east and west by hedgerows. The site is currently accessed via the existing entrance into no.120 Leverington Common.

2.2 The site is located within Flood Zone 1 (low risk).

3 PROPOSAL

3.1 The submitted application seeks full planning permission for the erection of a detached, single storey, 2-bedroom dwelling in the existing rear garden associated with no.120 Leverington Common. The site is proposed to be accessed from the

north side of the site via the existing private lane serving Hawthorne Gardens which is a cul-de-sac. Hawthorne Gardens benefits from an access directly onto Leverington Common. Proposed parking and refuse are located to the front of the dwelling and private amenity space is proposed to the south and west sides of the site.

3.2 The proposed dwelling would measure approximately:

- 14.6m width
- 11m max depth (including front projection)
- 5.7m ridge height

3.3 The proposed materials are:

- Cambrian Slate grey roof tiles
- Buff handmade facing brick
- Natural Cedar timber details
- Warm Grey UPVC Windows
- Black UPVC Rainwater goods

3.4 Full plans and associated documents for this application can be found at:

[F/YR23/0321/F | Erect a dwelling \(single-storey 2-bed\) with integral single garage | Land North 120 Leverington Common Accessed Via Hawthorne Gardens Leverington Cambridgeshire \(fenland.gov.uk\)](#)

4 SITE PLANNING HISTORY

Reference	Description	Decision	Date
22/0050/PREAPP	Erect 1 pair of semi-detached bungalows	Not favourable	21.06.2022
F/YR18/0393/RM	Reserved Matters application relating to detailed matters of access, appearance, landscaping, layout and scale pursuant to outline permission APP/D0515/W/17/3177348 relating to F/YR15/0865/O, for the erection of 6 x single-storey dwellings comprising of 3 x 3-bed with attached garages and 3 x 3-bed dwellings with detached garages (involving demolition of existing buildings) Land North Of 118-124 Leverington Common Leverington Cambridgeshire	Approved	31.07.2018
17/00014/REF	Land North of 118-124 Leverington Common, Leverington	Appeal Allowed	14.12.2017
F/YR15/0865/O	Erection of 6 x dwellings (max) (Outline application with all matters reserved) Land North Of 118-124 Leverington Common Leverington Cambridgeshire	Refused	12.12.2016

5 CONSULTATIONS

5.1 Leverington Parish Council.

PARISH COUNCIL RECOMMENDS REFUSING APPLICATION.

- 1) *Private Road as such no right of access to rear of 120 Leverington Common.*
- 2) *Entrance to Hawthorne Gardens not completed. Access road 1.5 meters short Leverington Common Pavement Damaged and cannot be repaired until access road is completed.*
- 3) *Will impinge on Resident Privacy.*
- 4) *All deliveries to site would cause irreparable damage to road surface. Any repairs would cost residents.*

- 5) *Would involve removing part of fence which belongs to residents. Also crossing verges and garden which is common property of all residents. Entrance would be within 2 metres of Garage and Drive belonging to number 6.*
- 6) *To remove Fence or Hedging would contravene deeds as residents are not permitted to remove said items under terms of deeds.*
- 7) *Residents have a management company that is responsible for general upkeep of road and bordering shrubbery and fencing. The road remains unadopted.*
- 8) *Roadway not wide enough to take heavy construction or delivery traffic. Such traffic would cause noise pollution and generate disturbances to residents.*
- 9) *This is infill and totally not suitable for such a small parcel of land.*
- 10) *Having looked at 120 Leverington Common it has enough land to use as shared access if plan was to go ahead.*
- 11) *It is noted that numbers 3 and 5 Donington Park PE13 5EF have not been consulted even though proposed development overlooks their properties and will block light from their gardens during afternoon and evenings especially Summertime.*

5.2 **FDC Environmental Health.**

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

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

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

5.3 **CCC Highways.**

Based on the information submitted, I can confirm the above residential application is acceptable from the highway perspective.

I also recommend the Applicant ensures construction vehicles can leave the above site and enter the public highway in a clean condition free of debris which could fall onto the public highway. The wheel cleaning equipment should be retained on site for the duration of the development.

Condition

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.

5.4 **North Level District IDB.**

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

5.5 **Local Residents/Interested Parties.**

7 comments objecting the proposal have been received which are summarised below and will be addressed within the body of the report.

- *No notification received.*
- *Overdevelopment.*
- *Loss of landscaping.*
- *HGVs will likely cause damage to private road. Who will bear cost of damage.*
- *Additional construction traffic will cause difficult for leaving and entering properties as well as noise, disturbance and general nuisance.*
- *Alternative access available.*
- *Overlooking.*
- *No access allowed onto Hawthorne Gardens.*
- *Land ownership.*
- *Flooding.*
- *Boundary treatments.*

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

LP12 – Rural Areas Development Policy

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

Emerging Local Plan

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

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

LP1: Settlement Hierarchy
LP3: Spatial Strategy for Employment Development
LP4: Securing Fenland's Future
LP5: Health and Wellbeing
LP7: Design
LP20: Accessibility and Transport
LP22: Parking Provision
LP27: Trees and Planting
LP28: Landscape
LP32: Flood and Water Management

8 KEY ISSUES

- **Principle of Development**
- **Village Thresholds**
- **Impact on Visual Amenity**
- **Impact on Residential Amenity**
- **Access & Parking**
- **Ecology & Landscaping**
- **Other Matters**

9 BACKGROUND

9.1 Hawthorne Gardens Resident Management company is responsible for maintenance of Hawthorne Gardens and consists of 6 directors, however only one of these directors had been listed on Certificate B. Since all the directors needed to be notified, the applicant was informed of this and submitted a revised Certificate B (all directors included) dated 03.08.2023 and Notice was also issued dated 03.08.2023.

10 ASSESSMENT

Principle of Development

10.1 The settlement of Leverington is defined as a `Limited Growth Village` as set out in Policy LP3 of the Fenland Local Plan 2014. For these settlements a small amount of development and service provision will be encouraged and permitted in order to support their continued sustainability.

10.2 Policy LP12 sets out that new development will be supported where it contributes to the sustainability of that settlement. Proposals will be required to be located within or adjoining existing development, respecting the core shape of the village, and ensuring that the character of the area is not adversely impacted.

10.3 The proposed addition of a dwelling would contribute to the social, economic, and environmental sustainability of the settlement. Additionally, the site is surrounded by dwellings and therefore in keeping with the core shape and form of Leverington. As such, the proposed location for residential development is acceptable as set out in Policies LP3 and LP12 of the Fenland Local Plan 2014.

- 10.4 It should be noted that this point of general principle is subject to broader planning policy and other material considerations which are discussed in more detail in the following sections of this report.

Village Thresholds

- 10.5 LP12 Part A outlines where development is permitted in Villages sets out proposals within or on the edge of a village, in combination with development committed or built since April 2011 should not increase the number of dwellings by 10% or (15% for Growth Villages). If the resultant development exceeds this figure, then it will require demonstrable evidence of clear community support for the scheme.
- 10.6 The established threshold for Leverington allows for 95 new dwellings, and the number of new dwellings built or committed as of the 19th September 2023 is currently 76. It is therefore considered that the threshold has not yet been reached and there is no requirement for the application to demonstrate community support in accordance with the Policy LP12 Part A. In any event, on the basis of a planning appeal, the Council no longer applies the village threshold policy.

Impact on Visual Amenity

- 10.7 Policy LP16 section (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 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.
- 10.8 Policy LP12 Part A section (d) states that proposals need to be of a scale and in a location that is in keeping with the core shape and form of the settlement and will not adversely harm its character and appearance.
- 10.9 The application site is located within the rear garden of no.120 Leverington Common and is regarded as 'backland' development which would ordinarily be resisted. However, considering the pattern of development within Hawthorne Close, the proposed location for one dwelling would address the main streetscene and so would be acceptable on balance. Notwithstanding this, the area is built-up, and the siting of a further dwelling will have a neutral impact.
- 10.10 In terms of layout, the proposed building line would respond positively to the adjacent property, no.7 and would appear as a natural continuation along the south side of Hawthorne Close. The proposed rectangular footprint would be of a size similar to surrounding properties and would not prejudice the surrounding pattern of development.
- 10.11 The comments regarding overdevelopment of the site are noted. However, the development would be set-in from the north, south and west boundaries which allows the built form to sit comfortably within the surrounding built environment whilst maintaining an acceptable dwelling to plot ratio.
- 10.12 In terms of scale, the proposed single storey scale and pitched roof with a front-gable form would be low-impact and would complement the form of the adjacent dwellings along the north side of Hawthorne Close by way of appropriately sized

eaves heights and ridge levels therefore, the proposed scale will be befitting to the streetscene.

- 10.13 In terms of appearance, the proposal will be of a traditional design and benefit from a appropriate residential window detailing and materials. It is considered the frontage of the proposal would appear visually interesting and architecturally sympathetic to the local area.
- 10.14 There is development along all side of the site therefore, views into the site would be limited. The majority of the bulk of the proposed dwelling would be obscured by the existing form of no.120 Leverington Common and so views from Leverington Common would be significantly screened.
- 10.15 In summary, the proposal would not adversely impact the street scene of Hawthorne Close or Leverington Common, the settlement pattern or the landscape character of the surrounding area and would wholly accord with Local Plan Policy LP16.

Impact on Residential Amenity

- 10.16 Policy LP16 of the Fenland Local Plan 2014 requires development proposals to deliver and protect high quality environments throughout the district. Section (e) states, proposals must demonstrate they do not adversely impact on the amenity of neighbouring users such as, loss of privacy and loss of light.
- 10.17 Additionally, section (h) relates to private amenity and states proposals must provide sufficient private amenity space, suitable to the type and amount of development proposed.
- 10.18 The nearest properties include nos. 3 – 6 Hawthorne Gardens to the north, no.7 Hawthorne Gardens to the west, no.118 Leverington Common to the south-east and no.120 Leverington Common to the south.
- 10.19 In terms of the impact upon nos. 3 - 6 Hawthorne Gardens, there is a separation distance of 14.5m between ground floor windows. Further, the proposal is single storey and there are no proposed upper floor windows It is considered the proposal will not have an adverse impact on the amenities of this properties by way of overlooking or loss of light. The modest size of the dwelling, coupled with its pitched roof will also ensure there is no harmful overbearing impact.
- 10.20 Regarding no.7 Hawthorne Gardens to the west, it would be separated by 7 meters (approximately) and there are no first-floor side (west) elevation windows proposed and so there would be no overlooking. Although there would be a bedroom window at the ground floor level (west elevation), boundary treatments along the west side of the site would mitigate against a loss of privacy and light and is therefore acceptable.
- 10.21 Regarding no.118 Leverington Common to the south-east, it is noted the proposal would front onto their rear boundary however, it would front the bottom position of the rear garden. Given the siting and relationship between the two properties, the bulk and position of the proposed dwelling would not cause undue harm or have an overbearing impact on the living conditions of the occupiers of no.118 Leverington Common and is therefore acceptable, on balance.

- 10.22 Regarding no.120 Leverington Common, this property is under the ownership of the applicant as indicated on the site plan.
- 10.23 It is noted the area is built-up and some degree of overlooking is anticipated however, in this instance it would not be adverse, and the proposal would be of a similar arrangement to existing properties within Hawthorne Gardens.
- 10.24 In terms of noise, a conditioned is recommended which would limit construction hours/days.
- 10.25 In terms of private amenity, both dwellings (including subdivision of no.120 Leverington Common) would benefit from adequate garden space to serve occupants. The amount of private amenity provided within the plot curtilage would be reflective of the surrounding area and so is therefore acceptable.
- 10.26 In summary, the proposed would not adversely impact the amenity of neighbouring properties such as loss of light or privacy and would wholly accord with Local Plan Policy LP16.

Impact on Access & Parking

- 10.27 Policy LP15 of the Fenland Local Plan 2014 requires development schemes to provide well designed, safe and convenient access and provide well designed car parking appropriate to the amount of development proposed, ensuring that all new development meets the Council's defined parking standards as set out in Appendix A.
- 10.28 Regarding parking provision, Appendix A sets out that two car parking spaces need to be provided. The proposed dwelling would benefit from two parking spaces to the front which would be appropriately sized and would accord with the parking provision standard.
- 10.29 Regarding access, the highway consultee has no objection to the proposal and recommended a condition in relation to wheel washing facilities.
- 10.30 The proposed parking and access are not objected to and would accord with the Fenland Local Plan Policy LP15.

Ecology & Landscaping

- 10.31 There is an existing hedgerow to the north-east corner of the site, a private greenhouse and landscaping within the site which are to be removed in order to accommodate the development. It is noted the hedgerow and landscaping on-site have low ecological value, are not protected and currently have a neutral impact on the character of the streetscene. Therefore, their loss is not objected to. It is also noted the site is within a green zone for GCN. The applicant has outlined the existing hedging in the north-west corner would be retained which is favourable. An ecology condition and a landscape scheme will be conditioned.

Other Matters

- 10.32 The site is within a Flood Zone 1 which is low risk. No further measures are needed, and adequate drainage condition(s) will be recommended.

10.33 There have been several issues raised by objectors relating to construction, deeds and ownership concerns. These objections have been noted however, these matters are not material considerations as part of the planning process. There is however a requirement to notify all those with an interest in the land. The applicant has completed Certificate B on the application form, serving appropriate notice on the relevant landowner(s).

10.34 The comments received regarding consultations; neighbouring properties were consulted as part of the application process.

11 CONCLUSIONS

11.1 The proposed residential development is acceptable in principle. Additionally, the proposal would not result in an adverse impact on the visual, residential, or neighbouring amenity and would not prejudice highway safety.

11.2 The proposed development would be contrary to local and national planning policies.

12 RECOMMENDATION

Approve, subject to the following conditions.

1	<p>The development permitted shall be begun before the expiration of 3 years from the date of this permission.</p> <p>Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2	<p>Details of the location, height, design and materials of all screen walls and fences shall be submitted to and approved in writing by the Local Planning Authority before commencement of the relevant parts of the work. The approved scheme shall be implemented concurrently with the erection of the dwelling(s) fully in accordance with the agreed details prior to occupation and thereafter retained in perpetuity.</p> <p>Reason - To ensure that the appearance of the development is satisfactory and that it contributes to the visual character and amenity of the area, and to ensure that the private areas of the development are afforded an acceptable measure of privacy in accordance with Policies LP2 and LP16 of the Fenland Local Plan 2014.</p>
3	<p>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.</p> <p>Reason – In the interest of neighbouring amenity in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
4	<p>Prior to the commencement of any works above ground level, a scheme and timetable for the provision and implementation of foul and surface water drainage shall be submitted and approved in writing by the Local Authority. The works/scheme shall be constructed and completed in accordance with</p>

	<p>the approved plans/specification at such time(s) as may be specified in the approved scheme and thereafter retained in perpetuity.</p> <p>Reason - To ensure a satisfactory method of foul and surface water drainage and to prevent the increased risk of flooding in accordance with Policy LP14 of the Fenland Local Plan 2014.</p>
5	<p>If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority (LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA, a Method Statement detailing how this unsuspected contamination shall be dealt with. The development shall then be carried out in full accordance with the amended remediation strategy.</p> <p>Reason - To ensure that the development complies with approved details in the interests of the protection of human health and the environment in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
6	<p>No development shall take place above slab level until a scheme for the hard and soft landscaping of the site has been submitted to and approved in writing by the Local Planning Authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:-</p> <ul style="list-style-type: none"> a) proposed finished levels [earthworks to be carried out] b) means of enclosure c) car parking layout d) vehicle and pedestrian access and circulation areas e) hard surfacing, other hard landscape features and materials f) existing trees, hedges or other soft features to be retained g) planting plans, including specifications of species, sizes, planting centres number and percentage mix h) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife i) details of siting and timing of all construction activities to avoid harm to all nature conservation features j) management and maintenance details <p>The approved hard landscaping scheme shall be carried out with regard to the dwelling(s) to which it relates, prior to the occupation of that dwelling(s) and the soft landscaping shall be carried out within the first available planting season following completion of the development or first occupation (whichever is the sooner) or alternatively in accordance with a timetable for landscape implementation which has been approved as part of the submitted landscape scheme.</p> <p>Reason - The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
7	<p>No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests</p>

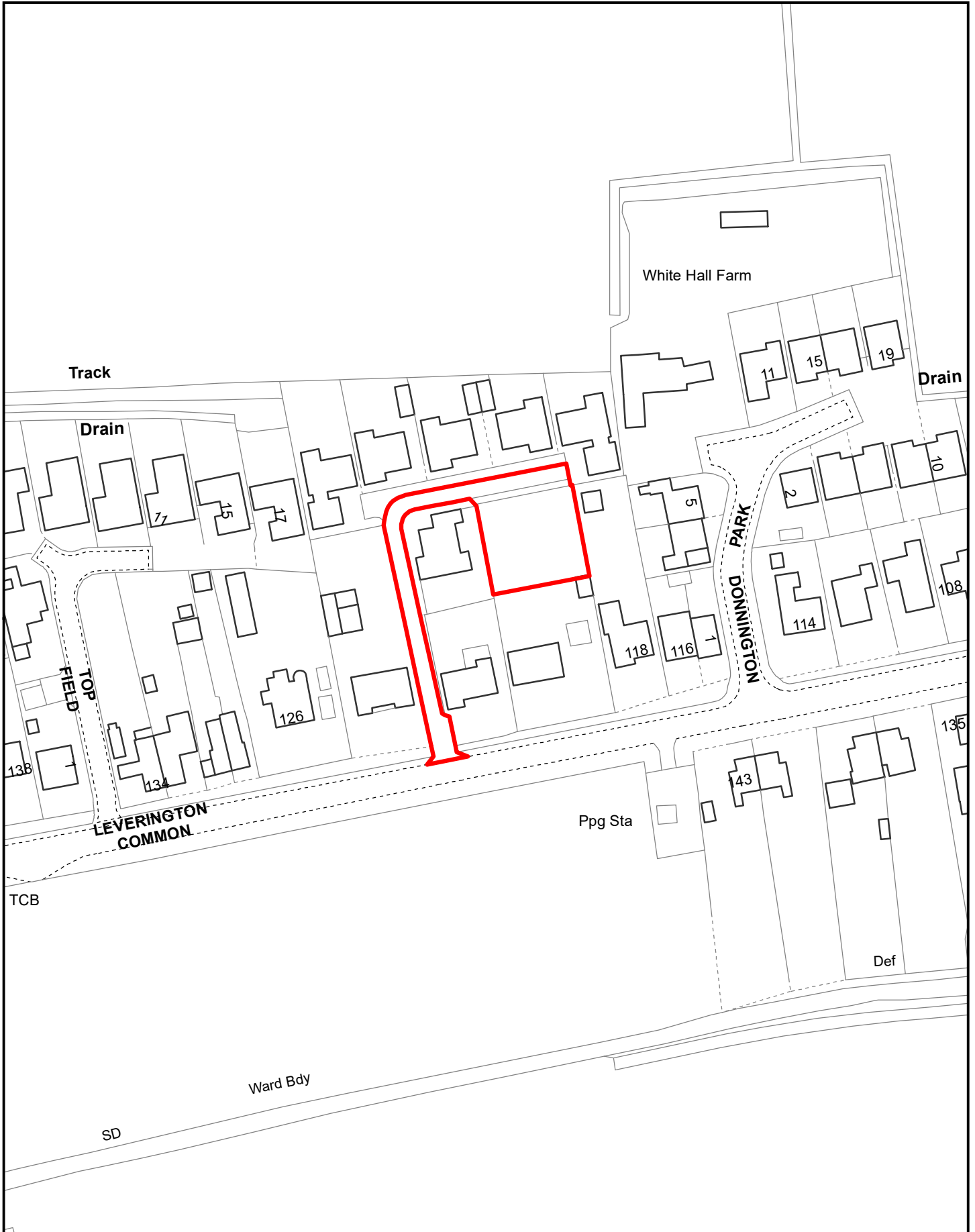
	<p>immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.</p> <p>Reason - In order to protect birds in accordance with Policy LP19 of Fenland Local Plan 2014.</p>
8	<p>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.</p> <p>Reason - In the interests of highway safety and to ensure compliance with Policies LP15 and LP16 of the Fenland Local Plan 2014.</p>
9	<p>The approved access and all hardstanding within the site shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway and retained in perpetuity.</p> <p>Reason - To prevent surface water discharging to the highway in accordance with policy LP15 of the Fenland Local Plan 2014.</p>
10	<p>Prior to the first occupation of the development the proposed on-site parking/turning area shall be laid out in accordance with the approved plans, surfaced in a bound material and drained within the site. The parking/turning area, surfacing and drainage shall thereafter be retained as such in perpetuity (notwithstanding the provisions of Schedule 2, Part 1, Class F of The Town and Country Planning (General Permitted Development) (England) Order 2015, or any instrument revoking or re-enacting that Order).</p> <p>Reason - In the interests of highway safety and to ensure compliance with Policies LP15 and LP16 of the Fenland Local Plan 2014.</p>
14	<p>Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, (or any Order or Statutory Instrument revoking and re-enacting that Order), planning permission shall be required for the following developments or alterations:</p> <ul style="list-style-type: none"> i) the erection of freestanding curtilage buildings or structures including car ports, garages, sheds, greenhouses, pergolas, or raised decks (as detailed in Schedule 2, Part 1, Classes A and E); ii) the erection of house extensions including conservatories, garages, car ports or porches (as detailed in Schedule 2, Part 1, Classes A and D). <p>Reason – To ensure that the Local Planning Authority retains control over the future extension and alteration of the development, given the confined nature of the site, in the interests of the character of the area.</p>

Informative (s)

1. The application did require the Local Planning Authority to work positively and proactively with the applicant to seek solutions to problems arising from the application.
2. Prior to the occupation of a dwelling a bin charge is payable in accordance with the leaflet found at <https://www.fenland.gov.uk/newbins>

Please contact environmentalservicerequests@fenland.gov.uk for further information.

3. You are reminded that this project may require approval under Building Regulations prior to work commencing. It is recommended that you make enquiries in this respect direct to CNC working in partnership with the Local Authority Building Control Team (0808 1685041 or E-mail: enquiries@cncbuildingcontrol.gov.uk).
4. This development may involve work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council.
5. Where it is intended to create semi-natural habitats, all species used in the landscaping schedules shall be locally native species of local provenance.
6. For monitoring purposes the development is considered to be in or adjacent a settlement as set down in Policies LP4, LP6 and LP12 of the Fenland Local Plan 2014.



Created on: 21/04/2023

© Crown Copyright and database rights 2023 Ordnance Survey 10023778

F/YR23/0321/F

Scale = 1:1,250





Created on: 21/04/2023

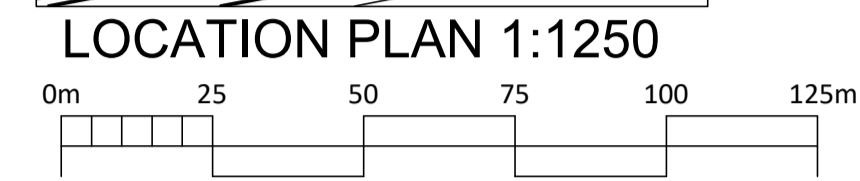
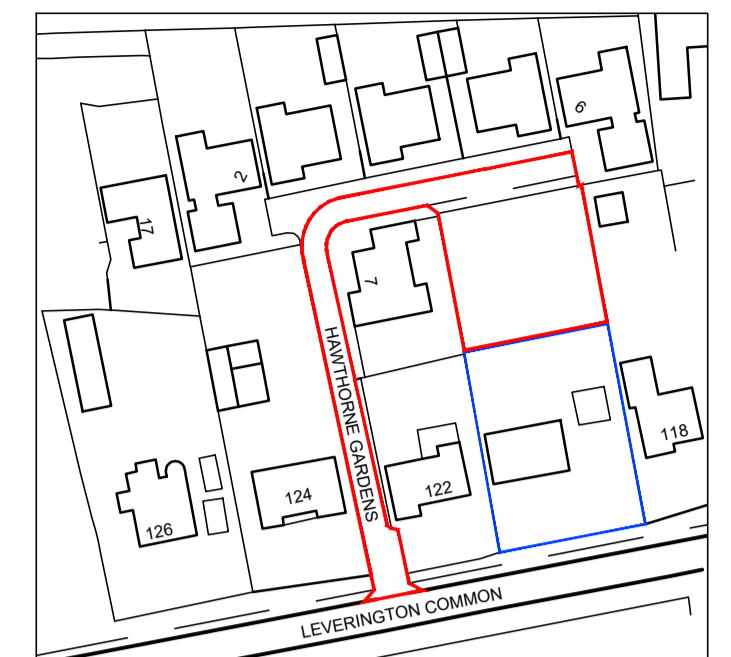
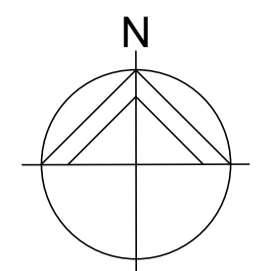
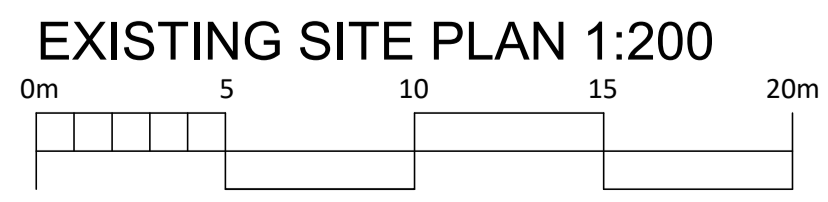
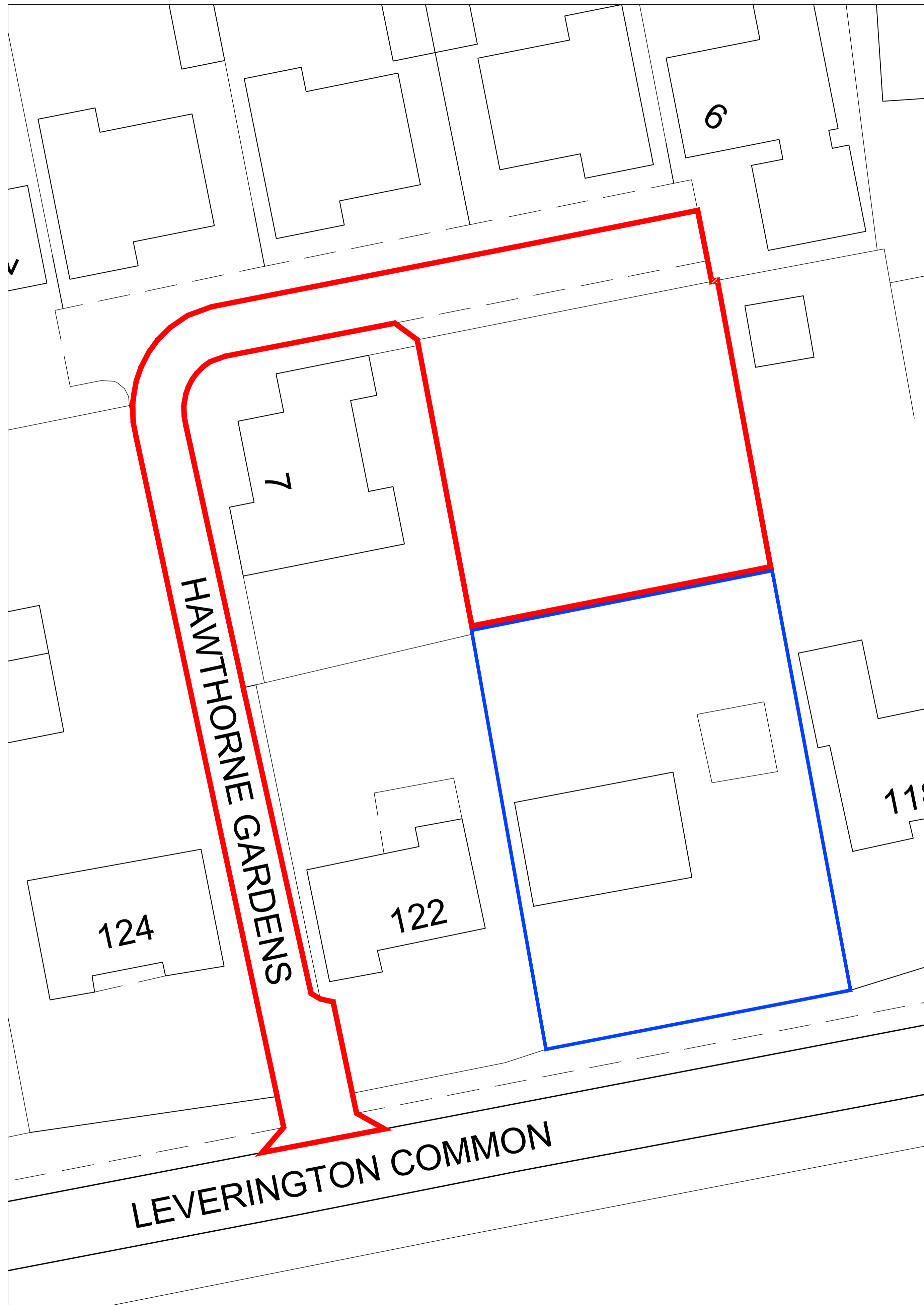
© Crown Copyright and database
rights 2023 Ordnance Survey 10023778

F/YR23/0321/F

Scale = 1:1,250



 **Fenland**
CAMBRIDGESHIRE
Fenland District Council



REVISIONS



PETER HUMPHREY ASSOCIATES

ADDRESS: 2 CHAPEL ROAD, WISBECH, CAMBS, PE13 1RG.
 TELEPHONE: 01945 466966
 E-MAIL: info@peterhumphrey.co.uk
 WEB: www.peterhumphrey.co.uk

CLIENT
 ANTHONY GIBSON

PROJECT
 PROPOSED ERECTION OF 1no DWELLING

SITE
 120 LEVERINGTON COMMON
 LEVERINGTON
 WISBECH
 PE13 5BW

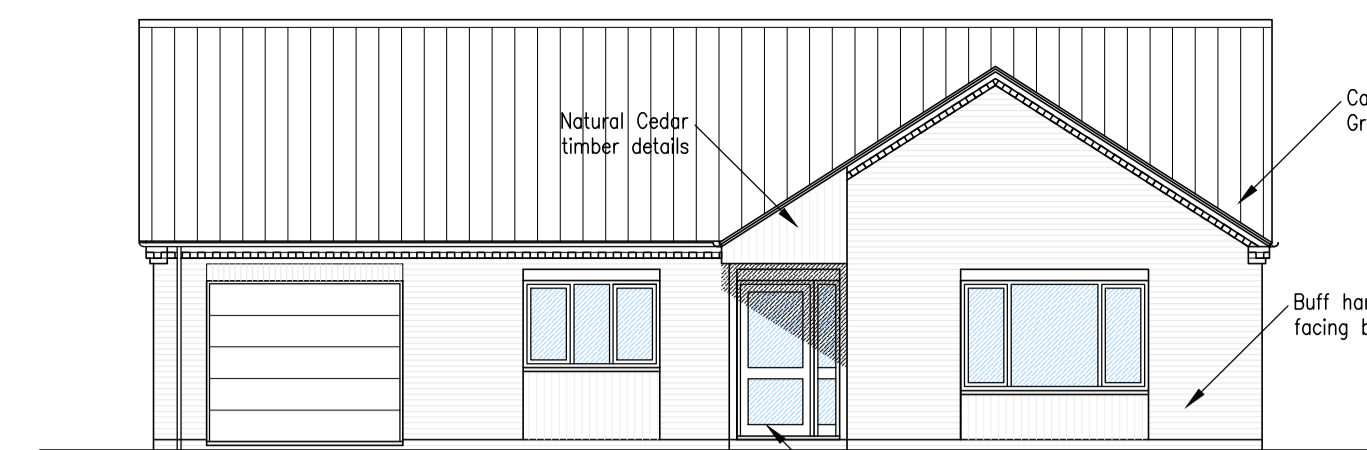
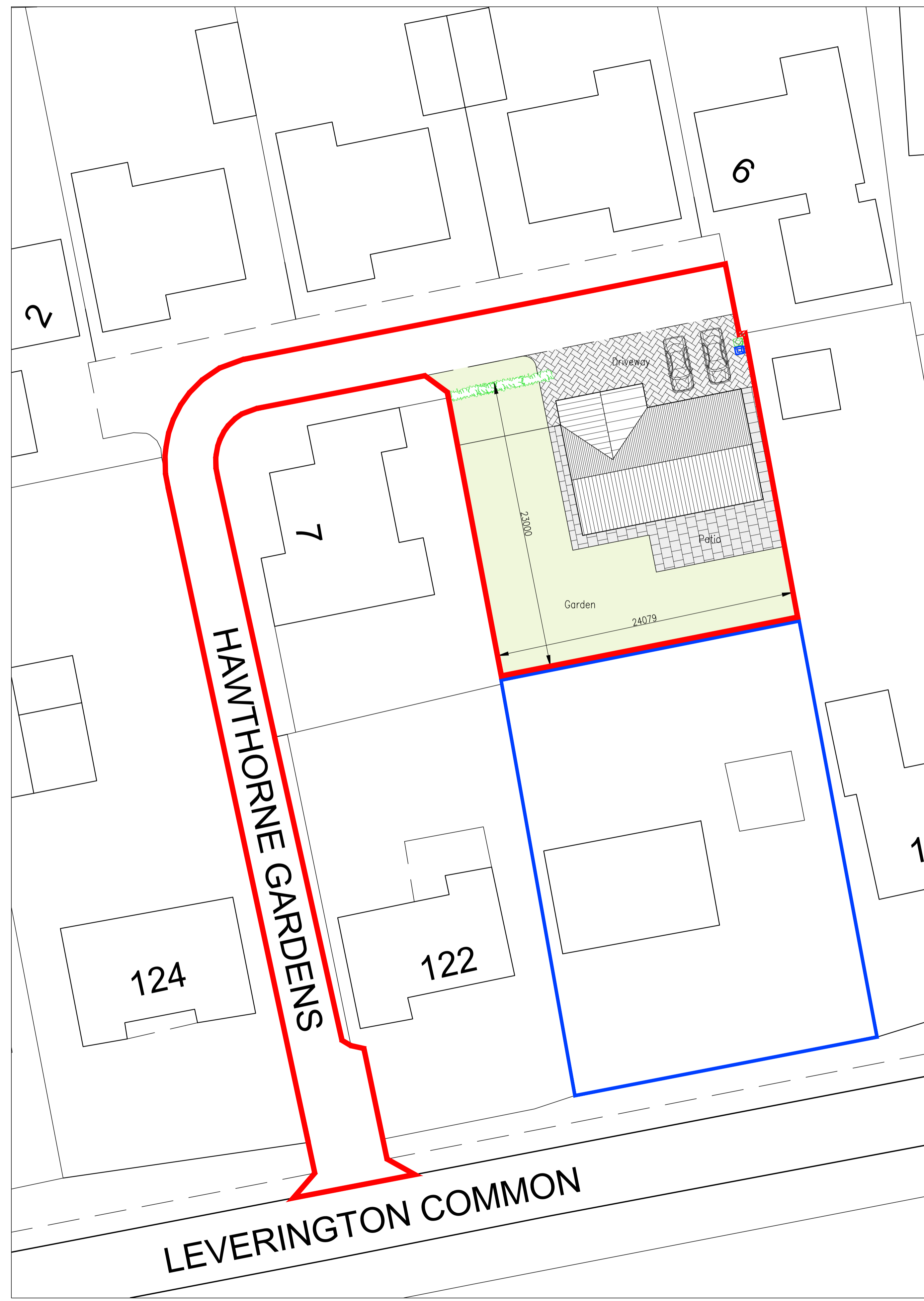
DRAWING
 EXISTING SITE PLAN & LOCATION PLAN

JOB NO.	PAPER SIZE	DATE
6574/EX01	A1	FEB 2023

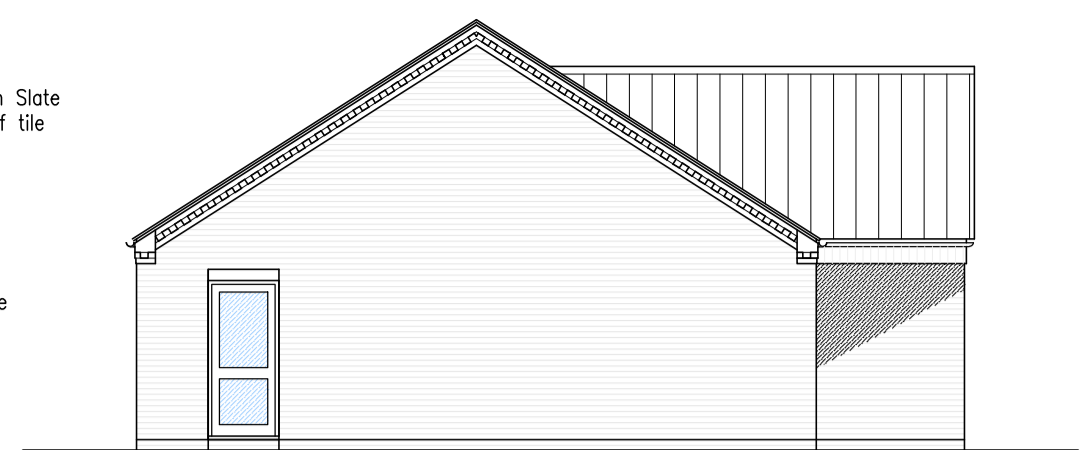
Notes:
 This drawing is the permission of Peter Humphrey Associates Ltd. and may not be reissued, loaned or copied in whole or part without written consent.

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

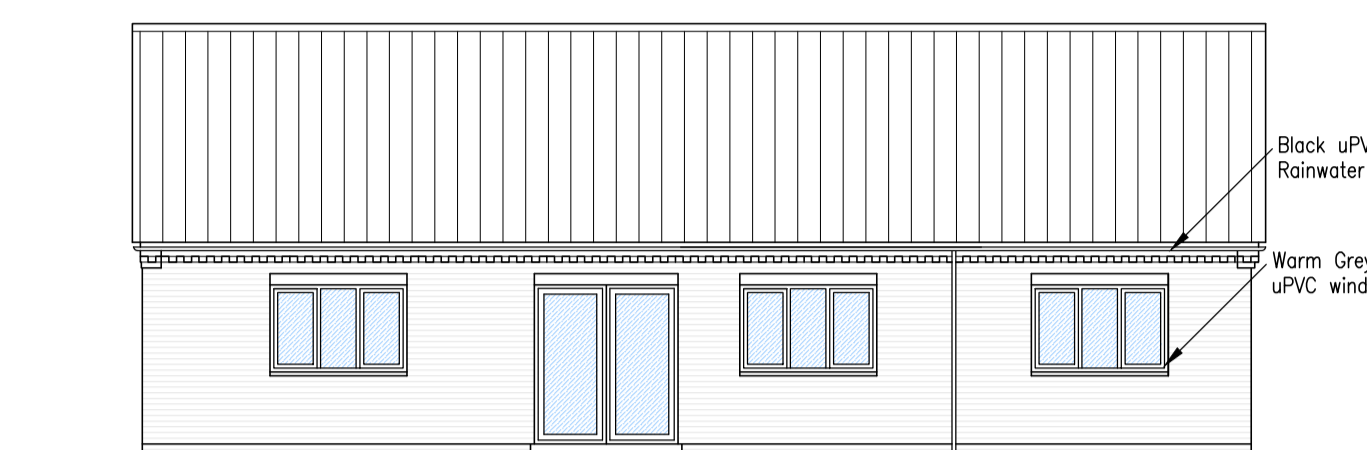
The Construction (Design and Management) Regulations 2015:
 Peter Humphrey Associates' form of appointment with the client confirms whether the agent is appointed as 'Designer' or 'Principal Designer' under these regulations. Nevertheless, the design phase has been carried out with due consideration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



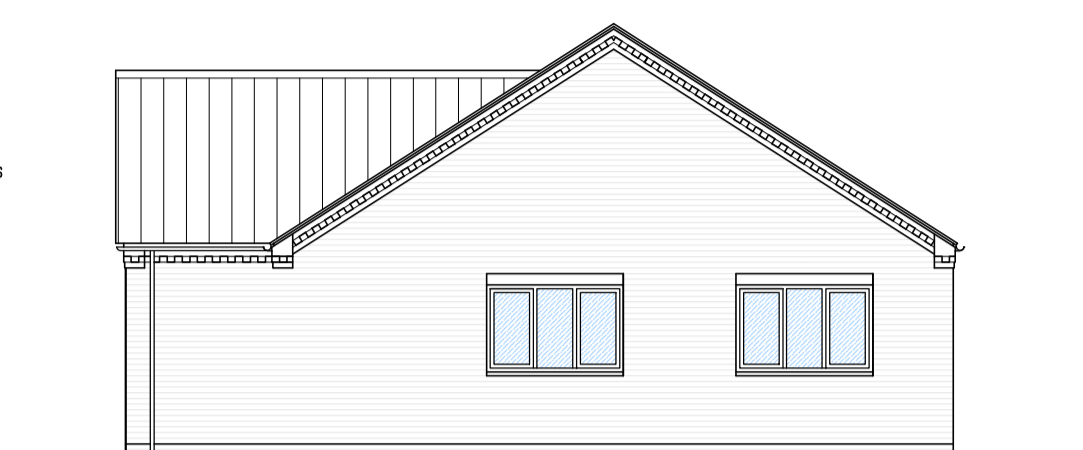
FRONT



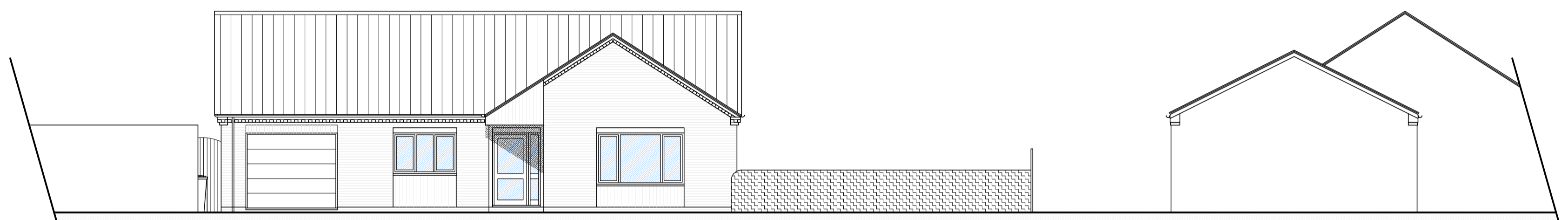
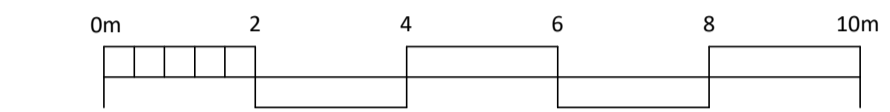
SIDE



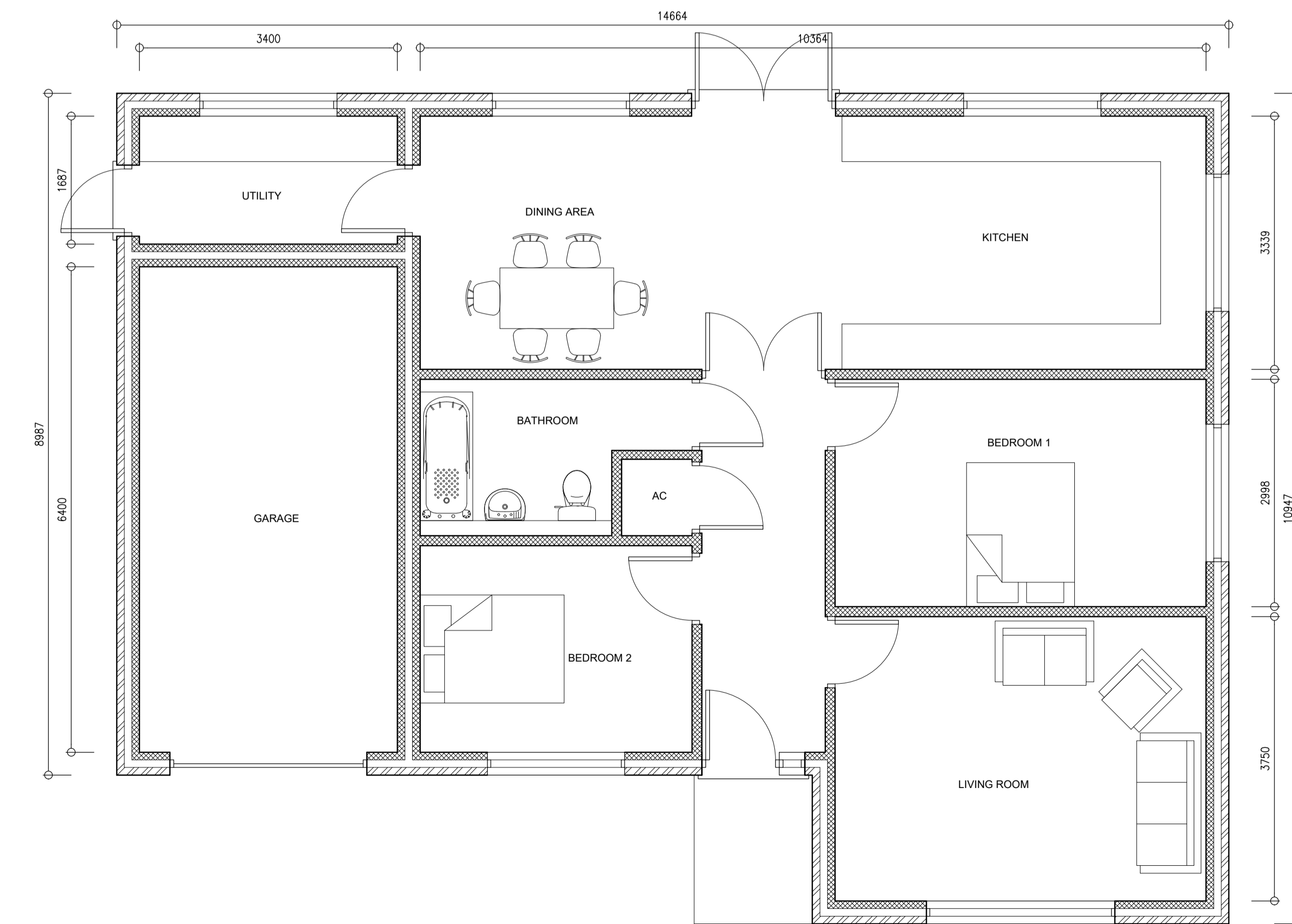
REAR
PROPOSED ELEVATIONS 1:100



SIDE



PROPOSED STREET SCENE 1:100



PROPOSED FLOOR PLAN 1:50



REVISIONS



PETER HUMPHREY ASSOCIATES

ADDRESS: 2 CHAPEL ROAD, WISBECH, CAMBS, PE13 1RG.
 TELEPHONE: 01945 469966
 E-MAIL: info@peterhumphrey.co.uk
 WEB: www.peterhumphrey.co.uk

CLIENT
 ANTHONY GIBSON

PROJECT
 PROPOSED ERECTION OF 1no DWELLING

SITE
 120 LEVERINGTON COMMON
 LEVERINGTON
 WISBECH
 PE13 5BW

DRAWING
 PROPOSED SITE PLAN, FLOOR PLAN & ELEVATIONS

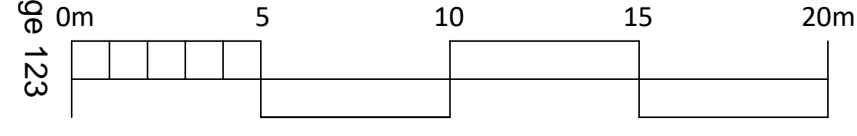
JOB NO.	PAPER SIZE	DATE
6574/SK02	A1	FEB 2023

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

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

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

PROPOSED SITE PLAN 1:200



This page is intentionally left blank

F/YR23/0423/RM

**Applicant: Mr Christian Cooper
James Development
Company Limited**

Agent: None

Site Of Former Lavender Mill, Fallow Corner Drove, Manea,

Reserved Matters application relating to detailed matters of appearance, landscaping, layout and scale pursuant to outline permission F/YR22/1273/VOC to erect 29 x dwellings (6 x single-storey 3-bed and 23 x single-storey 2-bed) with associated parking

Officer recommendation: Approve

Reason for Committee: Parish Council Objection and number of representations contrary to officer recommendation

1 EXECUTIVE SUMMARY

- 1.1. The application seeks approval of reserved matters relating to appearance, landscaping, layout and scale (with access previously approved at outline stage) for 29 dwellings.
- 1.2. The application proposes a policy compliant scheme which raises no issues in terms of adverse transport impacts, visual or residential amenity. In addition, the applicant has provided sufficient technical details and has actively engaged with the relevant statutory agencies to respond to issues relating to drainage, landscaping, site security, and highways layout.
- 1.3. Accordingly the reserved matters submission can be recommended for approval subject to conditions.

