

AGENDA

PLANNING COMMITTEE

WEDNESDAY, 15 NOVEMBER 2023

1.00 PM

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

Committee Officer: Jo Goodrum
Tel: 01354 622285
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- 1 To receive apologies for absence.
- 2 Previous Minutes (Pages 5 - 32)

To confirm and sign the minutes from the previous meeting of 18 October 2023.
- 3 To report additional items for consideration which the Chairman deems urgent by virtue of the special circumstances to be now specified
- 4 To receive Members declarations of any interests under the Local Code of Conduct or any interest under the Local Code of Conduct or any interest under the Code of Conduct on Planning Matters in respect of any item to be discussed at the meeting.
- 5 F/YR22/1296/F
14-16 Wenny Road, Chatteris
Erect 9 x dwellings (3 x 2-storey 4-bed and 6 x 3-storey 3-bed) and the formation of new accesses involving the demolition of existing dwelling (Pages 33 - 68)

To determine the application.

- 6 F/YR22/1416/O
Land to the East of 114 Main Road, Parson Drove
Erect up to 4 x dwellings involving the formation of a new access (outline application with matters committed in respect of access) (Pages 69 - 86)

To determine the application.

- 7 F/YR23/0539/O
32 Wimblington Road, Doddington
Erect up to 4 x dwellings (outline application with matters committed in respect of access and layout) involving the demolition of existing dwelling and storage buildings (Pages 87 - 106)

To determine the application.

- 8 F YR23/0546/F
Churchfield Farm, Kings Dyke, Whittlesey
Change of use of existing paddock land to B8 Open Storage with associated access works and landscaping (part retrospective) (Pages 107 - 132)

To determine the application.

- 9 F/YR22/0943/FDC
Land West of 53-69 Grounds Avenue, March
Erection up to 6 x dwellings (outline application with matters committed in respect of access) (Pages 133 - 150)

To determine the application.

- 10 F/YR23/0238/F
12 Wimblington Road, Doddington
Erect 1 x dwelling (single-storey, 5-bed) involving the demolition of existing dwelling and outbuildings (Pages 151 - 166)

To determine the application.

- 11 F/YR23/0340/F
Whitemoor Road Function Centre, Whitemoor Road, March
Erect 1 x dwelling (2-storey 4-bed) with detached garage involving demolition of function centre (Pages 167 - 184)

To determine the application.

- 12 F/YR23/0616/F
Land East of 56-58 Tinkers Drove, Wisbech
Erect part 2-storey/single-storey block of 3 x 1-bed flats (Pages 185 - 196)

To determine the application.

13 F/YR23/0730/O

Land South-East of Highfield Lodge, Doddington Road, Chatteris
Erect up to 6 x dwellings and the formation of 2 x accesses (outline application with matters committed in respect of access) (Pages 197 - 212)

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.

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PLANNING COMMITTEE



WEDNESDAY, 18 OCTOBER 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)

P55/23 PREVIOUS MINUTES

The minutes of the meeting of the 20 September 2023 were agreed and signed as an accurate record.

P56/23 F/YR22/0931/F 10 REDMOOR LANE, WISBECH ERECT 2 X DOG KENNEL BLOCKS (PART RETROSPECTIVE)

There was a 15-minute adjournment so that members could consider information that had been tabled.

Nick Harding presented the report to members and drew attention to the update report that had been circulated. He advised that to assist with any questions that members may have there are two Environmental Health colleagues and Andy Cole, the Council's Consultant, from Caen Environmental Consulting present.

Andy Cole gave a presentation to summarise his findings and recommendations. Mr Cole stated that he is a Chartered Environmental Health Practitioner and holds the membership of the Institute of Acoustics and has significant experience in the regulation and assessment of environmental noise, predominantly in a local authority context. He stated that he was asked to review the Noise Impact Assessment (NIA) and provide a written response to the Council with his observations and any recommendations.

Mr Cole stated that his observations initially were that the NIA had been undertaken by people who know what they are talking about and he was satisfied it was in accordance with all the right policies and guidance, noting that the initial findings for the assessment identified, quite rightly, that there could have been a significant noise impact and, therefore, that would then have been not acceptable in planning terms. He advised the applicant redesigned the project, with the redesign including a whole range of mitigation measures including retaining the current kennel as an acoustic barrier for non-noisy activities only, upgrading sound insulation of the proposed kennels, mechanical ventilation with doors/windows kept closed, a new acoustic barrier, limiting the amount of dogs to 120, acoustic screening for exercising and the toilet area and identifying best practice measures to be used in Noise Management Plan (NMP), which he assessed and was satisfied they were all the things you would expect that would represent best practice.

Mr Cole advised that his initial findings were that if the proposals in the NIA regarding the mitigation measures were implemented in full the project should be acceptable but he was also aware of the wider context around the apparent levels of community sensitivity and that there have been historic noise complaints regarding the existing kennels so he wanted to consider this further.

He noticed that the historic complaints, although they have not resulted in a statutory noise nuisance being proven, relate to use of the existing kennels and the proposed development under consideration will result in those kennels not being used for kennelling, with the buildings remaining in place acting as an acoustic barrier and could be utilised for non-noisy activities.

Mr Cole stated that he also noticed that it is not a boarding type kennel, which is relevant as animal boarding kennels have a greater potential for noise largely down to the dogs not being as settled as they would be in kennels such as the one under consideration today. He advised that the NIA predicted that in a worst case scenario, with mitigation in place, that there would be an overall general reduction in noise impact and improved noise environment for the community and over the evening and nighttime it is predicted there would be a significant reduction which should lead to better quality sleep for residents and whilst he is aware of the slight increase predicted during the day, an increase of just over 3 dBA, there is a need to understand that up to 3 dB is not perceptible to the human ear so the increase being predicted could potentially not be perceptible.

Mr Cole stated that he came to the conclusion that the proposal was acceptable in planning terms, he could not find any justifiable reasons for refusing the application on the grounds of amenity or noise but he did feel that the use of carefully worded conditions would be necessary and justifiable to ensure robust implementation of mitigation and as high a level of environmental protection as possible is achieved for the local community. He expressed the view that the NMP, a tool that is often used in noise control and identifies the practical things that will be undertaken in relation to an activity on a day to day basis to make sure that noise is being controlled tightly, is key to ensure day to day measures are implemented to minimise noise impacts, daytime noise is kept to an absolute minimum and accountability for implementation is absolutely clear.

Mr Cole stated that his recommendation to Council was that a carefully worded planning condition secures implementation of all proposed mitigation measures, provides officers opportunity to review details as the project progresses before the kennels are permitted to operate and specifies day to day operational measures which will be implemented.

Members received a presentation, in accordance with the public participation procedure, from Councillor Susan Wallwork, a Wisbech Town Councillor. Councillor Wallwork stated that although this proposal was previously approved by Wisbech Town Council she feels confident that if the matter came to the current Planning Committee it would fully oppose it now knowing what it knows. She expressed the view that this statement is supported by the fact that there is a current Planning Committee member in attendance at the meeting today who is supporting the residents but has also raised it with the committee several times since knowing that the impact on the residents would be quite profound.

Councillor Wallwork believes the planning application should be refused today because it goes against LP2 and LP16 of the Local Plan, with LP2 relating to health and wellbeing and it clearly states that development proposals should positively contribute to create a healthy, safe and equitable living environment, which, in her view, this proposal does not do and members will hear from residents about the local impact that 20-40 dogs have on their wellbeing, which will include broken sleep, lots of issues and not being able to enjoy their own property and this application proposes over 100 dogs. She referred to the reports and comments from Environmental Health which acknowledge that there are already issues, the fact that they are reserving taking action in the future and suggesting carefully worded conditions so she feels they know there is going to be issues and they are not going to be resolved unless this application is refused.

Councillor Wallwork referred to the report stating that mitigation of sound proofing within the kennels and the new kennels being a few extra yards across from the boundary line now, however, greyhounds or any dogs will require feeding and exercise, if the sound proofing was perfect in the building, which, in her view, it would not be, over 100 dogs would still need to be exercised every day and the additional distances negligible when you take into account this is flat Fenland ground,

sound carries over large areas and there is nothing to block it. She stated that the RSPCA recommends that dogs get 30 minutes of exercise twice a day, that is just for pets, and training greyhounds will require substantially more and as they cannot take dogs out into the evening this will mean that during the daytime window there will be a constant stream of dogs being exercised, which will mean constant unsound proofed barking impacting on neighbours.

Councillor Wallwork expressed the opinion that the proposal goes against LP16, it clearly states that proposals should not adversely impact on the amenities of neighbouring users such as noise, light pollution and loss of privacy and she feels it will be clearly evidenced that there are lots of issues and life destructing problems for the neighbours at the moment. She stated that neighbours are going to say that they have had to make hotel stays to get a good night's sleep, they have had to stop their family visiting, they have been absolutely broken with their mental health and this needs to be severely taken into consideration.

Councillor Wallwork expressed the view that professionals stating that measures need to be implemented in full and that carefully worded conditions are required to make it an acceptable level of destruction is really easy to say when it is not them being destructed and it is not their sleep being impacted. She feels taking into account all the points she has raised she would propose that this application should be refused.

Members asked questions to Councillor Wallwork as follows:

- Councillor Benney asked if she would buy a house next door to this development? Councillor Wallwork responded that she would not and having met with several of the residents they are generally broken, having less than 40 dogs in the environment now is causing all these issues and not being able to have a good night's sleep can break a person's mental health, which is her area of expertise.

Members received a presentation, in accordance with the public participation procedure, from Councillor Steve Tierney, a District Councillor. Councillor Tierney expressed the opinion that this Council and most specifically its Environmental Health department have let the residents of Redmoor Lane down but in officer's defence they are dealing with a clunky, bureaucratic system and there are not the enforcement powers that the Council might like. He stated that he is going to ask that this application is refused based on the evidence he has seen and heard but he would have expected the Council to have served enforcement notices on the existing 20-40 dog kennels and the applicant not be in a position to raise the number of dogs by a 100 or more.

Councillor Tierney expressed the view that since 2022 the Council has been in receipt of complaints about noise from the existing much smaller kennels and although the Environmental Health Officer initially recognised these issues there was then a strange, and to his mind inexplicable, about face and on this planning application Environmental Health have chosen not to raise an objection, which he believes is wrong and he will try to demonstrate why. He feels that residents have a right not to face constant disturbance from excessive noise, they have a right to enjoy their homes, sleep soundly at night, not to be woken at the crack of dawn every day, they have a right to live their lives without being driven to the edge of sanity by massive noise intrusions and even as it currently stands the residents nearest to the location are being driven to misery by the noise.

Councillor Tierney expressed the opinion that the new application pays lip service to some noise mitigation and a tiny bit more distance but no amount of noise mitigation can stop 140 dogs needing exercise, likely constantly throughout the day and in the countryside sound carries a long way, asking members to imagine 140 barking dogs in dribs and drabs over the course of the day. He stated that the Goughs have been collecting audio visual recordings of the issue, they are all timed and date stamped, with the barking often starting as early as 4am and can be intermittent throughout the day and late into the evening.

Councillor Tierney stated that there are hundreds of these recordings going back many months and as recently as last week and he has been forwarding these files to senior officers, local councillors and the Leader of the Council all of whom are in safe receipt of them but with limited time committee cannot be expected to listen to hours and hours of sound files so he has made a very short compilation to give committee a tiny taste of what the Goughs put up with all the time with only the current small number of dogs, which is what the Council's Environmental Health department think is not enough of an issue to object to and he thinks the sounds speak for themselves and if committee think this is bad bear in mind how vastly worse it will be with 120 or so dogs. He played the sound recording, which he stated occurs every morning, every evening and virtually every day and questioned that this is not enough of a noise to constitute a nuisance, which he feels is rubbish and requested the application be refused.

Members asked questions of Councillor Tierney as follows:

- Councillor Marks asked what distance in metres was that recorded away from the application site? Councillor Tierney responded that this was from the Goughs house but he has not measured it but the question could be asked of the Goughs when they speak.
- Councillor Gerstner asked how this was recorded, on what device? Councillor Tierney responded that it was recorded by the Goughs, they have a mixture of devices such as CCTV camera and recordings on their phones and the new plans put the kennels a little further away but some dogs have been kept there since it was built he believes and it has made little difference.
- Councillor Benney asked if Councillor Tierney would buy a house next door to this development? Councillor Tierney responded that he would not want to buy a house next door to this development and that suggests to him in order to sell houses in this area it would have to be sold under the market value, which, in his opinion, is part of why this is being done.
- Councillor Mrs French asked Councillor Tierney to elaborate on what he has just said. Councillor Tierney responded that if a lot of noise and harassment was on the edge of a property it would make it hard to sell and then it would probably have to be sold below the market value if the residents no longer wanted to stay and if you were looking to buy up additional properties that would be a way to make them cheaper.

Members received a presentation, in accordance with the public participation procedure, from Kathleen Gough, Andrew Gough, Zena Livesey, Colin Smith and George Capon, objectors to the proposal. Mrs Gough expressed her nervousness about talking today as they have been physically threatened during the course of last 18 months and there are crime reference numbers. She stated that they moved to Redmoor Lane 6 years ago and before that they lived next door to a greyhound kennels at their previous property for 28 years and never once submitted a complaint.

Mrs Gough expressed the view that their first 4 years were wonderful and they met some lovely neighbours who are now their friends but in March 2022 the property was sold and managers moved in and they feel like they are living in hell. She stated they have barking, whining and howling in the early hours of the morning and throughout the day, there are constant bonfires burning commercial waste, approximately 1 a week, and, in her opinion, they have no quality of life anymore and the only time they get any sleep is when they sleep away from their home.

Mrs Gough stated that they are extremely family orientated, having 4 children and 4 grandchildren, and she cannot have her grandchildren to sleep at her house anymore and she does not feel safe in her home, they cannot use their garden and cannot enjoy the privacy of their home. She stated that she has been begging Environmental Health for 18 months for help on this, they are physically and mentally exhausted and cannot take anymore, and Environmental Health will not help them and she is asking the committee for help as this is what is happening now let alone what will happen if planning is passed and the number of dogs is quadrupled.

Mrs Gough explained that the new development is going to be between 80 and 90 feet from their home and it will be devastating if this planning goes ahead and they just want to live in their home, have their grandchildren sleep and live their lives.

Mr Gough stated that he lives next door to the kennels at No.12, he cannot describe how he feels, angry does not describe it and he is far past that. He advised that he goes to bed at midnight and wakes up at 2am with the dogs barking, he is unable to get back to sleep because he is agitated and he is unable to sit in the lounge with the windows open to get fresh air because of the bonfires, which is more than once a week and is more like 2-3 times per week.

Mr Gough stated that he has a workshop at the back of his property where he tries to work on his classic car and he is unable to go out there because of the bonfires, which fills the workshop full of smoke which chokes him and makes his eyes stream. He expressed the view that he is out there trying to concentrate but he cannot as the dogs bark, howl and whine and it is like someone scraping their fingernails down a blackboard, with the dogs getting inside your head and inside you are screaming shut up, with it really affecting him.

Mr Gough stated that his wife gets really stressed, which affects and exacerbates her medical condition and he is stressed also, is now pre-diabetes and one step away from full diabetes which is all brought on by stress of these dogs. He expressed the opinion that the sound proofing of the kennels that has been stated is being put up the wall to insulate them does not work and will never work with the amount of dogs proposed, with dogs being in and out of the kennels already for the last 2-3 weeks and it echoes with 1 dog sounding like 4 so what will it be like with 100.

Mrs Livesey stated that she lives with her family at No.7 moving into their home in July 2021 falling in love with it straight away as it met the needs of her family and in particular her autistic son, who has many needs with sound being a massive trigger for him and can lead to self-harming, which is highly distressing for him but also for the family to watch. She added that they cannot go out into the garden for long periods of time as the dogs start barking and her son starts getting distressed.

Mrs Livesey advised that her neighbour has the same concerns as her mum has dementia, has a full-time carer and has to be sedated if she starts hearing the dogs barking. She expressed the view that at the beginning of 2022 they discovered what Mr Barclay's plans were and if you read his article it is 3 areas in that site so the noise is going to be massive, with the plans for 100 dogs meaning there will be a huge increase in noise levels compared to what is there already.

Mrs Livesey acknowledged that Mr Barclay will take steps to ensure sound proofing but every time that door opens sound will travel and every time those 100 dogs are moved outside in groups the proofing will not be effective, the outside area will not be able to be sound proofed as sound travels, you cannot stop it and the constant stream of movement will be 7 days a week, 52 weeks a year, with the legal requirement set out by the GBGB.

Mrs Livesey stated that she really feels for Mr and Mrs Gough, it is terrible that they are put in this situation and asked the committee to please reject the plan as her family, friends and the community have a right to peace and quiet and to be able to enjoy their homes and gardens without excessive disturbance. She feels that if Mr Barclay's plan goes ahead their rights will be at the cost of a person who does not contribute to their community, does not live in the town or even the county.

Mr Smith stated that he lives at 7B Redmoor Lane, opposite the site and he understands that planning can be complex and there needs to be balanced judgements but, in his view, the benefits to this lane massively outweighs Mr Barclay's claim of 7 jobs. He expressed the opinion that if planning is refused, he will relocate to a more suitable location and those 7 jobs will still be created somewhere else.

Mr Smith stated that he measured using Google Earth the distance from his kitchen to the kennels, which is over 520 feet and still at 3am when he gets up he can hear the dogs barking and they bark for 30 to 40 minutes, which is not gentle and even in his home, even in the study on the other side of his home he can hear the dogs barking and it is just not at night. He expressed the view

that the Environmental Health Officer is concentrating on noise within the kennels but asked about the noise outside the kennels, with the noise being made now by 30-35 dogs and the Environmental Health Officer states that noise will slightly increase but questioned how by quadrupling the number of dogs would noise be slightly increased during the day.

Mr Smith feels each day a group of dogs will be taken outside to exercise and train, each group will bark excitedly as they get their chance to run and play, after a while they will be taken inside and a new batch will come out and they too will be excited, bark and come out and play, which will be constantly repeated. He concluded that Mr and Mrs Gough are not exaggerating about the noise.

Mr Capon stated that he lives at No.17, 200 metres from No.10 and whilst he does have hearing aids he hears the dogs from his property even when he is not actually wearing them. He added that family and friends visiting tell him they are disturbed by the volume and random nature of occurrence day and night, like him they struggle to believe this application should even be considered in such a small community.

Mr Capon expressed the view that the cavalier attitude of the applicant towards neighbours, noise levels, the environment, the community and planning beggars' belief as if these considerations only apply to other people. He stated that he should have a reasonable expectation of a good quality of life, subsequent events have proved this is not possible and this application is detrimental to that and will adversely dominate the community and should not, in his opinion, be permitted.

Members asked questions of the objectors as follows:

- Councillor Connor asked Mrs Gough to elaborate on how she has been threatened? Mrs Gough responded physically, threatening to come round more than once.
- Councillor Connor asked Mr Gough, in relation to the bonfires, has he contacted Environmental Health and if he has what has been their reply? Mr Gough responded that Environmental Health have been contacted on several occasions complaining about the bonfires and he has e-mailed them several times and he has been told it is not their department. He stated that Environmental Health did write to Mr Barclay on one occasion that he knows of and the response was that it was not commercial waste being burnt but residential but, in his view, the pictures that they have provided clearly show it is commercial, with it being used dog bedding and all the packaging, and they are allowed to get away with it. Mr Gough stated that it fills his house and his garden with smoke and the fumes go into his workshop where he tries to go for some respite to settle his mind and help his sanity and then the dogs start barking and the smoke stings his eyes and chokes him.
- Councillor Marks referred to the sound recording played by Councillor Tierney and asked for the rough distance when this was recorded? Mr Gough responded that some of the recordings are from their living room window and the distance is scaled on the plan, with his workshop being 29 feet long and he has scaled it as approximately 80 feet to the new building from their living room window. Mrs Gough stated that the recording was the noise they hear from the living room with the window open. Councillor Marks queried whether this was from the existing kennels? Mr Gough responded that the existing kennels are only about 50 feet from the living room windows.
- Councillor Marks stated that it has been mentioned Mr and Mrs Gough have lived at their property for 4 years with no problems previously and asked if it was run as a kennels previously, exactly the same with greyhounds? Mr Gough responded that it was, when they moved in they were told it was a kennels next door and were told that the elderly couple that lived there only had 5-6 dogs, which they did as they were semi-retired, so they brought the property and had no problems with them at all and used to visit them. Mrs Gough added that prior to them moving to this property they did live next door to a greyhound kennels.