2 SITE DESCRIPTION

- 2.1. The site is located to the south west of the village of Manea to the rear of existing properties that front Westfield Road to the north and onto Fallow Corner Drove to the west and south.
- 2.2. The site benefits from extant permission for the erection of up to 29 dwellings under F/YR22/1273/VOC.

3 PROPOSAL

- 3.1. This application is a reserved matters application following an outline application with matters committed in respect of access and subsequent variation of condition application to erect 29 dwellings on the site. The original outline planning permission (F/YR19/0958/O) was granted in May 2020, with the variation of condition 10 approved in March 2023. Further matters relating to appearance, landscaping, layout and scale were reserved and are for consideration within this application.

3.2. The description of the development can be summarised as follows;

- 29 open market homes comprising 23 two-bedroom bungalows and 6 three-bedroom bungalows
- All homes to benefit from secure rear gardens bounded by either 1800mm fencing or 1800mm brick walling, with patio areas
- All bungalows to have at least 1 garage and 1 parking space
- Includes an area of Public Open Space provided centrally
- Widening of Fallow Corner Drove
- Footpath extension to link into Westfield Road

3.3. Full plans and associated documents for this application can be found at: [F/YR23/0423/RM | Reserved Matters application relating to detailed matters of appearance, landscaping, layout and scale pursuant to outline permission F/YR22/1273/VOC to erect 29 x dwellings \(6 x single-storey 3-bed and 23 x single-storey 2-bed\) with associated parking | Site Of Former Lavender Mill Fallow Corner Drove Manea \(fenland.gov.uk\)](https://fenland.gov.uk/F/YR23/0423/RM)

4 SITE PLANNING HISTORY

F/YR23/3036/COND	Details reserved by conditions 4 (road widening) and 5 (footway) of planning permission F/YR22/1273/VOC relating to Planning permission F/YR19/0958/O	Approved 26.09.2023
F/YR23/3064/COND	Details reserved by condition 14 (Fire Hydrants) of planning permission F/YR22/1273/VOC relating to Planning permission F/YR19/0958/O	Approved 03.07.2023
F/YR23/3035/COND	Details reserved by conditions 12 (Construction Method Statement) and 13 (Landscape Management Plan) of planning permission F/YR22/1273/VOC relating to Planning permission F/YR19/0958/O	Approved 07.06.2023
F/YR22/1273/VOC	Variation of condition 10 (geo-environmental investigation report) relating to Planning permission F/YR19/0958/O	Granted 02.03.2023
F/YR19/0958/O	Erect up to 29 dwellings (outline application with matters committed in respect of access)	Granted 19.05.2020
F/YR19/3029/COND	Details reserved by conditions 4 & 10 of planning permission F/YR16/0107/O	Approved 16.05.2019
F/YR18/0171/DE1	Demolition of former grain store buildings	Further details not required 13.03.2018
F/YR16/0107/O	Erection of 29 dwellings involving demolition of existing buildings (Outline with matters committed in respect of access)	Granted 11.11.2016

5 CONSULTATIONS

5.1. This application has been subject to a number of reconsultations. As such several consultee responses were received. In the interest of brevity the most recent relevant consultee responses received are reproduced below, earlier consultation responses can be viewed at: [F/YR23/0423/RM \(fenland.gov.uk\)](https://fenland.gov.uk/F/YR23/0423/RM)

5.2. Housing Strategy (FDC)

Whilst the Council aims to deliver policy on affordable Housing provision on qualifying schemes and that it will be achievable in most instances, it has been brought to my attention that the S106 Senior Planning Obligations Officer made an earlier comment against ref F/YR19/0958/O dated 07/02/2020, that following a review of the viability appraisal reached a conclusion that viability issues preventing the delivery of an Affordable Housing commuted sum or any other S106 contributions.

Therefore, as the decision had already been made and this subject had been dealt with, their original decision stands.

5.3. **Environment Agency** – *We have no comment to make on this application.*

5.4. **Environmental Health (FDC)**

The Environmental Health Team note the latest submitted information in respect of the above reserved matters application.

It appears that the predicted lighting levels will fall within required parameters of relevant guidance, that being Environmental Zone E2 (Rural) of the Institution of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light GN01:2021.

Therefore, this service has ‘No Objections’ to the proposed scheme, but notwithstanding the above, in the event that planning permission is granted it would not indemnify against formal action being taken if complaints are received and then subsequent investigations determine that a statutory nuisance is being caused as a result of artificial lighting overspill and/or glare at levels exceeding those predicted.

5.5. **Cambridgeshire Constabulary Designing Out Crime Officers**

I would consider the proposed location to be an area of low risk to the vulnerability to crime [...] I have the following comments for your consideration.

External Lighting – *Our recommendation for external lighting is that all adopted and un-adopted roads, private roads, shared drives, footpaths, and parking areas/courts, should be lit with columns to BS5489:1 2020. ... I would like to see the lighting plan, including lux levels and calculations when available please.*

UPDATED COMMENT: *I am happy to see that lighting columns have been introduced on the proposed development and have been designed to BS5489:1-2020.*

Landscaping – *Consideration should be given to the planting of trees too close to fencing as they can also act as a climbing aid to gain entry to rear gardens. It is also important to ensure that there is a management plan in place to maintain and ensure tree crowns are raised above 2m in height and ground planting and hedging is kept to a minimum of 1 – 1.2m in height, this will allow for ongoing natural surveillance across the development, open spaces, and footpaths and to reduce possible conflict with lighting.*

Cycle Storage – *Where there is no provision for secure cycle storage, a shed should be provided in accessible rear gardens. All sheds should have a ground anchor fixed to a concrete sub-base to allow the resident to secure their bike/s. We also recommend a solid secure, gold rated hasp and lock for the door, or a security rated key lock.*

Residents parking – Where there are parking bays located to the rear of properties, fencing/walls should be dropped to 1.5m with 300mm trellis to increase natural surveillance over the resident/s vehicles.

Boundary Treatment – I note that all boundary treatments will be either a 1.8m close boarded timber panels or a 1.8m wall. All private gates providing access to the rear gardens should have a self-closer and be lockable from both sides. Shared gates should have a self-closer. Where possible, all gates should be positioned as close to the front building line as possible.

Footpath – I have concerns about the footpath leading to Westfield Road, this increases the vulnerability to plot 11 and the existing dwellings (39a and 39b) . The fencing to plot 11 needs to be 1.8m with the addition of 300mm of trellis to improve the security in this area. As mentioned above – gates should be provided where there are footpaths leading to the rear of all plots.

LAP – I note the comment in the Planning Statement (page 20/21) about the strategy forming part of the crime prevention plan. There are 29 plots proposed for this development and there will be periods of the day that there will be reduced vehicle and pedestrian movement. There will be limited surveillance from plot 1 as the window on the gable end is a bedroom, plot 17 is exactly the same. All active rooms are to the rear and will therefore provide very little surveillance, plot 29 has a small window from the dining room overlooking LAP, if a large vehicle is parked on the drive it will restrict the surveillance over that area. Experience tells me that this location could have a negative impact on the residents, the seating area would encourage young people to congregate in that area, especially in the evenings.

5.6. **CCC Lead Local Flood Authority**

We have reviewed the following documents:

- Drainage Layout, BHA Consulting Ltd, 3908.100 P7, July 2023
- Private Drainage Schedules, BHA Consulting Ltd, 3908.101 P4, July 2023
- Private Drainage/Paving Construction Details, BHA Consulting Ltd, 3908.103 P4, July 2023
- Storm Water Calculations, BHA Consulting Ltd, July 2023
- Technical Response to LLFA, James Development CO Ltd, June 2023
- Surface Water Drainage Statement, BHA Consulting Ltd, May 2023

Based on these, as Lead Local Flood Authority (LLFA) we have no objection in principle to this reserved matters application.

The above documents demonstrate that surface water from the proposed development can be managed through the use of permeable paving and flow controls, restricting surface water discharge from the site to the previously agreed rate of 5 l/s.

Water quality has been adequately addressed when assessed against the Simple Index Approach outlined in the CIRIA SuDS Manual. While providing flow control and attenuation of surface water, the permeable paving also provides sufficient treatment for runoff from all areas of the development.

5.7. **Anglian Water**

Please see below our response for the Reserved Matters application- Site Of Former Lavender Mill Fallow Corner Drove Manea – F/YR23/0423/RM

Foul Water

We have reviewed the applicant's submitted Drainage Layout - Foul And Surface Water [plan], and consider that the impacts on the public foul sewerage network are acceptable to Anglian Water at this stage. We request that we are consulted on any forthcoming application to discharge Condition 8 - foul water drainage works of the outline planning application F/YR19/0958/O to which this Reserved Matters application relates.

Surface Water

We have reviewed the applicant's submitted surface water drainage information Drainage Layout - Foul And Surface Water [plan] and have found that the proposed method of surface water discharge is into a local ditch and does not relate to an Anglian Water owned asset. As such, it is outside of our jurisdiction, and we are unable to provide comments on the suitability of the surface water discharge. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented. A connection to the public surface water sewer may only be permitted once the requirements of the surface water hierarchy as detailed in Building Regulations Part H have been satisfied. This will include evidence of the percolation test logs and investigations in to discharging the flows to a watercourse proven to be unfeasible.

5.8. **Natural England** – Natural England has no comments to make on this reserved matters application.

5.9. **NHS Cambridgeshire and Peterborough**

Requested a developer contribution of £23,873 but as this is a reserve matter application the request cannot be considered.

5.10. **CCC Highways**

In the applicant response dated 13th June 2023, they state there is an existing sewer connection under Fallow Corner Drove which connects to the ditch to the south side of the highway. I recommend the applicant provide further detail of the existing infrastructure (size, condition, depth, gradient etc.) to demonstrate that it is suitable of accommodating the surface water runoff from the site. However, this is ultimately a matter for the flood authority to consider.

Regarding refuse collection, I maintain that FDC should consult with the District's waste team to determine if they are willing to service the private streets and to determine if they require an indemnity to do so.

I note the approved construction management plan under the permission F/YR23/3035/CON.

As the applicant is accepting that the streets are to remain private, I have no objection to the application. Please append the following conditions to any consent granted:

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

Management of Estate Roads: *Prior to the occupation of the first dwelling/use hereby approved, full details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as a Private Management and Maintenance Company has been established.*

5.11. Ward Councillor

I comment as a ward councillor for Chatteris North & Manea and I have read the various comments submitted by local residents and other public bodies. The prevalent theme appears to be the unsuitability of Fallow Corner Drove from a traffic point of view, legitimate concerns about drainage of existing surrounding properties and the provision of local services such as the school and GP surgery.

I note that the Cambs & Peterborough NHS have stated the present GP surgery staffing levels at Manea is already at capacity and that at least a potential 67 extra patients would be added to the books. To mitigate this, they have requested a S106 contribution of just under £24,000 and I would like to think the Planning Officers and/or the Committee would ensure this is met should the application be given approval. On this same theme, S106 contributions should also be given strong consideration for other local infrastructure and the school comes to mind as they are seeking to expand or upgrade the present facilities.

Highways have given their opinion in that surface water drainage provision from the roads is not presently to their satisfaction regarding the surface types proposed and drainage in general. They also made comment about the unsuitability of Fallow Corner Drove. Furthermore, Highways have questioned about the roadway within the development and that it would not be "of an adoptable standard" and that the developer needs to speak to the Cambs County Council waste team regarding refuse collection. This raises another question whether the proposed development would be a private roadway not under the control of the local authorities therefore refuse collection, drainage, streetlights and road surfaces would be at the behest of the residents within it and give rise to possible infrastructure issues in the future? This situation has happened before in the District and I do not want it to happen again given the previous negative press and bad feeling for all concerned.

5.12. Manea Parish Council

OBJECT. Layout and design are unacceptable. Buildings are less than 12m from boundary. The level of the land will be raised. The access road is too narrow leading on to Westfield Road. Members are concerned that a further revision will lead to 2 storey buildings. There are no details of how the construction process will be managed.

- *Fears of dust (Asbestos)*
- *Vehicle access*
- *Wheel washing*
- *Noise*

5.13. Arboricultural Officer (FDC)

The applicant has submitted a proposed site plan and planning statement detailing planting locations and species for soft landscaping. The planning statement notes that other vegetation is not included in the planting scheme and will be left to the residents to decide what and where to plant.

I have no objection to this approach as the applicant is including significant tree planting within the scheme.

The listed species and locations are acceptable and will provide visual amenity over time.

I have not seen the management plan for the tree planting and this is required to ensure trees that may fail to establish are replaced.

5.14. Local Residents/Interested Parties

The LPA received 13 objections from 10 address points, including addresses on Fallow Corner Drove, Station Road, Westfield Road and Mason Close within Manea, one letter was received from an address in Chatteris, and another from outside the FDC District in Rugby. . Furthermore, a comment was received from the Ward Councillor, which has been included above. As such, the resultant objections are as follows:

Reasons for objection can be summarised as:

- Alleged eviction of occupant of nearby dwelling to accommodate development.
- Proximity of proposed dwellings to existing will impact on amenity and privacy.
- Proposal not in keeping with the rest of the village.
- Limited/poorly situated public open space with lack of play equipment and poorly sited sub-station.
- Highway inadequate for this number of dwellings to use Fallow Corner Drove.
- Infrastructure and services already overstretched to accept this number of additional dwellings.
- Too many dwellings proposed.
- Drainage issues will be exacerbated by the development.
- Footpath to Westfield Road poorly designed and located.

The material planning considerations pertaining to the above will be addressed in the below assessment.

Contrastingly, the LPA received 2 letters of support. Reasons for support can be summarised as:

- In support of single storey properties.
- Pedestrian access to Westfield Road will allow safer access to the village.

6 STATUTORY DUTY

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

7 POLICY FRAMEWORK

- 7.1. **National Planning Policy Framework (NPPF) July 2021**
 Paragraph 2 & 47: Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise;
 Paragraph 8: The three dimensions to sustainable development.
 Paragraph 11: Presumption in favour of sustainable development.
 Paragraphs 34, 55-58: Planning conditions and obligations.
 Chapter 5: Housing land supply
 Paragraph 104-109: Promoting sustainable transport
 Paragraph 130: Seek to ensure high quality design and a good standard of amenity for all existing and future occupants.
 Paragraphs 174: Conserving and enhancing the natural environment
- 7.2. **National Planning Practice Guidance (NPPG)**
- 7.3. **National Design Guide 2019**
 Context
 Identity
 Built Form
 Movement
 Nature
 Public Spaces
- 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
 LP13 – Supporting and Managing the Impact of a Growing District
 LP14 – Responding to Climate Change and Managing the Risk of Flooding
 LP15 – Facilitating the Creation of a More Sustainable Transport Network
 LP16 – Delivering and Protecting High Quality Environments across the District
 LP17 – Community Safety
 LP19 – The Natural Environment
- 7.5. **Emerging Local Plan**
 The Draft Fenland Local Plan (2022) was published for consultation between 25th August 2022 and 19 October 2022, all comments received will be reviewed and any changes arising from the consultation will be made to the draft Local Plan. Given the very early stage which the Plan is therefore at, it is considered, in accordance with Paragraph 48 of the NPPF, that the policies of this should carry extremely limited weight in decision making. Of relevance to this application are policies:
 LP1 – Settlement Hierarchy
 LP2 – Spatial Strategy for the Location of Residential Development
 LP4 – Securing Fenland’s Future
 LP7 – Design
 LP8 – Amenity Provision
 LP11 – Community Safety
 LP12 – Meeting Housing Needs
 LP18 – Development in the Countryside
 LP20 – Accessibility and Transport
 LP22 – Parking Provision
 LP24 – Natural Environment

8 KEY ISSUES

- Principle of Development
- S106 Planning Obligations
- Layout
- Scale and Appearance
- Landscaping
- Layout and Scale
- Flooding and Drainage
- Residential Amenity (inc. Levels)

9 BACKGROUND

- 9.1. The application site benefits from outline planning approval for the erection of up to 29 dwellings, by virtual of the approval of F/YR19/0958/O and F/YR22/1273/VOC approved in May 2020 and March 2023, respectively. Subsequent to this pre-commencement conditions set within the F/YR22/1273/VOC have been discharged as follows:

Condition	Application Reference	Outcome
Condition 4 – Access Widening	F/YR23/3036/COND	Approved 26.09.2023
Condition 5 - Footway	F/YR23/3036/COND	Approved 26.09.2023
Condition 12 – Construction Method Statement	F/YR23/3035/COND	Approved 07.06.2023
Condition 13 – Landscape Management Plan	F/YR23/3035/COND	Approved 07.06.2023
Condition 14 – Fire Hydrants	F/YR23/3064/COND	Approved 03.07.2023

- 9.2. The remaining conditions imposed on F/YR22/1273/VOC are required to be discharged prior to occupation of the development, and hence will not be submitted for approval until such time that the current reserved matters application has been approved and the development is completed. Matters of access were committed and approved at outline stage. Accordingly, matters in respect of appearance, landscaping, layout and scale are the reserved matters to be reconciled in respect of this application against the relevant national and local planning policies.

10 ASSESSMENT

Principle of Development

- 10.1. The principle of development was established under the most recent outline permission F/YR22/1273/VOC. The outline permission also secured the access off Fallow Corner Drive.
- 10.2. The outline application assessed the transport impacts of the development for up to 29 dwellings was considered to be acceptable, with improvements to Fallow Corner Drive being identified as required and subsequently secured through conditions 4 & 5 that have recently been discharged. Furthermore, technical considerations, such as residential amenity impacts from construction, flood risk, drainage, biodiversity and fire safety, were all considered to the satisfaction of the

relevant consultees, subject to conditions (recently discharged) or the submission of further details at Reserved Matters stage (considered herein).

- 10.3. As such, whilst the concerns raised by some residents through this reserved matters submission, in respect of principle, access location, off-site traffic flow and highway safety implications, and the alleged eviction of an existing resident are noted, these were matters explored at the outline stage and found to be acceptable or in the case of the latter point, not material. As such, it is not appropriate to re-visit the principle of development. This application seeks to agree the reserved matters relating to the development in more detail, including matters of flood risk and drainage, appearance, layout, scale and residential amenity impacts.

S106 Planning Obligations

- 10.4. It is not possible to revisit the issue of developer contributions as the matter was addressed at outline stage. At that time a viability assessment was carried out and it was concluded that the site could not make any contributions or provide for affordable housing.

Layout

Access and Highways

- 10.5. The general layout follows the design principles of the indicative outline layout – comprising a Y-shaped access road leading off the main point of access from Fallow Corner Drive, with an area of open space at the central juncture. Wider highways improvements including widening and the extension of a footpath are proposed to Fallow Corner Drive itself, the details of which are currently with the LHA as part of a current S278 application.
- 10.6. Both the 6m wide primary spine road and the secondary, less wide, driveways and turning heads are to remain in private ownership. Bin collection points are located close to the junctions of the primary roadway to comply with RECAP guidance.
- 10.7. The LHA has reviewed the layout and confirmed that the road alignments and geometry meets with their standards. Comments received in respect of conditions to impose with regard to highway drainage and the management of estate roads are considered unnecessary as similar conditions were imposed at outline stage (conditions 6 & 7, F/YR22/1273/VOC). Despite consultation requests, no comments were received from FDC Environmental Services team in respect of the layout. As such, it is considered appropriate to include a condition in respect of a detailed refuse collection strategy be submitted for further approval by the Environmental Services team to ensure the development can be appropriately serviced going forward.
- 10.8. Notwithstanding this, it is considered that the layout provides appropriate access and highways infrastructure of the nature and quantum of the development in accordance with Policy LP15 of the FLP.

Open Space

- 10.9. The proposed open space to the centre of the development is appropriate to the overall scale of the development itself. Furthermore, the layout enables reasonable access to the area of open space, with the area being linked by footpath connecting the wider development and beyond. The space also encourages the public to utilise the space by providing appropriate street furniture and landscaping with good levels of natural surveillance given its position

alongside the main entrance point to the site. It is unfortunate that the proposed electrical sub-station for the site is positioned adjacent to the open space, however owing to the constraints of the site this is unavoidable. The sub-station will be surrounded by a brick wall to match estate walling with lockable timber gates to the front and offset from the back of footpath by 2m, and hence will be obscured from view as far as practicable.

- 10.10. Concerns regarding the lack of play equipment received in representations were noted. It was confirmed at outline stage that FDC did not wish to adopt any management of space on site. Furthermore, Policy LP16 (Appendix B) does not require provision of on-site local equipped area of play (LEAP) owing to the size of the site and off-site provision was deemed not viable. As such provision of play equipment was not required in this instance.
- 10.11. Conditions pertaining to details for the future management and maintenance of the public open space were imposed at outline stage (condition 13) and recently discharged under F/YR23/3035/COND.

Dwellings

- 10.12. The dwellings are served by privately owned driveways, providing policy-compliant levels of parking in accordance with Appendix A of the FLP. 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. Improvements to the layout and dwelling types were undertaken in respect of officer concerns relating to such matters.
- 10.13. As noted above waste collection is either by roadside collection, or by bin collection points where adjacent to the roadway. It is recommended that residents are provided information on bin collection arrangements upon occupation and such details can be secured via planning condition.
- 10.14. Cambridgeshire Constabulary had initially raised concerns regarding some aspects of the layout, including lighting, landscaping and active surveillance. Changes were made to increase surveillance, including confirming details in respect of lighting and landscaping to the satisfaction of the Cambs Police.
- 10.15. In summary, the layout of the residential properties raises no concerns in respect of access, density, amenity or safety (subject to approval of future details as set out above) in accordance with policies LP2, LP16, LP17 and LP19 of the FLP.

Scale and Appearance

- 10.16. The dwellings are all single storey and as such more modest in scale to the average scale of properties in the locality, particularly those along Fallow Corner Drove. The dwellings are all traditional in form incorporating gable rooflines, and traditional casement windows. Materials are intended to include a mix of buff and red external facing brickwork, cream, green or grey cladding, and red pantile roof tiles.
- 10.17. The electricity sub-station is proposed to be enclosed by a brick wall to match estate walling with timber gates and will assimilate well into the street scene.
- 10.18. Given the overall scale of the development, its location effectively behind established dwellings, and with its single point of access Fallow Corner Drove the development itself will form its own character area. As such, the development is

not considered to result in any conflict with the existing character and appearance of the area.

10.19. In summary the scale and appearance of the development is considered to accord with Policy LP16 of the FLP.

Landscaping

Hard landscaping

10.20. The primary and secondary routes are proposed to be surfaced in different materials; tarmac for primary, block paving in 'Autumn Gold' for the secondary shared access routes. This will assist in legibility and road speeds, with roads narrowing as they follow the hierarchy and surfaced to accentuate this. In this regard, the hard landscaping for the main highway routes is acceptable.

10.21. The boundary treatments are also considered appropriate for the development, comprising 1.8m close boarded fence along residential boundaries or 1.8m brick wall where more appropriate.

10.22. Patios within the dwelling curtilages will comprise concrete flagstones, with tertiary pathways created using compacted gravel.

Soft landscaping

10.23. The scheme incorporates a mixture of soft landscaping features which includes a total of 73 trees to be planted of various species, with some retention of existing boundary planting and some overgrown vegetation to the north removed to accommodate the development. Rear gardens will all be levelled, dressed and seeded. Front garden areas will be turfed. It is not proposed to undertake any additional ornamental planting in the private front or rear garden amenity areas, as these will be left to be personally landscaped by future occupiers.

10.24. FDC's Arboricultural Officer has confirmed that the proposals put forward are acceptable and was encouraged to see significant numbers of trees planted.

Open space

10.25. With respect to the area of open space, it is intended that area is turfed to provide an area of enhanced appearance by virtue of a level, graded, even grassed area, with a small area of permeable hard landscaping, centrally positioned with 2 benches provided for seating.

10.26. The landscaping for the open space area is considered to be appropriate and will provide an interesting, natural environment for residents to enjoy. As considered above, the long term management and maintenance of this space has been agreed (F/YR23/3035/COND).

10.27. In conclusion, the proposed landscaping scheme is acceptable and accords with policy LP16 and LP19 of the FLP.

Flooding and Drainage

10.28. Conditions 7 and 8 of the outline permission (F/YR22/1273/VOC) required details of the surface water and foul water drainage proposals to be submitted for approval within the Reserved Matters application. Accordingly, the applicant submitted the required details for consideration.

10.29. The scheme demonstrates that surface water will be managed through the use of permeable paving and flow controls, limited to a previously agreed rate of 5l/s, to

be discharged into a nearby drainage ditch. The approved methods are considered acceptable to the LLFA who returned no objection to the scheme on the basis of the submitted information.

10.30. In respect of the foul water drainage scheme, the foul drainage for this site is to remain in private ownership and a private maintenance company will be appointed to be responsible for the maintenance of the network. The foul drainage from this development is collected by a gravity network which discharges to a pumping station located within the area of public open space. A rising main is then required to provide a route for the water to be pumped to its final outfall at the existing adoptable Anglian Water manhole in Westfield Road. The rising main will run from the pumping station in a northerly direction through the site and alongside an existing plot before discharging into a short length of private drain and on to the existing adoptable Anglian Water manhole in Westfield Road. Permission to connect has been granted by Anglian Water for a discharge rate of up to 3.8l/s. Anglian Water considered that the impacts to the foul sewerage network would be acceptable.

10.31. No objections to the scheme were received from consultation with the Environment Agency.

10.32. Notwithstanding the above, matters of drainage will be subject to building control regulations and additional consents required by Anglian Water and the IDB as appropriate. Accordingly, and in the absence of any technical objection with respect to the same, matters of flood risk and drainage are acceptable with regard to Policy LP14.

Residential Amenity (inc. levels)

10.33. As mentioned above, the scheme layout was amended in respect of concerns relating to future occupier amenity, such as overlooking and overbearing concerns within certain plots the development itself. The revised layout is considered acceptable in respect of such matters.

10.34. Concerns regarding the proximity of dwellings to existing dwellings to the north and south have been raised. With respect to the proposed dwellings along the northern boundary of the site, the proposed dwellings will be situated between 10.5m and 21.9m (approx.) from the nearest opposing elevations of existing dwellings to the north, with the closest being between the proposed Plot 11 and the rear elevation of 39b Westfield Road. Plot 11 will include no facing windows toward No.39b and will include a 1.8m close boarded fence to the boundary. Accordingly, it is considered that the relationships to dwellings to the north are acceptable and will not result in unacceptable amenity impacts such as overlooking or overbearing.

10.35. A similar concern was raised from the current occupants of Fen View, situated beyond the south west corner of the site. The nearest dwelling within the development here is Plot 5. The opposing elevations between Fen View and Plot 5, will be set between 10.9m and 14.1m (approx.) Again, this relationship is considered to be within an acceptable range and will not result in overlooking or overbearing.

10.36. In accordance with Condition 9 of the outline approval, details of finished floor levels along with longitudinal sections of the site were submitted allowing officers to confirm the overall proposed height of the dwellings. The submitted details confirm the existing and proposed levels for the site, and there are no undue

concerns that the ground levels will be raised to such an extent that will result in unacceptable dominance or overbearing from the proposed single-storey dwellings on nearby properties.

10.37. Concerns in respect of the construction management of the site affecting amenity are to be controlled through the approved Construction Environment Management Plan (F/YR23/3035/COND). Notwithstanding, any approval does not indemnify the developer for environmental health complaints or nuisance should claims be substantiated as such issues are covered by separate environmental health legislation.

10.38. Accordingly, it is considered that the scheme complies with Policies LP2 and LP16 (e) of the Fenland Local Plan.

11 CONCLUSIONS

11.1. This reserved matters submission proposes a policy compliant scheme which raises no issues in terms of adverse transport impacts, visual or residential amenity. In addition, the applicant has provided sufficient technical details and has actively engaged with the relevant statutory agencies to respond to issues relating to drainage, landscaping, site security, and highways layout. Accordingly, the reserved matters submission can be recommended for approval subject to conditions.

12 RECOMMENDATION

Approve - with conditions;

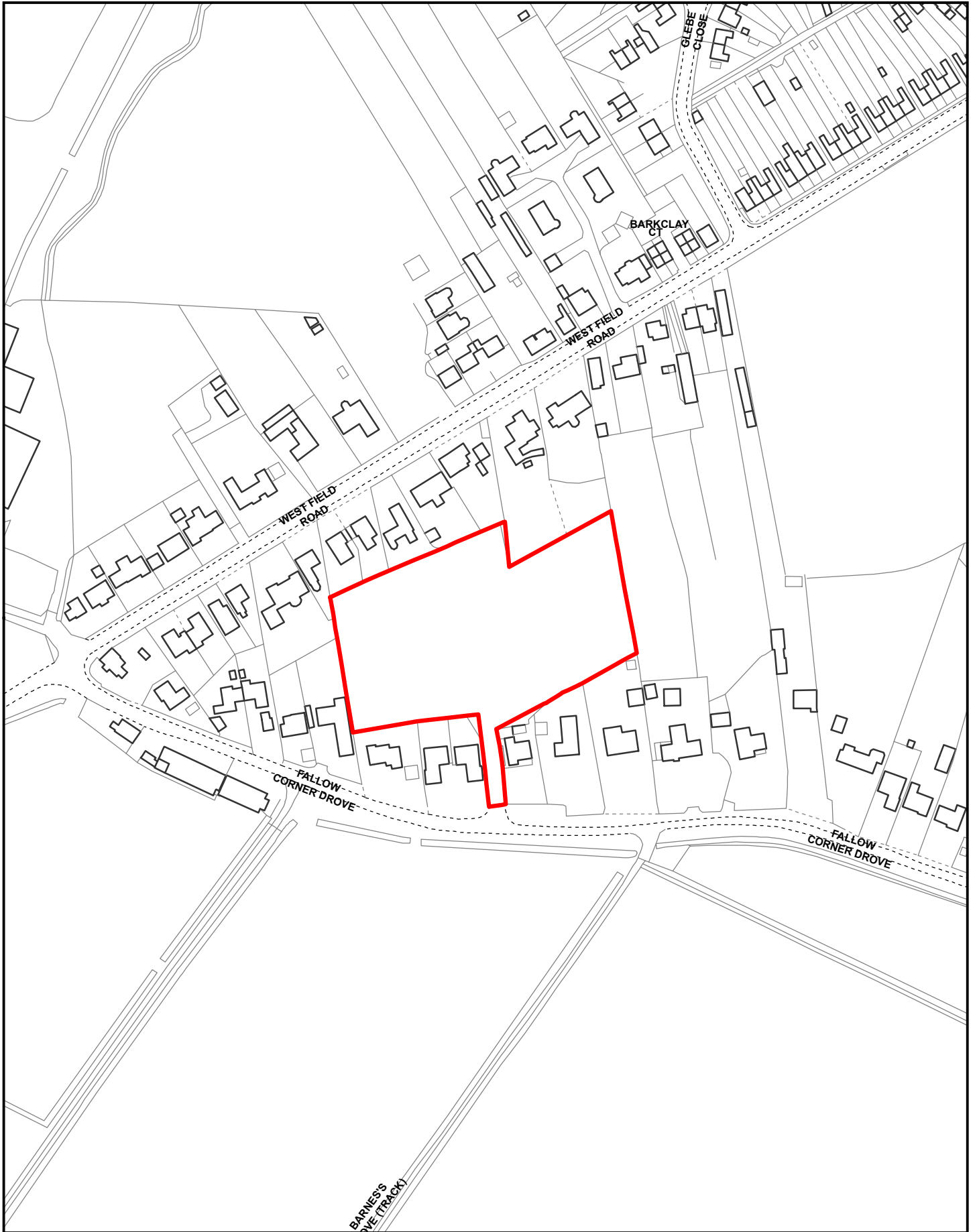
Conditions

1 (2)	<p>Parking/turning Prior to the first occupation of each respective dwelling, the proposed on-site parking and turning shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plans and thereafter retained for that specific use.</p> <p>Reason: To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety in accordance with policy LP15 of the Fenland Local Plan, 2014.</p>
2 (7)	<p>Refuse collection No development shall proceed above slab level until a refuse collection scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include;</p> <ul style="list-style-type: none"> i) Demonstration that any private roads which require access by refuse lorry can accommodate gross vehicles weights of up to 26 tonnes ii) Means of notifying future estate road Management Company(s) that where refuse vehicles have to access private estate roads for collection, that Fenland District Council will bear no responsibility for any damage to that road surface. iii) Householder packs to be provided to each occupier prior to first occupation to include; <ul style="list-style-type: none"> a) Details and locations of the relevant bin collection point(s) or place of wheeled bin presentation for collection b) Notification that where refuse vehicles have to access private

	<p>estate roads for collection, that Fenland District Council will bear no responsibility for any damage to that road surface.</p> <p>The scheme shall be implemented in accordance with the details approved.</p> <p>Reason: To ensure that suitable means of waste collection is provided in accordance with Policy LP16 of the Fenland Local Plan, 2014</p>
3	<p>Garages for parking</p> <p>The garages serving their relevant property shall be used for the parking of vehicles and ancillary domestic storage only and shall not be used as habitable rooms.</p> <p>Reason: To ensure that adequate off-street parking is retained in the interests of highway safety and residential amenity in accordance with policies LP15 and LP16 of the Fenland Local Plan, 2014.</p>
4	<p>PD Boundary Treatments</p> <p>Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015, (or any Order or Statutory Instrument revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within the curtilage of any dwelling in front of the forwardmost part of that dwelling.</p> <p>Reason: In order to ensure that the appearance of the area and amenity of occupiers is safeguarded in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
5 (2)	<p>Boundary treatments</p> <p>The boundary treatments hereby permitted shall be constructed in accordance with the details specified on approved plan 1102-12 REV K. The boundary treatments shall be completed prior to the first occupation of the development and retained thereafter.</p> <p>Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy LP16 of the Fenland Local Plan, adopted May 2014.</p>
6	<p>Landscaping</p> <p>All soft landscape works shall be carried out in accordance with the approved details. All planting seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the development, or in agreed phases and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased (except those contained in enclosed rear gardens to individual dwellings) shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
7	<p>Approved Plans – on uniform</p>

Informatives:

095A	Compliance with SI 2012 No 2274 – worked proactively
093B	Bins Informative
094A	CNC
	Reserved Matters permission forms part of the original outline planning permission F/YR22/1273/VOC; and as such conditions imposed upon this original permission should also be adhered to.



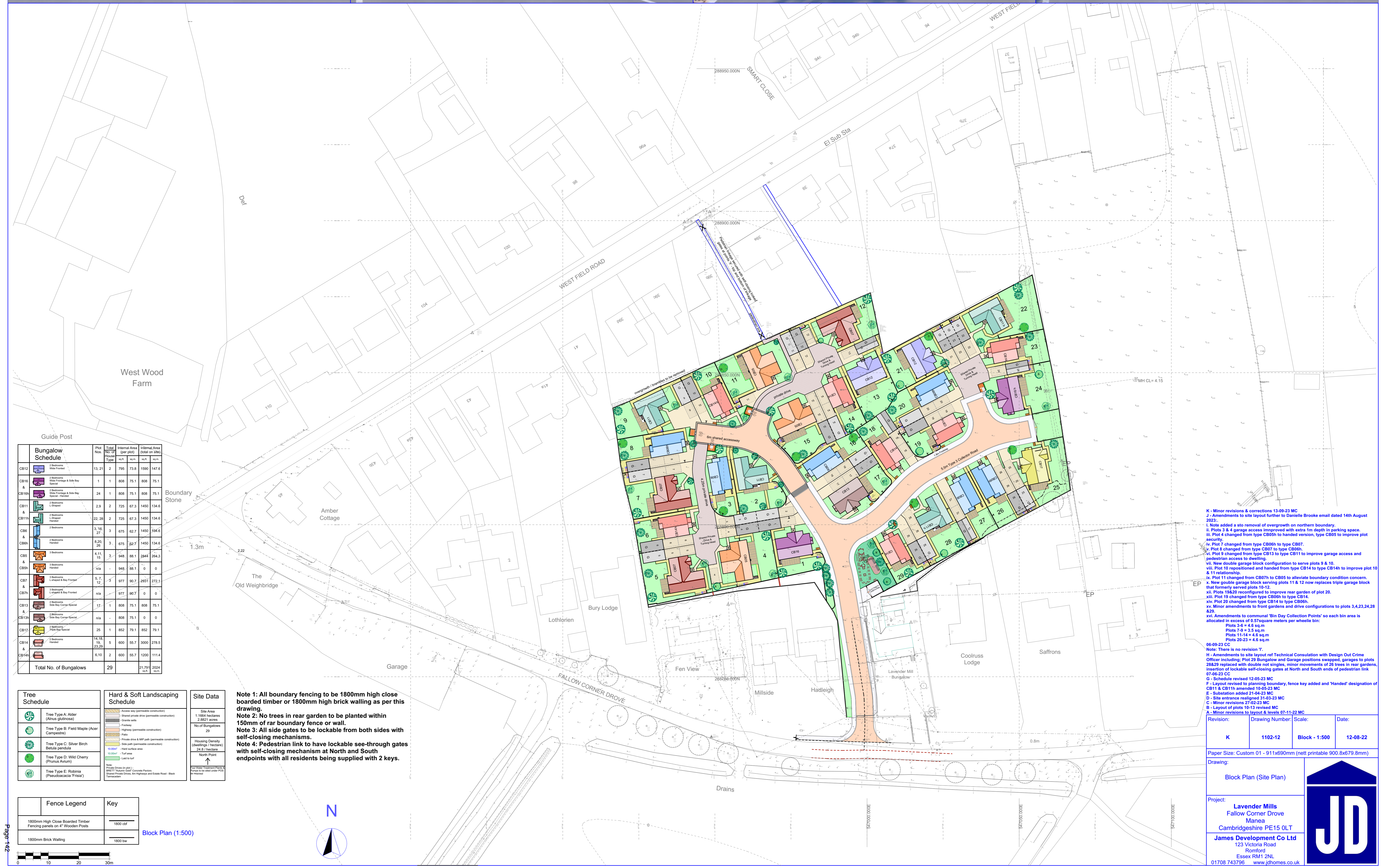
Created on: 22/05/2023

© Crown Copyright and database
rights 2023 Ordnance Survey 10023778

F/YR23/0423/RM

Scale = 1:2,500





Bungalow Schedule

Bungalow Schedule	Plot Nos.	Total No. of Plots	Internal Area (per plot)	Internal Area (total on site)
Type	sq.m.	sq.m.	sq.m.	sq.m.
CB12	13, 21	2	756	1512
CB16	1	1	808	808
CB16A	24	1	808	808
CB11	2, 9	2	725	1450
CB11A	22, 29	2	725	1450
CB6	3, 16, 27	3	675	2025
CB6A	8, 20, 26	3	675	2025
CB5	4, 11, 15	3	948	2844
CB5A	n/a	0	0	0
CB7	5, 7, 12	3	977	2931
CB7A	n/a	0	0	0
CB13	17	1	808	808
CB13A	n/a	0	0	0
CB17	25	1	852	852
CB14	14, 18, 23, 29	5	600	3000
CB14A	4	1	600	600
Total No. of Bungalows		29	21,791	2024

Tree Schedule

Tree Type A: Alder (Alnus glutinosa)	1
Tree Type B: Field Maple (Acer Campestre)	1
Tree Type C: Silver Birch (Betula pendula)	1
Tree Type D: Wild Cherry (Prunus Avium)	1
Tree Type E: Robinia (Pseudacacia Fraxin)	1

Fence Legend

1800mm High Close Boarded Timber Fencing panels on 4" Wooden Posts	1800 cdf
1800mm Brick Walling	1800 brk

Site Data

Site Area	1.1664 hectares
No. of Bungalows	29
Housing Density (dwellings/hectare)	24.81 dwellings/ha
North Point	North

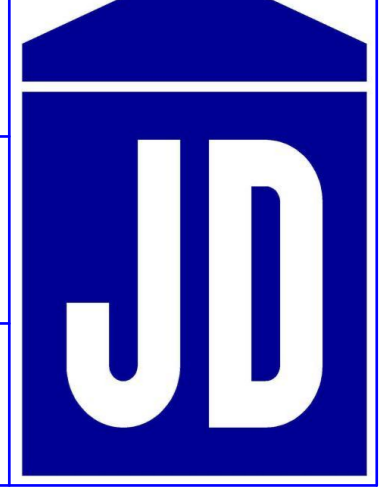
Note 1: All boundary fencing to be 1800mm high close boarded timber or 1800mm high brick walling as per this drawing.
Note 2: No trees in rear garden to be planted within 150mm of rear boundary fence or wall.
Note 3: All side gates to be lockable from both sides with self-closing mechanisms.
Note 4: Pedestrian link to have lockable see-through gates with self-closing mechanism at North and South endpoints with all residents being supplied with 2 keys.

K - Minor revisions & corrections 13-09-23 MC
J - Amendments to site layout further to Danielle Brooke email dated 14th August 2023:
 i. Note added a sto removal of overgrowth on northern boundary.
 ii. Plots 3 & 4 garage access improved with extra 1m depth in parking space.
 iii. Plot 4 changed from type CB05h to handed version, type CB05 to improve plot security.
 iv. Plot 7 changed from type CB06h to type CB07.
 v. Plot 8 changed from type CB07 to type CB06h.
 vi. Plot 9 changed from type CB13 to type CB11 to improve garage access and pedestrian access to dwelling.
 vii. New double garage block configuration to serve plots 9 & 10.
 viii. Plot 10 repositioned and handed from type CB14 to type CB14h to improve plot 10 & 11 relationship.
 ix. Plot 11 changed from CB07h to CB05 to alleviate boundary condition concern.
 x. New gable garage block serving plots 11 & 12 now replaces triple garage block that formerly served plots 10-12.
 xi. Plots 19&20 reconfigured to improve rear garden of plot 20.
 xii. Plot 19 changed from type CB06h to type CB14.
 xiii. Plot 20 changed from type CB14 to type CB06h.
 xiv. Minor amendments to front gardens and drive configurations to plots 3,4,23,24,28 & 29.
 xvi. Amendments to communal 'Bin Day Collection Points' so each bin area is allocated in excess of 0.57square meters per wheeltie bin:
 Plots 3-6 = 4.6 sq.m
 Plots 7-9 = 3.5 sq.m
 Plots 11-14 = 4.6 sq.m
 Plots 20-23 = 4.6 sq.m

06-09-23 CC
 Note: There is no revision 'T'.
H - Amendments to site layout ref Technical Consultation with Design Out Crime Officer including: Plot 29 Bungalow and Garage positions swapped, garages to plots 2&8&9 replaced with double not singles, minor movements of 26 trees in rear gardens, insertion of lockable self-closing gates at North and South ends of pedestrian link 07-06-23 CC
G - Schedule revised 12-05-23 MC
F - Layout revised to planning boundary, fence key added and 'handed' designation of CB11 & CB11h amended 10-05-23 MC
E - Substation added 21-04-23 MC
D - Site entrance realigned 31-03-23 MC
C - Minor revisions 27-02-23 MC
B - Layout of plots 10-13 revised MC
A - Minor revisions to layout & levels 07-11-22 MC

Revision:	Drawing Number:	Scale:	Date:
K	1102-12	Block - 1:500	12-08-22

Paper Size: Custom 01 - 911x690mm (nett printable 900.8x679.8mm)
 Drawing: Block Plan (Site Plan)
 Project: Lavender Mills
 Fallow Corner Drive
 Manea
 Cambridgeshire PE15 0LT
 James Development Co Ltd
 123 Victoria Road
 Romford
 Essex RM1 2NL
 01708 743796 www.jdhomes.co.uk



F/YR23/0460/FDC

**Applicant: Mr Peter Lapham
Fenland District Council (FDC)**

**Agent: Mr R Papworth
Morton & Hall Consulting Ltd**

Land At Inhams Close Murrow, Cambridgeshire

Erect 2 dwellings (2-storey 3-bed)

Officer recommendation: Refuse.

Reason for Committee: FDC is the landowner

1. EXECUTIVE SUMMARY

- 1.1. The site has an area of 0.05ha and is located in the north-west corner of Inhams Close within the `Small Village` of Murrow.
- 1.2. The proposed residential development would be acceptable in principle as it is an infill development within the continuous built form of Murrow. Further, the proposal would not result in an adverse impact on visual amenity and would not prejudice highway safety.
- 1.3. The site lies in Flood Zone 3, the highest risk of flooding and has failed to demonstrate that it is not possible for the development to be located on a site with a lower risk of flooding and the development does not provide any wider sustainability benefits, as such both the Sequential and Exception tests fail.
- 1.4. The bedroom windows at the first-floor level along the south elevation would result in some loss of privacy serving the rear garden of no.5 Inhams Close.
- 1.5. As such, the proposal would conflict with Policies LP12 and LP14 Fenland Local Plan 2014.
- 1.6. The application is recommended for refusal.

2. SITE DESCRIPTION

- 2.1. The site is located in the north-west corner of Inhams Close between nos. 5 and 14, and north of an access to an Anglian Water Pumping Station. The site is flat grassland occupied by two trees and divided by a 1.8m high close bounded fence which partly defines the garden area serving the adjacent property, no.14.
- 2.2. The surrounding area is predominantly residential characterised by single and a two storey detached and semi-detached dwellings.

- 2.3. The site is within Flood Zone 3 (high risk), does not relate to any heritage assets and there are no Tree Preservation Orders (TPO`s) on site or adjacent the site boundary.

3 PROPOSAL

- 3.1 This planning application seeks full planning permission for the erection of two, three-bedroom dwellings of a two-storey, semi-detached design.
- 3.2 The proposed dwellings would benefit from a shared gable roof, front elevation dormer roof-edge features and front elevation porch features. The proposed materials would include brickwork, tiles and UPVC. Each dwelling would benefit from front and rear garden amenities and close boarded boundary treatments. In terms of parking provision, each dwelling would benefit from two parking spaces along their side elevations (tandem) with a means of access from the south via an existing drive (private).
- 3.3 Full plans and associated documents for this application can be found at: [F/YR23/0460/FDC | Erect 2 dwellings \(2-storey 3-bed\) | Land At Inhams Close Murrow Cambridgeshire \(fenland.gov.uk\)](https://fenland.gov.uk/F/YR23/0460/FDC | Erect 2 dwellings (2-storey 3-bed) | Land At Inhams Close Murrow Cambridgeshire (fenland.gov.uk))

4 SITE PLANNING HISTORY

N/A.

5 CONSULTATIONS

- 5.1 **Wisbech St Marys Parish Council. Approve.**

- 5.2 **FDC Environmental Health. No objection, subject to conditions.**

Environmental health has no objection to this application. However, given the potential for noise nuisance complaints from neighbouring residential properties the following working times are considered reasonable and typically requested by this service:

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

- 5.3 **CCC Highways. No objection, subject to conditions.**

On the basis of the information submitted, the Local Highway Authority has no objections in principle, however, the following points require attention to make the development acceptable in highway terms:

The extent of hard landscaping is to increase with this proposal. The applicant will need to ensure that appropriate measures are taken to ensure that the associated private surface water will not discharge onto Inhams Close, noting that permeable surfacing isn't accepted by the LHA in isolation. The driveways must be constructed to fall away from Inhams Close or otherwise a suitable means of surface water interception included at the boundary e.g., a channel drain.

- 5.4 **FDC Environmental Agency. No objection, subject to condition.**

We have reviewed the documents as submitted and have no objection to the proposed development. We have provided further details below.

Flood Risk

In order for the proposed development to meet the National Planning Policy Framework's requirements in relation to flood risk, we advise that the development should be carried out in accordance with the submitted flood risk assessment (ref ECL0995a/MORTON & HALL CONSULTING LTD dated May 2023) and the following mitigation measures it details:

- *Finished floor levels shall be set a minimum of 0.3m above ground level and a minimum of 0.3m of flood resilient construction above finished floor level.*

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

5.5 FDC Tree Officer. No objection.

The proposed development requires the removal of two early mature trees that provide some biodiversity and visual amenity to the area. Replacement trees must be provided including to the front and rear of the plots. Due to limited space, the use of fastigate forms will be appropriate. The use of root trainers to the front of the plots should be used due to the close proximity of hard surfaces to direct the roots downwards.

5.6 FDC Valuation and Estates Team. No comments received.

5.7 North Level District IDB. No objection received.

North Level District IDB have no observations on the above planning application.

5.8 Local Residents/Interested Parties. No comments received.

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

LP12 – Rural Areas Development Policy

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

Emerging Local Plan

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

LP1: Settlement Hierarchy

LP3: Spatial Strategy for Employment Development

LP4: Securing Fenland's Future

LP5: Health and Wellbeing

LP7: Design

LP20: Accessibility and Transport

LP22: Parking Provision

LP27: Trees and Planting

LP28: Landscape

LP32: Flood and Water Management

8 KEY ISSUES

- **Principle of Development**
- **Flood Risk**
- **Visual Amenity**
- **Residential Amenity**
- **Impact on the Highway**
- **Ecology and Trees**

9 ASSESSMENT

Principle of Development

- 9.1 Policy LP3 of the Local Plan identifies Murrow as a 'Small Village' where development will be considered on its merits but will normally be limited in scale to residential infilling or a small business opportunity. Regarding the proposal and considering the position of the adjacent dwellings of nos. 14 and 5 Inhams Close, the proposed development would be residential infilling.
- 9.2 Policy LP12 is also relevant which outlines the criteria to be met for supporting development in villages. LP12 Part A requires that new developments should be in or adjacent to the existing developed footprint, is of a scale and in a location that is in keeping with the core shape and form of the settlement and will not adversely harm its character and appearance amongst other criteria. This proposal will introduce two dwellings onto a site which is within the continuous built form of Murrow.
- 9.3 The proposal is therefore considered in keeping with the core shape and form of the settlement and is in keeping with the overall character and setting of Murrow. It is therefore considered to be acceptable within Policies LP3 and LP12 of the Fenland Local Plan 2014.

- 9.4 It should be noted that this point of general principle is subject to broader planning policy and other material considerations which are discussed in more detail in the following sections of this report.

Flood Risk

- 9.5 The application site is within Flood Zone 3 (high risk) and the proposal is classed as more vulnerable. Local and national planning policy sets very strict tests for development in high areas of flood risk and requires that a sequential approach to development is adopted i.e.. developing out the areas at lowest risk of flood (Flood Zone 1) before then proceeding to develop Flood Zone 2 and then Flood Zone 3 areas. The Council has adopted the Cambridgeshire Flood and Water SPD which clarifies the approach to development in higher areas of flood risk and supports policy LP14 of the Fenland Local Plan 2014.
- 9.6 In order to comply with LP14, where development is proposed in Flood Zone 2 and 3, applicants are required to undertake a Sequential Test, to demonstrate that there are no other areas reasonable available to accommodate the development in lower areas of risk. Only if this test is met should development in Flood Zone 2 and the Flood Zone 3 be allowed to proceed and this is then on the basis that the Exceptions Test can be met.
- 9.7 *Site Sequential Test*

The applicant has undertaken a Sequential Test. The area of scope was the settlement of Murrow as per the 'Flood Risk Sequential Test Methodology' adopted by the LPA in Feb 2018 which agreed that where development is proposed within a defined settlement, that settlement should be the area of focus for the Sequential Test. This area of scope is accepted by the LPA and 25-30 sites were identified.

Notwithstanding the above, the Sequential Test is considered to be inadequate as it discounts smaller/larger sites which could accommodate the quantum of development.

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

- 9.8 *Exceptions Test*

The exception test is only a relevant consideration when the Sequential Test has been passed. As has been stated already, officers consider that the Sequential test has not been passed. For the exceptions test to be passed it must be demonstrated that a) *the development provides wider sustainability benefits to the community that outweigh flood risk;* and b) *a site-specific flood risk assessment (FRA) must demonstrate that the development will be safe from all sources of flood risk, will not increase flood risk elsewhere, and, where possible, will reduce flood risk overall.*

The Cambridgeshire Flood and Water Supplementary Planning Document para 4.5.9 advises that the general provision of housing by itself would not normally be considered as a wider sustainability benefit to the community which would outweigh flood risk.

The Environmental Agency (EA) do not object to the application and therefore the application passes part b) of the Exception Test. The development would make use of a brownfield land and so could be said to pass part a) of the Exception Test.

- 9.9 The proposal has failed the Sequential and therefore is contrary to Chapter 14 of the National Planning Policy Framework 2023, Policies LP12 & LP14 of the Fenland Local Plan 2014 and The Cambridgeshire Flood and Water Supplementary Planning Document.

Visual Amenity

- 9.10 Policy LP16 of the Fenland Local Plan 2014 requires development proposals to deliver and protect high quality environments throughout the district. Proposals must demonstrate they make a positive contribution to the local distinctiveness and character of the area, enhancing their local setting and both responding to and improving the character of the local built environment whilst not adversely impacting on the street scene, settlement pattern or landscape character of the surrounding area. This is further supported within Paragraph 126 of the National Planning Policy Framework 2021.
- 9.11 The area consists of traditional single storey bungalows and two-storey dwellings (semi and detached). Whilst the application site provides an area of amenity space in an otherwise built-up area, this in itself would not exclude development of the area. The area is built-up and the siting of a further two dwellings will have a neutral impact overall.
- 9.12 In terms of layout, the proposed dwellings would have a building line that would respond positively to the neighbouring property, no.14 and would appear as a natural continuation to the row of dwellings along the north side of Inhams Close. Further, the development would be set-in from the east and west boundaries which allows the built form to sit comfortably with the surrounding built environment whilst maintaining an acceptable dwelling to plot ratio. Regarding footprint, the proposed rectangular footprint will be of a size similar to surrounding properties and will not prejudice the surrounding pattern of development.
- 9.13 In terms of scale and appearance, the proposed dwellings will be of a two-storey form and would complement the two-storey form of the adjacent dwellings, nos. 14, 12 & 10, by way of appropriately sized eave heights and ridge levels therefore, the proposed scale will be befitting to the streetscene. Regarding appearance, the proposal will be of a traditional design and benefit from a gable roof, front elevation features such as apex roofs and dormer features whilst also benefiting from appropriate residential window detailing. It is considered the frontage of the proposal will appear visually interesting and architecturally sympathetic to the local area. The proposed materials have not been confirmed however, these can be controlled via a condition.

9.14 The proposal will not adversely impact the street scene of Inhams Close, the settlement pattern or landscape character of the surrounding area and would accord with the Fenland Local Plan Policy LP16.

Residential Amenity

9.15 Policy LP16 of the Fenland Local Plan 2014 requires development proposals to deliver and protect high quality environments throughout the district. Section (e) states, proposals must demonstrate they do not adversely impact on the amenity of neighbouring users such as, loss of privacy and loss of light.

9.16 Additionally, section (h) relates to private amenity and states proposals must provide sufficient private amenity space, suitable to the type and amount of development proposed.

9.17 The nearest properties are no.14 to the east, no.5 to the south (front) and the properties to the rear along Mill Road.

9.18 Regarding privacy, the proposed dwellings will have a forward and rearward outlook. To the front, no.5's side elevation will be sited approx. 13m away and does not benefit from any habitable windows therefore, there would be no window-to-window overlooking. Given the position of the proposed left hand dwelling, it would partly front the rear garden (and conservatory) of no.5 therefore, the proposed habitable first floor bedroom window along the frontage (south elevation) of the dwellings will overlook and result in some loss of privacy for no.5. Given the degree of separation, the angled nature of the relationship and the existence of the utility access track, on balance it is considered that the relationship is acceptable.

9.19 The proposed dwellings will back onto the properties along Mill Road in a rear-to-rear arrangement, however, they will be separated by a distance of more than 20m which will mitigate overlooking impacts. Additionally, this rear-to-rear arrangement would be in-keeping with the arrangement currently serving the existing properties nos. 14 & 12 to the east and so is acceptable. Two side elevation windows are proposed and would serve ensembles however these can be controlled via an obscure-glazed condition.

9.20 The proposed dwellings will be of an appropriate scale, will be well-positioned within the plot and set-in from boundaries in that there would be no loss of daylight serving neighbouring properties.

9.21 In terms of private amenity, both dwellings would benefit from adequate rear gardens and modest front gardens to serve future occupants. The recommending planning officer acknowledges much of the garden space serving no.14 will be lost to the development however, on balance, the remaining rear garden space will adequately serve the occupants of no.14.

9.22 In light of the above, the proposed development, by virtue of the bedroom windows at the first-floor level along the south elevation, would result in an adverse loss of privacy serving the rear garden of no.5 Inhams Close.

9.23 The proposal would conflict with Policies LP2 and LP16 (e) of the Fenland Local Plan 2014.

Impact on the Highway

- 9.24 Policy LP15 of the Fenland Local Plan 2014 requires development schemes to provide well designed, safe and convenient access and provide well designed car parking appropriate to the amount of development proposed, ensuring that all new development meets the Council’s defined parking standards as set out in Appendix A.
- 9.25 Regarding parking provision, Appendix A sets out that two car parking spaces are provided, per dwelling. The proposal outlines each will benefit from two parking spaces in a tandem arrangement which will accord with the parking provision standard.
- 9.26 Regarding access, the highway consultee has no objection, and recommended a condition in relation to surface water discharge.
- 9.27 The proposed parking and access are not objected to and would accord with the Fenland Local Plan Policy LP15.

Ecology and Trees

- 9.28 Whilst there is an existing hedgerow along the west boundary to be removed to accommodate the development, the recommending planning officer visited the site and noted the hedgerow has low ecological value. Additionally, the two existing trees on site which are proposed to be removed, are not protected, and currently have a neutral impact on the character of the area therefore, their loss is not objected to. The FDC Tree Officer has reviewed the application and has no objection. A landscape scheme will be conditioned, if approved.

10 CONCLUSIONS

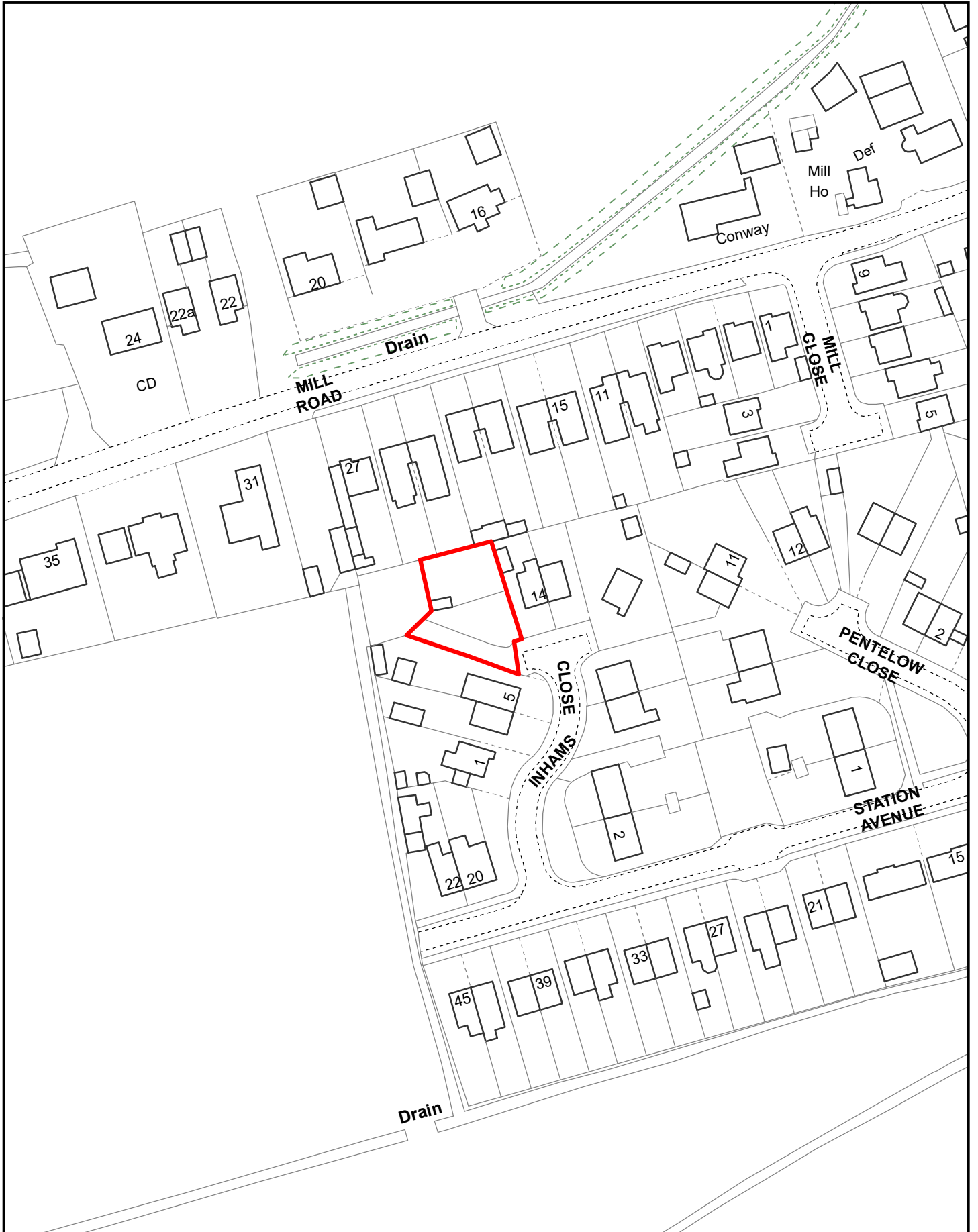
- 10.1 The site lies in Flood Zone 3, the highest risk of flooding and has failed to demonstrate that it is not possible for the development to be located on a site with a lower risk of flooding and the development does not provide any wider sustainability benefits, as such both the Sequential and Exception Tests fail.
- 10.2 The proposed development would be contrary to local and national planning policies.

11 RECOMMENDATION

Refuse; for the following reason(s)

1	<p>The site lies in Flood Zone 3, the highest risk of flooding. Policy LP12 Part A (j) seeks to ensure that developments would not put people or property in dangers from identified risks, such as flooding. Policy LP14 of the Fenland Local Plan and Chapter 14 of the NPPF seek to steer developments to the areas with the least probability of flooding and development will not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. If it is evidenced by an adequate Sequential Test that it is not possible for development to be located in areas with a lower risk of flooding the Exception Test will then apply.</p> <p>Insufficient assessment has been undertaken and inadequate information submitted to demonstrate that it is not possible for the development to be</p>
---	--

	<p>located on a site with a lower risk of flooding and the development does not provide any wider sustainability benefits, as such both the Sequential and Exception Tests fail. As such, the proposal would conflict with Chapter 14 of the National Planning Policy Framework 2023, Policies LP12 & LP14 of the Fenland Local Plan 2014 and The Cambridgeshire Flood and Water Supplementary Planning Document.</p>
--	---



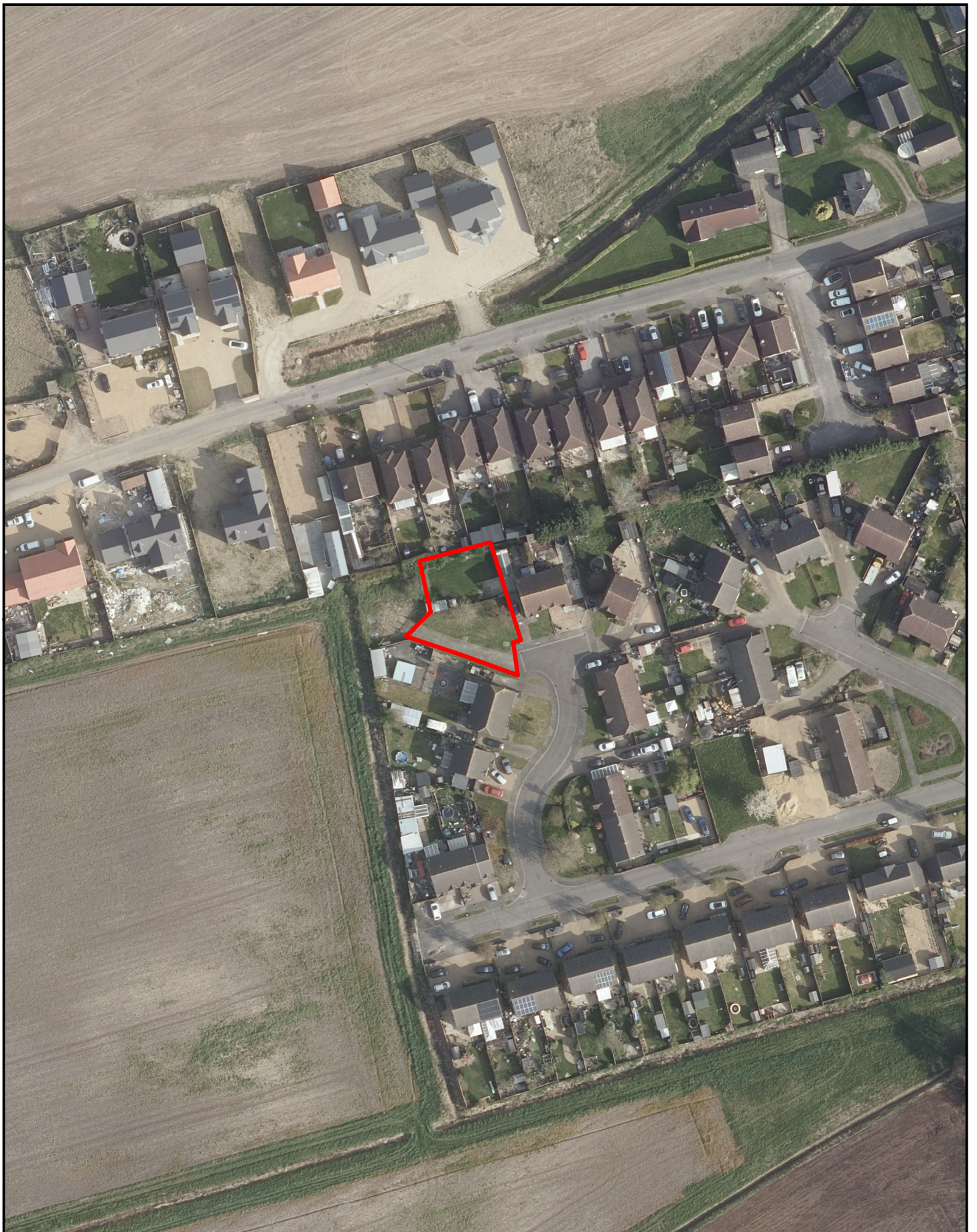
Created on: 01/06/2023

© Crown Copyright and database
rights 2023 Ordnance Survey 10023778

F/YR23/0460/FDC

Scale = 1:1,250





Created on: 01/06/2023

© Crown Copyright and database
rights 2023 Ordnance Survey 10023778

F/YR23/0460/FDC

Scale = 1:1,250



 **Fenland**
CAMBRIDGESHIRE
Fenland District Council



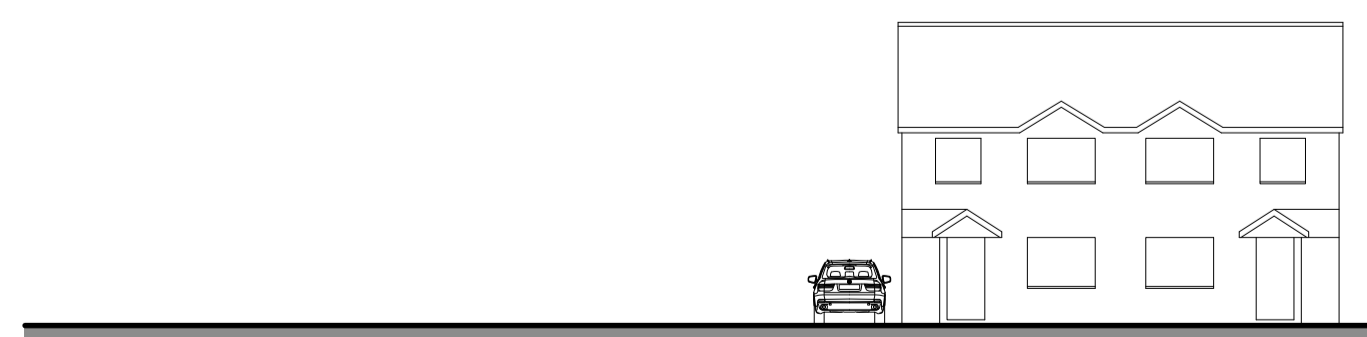
EXISTING SITE PHOTO



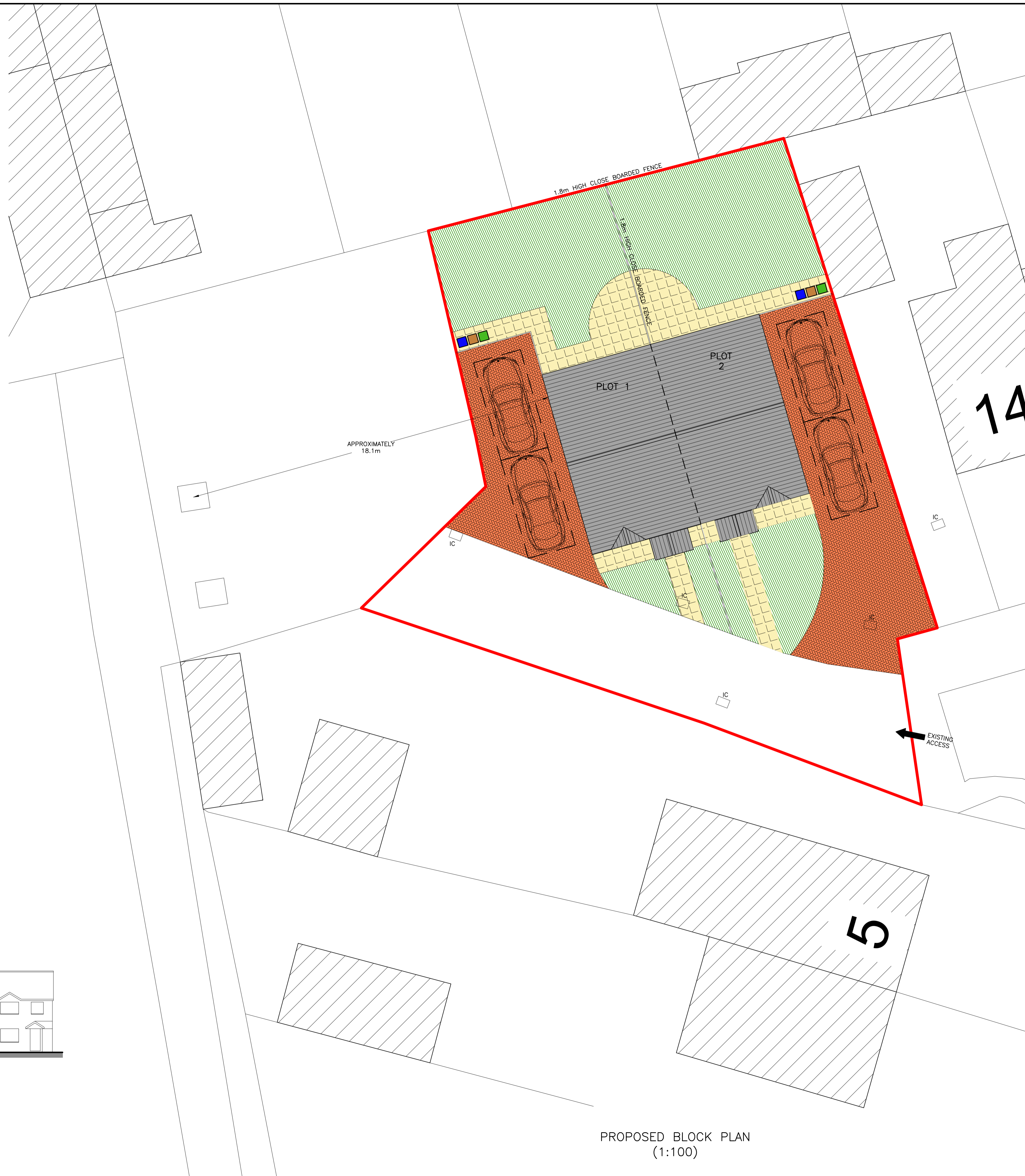
EXISTING SITE PHOTO



EXISTING SITE PHOTO



EXISTING STREET SCENE
(1:200)



PROPOSED BLOCK PLAN
(1:100)

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

C	PLANNERS COMMENTS	MAY 23
B	DRAWING UPDATED	MAR 23
A	DRAWING UPDATED	MAR 23
	REVISIONS	DATE

MORTON & HALL CONSULTING LIMITED
CONSULTING STRUCTURAL ENGINEERS

1 Gordon Avenue, March, Cambridgeshire, PE15 8AJ
Tel: 01354 655454 Fax: 01354 660467
E-mail: info@mortonandhall.co.uk Website: www.mortonconsultingengineers.co.uk

Fenland District Council
LABC Building Excellence Award
winner Building Design Awards Design Awards Building Excellence in Fenland

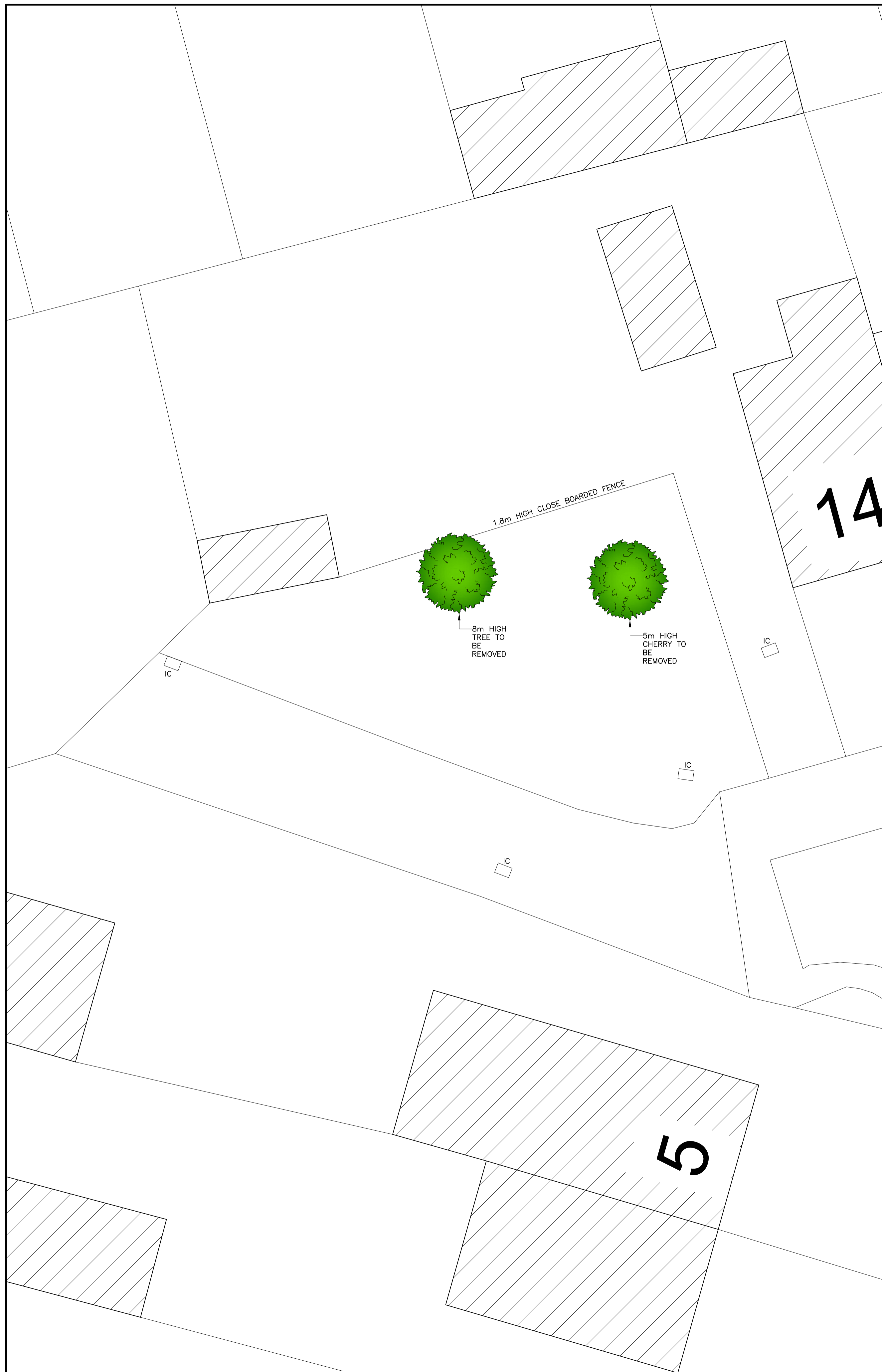
CLIENT
Fenland District Council

PROJECT
14 Inhams Close
Murrow
Wisbech
PE13 4HS

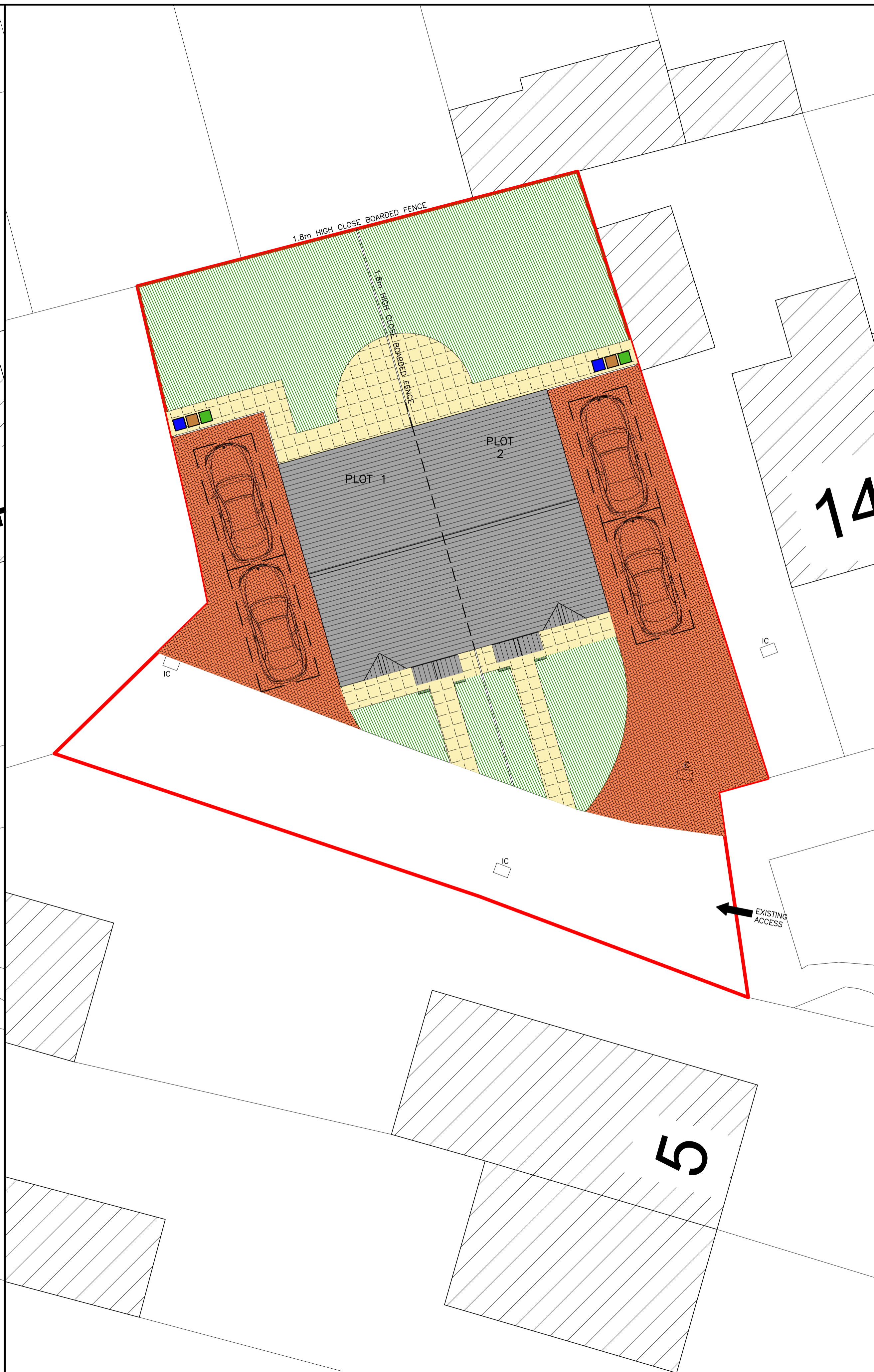
TITLE
Overall Proposed
Block Plan

DRAWN R.Papworth	DATE OF ISSUE
CHECKED	
DATE March 2023	DRAWING NUMBER H8909/02c
SCALE As Shown	