Members asked questions of officers as follows:

- Councillor Mrs French stated that having listened to the residents and also the Wisbech Councillors, she is confused and surprised to hear the number of complaints that have been submitted to the Environmental Health Team and nothing has been undertaken. She asked for an explanation. Nick Harding responded that this is irrelevant to the consideration of the planning application before the committee, this is a separate matter entirely and the investigation and actions that Environmental Health may or may not take in respect of the current set up is not relevant to the current application before committee. He stated that this application is for a new set of kennels which will replace the existing facility and a noise assessment has been undertaken compared against the current situation. Councillor Connor responded that he understands this but if the application gets planning permission and the applicant still carries on allegedly burning commercial waste it is still going to have an adverse effect on the residents' health and wellbeing and he feels on this application he needs an answer.
- Carol Pilson, Corporate Director with responsibility for Environmental Health, referred to Councillor Mrs French's question and stated that she has to be careful about the amount of detail that she can go into due to the number of parties involved and there is only a set amount of things they are able to disclose in public. She confirmed that there has been a number of investigations carried out by the Environmental Health Team in relation to noise nuisance and presently there has not been any statutory nuisance or noise abatement notices served. Carol Pilson stated that there is an on-going investigation in relation to the current set up and as the Head of Planning has confirmed in terms of what members are being asked to consider today it is in relation to the new set up, which members had the opportunity of viewing as part of the introductory slides. She expressed the opinion that members need to balance as part of this application is whether the noise assessment that has been provided by the applicant, that Andy Cole as an external consultant who was commissioned by the Council to independently assess, alleviates any concerns members may have regarding the noise environment including representations the committee heard today from members of the public and from councillors. Councillor Mrs French responded that this does not really answer her question. Councillor Connor suggested that if Councillor Mrs French has any more concerns about this she has a meeting with Environmental Health at a later date. Councillor Mrs French made the point that the application is in front of committee today, there is information from the Environmental Officer and it should be discussed here. Nick Harding stated that it is appropriate to ask technical questions of the Environmental Health Officers or Mr Cole in relation to the noise assessment but it is not relevant to talk about how Environmental Health are dealing with the current noise complaints. Councillor Mrs French stated she is not asking for that she wants information that is on public record.
- Councillor Mrs French asked how many dogs are actually on site now? She referred to Mr Cole's assessment of the noise and asked how many dogs were on site when he undertook the assessment? Mr Cole responded that he has not undertaken the noise assessment, the applicant commissioned an acoustic consultant to undertake the assessment and he reviewed that on behalf of the Council and his understanding is that the proposal for the new kennels which are separate to the existing is for 120 dogs. Councillor Mrs French thanked Mr Cole for the information but it does not answer the question she wants to know how many dogs are on site now and when the assessment was undertaken? Mr Cole responded that he wants to be as helpful as he can but in terms of any assessment that has been undertaken, confusion is coming from two issues in that there is the planning application in consideration for which there is a Noise Impact Assessment which talks about the potential noise if the development goes ahead and then there is the current situation in a different building with existing dogs, which he understands was subject to an investigation by Fenland officers in terms of noise nuisance so he is not quite sure specifically in relation to those two issues where that question needs to be answered.
- Councillor Mrs French referred to the comments of the Environmental Health Officers on 8 September 2022 that Environmental Health are currently investigating a noise complaint

about barking dogs at the kennels and so far this does not amount to statutory nuisance but on the grounds that the increased level of barking is likely to cause an unreasonable loss of amenity to neighbours. She further pointed out that on 10 August 2023 please delete my previous e-mail on this and accept this version as official, so a year ago they were quite happy to object to this proposal, so a noise assessment has been undertaken, it is not known how many dogs were on the premises when the assessment was undertaken but the proposal is for 120 and she still wants an answer as to how many dogs were on the premises at the time of the noise assessment. Mr Cole questioned whether it was when the noise assessment was undertaken or when Fenland's nuisance investigation was undertaken? Councillor Mrs French reiterated that when the noise assessment was undertaken how many dogs were on site? Mr Cole responded that when he reviewed the noise impact assessment he was satisfied that it was undertaken in accordance with technical guidance and properly by competent people, part of that assessment will be ensuring that any measurements that were taken were representative and he was satisfied that the readings were representative of the situation. He stated that he cannot remember how many dogs were on site but suspect this will be in the report but members can be reassured of his satisfaction that it was representative. Councillor Mrs French stated that she is glad that Mr Cole is satisfied as she is not. Nick Harding stated that he has had a quick look through the submitted applicant's Noise Impact Assessment and it refers to the capacity of the existing facility being 26 dogs but he has not been able to see whether or not a count of dogs on site was undertaken on the days on which the existing noise readings were taken.

- Nick Harding stated that Mr Cole may wish to come in as the way that it works is that a reading is taken of existing noise then this is modelled to what the noise will be from a different noise source taking into consideration the development that is proposed. Mr Cole stated this is correct, it is a case of making an assessment of the current situation which is then modelled to a predicted level and he feels the question was a reasonable one as he too was going through the Noise Impact Assessment and he cannot see the number. Annabel Tighe, Head of Environmental Health, stated that the current investigations have identified that there are likely to be in the region of 36 dogs on site, but this changes day to day.
- Councillor Marks asked Mr Cole that on his slides it said with the windows and doors closed so does this mean that the noise reading was taken with the animals inside and not running around the field? Mr Cole responded that the reference to the windows and doors being closed was one of the proposed mitigation measures for the new kennels, where it is being proposed that the windows remain closed and that mechanical ventilation systems will be put in place. Councillor Marks made the point that there is a need to get in and out of the kennels, which means the doors open, dogs start barking because someone is walking in and out so that would be more of a disturbance and asked if he agreed? Mr Cole stated that he does agree, however, this leads to the importance of the Noise Management Plan, which could specify things like the use of a lobby door to minimise any breakout when the doors are open.
- Councillor Marks asked how dogs read a Noise Management Plan as they tend to bark when they want to bark whether they are told not to so how are dogs going to be managed in this way, are they going to be gagged between the hours of 6pm to 6am. He made the point that noise is a major issue, especially for the neighbours, and he does not know how it can be said barking dogs can be controlled by a Management Plan. Mr Cole responded that the Noise Management Plan is identifying practical operational measures that will be adopted on site to minimise the likelihood of the dogs starting to bark. He stated there are a whole range of known and accepted measures that can be implemented, such as use of a lobby door, planning an exercise regime so there are only small groups of dogs, avoiding the exposure to sunlight to avoid waking the dogs up, managing the interaction with visitors, removing any additional stimuli, use of plastic feeding bowls instead of metal ones, so there is a whole range of practical measures that he would expect to see in a Noise Management Plan to reduce the likelihood of dogs barking.

- Councillor Gerstner thanked Mr Cole for clarifying that he did not carry out the Noise Impact Assessment and stated that he was previously an electronics engineer and is very adverse to sound and, in his view, there is a vast difference between sound and noise. He made the point that there are Environmental Health Officers at the meeting who are more than capable of distinguishing between sound, noise and harmonics and in the presentation it was stated that the maximum sound level could reach 69dBA and in industrial units the advice is to wear ear muffs for any length of time if you are subjected to sound or noise of 70dB and asked if he was correct in this? Mr Cole responded that he does not have the Noise at Work Regulations figures to hand but it is right that there are levels that the Noise of Work Regulations assess as a noisy impact on employees. He stated it is important to understand that in acoustics there are a range of different types of noise and types of assessments and what is being dealt with here is not a situation where noise at work is being looked at, it is assessment of noise impact to be able to assess suitability for planning permission which is a different set of guidance.
- Councillor Gerstner stated that having not seen the Noise Impact Assessment, he is concerned about this as he would not be able to make an informed decision on that assessment as he does not know at what distance the assessment was carried out, what period of time it was undertaken, the number of dogs that were resident at the time, he has not seen the calibration figures for the noise assessment equipment and he has not seen the noise assessment calibration certificates so he is flagging these issues up as the assessment was carried out on another person's figures, whilst he is not denying or questioning those figures but any noise that goes above 65 to 70 dB in an industrial setting people are advised to wear ear muffs and this proposal is talking about a substantial amount of source of noise and he has serious concerns with not having seen the Noise Impact Assessment. Nick Harding stated that the committee report does include a link to the public case file connected with this application and the document is there to be read by members of the public and members of the Planning Committee. He advised that the Council does not undertake its own noise assessment or ecology surveys or traffic counts and modelling and there has to be reasonable faith in technical reports submitted by the applicant, with these documents being prepared by qualified professionals and their credentials are on the reports so officers have to believe they are true and proper. Councillor Connor thanked Councillor Gerstner for bringing his expert opinion to the committee, although he had not got the required information to hand.
- Councillor Benney asked for clarification that Mr Cole said he had undertaken the report and he was there when the noise assessment was undertaken but he does not know how many dogs were on site, is that correct? Mr Cole responded that he was not present and has reviewed the report submitted by the applicant. He stated that, in his review, the things that Councillor Gerstner raised are all things he would routinely assess, in minute detail and it was all in accordance with the relevant guidance and does include all the things he would like to see.
- Councillor Benney referred to a site visit with an officer some time ago, they stood in a field and the officer mentioned the ecology report, which he stated depends when the ecology report was undertaken as if was when the grass was long there would be more ecology and if was undertaken on short grass there would not be anything and would totally change the outcome of how that report reads. He expressed the view that the report for this proposal is incomplete, the verification of the figures do not stack up as without where these figures came from, it could have been that the owner of the kennels knew they were coming to do the assessment and left one dog in or he could have had 36 dogs in the kennels, which makes a massive difference to the report and, therefore, without the data stating how many dogs were there changes the value of the report and completeness of the report. Councillor Benney expressed the opinion that committee is relying on experts to provide information and as a Fenland Councillor he sees consultants and expert reports and they always back up what they want to back up, sometimes there are good reports that are very balanced and fair but sometimes they are very one sided and data can be skewed, though he is not saying it is here, to back up an argument. He feels the data is not verified, there are not the

figures to verify the report and feels the report is worthless and expressed the view that you cannot put another 100 dogs into a kennels and keep the noise down, it does not work.

- Councillor Gerstner referred to the comments of Environmental Health in 5.4 of the report where it says “I would also point out the application provides no details on how the substantial increase in commercial waste arising from this development will be dealt with”. Nick Harding made the point that Condition 10 proposes details of a waste disposal scheme to be submitted for approval. Annabel Tighe feels the point that Councillor Gerstner is raising was in relation to the original objection but through the application process the applicant provides additional information that can be reviewed so part of the process here was the Environmental Health Officer originally objected to the application on the basis of a lack of information including that there was no detail of how commercial waste would be dealt with, partly because they were aware that there was some concerns that had been raised and were being investigated, however, further information was submitted including mitigation for increased noise levels and that is where the Environmental Health Officer responded with removal of the objection and a suggestion of a set of conditions.
- Councillor Gerstner stated that this does not answer the question of how the substantial increase in waste is going to be dealt with. Annabel Tighe responded that there is a suggested condition that would be applied to any planning approval, setting aside that there are matters being investigated by Environmental Health and the Environment Agency at this time.
- Councillor Marks expressed that view that there are 2 blocks of 50 which is a 100 dogs and he understands that they are not going to breed from the premises so asked if the third block was still going to be used as kennels as well? Nick Harding responded that his understanding is that the existing facility is no longer going to be used. Councillor Marks made the point that if his maths is correct 2 dogs are going to go into 1 kennel so does that mean they will try to breed from the facility as well? Nick Harding responded that he cannot say whether breeding is going to take place or not but in terms of the conditions on the application there is no condition that says breeding cannot take place. Councillor Marks stated that having heard from Mr Cole regarding breeding, also extra noise and unsettling that needs to be taken into consideration.
- Nick Harding stated that Councillor Benney expressed some concerns over whether or not the Noise Impact Assessment that assessed the existing noise is a true reflection of the current situation of the assumption there is 26 dogs on the site at the time of that noise assessment and he asked Mr Cole whether he would be able to say something about how the predicted noise level has been extrapolated from the noise readings that were taken and whether or not the existing noise readings were extrapolated on the basis of X decibels showing on the reading. Mr Cole stated that as he has been listening he has tried to find reference to the number of dogs at the time the readings were taken and the only reference in the Noise Impact Assessment was noise dictated by numerous dogs barking so there is reference to their being numerous dogs but it is right that it is not known exactly how many but he would think if the consultant was asked he would be able to provide those figures. He advised that modelling is undertaken generally using software but he does not know the details of how they ran the model but he would say that was undertaken to the correct ISO standard and because it has been undertaken by competent acoustic professionals he is satisfied that it has been undertaken properly. He stated that the inputs, although it is not known how many dogs, he is satisfied that they are representative and fit for purpose.
- Councillor Gerstner asked in the assessment report the software used should have built in a certainty factor for the final figure? Mr Cole responded that it is standard for a competent acoustic consultant to consider uncertainty when the impact assessment is created. Councillor Gerstner asked if those standard figures are the same standard figures for all noise or can they be tailored? Mr Cole stated that uncertainty can come from a whole range of different things and he is not quite sure what the question is trying to get at but, in his view, any competent acoustic consultant would ordinarily as a matter of course consider uncertainty when they undertake a noise impact assessment and for some noise impact assessments it is imperative that those uncertainties are quoted in the subsequent reports

and he is not aware of there being any assessment of uncertainties being included in this particular assessment but he is not concerned about the absence of this information in the report.

- Councillor Benney stated that committee is going through technical issues here, which is not being answered to his satisfaction and he is not happy with the report as it is not an evidence report and feels the committee should move on.

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

- Councillor Mrs French reiterated the comments of Councillor Benney, this has been considered for over 1.5 hours and the committee is not getting the answers. She feels it is an incomplete application, they have listened to the residents and to experienced councillors from Wisbech and she cannot believe this application has been recommended for approval. Councillor Mrs French expressed the view that human rights of residents are being breached, taking away the enjoyment and peace of their homes and it is making them ill so she cannot support the application.
- Councillor Benney expressed the view that this is an incomplete report, which is the basis of the officer's recommendation as they would have worked on the information provided to them so he is not criticising them but he does not have confidence in the assessment report and the numbers. He stated that you cannot put another 100 dogs into a kennels and reduce the noise unless you are really going to soundproof the facility, he feels the proposal will have a big detrimental effect on the people that live there and he cannot support the application in its present form. Councillor Benney made the point that this is another specialist's report, it does not tell members how many dogs were there and the report is flawed.
- Councillor Marks supports what both Councillors Benney and Mrs French have said and he thinks it speaks volumes that the applicant themselves are not present today to answer any questions and the committee seems to be going round and round in terms of noise as it is not known the circumstances about the number of dogs. He feels that Fenland and Planning Officers have done their best with the reports presented to committee but unfortunately the reports do not stack up regarding numbers, noise and other environmental issues and he is unable to support the proposal.
- Councillor Imafidon expressed the view that the issue for him with this application is the impact on the residents' lives and the noise from the dogs. He does not know how a kennel can be sound proofed, even if mechanical ventilation is installed in the kennels the longer dogs are left in a confined space when they are free they make more noise. Councillor Imafidon expressed the opinion that if barking is occurring now with a smaller number of dogs, by the time it gets to 120 the problem is going to be bigger, which is common sense as you cannot have reduced noise with an increased number of dogs. He stated that he would not be supporting the application.
- Councillor Gerstner stated that he fully concurs with all the other councillors, it is a very immotive subject but it is the amenity to the residents close by that is going to be affected and that amenity is not just noise, it is potential smell and the dog waste and he cannot support it.
- Councillor Hicks expressed the view that the decibel study is incomplete and unless he is wrong he thinks the decibel study was undertaken on predictions of what there is going to be and there is not study of what the decibel levels are now and the difference between the dogs being inside or outside and when the wind blows how the decibels will be impacted. He stated that he will not be supporting the application.
- Nick Harding confirmed that noise readings were taken and presented in the report to show what the existing situation is but the question mark is that it is not known how many dogs were on site at the time of those noise readings being taken.
- Stephen Turnbull, Legal Officer, stated that he is duty bound to point out that should the application be refused and then appealed the main issue will be the noise assessment and a noise report has been submitted with the application which has been assessed by an expert on behalf of the Council who has advised committee that the report has been

properly undertaken so there is a risk of costs being awarded against the Council should it go to appeal.

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

In coming to the reasons for going against the officer's recommendation, the following points were made:

- Nick Harding stated that reference has been made to certain extracts from LP2 and LP16 and he would like to understand the impacts on amenity, is that purely in relation to noise. Councillor Benney responded no as there is the impact of trade waste and burning of rubbish as this is a commercial enterprise and it cannot be expected for residents to have commercial activity generating an amount of noise, waste and pollution that is having a major impact on the people's lives that live there. Nick Harding stated that the burning of waste is in relation to the existing operation of the premises and the issue can be satisfactorily resolved through a condition which requires the means of dealing with the waste to be in accordance with a management plan to be submitted to and approved by the Council and implemented in accordance with the approved plan.
- Councillor Connor indicated the LP d and e are definitely reasons.
- Nick Harding stated that there is a need to drill down into what is the concern over noise so during the debate the issue raised by Councillor Benney was that in terms of the noise assessment it is not known how many dogs were on site when the assessment was undertaken and, therefore, there is not confidence that the predicted noise output from the proposal is accurate or not so asked if that is what committee's concern is. Councillor Benney responded in the affirmative as it is not an evidence based report in his opinion as the evidence is not there to substantiate the answers being put forward for the basis of the recommendation to approve the application.
- Nick Harding flagged to members that if the Council gets a revised version of the application submitted and that contains an updated noise assessment which says that on the day the noise readings were taken the figure was exactly the same as presented today and on that day there were 26 dogs and the model output is again the same as today there would be the same recommendation from Environmental Health that they are satisfied with the noise impact. He asked in that scenario would committee be happy to approve the application if the same evidence was presented or would committee still be concerned regarding the amount of noise generated during the daytime, which is predicted to increase but only by 3 dB difference which is not audible?
- Councillor Marks made the point that it is 24 hours a day noise and it is impacting upon residents' quality of life. Councillor Connor added that he would not be happy if this was brought back with the same information.
- Nick Harding asked for clarification that committee want to stick to the noise issue and the report might be flawed because it is not known how many dogs were on site when the noise readings were taken? Councillor Benney responded that this is the core of the concern but you cannot put another 100 dogs and reduce the noise and at the moment there are noise issues which are not the concern of this committee, they are Environmental Health concerns, and he would suspect this might be followed up after the meeting. He feels the report is incomplete as it has not provided any evidence for the basis of the figures but also it is the impact that this is already having on residents and you cannot place another 100 dogs here that will not produce more noise or waste, therefore, this needs to be dealt with and there are concerns for the residents and the enjoyment of their home.
- Nick Harding summarised that the application is not acceptable under LP2 and LP16 on the grounds of impact on residential amenity and two sub reasons, not being satisfied that existing noise readings are a true reflection of when the existing kennels was fully occupied at 26 dogs and that it is considered unlikely that 150 dogs could be accommodated on the site without further detriment to residents' amenity.
- Councillor Marks stated that it cannot be stated 26 dogs as it is not known how many were

there. Nick Harding clarified that he said that committee was not satisfied that the noise readings are truly reflective of when 26 dogs are on site as it is not known how many dogs were on site.

- Councillor Gerstner stated that he is not questioning the qualifications for the noise report as he has not seen it. He expressed the view that a noise assessment can be subjective and it is known, in some countries, to put people in cells with barking dog noise to break people down, although this is not the case here it is a known fact. Councillor Gerstner stated that noise travels in different directions, at different frequencies and different times, it is the amenity of the local people that are living there as barking dogs are not only extremely annoying but it is affecting their whole lives.
- Councillor Mrs French referred to human rights and the fundamental right to enjoy your home under Article 8. She stated that if another planning application comes in next month, she would not change her mind, if it is refused let the applicants appeal and the experts deal with it. Councillor Mrs French made the point that it is not affecting just one person but many and they are suffering health wise, it should be a basic right to have a safe and comfortable home and if this application is approved this fundamental right is being taken away and the facility is already causing deep concern and stress.
- Councillor Benney stated that he notes the Legal Officer's advice about being open to challenge but as a committee costs are a consideration and not a material planning reason. He feels that the committee has to do the right thing and if there are costs, the committee has made the decision with its hand on its heart doing the right thing for the residents of Fenland.

Members do not support the recommendation of approval of planning permission as they feel the proposal is contrary to Policies LP2 and LP16 which seek to ensure that new developments do not impact on and provide for high levels of amenity as the submitted noise assessment does not identify the number of dogs on site at the time of the noise readings being taken so there is no confidence that the stated existing noise levels are truly representative, there is also a lack of confidence that the predicted noise levels (extrapolated from the existing noise levels) will be representative of future noise levels and it is considered unlikely that an increase in the capacity of the operation of 120 dogs, notwithstanding the design of the new buildings and management, would not result in a detriment to residential amenity given the proximity of residential properties.

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

P57/23

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)

Nick Harding presented the report to members and drew members attention to the update report that had been circulated.

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

- Councillor Mrs French expressed the view that the site is ripe for development so she will support the application.
- Councillor Connor stated that he agrees with these comments and will support approval.

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

(Councillor Benney declared that this a Fenland application and he is Portfolio Holder with responsibility for assets, and retired from the meeting for the duration of the discussion and voting thereon)

Nick Harding presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Peter Humphrey, the agent. Mr Humphrey stated that members will recall that this application was presented to the 5 April 2023 Planning Committee meeting where members agreed to defer the application. He advised that the application is by Robert Sears for 5 dwellings in Manea, close to the railway station and members were advised that one of the plots was for Mr Sears' daughter who was taking an active part in running the farm accounts.

Mr Humphrey made the point that Mr Sears pointed out that the farm was taking 240 acres out of food production and being sown with a mix of seeds for all year round bird foraging and food supply. He stated that members were advised that the application was for 5 executive plots where members had already agreed that the site was within the developed village and was closer to the school than the site at Fallow Corner Drove for 29 dwellings as shown in the emerging Local Plan.

Mr Humphrey reminded members of the proximity of this site to the newly refurbished and invested rail station, where NPPF prioritises new development with good access to public transport hubs, such as rail stations. He stated that they will be providing a footpath, using triple glazing, heat source air pumps, PV cells and light columns, all to enhance and make the site more acceptable.

Mr Humphrey expressed the view that the committee wanted to approve the previous application but were advised that they could not until the ecology report had been carried out and approval received from Natural England, which has now been agreed, and also Highways approval was obtained for moving the speed signs and footpath crossing. He stated that the Planning Officer has confirmed that both reasons for the deferral have now been overcome and it has been accepted that there was an update from Highways today to state that they are now happy, although it has not been formally approved as there is the need to get a legal order signed by their solicitors to coincide with the works, while reasons 1 and 2 of the refusal had been accepted previously by members.

Mr Humphrey welcomed members support of this application as previously.

Members asked questions of Mr Humphrey as follows:

- Councillor Mrs French asked if these dwellings were going to be self-build properties? Mr Humphrey responded that they could be as this is the type of market that Mr Sears was looking at selling the plots to.
- Councillor Mrs French asked what arrangements are going to be made with regard to sewage and surface water? Mr Humphrey responded that there will be individual proper treatment plants.
- Councillor Mrs French asked if the applicant is prepared to pay for the moving of the signs and TRO? Mr Humphrey responded in the affirmative.

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

- Councillor Marks stated that he previously supported the application. He feels that Councillor Mrs French raised a very good point about sewage as there is a major problem in Manea regarding the overload of the sewage works, everyone is on cesspits up that end of the road and he feels what is proposed is a good solution. Councillor Marks questioned whether it was outside the village envelope and if you look at the location plan you can see that there is another disused house, which he feels may come back into use and does not

believe this application is extending the village. He made the point that the Parish Council support it as does he.

- Councillor Benney stated that he remembers considering the application previously where it was deferred to obtain the reports, which have now been completed and it is back before committee to finalise the decision on it.
- Councillor Mrs French agreed with the comments of Councillors Marks and Benney, there is a bus route she believes and there is now a nice car parking facility at the station.
- Councillor Marks made the point that when the car park was undertaken there was discussion about water coming off and that has been drained with no problems via kerbside drainage and he thinks this will happen further up the road going to the plots, which will smarten this end of the village up.
- Councillor Connor stated it is very refreshing to see an applicant/agent taking the steps the committee have asked them to do and he will be supporting the application.
- Nick Harding stated that officers have reiterated their view that this site extends into the rural area beyond the built up area of Manea and, therefore, falls foul of policy. He stated that there is also the issue of flood risk and the sequential test and there are sequentially preferable sites available in the village and, therefore, this development does not pass the sequential test.