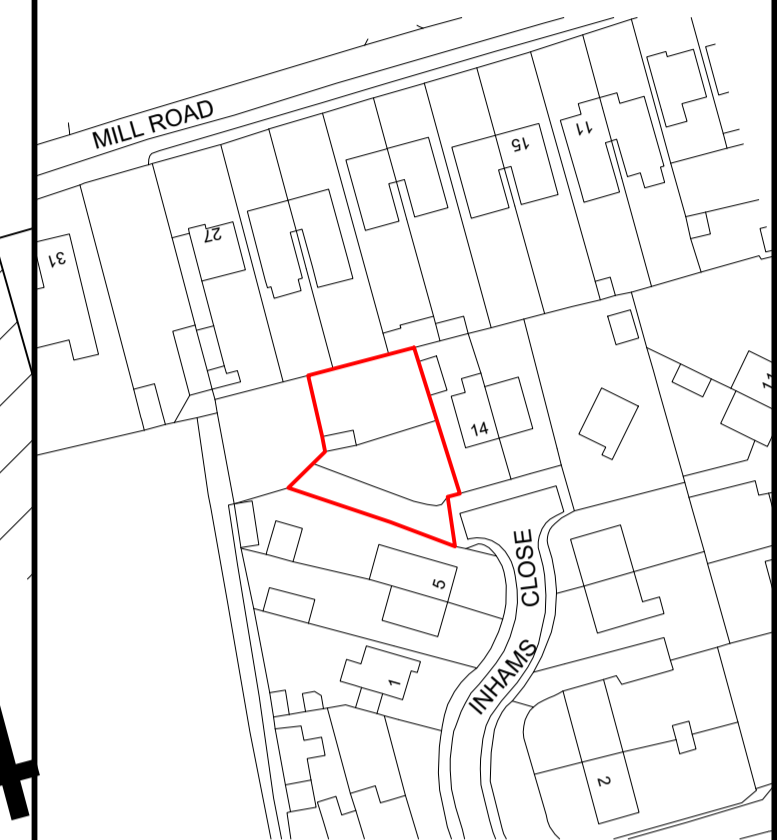
Copyright on all drawings prepared by Morton & Hall Consulting Limited is their property. Drawings and designs may not be reproduced in part or in whole without their written permission.
 Please read, if in doubt ask. Change nothing without consulting the Engineers.
 Contractor to check all dimensions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



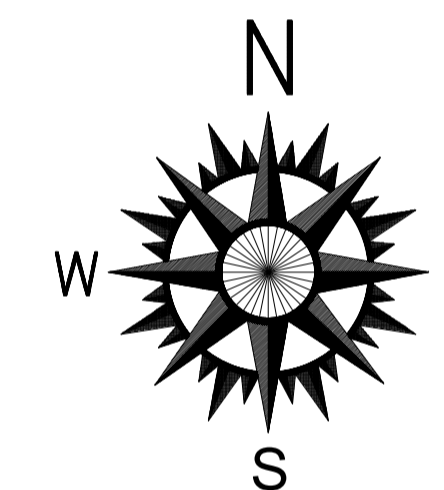
EXISTING SITE PLAN
(1:100)



PROPOSED SITE PLAN
(1:100)



LOCATION PLAN
(1:1250)
LICENCE NUMBER 100022432



C	PLANNERS COMMENTS	MAY 23
B	DRAWING UPDATED	MAR 23
A	DRAWING UPDATED	MAR 23
	REVISIONS	DATE

MORTON & HALL CONSULTING LIMITED
 CONSULTING STRUCTURAL ENGINEERS

1 Gordon Avenue, March, Cambridgeshire, PE15 8AJ
 Tel: 01354 655454, Fax: 01354 660467
 E-mail: info@mortonandhall.co.uk, Website: www.mortonconsultingengineers.co.uk

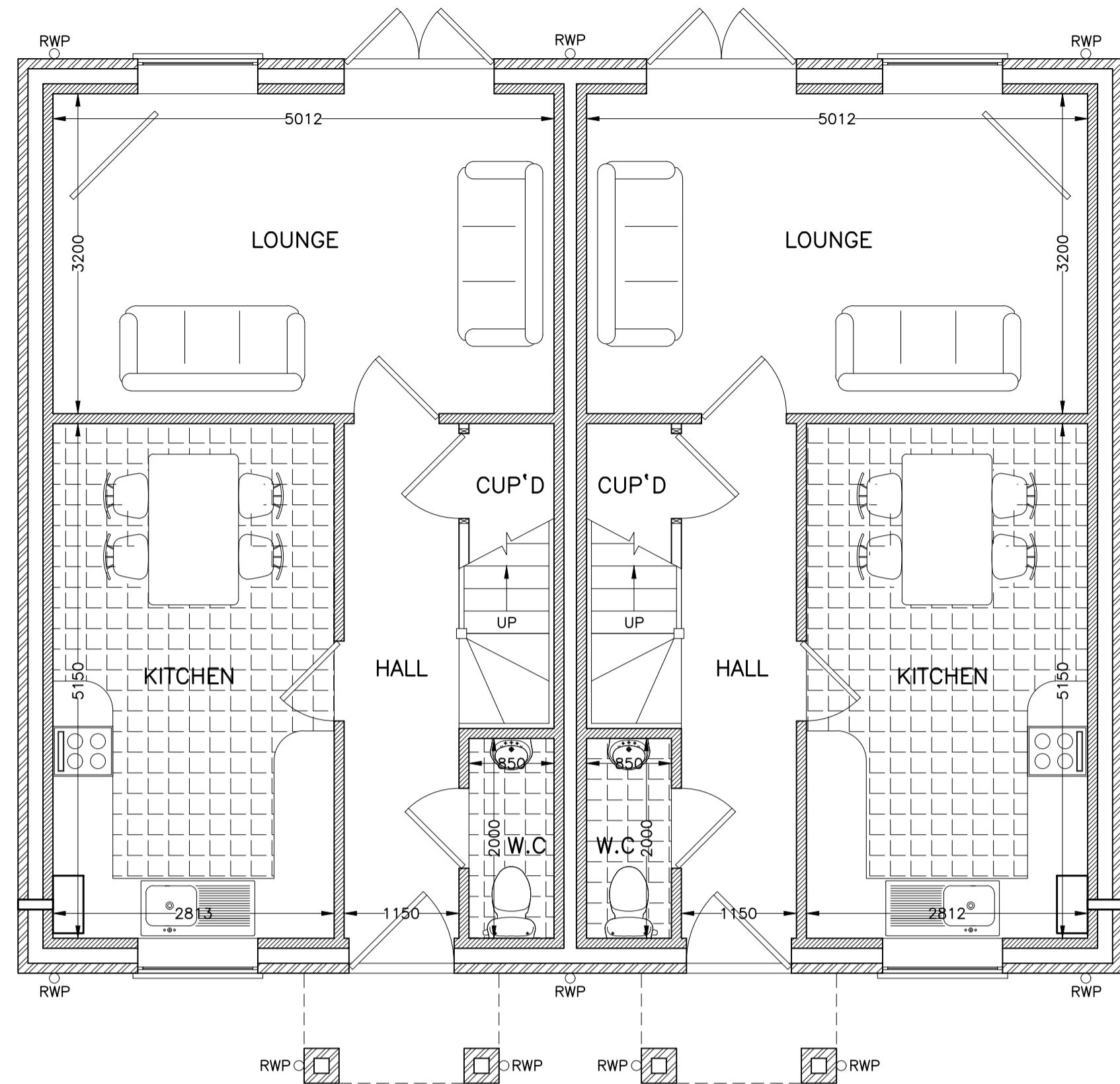
LABC Fenland District Council Building Design Awards winner Building Excellence in Fenland

CLIENT
Fenland District Council

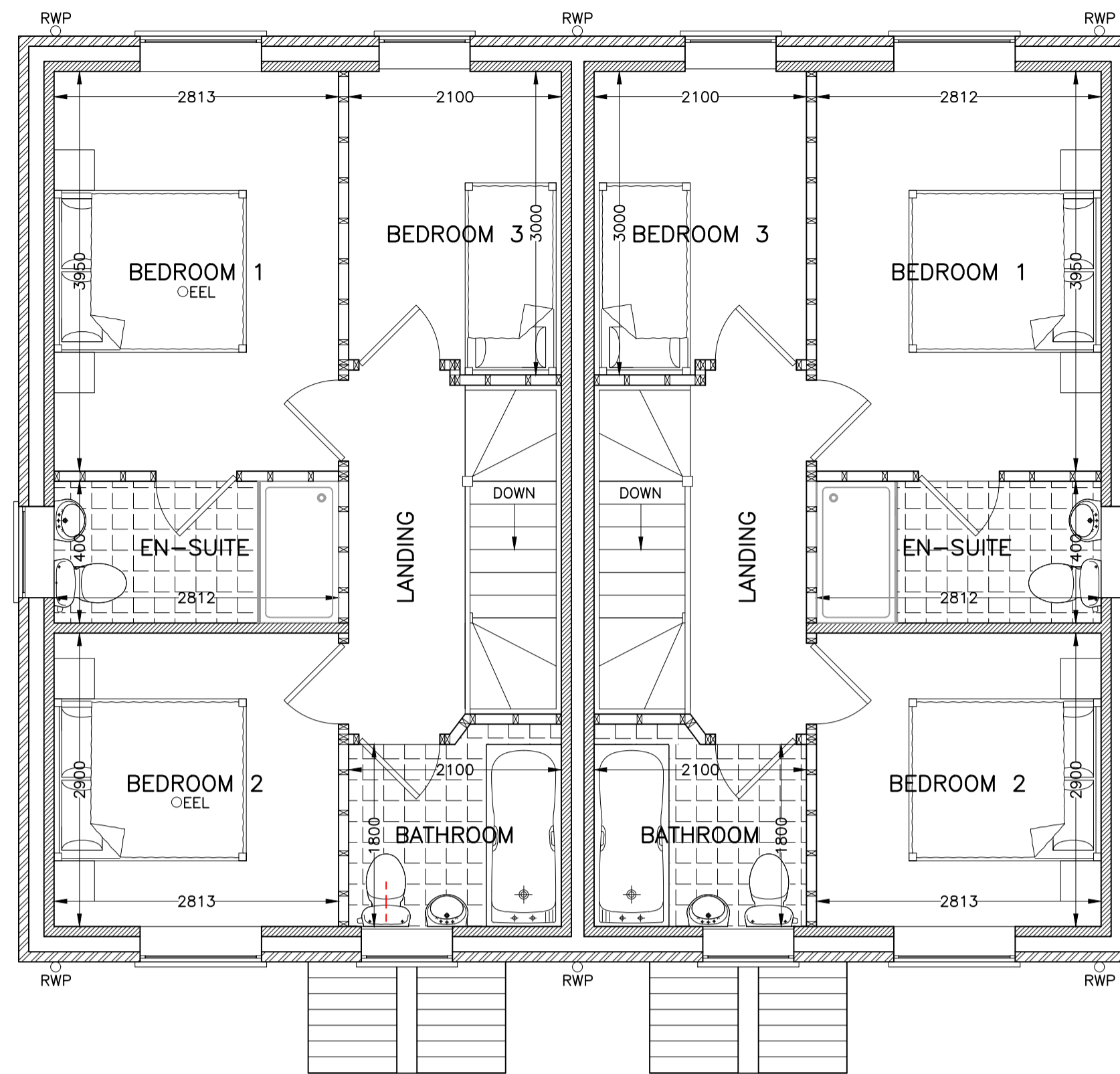
PROJECT
14 Inhams Close
Murrow
Wisbech
PE13 4HS

TITLE
Existing & Proposed Site Plans

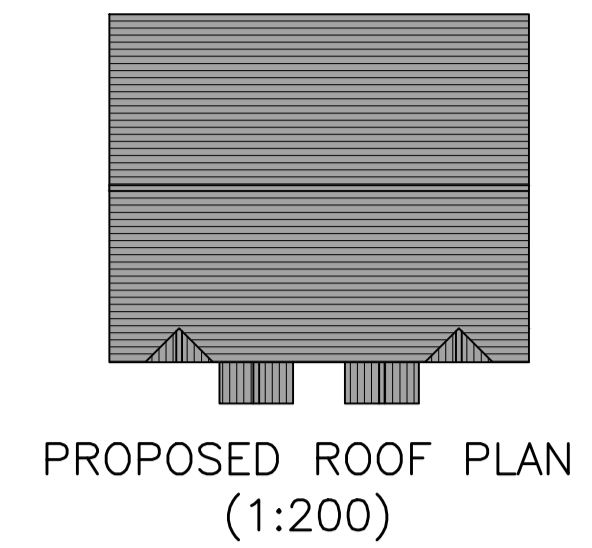
DRAWN R.Papworth	DATE OF ISSUE
CHECKED	
DATE March 2023	DRAWING NUMBER H8909/01c
SCALE As Shown	



PROPOSED GROUND FLOOR PLAN
(1:50)



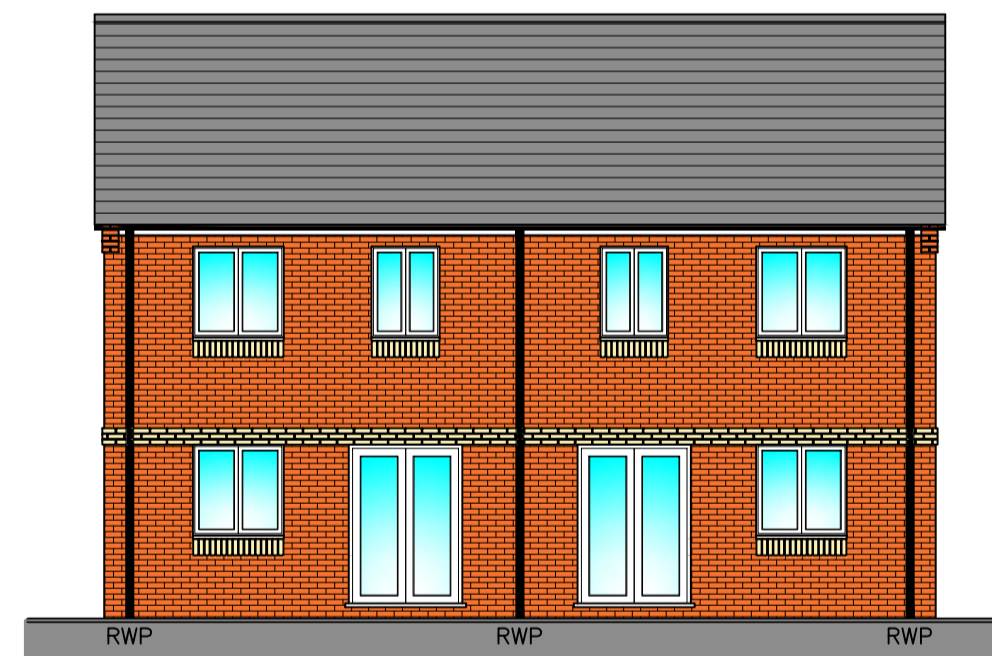
PROPOSED FIRST FLOOR PLAN
(1:50)



PROPOSED ROOF PLAN
(1:200)



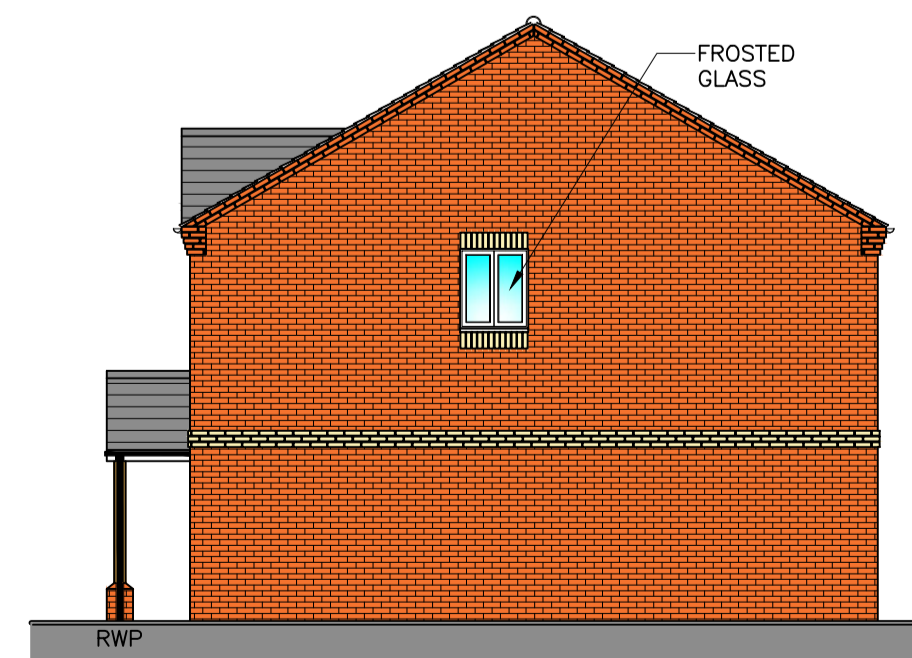
PROPOSED FRONT ELEVATION
(1:50)



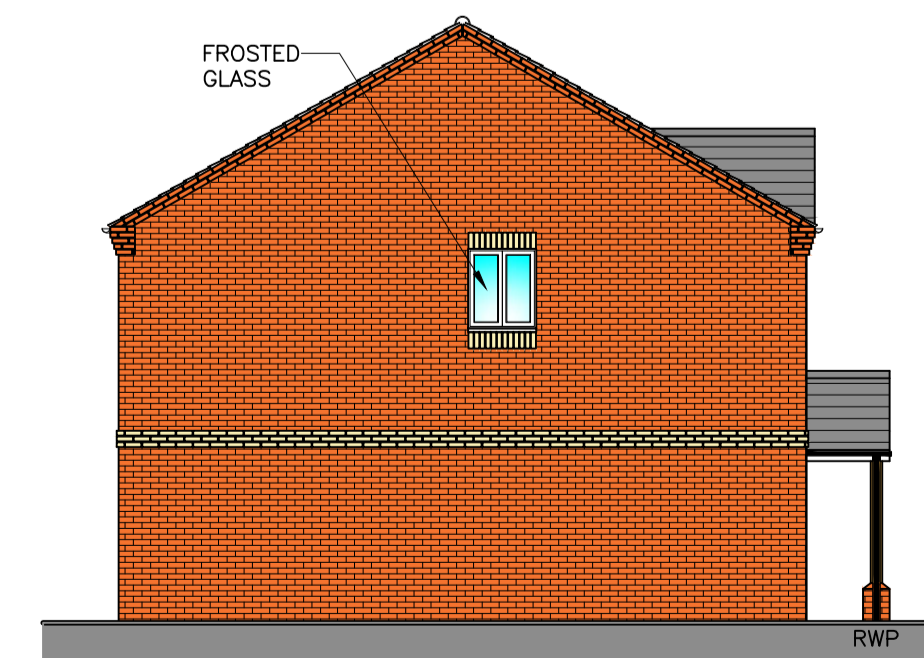
PROPOSED REAR ELEVATION
(1:100)



PROPOSED STREET SCENE
(1:200)



PROPOSED RHS ELEVATION
(1:100)



PROPOSED LHS ELEVATION
(1:100)

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

A	PLANNERS COMMENTS	MAY 23
	REVISIONS	DATE

MORTON & HALL CONSULTING LIMITED
CONSULTING STRUCTURAL ENGINEERS

1 Gordon Avenue, March, Cambridgeshire, PE15 8AJ
Tel: 01354 655454
Fax: 01354 660467
E-mail: info@mortonandhall.co.uk
Website: www.mortonconsultingengineers.co.uk

LABC Fenland District Council Building Design Awards winner Building Excellence in Fenland

CLIENT
Fenland District Council

PROJECT
14 Inhams Close
Murrow
Wisbech
PE13 4HS

TITLE Proposed Plans & Elevations	
DRAWN R.Papworth	DATE OF ISSUE
CHECKED	
DATE March 2023	DRAWING NUMBER H8909/03A
SCALE As Shown	

F/YR23/0541/F

Applicant: Mr Alan White

Agent : Mr Adam Sutton, ALS Design Services

Land North of The Barn High Road Bunkers Hill Cambridgeshire

Erect 5 x dwellings (2-storey 5-bed) involving the formation of a new access

Officer recommendation: REFUSAL

Reason for Committee: Parish Council support contrary to Officer recommendation

1 Executive Summary

- 1.1 The proposal for dwellings on the site has been submitted previously and was refused by the Planning Committee at the meeting of the 13th May 2020. There were four reasons for refusal, including an in-principle reason, but Cllrs resolved to refuse solely on the grounds of a failure to demonstrate that a safe access was possible to the site.
- 1.2 Further to the above, an outline application, F/YR20/0598/O was submitted for the erection of up to 5 x dwellings involving the formation of a new access (with matters committed in respect of access). The application was a resubmission to attempt to overcome the highways reason for refusal. However, an appeal decision received by the Council during the determination of this application was received which was considered to be material to the consideration of the resubmission. Notwithstanding this, the Members overturned the Officers recommendation and approved the application.
- 1.3 The application seeks full planning permission for the erection of 5. no dwellings including the formation of a new access onto High Road.
- 1.4 The proposal is considered unacceptable in principle as it is located within an 'elsewhere location' where development is not supported unless it complies with the criteria permitted by Policy LP3.
- 1.5 The application site is located on land that falls within flood zone 1, 2 and 3, however the application is not accompanied by a sequential test indicating that the development could not be accommodated on alternative land within the District at a lower risk of flooding.
- 1.6 The proposal furthermore fails to protect the amenity of future occupiers as the proposed design of plots one and two would lead to an overbearing impact on any future occupiers failing to comply with Policy LP16.
- 1.7 Insufficient information has been submitted to consider the full impact the proposal may have on the public highway and therefore fails to comply with policy LP15 of the Local Plan.
- 1.8 For the reasons set out above and expanded upon in the report the proposal is recommended for refusal.

2 SITE DESCRIPTION

- 2.1 The application site is part of an open field adjacent to the highway in the Bunkers Hill hamlet. The land was previously separated from the public highway by a hedgerow, however this has been removed with only sporadic planting remaining within the line of that

former hedgerow. The hedgerow was located on a raised section of land separating the field from the highway, with the field itself located on lower ground.

- 2.2 The field itself is surrounded on the remaining sides by mature hedgerow/tree planting and a post and rail fence to the north boundary with a close boarded fence separating the land from the dwelling to the south. 2.3. The field itself lies partly within flood zone 1, but with the majority of the site within flood zones 2 and 3, zones of higher flood risk.

3 PROPOSAL

- 3.1 The application proposes the erection of 5no, 5-bedroom, two storey dwellings. These are to be arranged in a linear fashion fronting an access road which is to be taken from High Road.
- 3.2 Plots 1, 2 and 4 are of comparable design with a gabled frontage and catslide roof to the side whilst plots 3 and 5 are larger in scale with a pitched roof and side gable proposed.
- 3.3 Plots 1-3 propose an integral car port with plot 4 proposing a detached car port to the side whilst plot 5 proposes a double car port projecting forwards from the principal elevation. Each dwelling proposes alongside a proposed car port.
- 3.3 Each of the proposed dwellings will be constructed of Vandersanden Cottage Mix facing brick with cream UPVC windows and timber doors. Plots 1,2 and 4 propose a Redland double pan roof with plots 3 and 5 proposing an artificial slate roof.
- 3.5 Landscaping is proposed in and around the site and is set out within the site plans. The landscaping to the front of the proposed dwellings includes the planting of 8no trees and associated shrubbery. To the front of each proposed dwelling there is a proposed 0.6m high post and rail fence separating each dwelling. It is set out that the rear garden areas are proposed to contain patios and grassed areas. Each of the proposed No.5 dwellings will be separated by a 1.8m close boarded fence at the rear of each dwelling along with provision of a 3-bin storage area.
- 3.6 A Flood Risk Assessment; soakaway calculations; Design and Access Statement; Drainage Plan; Proposed street scene plan and Boundary Treatment plan supplement the application submission.

4 SITE PLANNING HISTORY

- 4.1 F/YR13/0048/F- Erection of 3x 2-storey 4-bed dwellings with detached car port (Plot 1), attached car ports (Plots 2 and 3). Withdrawn 11.03.2013
- 4.2 F/YR13/0910/F- Erection of 3x 2-storey 4-bed dwellings with detached car port (Plot 1), attached car ports (Plots 2 and 3). Refused 07.02.2014
- 4.3 F/YR20/0167/O- Erect up to 5x dwellings involving the formation of a new access (outline application with matters committed in respect of access). Refused 15.05.2020
- 4.4 F/YR20/0598/O- Erect up to 5x dwellings involving the formation of a new access (outline application with matters committed in respect of access). Application Granted 11.12.2020 contrary to officer recommendation.

5 CONSULTATIONS

Consultees

5.1 Archaeology, Cambridgeshire County Council

Acknowledge that the application site is located at Bunkers hill which is to the south west of the main settlement of Wisbech. The application site is over a Rodden Deposit which has been formed by a silted river channel which creates a raised area of firmer ground which has been exploited since prehistoric periods. They have not raised an objection to the

proposed development but have requested a programme of archaeological investigation is to be secured by condition alongside relevant informative.

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)

Informative

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

5.2 Environmental Health

No comments received to date.

5.3 County Highways

While the Highway Authority has no objections in principle to this development, insufficient information has been provided to consider the full impact the proposal may have on the public highway and additional information and amendment is requested as described below.

Visibility

I note that this development is to utilise the position of an access previously permitted with respect to F/YR20/0598/O. While I have no objections in this regard, the applicant would need to demonstrate that the visibility splays previously approved can be achieved within public Highway or land within the applicant's control, noting that the red line boundary on this plan differs from that on the previous application. I would also note that the visibility splay shown on drawing 1405-260-002 is incorrectly detailed and should be measured to the point at which it crosses the near side channel line of the road. The splay previously provided is below that normally required for a derestricted road. This was based upon submission of supportive speed data, which should be similarly provided as part of this separate application.

The applicant should be invited to supply the additional information and amend plans to include:

- Corrected visibility splay.*
- The verified highway extent.*
- Amended red line.*
- Speed data to support reduced visibility requirements.*

Footways.

I note that the application includes proposals for a footway linking to a bus shelter to the south of Willock Lane, including provision of a drawing titled Section 278 and construction details.

The construction of the proposed footway will be subject to a Section 278 Agreement with the Highway Authority and while the principle of its provision should be considered as part of this application it would be inappropriate to approve any detailed design before it has been considered in detail by the Highway Authority as part of the s278 application and the comments made within this response are therefore on a without prejudice basis to any such agreement taking place.

In determining feasibility of constructing the proposed footway, it must first be established that any works required can be achieved with the public highway or land in the applicant's control. While the indicative highway boundary is included on plan 1405-2600-01, this appears to include an area of embankment/change in level, whereas the public highway often excludes such features, and it is therefore unclear whether the highway extent shown on plan has been verified.

The applicant should be invited to contact the County Councils Asset Information Searches Team to obtain confirmation of the highway extent. A simple extract from the highway record is not considered sufficient in this regard and a more extensive investigation may be required, including visit to site. Details of this can be found on the internet at the address shown below:

<https://www.cambridgeshire.gov.uk/residents/travel-roads-and-parking/roads-andpathways/highway-records>

I note that the previous outline application required a 1.8m footway rather than the 1.5m shown. The current standard for footway requires a 2m wide surface, and while a narrower footway may be acceptable where physical restrictions prevent anything wider, the initial design must first look to provide widths to current standards. The applicant should be invited to amend plans accordingly. The proposed footway is shown offset by 0.9 m from the carriageway edge, presumably to allow overedge drainage from the carriageway and avoid the need of kerbing that may require installation of a positive drainage system. While I am not averse to this solution in principle, it is unclear whether the remaining verge would be sufficient to permit the necessary percolation, especially given the additional impermeable area created by the new footway.

While I note that condition 8 of the earlier outline application requires a footway to be provided between the bus stop and the site access, this is a separate full application and the applicant may wish to consider alternative provision that overcomes the drainage issues while making similar provision for the new dwelling and making improvement to the existing highway network linking to the bus stop. This could include provision of a private link from the southern end of shared private driveway, into a section of kerbed footway extended slightly further north than that currently shown. This would ideally include a pedestrian crossing over High Road at a location where suitable visibility can be achieved in both directions, to provide improved connectivity to the northern footway.

The footway as shown appears to be located on the embankment/change in level and it is unclear how the applicant is proposing to adjust levels to accommodate construction, or what effect this will have on adjacent land. This is of particular concern were located adjacent to land not in the applicant's control and that section close to the proposed private driveway where there is a risk of a step being created.

This issue may affect feasibility of construction and the applicant should therefore be invited to provide clarification in this regard, including cross section describing how levels will be adjusted and highlighting the relative position of highway, the extent of land in their control and the effect on any third party land.

When revising plans, the applicant should be invited to include the position of any utility's poles affected by their proposals, including the principle of their relocation out of new

footway. Noting that there are at least 3 gullies in the southern channel line east of the eastern kerb line, these should also be identified on plan. Where these gullies are relied upon to provide drainage for any sections of road to be kerbed, the applicant should undertake investigations to demonstrate that the gully and downstream drain are functioning sufficiently that obstruction of over-edge drainage would not result in ponding in the highway.

Given the complexity of overcoming some of these issues that may ultimately require changes to be made to any proposals for offsite works approved in planning, I would strongly recommend that should the applicant be granted planning approval, that a condition be included requiring that detailed design of the offsite works be submitted to and approved by the Local Planning Authority prior to the commencement of any works, and that such drawings not be approved until they have been technically approved as part of the s278 agreement process.

Shared private driveway.

A shared private drive serving five dwellings should be served off a simple verge crossing rather than a kerbed junction. While this could be relaxed in this case given the location of the site, the detail provided on GA2 combines features of both crossing and junction on one plan. This should be rationalised to either remove the dropped kerb on the kerb line or the junction radii. Where radii are provided, these should be dimensioned and comply with the Highway Authorities requirements for s278 works. No details have been provided to indicate how private surfaces will be drained independently of the public highway.

This should be clarified noting that the use of permeable surfaces is not considered sufficient to prevent water being discharged from private surfaces. They should either be inclined away from the public highway or drainage systems should be provided to intercept any potential run off. While the parking places have not been clearly detailed on plan, with the provision of parking in garages there would appear to be 3 parking space per dwelling plot. The LPA must be satisfied that garages are suitable for daily use. Turning within the individual plots may be awkward in places and particularly so to those turning in the external space on plot 5 when approaching from the north.

While I would suggest that the applicant review turning of residential vehicles within the site this is unlikely to have a detrimental impact on the public highway and I would not look to object in this regard. While vehicle tracking has been provided for a 7.5 panel van turning out of the proposed junction (noting that this is from a position off the private driveway), no indication is provided of how non-residential vehicles will turn within the site so as to enter and leave the site in forward gear. In its current form visitors such as supermarket delivery vehicles entering the private driveways would likely reverse out onto a highspeed road risking collision with other road users.

The applicant should be invited to provide an appropriate turning head within the site and to demonstrate workability with tracking of suitability sized vehicle. Section 278 agreement. While not looking to approve the proposed construction details outside of a s278 technical approval, I note that the footway construction is not in accordance with the current version of Cambridgeshire County Councils Housing Estate Road Construction Specification (HERCS) which is dated January 2023. I would specifically refer the applicant to Appendix 10 of this document which is available on-line at the County Councils website.

5.4 Wisbech St Mary's Parish Council

At the meeting of Wisbech St. Mary Parish Council on 10th July 2023, the Council recommended APPROVAL subject to the following points and conditions: Bunkers Hill has a known speeding problem and based on the fact that there will be at least 20 properties within 200 yards the Council recommended an amendment to the speed limit to 40mph and the provision of an MVAS/SID by the developer. The Council would also like to recommend the provision of a footpath in both directions to allow walking access to the bus stop, which would be required to be installed prior to commencement.

5.5 Housing Strategy

As the application is for 5 dwellings, it is below the threshold for affordable housing and they have no comment to make

5.6 North Level District

No observations to make

5.7 Environment Agency

Thank you for your consultation dated 12 July 2023 for the above application. We have no objection to this planning application, providing that you have taken into account the Flood Risk considerations which are your responsibility. We have provided additional information below.

Flood Risk The site is located within flood zone 3 as defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high probability of flooding. We have no objection to the proposed development, but strongly recommend that the mitigation measures proposed submitted flood risk assessment (FRA) ref: ECL0173b/ALS DESIGN SERVICES, dated April 2023, compiled by Ellingham Consulting Ltd and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 0.5 metres above Ordnance Datum (AOD) with flood resilient construction incorporated to 300mm above finished floor level. are fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements.*

The measures detailed above should be retained and maintained thereafter throughout the lifetime of the development.

5.9 Local Residents/Interested Parties

One resident within Wisbech St Mary raises an objection:

'The access onto the main road I going to be dangerous as the speed limit is 60 miles per hour and traffic does often exceed that - the visibility from the right hand side will be obscured because of the greenery. I suggest that either the speed limit is lowered (highways) or the access be moved in Willock lane to avoid a terrible accident happening.'

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

7.1 National Planning Policy Framework (NPPF)

7.2 National Planning Practice Guidance (NPPG)

7.3 National Design Guide 2021

7.4 Fenland Local Plan 2014

LP1	A Presumption in Favour of Sustainable Development
LP2	Facilitating Health and Wellbeing of Fenland Residents
LP3	Spatial Strategy, the Settlement Hierarchy and the Countryside
LP4	Housing

LP5	Meeting Housing Need
LP12	Rural Area's Development Policy
LP14	Responding to Climate Change and Managing the Risk of Flooding in Fenland
LP16	Delivering and Protecting High Quality Environments across the District
LP19	The Natural Environment

7.5 Emerging Local Plan

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

LP1 Settlement Hierarchy
 LP2 Spatial Strategy for the Location of Residential Development
 LP5 Health and Wellbeing
 LP7 Design
 LP8 Amenity Provision
 LP12 Meeting Housing Need
 LP18 Development in the Countryside
 LP20 Accessibility and Transport
 LP22 Parking Provision
 LP24 Natural Environment
 LP25 Biodiversity Net Gain
 LP32 Flood and Water Management

8 KEY ISSUES

- **Principle of Development**
- **Character, scale, design and layout**
- **Residential amenity**
- **Flooding and Drainage**
- **Highway safety**

9 BACKGROUND

- 9.1 Application F/YR20/0167/O was refused at committee for the erection of up to 5x dwellings involving the formation of a new access. The reason for refusal was solely based on highway safety implications and the failure to provide an acceptable visibility. Members in their consideration of the application discounted the location of the site as a reason for refusal on the basis that they did not consider it to be an elsewhere location. The impact on the character of the area was considered by Members to be positive, and the matter of the flood risk not being passed was not considered to justify refusal of the scheme as the risk could be mitigated against.
- 9.2 Application F/YR20/0598/O was submitted to attempt to overcome the highways reason for refusal. Prior to the determination of the application and after application F/YR20/0167/O was determined, an appeal decision on a comparable site was received by the Council and therefore the application was recommended for refusal at committee for reasons related to an in-principle reason (elsewhere location) with the appeal decision cited. Members granted the outline application.
- 9.3 Given the site edged red has been altered for this scheme, this prompted a full application submission as opposed to submission of reserved matters. The reason for the change was twofold, namely highway safety and drainage with gardens having to be larger to accommodate package treatment plants.

10 ASSESSMENT

Principle of Development

- 10.1 When reporting the applications previously, Officers set out that, “Policy LP3 defines the settlement hierarchy within the district. Bunkers Hill is not one of the identified settlements within this policy and as such is considered to be an ‘Elsewhere’ location where development “will be restricted to that which is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services”.
- 10.2 Policy LP12 details the further requirements for supporting evidence in relation to proposals for new accommodations within an elsewhere location. However, as this application was submitted on the basis that it complied with Policy LP3 as previously decided by the planning committee, no such evidence has been submitted to demonstrate that the proposal complies with Policy LP12.
- 10.3 The principle of the proposed development therefore does not accord with the relevant policies of the development plan. This approach is supported by appeal decisions in relation to proposals within the District, in particular schemes at Kings Delph (F/YR18/0515/F), Westry (F/YR17/1114/O) and Four Gotes (F/YR18/0725/O). Notwithstanding this, Members concluded that Bunkers Hill was not an elsewhere location and therefore decided to not refuse planning permission on the basis of a conflict with LP3.
- 10.4 However, a more recent appeal decision received by the Council relates to planning application F/YR19/0828/F, concerning a proposed dwelling at Crooked Bank, Wisbech. This involved a site within what the Inspector described as “a small group of dwellings, farmsteads and enterprises known as Begdale. It is not within any of the settlements specified in Policy LP3 of the Local Plan. Begdale has a similar relationship to the settlement of Elm that Bunkers Hill has to Wisbech St Mary and there must therefore be parallels drawn between that decision and how this application should be determined.
- 10.5 The Inspector considered that Begdale was an elsewhere location and that the principle of development would conflict with Policies LP3 and LP12 of the Local Plan. Consequently, it is considered that Bunkers Hill must also be an elsewhere location and again that the principle of residential development must conflict with these policies.
- 10.6 The Inspector went on to consider that due to the limited services, facilities and employment within Begdale future occupiers would have “limited transport choice other than to rely on private motorised transport” although recognising that there would be some modest social and economic benefits from the dwelling. The overall conclusion was “whilst recognising the overall national objective to boost the supply of housing, the combined benefits of the scheme are still relatively modest such that they are outweighed by the environmental harm arising from the dependence on the private car and development in the countryside. The proposed development would not therefore amount to sustainable development when considered against the Framework as a whole”. It is considered that the conclusions drawn by the Inspector at Begdale are equally relevant to the current proposal.
- 10.7. Whilst reference was made by Members when the previous application was considered that limited weight should be given to Inspector’s decisions, as subsequent Inspectors have sometimes taken a different view on an issue to their colleagues, this is not a common occurrence and so appeal decisions should normally be given significant weight.
- 10.8 It is acknowledged that support for the proposal can be found within Policy LP58 of the Emerging Local Plan which allocates the application site for residential development. At present, the emerging plan is at draft stage and as such carries limited weight in the assessment. It furthermore must be acknowledged that this is a full application and not

the continuation of the outline application through a reserved matters application. The application must therefore be assessed against the existing policy requirements. Therefore, it is considered that the emerging plan would not outweigh the proposal failing to comply with Policy LP3 of the Fenland Local Plan (2014) and as such the recommendation for refusal is still applicable.

- 10.9 It is acknowledged that the planning committee has previously deemed the principle acceptable for an outline application for the same site, however, it is the viewpoint of the LPA officer that the proposal does not comply with Policy LP3 and as such cannot be supported in principle.

Character, scale, design and layout

- 10.10 It is to be noted that, again, when reporting previous applications, Officers set out that Policy LP16 of the Fenland Local Plan sets out the requirements for development proposals with regard to delivering and protecting high quality environments throughout the district. In particular it notes that proposals will be required to make a positive contribution to the local distinctiveness and character of the area, enhancing its local setting, and responding to and improving the character of the local built environment, whilst reinforcing local identity and not adversely impacting on the street scene, settlement pattern or the landscape character of the area.
- 10.11 Planning policy within the development plan discourages ribbon style development, which is development that extends along the roads leading into and out of a settlement without also developing the land behind the frontage. The Design and Access Statement says that the proposal will 'support the linear style development commonly found through Bunker's Hill'. The linear nature of the proposal when combined with its location beyond the existing developed extent of Bunkers Hill would result in ribbon style development. As it stands, the site is of a particularly open character in this location, and this makes a significant contribution to the overall rural character of the area and the relationship of the countryside to Bunkers Hill in this location. Development along the frontage of the field in this location would therefore result in demonstrable harm to the character and appearance of its surroundings and the character of Bunkers Hill at odds with policy LP16 noted above, and National Design Guidance.
- 10.12 In addition to the above, Bunkers Hill is also distinctive due to the sporadic nature of its development, in particular on the east side of High Road where the application site is also located. The majority of development forming part of Bunkers Hill is located to the west of High Road. The shape of the application site and its extent, combined with the proposed number of dwellings forming part of the scheme would result in a regular form of development at odds with this distinctive character. However Members when considering the previous application did not find that there would be any harm to the character and appearance of the area arising from residential development of the site. Consequently no reason for refusal is recommended to Members in respect of this as part of the determination of the current proposal.

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. Further to this, 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.
- 10.14 The proposal is for the erection of 5no detached, two storey dwellings alongside the formation of a new access. The site is currently open in nature with the nearest existing residential properties being located approximately 35m from the boundary of the application site. It is considered as the nearest existing residential dwelling is located

significantly away from the proposed and is separated by existing trees that there will be no effects from overbearing, loss of light or privacy. As such it is considered that the proposed dwellings will not have any detrimental impacts on the amenity of the existing residential properties.

- 10.15 However, notwithstanding the above, it is considered that the proposal is detrimental to the amenity of future occupiers of plots one and two. These plots are to be separated by a gap of 2.5m. Floor plans clearly show that bedroom 4 to both plots propose one narrow window within the first floor side elevation. This will be the sole principal window to serve bedroom no4. The properties in this respect are mirrored with the windows originally proposed in line with the other which would lead to loss of privacy and overlooking.
- 10.16 Amended plans were submitted by the agent that demonstrates a re-siting of the window to bedroom 4 in plot one. Whilst it is acknowledged that the re-siting would overcome a direct loss of privacy, this has, indeed, caused another concern. The windows to both plots will now face directly to a blank wall leading to an overbearing and oppressive outlook from bedroom 4 which in turn will restrict light to each room. Given these are the principle windows for bedroom 4, the positioning of such would fail to comply with LP16 which seeks to ensure development does not adversely impact on the amenity of neighbouring properties. This matter could not be addressed through a requirement that the windows in question are constructed from obscure glass, as this would be harmful to the occupants of both plots.
- 10.17 The Fenland Local Plan sets out within Policy LP16 that there must be sufficient private amenity space, suitable to the type and amount of development proposed with a recommendation of a minimum of one third of the plots curtilage being set aside for use as private amenity space. It is considered that the proposal demonstrates the provision of garden areas to the rear which would exceed the recommendation. Further to this, each site provides adequate bin storage.
- 10.18 Based on the information as set out above it is considered that the proposal fails to comply with Policy LP16 as the design of the proposed plots one and two would result in an overbearing impact for the intended occupiers thus failing to protect occupant amenity.

Flood Risk and Sequential Test

- 10.19 When considering previous applications, Members were advised, "The application site lies within flood zones 2 and 3. National and Local Planning Policy requires development to be directed to areas of lowest flood risk in preference to those within higher risk areas, unless a sequential test demonstrates that there are no such areas capable of accommodating the level of development proposed on the site.
- 10.20 Fenland District Council sequential test protocol is that for development in elsewhere locations, such as the application site, the area of search for preferential locations will be the entirety of the district. No separate sequential test has been submitted alongside the application, however two other documents do comment on the proposals from a sequential test perspective. The first of these is the Flood Risk Assessment (FRA), dated April 2023 and undertaken by Ellingham Consulting Ltd. This document acknowledges the need for a sequential test but rather than providing information on potential alternative sites, it simply states that large parts of the district lie within Flood Zone 3 and therefore there are limited opportunities to undertake the development on a site at lower flood risk. This does not constitute a sequential test. The second document is the Design and Access Statement, however rather than undertaking a formal sequential test, this document merely identifies that the site is 'within zone 2..' and that 'previous approvals on this site show that development can still be supported..'
- 10.21 Members however, decided not to pursue a reason for refusal on the grounds of flood risk when overturning application F/YR20/0598/O given that they considered any risk could be mitigated. Flood risk mitigation is not a substitute for passing the sequential test

and so notwithstanding the previous committee decisions, the matter remains relevant to the consideration of the application.

Highways

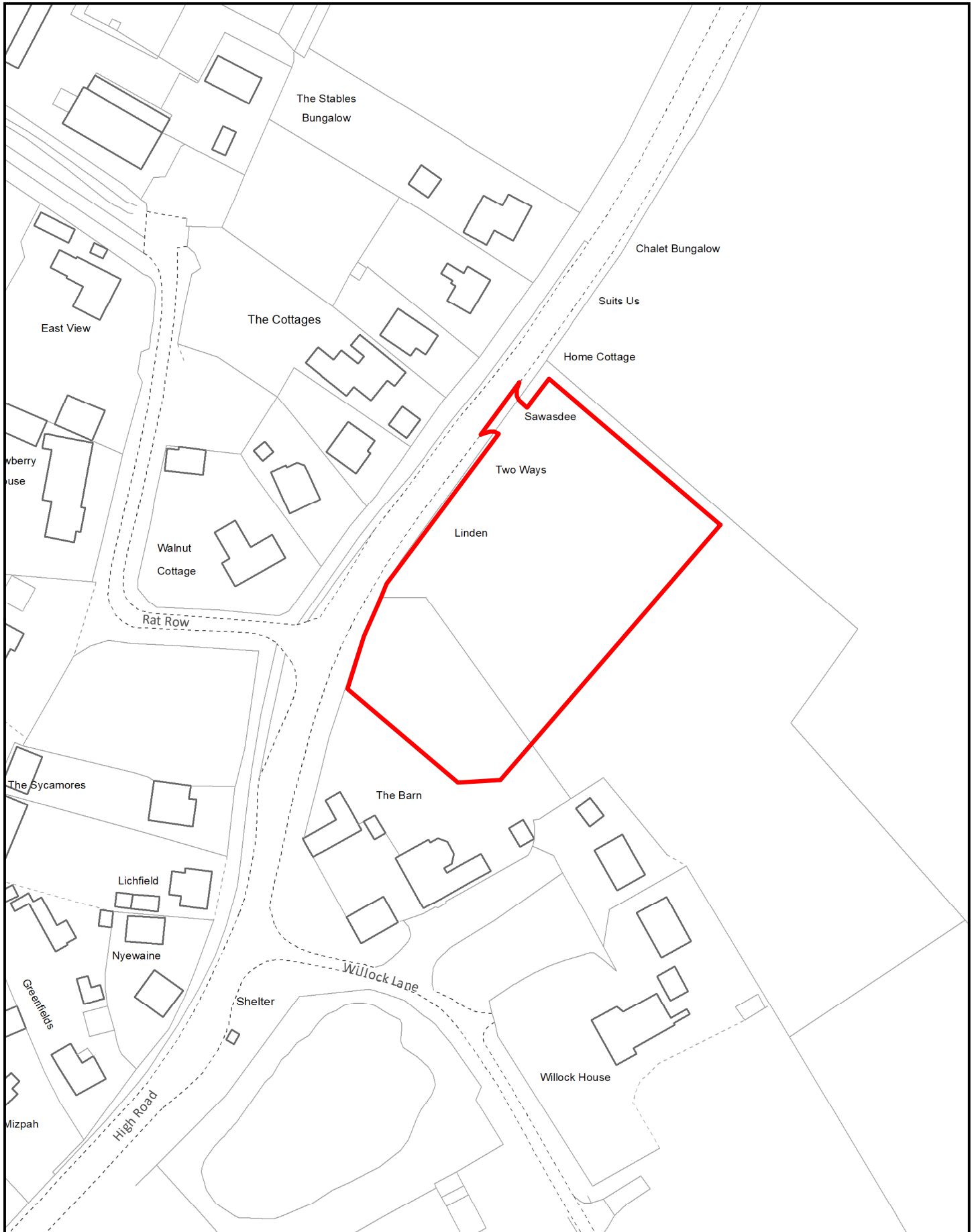
- 10.22 Policy LP15 of the Fenland Local Plan (2014) requires development to provide well designed, safe and convenient access for all. The proposal includes the provision of a new vehicular access towards the northern part of the application site. This will result in the application forming a private access by which each of the proposed dwellings can be accessed by.
- 10.23 The development is to utilise the position of an access previously permitted with respect to F/YR20/0598/O. The Highways Authority were consulted and whilst they raise no objections in principle to the proposal, they state that insufficient information has been submitted to conclude that a safe and convenient access can be provided sufficient to satisfy the requirements of policy LP15 noting that the red line differs from that on the previous application and that the visibility splay shown on drawing 1405-260-002 is incorrectly detailed. Further to this, ‘..the splay previously provided is below that normally required for a derestricted road. This was based upon submission of supportive speed data, which should be similarly provided as part of this separate application’.
- 10.24 In terms of parking provision, the plans demonstrate that each of the dwellings can provide 2no car parking spaces alongside an additional car port save for plot 5 which demonstrates two spaces within the car port and one further parking space. This would comply with the Parking Standards as set out within the Fenland Local Plan (2014) which requires a dwelling with more than 4 bedrooms to provide a minimum of 3 car parking spaces. Through the imposition of a condition should the application be approved, this will ensure that the car ports are not converted and to ensure adequate parking provision will be retained in perpetuity.
- 10.25 Given the complexity of overcoming some of the issues raised by County Highways, including amending the site edged red amongst others, and given the in-principle issues, the application is to be recommended for refusal on highway grounds with a failure to comply with policy LP15.

11 CONCLUSIONS

- 11.1 It is considered that the recent appeal decision received in relation to the site at Begdale is a material consideration, and in light of this, and notwithstanding the previous decision of the Committee concerning the development of this site for five dwellings, the officer recommendation is to refuse due to the conflict with Policies LP3 and LP12 of the Local Plan and with the aims and objectives of the NPPF in respect of development in an elsewhere location with limited access to services and facilities.
- 11.2 Whilst not a material planning consideration, should Committee agree that this reason for refusal is now relevant, Members should be aware that in the event of an appeal there is the risk of an award of costs on the grounds of unreasonable behaviour. However, it is considered that this risk is significantly mitigated as the Council received the appeal decision for the Begdale site ‘between decisions’ and this is now a material consideration.
- 11.3 By virtue of the siting and proximity of the windows serving bedroom 4 to both plots one and two, would create an overbearing impact upon the occupiers and therefore fail to comply with policy LP16 of the Local Plan
- 11.4 The application proposes a new access, however, insufficient information has been submitted to consider the full impact the proposal may have on the public highway. The scheme is therefore contrary to policy LP15 of the Fenland Local Plan (2014).

12 RECOMMENDATION: REFUSE

1	Policies LP3 and LP12 of the Fenland Local Plan (2014) set out the settlements hierarchy within the district, with the application site location being considered as an 'Elsewhere' location where new dwellings are only to be permitted if they are demonstrably essential to the effective operation of a range of countryside type uses. The proposal is made in full for the construction of five open market residential dwellings and contains no indication that the dwellings are required to support any of the uses identified. The proposal would result in the construction of several residential dwellings in an area of the district where supporting facilities for such development are not available, and as a result the scheme would be contrary to the requirements of these policies of the Local Plan and in conflict with the aims and objectives of the NPPF.
2	Policy LP16 of the Fenland Local Plan (2014) requires that all new developments do not adversely impact on the amenity of neighbouring users such as noise, light pollution, loss of privacy and loss of light. By virtue of their siting and close proximity to one another, the proposed first floor side windows to bedroom 4 to both plots one and two, would result in an overbearing impact to occupiers. As such the proposal adversely impact the amenity of the occupiers of both proposed properties and fails to comply with Policy LP16.
3	Policy LP15 requires development proposals to demonstrate that they can provide well-designed, safe and convenient access for all, giving priority to the needs of pedestrians, cyclists, people with impaired mobility and users of public transport. The application proposes a new access; however, insufficient information has been submitted to consider the full impact the proposal may have on the public highway. The scheme is therefore contrary to policy LP15 of the Fenland Local Plan (2014).
4	Policy LP14 of the Fenland Local Plan (2014) and chapter 14 of the National Planning Policy Framework (2019) require residential development to be steered towards areas of lowest flood risk unless a sequential test identifies that there are no other suitable and reasonably available sites capable of accommodating the development. The proposal is located within flood zones 1, 2 and 3, and the scheme is not accompanied by a sequential test document indicating consideration of alternative sites. The proposal would therefore result in residential development within zones of higher flood risk without any justification indicating that the development could not be accommodated in areas of lower risk, and would therefore be contrary to policy LP14 of the Fenland Local Plan (2014) and chapter 14 of the National Planning Policy Framework (2019)



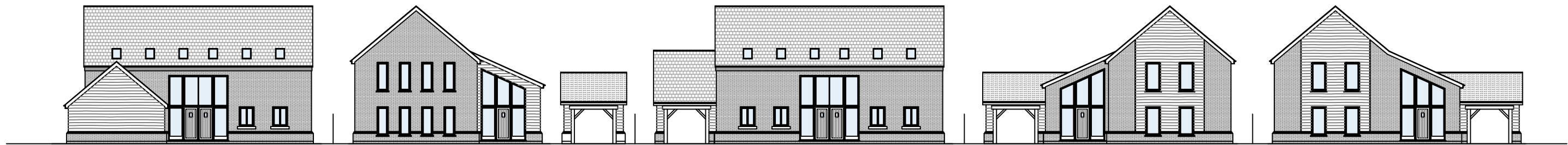
Created on: 10/07/2023

© Crown Copyright and database rights 2023 Ordnance Survey 10023778

F/YR23/0541/F

Scale = 1:1,250





Proposed Street Scene
Scale 1:250

Revision	Description	Date	Revised By





A.L.S Design Services
 E-Mail : alsdesignservices@outlook.com Phone : 0770921632

Project	Proposed Residential Development	
Drawing Title	Proposed Street Scene	
Address	Land North of Willock Farm Barn, High Road, Bunkers Hill	
Drawn By	Paper Size	Date
A. L. Sutton	A3	April 2022
Project Name	Drawing Number	Revision
030	013	-



Proposed Site Plan
Scale 1:500

Key

-  1.8m High CB Fence
-  1.2m High Post and 3 Rail Fence
-  0.6m High Post and 2 Rail Fence

Revision	Description	Date	Revised By

A.L.S Design Services

E-Mail : alsdesignservices@outlook.com Phone : 07707921632

Project Proposed Residential Development		
Drawing Title Proposed Boundary Treatments Plan		
Address Land North of Willock Farm Barn, High Road, Bunkers Hill		
Drawn By A. L. Sutton	Paper Size A3	Date April 2022
Project Name 030	Drawing Number 014	Revision -



Proposed Site Plan
Scale 1:500

Revision	Description	Date	Revised By

A.L.S Design Services

E-Mail : alsdesignservices@outlook.com Phone : 07707921632

Project	Proposed Residential Development	
Drawing Title	Proposed Drainage Plan	
Address	Land North of Willock Farm Barn, High Road, Bunkers Hill	
Drawn By	Paper Size	Date
A. L. Sutton	A3	April 2022
Project Name	Drawing Number	Revision
030	016	-



General Arrangement

Scale 1:400

Scope of Works

General scope of works is to construct a new highway access off of High Road, Bunkers Hill, Wisbech to accommodate five new build dwellings which were granted permission under application F/YR20/0598/O.

In addition to the above, there is currently no footway link in front of the development site, a planning condition dictates this link to be established between the site access and existing bus stop, requiring approximately 156m of new footway.

General and kerbing Notes:

- Unless in situ testing has been agreed by the Engineer, the CBR for the site will be assumed to be <2%.
- Kerb Detail

Kerb Beams and Backing

Kerb beams shall be constructed of ST1 concrete to SHW Clause 2602 not less than 150mm thick and 425mm wide. The kerbs shall be backed with ST1 concrete to a thickness of no less than 300mm, to within 50mm of the top of the kerb. Kerb foundations to be shuttered on both sides

Kerbs - General Requirements

Kerb half battered 125mm x 255mm showing 125mm upstand bedded on 25mm mortar backed with 150mm of ST1 concrete to within 50mm of the top of the kerb. Kerb foundations to be shuttered on both sides. Kerb beam to be 425 x 150mm min. thickness of ST1 concrete.

Dropped kerb detail shall be 150 x 125 to BS EN 1340:2003 Type BN, all bedded and backed as above to within 25mm of the top of the kerb.

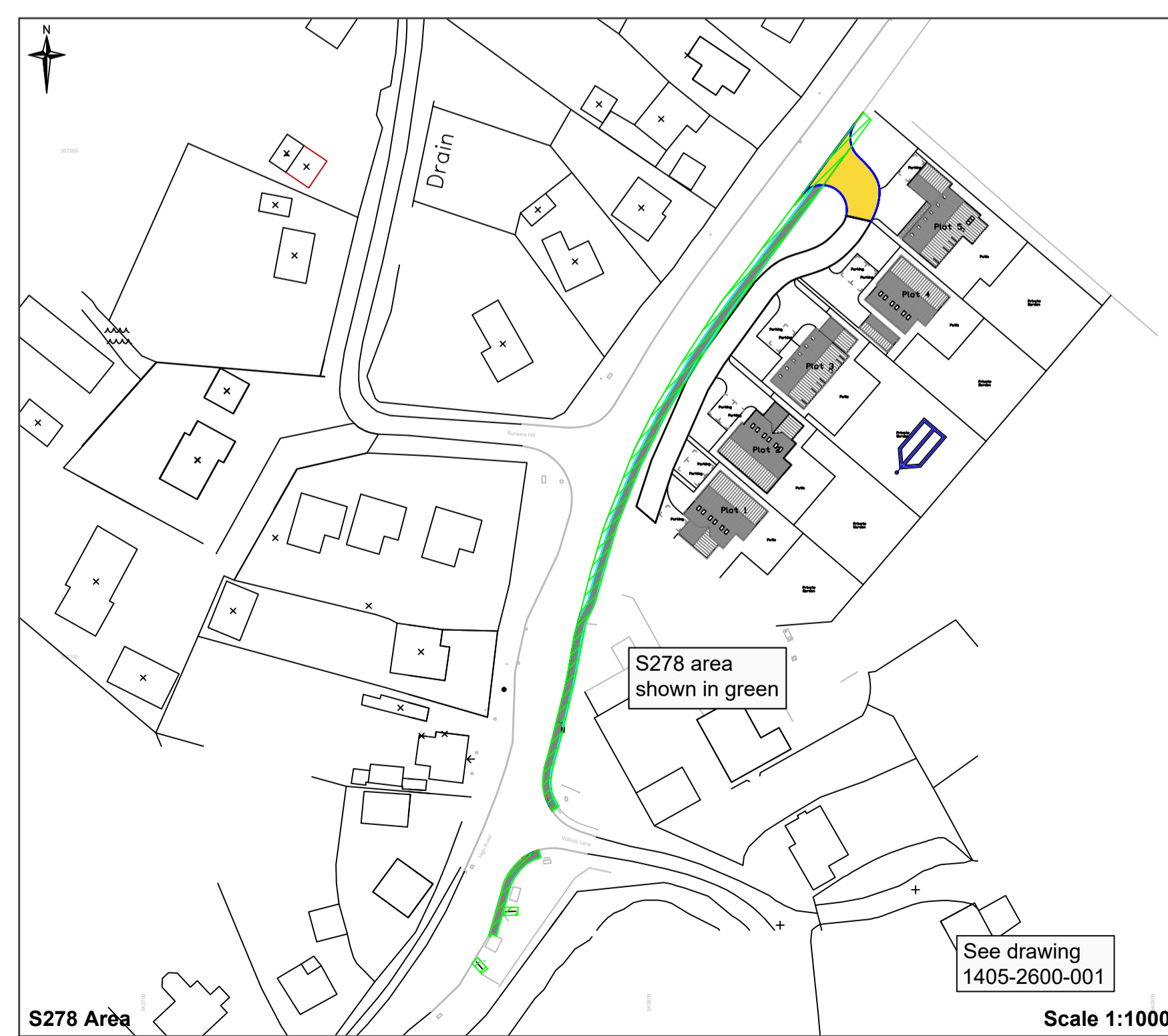
No cut kerb shall be less than 300mm in length,

- Edging Detail

150 x 50mm PC edgings to BS EN 1340:2003 Type EF shall be provided. Bedded on 200 x 100mm thick ST1 concrete and backed (both sides) with concrete to within a minimum of 40mm from the top of the edging.

Material Key

	Asphalt construction		HB2
	Asphalt Highway Access		BN3
	Transition Kerb		Edging Kerb



S278 Area

Scale 1:1000

Pedestrian Footway/ 0.5m Maintenance Strip

- Surface course shall comprise of 25mm compacted thickness of AC 6 dense surf in accordance with BS EN 13108-1 and PD-6691.
- Binder course to be 60mm compacted thickness of AC 14 dense surf Dense Asphalt Concrete to BS EN 13108-1 and PD6691 with 40-60 or 100-150 pen binder.

The footway binder course for heavy vehicle crossings shall be 90mm compacted thickness of Dense asphalt concrete AC20 dense bin to BS EN 13108-1 and PD6691 with 50 pen binder.

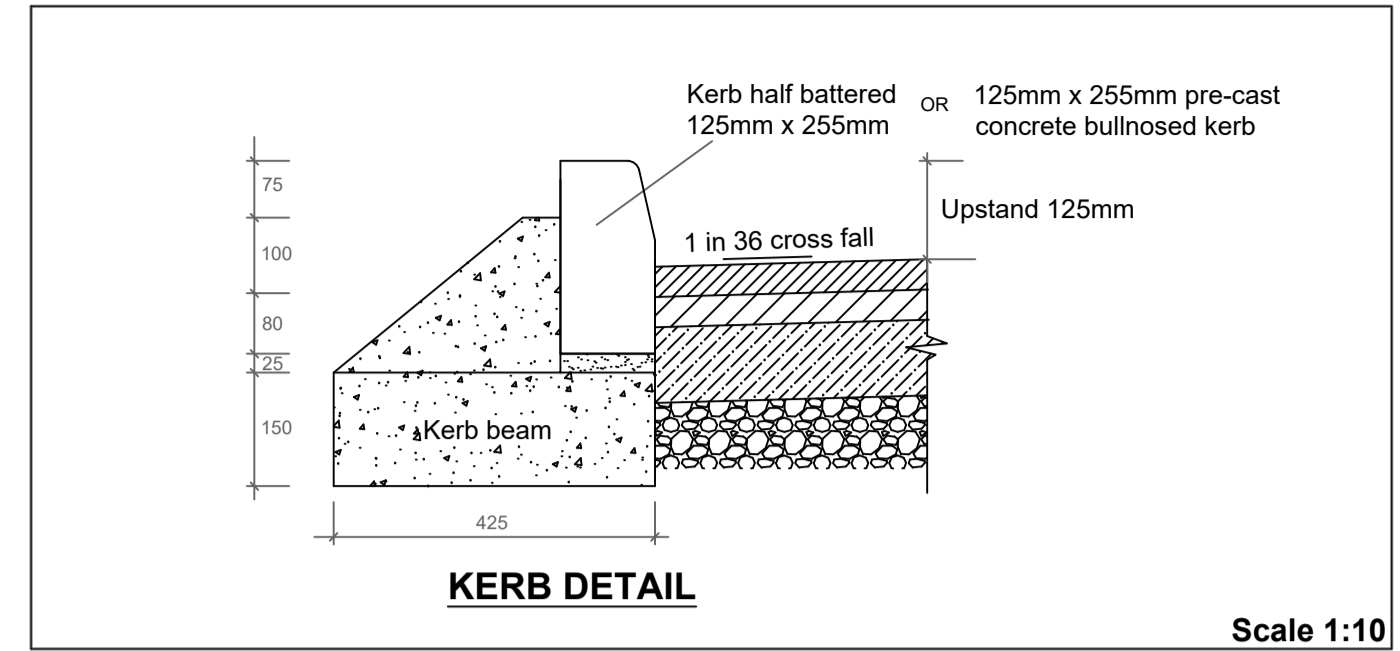
- Sub-base to be specification for Highway Works, Clause 803 Type 1 or Housing Estate Road Sub-base or Specification for Highway Works Clause 804 Type 2 (excluding natural sands and gravels) or compliant recycled 225mm thick or 365mm thick for heavy vehicular crossings.
- The formation shall be treated with an approved weed killer before construction commences.
- All margins to be hardened and constructed as per footway specification:

Type of Footway	Depth of Sub-base
Light-vehicle crossing of f'way with occasional vehicle over/turning	225mm
Heavy vehicle crossing of f'way	365mm
Footway separate from carriageway	150mm

Existing Site Conditions

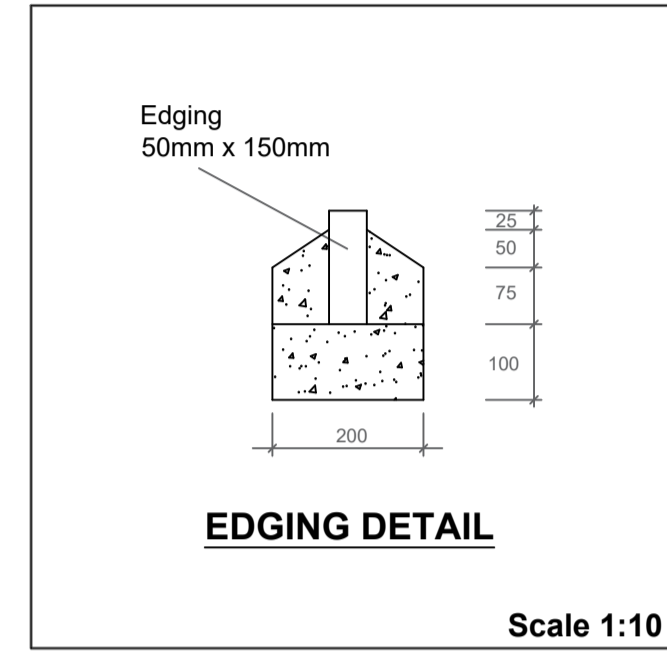
There is currently no footway abutting the proposed development site. The existing carriageway is partially kerbed near the junction of Willock Lane. Carriageway drainage is available in the form of occasional gully and offset kerbs. CCC are not sure on the drainage system, however nop issues with standing water or general drainage are present during rainfall.

The new footway is to be 1.5m and abut the existing kerbs. A small section of kerbs are to be installed to extend the existing line, thereafter the footway is to separate from the carriageway assisting drainage and safety.



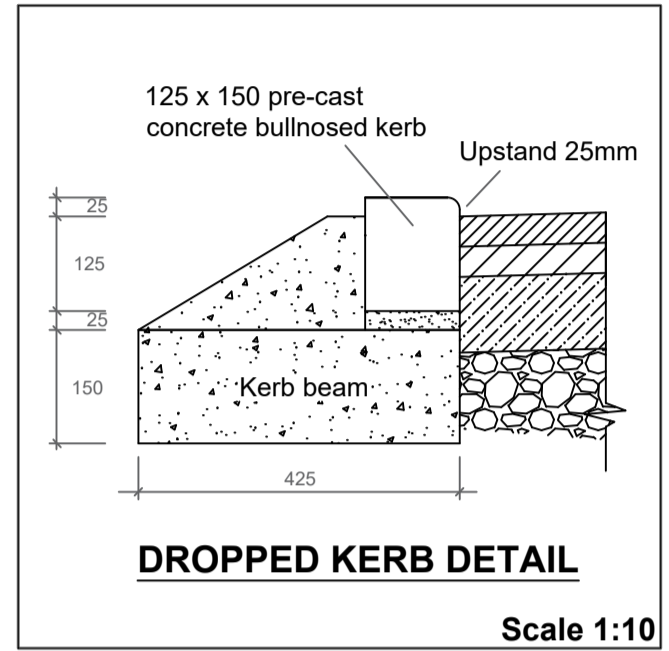
KERB DETAIL

Scale 1:10



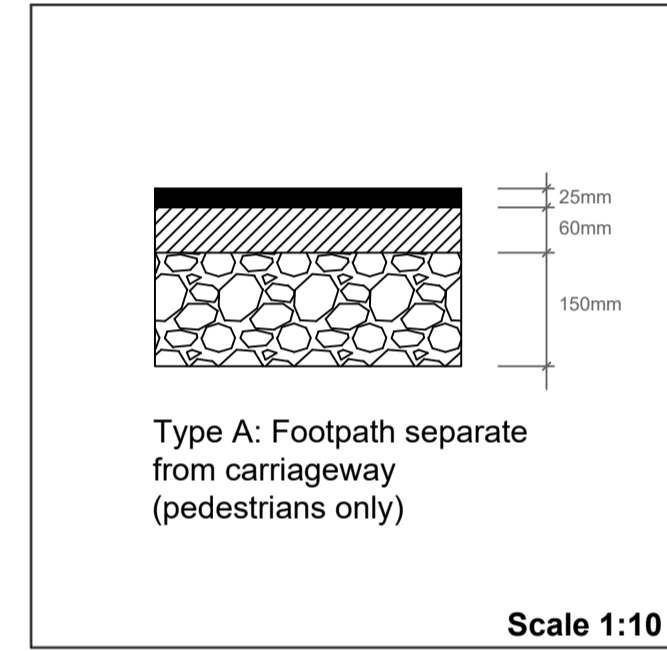
EDGING DETAIL

Scale 1:10



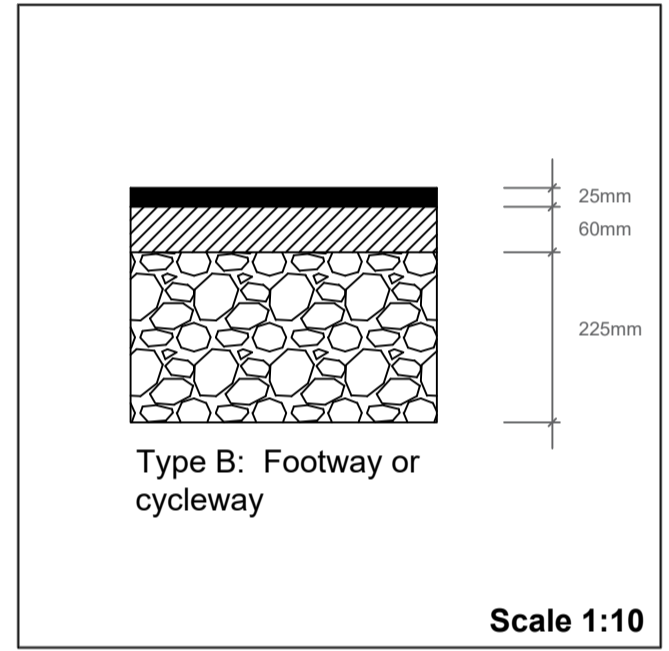
DROPPED KERB DETAIL

Scale 1:10



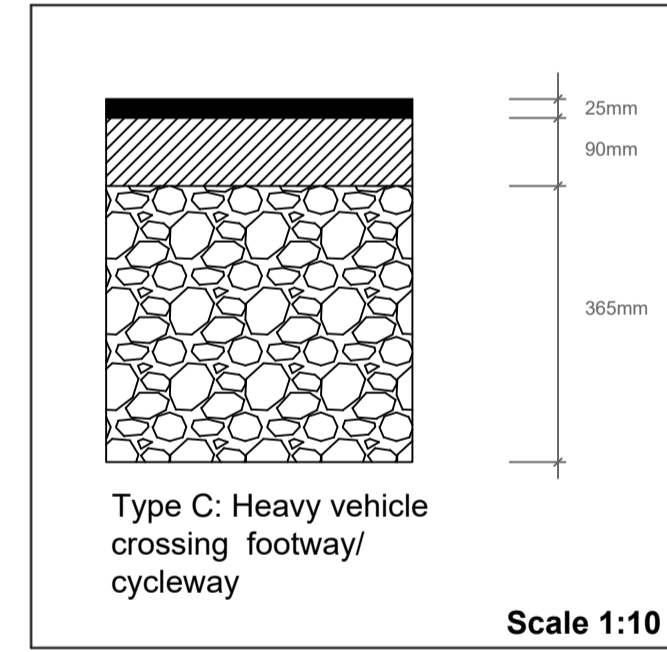
Type A: Footpath separate from carriageway (pedestrians only)

Scale 1:10



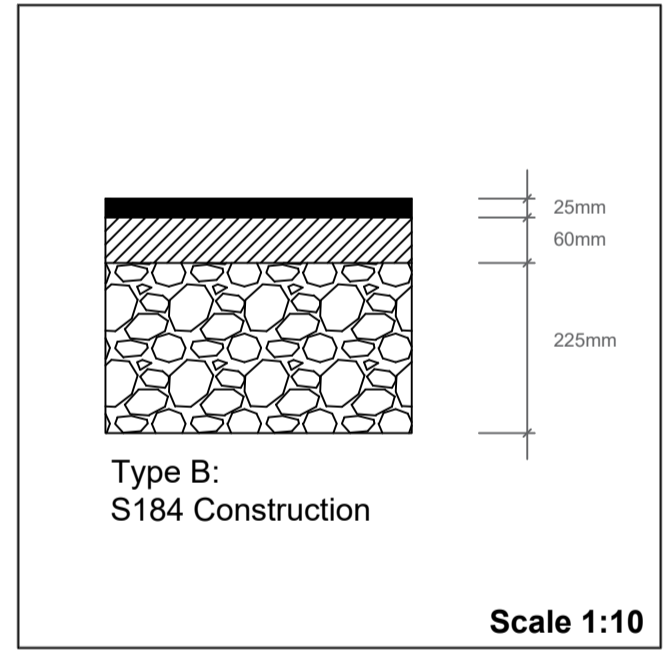
Type B: Footway or cycleway

Scale 1:10



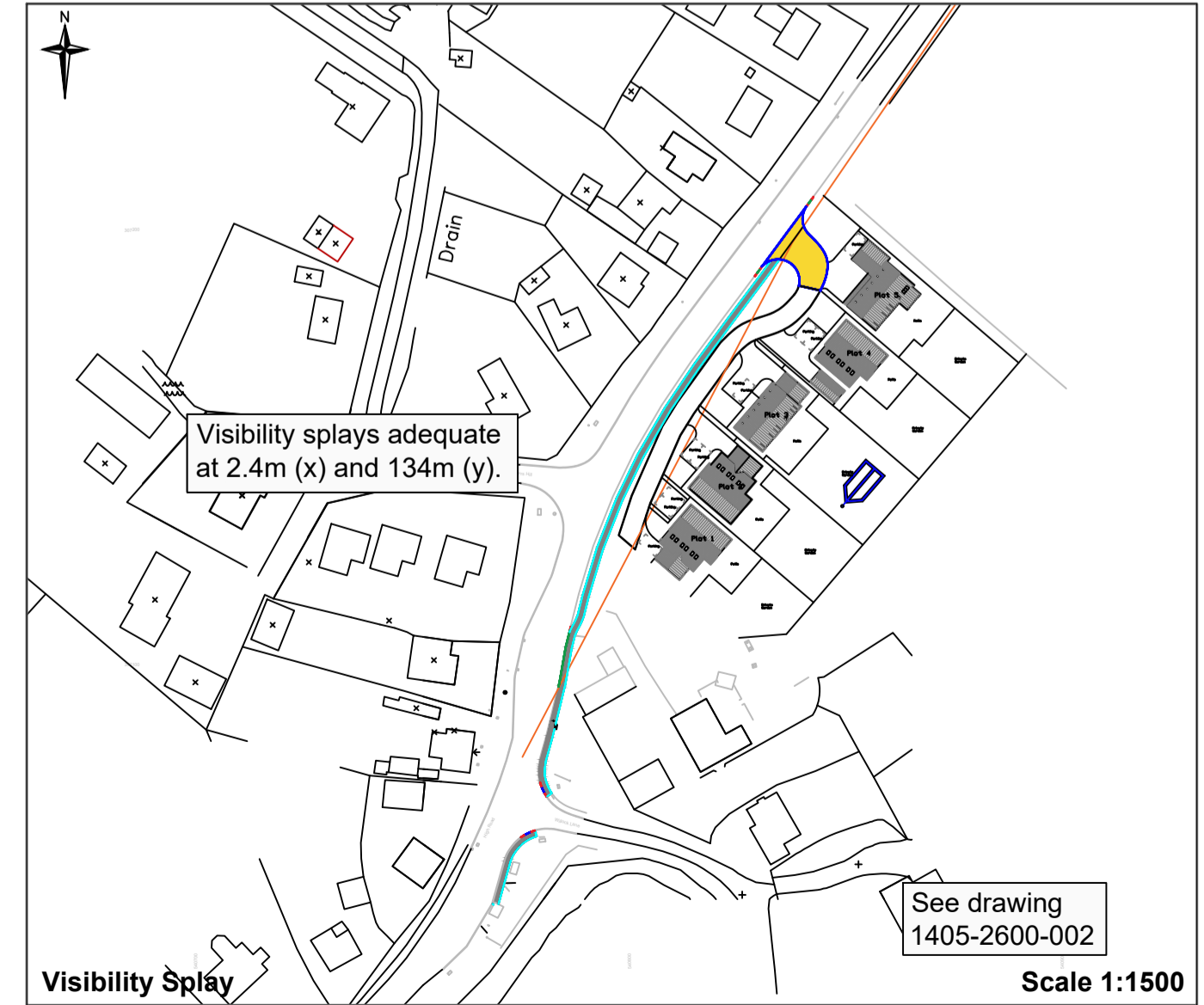
Type C: Heavy vehicle crossing footway/cycleway

Scale 1:10



Type B: S184 Construction

Scale 1:10

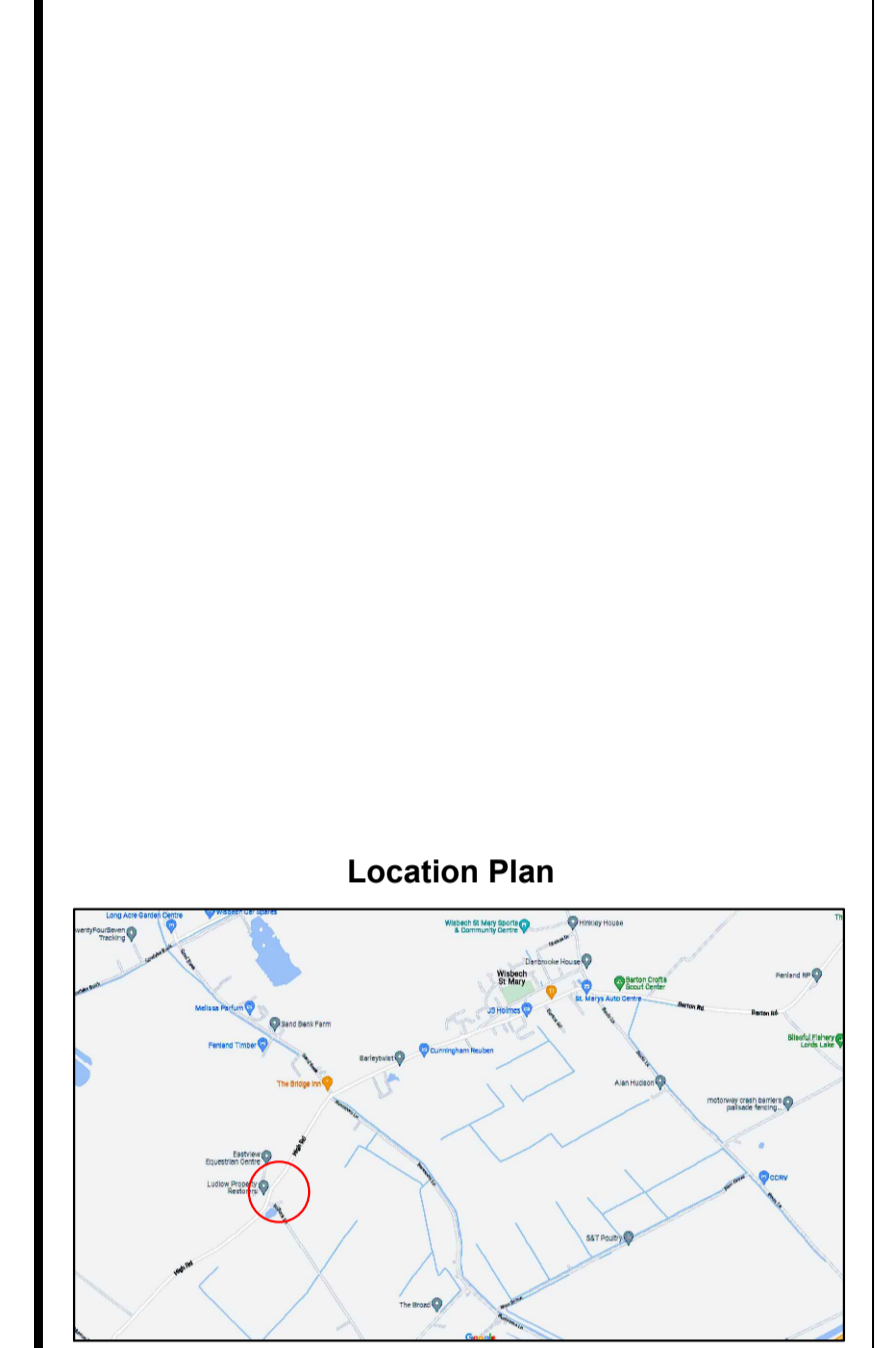


Visibility Splay

Scale 1:1500

Notes:

- All dimensions in meters (m) unless stated otherwise
- This drawing is to be read in conjunction with all other relevant Architectural, Engineering and Service drawings
- All highways works are to be constructed in accordance with Cambridgeshire County Council's (CCC) Housing Estate Road Construction Specification, 2020.
- All compaction regimes to be carried out in accordance with BS 594987:2010
- All vertical faces inclusive of all new kerbs and sawn cut edges to be sealed with bitumen emulsion as per BS 434-1:2011 prior to laying asphalt



Location Plan

Date	Ref.	Revisions

Project
Land North of Willock Farm Barn Bunkers Hill, WSM

Title
Highway General Arrangement 1

Scale Varies @ A1	
Drawn AC	
Checked AC	
Date 17.02.2023	

COBBS ENGINEERING LTD
 448E March Road, Turves, Whittlesy, Peterborough, PE7 2DW
 Mobile: 07823 389765
 Email: Cobbsengineeringltd@gmail.com

Drawing number
1405-0700-001



General Arrangement

Scale 1:400

Scope of Works

General scope of works is to construct a new highway access off of High Road, Bunkers Hill, Wisbech to accommodate five new build dwellings which were granted permission under application F/YR20/0598/O.

In addition to the above, there is currently no footway link in front of the development site, a planning condition dictates this link to be established between the site access and existing bus stop, requiring approximately 156m of new footway.

General and kerbing Notes:

- Unless in situ testing has been agreed by the Engineer, the CBR for the site will be assumed to be <2%.
- Kerb Detail

Kerb Beams and Backing
Kerb beams shall be constructed of ST1 concrete to SHW Clause 2602 not less than 150mm thick and 425mm wide. The kerbs shall be backed with ST1 concrete to a thickness of no less than 300mm, to within 50mm of the top of the kerb. Kerb foundations to be shuttered on both sides

Kerbs - General Requirements
Kerb half battered 125mm x 255mm showing 125mm upstand bedded on 25mm mortar backed with 150mm of ST1 concrete to within 50mm of the top of the kerb. Kerb foundations to be shuttered on both sides. Kerb beam to be 425 x 150mm min. thickness of ST1 concrete.

Dropped kerb detail shall be 150 x 125 to BS EN 1340:2003 Type BN, all bedded and backed as above to within 25mm of the top of the kerb.

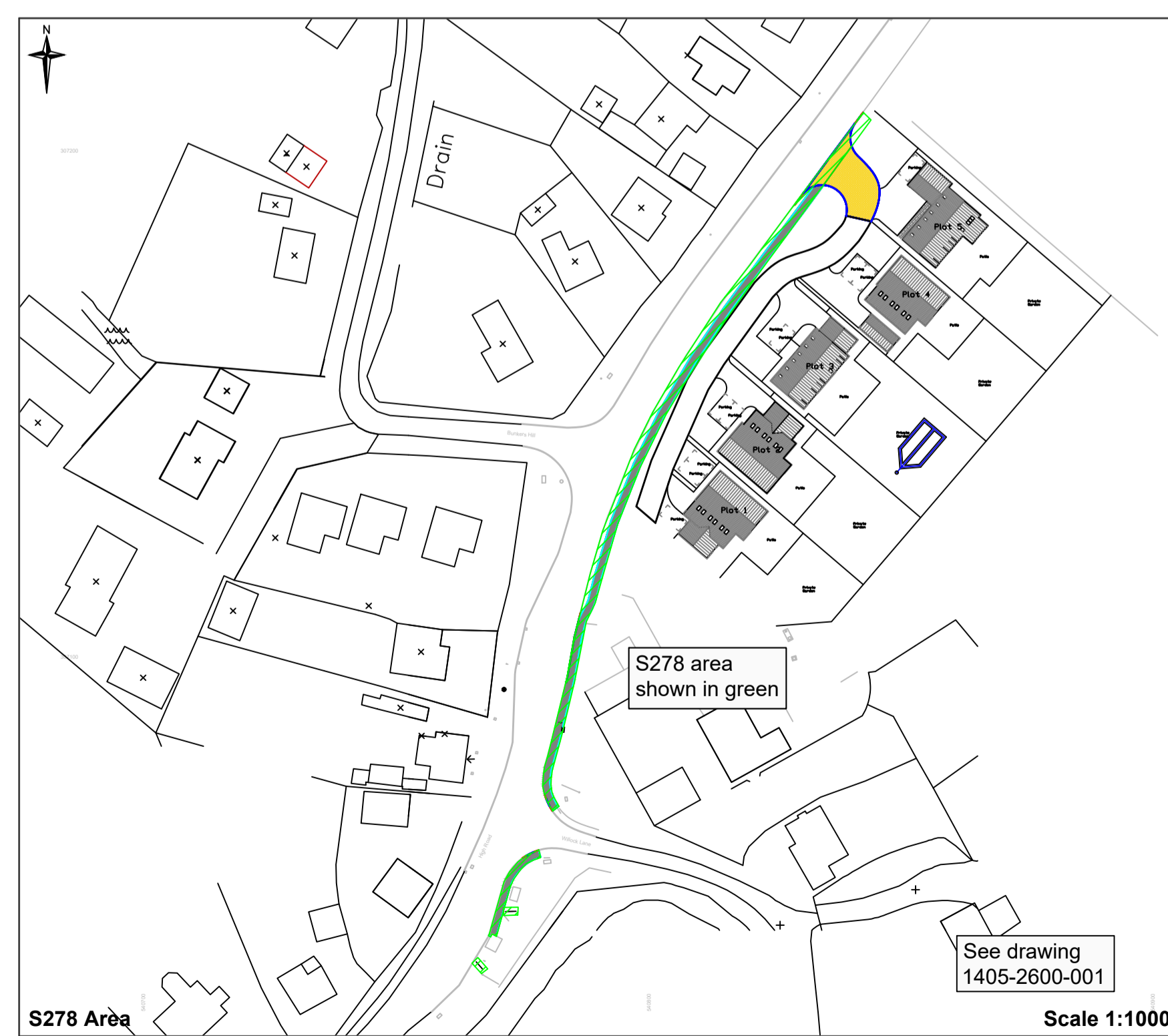
No cut kerb shall be less than 300mm in length,

- Edging Detail

150 x 50mm PC edgings to BS EN 1340:2003 Type EF shall be provided. Bedded on 200 x 100mm thick ST1 concrete and backed (both sides) with concrete to within a minimum of 40mm from the top of the edging.

Material Key

	Asphalt construction		HB2
	Asphalt Highway Access		BN3
	Transition Kerb		Edging Kerb



S278 Area

Scale 1:1000

Pedestrian Footway/ 0.5m Maintenance Strip

- Surface course shall comprise of 25mm compacted thickness of AC 6 dense surf in accordance with BS EN 13108-1 and PD-6691.
- Binder course to be 60mm compacted thickness of AC 14 dense surf Dense Asphalt Concrete to BS EN 13108-1 and PD6691 with 40-60 or 100-150 pen binder.

The footway binder course for heavy vehicle crossings shall be 90mm compacted thickness of Dense asphalt concrete AC20 dense bin to BS EN 13108-1 and PD6691 with 50 pen binder.