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

Members do not support officer's recommendation of refusal of planning permission as they feel that the site does not lie outside the developed area of Manea, mitigation can be incorporated into the development against flood risk and in relation to the sequential test whilst there are other building plots in Manea, most have planning permission and are being built out and there are no plots of this size available.

(Councillor Marks declared that the applicant is known to him, he does sit on a Drainage Board with him but he does not socialise with him, but is not pre-determined and will approach the application with an open-mind)

P59/23

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

Danielle Brooke presented the report to members.

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

- Councillor Mrs French expressed the view that it is the right place, the development looks good and might enhance that corner.
- Councillor Benney wished anybody who has invested money in anything good luck at the moment and it is nice to see somebody going to the trouble of extending their business.
- Councillor Connor agreed with the comments of the other councillors.

F/YR23/0237/F

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

F/YR23/0249/LB

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

(Councillor Imafidon declared that he is the freeholder of the Dukes Head, and left the room for the duration of the discussion and voting thereon)

P60/23

F/YR23/0321/F

LAND NORTH OF 120 LEVERINGTON COMMON ACCESSED VIA HAWTHORNE GARDENS, LEVERINGTON
ERECT A DWELLING (SINGLE-STOREY 2-BED) WITH INTEGRAL SINGLE GARAGE

Danielle Brooke presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from John Musson, an objector. Mr Musson stated that he is a resident of Hawthorne Gardens and is representing all of the residents to express their concerns about this proposal. He made the point that Hawthorne Gardens is an unadopted private road, maintenance of the road and the landscaped area is the responsibility of the Hawthorne Gardens Management Company Ltd, which is administered by the residents.

Mr Musson stated that access to the construction site as stated on the application is via Hawthorne Gardens, with the presumption by the applicant that the residents will accept this and they do not. He brings to the committee's attention three discrepancies on the application, the document location plan and existing site plan drawing number 6574EX01 is, in his view, incorrect as it shows the existing boundary as extending into the rear garden of 120 Leverington Common but it does not, the existing boundary is in Hawthorne Gardens.

Mr Musson stated that the application form under foul sewers asks is the applicant proposing to connect to the existing drainage system and the answer given is unknown and queried whether this has been decided and will it connect to existing services of 120 Leverington Common or into the services of Hawthorne Gardens. He referred to the application form under trees and hedges, the applicant has indicated there are not any adjacent buildings, this is incorrect and Fenland Local Plan LP16 states under Paragraph 10.15 that the proposal would not adversely impact the street scene of Hawthorne Gardens or the landscape character of it but, in his opinion, it will.

Mr Musson expressed the view that the amenity area in Hawthorne Gardens is a landscaped border adjacent to the north boundary of 120 Leverington Common that was included in the Hawthorne Gardens planning approval in 2018 and has been looked after for the past 4 years by the residents and is maturing into an aesthetically pleasing year round shrub border that attracts birds, pollinators, provides flowers, berries and foliage cover, with this border and the 6ft close boarded fence behind it being paid for by residents in the original purchase price of their property and would have to be destroyed to gain access to this site. He stated that the Land Registry Title Deed states that the residents of Hawthorne Gardens shall not do anything that may damage the management company area or allow another person to do likewise.

Mr Musson expressed the opinion that Hawthorne Gardens was not constructed to take heavy commercial vehicles as confirmed by the site developer and residents were advised to allow such

large vehicles to use the road would cause damage, not only to the road surface, but also to drains, particularly the surface water drain running the length of the access road from Leverington Common and residents are concerned about who would pay for such damage. He feels that precedent for rear garden development along Leverington Common has been approved in the past, with the entrance to the site directly off Leverington Common and the frontage and east side of 120 Leverington Common has sufficient area to allow the same.

Mr Musson stated that the residents of Hawthorne Gardens request the committee to take into account the adverse impact this development will have on Hawthorne Gardens street scene by ruination of the landscaped area and the significant damage that the road will suffer.

Members asked questions of Mr Musson as follows:

- Councillor Marks asked if he had been approached by the builder/contractor/owner? Mr Musson responded no, he did write a letter of concerns to the applicant at 120 Leverington Common advising him that it was may be advisable to speak to the residents of Hawthorne Gardens but received no reply.
- Councillor Benney asked if he had written to Planning highlighting the issues raised? Mr Musson responded that he spoke to the Planning Officer raising the concerns that he has just discussed and his reply was that he would look at this application purely from a planning perspective and he has no interest in access and if planning is approved, how the applicant then goes about building that property is down to the applicant, and the Planning Officer suggested that he addressed this issue with the architect/applicant. He advised members that he called into the office of the architect and put the same point to them and he received the same reply that as the architect they receive a request from a client, they do what they are asked to do, they present it to Planning, if it is approved they are finished.
- Councillor Hicks referred to the boundary issues and asked what has Mr Musson got to substantiate that he is right and they are wrong? Mr Musson responded that they had the original plans to the site and it is shown on their title deeds. He expressed the view that the area outlined in red will be the new boundary which passes along Hawthorne Gardens into the rear garden of 120 Leverington Common and out back again into Hawthorne Gardens, which will be the new boundary if this application is approved as the boundary is clearly shown as running adjacent the northern boundary of 120 Leverington Common which is Hawthorne Gardens.
- Councillor Marks referred to the limited liability company and asked was this set up by the residents after they moved in or was it part and parcel of the purchase of the property? Mr Musson responded that it was part and parcel of the purchase and when the last property was sold and occupied the developer passed the management of the site to the management company.

Members received a presentation, in accordance with the public participation procedure, from Mr Humphrey, the agent. Mr Humphrey stated that he was instructed by Mr Gibson to obtain planning permission on his back garden and it is fully appreciated that the access and the legalities have not been resolved but the applicant does not want to go out and negotiate an alternative access until he knows he has permission to build so by submitting this application that complies with the Planners it is known that there is a site where development can be built albeit that the access may have to be changed and his client would have to come back with an amended access if he is unable to get an agreement with the residents of Hawthorne Gardens. He made the point that they are looking to get an agreement in principle on the plot even if they have to come back with an alternative access.

Members asked questions of Mr Humphrey as follows:

- Councillor Mrs French asked where the alternative access is? Mr Humphrey responded that it could go through the garden of 120 Leverington Common, which would involve knocking his garage down and running alongside his existing property. He stated that if the applicant gets the approval he has got to meet with the residents to see what their demands are, the

costs and whether he needs to submit an alternative application. Councillor Connor made the point that this is a civil issue and not a planning one.

Members asked questions of officers as follows:

- Councillor Benney stated that he has heard what the resident has said but asked for clarification that members are here to determine land usage and is the proposal policy compliant and if this is passed today and residents do not agree to the access it will not be built unless an alternative access is provided. He feels by granting this today there is no assurance that it will be built because of the access and issues such as damage are civil issues and nothing to do with planning so all that is being looked at is this land suitable. Nick Harding confirmed this was correct.

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

- Councillor Benney made the point that this is before committee with a recommendation of approval and whilst he recognises the concerns of residents they hold the key to the application and if they cannot agree the access in its present form that is not for the committee to discuss as it is only land usage that is being looked at and is it policy compliant.
- Councillor Gerstner agrees with this as the issues are mostly civil issues and not related to planning, although there is the prospect of a small site being over-developed in a back garden but does not feel this is relevant today.
- Councillor Benney stated that he visited the site and was impressed with the nice development that is there but he does understand the worries of the residents regarding change but the development comes down to land use and it is policy compliant.

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

P61/23

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**

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

Members received a presentation, in accordance with the public participation procedure, from Professor Wickham, on behalf of the applicant. Professor Wickham stated that there has been correspondence with interested parties and the three main points are that this is a detailed application as the principle of the matter has been decided, with matters of highways and drainage also having been considered and deemed acceptable. He expressed the opinion that the proposal is entirely compliant with Policy LP3 as this is a growth village and is an allocated site so is policy compliant with national policy.

Professor Wickham stated that in terms of detailed matters they have had a satisfactory exchange with officers and amendments have been made to dwellings against existing residents and to allay concerns about Fen View on Fallow Corner Drove and that relationship has been altered during the negotiation period so the site to back distance exceeds normal standards and there are no windows overlooking that particular direction. He stated that there have been one or two other detailed amendments.

Members asked questions of Professor Wickham as follows:

- Councillor Benney stated that he welcomes the application but is disappointed that there is no Section 106 money as there is a site value of £7 million and no offer of contributions and would that be something they would consider? Professor Wickham responded that there is no requirement in the terms of the grant of planning permission at outline stage.
- Councillor Benney acknowledged that there is no requirement but as a Planning Committee member he would like to see some kind of Section 106 and would there be any contribution forthcoming as there is a need for this in the local area, Manea School could do with some money and so could the doctors surgery, with this application creating another 29 dwellings which could mean 60 extra people who would put a demand on the local healthcare system. He understands where Professor Wickham is coming from but as a councillor in the adjacent ward that is part of Chatteris it would be nice as a token of goodwill to see an offer of something that would go towards local services and local amenities and is this something that can be found out of the £7 million investment? Professor Wickham responded that there was a viability assessment that indicated that this was not required or appropriate and whilst he understands the point it should have been welded into the process much earlier at the grant of the outline planning permission, this has obviously been raised as a fresh matter to them today and they will consider it and discuss it but he cannot promise it.
- Councillor Benney stated that this is fine, he does understand the applicant's position and there is a process, accepting that a viability assessment has been undertaken but there have been other agents sitting in the same position and when members have asked for contributions they have come back with something and a little something towards the local services would be appreciated. He feels there would have been more support from the Parish Council and residents would view this as a gesture of goodwill, which can sometimes go along way to make things run smoothly and would that be something they would consider today? Professor Wickham reiterated that they will consider it but he cannot promise anything. He stated that they were making improvements to the local highway, which is an infrastructure improvement.

The Legal Officer reminded members that the development has outline planning permission and there is a Section 106 Agreement but the time to request that payment would have been at the outline stage not at this stage and the Council cannot legally require the developer under Section 106 to make a contribution at this stage and if the developer declines to do so that is not a matter which should play on the planning merits of whether this should be approved or refused. Councillor Connor made the point that he does not think Councillor Benney was saying the applicant had to do it but was making a suggestion that in the interests of goodwill that maybe they should do it and it is realised that there is no obligation. Councillor Benney stated that he fully understands the comments of the Legal Officer and there is no legal obligation but when the committee has had other agents before them and made a similar suggestion they have said yes and it would be improper of him not to raise this.

Nick Harding stated that as has been outlined the appropriate time was to ask for a contribution at the time of the outline application and this issue cannot be revisited. He feels the cases referred to by Councillor Benney were where committee was faced with a fresh outline or a full application and, therefore, it was quite appropriate to ask. Nick Harding expressed the concern about whether if a contribution was offered can the Council lawfully enter into a Section 106 given that it should have been entered into at the outline stage and the Legal Officer is saying the Council cannot so it would have to dealt with by some other means.

Councillor Mrs French made the point that the outline was approved on 19 May 2020 and asked how the Council missed this, was it a committee decision or an officer decision? She has never known the Council to miss the opportunity for a Section 106, especially on 29 dwellings. Nick Harding responded that a viability assessment was submitted in relation to the outline application. Councillor Connor stated that he believes the issue of viability and Section 106 contributions was raised by officers at the time. Councillor Mrs French acknowledged that legally it cannot be done

but morally the applicant might give the community something.

Councillor Benney stated that he fully understands the position with this and appreciates the viability study that was put forward by the applicant. He does remember the previous application coming before committee and members were advised that there was no Section 106 but the committee is not looking for hundreds of thousands of pounds but there have been agents who have offered contributions and he hoped the applicant on this application would be able to offer something, which the Council would look upon in a very favourable way.

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

- Councillor Benney made the point that, as much as he has mentioned money, the application is policy compliant and will bring 29 bungalows to Manea, which is nice to see as not many people want to build bungalows as they take up a bigger footprint than a house. He stated that Manea is a small village, he is sure the bungalows will be welcomed and that there will be people waiting to move into them. Councillor Benney referred to the Womb Farm development and this development is filling up with people, which proves there is a need for housing in this area, with Chatteris and Manea not being that far apart and he is sure this development will be a success and there is no reason to refuse this application.

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

(Councillor Marks declared that he has had contact with the agent of this application as a Parish and District Councillor for Manea, and took no part in the discussion and voting thereon)

**P62/23 F/YR23/0460/FDC
LAND AT INHAMS CLOSE, MURROW
ERECT 2 DWELLINGS (2-STOREY 3-BED)**

Nick Harding 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 he welcomes the officer's report where it states the principle of development is acceptable as seen from the photos during the officer presentation the site is surrounded by residential development and is clearly located in the built-up form of Murrow. He advised that when he undertook a site visit there was a mixture of properties in this immediate area, both two-storey and single storey, with the majority being two-storey semi-detached, which is what they have shown to match in with the street scene.

Mr Hall expressed the view that when you read through the officer's report there are no objections from any consultees or any neighbours and within the current Local Plan Murrow is regarded as a small village which allows for residential infilling, with this proposal considered to be residential infilling. He expressed the opinion that the officer's report sums up the application well and is actually quite complimentary stating that the proposal is infill, is in keeping with the area and the core shape of the settlement, the properties will not prejudice the surrounding pattern of development and will appear visually interesting and architecturally sympathetic and he feels the officer has been very fair and has been very proactive working with them.

Mr Hall referred to 9.22 of the report where it states there is a concern regarding loss of privacy to No.5 and then under 9.19 it states that this is acceptable, which has just been confirmed by Nick Harding. He stated that the reason for refusal is due to flood risk, they provided an independent Flood Risk Assessment and there was no objection from the Environment Agency, following this they then provided a sequential test which was approved and the officer kindly worded a condition in relation to the exemption test, renewable energy and the overall performance of the dwellings, which was agreed to as well as an extension of time.

Mr Hall reiterated that the site is infill development within the built form of Murrow, there are no objections from residents or consultees, it will provide two small semi-detached properties that matches in with the surrounding properties and is ideal for development.

Members asked questions of Mr Hall as follows:

- Councillor Connor stated that this seems a little bit like deja vue as there was the impression that everything was good and did he receive any indication of the application being approved? Mr Hall responded that during the application the officer worked with them and it all looked very promising on the public access so he e-mailed the officer to get an update and read out a couple of points from the e-mails “Hi Matthew I have just reviewed this one and have no objection and I note the target date is 13 July and I will try and process this before this date” and “apologies there was an issue with the Highways consultee not coming straight to me I am waiting for comments which effectively say I have looked into the proposal and we will be recommending approval, delegated, I am to write this one up by the end of the week and send conditions over for agreement which we then can agree an extension of time”.

Members received a presentation, in accordance with the public participation procedure, from Councillor Benney, a District Councillor. Councillor Benney stated that he was speaking as Portfolio Holder for Assets and rang Mr Hall on Friday night because they had been doing some work on Chatteris Growing Fenland and had been waiting to know whether an application that had been put in has validated or not. He stated that whilst he was talking to him he asked how it was going on Inhams Close and was advised that Mr Hall had been told not to speak on it today, which he was surprised about as there are three people working at Fenland in the Assets Team and they have employed Mr Hall to undertake the architectural work and put the proposal forward.

Councillor Benney advised that Mr Hall sent him the e-mail that he had received stating that they did not want him to speak on this application and he feels that this is not democratic, Fenland District Council does not appeal its decisions so any decision that comes from today will be final and part of asset disposal is selling assets which is costing the Council money to look after, such as with risk assessments and health and safety assessments. He referred to about 5-6 years ago his first day as Portfolio Holder was selling off a piece of land and he was advised by officers at the time that planning permission would never be forthcoming, it was sold off as a piece of land and a planning application was submitted, it was refused and the appeal was dismissed, with another application being put in which was approved. He feels councillors have been criticised for not doing their best to achieve best value for money for the residents of Fenland and this proposal is obtaining best value for the residents of Fenland to reinvest in Council services.

Councillor Benney made the point that there are three people employed to obtain best value for money for the Council and residents and this application is being recommended for refusal. He made the point that from what he has been told by Mr Hall it was being recommended for approval, the sequential test had been approved, the exceptions test was submitted and it is still being refused, he is not sure why and feels that everyone needs to ‘sing from the same hymn sheet’ and feels like people are not working together on this proposal.

Councillor Benney stated he was very surprised by the e-mail, he acknowledged that the application is borderline and the committee will make the decision on it, but Fenland should not be stopping applications being spoken on as this is the democratic process that allows the Council to make good decisions and he finds this worrying and hopes it does not happen again. He feels this is a solid application and there will be more of these coming through to obtain money to reinvest back into Fenland and achieve what the Council is legally required to achieve which is best value for money.

Councillor Mrs French stated that she was not aware of any e-mails being received asking someone not to speak, she has never heard of this before and is not going to dwell on it but this

needs seriously looking into and must not happen again. Councillor Connor stated that he has been Chairman for 7 years at County Council and 4½ years at Fenland on Planning Committee and can only reiterate like Councillor Mrs French that he has never had anything like this before. Councillor Marks asked to look at the e-mail? Nick Harding stated that it is important to understand that the sender of that e-mail was not anybody in the Planning Team so this is irrelevant as to the consideration of the application as if Mr Hall is instructed by an officer in the Council then it would be that instructing officer to decide who represents the Council in the Planning Committee meeting and this issue can be dealt with outside consideration of this application.

Members asked questions of Councillor Benney as follows:

- Councillor Marks referred to Councillor Benney mentioning that this would not be appealed by the Council so asked if this piece of land would just sit there or be sold off at pennies rather than at realistic market rate? Councillor Benney stated that the policy is that the Council does not appeal its own decisions so if this was refused then that would either be that it has run its process in terms of trying to obtain best value for money for the residents of Fenland and then it would go to auction just as a piece of land and it has happened in the past where other people have got better value out of the land and the Assets Team is trying hard to get money back into the Council.

Nick Harding acknowledged that this situation has arisen previously, it is unfortunate that the case officer made a mistake in the advice given to the agent, one of which was to say it was a delegated decision as it would never have been one as it is a Fenland District Council application and after checking the case officer's homework he had missed the fact that the agent in the sequential test had missed the other sites that were consented and still available had been discounted, which is contrary to policy. He made the point that planning permission cannot be granted on the basis that somebody said it was OK but it is fully known that a mistake was made by that officer, which is unfortunate but it cannot be approved and the rules skipped. Nick Harding referred to Councillor Benney's comments about the Council not wishing to undertake an appeal and the site would just go for disposal and somebody else will reap the benefit where the Council has not, making the point that when it comes to the sequential test in a village like Murrow the 'wheel of destiny' is being spun because how the sequential test works is that if there are sequentially preferable sites available at the time of making the application then you will not get planning permission because the sequential test has failed but if those planning consents are all used up and no further consents are granted and then the planning application was submitted the wheel spins in your favour. He stated that as crazy as that seems that is the process that is laid out by Government policy and the advice that goes with that policy.

Members asked questions of officers as follows:

- Councillor Hicks referred to the aerial photo which shows housing surrounding the site and he supposes that they are all in Flood Zone 3 as well which has been built on previously so why is it being refused when other houses around it are in the same flood zone? Nick Harding responded that this is just the way that Government policy is in respect of flood risk so in a settlement such as Murrow, whilst there might be a site within the built up extent of the village surrounded by other development, a sequential test still has to be undertaken and if there are sites that have already been approved then planning permission will not be forthcoming until those sites have either expired or been implemented.
- Councillor Mrs French asked how many sites are there in Murrow that have been approved for sequential test purposes? Nick Harding responded that he does not have this information to hand as their systems went down for quite a bit of the morning.
- Councillor Marks asked for clarification that it is land for sale on the sequential test because if so on Rightmove there is just one site. Nick Harding responded that it is not just land for sale it is consents as well which have not been implemented.
- Councillor Gerstner referred to part of the objection for refusal being overlooking and amenity to the neighbours but made the point that there have been no neighbour objections. Nick Harding responded that the only reason for refusal is on the sequential test and it was

explained earlier that officers looked carefully at the relationship with the proposed development and No.5 and on balance it was felt that it was acceptable. Councillor Gerstner questioned whether the neighbours would have been consulted? Nick Harding confirmed that they would but decisions should not be made on the basis of whether or not somebody has or has not objected.

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

- Councillor Mrs French stated that this is difficult and she is going to recommend the application is deferred for further information as Councillor Marks stated there is one site for sale and as Nick said it is not just what is for sale. She feels to be fair to the committee and to Fenland's residents as it is a Fenland District Council application it should be deferred.
- Councillor Hicks agreed as once a decision is made to refuse an application there is no going back and this does buy a little time.
- Councillor Marks stated that with a deferral members could get the understanding of how long ago those new properties were classed on the flood zone and classed on Flood Zone 3 as well to understand when they were approved and how they went through as part and parcel of the sequential test.

Proposed by Councillor Mrs French, seconded by Councillor Marks and agreed that the application be DEFERRED for clarification on the sequential test.

(Councillor Benney declared that he is Portfolio Holder for Assets and, once he had given his presentation as part of the public participation procedure, took no part in the discussion and voting thereon)

**P63/23 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**

Nick Harding presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Adam Sutton, the agent. Mr Sutton stated that the application is before committee today due to the Parish Council views differing from the Planning Officer, who has recommended the application be refused. He made the point that an application for 5 dwellings on this land has been before committee twice before, once refused based solely on access and then approved by committee with access committed.

Mr Sutton stated that this application is a full application for 5 executive style dwellings as opposed to a reserved matters application following on from the outline approval and this has been undertaken so they could adjust the red line boundary of the site as it was felt that the dwellings they were trying to get approval on would benefit from slightly larger front gardens for parking and landscaping and larger rear gardens to suit the dwellings and to enable them to get a package treatment plant with drainage within those gardens as opposed to a septic tank, which meant moving the red line to the rear of this development back. He stated that there are no objections from statutory consultees, Highways have asked one or two questions relating to access and visibility but it is the same access point that committee previously approved with the same visibility splay, with the land in question either being in highway ownership as a highway verge or the applicant's ownership.

Mr Sutton stated that Highways have suggested details regarding the footpath and have also suggested that these details will be subject to a Section 278 Agreement together with a condition that can be placed on the application of the technical approval of that Section 278 Agreement prior to works and he does not think this would be unreasonable. He referred to the refusal reasons,

with the first one being principle of development but made the point that there is an existing approval for 5 dwellings on this site so the principle is, therefore, established and the second reason being an adverse impact on the occupants of Plot 1 due to proximity of the windows but this is a window on the side elevation to Bedroom 4 and as stated there is 2.6 metres between the buildings and the windows are offset, the roof line at this point is pitched away from the neighbouring property and there is not a big gable wall, so he feels there will be limited adverse impact if any.

Mr Sutton referred to the third reason for refusal due to access but as previously stated that has been addressed and flood risk and sequential test, a sequential test will show that this site is available to this applicant currently and would, therefore, pass. He hopes that members will give appropriate weight to the fact that there is already a permission on the site and limited weight to the emerging Local Plan that highlights this as residential development.

Members asked questions to Mr Sutton as follows:

- Councillor Mrs French asked if the properties were going to be self-build or built then sold off? Mr Sutton responded that he is not sure the applicant has made a decision on this.
- Councillor Mrs French asked how foul water was going to be treated? Mr Sutton responded that one of the reasons that a full application has been submitted is so they can provide a package treatment plant in the rear gardens of each individual property.
- Councillor Mrs French stated that the speed limit along this site is the national speed limit and if this application is approved would the applicant be prepared to pay for a reduction in the speed limit and possibly a speed cushion? Mr Sutton responded that he could ask the applicant but queried what cost this would be. Nick Harding made the point that Highways have not requested the movement of the speed signs or any traffic calming. Councillor Mrs French stated that she is County Councillor for this area and does not think it is an unreasonable request. Councillor Connor agreed. Councillor Mrs French added that towns and parishes all have a local highway improvement scheme but do not see why a Parish Council should pay for a speed reduction when the development could actually pay. Mr Sutton confirmed the applicant would be prepared to contribute towards this.

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

- Councillor Mrs French made the point that the site does already have outline planning permission which she believes expires in December but she does not understand why it has taken so long to submit a Reserved Matters application although the agent did say about giving the properties larger gardens. She does not see why this cannot be approved because it has already got planning in principle.
- Councillor Imafidon stated that it is commendable that the applicant is willing to contribute towards speed calming measures on the highway.
- Councillor Connor stated that Councillor Mrs French is right the site does have planning permission for 5 dwellings and he believes the agent said the land for the pavement is in the applicant's control or highways control so it has not got to go through third party land even though this would be a civil matter. He made the point that there are no statutory consultee objections and feels that he could support it.
- Nick Harding stated that there is the Highway reason for refusal and whilst the previous outline was deemed acceptable to Highways, the approved plan is different to the one that members are considering today and Highways have asked for a corrected visibility splay, the highway extent to be verified and the resubmission of speed data to support the reduction in visibility requirements.
- Councillor Marks asked for clarification that if committee approved the application today then it might still fail on the agreement with Highways in that Highways have said there are issues that need resolving first. Nick Harding responded that no because if committee approve it they are approving a poor visibility splay resulting in reduction of safety which falls on the Council's shoulders as decision makers having allowed that development as County cannot do anything about it.

- Councillor Mrs French stated that having heard what officers have said, she does agree and an application cannot be approved that is going to have a potential danger to the highway. She suggested the application be deferred to resolve the Highway issues.
- Councillor Connor stated that there are 4 reasons for refusal and is it being said that it should be deferred on highway safety reasons only?
- Nick Harding suggested an alternative is that officers get delegated authority to deal with amended plans provided that Highways are happy then officers can issue a consent and if this route is taken on the proposal the committee would need to explain why it is content to not agree with each of the other reasons for refusal. He stated that he can ask the question of Highways about the issue of placing a condition on the application with regard to traffic calming and speed reduction and if they are not happy with this the application can be brought back to committee. Councillor Mrs French asked that when officers are taking to Highways they point out the local highway improvement schemes that all the parishes are looking at, with all the parishes looking at speed reduction as it does cost money to put these schemes in and it would be nice if could be discussed with Highways.

Proposed by Councillor Mrs French, seconded by Councillor Imafidon and agreed that the application be APPROVED subject to appropriate conditions and delegated authority being given to officers to obtain revised drawings to address highway concerns and submission of a speed survey, and Highways confirming that moving the speed sign and installation of speed reduction measures on the highway is appropriate/necessary in principle. If agreement of Highways cannot be confirmed, the application is to be returned to committee for determination.

Members do not support officer's recommendation of refusal of planning permission as they feel the site is not an elsewhere location, would make a positive contribution to the character of the area, flood risk can be mitigated against, it is consistent with the previous decision of the Committee and the window relationship to a blank wall of 2.5 metres distance is not adversely detrimental and it is down to buyer's choice as to whether they find this acceptable or not.

P64/23

F/YR23/0600/O

LAND NORTH OF 66 NORTHGATE, WHITTLESEY

ERECT X1 DWELLING (OUTLINE APPLICATION WITH MATTERS COMMITTED IN RESPECT OF ACCESS)

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

Members received a written presentation, in accordance with the public participation procedure, from Matt Taylor, the agent, read out by Member Services. Mr Taylor stated that this is an outline application as per the officer's information provided to member with a recommendation for approval. He made the point that following positive pre-application advice from the Council they submitted an outline application using the existing access road to the proposed property, with the plans showing an indicative building on the site with a large parking and turning area to the front, which would allow vehicles to pass or wait if required.

Mr Taylor referred to the Highway comments which state that "since the site access already exists, on balance it would be difficult to refuse this development solely from the highways perspective" and they commented on bin refuse collection in which the site plan was revised to show that it is within the 30 metres travel distance required and Highways have also highlighted conditions which they find mutually agreeable. He stated that in respect to the comments on the fire appliance this will be dealt with under Building Regulations and with the new more stringent approved document B updates and the general public wanting better safety in their homes a sprinkler system could be specified and installed.

Mr Taylor expressed the view that the dwelling indicated is demonstrating that no overlooking to the neighbouring properties and was a chalet style to reduce an over bearing impact on existing gardens and again this would be dealt with at a reserved matters application in more detail. He feels that some comments from the residents indicate retaining the perimeter of trees for privacy and this would be allowed for and included in the landscaping at a reserved matters application.

Mr Taylor referred to the comments from Planning and Highways regarding the access road and lighting, making the point that there are many side streets and backland developments around the area without street lighting but a development could have lights such as low level LED posts or wall mounted lighting and they would welcome any condition that would need this to be approved at reserved matters due to any light pollution to existing residents.

Members asked questions of officers as follows:

- Councillor Mrs French queried the Highway comments where it refers to 4 x 1-bedroomed units and asked for confirmation that it is one dwelling and it is not being divided into units? Danielle Brooke agreed there was some discrepancy here which had not been picked up but it is a four bedroom two-storey unit. Councillor Mrs French stated that she would hate it to be four flats which would impact the neighbours.

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

- Councillor Gerstner stated that he used to live 50 metres away from this access road for several years, six nights out of seven last week that access was blocked by parked cars, there is double parking all the way down Stonald Avenue and only on 2 occasions was there access to get into this driveway at 7pm. He made the point that Highways have had three attempts at their report and in the second submission it clearly states that some of the criteria in 5.5 is unachievable in the application boundary and that the tracks serves a means of access to a substantial amount of properties but he totally disagrees with this as access for the residents of Stonald Avenue is another track off Commons Road, there are about 20 houses on Stonald Avenue that have their access on the adjacent track and the access for this proposal is not used by residents. Councillor Gerstner stated that he went down there yesterday in his nearly brand new car and was not happy with the amount of overgrowth, which just about allowed him to get down the track and there could be a management plan put in place if and when approval may be given for the property to mitigate how materials are taken to the site. He reiterated that Highways have had three attempts at this and there is a totally unacceptable splay, there will be cars parked all the way along, even with lines, and he is totally against this access.
- Councillor Connor asked if Councillor Gerstner was saying that there was vegetation along this track stopping him getting his vehicle up there? Councillor Gerstner stated there was but he understands this could be cleared away. Councillor Connor asked that if the vegetation was cleared away and the management plan was put in place to keep it free at all times. Councillor Gerstner referred to the road being upgraded and Councillor Connor responded only the first 5 metres.
- Danielle Brooke stated that the surface will be upgraded for the first 5 metres. Councillor Connor made the point that they have got to cut back the vegetation and tarmac for the first 5 metres and if a management plan was asked for to make sure that happens, would Councillor Gerstner be happy?
- Councillor Gerstner asked if the road would be adopted or unadopted? Councillor Connor made the point that this roadway would not be adopted. Nick Harding stated it would be extremely unlikely for someone to reside on that application site and not keep the access to and from the site clear so they are able to park their car on their property and the Council is not in the business of agreeing landscape management plans for single plots as it would be difficult to enforce. He stated in terms of visibility it is dwarf walls and fences either side of the access and normally it would be 600 visibility but given that it is an existing access which is used, there is a dropped kerb there, the application could not be reasonably be refused on visibility.

- Councillor Gerstner made the point that there is either a visibility splay criteria or not, the rules cannot keep changing and if the splay is not meeting Highway criteria it is not meeting the criteria. Nick Harding responded that it has to be taken into account the difference between an application site which has no access at all and a site which has an existing access point that can be used day in, day out and whilst it is not ideal it is an existing access.
- Councillor Gerstner stated that as long as his objection to the access is being minuted so if and when approval is given residents of that property do not come back to the Council complaining they cannot get out of access due to parked cars in the way. Councillor Connor acknowledged Councillor Gerstner's comments and sympathised but made the point that the application cannot be refused just on poor visibility.
- Councillor Benney made the point this is a single plot, the access is not ideal but it is an access, building materials will find a way to access the site, it is a policy compliant application and there is nothing to refuse the application on. He recognises that people park over people's driveways but it is not a Council matter, it is a Police matter.
- Councillor Connor agreed with Councillor Benney but does sympathise with Councillor Gerstner's comments.

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

5.35 pm

Chairman

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F/YR22/1296/F

**Applicant: Mr Tony Farrant
Hawthorne Properties**

**Agent : Mr Jon Sidey
Sidey Design Architecture**

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

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

Officer recommendation: Approve

Reason for Committee: Number of representations received contrary to Officer recommendation & deferral at an earlier committee meeting

1 EXECUTIVE SUMMARY

- 1.1 This application was presented to Planning Committee in September 2023 and Members resolved to defer the application in order to obtain clarity regarding
 - a) the improvement of the private road in Ellingham Gardens and
 - b) the ongoing management / maintenance arrangements for the private road
- 1.2 The applicant has lodged an appeal on the grounds of non-determination and at the time of writing the appeal has not been made valid by the Planning Inspectorate. Until such time as the appeal is made valid, the Council can still determine the application. If the appeal is made valid then the Council no longer has the authority to determine it. However, in this latter situation it is necessary for the Council to establish whether or not the application would have been approved by the Council (if it was the deciding authority). This would establish the Council's position at the appeal i.e. is the appeal to be contested and if yes, on what grounds.
- 1.3 This application sought planning permission for the erection of 9 dwellings (6 x 3 bed units with accommodation within the roof and 3 x 4 bed units) and erection of a single garage with associated access, landscaping, storage and external alterations following demolition of existing dwelling.
- 1.4 The principle of development is acceptable and has been established by virtue of previous planning consents for residential on this brownfield site which is situated within the existing settlement of Chatteris. Please see section 4 of this report.
- 1.5 The site is within the setting of Chatteris Conservation Area and a number of listed buildings. However, the revised scheme has been carefully considered to address each of its respective streetscenes and the wider character and visual amenity of the area and also the setting of the listed buildings and the conservation area. Therefore, the proposal would be considered to enhance the setting of the conservation area and nearby listed buildings and replace this existing unattractive site with a high-quality designed scheme that would be aesthetically in keeping with the area.

- 1.6 The revised scheme and the reduction in scale from 10 to 9 units along with their reorientation would ensure that the residential amenity of neighbouring occupiers is safeguarded. In addition, a CMP condition would protect neighbours during construction.
- 1.7 Concerns have also been raised regarding access of the development from Ellingham Gardens but the application site boundary has been revised as requested by CCC Highways to overcome their concern and a condition will be imposed to secure highway improvements that will enhance the quality of Ellingham Gardens to the benefit of existing and future occupiers. This proposal would be considered to take the opportunity to address existing concerns raised by local residents about the quality of this road and the proposal would be considered now to meet the aspirations of Chatteris Town Council. Subject to conditions, the proposal would improve transport and the highway network and not raise any safety concerns.
- 1.8 The proposal delivers a better more efficient use of this brownfield site for the delivery of 9 good quality homes.
- 1.9 Overall, the scheme is considered acceptable and consistent with those policies of Fenland Local Plan as set out in section 7 of this report and NPPF. Therefore, the proposal is welcomed and recommended for approval, subject to conditions.

2 SITE DESCRIPTION

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

3 PROPOSAL

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

4 SITE PLANNING HISTORY

F/YR21/0642/O	Erection of up to 4no dwellings involving the demolition of existing dwelling and associated outbuildings (outline application with all matters reserved)	Granted 25/08/2022
F/YR17/1195/O	Erection of up to 4 x dwellings involving the demolition of existing dwelling and associated outbuildings (Outline application with all matters reserved)	Granted 28/11/2017

5 CONSULTATIONS

5.1 Anglian Water

Section 1 - Assets Affected

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

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

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

WASTEWATER SERVICES

Section 2 - Wastewater Treatment

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

Section 3 - Used Water Network

This response has been based on the following submitted documents: application form, site location plan, design and access statement Development will lead to an unacceptable risk of flooding downstream. Anglian Water will need to plan effectively for the proposed development, if permission is granted. We will need to work with the applicant to ensure any infrastructure improvements are delivered in line with the development. A full assessment cannot be made due to lack of information, the applicant has not identified a drainage strategy, which details the point of connection and discharge regime. We therefore request a condition requiring an on-site drainage strategy INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. INFORMATIVE -

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

Section 4 - Surface Water Disposal

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

The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable due to no drainage strategy being included within the planning documents. We would therefore recommend that the applicant consults with Anglian Water and the Environment Agency. We request a condition be applied to the decision notice if permission is granted. The purpose of the planning system is to achieve sustainable development. This includes the most sustainable approach to surface water disposal in accordance with the surface water hierarchy. It is important to explain that the volume arising from surface water flows can be many times greater than the foul flows from the same development.

As a result they have the potential to draw substantially on the public sewerage network capacity and capacity at the receiving Water Recycling Centre. If developers can avoid new surface water flows entering the public sewerage, the impact of developments on wastewater infrastructure and the risk and impact of sewer flooding can be managed effectively, in accordance with paragraph 163 of the NPPF, minimise the risk of flooding. It is appreciated that surface water disposal can be dealt with, in part, via Part H of the Building Regulations, it is felt that it is too late at this stage to manage any potential adverse effect. Drainage systems are an early activity in the construction process and it is in the interest of all that this is dealt with early on in the development process. As our powers under the Water Industry Act are limited it is important to ensure appropriate control over the surface water drainage approach is dealt with via a planning condition,

ensuring that evidence is provided that the hierarchy has been followed and any adverse impacts and mitigation required can be planned for effectively.

Section 5 - Suggested Planning Conditions

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

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

Surface Water Disposal (Section 4)

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

5.2 Archaeology (CCC)

25/08/2023 & 03/05/2023

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

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

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

Archaeology Condition

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

- a) The statement of significance and research objectives;*
- b) The programme and methodology of investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;*
- c) The timetable for the field investigation as part of the development programme;*

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

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

Informatives:

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

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

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

Please let me know if you require anything further.

28/11/2022

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

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

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

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

Archaeology Condition

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

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

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

Informatives:

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

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

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

5.3 Cambridgeshire Fire and Rescue

29/08/2023

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

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

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

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

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

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

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

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

29/11/2022

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

5.4 Designing Out Crime Team

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

Timescale: 28/11/20 – 27/11/22

Wenneye Ward	All crime - 331
Criminal Damage	51 (Wenny Rd – 5)
Robbery	1
Bicycle Theft	4 (Wenny Rd – 4)
Theft from a vehicle	7 (Wenny Rd – 1)
Theft of a vehicle	4 (Wenny Rd – 2)

<i>Public Order</i>	49	<i>(Wenny Rd – 10)</i>
<i>Burglary Dwelling</i>	6	<i>(Wenny Rd – 2)</i>
<i>Burglary Business</i>	10	<i>(Wenny Rd – 3)</i>
<i>Trafficking of drugs</i>	3	<i>(Wenny Rd – 1)</i>
<i>Possession of drugs</i>	3	<i>(Wenny Rd – 1)</i>
<i>Violence</i>	144	<i>(Wenny Rd – 40)</i>
<i>Rowdy or inconsiderate incidents</i>	70	<i>(Wenny Rd - 16)</i>

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

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

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

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

5.5 Environmental Health (FDC)

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

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

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

- *A complaints / contact book to be kept on site & used to record details of complaints*

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

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

5.6 Highways Development Management (CCC)

13/09/2023 & 23/06/2023

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

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

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

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

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

19/12/2022

The application is not acceptable in the current form as the proposed means of access for Plots 5-10 is neither within the public highway nor the application

redline boundary. Ellingham Gardens is a private street, so the street - carriageway plus footway(s) – will need to be included in the redline and notice served on the owner. It is presumed that the applicant is not the owner as the street is not shown in a blue boundary.

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

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

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

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

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

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

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

5.7 Lead Local Flood Authority (CCC)

12/09/2023

As this is now a minor we no longer need to be consulted. However, given this updated information we would in theory remove our objection to the development.

07/09/2023

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

Paragraph 167 of the National Planning Policy Framework requires planning applications to be supported by a site-specific flood risk assessment. Such an assessment should include a surface water strategy and must demonstrate that

the proposed development incorporates sustainable drainage systems (SuDS), unless there is clear evidence that this would be inappropriate. The SuDS should:

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

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

5.8 NHS - Premises and Estates Team, Primary Care

30/08/2023

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

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

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

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

The ICB has recently sought advice from its NHS partner, NHS Property Services Ltd, on recent costs benchmarks for healthcare developments for a single storey extension to an existing premises and refurbishment. This equates to £5,224 per m² (once adjusted for professional fees, fit out and contingency). Having rebased this cost to Fenland using BCIS Tender Price Index, the cost remains the same at £5,224 per m².

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

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

In its capacity as the healthcare provider, CAPICS has identified that the development will give rise to a need for additional primary healthcare provision to mitigate impacts arising from the development. The capital required through developer contribution would form a proportion of the required funding for the provision of capacity to absorb the patient growth generated by this development.

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

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

05/12/2022

Cambridgeshire & Peterborough Integrated Care System (ICS)

The proposed development is likely to have an impact on the services of the GP Practice operating within the vicinity of the application Wisbech Practices: George Clare Surgery. This practice supports a list size of 12,114 patients (w.e.f 01/04/2022) and this development of 10 dwellings would see an increase patient pressure of 24 new residents which would require additional GP/Nurse / (Admin support) workforce to support potential increase in appointments : GP = 0.01 / Nurse = 0.01 and Admin = 0.02 with a resulting increased demand on physical estate of 1.65 sqm net internal area (NIA) using standard planning formula 1,750 patients = 120sqm of space (NIA)

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

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

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

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

5.9 Town Council

30/08/2023

Support the proposal.

23/11/2022

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

5.10 Local Residents/Interested Parties

Objectors

A total of 11 objections were received to previous consultations (four from Wenny Road, five from Ellingham Gardens and one each from Wenny Court and Wood Street). They raised the following summarised concerns below:

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

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

6 STATUTORY DUTY

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014).
- 6.2 Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require Local Planning Authorities when considering development to pay special attention to preserving a listed building or its setting and to the desirability of preserving or enhancing the character or appearance of a conservation area.

- 6.3 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities when considering development to pay special attention to preserving a listed building or its setting.
- 6.4 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities when considering development to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 6.5 Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities in considering whether to grant listed building consent for any works to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

7 POLICY FRAMEWORK

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

National Design Guide 2021

Context

Identity

Built Form

Movement

Nature

Public Spaces

Uses

Homes and Buildings

Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

LP5 – Meeting Housing Need

LP10 – Chatteris

LP13 – Supporting and Managing the Impact of a Growing District

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

LP17 – Community Safety

LP18 – The Historic Environment

LP19 – The Natural Environment

Emerging Local Plan

The Draft Fenland Local Plan (2022) was published for consultation between 25th August 2022 and 19 October 2022, all comments received are being reviewed and any changes arising from the consultation will be made to the draft Local Plan. Given the very early stage which the Plan is therefore at, it is considered, in

accordance with Paragraph 48 of the NPPF, that the policies of this should carry extremely limited weight in decision making.

8 KEY ISSUES

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

9 BACKGROUND

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

10 ASSESSMENT

Principle of Development

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

Heritage, design considerations and visual amenity of area

- 10.5 Cambridgeshire County Council Archaeology have advised that the site lies within the historic core of Chatteris and that structures indicated on the 1st edition of OS maps in 1885 could represent those still present. As such they consider that the site should be subject to a programme of archaeological investigation, including archaeological historic building recording, which can be secured via condition. The site is located immediately adjacent to the Chatteris Conservation Area and in proximity to a number of listed buildings: Nos. 2, 4 and 6 Wenny Road, and No. 19 East Park Street, and No. 1 Wood Street. However, due to subsequent development, the site is not within, or certainly would not affect the setting of those listed buildings identified, except the proposed replacement dwellings at No. 16, and the adjacent dwelling which directly fronts on to Wenny Road. Nevertheless, these dwellings would sit comfortably within the streetscene. Therefore, the further development of this site if well designed and appropriate materials used, will not impact on or detract from the character or appearance of the conservation area.
- 10.6 No. 16 Wenny Road is to be demolished and replaced with 2 replacement dwellings which are approximately located on the old footprint of the original 2 dwellings/cottages on the site.
- 10.7 The property rebuilt on this site and the adjacent house will have the greatest impact on the character and appearance of the conservation area and would lie within the setting of listed buildings on Wenny Road, as they are viewed together along the line of the road.
- 10.8 However, these dwellings are to be subtly set back from the main building line in order to allow the buildings of significance to be better revealed and appreciated. Yet, they will also fill this gap in the streetscene and their uniformity in appearance will disassociate them from the more eclectic designs found amongst the heritage properties.
- 10.9 The site runs alongside Ellingham Gardens and this scheme unlike previous schemes addresses this streetscene as well which is considered an improvement in design terms. Overall, the proposal is considered to make efficient use of this brownfield sustainable location and deliver 9 well designed new homes that would respect the character of the area and would enhance the setting of the adjacent conservation area.