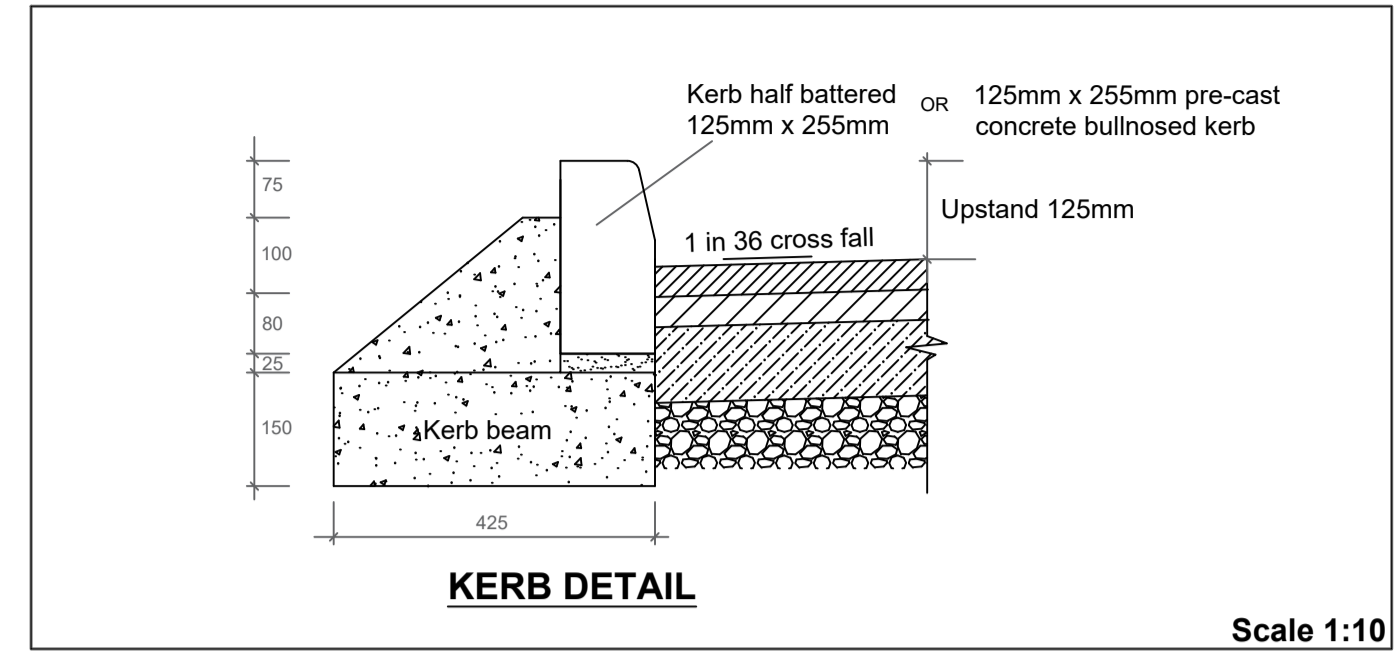
- Sub-base to be specification for Highway Works, Clause 803 Type 1 or Housing Estate Road Sub-base or Specification for Highway Works Clause 804 Type 2 (excluding natural sands and gravels) or compliant recycled 225mm thick or 365mm thick for heavy vehicular crossings.
- The formation shall be treated with an approved weed killer before construction commences.
- All margins to be hardened and constructed as per footway specification:

Type of Footway	Depth of Sub-base
Light-vehicle crossing of ftway with occasional vehicle over/turning	225mm
Heavy vehicle crossing of ftway	365mm
Footway separate from carriageway	150mm

Existing Site Conditions

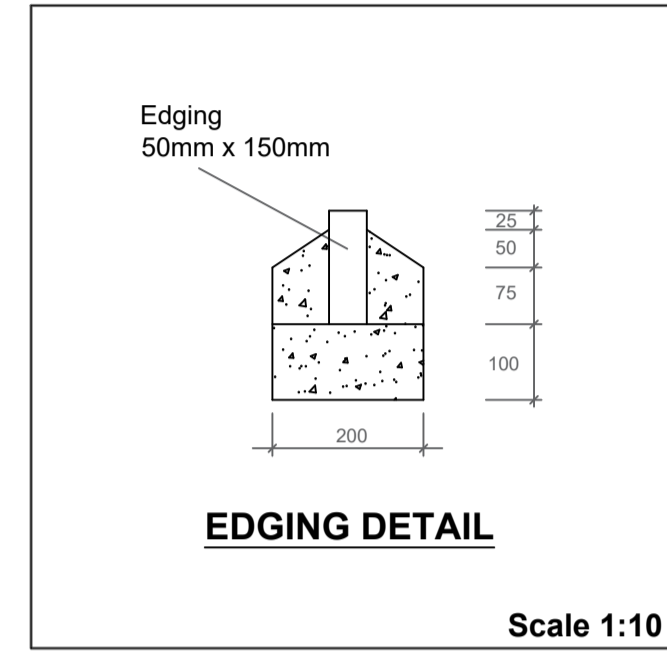
There is currently no footway abutting the proposed development site. The existing carriageway is partially kerbed near the junction of Willock Lane. Carriageway drainage is available in the form of occasional gully and offset kerbs. CCC are not sure on the drainage system, however no issues with standing water or general drainage are present during rainfall.

The new footway is to be 1.5m and abut the existing kerbs. A small section of kerbs are to be installed to extend the existing line, thereafter the footway is to separate from the carriageway assisting drainage and safety.



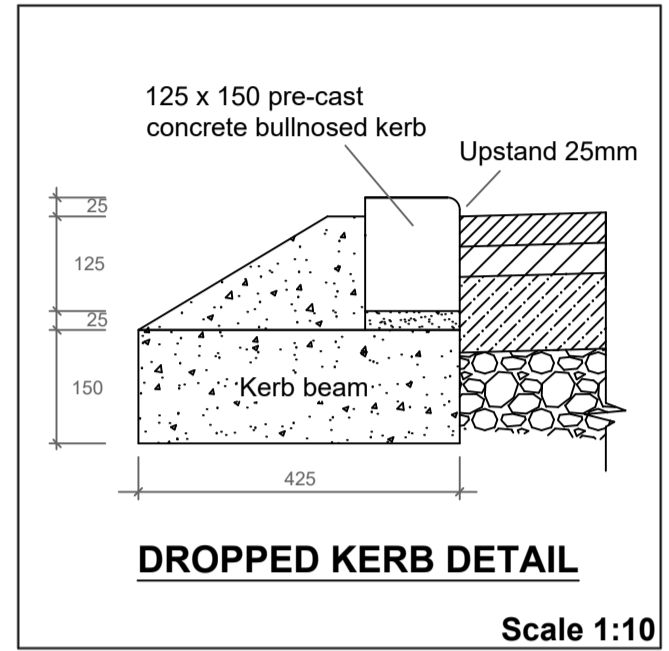
KERB DETAIL

Scale 1:10



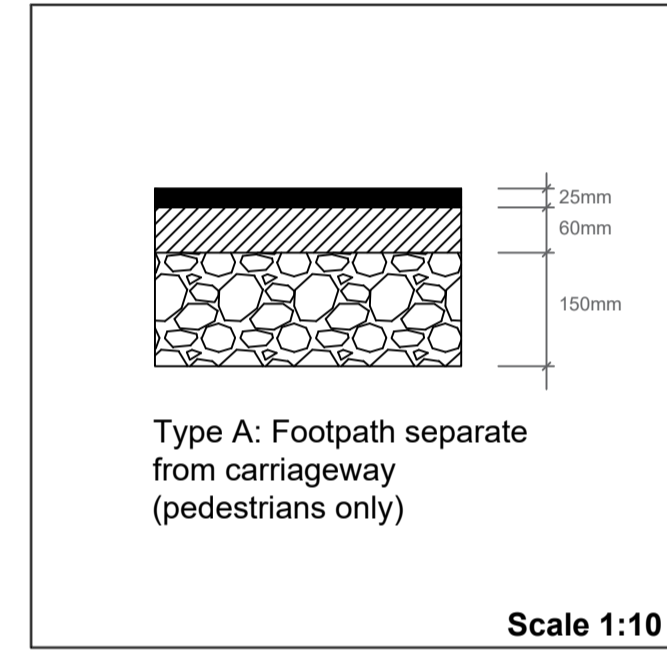
EDGING DETAIL

Scale 1:10



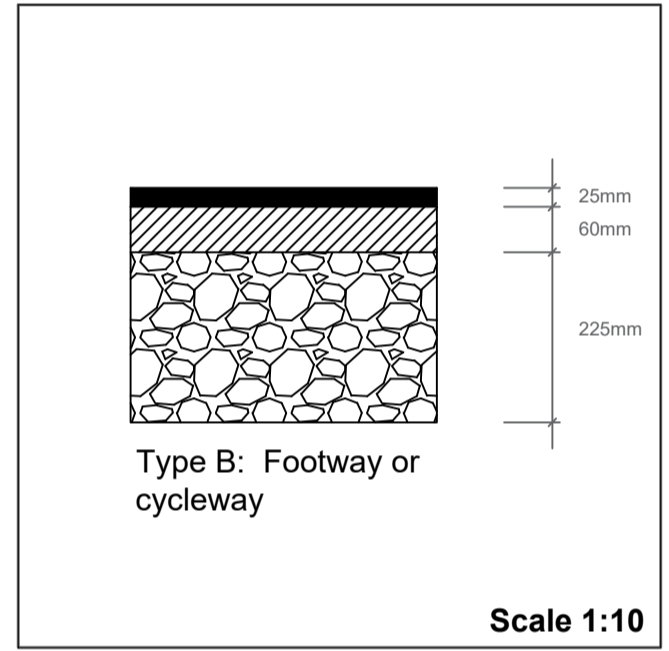
DROPPED KERB DETAIL

Scale 1:10



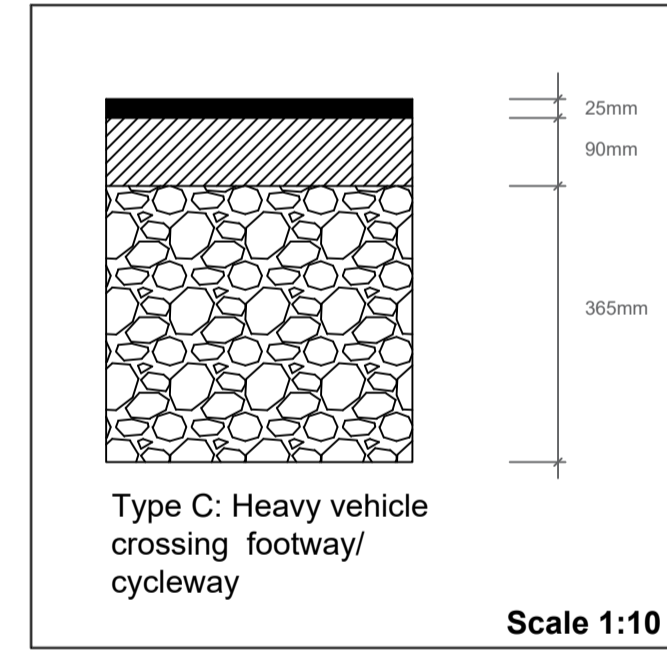
Type A: Footpath separate from carriageway (pedestrians only)

Scale 1:10



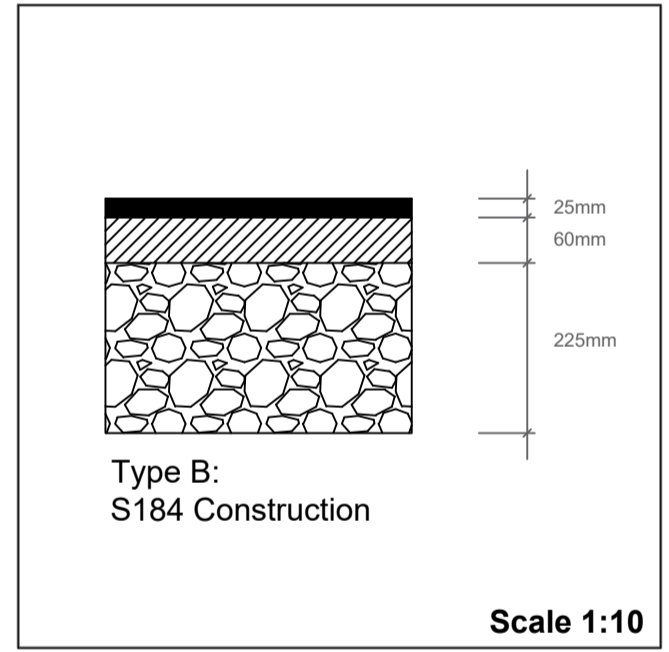
Type B: Footway or cycleway

Scale 1:10



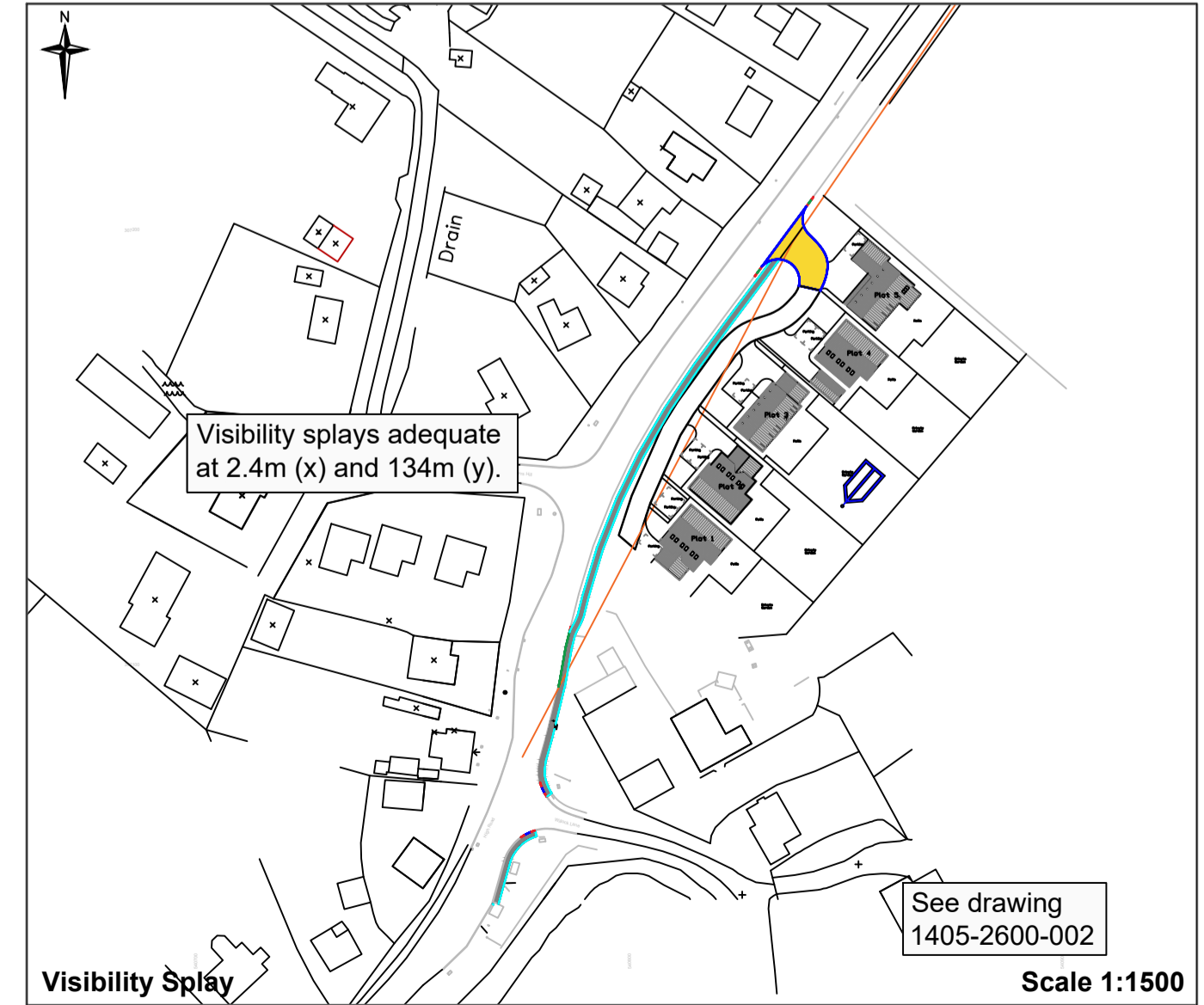
Type C: Heavy vehicle crossing footway/cycleway

Scale 1:10



Type B: S184 Construction

Scale 1:10

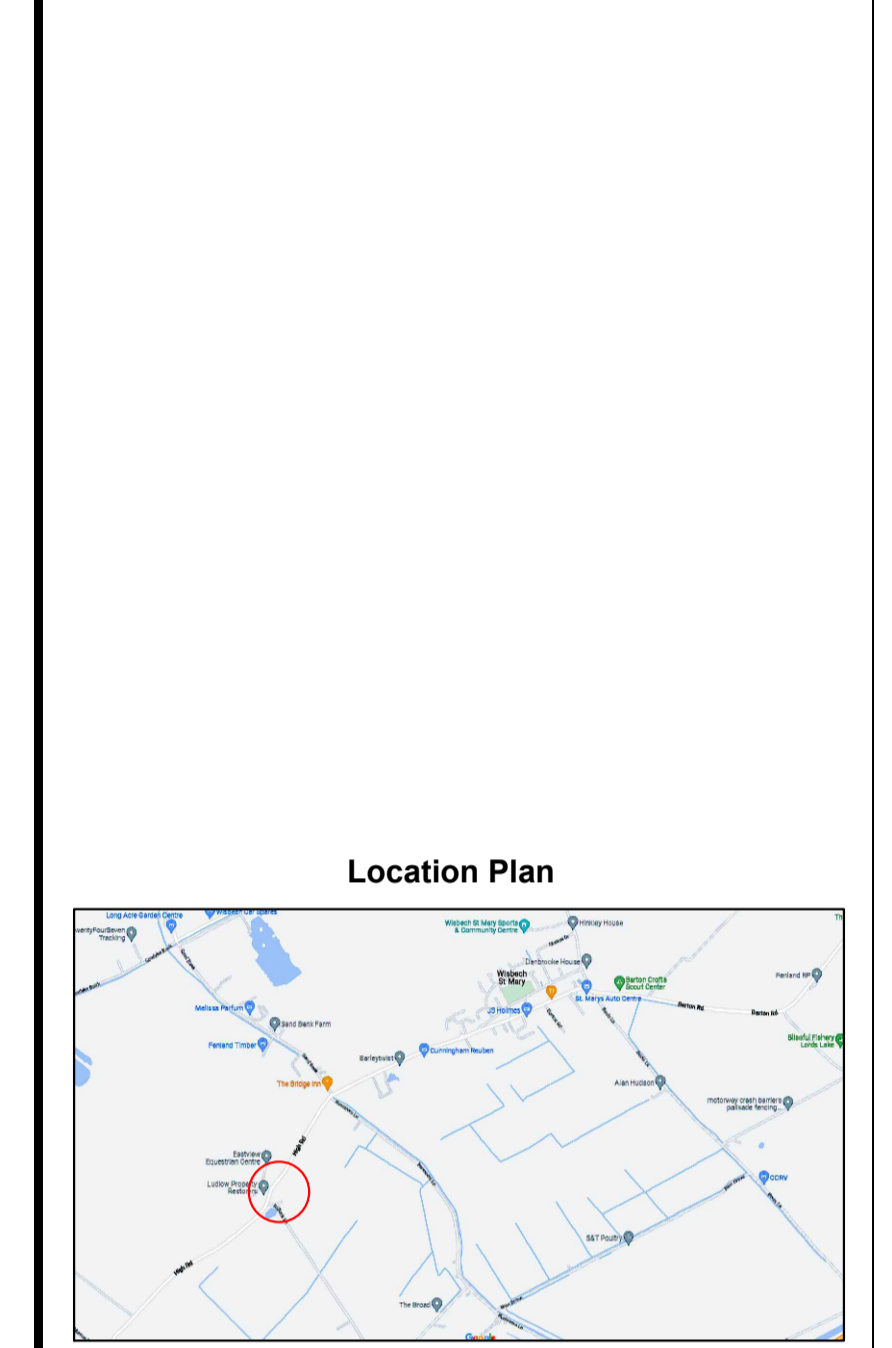


Visibility Splay

Scale 1:1500

Notes:

- All dimensions in meters (m) unless stated otherwise
- This drawing is to be read in conjunction with all other relevant Architectural, Engineering and Service drawings
- All highways works are to be constructed in accordance with Cambridgeshire County Council's (CCC) Housing Estate Road Construction Specification, 2020.
- All compaction regimes to be carried out in accordance with BS 594987:2010
- All vertical faces inclusive of all new kerbs and sawn cut edges to be sealed with bitumen emulsion as per BS 434-1:2011 prior to laying asphalt



Location Plan

Date	Ref.	Revisions

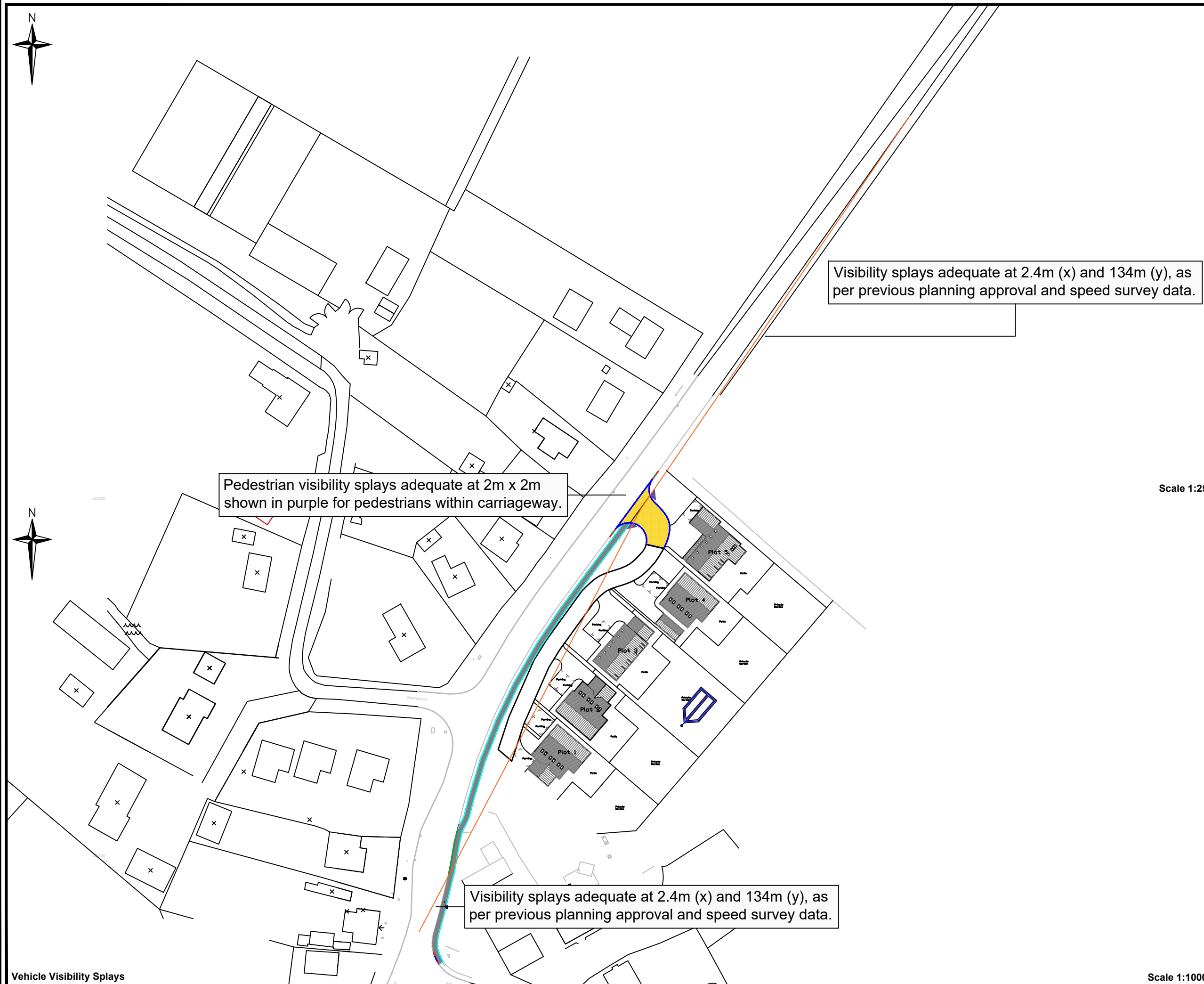
Project
Land North of Willock Farm Barn Bunkers Hill, WSM

Title
Highway General Arrangement 1

Scale Varies @ A1	
Drawn AC	
Checked AC	
Date 17.02.2023	

COBBS ENGINEERING LTD
448E March Road, Turves, Whittlesy, Peterborough, PE7 2DW
Mobile: 07823 389765
Email: Cobbsengineeringltd@gmail.com

Drawing number
1405-0700-001



- Notes:
1. All dimensions in meters (m) unless stated otherwise
 2. This drawing is to be read in conjunction with all other relevant Architectural, Engineering and Service drawings
 3. All highways works are to be constructed in accordance with Cambridgeshire County Council's (CCC) Housing Estate Road Construction Specification, 2018.
 4. All compaction regimes to be carried out in accordance with BS 594987:2010
 5. All vertical faces inclusive of all new kerbs and sawn cut edges to be sealed with bitumen emulsion as per BS 434-1:2011 prior to laying asphalt

Scale 1:250



Project
Land North of Willock Farm Barn
Bunkers Hill, WSM

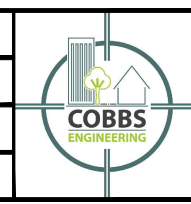
Title
Visibility Splay(s)

Scale
1:1000 @ A3

Drawn
AC

Checked
AC

Date
17.02.2023

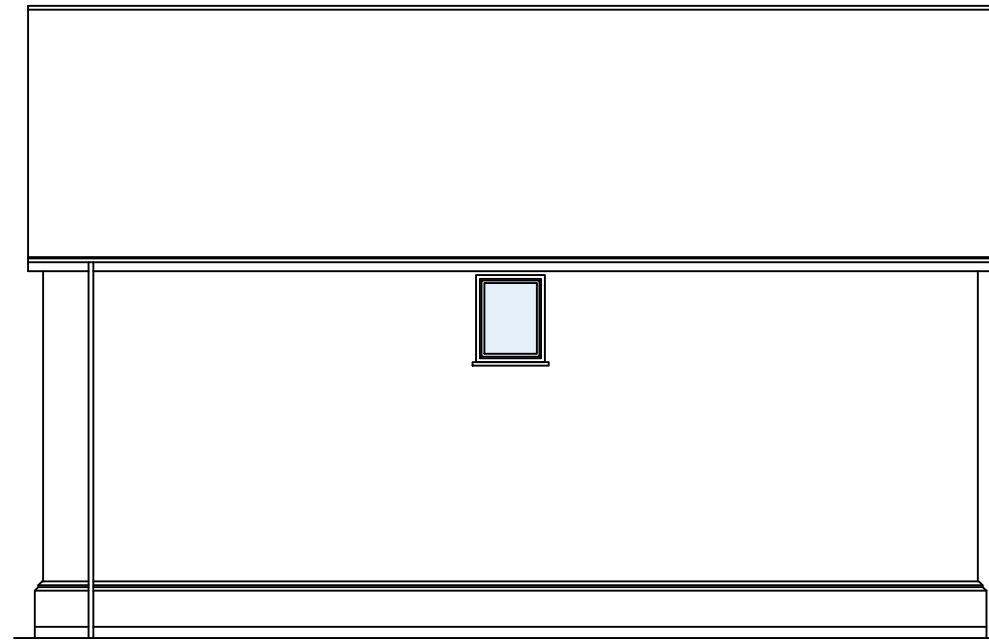


COBBS ENGINEERING LTD
448E March Road, Tarves, Wintlesey, Peterborough, PE7 2DW
Mobile: 07828 389765
Email: Cobbsengineeringltd@gmail.com

Drawing number
1405-2600-002



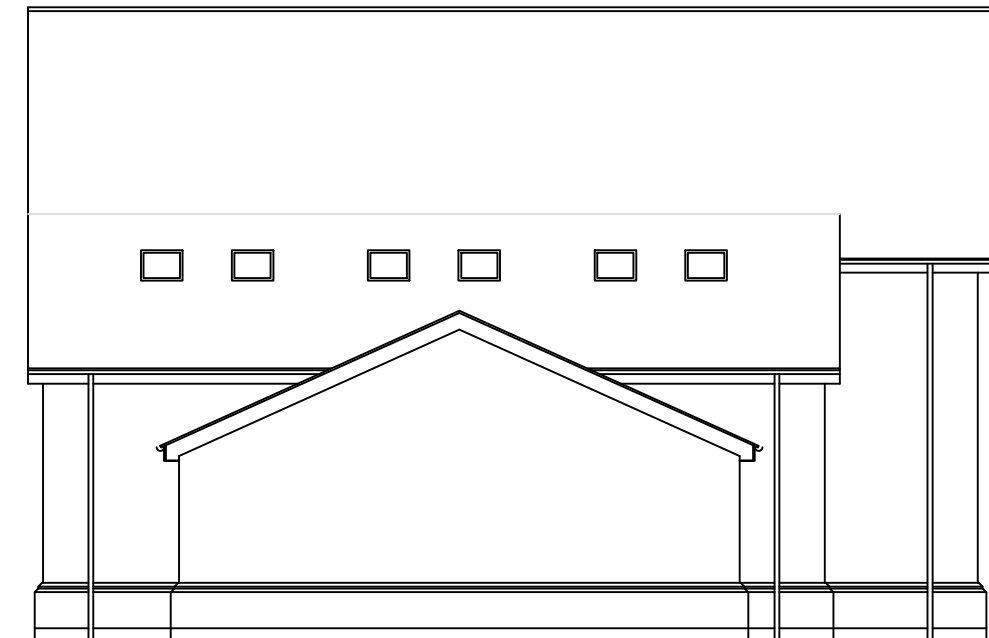
Proposed Front Elevation
Scale 1:100



Proposed Side Elevation
Scale 1:100



Proposed Rear Elevation
Scale 1:100



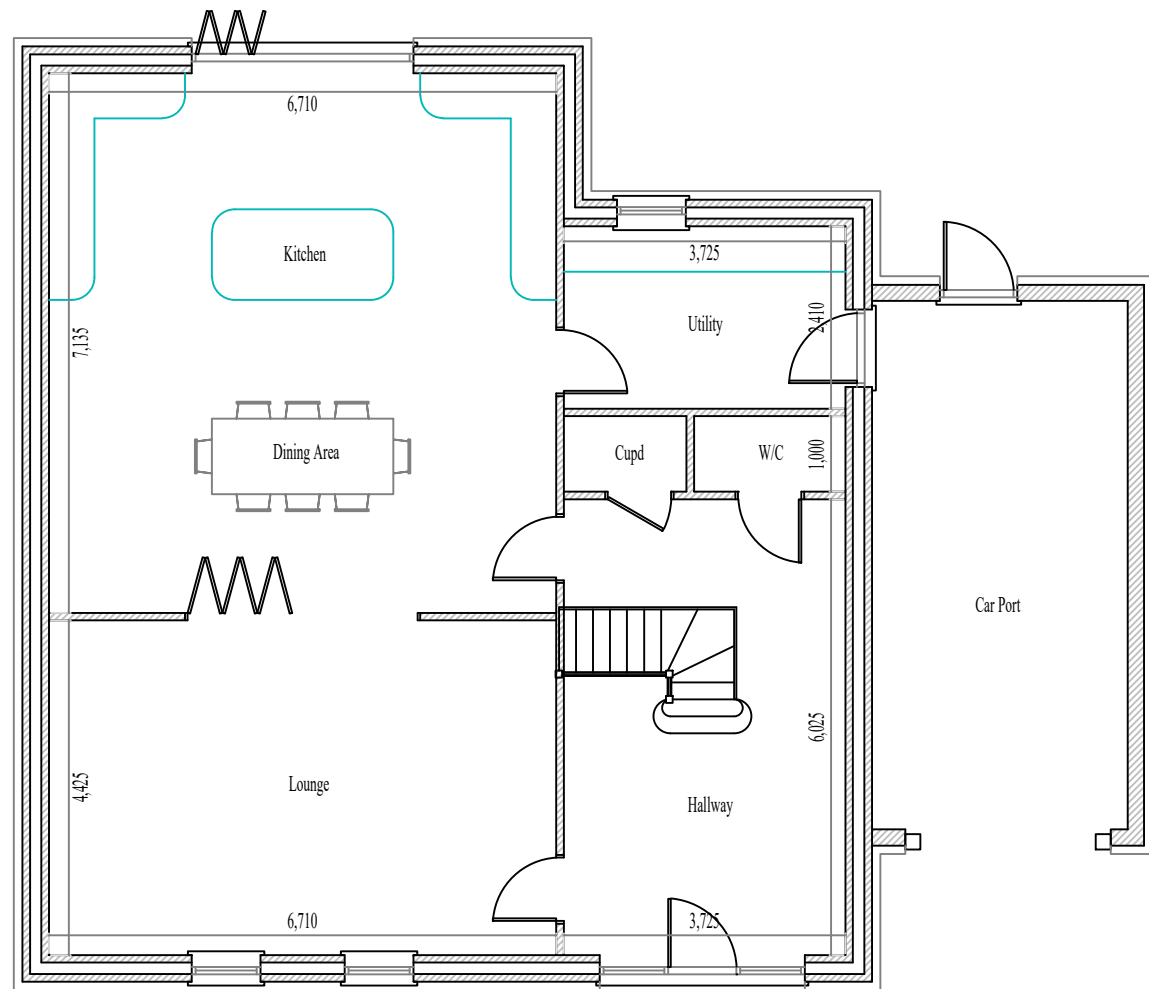
Proposed Side Elevation
Scale 1:100

Revision	Description	Date	Revised By

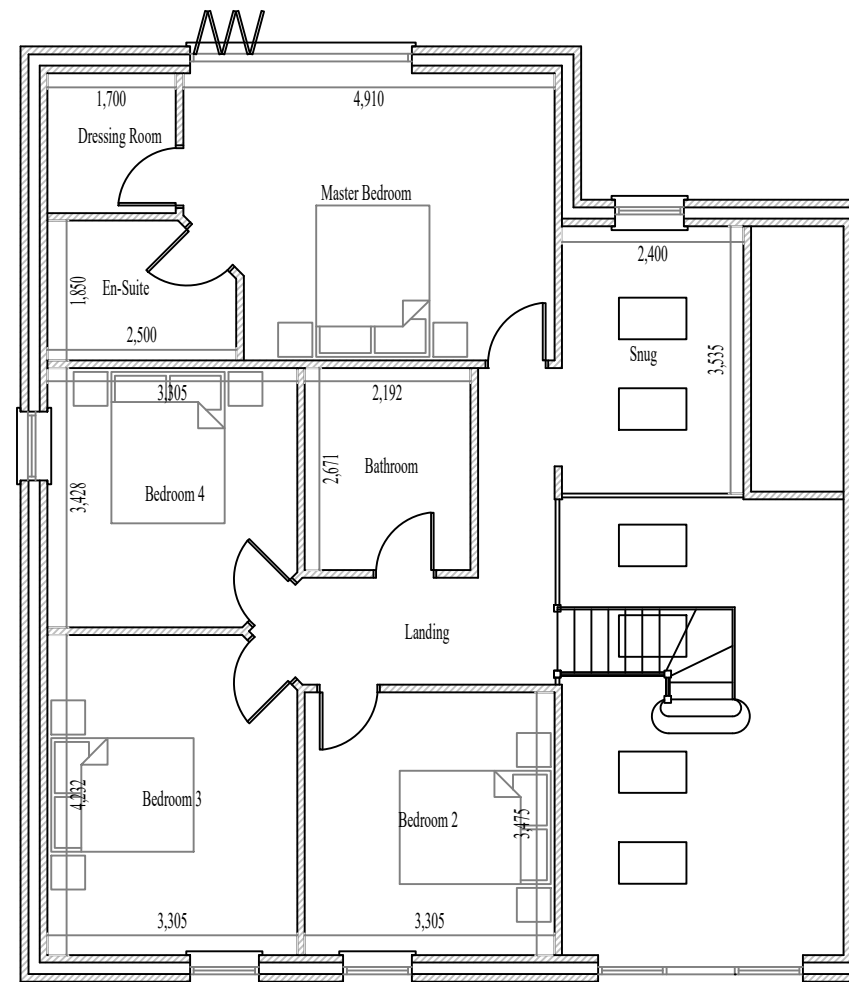
A.L.S Design Services

E-Mail : alsdesignservices@outlook.com Phone : 07707921632

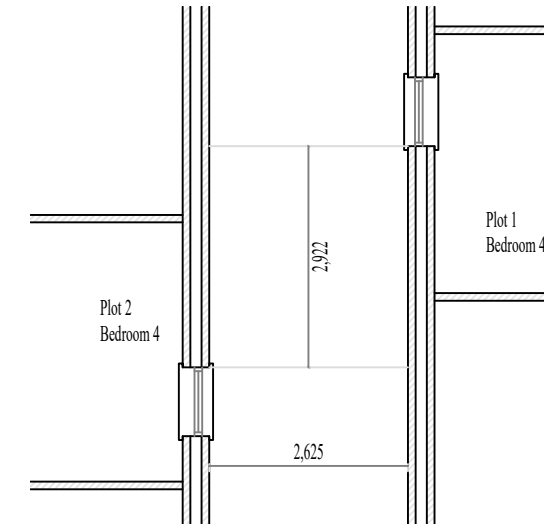
Project Proposed Residential Development		
Drawing Title Plot 1 Elevations		
Address Land North of Willock Farm Barn, High Road, Bunkers Hill		
Drawn By A. L. Sutton	Paper Size A3	Date April 2022
Project Name 030	Drawing Number 003	Revision -



Proposed Ground Floor Plan
Scale 1:100



Proposed First Floor Plan
Scale 1:100



Bedroom 4 Window Relationship
Scale 1:100

Revision	Description	Date	Revised By
A	Bedroom 4 window position revised	18/09/23	A. Sutton

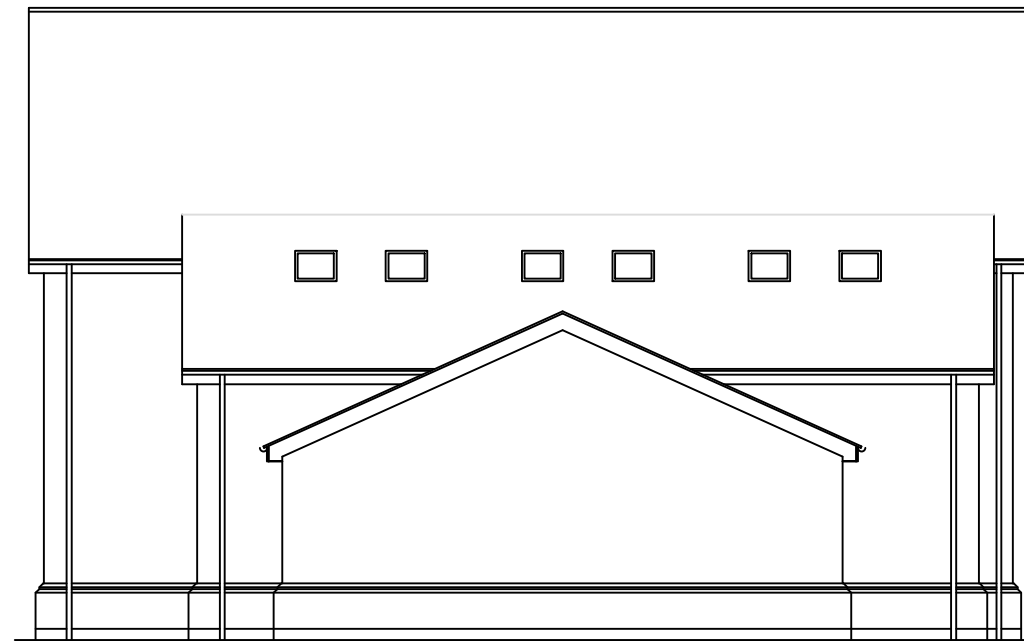
A.L.S Design Services

E-Mail : alsdesignservices@outlook.com Phone : 07707921632

Project	Proposed Residential Development	
Drawing Title	Plot 1 Floor Plans	
Address	Land North of Willock Farm Barn, High Road, Bunkers Hill	
Drawn By	Paper Size	Date
A. L. Sutton	A3	April 2022
Project Name	Drawing Number	Revision
030	002	A