Residential Amenity/Health and wellbeing

- 10.10 The Healthy People, Healthy Lives: our strategy for public health in England White Paper published by the coalition government in November 2010, highlights the influence of the environment on people's health. While the White Paper was released by a previous government, it is still useful to consider the objectives it sets out as many of them are still relevant.
- 10.11 This includes:
- Creating healthy places to grow up and grow older in.
 - Seeing active travel and physical activity becoming the norm in communities
 - Creating an environment which supports people in making healthy choices and which makes these choices easier.

- 10.12 Also, Chapter 8 of the NPPF refers to *'Promoting healthy and safe communities'*. Paragraph 92 states that planning policies and decisions should aim to achieve healthy, inclusive and safe places which:
- a) Promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for each pedestrian and cycle connection within and between neighbourhoods, and active street frontages;
 - b) Are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas; and Enable and support healthy lifestyles, especially where this would address identified local health and well being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking cycling.
- 10.12 National Planning Practice Guidance (NPPG) further strengthens the relationship between health and planning.
- 10.13 Policy LP2 of the adopted Fenland Local Plan (2014), called Facilitating Health & Wellbeing of Fenland Residents, sets out a range of areas and actions where development proposals can contribute to health and wellbeing.
- 10.14 The proposal given its scale will have limited health benefits, however the provision of good quality new homes would in part provide better living conditions often for residents by providing greater choice. Also, the visual amenity of the site and its surroundings will be improved, which can also have wider benefits.
- 10.15 In terms of the quality of the proposed accommodation, the Government's national space standards contained in the Technical Housing Standards set out the minimum floor areas required for proposed residential units in order to ensure that they provide an adequate standard of living for future occupiers.
- 10.16 The development will exceed the minimum internal floor space standards of Technical Housing Standards.
- 10.17 Given the nature of the proposed dwellings, all of the units would be dual aspect and all of the habitable rooms would have access to adequate outlook and daylight. Building Regulations would ensure accessible level entrances to all of the new homes and the internal spaces are generally spacious.
- 10.18 The proposed internal accommodation is considered to be of a high standard to the benefit of future occupiers, in accordance with Fenland's Local Plan, and national technical housing standards.
- 10.19 With regards to external amenity, all properties benefit from good sized associated private amenity spaces in the form of gardens.
- 10.20 The proposed buildings are now positioned away from neighbouring properties so would not appear dominant or overbearing from their prospective. Their position would also ensure that they would not result in adverse overlooking or loss of privacy to neighbours. The new properties are set appropriately away from

neighbours with good separation distances that are consistent with the setting. The properties along Ellingham Gardens would be positioned relatively close to the existing properties on this private road, however this relationship is not unusual or unexpected for housing facing each other on a typical street. Therefore, the proposal would not cause undue harm to the residential amenity of these neighbours.

- 10.21 In terms of the relationship with the existing neighbours to the northwest, the new dwellings would be positioned in a way to ensure there are no new habitable room windows would directly face neighbouring properties.
- 10.22 The Council's Environmental Health team have requested that a contaminated land condition is imposed to establish whether previous activities have had any adverse effects on the ground condition which may later be put to residential use, and if so, how this will be remediated. They have also requested a working hours condition as previously imposed, however given the location and constraints of the site it is considered that a proportionate Construction Management Plan would be required. A suitable refuse collection strategy would also be required, and a condition will be imposed in this regard.
- 10.23 Given the site layout and the use of a small parking court which is reasonably well overlooked, it will also be necessary to condition further details of external lighting to ensure appropriate lighting is provided.
- 10.24 A number of local residents raised concerns regarding the condition of Ellingham Gardens and the impact from new dwellings using it for vehicular access. The scheme has been revised since it was initially submitted. The application site boundary has been revised to incorporate the whole of Ellingham Gardens up to Wenny Road. This ensures that appropriate controls and mitigation measures can be put in place to safeguard and improve this private road. This application will be only acceptable provided highway improvements have been secured and delivered to enhance this access for existing and future residents.
- 10.25 Subject to a range of conditions, the proposal would not harm the residential amenity of existing neighbours and it would provide good quality of accommodation for future occupiers. Therefore, the proposal is considered acceptable in this regard.

Transport

- 10.26 This application has been revised since it was submitted to include changes to the access.
- 10.27 The proposal now seeks to remove the existing vehicular access onto Wenny Road and be served entirely via the existing private road known as Ellingham Gardens.
- 10.28 Firstly, the removal of a vehicular access point onto Wenny Road will likely improve highway safety and improve traffic flow.
- 10.29 In terms of the new accesses, these will be from Ellingham Gardens which is private road and a cul de sac in character. Vehicle speeds are inherently slow given its nature and scale and it is not considered that the use of this road for access would raise significant highway safety concerns.

10.30 6 of the new semi-detached residential houses will be served by 4 new dropped kerbs whilst a new parking court will be provided with another access to serve the 3 new dwellings at the front of the site.

10.31 CCC Highways Team have commented on the application and highlighted that they have received a number of neighbour complaints about the poor condition of Ellingham Gardens. However, as it is private, there is limited opportunity for the Highway Authority to improve its condition. This application provides an opportunity to secure improvements to this private road. Specifically, Highways have stated that:

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

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

10.32 Highways also confirmed that they would not raise an objection provided the above was addressed (the matter is addressed by condition 8 which requires a detailed surface water scheme to be submitted for approval) and the application boundary was amended to address these issues with regards to the proposed access (this latter issue has now been resolved).

10.33 It is worth mentioning that the revised site plan does provide more detail on the existing and proposed drainage of the private road, however, further improvements are considered necessary to overcome the general access concerns raised by Highways and Chatteris Town Council. Therefore, subject to condition to secure a 'Highway Improvement Scheme', the proposal would be considered to provide acceptable accesses in terms of highways.

10.34 With regard to the improvement of the existing road, a condition is proposed to cover this issue. At this time the applicant is not in a position to confirm the specification of the improvement as it has not been engineer assessed and the applicant would not wish to go to this expense until it is known that planning permission will be granted. It would be highly unusual for such details to be provided 'upfront' as part of a planning application and a planning condition is normal. Nonetheless the applicant has confirmed that the surfacing work will provide for a proper 'wearing course' and will not be a 'slurry dressing'.

10.35 With regard to the ongoing maintenance and management, this is something that the applicant cannot commit to. There is an existing Management Company associated with the existing development. There is no evidence that the existing residents are funding the Management Company. It would be inequitable for the new residents to pay for the upkeep of the road and the existing residents not to do the same. Given that there is an existing Management Company for the road (which also owns the road) the developer of the new development cannot practically duplicate the responsibility as it is not the road owner. As the existing Management Company needs to give consent to the new developer for access /

resurfacing, it is within the gift of negotiations between the parties, outside the planning regime, to potentially put in place a long term proposal for ongoing maintenance. Buyers of the new houses will be aware that the road is private and owned by a third party and this can be highlighted through an informative being added to the permission.

- 10.36 Given the scale of the development, it not considered to raise any traffic issues on the existing transport network.
- 10.37 In terms of parking, each of the new dwellings would have 2 off street parking spaces. This is considered to be acceptable and in accordance with Fenland Local Plan.
- 10.38 Servicing and refuse collection is expected to take place from Ellingham Gardens and its general layout is considered adequate to allow for safe manoeuvring of a refuse vehicle and allow collection at appropriate drag distances. Nevertheless, a condition to secure more precise details will be imposed to any planning permission.
- 10.39 In transport terms, the proposal would be considered to comply with the Fenland Local Plan and NPPF subject to appropriate safeguarding conditions.

Flood Risk and Drainage

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

Ecology, Biodiversity, Tree and Landscaping

- 10.42 The Council's Wildlife Officer has not provided any comments on this latest application, but comments have been provided on previous applications and the applicant has submitted an Ecological Impact Assessment.
- 10.43 The Ecological Impact Assessment sets out a range of enhancement measures which will deliver ecological and biodiversity improvements. Previously, the Council's Wildlife Officer recommended subject to conditions to safeguard ecology and to deliver these benefits, they would have no objection and the proposal would be acceptable in this regard.
- 10.44 In addition, an Arboricultural Impact Assessment has been submitted in support of this application. It sets out how trees of value will be protected during construction. It explains that 6 category C trees would require removal to facilitate this development, as well as some pruning to other trees. These are not

considered to be of significant amenity or ecological value and replacement trees could be secured through a landscape strategy and plan to be secured by condition. On this basis, the impact on trees would be considered acceptable.

10.45 Subject to these conditions, the proposal would safeguard ecology and trees of amenity value, enhance biodiversity and improve landscaping and the visual amenity of the site, in compliance with the Fenland Local Plan and NPPF.

Other Considerations

10.46 The Designing Out Crime Team has recommended external lighting for the parking court. These details can be secured by condition. Subject to this condition and a condition to secure details of refuse/cycle storage, the proposal would be considered to satisfy Secure by Design objectives.

10.47 CCC's Senior Archaeologist has commented that their records indicate that the property and subsidiary outbuildings proposed for demolition occupy a plot within the historic core of Chatteris, in close proximity to the 18th century Manor House complex. The 1st edition Ordnance Survey map of 1885 suggests that the property on the frontage to Wenny Road was a single dwelling by this time, although it could represent earlier cottages amalgamated into a larger dwelling, and likely dates to the second quarter of the 19th century. The majority of the outbuildings to the rear are more modern, however the 1st edition OS also indicates that structures were also present to the north-western boundary of the site in 1885 and could represent those still present, with subsequent additions and alterations. A detailed analysis of the surviving fabric would undoubtedly further our understanding of the development of this site over the last two centuries. Therefore, the Archaeologist has recommended that a condition be imposed that would require the submission of a Written Scheme of Investigation which would include a programme of archaeological investigation and historic building recording. Should this application be approved, an appropriately worded condition would be added.

10.48 FDC's Environmental Health Team has recommended a full suite of conditions in relation to contamination given the history of the site. The same contamination conditions that were imposed on previous consents will similarly be required should this application be approved in order to protect future occupiers of the development.

10.49 The NHS were also consulted as part of this application. They explain that the proposal would lead to an increase in patient pressure of approximately 21 new residents which will add to increased appointments at the George Clare Surgery. They explain that a developer financial contribution will be required to mitigate the impacts of this proposal. They have requested a sum of £7,382.86. However, the scheme has been revised in scale from 10 units to 9 since these comments were received. It is not standard practice to seek financial contributions of this nature from minor planning applications as they are not considered to justify that level of mitigation given their small nature. As such and in this circumstance, it would not be justifiable in planning terms to request such a contribution and the proposal is not considered to raise any concerns with regards to its impact on health provision locally.

11 CONCLUSIONS

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

12 RECOMMENDATION

Approve subject to the following conditions

1	Time limit
2	Prior to the construction above damp proof course, a scheme for on-site foul water drainage works shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out and completed in accordance with the approved scheme.

	Reason: To prevent environmental and amenity issues arising from flooding, in accordance with policy LP 14 of the Fenland Local Plan.
3	<p>No development shall take place above slab level until a Landscape Environmental Management Scheme which includes full hard and soft landscaping of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full details of levels across the site. Subsequently, these works shall be carried out as approved. The soft landscaping shall be carried out in the first planting season and any loss of plants thereafter shall be replaced within 5 years of first occupation of the development.</p> <p>Reason: The landscaping of this site is required in order to protect and enhance the existing visual character of the area in accordance with Policy LP16, 18 and 19 of the Fenland Local Plan 2014.</p>
4	<p>Prior to occupation, a lighting plan with full details of external lighting and its management, including to the parking court area shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, these works shall be carried out as approved.</p> <p>Reason: The lighting of this site is required in order to protect and enhance the existing visual character of the area and in the interests of safety and safeguarding wildlife, in accordance with policies LP16, 17, 18, and 19 of the Fenland Local Plan 2014.</p>
5	<p>No development shall take place above slab level until details of external materials for the development have been submitted to and approved in writing by the Local Planning Authority. Subsequently, these works shall be carried out as approved.</p> <p>Reason: The external materials are required in order to protect and enhance the existing visual character of the area and setting of the listed buildings in accordance with policies LP16 and 18 of the Fenland Local Plan 2014.</p>
6	<p>Prior to commencement of the development, a construction environmental management plan shall be submitted to and approved in writing by the Local Planning Authority. The details and management arrangements thereby approved shall thereafter be followed and carried out as agreed, unless otherwise agreed by the Local Planning Authority. This plan shall include:</p> <ul style="list-style-type: none"> - An appropriate construction access, - Adequate turning and off loading facilities for delivery/construction vehicles, - An adequate parking area clear of the highway for those employed in developing the site, - Method of prevention of mud and detritus being carried onto the highway, - Method of suppressing dust arising from demolition and construction activities, - Hours of operation, - Delivery times,

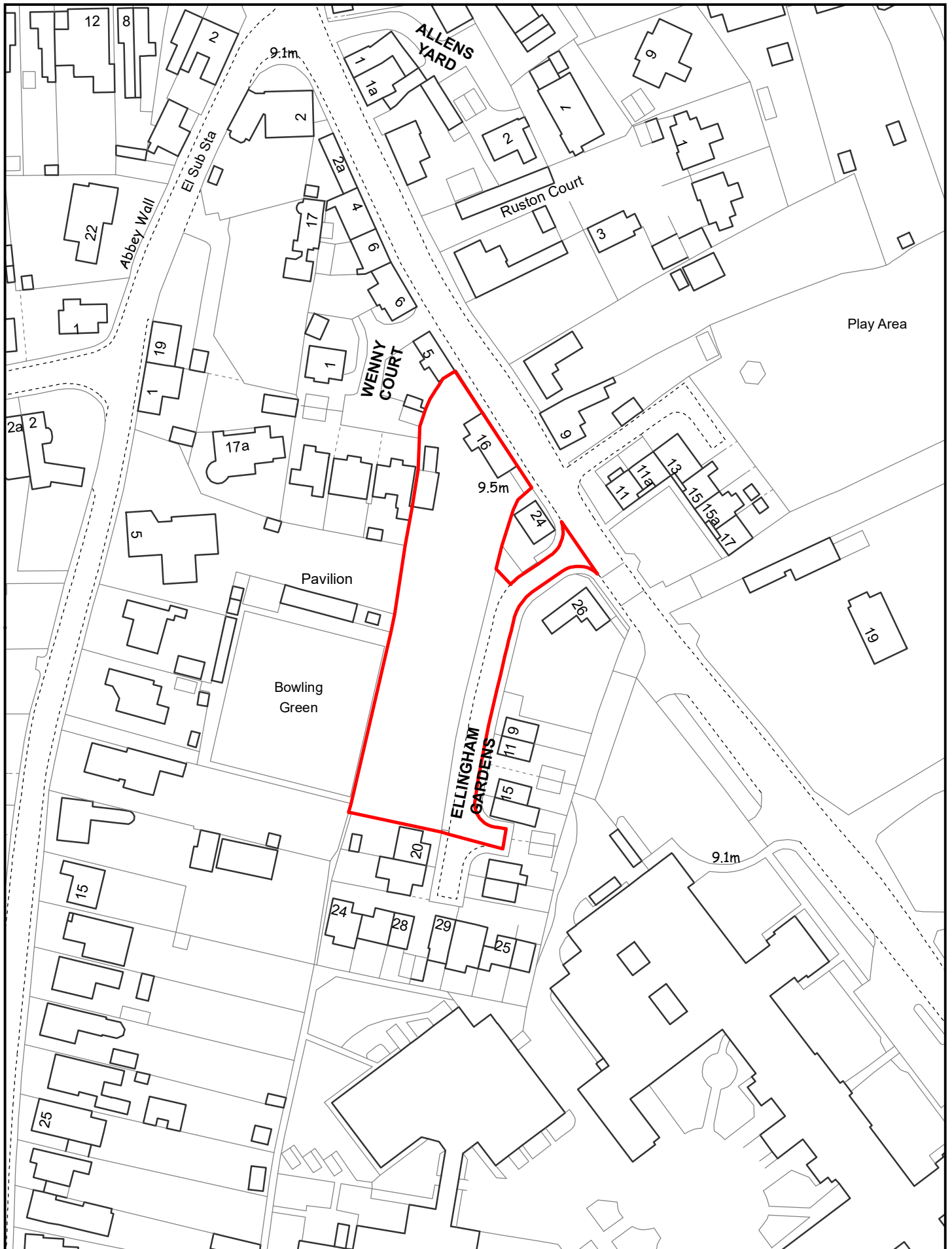
	<ul style="list-style-type: none"> - Removal and management of material which remains on site following the demolition of the pre-existing building, - Details of construction hoarding/ screening to protect adjacent neighbouring amenity. <p>Reason: A construction environmental management plan is required to safeguard the amenity of local residents, in accordance with policy LP14 of the Fenland Local Plan.</p> <p>A pre-commencement condition is necessary in order to ensure construction would not commence until appropriate management is in place to safeguard amenity.</p>
7	<p>Prior to the commencement of the development hereby approved a scheme and timetable to deal with contamination of land and/or groundwater shall be submitted to, and approved in writing by, the Local Planning Authority. The approved scheme and timetable shall then be implemented on site. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing:</p> <ol style="list-style-type: none"> 1. A desk-top study carried out by a competent person to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site. This should include a conceptual model, and pollutant linkage assessment for the site. Two full copies of the desk-top study and a non-technical summary shall be submitted to and approved in writing by the Local Planning Authority. IF during development any previously unsuspected contamination is discovered then the LPA must be informed immediately. A contingency plan for this situation must be in place and submitted with the desk study. If a desk study indicates that further information will be required to grant permission then the applicant must provide, to the LPA: 2. A site investigation and recognised risk assessment carried out by a competent person, to fully and effectively characterise the nature and extent of any land and/or groundwater contamination, and its implications. The site investigation shall not be commenced until: (i) A desk-top study has been completed, satisfying the requirements of paragraph (1) above. (ii) The requirements of the Local Planning Authority for site investigations have been fully established, and (iii) The extent and methodology have been submitted to and approved in writing by the Local Planning Authority. A report on the completed site investigation shall be submitted to and approved in writing by the Local Planning Authority. Planning Decision Notice F/YR21/0642/O Town and Country Planning Act 1990 Fenland District Council 6 of 12 Following written LPA approval of the Site Investigation the LPA will require: 3. A written method statement for the remediation of land and/or groundwater contamination affecting the site. This shall be based upon the findings of the site investigation and results of the risk assessment. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.

	<p>4. The provision of a full completion report confirming the objectives, methods, results and conclusions of all remediation works, together with any requirements for longer-term monitoring and pollutant linkages, maintenance and arrangements for contingency action shall be submitted and approved in writing by the Local Planning Authority.</p> <p>Reason - To control pollution of land or water in the interests of the environment and public safety in accordance with the National Planning Policy Framework, in particular paragraphs 183 and 184, and Policy LP16 of the Fenland Local Plan 2014.</p> <p>Please note this condition needs to be discharged through the submission of a Discharge of Condition Application through the Local Planning Authority. Please read this condition carefully and ensure that you comply in full. The additional information required by this condition is considered necessary to make the development acceptable in planning terms.</p>
8	<p>No laying of services, creation of hard surfaces or erection of a building shall commence until a detailed design of the surface water drainage of the site and its management has been submitted to and approved in writing by the Local Planning Authority. Those elements of the surface water drainage system not adopted by a statutory undertaker shall thereafter be maintained and managed in accordance with the approved management and maintenance plan.</p> <p>Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no increased flood risk on or off site resulting from the proposed development and to ensure that the principles of sustainable drainage can be incorporated into the development, noting that initial preparatory and/or construction works may compromise the ability to mitigate harmful impacts, in accordance with policy LP 14 of the Fenland Local Plan.</p> <p>A pre-commencement condition is necessary in order to ensure appropriate drainage is secured.</p>
9	<p>No development, including preparatory works, shall commence until details of measures indicating how additional surface water run-off from the site will be avoided during the construction works have been submitted to and approved in writing by the Local Planning Authority. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved measures and systems shall be brought into operation before any works to create buildings or hard surfaces commence.</p> <p>Reason: To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development itself; recognising that initial works to prepare the site could bring about unacceptable impacts, in accordance with policy LP 14 of the Fenland Local Plan.</p>

	A pre-commencement condition is necessary in order to ensure appropriate drainage is secured.
10	<p>Prior to the first occupation of the development hereby approved a refuse collection strategy including details of bin stores shall be submitted to and approved in writing by the Local Planning Authority. The approved refuse collection strategy shall be implemented in accordance with the agreed details in full and thereafter be retained in perpetuity unless otherwise agreed in writing.</p> <p>Reason: To ensure a satisfactory form of refuse collection and compliance with Policy LP16 of the Fenland Local Plan 2014.</p>
11	<p>Prior to first occupation of the development, 2m x 2m pedestrian visibility splays, measured to the back of footway, shall be provided and retained free from at least a height of 0.6m where a private driveway crosses a footway. Such splays need to be retained free in perpetuity.</p> <p>Reason: In the interests of highway safety and to ensure compliance with policies LP15 and LP16 of the Fenland Local Plan.</p>
12	<p>The approved access and all hardstanding within the site shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway and retained in perpetuity.</p> <p>Reason: In the interests of highway safety and to ensure compliance with policies LP15 and LP16 of the Fenland Local Plan.</p>
13	<p>Prior to occupation of the first dwelling, the details of a scheme to provide a wearing course on the length Ellingham Gardens shall be submitted to and approved by the Local Planning Authority. The scheme shall include the specification for the works and the date by which the works shall be completed (the date shall be no later than the occupation of the 6th dwelling, unless otherwise approved by the Local Planning Authority). The works shall be implemented in accordance with the approved scheme.</p> <p>Reason: In the interests of highway safety and to ensure compliance with policies LP15 and LP16 of the Fenland Local Plan.</p>
14	<p>No demolition/development shall commence until the applicant, or their agents or successors in title, has implemented a programme of archaeological investigation, including archaeological historic building recording, that has been secured in accordance with a Written Scheme of Investigation (WSI) that has been submitted to and approved by the Local Planning Authority in writing. For land that is included within the WSI, no demolition/development shall take place other than under the provisions of the agreed WSI, which shall include:</p> <ul style="list-style-type: none"> • the statement of significance and research objectives; • The programme and methodology of investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;

	<ul style="list-style-type: none"> • The timetable for the field investigation as part of the development programme; • The programme and timetable for the analysis, publication & dissemination, and deposition of resulting material and digital archives. <p>REASON: To safeguard archaeological assets within the approved development boundary from impacts relating to any demolitions or groundworks associated with the development scheme and to ensure the proper and timely preservation and/or investigation, recording, reporting, archiving and presentation of archaeological assets affected by this development, in accordance with national policies contained in the National Planning Policy Framework (MHCLG 2021).</p> <p>A pre-commencement condition is necessary in order to ensure appropriate measures for the protection of archaeology.</p>
15	<p>Prior to the first occupation of the development hereby permitted, a Biodiversity Enhancement Scheme that includes enhancement measures as prescribed in the Ecological Impact Assessment approved shall be submitted to and approved in writing. These measures will thereafter be delivered and retained in perpetuity prior to first occupation of the development.</p> <p>Reason - to secure the long-term protection of the nesting bird potential, in accordance with Policy LP19 of the Fenland Local Plan 2014.</p> <p>Please note this condition needs to be discharged through the submission of a Discharge of Condition Application through the Local Planning Authority. Please read this condition carefully and ensure that you comply in full. The additional information required by this condition is considered necessary to make the development acceptable in planning terms.</p>
16	<p>No removal of nest on building, hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the vegetation is cleared or building disturbed and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.</p> <p>Reason - Protected species are a material concern for Local Planning Authorities as per the National Planning Policy Framework and Fenland Local Policy. The disturbance of protected species may be an infraction as described within the Wildlife and Countryside Act 1981.</p>
17	<p>No development shall take place above slab level until details of fire hydrants have been submitted to and approved in writing by the Local Planning Authority. Subsequently, these works shall be carried out as approved.</p>

	Reason: To provide adequate security and safety to residents and users of the open space, in accordance with policy LP 17 of the Fenland Local Plan.
18	<p>Prior to first occupation of any dwelling, the car parking as approved for that dwelling shall be provided in accordance with the approved plans and retained for that purpose thereafter.</p> <p>Reason: In the interests of highway safety and to ensure compliance with policies LP16 of the Fenland Local Plan.</p>
19	The development shall be carried in accordance with approved drawings: To be listed
	INFORMATIVE – Ellingham Gardens is a private road and is not maintained by the Highway Authority.