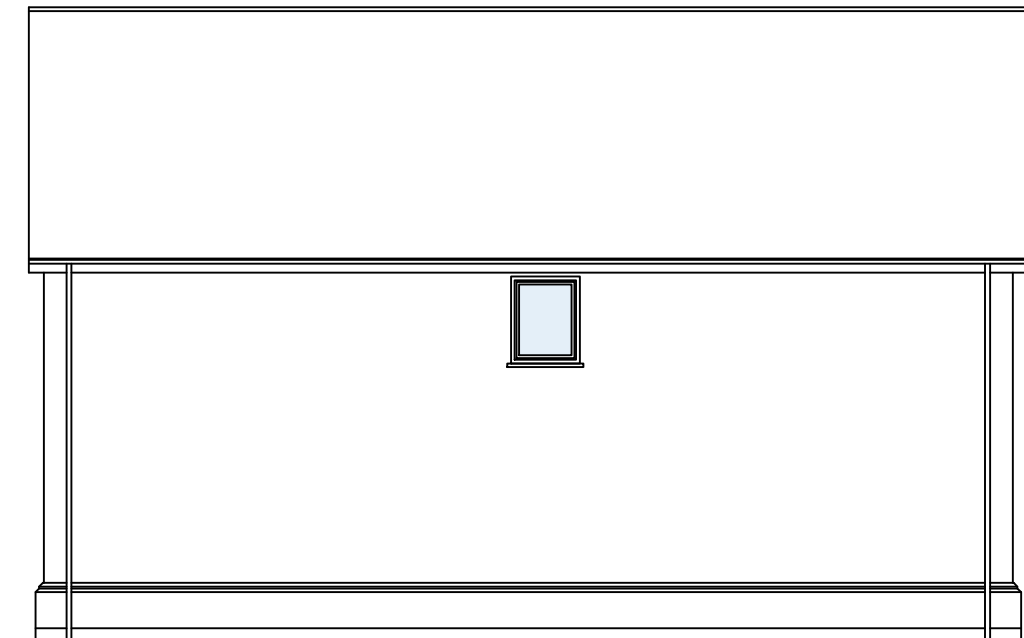
Proposed Front Elevation
Scale 1:100



Proposed Side Elevation
Scale 1:100



Proposed Rear Elevation
Scale 1:100



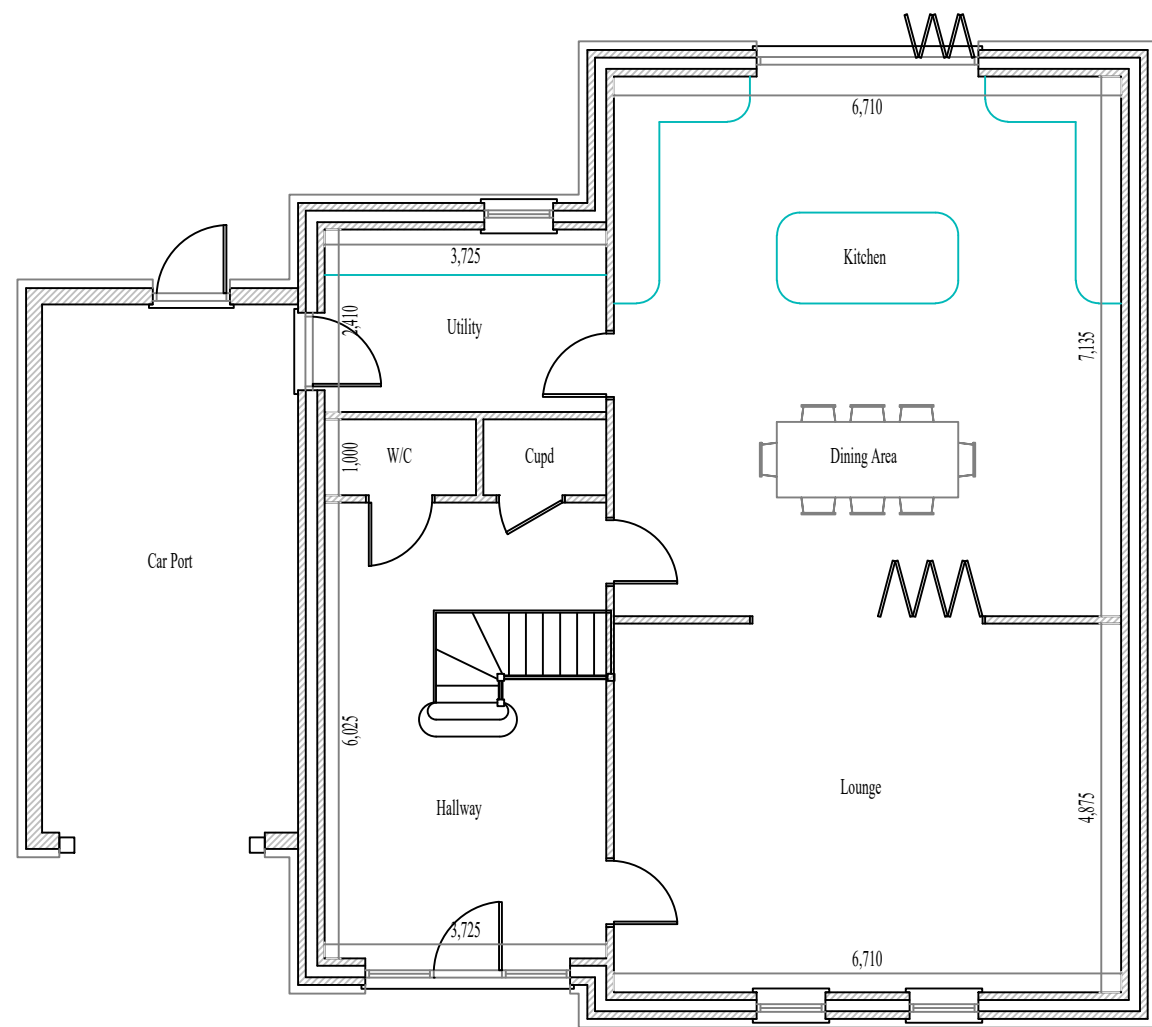
Proposed Side Elevation
Scale 1:100

Revision	Description	Date	Revised By

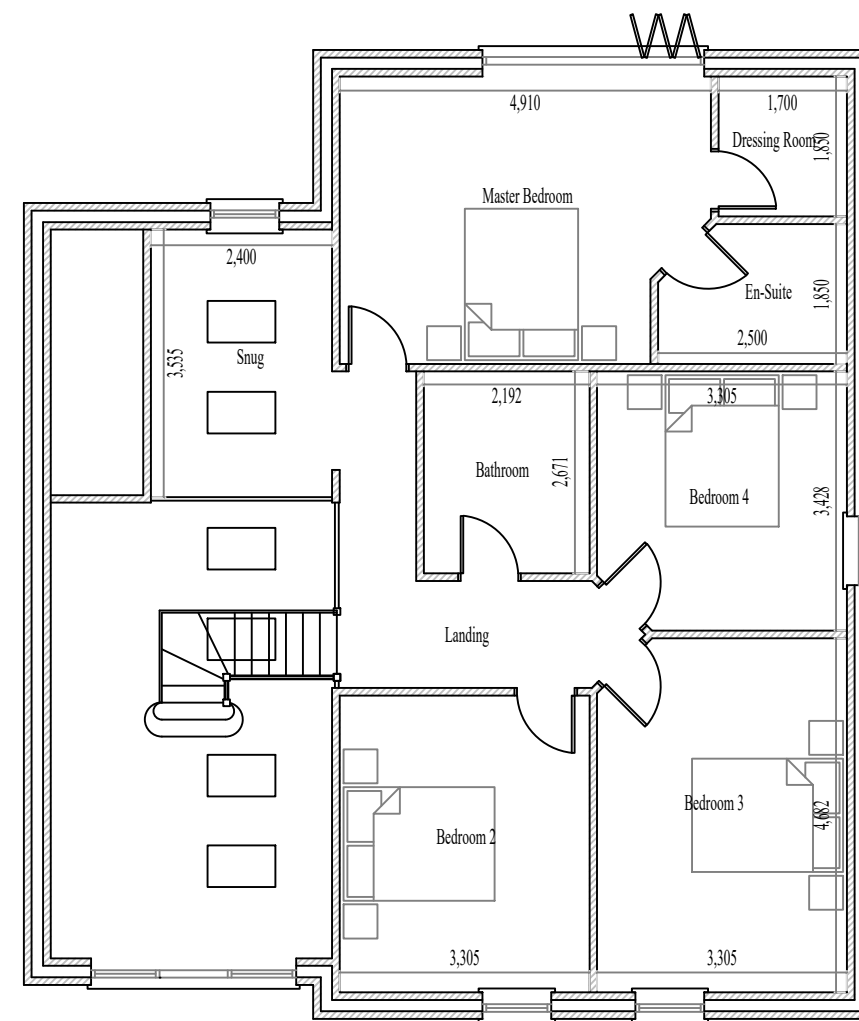
A.L.S Design Services

E-Mail : alsdesignservices@outlook.com Phone : 07707921632

Project	Proposed Residential Development	
Drawing Title	Plot 2 Elevations	
Address	Land North of Willock Farm Barn, High Road, Bunkers Hill	
Drawn By	Paper Size	Date
A. L. Sutton	A3	April 2022
Project Name	Drawing Number	Revision
030	005	-



Proposed Ground Floor Plan
Scale 1:100



Proposed First Floor Plan
Scale 1:100

Revision	Description	Date	Revised By
A	Bedroom 4 window position revised	18/09/23	A. Sutton

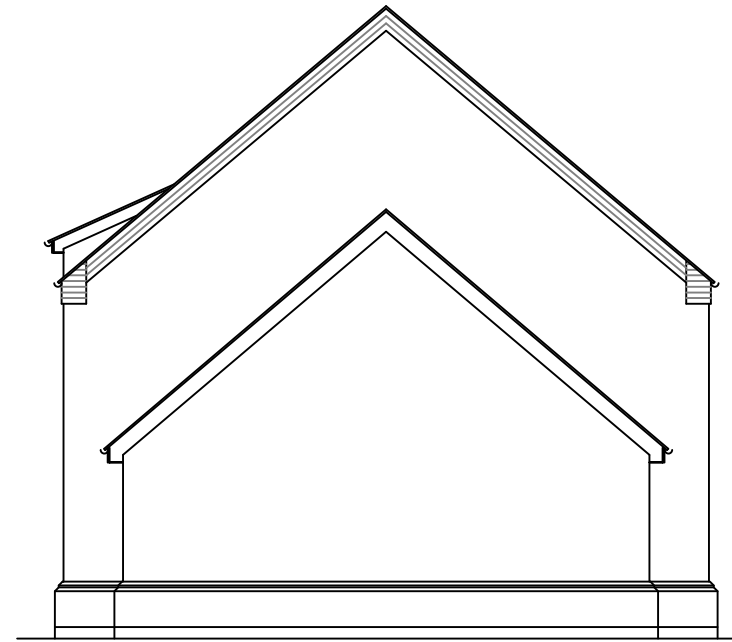
A.L.S Design Services

E-Mail : alsdesignservices@outlook.com Phone : 07707921632

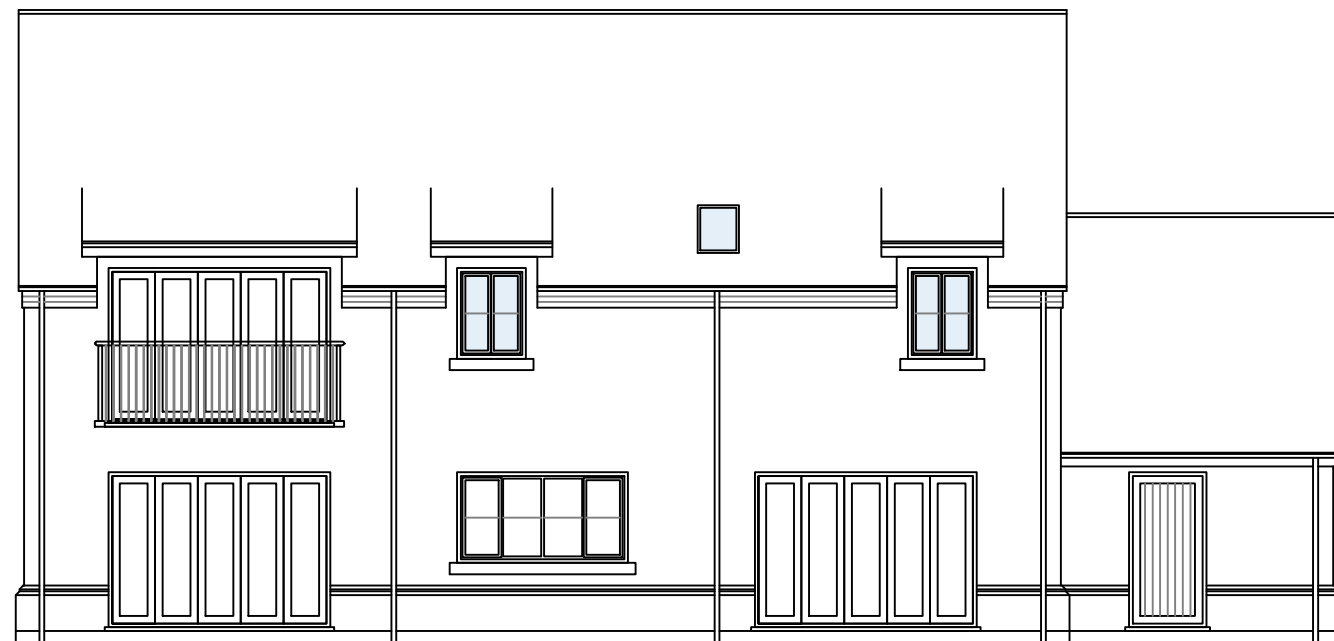
Project Proposed Residential Development		
Drawing Title Plot 2 Floor Plans		
Address Land North of Willock Farm Barn, High Road, Bunkers Hill		
Drawn By A. L. Sutton	Paper Size A3	Date April 2022
Project Name 030	Drawing Number 004	Revision A



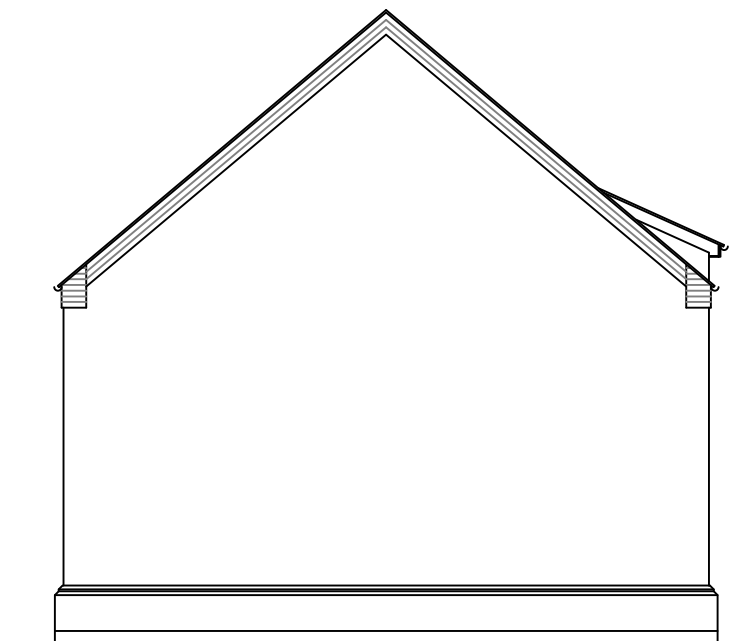
Proposed Front Elevation
Scale 1:100



Proposed Side Elevation
Scale 1:100



Proposed Rear Elevation
Scale 1:100



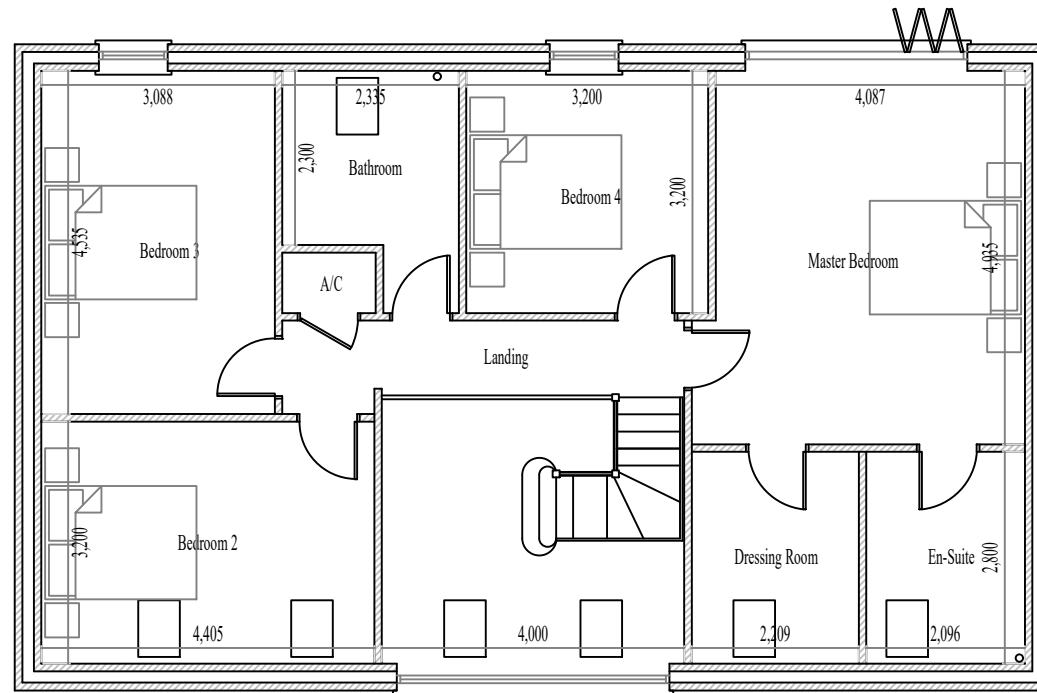
Proposed Side Elevation
Scale 1:100

Revision	Description	Date	Revised By

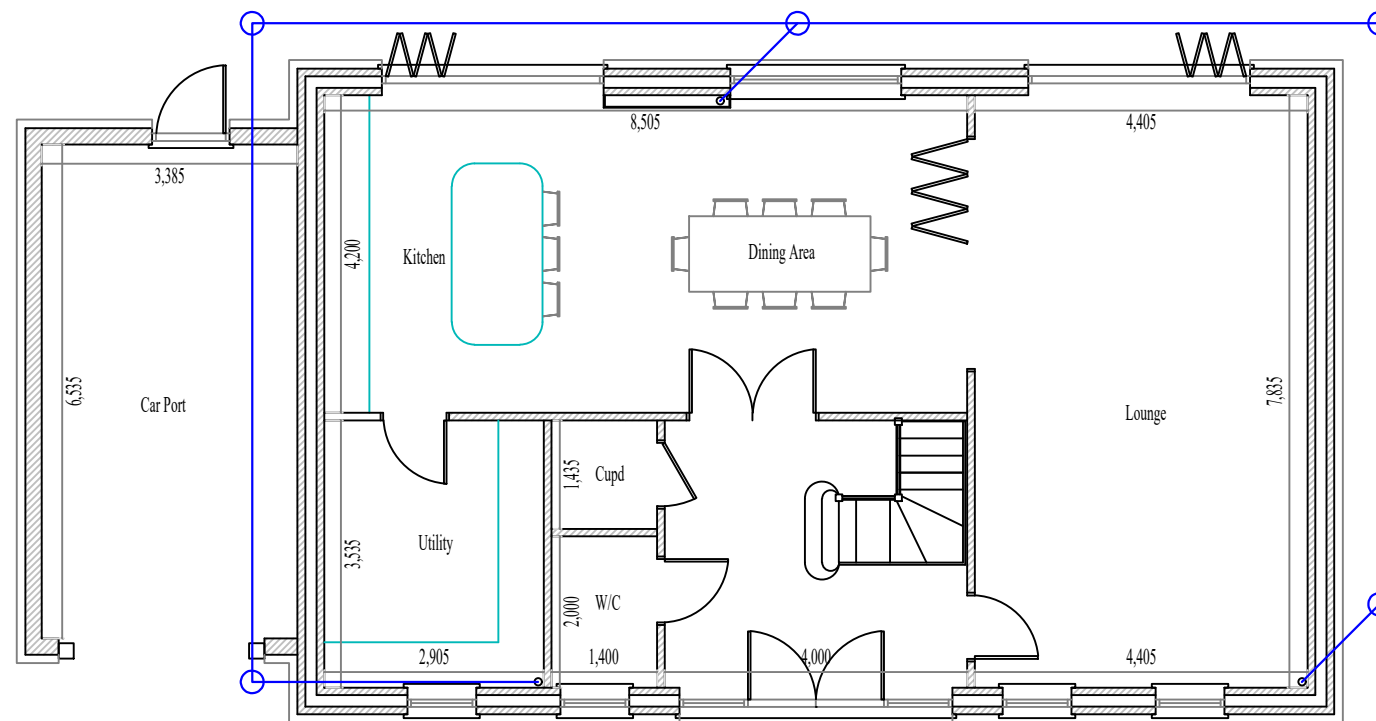
A.L.S Design Services

E-Mail : alsdesignservices@outlook.com Phone : 0770921632

Project Proposed Residential Development		
Drawing Title Plot 3 Elevations		
Address Land North of Willock Farm Barn, High Road, Bunkers Hill		
Drawn By A. L. Sutton	Paper Size A3	Date April 2022
Project Name 030	Drawing Number 007	Revision -



Proposed First Floor Plan
Scale 1:100



Proposed Ground Floor Plan
Scale 1:100

Revision	Description	Date	Revised By

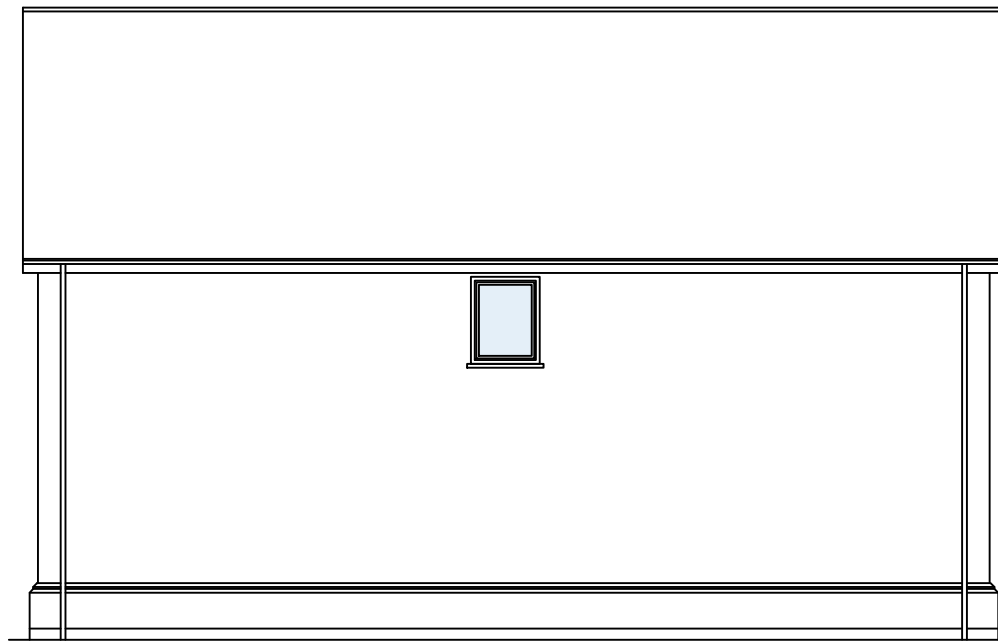
A.L.S Design Services

E-Mail : alsdesignservices@outlook.com Phone : 0770921632

Project	Proposed Residential Development	
Drawing Title	Plot 3 Floor Plans	
Address	Land North of Willock Farm Barn, High Road, Bunkers Hill	
Drawn By	Paper Size	Date
A. L. Sutton	A3	April 2022
Project Name	Drawing Number	Revision
030	006	-



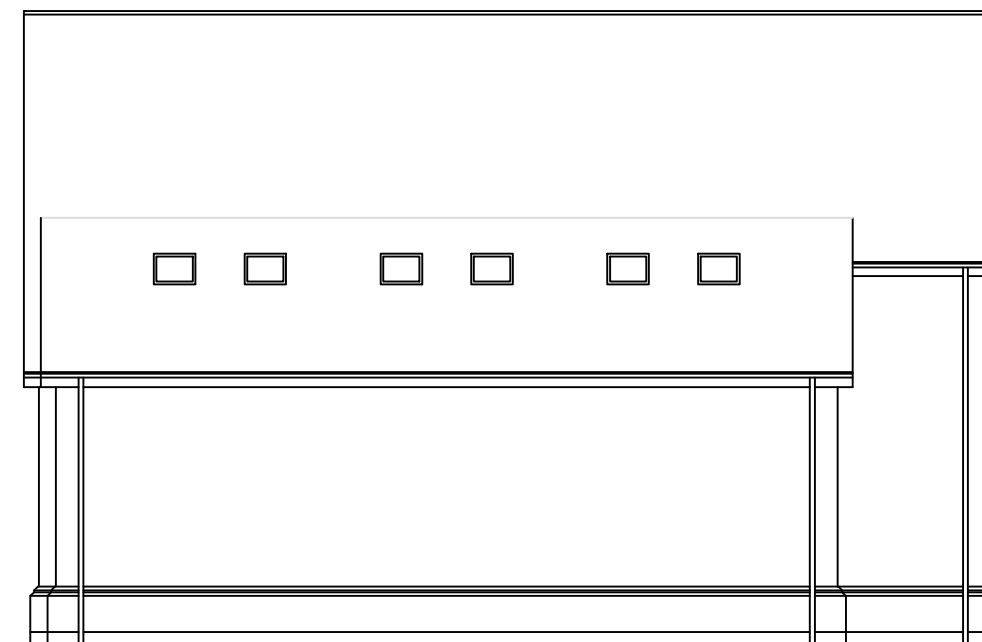
Proposed Front Elevation
Scale 1:100



Proposed Side Elevation
Scale 1:100



Proposed Rear Elevation
Scale 1:100



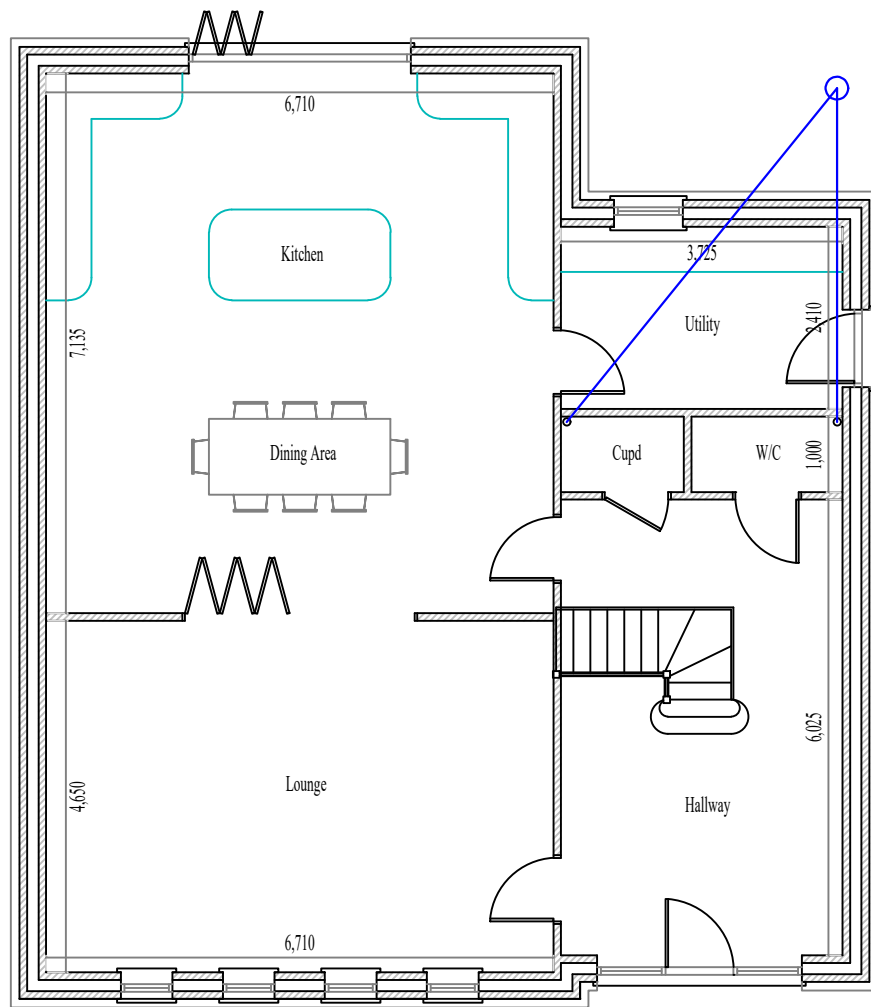
Proposed Side Elevation
Scale 1:100

Revision	Description	Date	Revised By

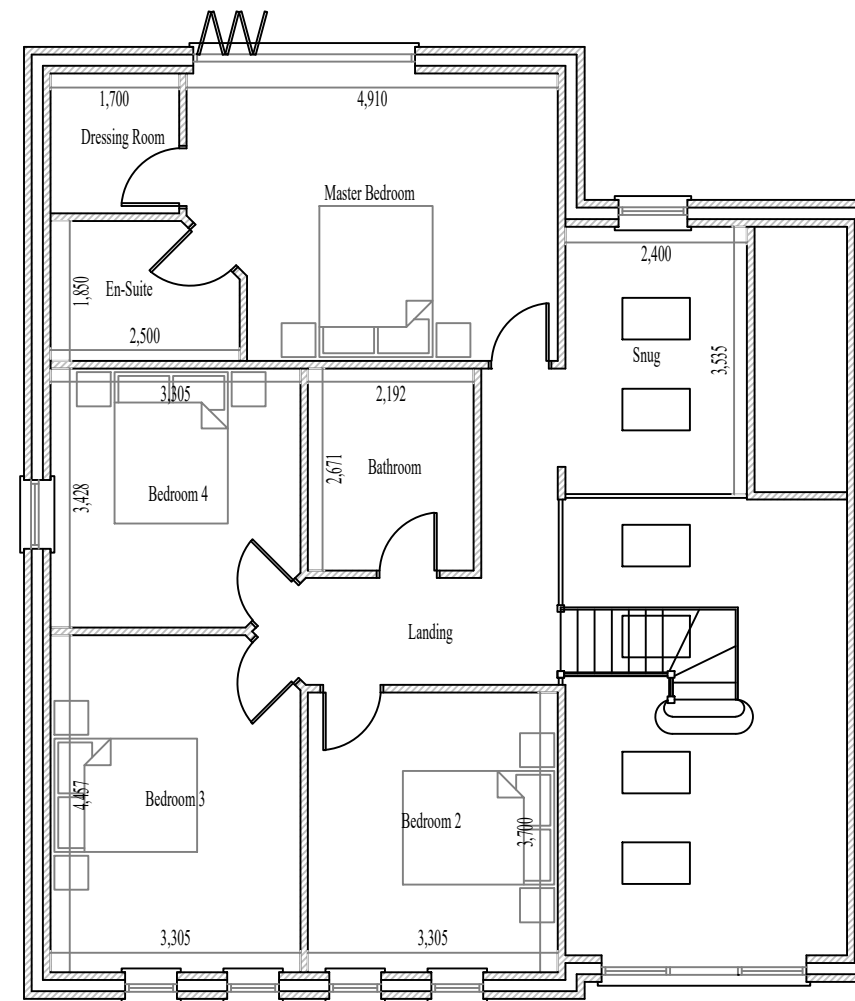
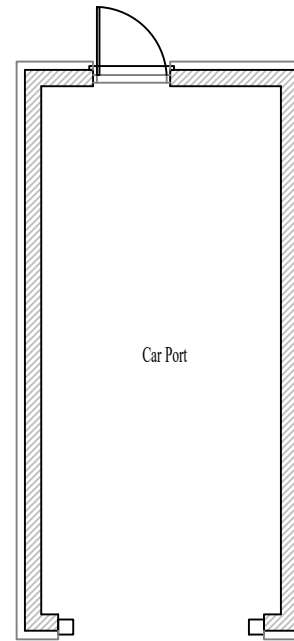
A.L.S Design Services

E-Mail : alsdesignservices@outlook.com Phone : 07707921632

Project	Proposed Residential Development	
Drawing Title	Plot 4 Elevations	
Address	Land North of Willock Farm Barn, High Road, Bunkers Hill	
Drawn By	Paper Size	Date
A. L. Sutton	A3	April 2022
Project Name	Drawing Number	Revision
030	009	-



Proposed Ground Floor Plan
Scale 1:100



Proposed First Floor Plan
Scale 1:100

Revision	Description	Date	Revised By

A.L.S Design Services

E-Mail : alsdesignservices@outlook.com Phone : 0770921632

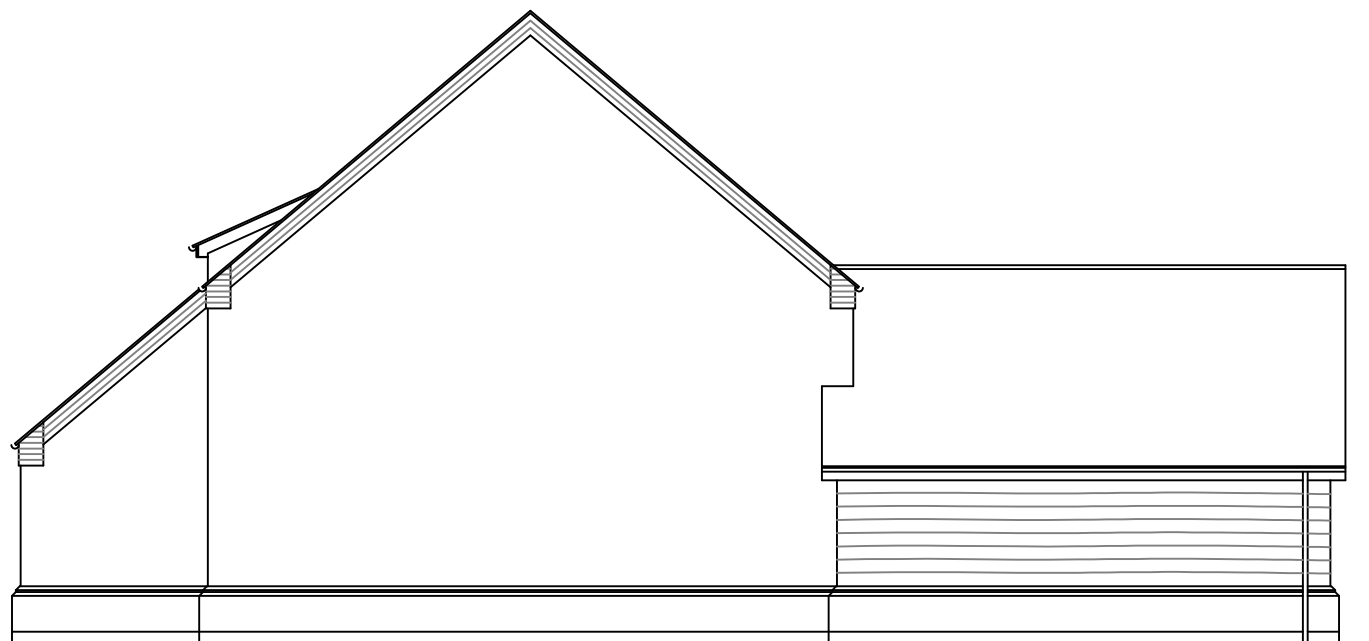
Project: Proposed Residential Development

Drawing Title: Plot 4 Floor Plans

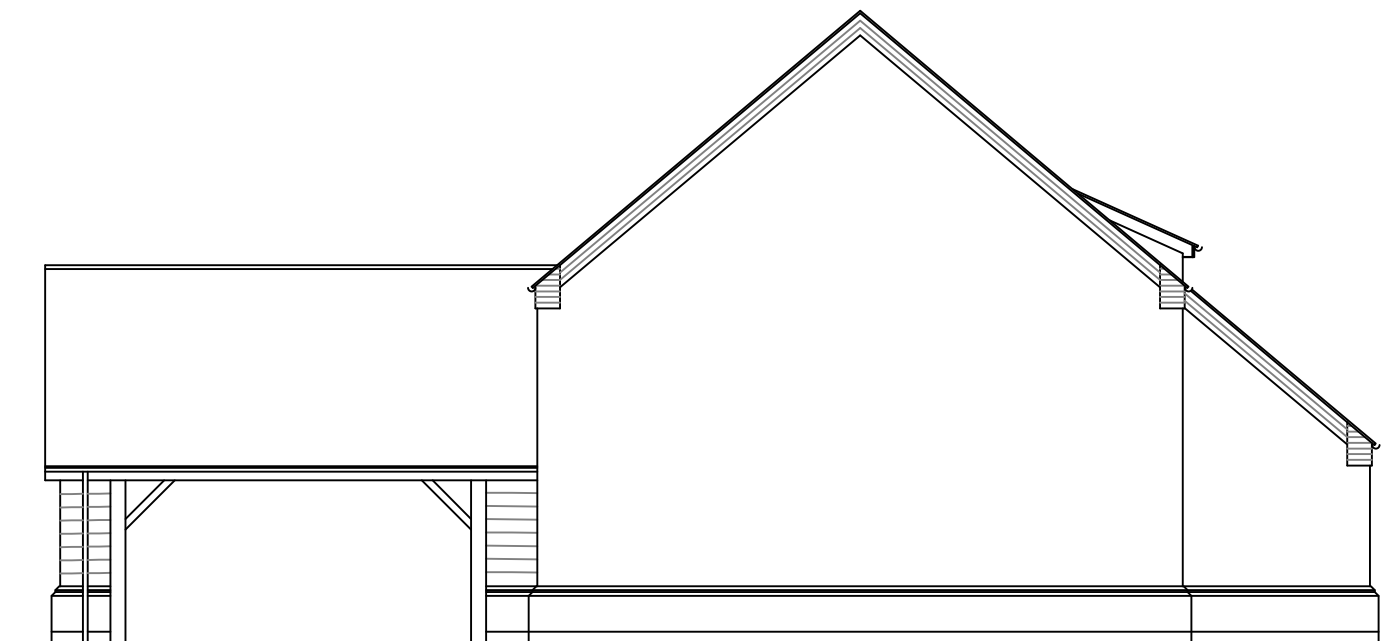
Address: Land North of Willock Farm Barn,
High Road, Bunkers Hill

Drawn By A. L. Sutton	Paper Size A3	Date April 2022
--------------------------	------------------	--------------------

Project Name 030	Drawing Number 008	Revision -
---------------------	-----------------------	---------------



Proposed Side Elevation
Scale 1:100



Proposed Side Elevation
Scale 1:100



Proposed Front Elevation
Scale 1:100



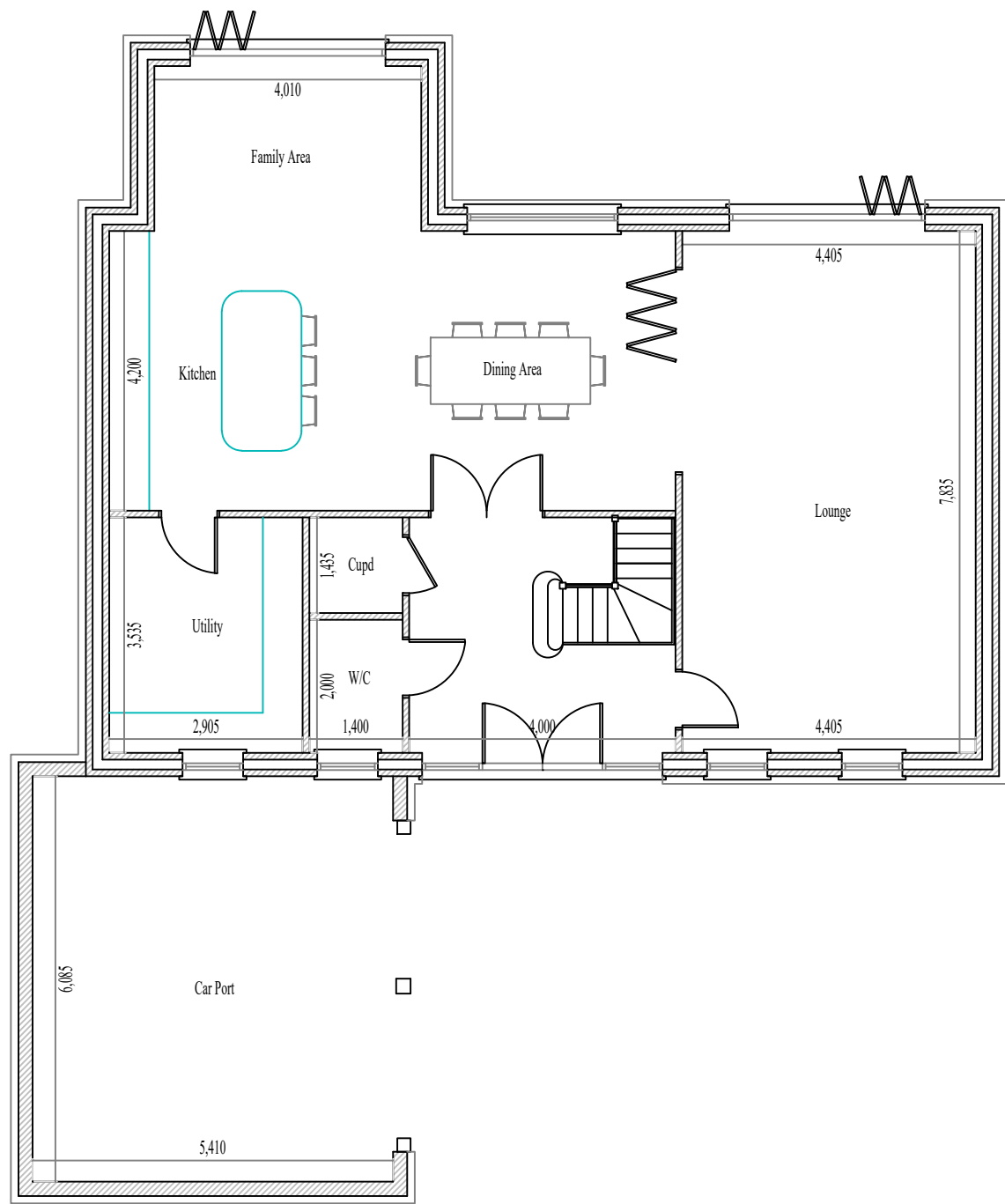
Proposed Rear Elevation
Scale 1:100

Revision	Description	Date	Revised By

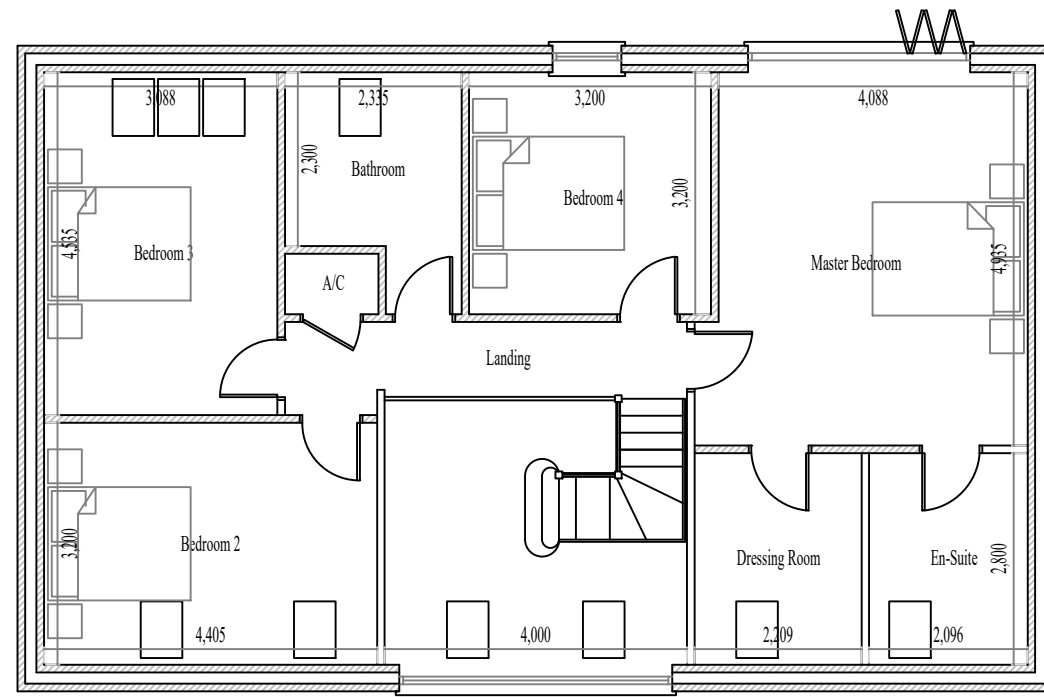
A.L.S Design Services

E-Mail : alsdesignservices@outlook.com Phone : 0770921632

Project Proposed Residential Development		
Drawing Title Plot 5 Elevations		
Address Land North of Willock Farm Barn, High Road, Bunkers Hill		
Drawn By A. L. Sutton	Paper Size A3	Date April 2022
Project Name 030	Drawing Number 011	Revision -



Proposed Ground Floor Plan
Scale 1:100



Proposed First Floor Plan
Scale 1:100

Revision	Description	Date	Revised By

A.L.S Design Services

E-Mail : alsdesignservices@outlook.com Phone : 0770921632

Project Proposed Residential Development		
Drawing Title Plot 5 Floor Plans		
Address Land North of Willock Farm Barn, High Road, Bunkers Hill		
Drawn By A. L. Sutton	Paper Size A3	Date April 2022
Project Name 030	Drawing Number 010	Revision -

This page is intentionally left blank

F/YR23/0600/O

Applicant: Mr Andrew York

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

Land North Of 66, Northgate, Whittlesey, Cambridgeshire

Erect x1 dwelling (outline application with matters committed in respect of access)

Officer recommendation: Grant

Reason for Committee: Number of representations contrary to Officer recommendation

1 EXECUTIVE SUMMARY

- 1.1 This application seeks outline planning consent for the erection of 1 dwelling with all matters reserved except for access.
- 1.2 The proposed dwelling would be constructed to the rear of an existing frontage development and accessed via an existing vehicular track, similar to the arrangement directly east of the subject site.
- 1.3 The dwelling as indicated on the submitted drawings is a 2-storey 4-bed detached dwelling with attached garage which is a variation against the prevailing character. Notwithstanding this however, the proposed dwelling will be situated to the north of a row of 2-storey semi-detached dwellings and is therefore unlikely to introduce any adverse visual impacts given the lack of visibility from the street scene.
- 1.4 The dwelling would be surrounded by neighbouring residential properties to the north-west, east and south. However, given the clearance between the proposed dwelling and neighbouring properties, it is unlikely that any adverse impacts upon residential amenity would be introduced by way of overlooking, overshadowing or appearing overbearing.
- 1.5 The proposed development of the form indicated is therefore considered to be compliant with Policy LP1, LP2, LP3, LP14, LP15 and LP16 of the Fenland Local Plan 2014.
- 1.6 The recommendation is therefore to grant this application.