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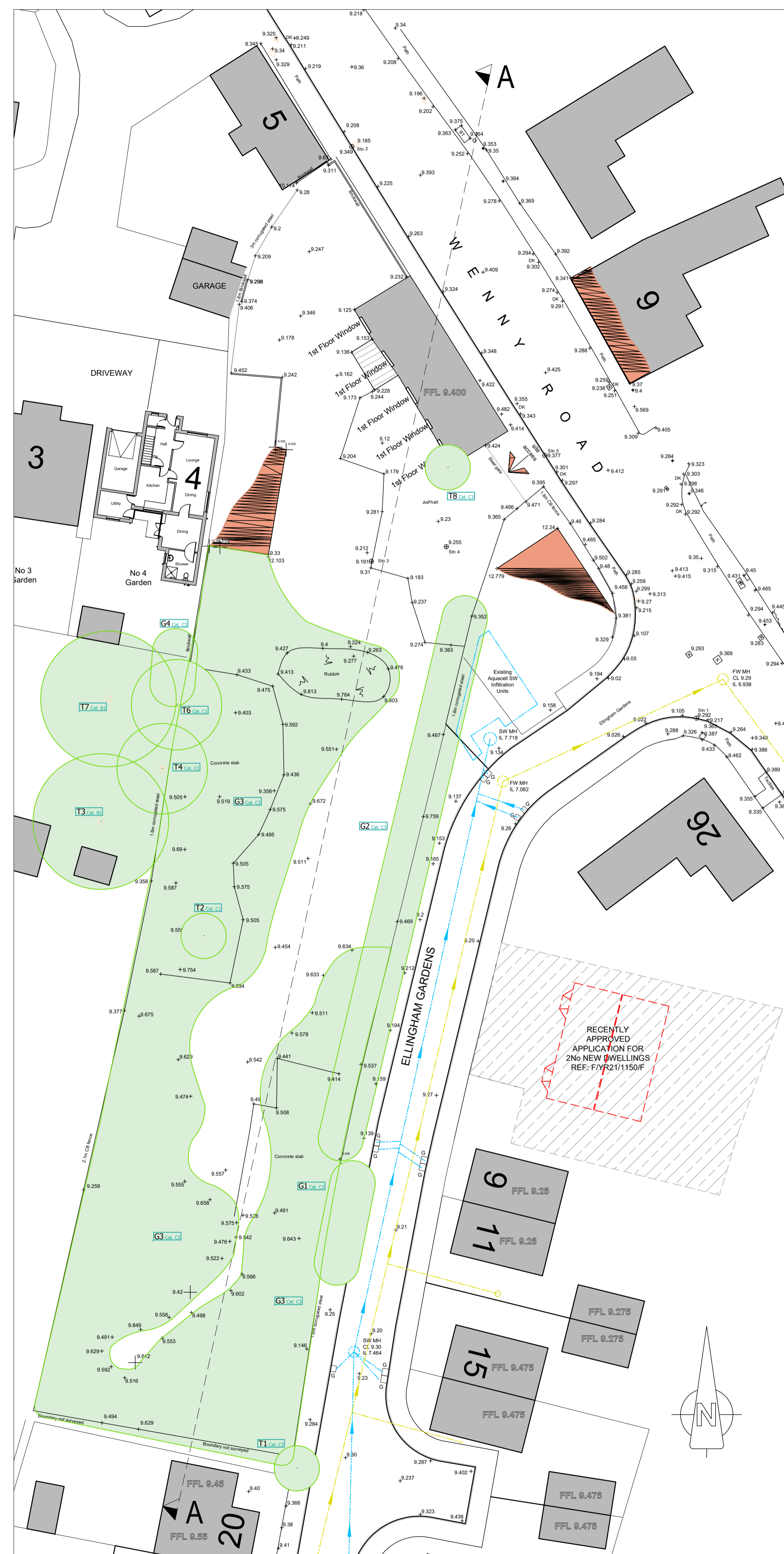
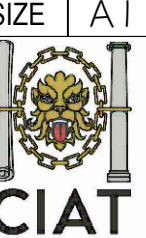
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F/YR22/1296/F

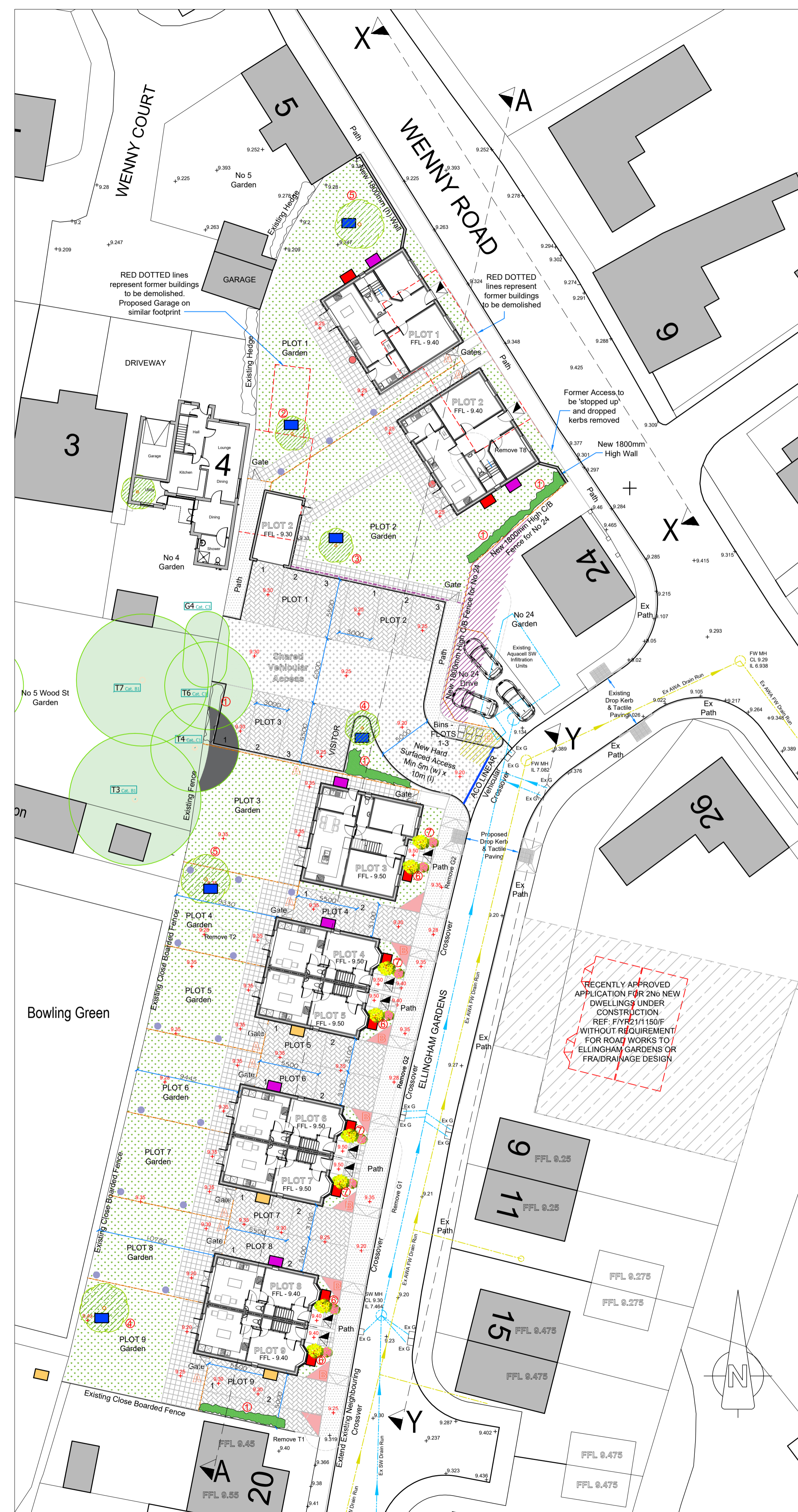
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Existing Site Plan Scale 1:250



Proposed Site G.A Plan Scale 1:250

- Parking Schedule
PLOT 1 - 3 (4 Beds) - 3No Spaces
PLOT 4 - 9 (3 Beds) - 2No Spaces
Dwelling Schedule
PLOT 1 & 2 4Bed 7 Person - 2 Storey Dwelling
PLOT 3 4Bed 7 Person - 2 Storey Dwelling
PLOT 4 - 9 3Bed 5 Person - 3 Storey Dwelling

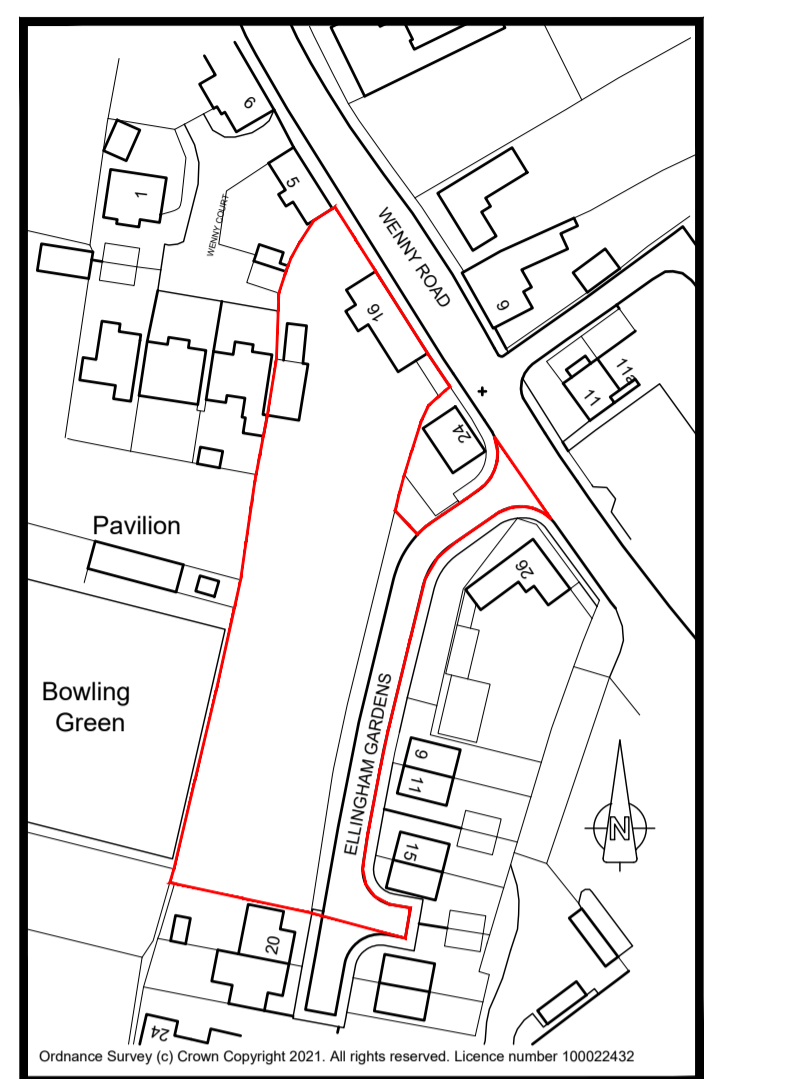
- ECOLOGY ENHANCEMENTS
15cm Holes to Base of New Fencing
Install two bat access tiles onto the eastern or southern aspect of each new property...
DRAWING LEGEND
Principle Entrance To Dwelling
New Permeable Private Vehicular Access laid over min 350mm Dot Type 3 sub-base

Table with 4 columns: PLOT Number, PLOT Area (m²), Amenity Area (m²), Plot to Amenity Percentage (%). Rows 1-9.

Rev E: Red line updated. General updates S.C 12-06-23
Rev D: Scheme updated S.C 26-04-23
Rev C: Updates made in accordance with Arboricultural Report & Ecology Report. S.C 06-03-23

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EMAIL: enquiries@sideydesign.co.uk WEBSITE: www.sideydesign.co.uk

Table with 6 columns: Date, Drawn, Checked, Scale, Drawing No., Rev. Row: Apr '23, SC, As Stated, 21-169-01, E



Location Plan Scale 1:1250 Site Area - 2521m2

- LANDSCAPING LEGEND
Mixed Native Hedging consisting of
50% Hawthorn (Crataegus monogyna)
10% Bird Cherry (Prunus padus)
10% Field Maple (Acer campestre)
10% Dog Rose (Rosa canina)
10% Hazel (Corylus avellana)
10% Blackthorn (Prunus spinosa)

All Drawings to be read in conjunction with Arboricultural Impact Assessment Ref: P3038-AIA01 V1 dated 20-02-23 by Ligna Consultancy
All Drawings to be read in conjunction with Ecological Report Ref: '178-2200-GE-SD' dated March 2023 by Glaven Ecology

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Proposed Part Site Plan (Front of Site) Showing Access for PLOTS 1, 2 & 3
Scale 1:200



Proposed Part Site Plan (Rear Of Site) Showing Access Onto Ellingham Gardens
Scale 1:200

DRAWING LEGEND

- 2.4m x 43m Vehicular Vision Splays
- 2m x 2m Pedestrian Vision Splays
- ACO Linear Drain Positioned within site boundary at junction with Highway to provide positive means of drainage and prevent discharge to Highway

Parking Schedule

- PLOT 1 - 3 (4 Beds) - 3No Spaces
- PLOT 4 - 9 (3 Beds) - 2No Spaces
- 1No Visitor Space

Parking spaces to be min 2.7m (w) x 5.0m (l) but larger where there are obstructions. Plans indicate min 2.9 x 5m spaces can be achieved throughout the development. Larger spaces indicated where possible

Rev D: General updates made S.C 12-06-23
 Rev C: General amends made S.C 26-04-23
 Rev B: General amends made S.C 20-02-23
 Rev A: Site plan updated to match amendments made on drawing 21-169-01. S.C 17-01-23

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 WEBSITE: www.sideydesign.co.uk

Client: Hawtorne Properties
 Title: Proposed Residential Development on land at 16 Wenny Road, Chatteris Cambridgeshire, PE16 6UT
 Drawing: Proposed Highways & Manoeuvring Plan

Date	Drawn	Checked	Scale	Drawing No.	Rev.
Apr '23	SC		As Stated	21-169-02	D

PLANNING

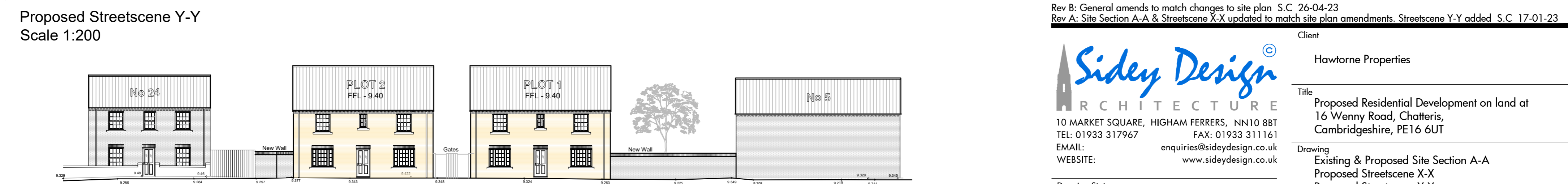
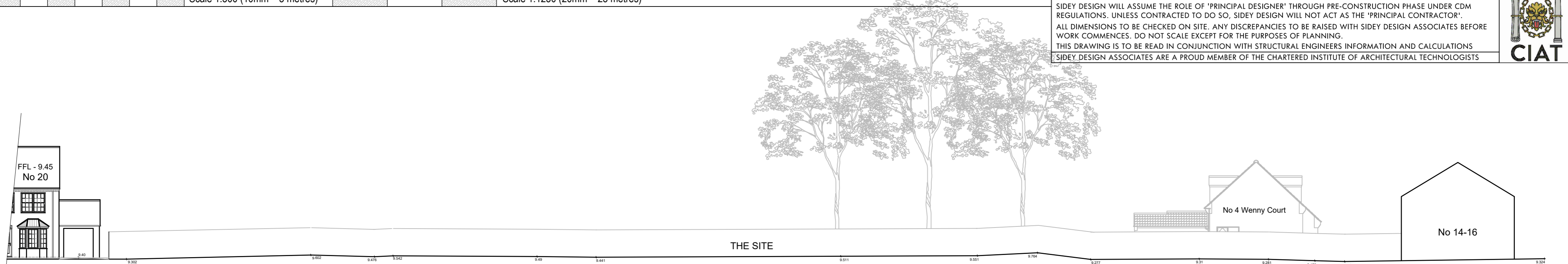
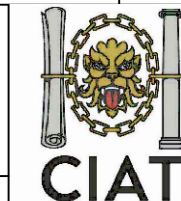
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Rev C: General amendments made S.C 13-06-23
 Rev B: General amends to match changes to site plan S.C 26-04-23
 Rev A: Site Section A-A & Streetscene X-X updated to match site plan amendments. Streetscene Y-Y added S.C 17-01-23

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Client
 Hawtorne Properties

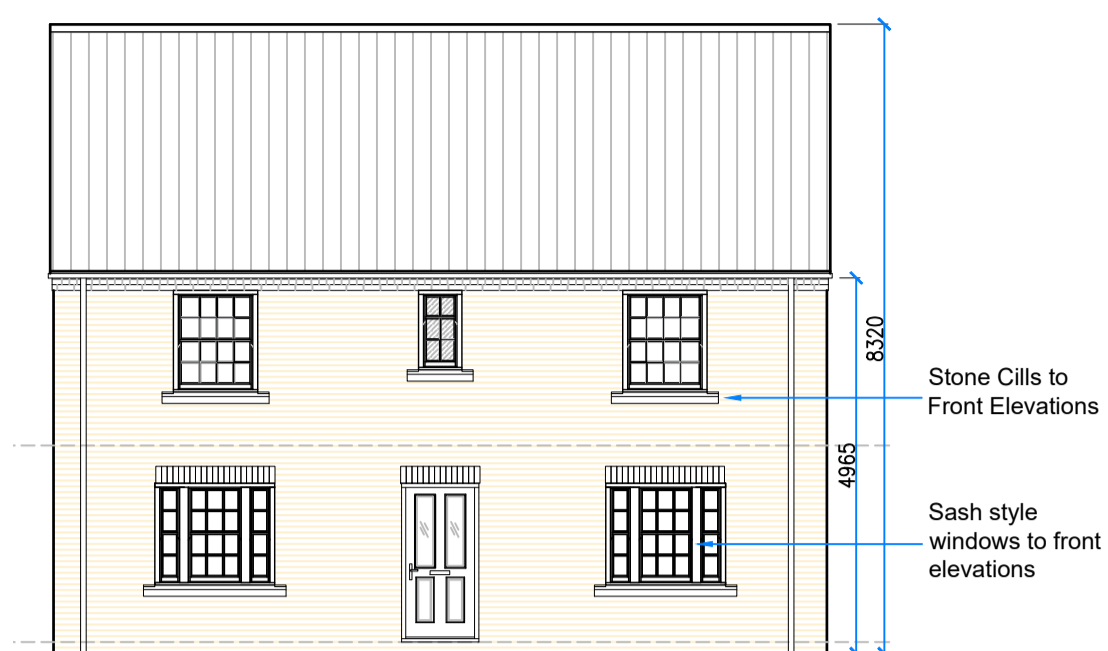
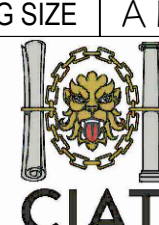
Title
 Proposed Residential Development on land at
 16 Wenny Road, Chatteris,
 Cambridgeshire, PE16 6UT

Drawing
 Existing & Proposed Site Section A-A
 Proposed Streetscene X-X
 Proposed Streetscene Y-Y

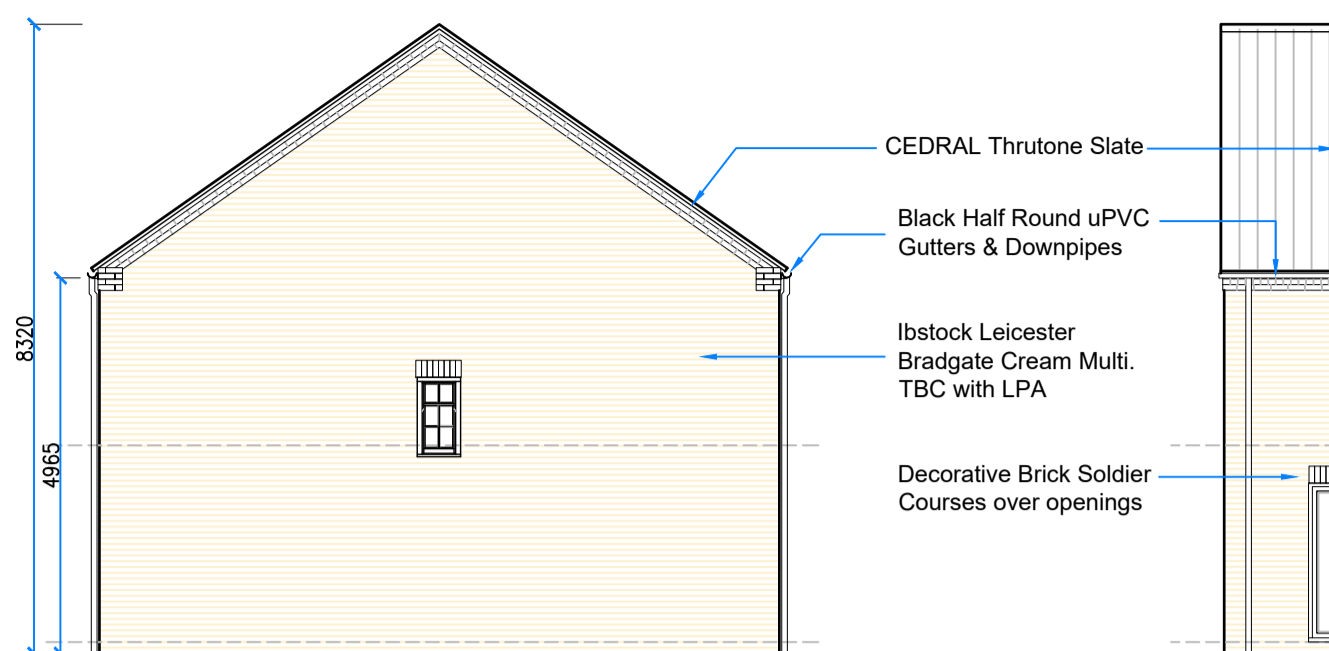
Drawing Status

PLANNING

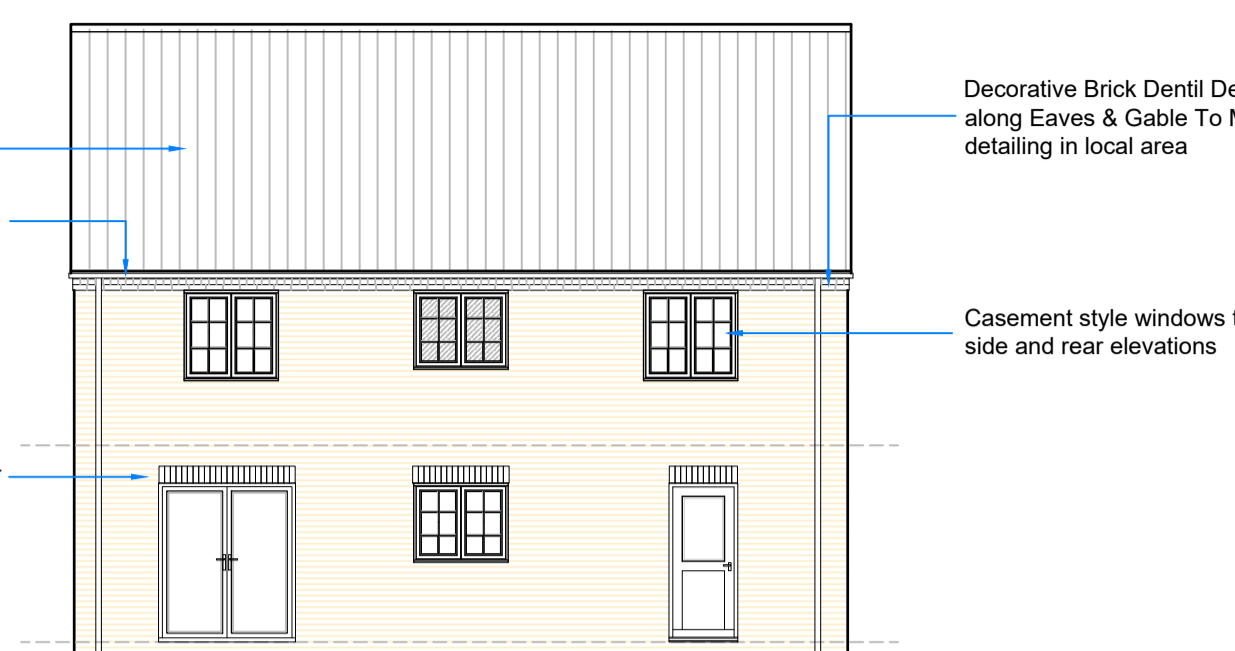
Date	Drawn	Checked	Scale	Drawing No.	Rev.
Apr '23	SC		1:200	21-169-07	C



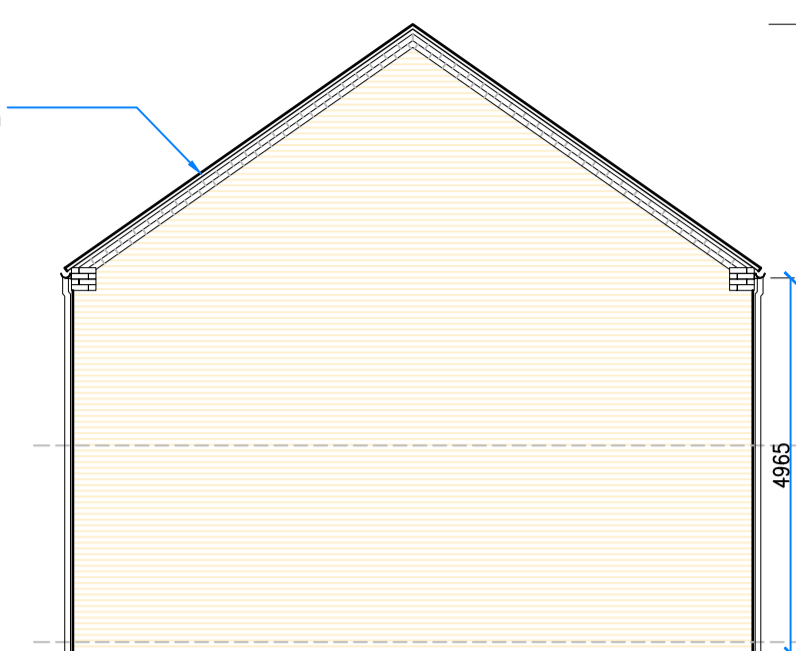
Proposed Front (North-East) Elevation PLOT 1 Scale 1:100



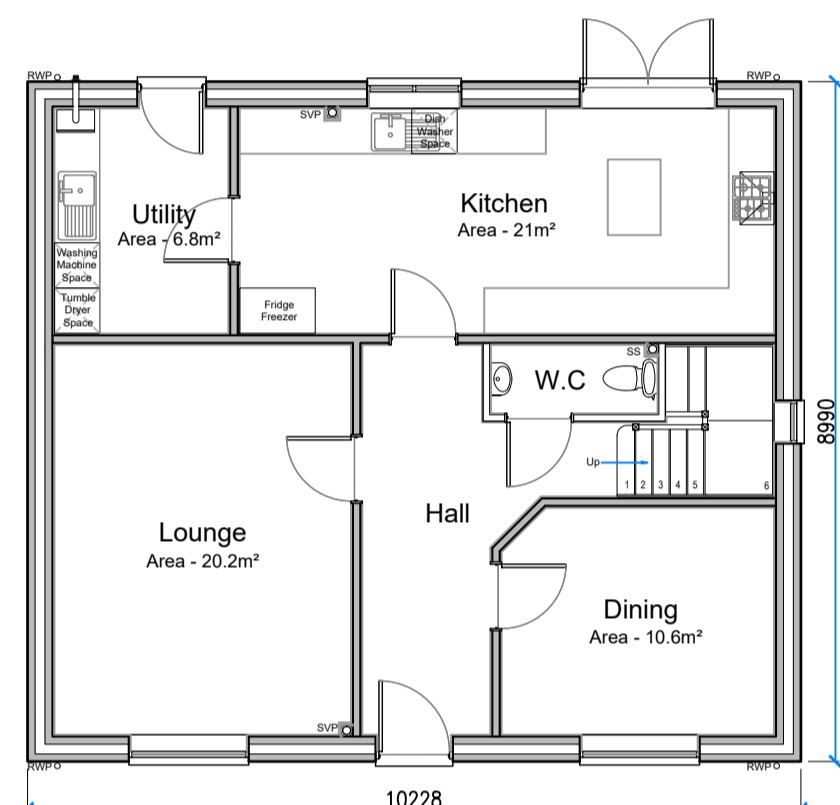
Proposed Side (North-West) Elevation PLOT 1 Scale 1:100



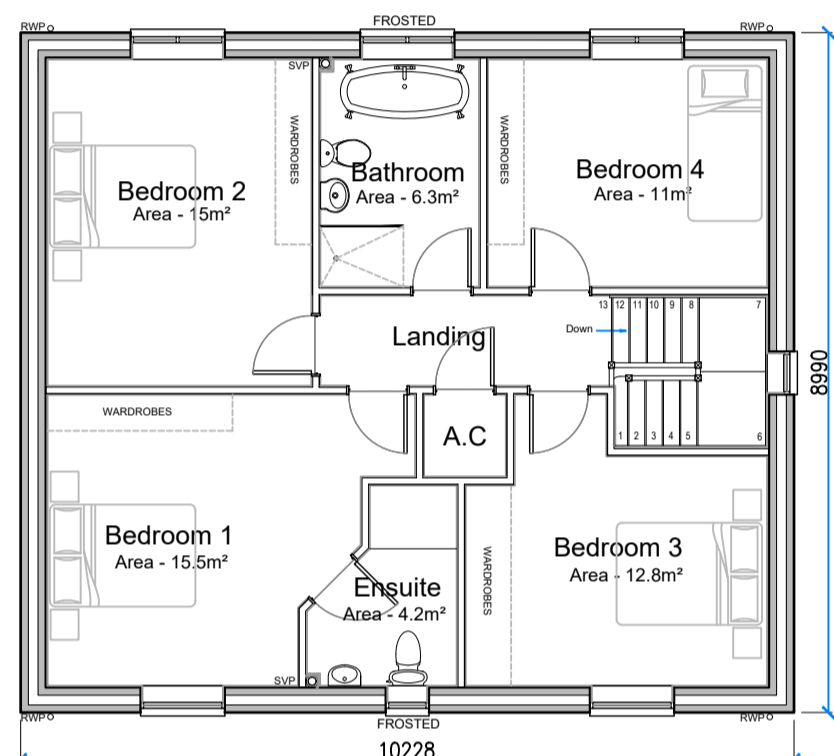
Proposed Rear (South-West) Elevation PLOT 1 Scale 1:100



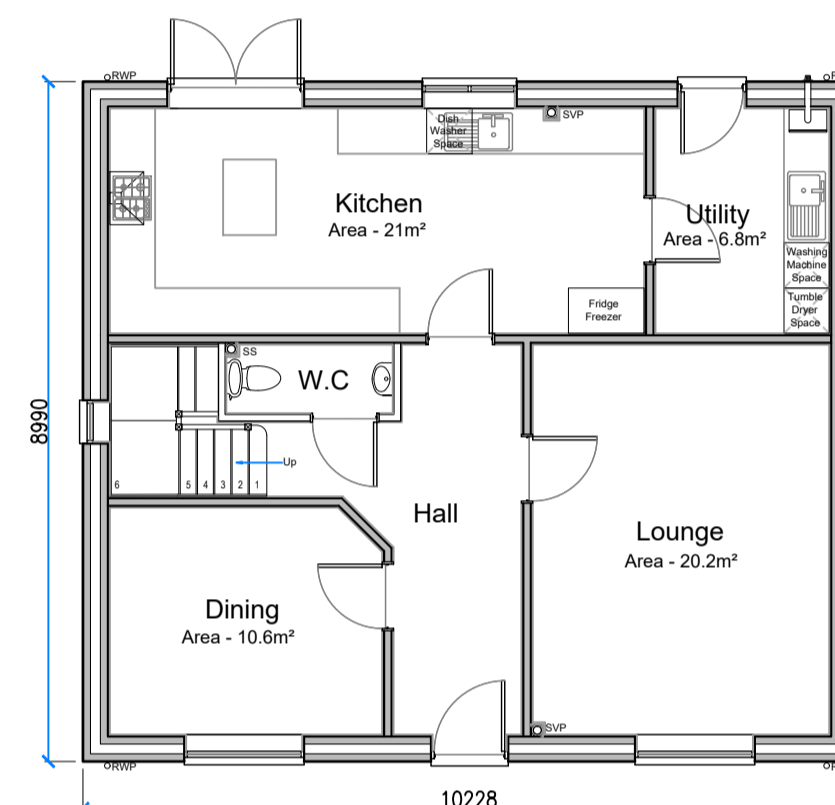
Proposed Side (South-East) Elevation PLOT 1 Scale 1:100



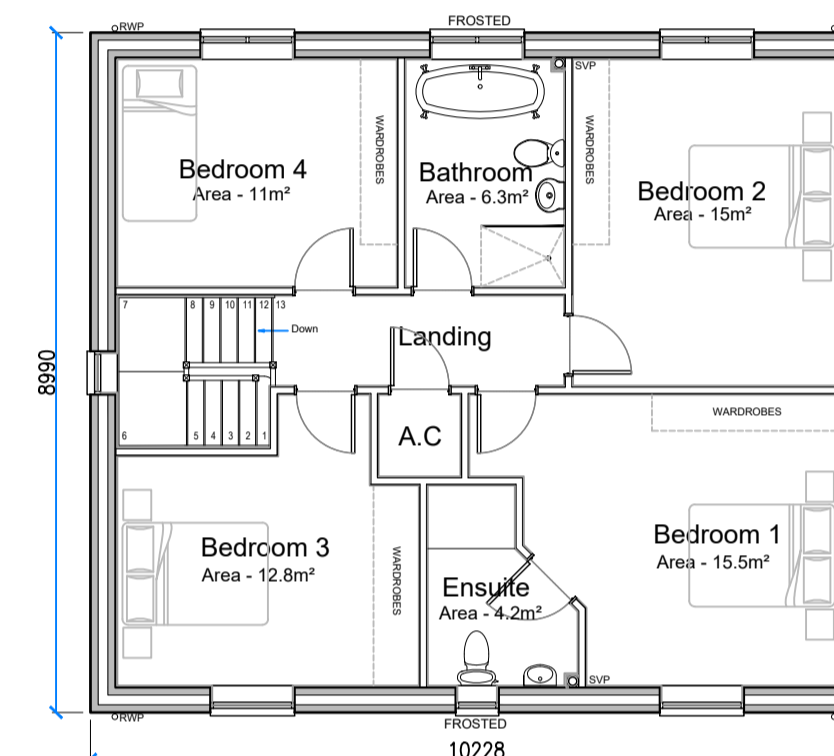
Proposed Ground Floor Plan PLOT 1 Scale 1:100



Proposed First Floor Plan PLOT 1 Scale 1:100



Proposed Ground Floor Plan PLOT 2 Scale 1:100



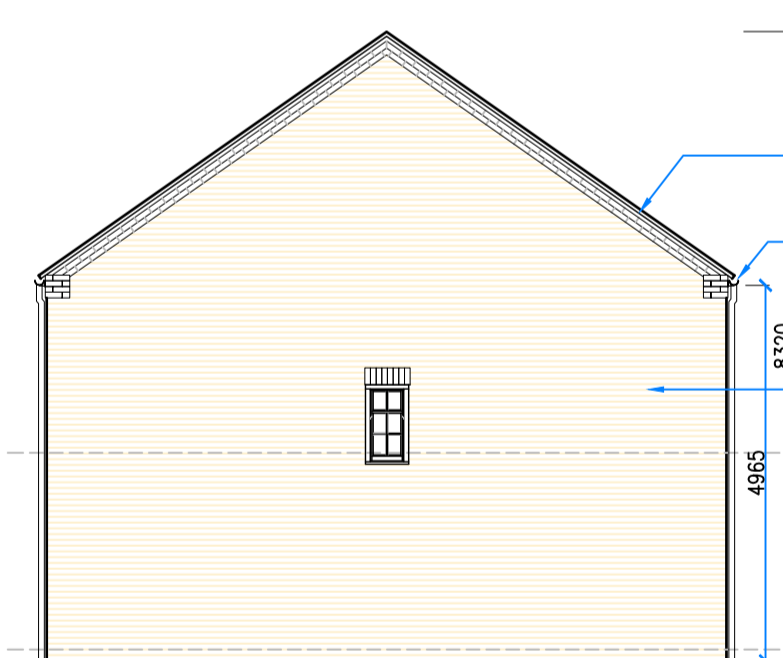
Proposed First Floor Plan PLOT 2 Scale 1:100

4Bed 7 Person - 2 Storey Dwelling Gross Internal Area - 157m² (1690sq ft)

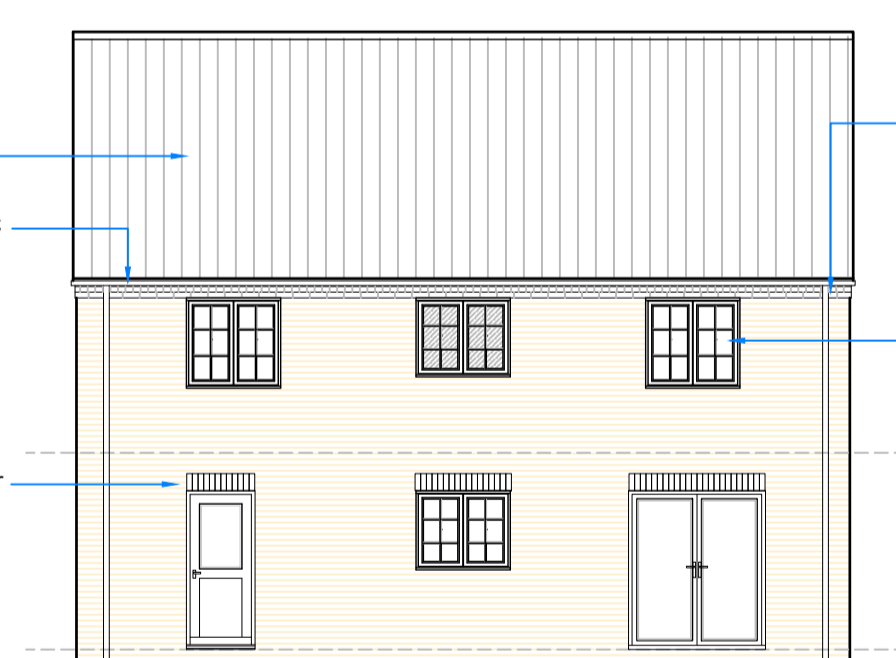
PLOT 2 - Detached Garage Gross Internal Area - 20.5m² (220sq ft)



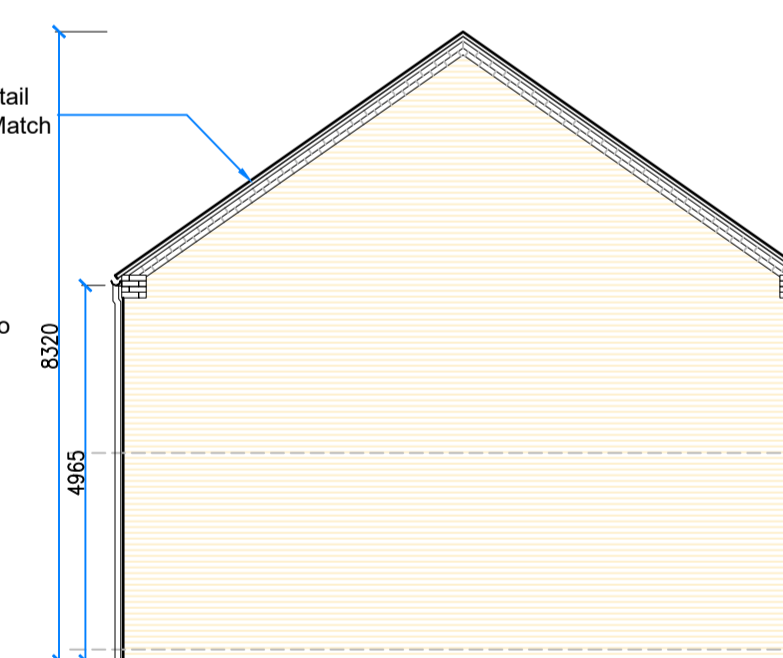
Proposed Front (North-East) Elevation PLOT 2 Scale 1:100



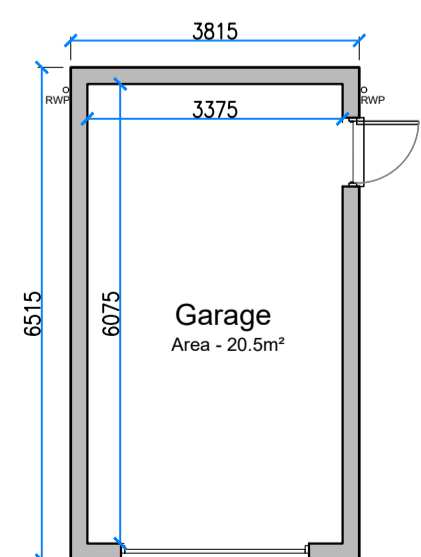
Proposed Side (South-East) Elevation PLOT 2 Scale 1:100



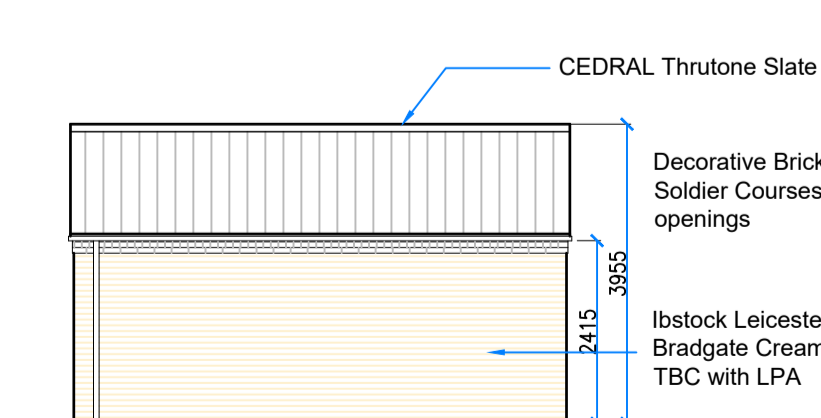
Proposed Rear (South-West) Elevation PLOT 2 Scale 1:100