2 SITE DESCRIPTION

- 2.1 The application site is situated upon Land North of 66 Northgate, within the market town of Whittlesey. The site currently serves private residential amenity space associated with 54A Northgate.

2.2 The site is accessed via an existing track situated between 40 Stonald Avenue and 70 Northgate. The access track currently serves access to a number of garages associated with existing dwellings along Stonald Avenue.

2.3 The application site is situated within Flood Zone 1.

3 PROPOSAL

3.1 This application seeks outline planning permission for the erection of 1 dwelling with all matters reserved except for access.

3.2 The submitted drawing indicates a 2-storey dwelling, 4-bed dwelling with an attached double garage. 4 parking spaces and turning space are indicated to the front of the site. Garden space is situated to the rear of the proposed dwelling.

3.3 The existing dense hedgerows to the north and south boundaries of the site are to be retained.

3.4 Bin storage is indicated to the south of the dwelling and a proposed bin collection point is indicated on the existing access track.

3.5 Full plans and associated documents for this application can be found at: [F/YR23/0600/O | Erect x1 dwelling \(outline application with matters committed in respect of access\) | Land North Of 66 Northgate Whittlesey Cambridgeshire \(fenland.gov.uk\)](https://www.fenland.gov.uk/Planning/Planning-Applications/F/YR23/0600/O)

4 SITE PLANNING HISTORY

4.1 No previous planning history on site.

5 CONSULTATIONS

5.1 Whittlesey Town Council

The Town council recommend refusal and suggest this application is resubmitted with the correct information, they also require confirmation that the existing landscaping (Hedgerow and Conifers) are retained, they would also request that FDC planning officers visit the site and check the privacy issue associated with neighbouring properties and finally on-site parking is required on the site.

5.2 FDC Environmental Health

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

This service would however welcome a condition on working times due to the close proximity 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.

5.3 FDC Environmental Service Operations Manager

No objections in relation to the bin collection point.

5.4 CCC Highways (04/09/2023)

Recommendation

Whilst the LHA has reservations in respect of the proposed development in relation to the nature/ standard of the approach roads, in view of the limited trip generation/ established use of the site (etc), it is considered that a recommendation of refusal could not be substantiated regarded with due regard to Para 111 of the NPPF, where "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety."

Comments

This application seeks to provide 4x1 bedroom unit with 4 parking spaces, even though as I understand it was recommended by the LPA in accordance with Appendix A of Policy LP15 that 3 on-site parking spaces should be provided with dwellings with 4 or more bedrooms at the full Application stage, 4 spaces have been provided.

The site plan shows that the site will be accessed between No. 70 and 72 with the access being upgraded to a sealed driveway. The access approach road to the proposed residential unit is narrow, therefore with its substandard width, it cannot accommodate simultaneous passing access traffic.

The upgraded access route to a sealed driveway which is welcomed by LHA. The pedestrian visibility splay measured from the back of the footway from the Northgate access is also substandard, it impinges on third party land and therefore cannot be accomplished.

Since the site access already exists, on balance it would be difficult to refuse this development solely from the highways perspective.

Despite, the above highway concerns, should the LPA be minded to approve the above application, it should be subject to the following conditions:

Access Road Details: Prior to the occupation of the dwelling, a scheme shall be submitted to and approved in writing by the Local Planning Authority which details the construction and surfaces of the access road in accordance with the approved scheme.

Reason: In order to ensure that adequate vehicular and pedestrian access is provided in the interests of highway safety in accordance with Policy LP15 of the Fenland Local Plan 2014.

Parking/Turning Area: Prior to the first occupation of the development the proposed on-site parking/turning area shall be laid out in accordance with the approved plans, surfaced in a bound material and drained within the site. The

parking/turning area, surfacing and drainage shall thereafter be retained as such in perpetuity (notwithstanding the provisions of Schedule 2, Part 1, Class F of The Town and Country Planning (General Permitted Development) (England) Order 2015, or any instrument revoking or re-enacting that Order).

Informative

Works in the Public Highway: This development may involve work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council.

5.5 CCC Highways (07/09/2023)

The private track onto Stonald Avenue is clearly sub-standard by virtue of the restricted visibility (both intervehicular and pedestrian) and width. If this were a new access, it would need to meet the following criteria:

- Achieve 2.4m x 43m inter-vehicular visibility, measured to the nearside carriageway edge.*
- Achieve 2m x 2m pedestrian visibility, measured to the nearside footway edge.*
- Have a width of at least 5m for at least the first 8m length from the Stonald Avenue carriageway.*
- Surfaced in bound material for the first 5m.*
- Drained away from the highway.*

With the exception of the latter two point, the criteria are unachievable within the application boundary. However, the track serves as a means of access to parking for substantial number of properties, so the intensification associated with one more would be immaterial. In my view, an objection on this basis alone would likely be overturned at appeal.

A dwelling accessed via the track is likely to attract modest delivery vehicles e.g., grocery and parcel delivery vans. The turning area shown on the site plan, appears large enough for such vehicles to turn around. However, your concern regarding refuse collection remains valid. The plot will be inaccessible by refuse freighter, and it appears too remote from Stonald Avenue regarding drag distances (residents should not need to carry a bin more than 30m), and in any case, a suitable bin collection point which does not obstruct the access has not been identified. It's worth speaking to FDC's waste team on this point to ask if they would be willing to service the site.

It may also be prudent to speak to the Fire & Rescue service regarding emergency vehicle access and / or the need to mitigation i.e., sprinklers.

5.6 CCC Highways (27/09/2023)

I share your concern regarding the Bin collection point, which is not ideal.

I believe it could cause some inconvenience to other road users albeit for short period of time during the bin collection day.

That said, the proposed upgraded access width would exceed the needed (and in use practical width of the access route for vehicles, and therefore cannot consider it to be unsafe in my view. Based on these comments, it would be difficult to refuse the application mainly on this concern on highway grounds.

5.7 North Level Internal Drainage Board

North Level District IDB has no observations with regard to the above planning applications.

5.8 Local Residents/Interested Parties

1 letter of representation was received with regard to this application neither supporting or objection to the scheme from an address point along Headlands Way. The letter of representation noted the following:

- Concerns regarding safety of the lane for public access and the safety of children using the route whilst construction is underway
- Increased traffic

6 letters of objection were received with regard to this application. 2 of these letters were received from address points along Stonald Avenue; 2 from address points along Headlands Way and 2 from address points along Northgate. The reasons for objection are as follows:

- Access to the property is down a narrow track bordering neighbouring property – concerns regarding construction access gaining access and damaging neighbouring property
- Residential traffic turning in and out of the site damaging neighbouring property
- Neighbouring property occupiers work day and night shifts, construction and traffic will disrupt sleep
- Overlooking
- Loss of privacy
- Additional traffic along Stonald Avenue and Northgate Close will make existing parking issues worse
- Will conifers running along the back fence be cut down
- Access for emergency services
- FDC does not have a policy for backland development
- Increased noise
- Loss of private green space
- Who would maintain upgraded surface of road
- Concerns regarding impact on pedestrian right of way
- Substandard width of access road
- A new road would not meet current criteria for safety, why compromise safety on an existing road? Contradicts LP15.

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 11: Presumption in favour of sustainable development

Para 130: Well-designed development

7.2 National Planning Practice Guidance (NPPG)

7.3 National Design Guide 2021

Context

Identity

Built Form

7.4 Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

7.5 Emerging Local Plan

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

LP5 – Health and Wellbeing

LP7 – Design

LP8 – Amenity Provision

LP20 – Accessibility and Transport

LP22 – Parking Provision

LP32 – Flood and Water Management

7.6 Delivering and Protecting High Quality Environments in Fenland SPD Adopted July 2014

7.7 Whittlesey Neighbourhood Plan 2021-2040

Policy 7 – Design Quality

8 KEY ISSUES

- **Principle of Development**
- **Design and Visual Amenity of the Area**
- **Residential Amenity**
- **Parking and Highways**

- **Flood Risk**
- **Other Considerations**

9 BACKGROUND

- 9.1 Pre-application advice was sought prior to the submission of this application. The pre-application sought advice regarding the erection of a dwelling on the application site. The pre-application noted that it was not possible to confirm if the submitted dwelling would be acceptable for the site until an application was received and a detailed site visit undertaken. The pre-application advice did note that the height of the proposed dwelling should not be any higher than adjoining dwellings to ensure visual impact is acceptable.

10 ASSESSMENT

Principle of Development

- 10.1 The proposal is in outline with only access committed. The submitted drawings indicate that the dwelling on site is to be a 2-storey 4-bed dwelling. The application site is situated within the market town of Whittlesey, which is one of the four settlements within which the majority of the District's new housing development is proposed according to Policy LP3 of the Fenland Local Plan 2014.
- 10.2 There is no objection to the principle of a new dwelling in this location and the proposed access will utilise an existing access track off of Northgate. No more details have been submitted for consideration at this stage. Therefore, the principle of the development is considered to be acceptable.

Design and Visual Amenity of the Area

- 10.3 Policy LP16 supports the principle of development, subject to the significance of, and the likely impact upon, the amenity of neighbouring properties and users in its design and appearance and enhances the character of the area.
- 10.4 The vernacular along Northgate and within the immediate vicinity of the application site is fairly consistent, with the presence of 2-storey semi-detached dwellings constructed in a red brick. Whilst indicative at this stage, the dwelling indicated on the submitted drawings is a 2-storey 4-bed detached dwelling with attached garage which is a variation against the prevailing character. Notwithstanding this however, the proposed dwelling will be situated to the north of a row of 2-storey semi-detached dwellings and therefore is unlikely to be highly visible from the street scene. It is therefore acknowledged that the indicative drawings indicate a dwelling which does not reflect the strong character along Northgate, however it is unlikely to introduce any adverse visual impacts given the lack of visibility from the street scene.
- 10.5 Whilst backland development doesn't prevail to the west of the site, immediately east of the application site is a similar arrangement of backland development, albeit that arrangement is 2 dwellings. As such, the introduction of a dwelling within this location will not appear significantly out of character with regard to existing arrangements to the east of the site.

- 10.6 It is therefore considered that the scheme is compliant with Policy LP16 in this regard.

Residential Amenity

- 10.7 Policy LP2 and LP16 seek to ensure that new developments do not adversely impact upon residential amenity.
- 10.8 The indicative site plan details the proposed dwelling being situated approximately 14 metres from the neighbouring property situated to the north-west of the site (25 Headlands Way), 26 metres from the property to the east of the site (54a Northgate) and 18 metres from the properties to the south of the site (68 and 70 Northgate).
- 10.9 Whilst indicative at this stage, it is unlikely that a dwelling situated upon the site in this location would introduce any adverse overbearing or overshadowing impacts upon neighbouring residential amenity given the clearances between the proposed dwelling and the neighbouring properties.
- 10.10 First floor fenestration is indicated upon the principle elevation and rear elevation. 2 roof lights are indicated within the north facing roof slope of the attached garage and 1 obscure glazed window is indicated upon the south facing side elevation. The fenestration upon the principle elevation will overlook the front of the application site and therefore would unlikely introduce any adverse overlooking impacts. Similarly, the fenestration upon the rear elevation will overlook the rear of the site and there will be sufficient clearance between the proposed dwelling and properties to the east of the site to ensure that adverse overlooking impacts are not introduced. The only first-floor window proposed facing south will be obscure glazed and thus will not introduce adverse overlooking impacts to the neighbouring properties to the south. The 2 roof lights proposed to the north facing roof slope of the proposed garage are likely to be set at an angle which will ensure that they do not adversely overlook neighbouring property to the north. As such, it is considered that the scheme is also unlikely to introduce any adverse overlooking impacts upon neighbouring properties.
- 10.11 In terms of residential amenity for future occupiers, Policy LP16(h) states that new dwellings provide a minimum of a third of the plot curtilage as private amenity space. The indicative site plan details a garden area to the rear of the dwelling which will meet this requirement.
- 10.12 Policy DM4(b) of the Delivering and Protecting High Quality Environments in Fenland SPD Adopted July 2014 states that bin storage areas should be conveniently located with easy access for users. Users should not have to carry their waste and recycling more than 30 metres. The indicative site plan details a bin storage area to the south of the proposed garage and a proposed bin location upon the highway track which complies with the above requirement.
- 10.13 As such, it is considered that the scheme is capable of being designed in a way which is compliant with Policy LP2 and LP16 with regard to residential amenity.

Parking and Highways

- 10.14 The submitted site plan details the provision of 4 parking spaces on site (5 x 2.5 metres) as well as a parking and turning area. Appendix A of the Fenland Local

Plan states that dwellings with 4 or more bedrooms should provide 3 parking spaces on site. The indicative site plan details that this is achievable on site.

- 10.15 The proposed access to the site is via an existing access track between 40 Stonald Avenue and 70 Northgate, with the access being upgraded to a sealed driveway. It is acknowledged that this access track is narrow and therefore cannot accommodate passing access traffic. However, given that this access track is existing and serves a substantial number of properties, it is unlikely that the introduction of one additional dwelling would significantly intensify the use of the track. CCC Highways have raised no objection to the use of the track to access the property subject to conditions.
- 10.16 It is also noted that the proposed bin collection point may introduce some inconvenience to other road users, albeit this will be for a short period of time on bin collection day and as such no objections have been raised from CCC Highways or FDC Environmental Service Operations.
- 10.17 As such, it is considered that the application is acceptable with regards to Policy LP15 subject to conditions.

Flood Risk

- 10.18 The proposal is located within Flood Zone 1 and issues of surface water disposal will be considered under Building Regulations.

Other Considerations

- 10.19 A number of neighbour objections were received with regard to this application. The majority of these objections have been addressed within the assessment above and the remainder will be addressed below.
- 10.20 Concerns were raised with regard to construction access and residential traffic damaging neighbouring property. As aforementioned, no highways objections have been raised with regard to the use of the existing access track to access the application site. Damage to neighbouring properties would be a civil matter which cannot be addressed by planning permission.
- 10.21 Concerns were also raised with regard to construction and additional traffic disrupting sleep for neighbouring shift workers. This is not a material planning issue and therefore cannot be addressed as such.
- 10.22 The existing conifers are proposed to be retained as detailed within the indicative site plan. Access to the application site from neighbouring residents to maintain these conifers would be a civil matter which again cannot be addressed by planning permission.
- 10.23 Concerns were also raised with regard to increased noise. It is unlikely that the construction of 1 additional dwelling would significantly impact upon neighbouring properties by way of noise and as such a refusal on this basis would not be justified.

11 CONCLUSIONS

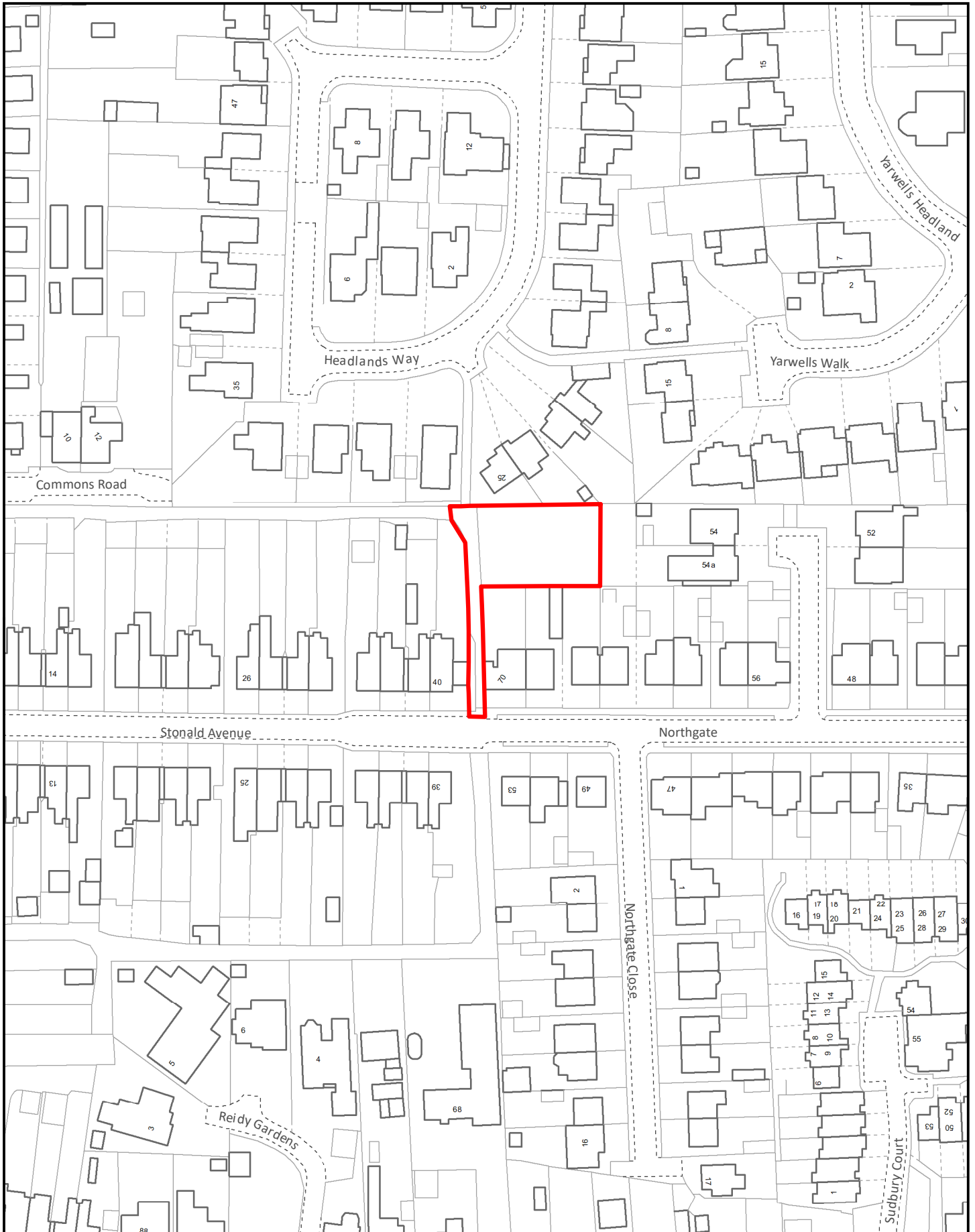
11.1 The outline application with all matters reserved except access is considered to be acceptable and in compliance with policies of the Fenland Local Plan 2014. As such, a favourable recommendation is forthcoming.

12 RECOMMENDATION

12.1 Grant

The proposed conditions are as follows;

1	<p>1. Approval of the details of:</p> <ul style="list-style-type: none"> i. the layout of the site ii. the scale of the building(s); iii. the external appearance of the building(s); iv. the landscaping <p>(hereinafter called "the Reserved Matters") shall be obtained from the Local Planning Authority prior to the commencement of development.</p> <p>Reason - To enable the Local Planning Authority to control the details of the development hereby permitted.</p>
2	<p>Application for approval of the Reserved Matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.</p> <p>Reason - To ensure compliance with Section 92 of the Town and Country Planning Act 1990.</p>
3	<p>The development hereby permitted shall begin before the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.</p> <p>Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
4	<p>Prior to the occupation of the dwelling, a scheme shall be submitted to and approved in writing by the Local Planning Authority which details the construction and surfaces of the access road in accordance with the approved scheme.</p> <p>Reason - In order to ensure that adequate vehicular and pedestrian access is provided in the interests of highway safety in accordance with Policy LP15 of the Fenland Local Plan 2014.</p>
5	<p>Prior to the first occupation of the development the proposed on-site parking/turning area shall be laid out in accordance with the approved plans, surfaced in a bound material and drained within the site. The parking/turning area, surfacing and drainage shall thereafter be retained as such in perpetuity (notwithstanding the provisions of Schedule 2, Part 1, Class F of The Town and Country Planning (General Permitted Development) (England) Order 2015, or any instrument revoking or re-enacting that Order).</p> <p>Reason - In the interests of highway safety and to ensure compliance with Policies LP15 and LP16 of the Fenland Local Plan, adopted May 2014.</p>



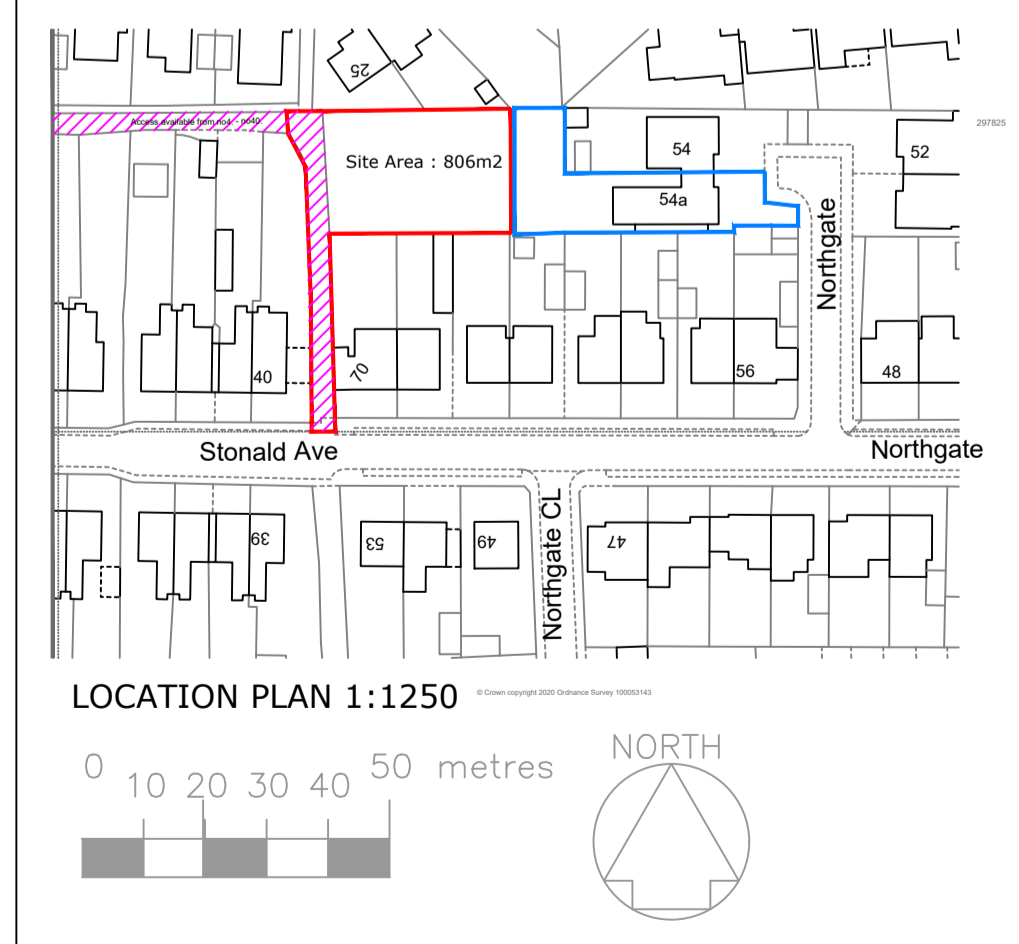
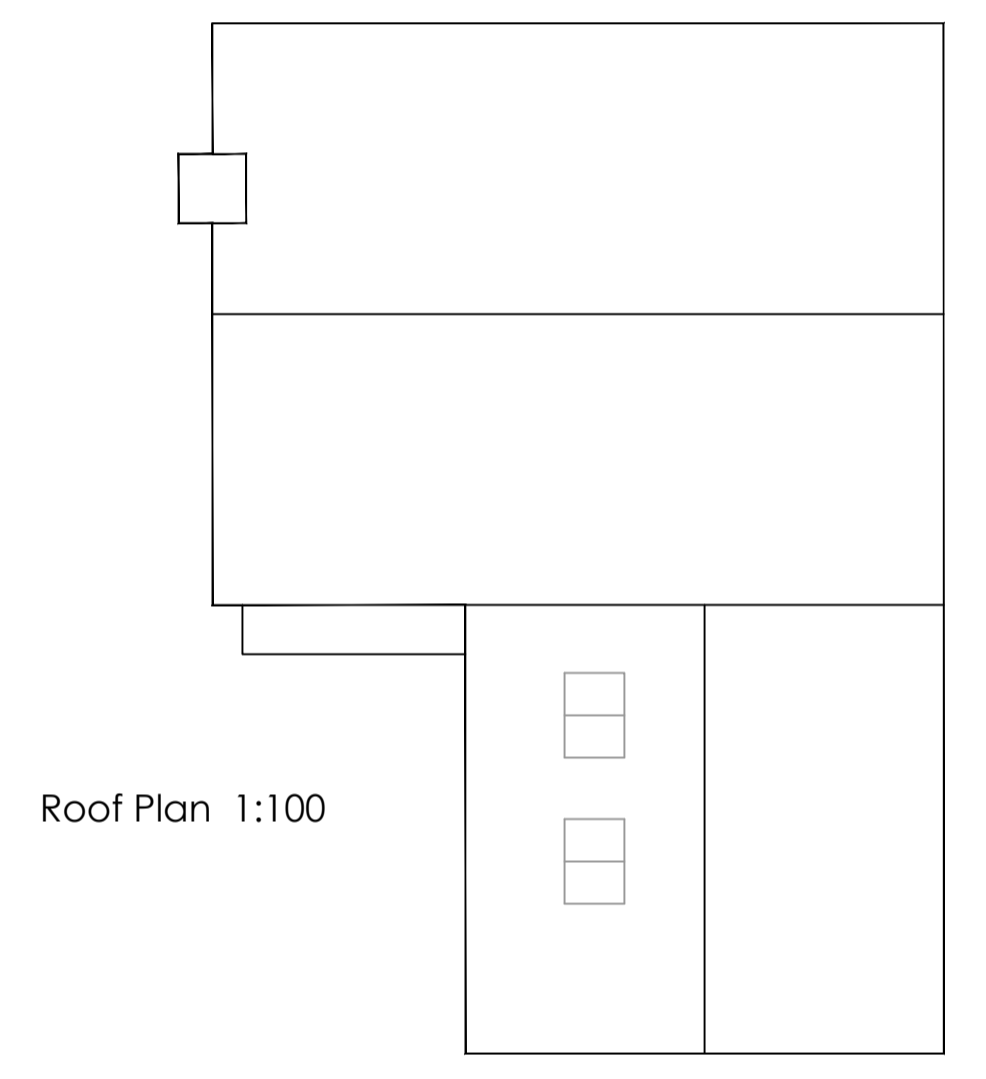
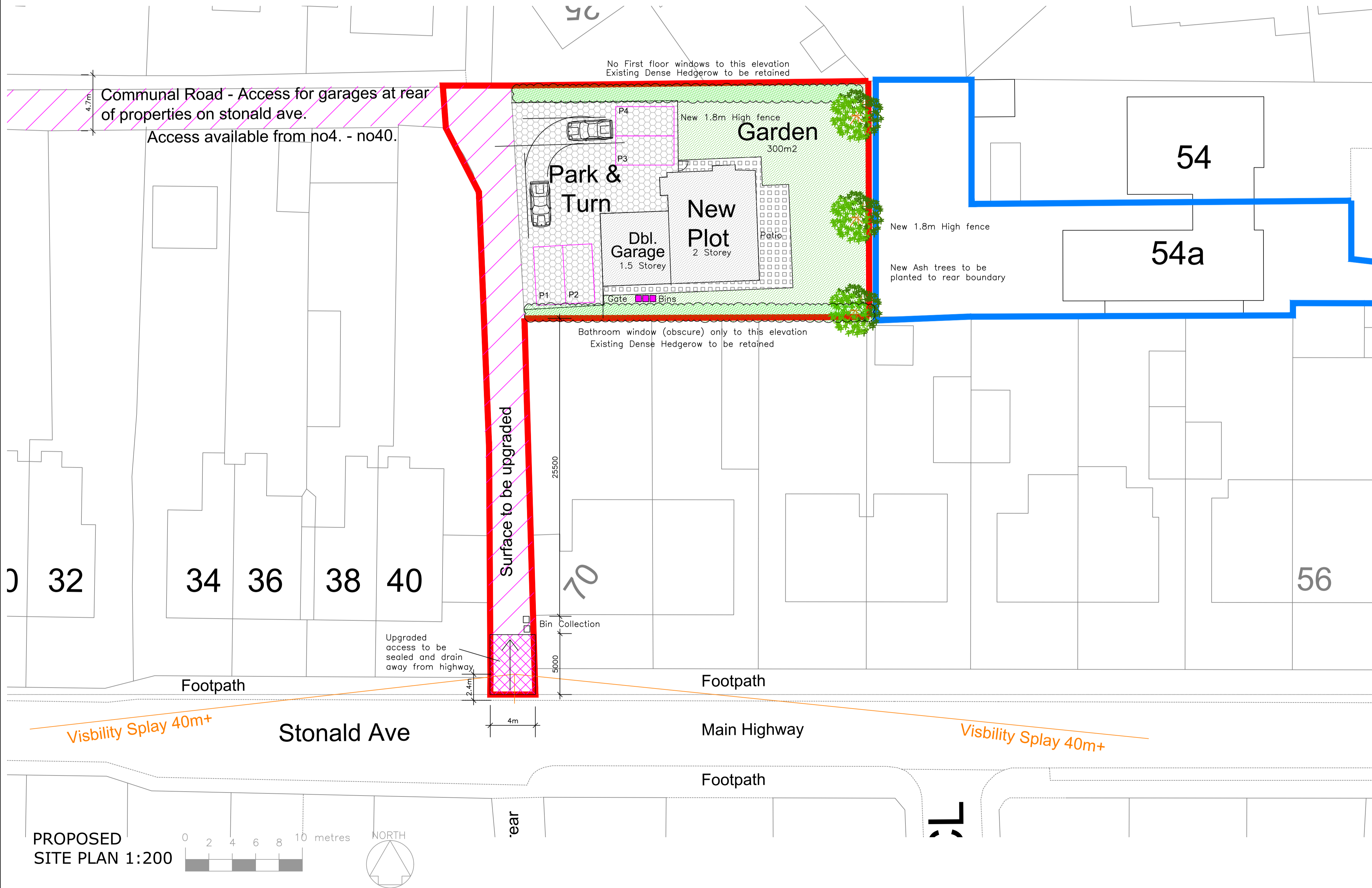
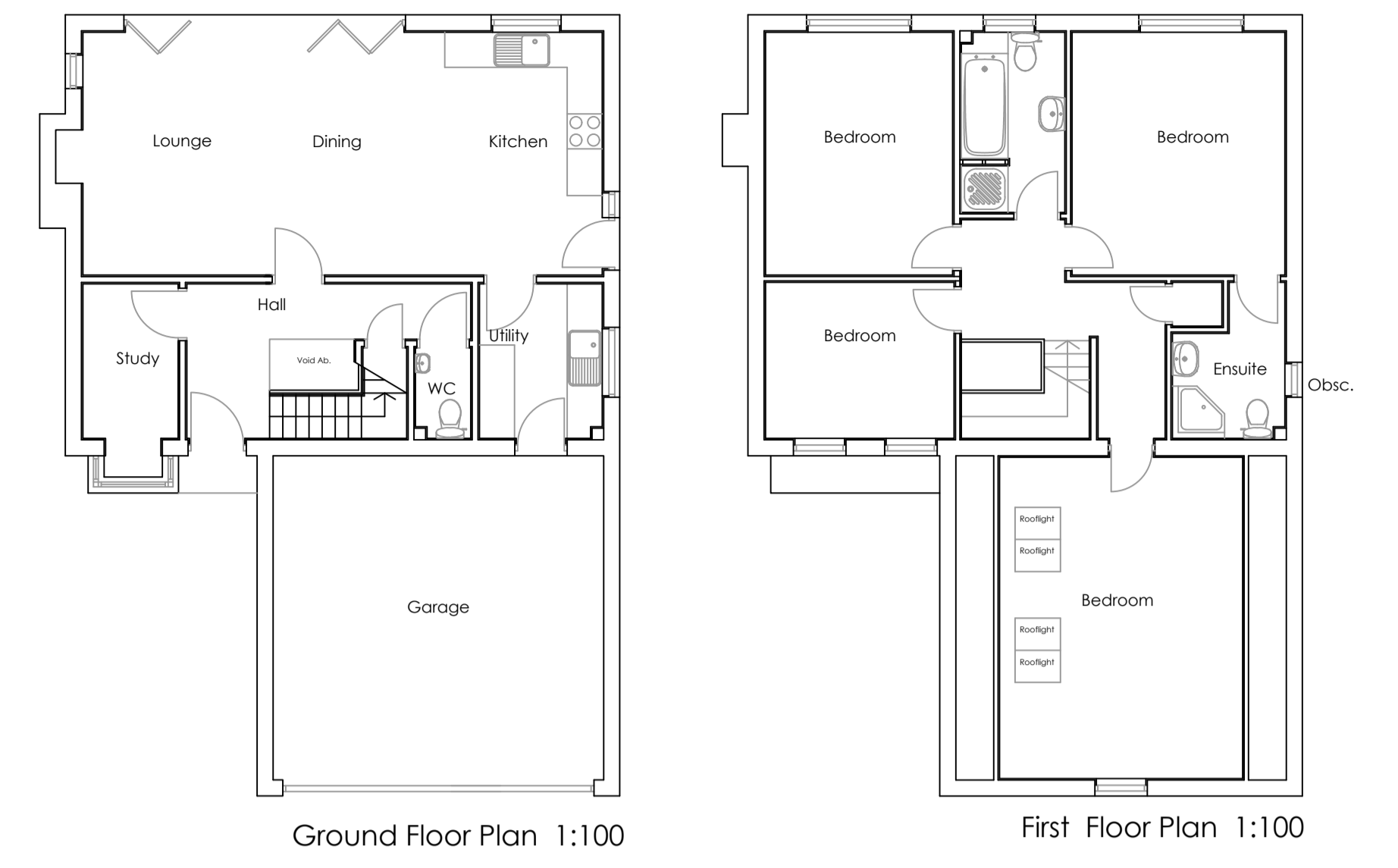
Created on: 21/07/2023

© Crown Copyright and database rights 2023 Ordnance Survey 10023778

F/YR23/0600/O

Scale = 1:1,250





Revision:	
Project:	Land Rear of Northgate
Description:	PROPOSED PLANNING 01
Date:	19-12-2022
Scale & Sheet Size:	1:100 / 200 / 1250 @ A1
Drawing Ref:	

PL01a

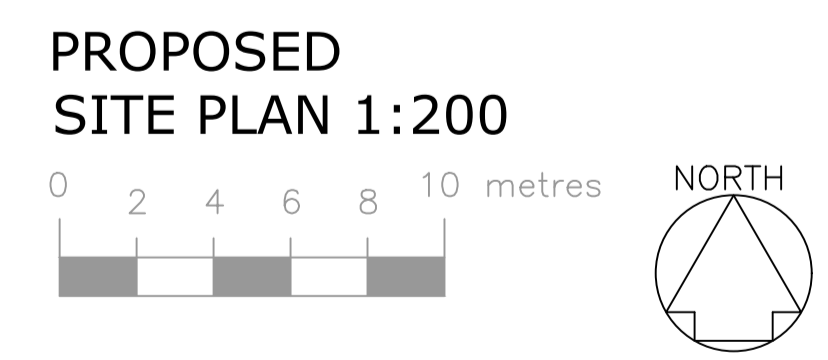
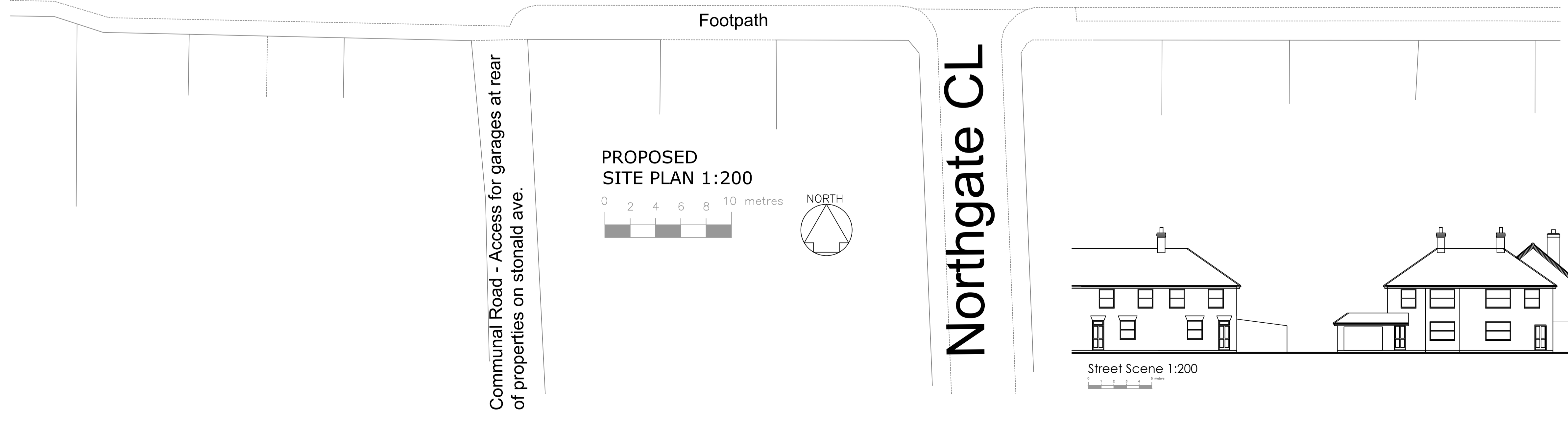
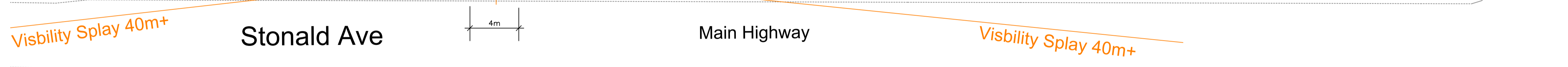
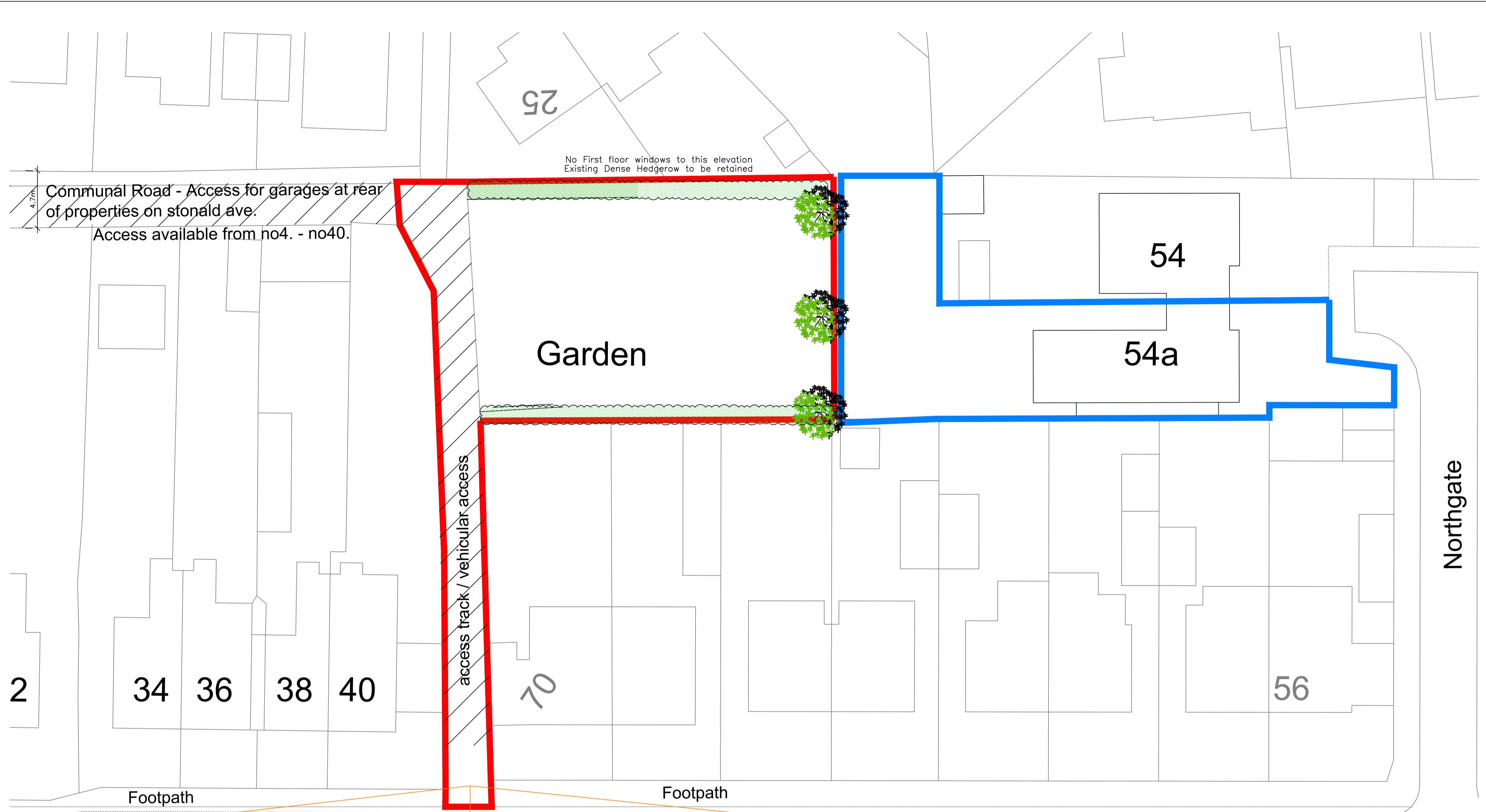


Taylor Planning & Building Consultants
2b- 2c Broad Street
Whittlesey
PE7 1HA
01733 530757
www.TaylorPlanningandBuilding.co.uk

J22100



Copyright
The details shown on this drawing are confidential and the exclusive property of Taylor Planning and Building Consultants. No use, copy or disclosure of this drawing may be made without written permission and it is to be returned upon request.



Revision:	
Project:	Land Rear of Northgate
Description:	PROPOSED PLANNING 02
Date:	19-12-2022
Scale & Sheet Size:	1:200@ A1
Drawing Ref:	

PL02



Taylor Planning & Building Consultants
 2b- 2c Broad Street
 Whittlesey
 PE7 1HA
 01733 530757
 www.TaylorPlanningandBuilding.co.uk

J22100

Find us on Facebook
 @Taylorplanningandbuildingconsultants

Copyright
 The details shown on this drawing are confidential and the exclusive property of Taylor Planning and Building Consultants. No use, copy or disclosure of this drawing may be made without written permission and it is to be returned upon request.

This page is intentionally left blank