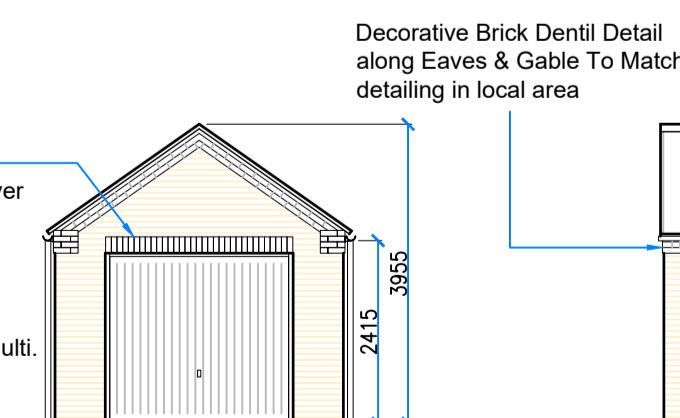
Proposed Side (North-West) Elevation PLOT 2 Scale 1:100



Proposed Garage Plan PLOT 2 Scale 1:100



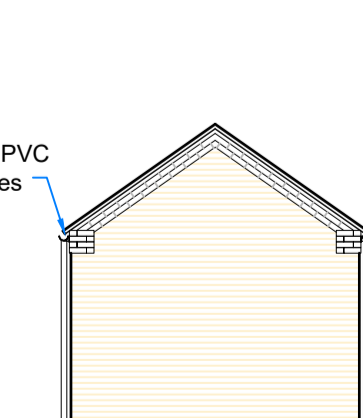
Proposed Side Elevation (North-West) PLOT 2 Scale 1:100



Proposed Front Elevation (South-West) PLOT 2 Scale 1:100



Proposed Side Elevation (South-East) PLOT 2 Scale 1:100



Proposed Rear Elevation (North-East) PLOT 2 Scale 1:100

Rev C: General updates - Plot numbers changed. S.C 26-04-23
Rev B: Materials updated S.C 24-02-23
Rev A: Dwelling increased in length. Frosted windows indicated. Garage Plans & Elevations added S.C 17-01-23

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PLANNING

Client: Hawthorne Properties
Title: Proposed Residential Development on land at 16 Wenny Road, Chatteris Cambridgeshire, PE16 6UT
Drawing: Proposed Plans & Elevations PLOT 1 & 2

Date	Drawn	Checked	Scale	Drawing No.	Rev.
Apr '23	SC		As Noted	21-169-03	C

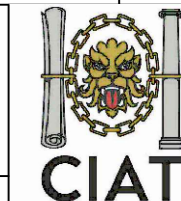
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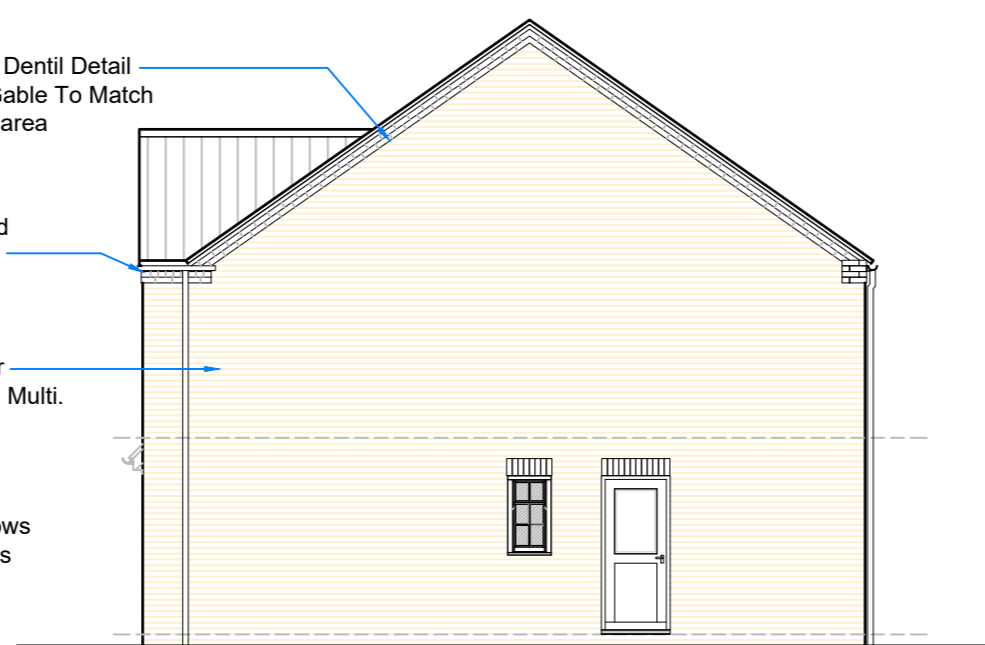


Decorative Brick Dentil Detail along Eaves & Gable To Match detailing in local area

Black Half Round uPVC Gutters & Downpipes

Ibstock Leicester Bradgate Cream Multi. TBC with LPA

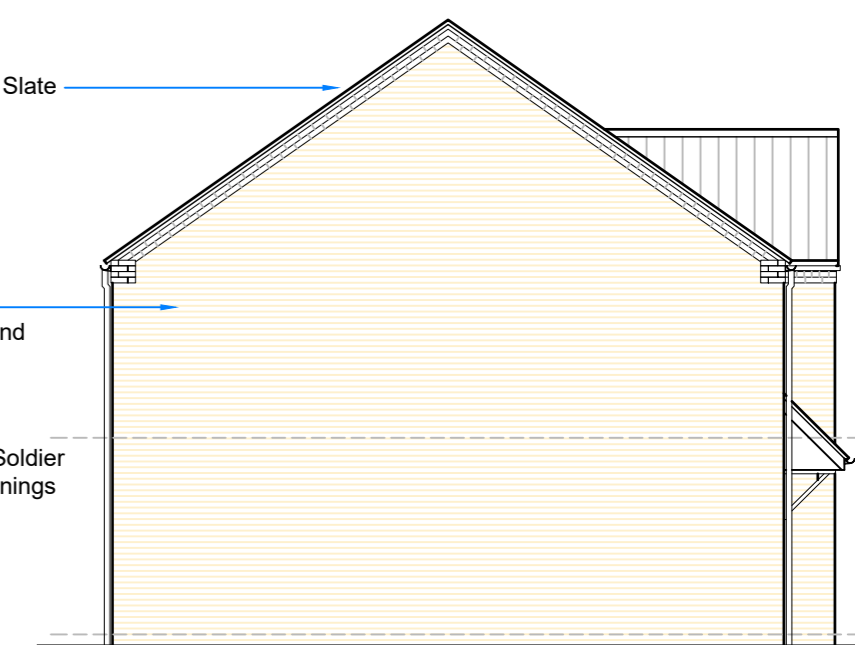
Sash style windows to front elevations



CEDRAL Thrutone Slate

Casement style windows to side and rear elevations

Decorative Brick Soldier Courses over openings

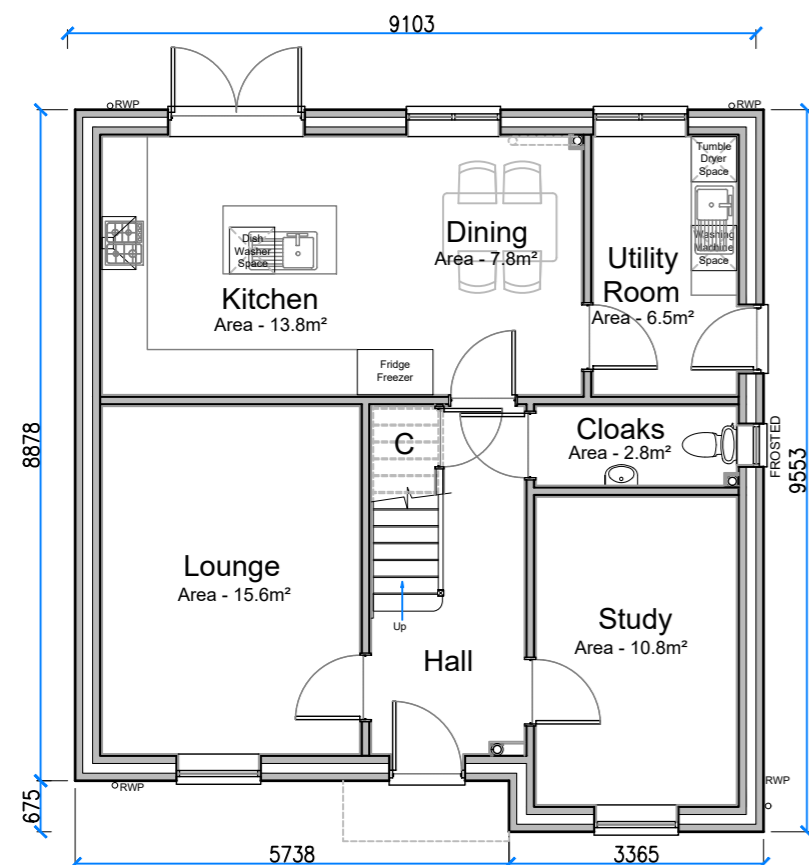


Proposed Front (South-East) Elevation
PLOT 3
Scale 1:100

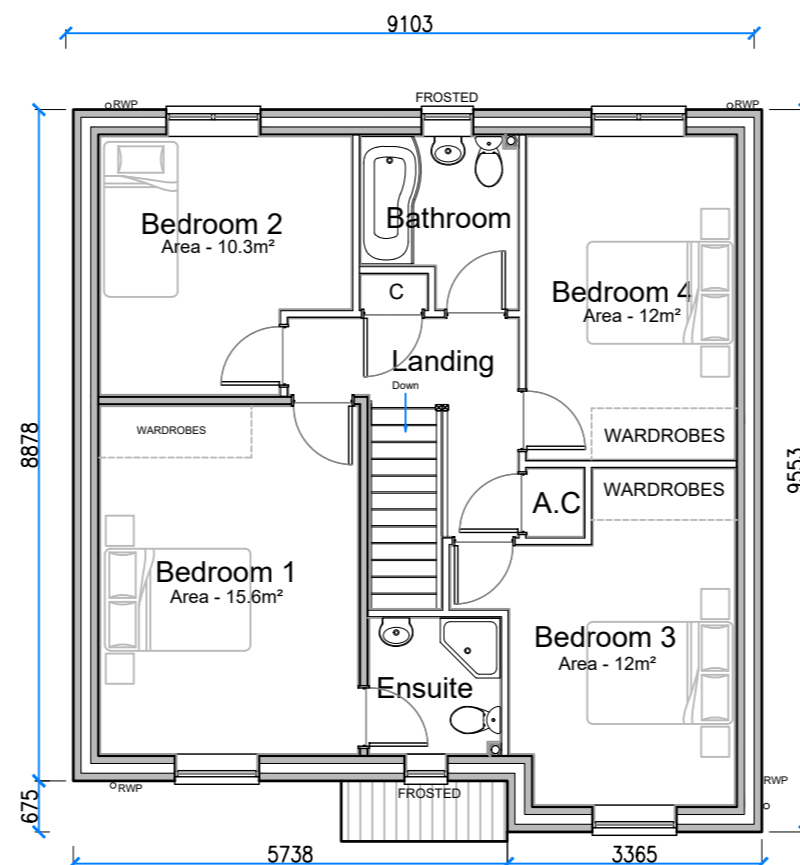
Proposed Side (North-East) Elevation
PLOT 3
Scale 1:100

Proposed Rear (North-West) Elevation
PLOT 3
Scale 1:100

Proposed Side (South-West) Elevation
PLOT 3
Scale 1:100



Proposed Ground Floor Plan
PLOT 3
Scale 1:100



Proposed First Floor Plan
PLOT 3
Scale 1:100

4Bed 7 Person - 2 Storey Dwelling
Gross Internal Area - 139m² (1500 sq ft)

Rev C: General amendments made - Plot numbers altered. S.C 26-04-23
Rev B: Materials updated S.C 24-02-23
Rev A: Additional dimensions shown. Frosted windows shown in elevation S.C 17-01-23

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Client
Hawtorne Properties

Title
Proposed Residential Development on land at
16 Wenny Road, Chatteris,
Cambridgeshire, PE16 6UT

Drawing
Proposed Plans & Elevations
PLOT 3

Drawing Status

PLANNING

Date	Drawn	Checked	Scale	Drawing No.	Rev.
Apr '23	SC		1:100	21-169-04	C

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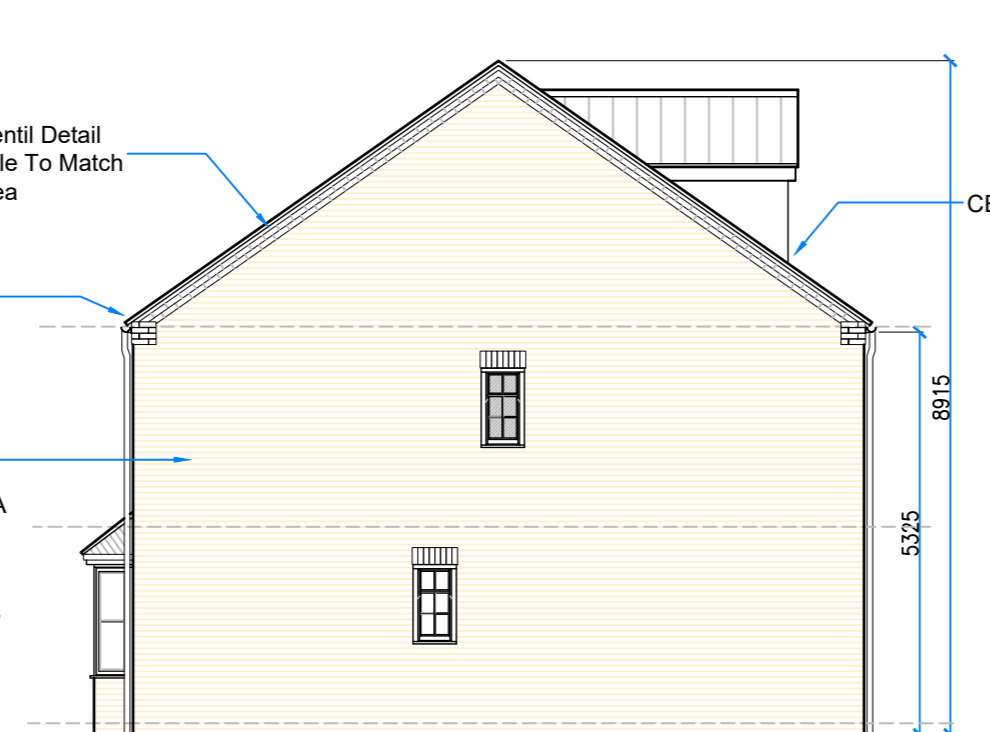


Decorative Brick Dentil Detail along Eaves & Gable To Match detailing in local area

Black Half Round uPVC Gutters & Downpipes

Ibstock Leicester Bradgate Cream Multi. TBC with LPA

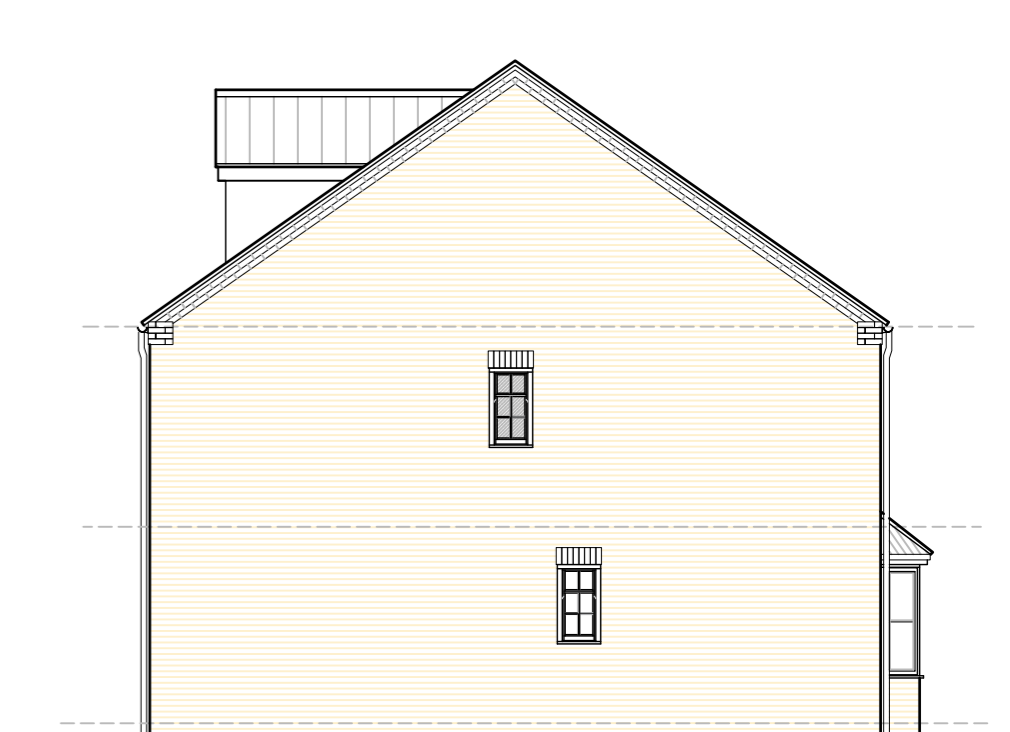
Sash style windows to front elevations



CEDRAL Thrutone Slate

Casement style windows to side and rear elevations

Decorative Brick Soldier Courses over openings

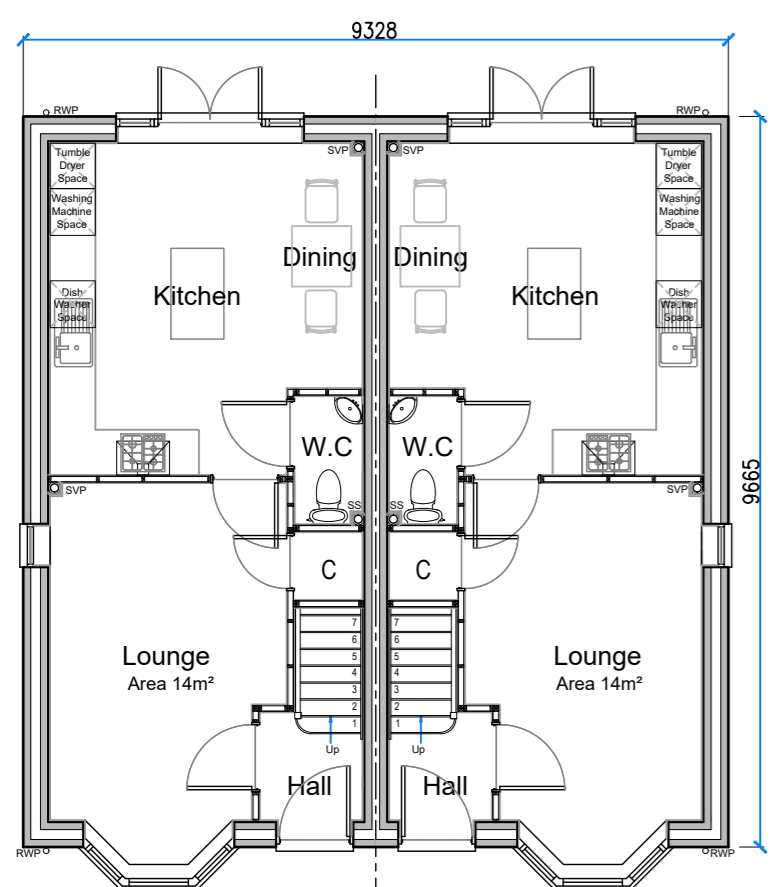


Proposed Front (South-East) Elevation
PLOT 4 - 9
Scale 1:100

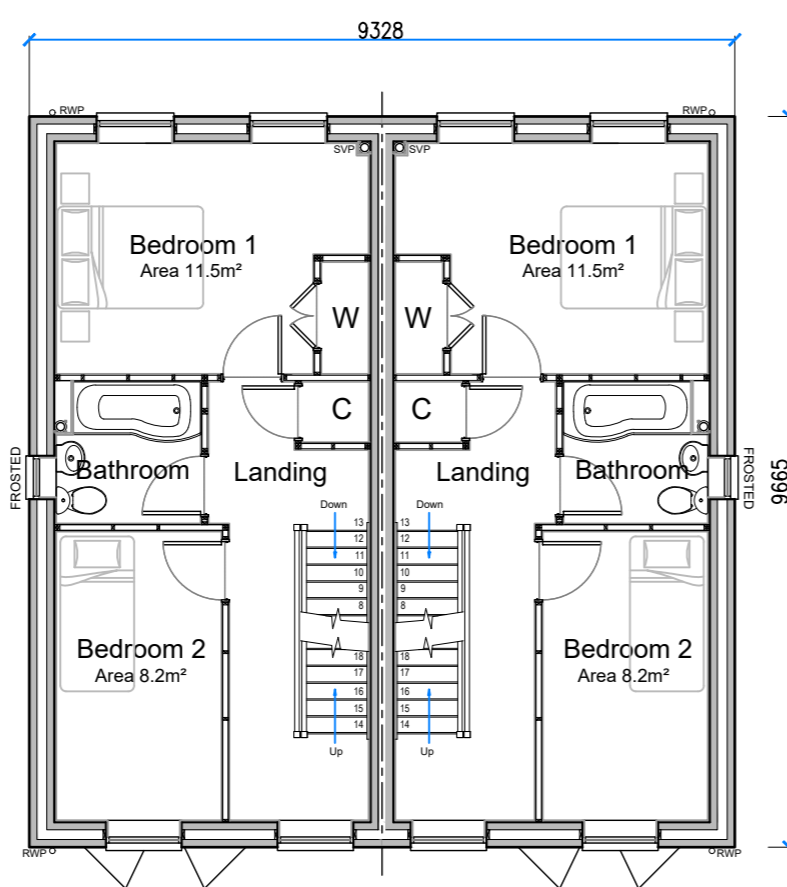
Proposed Side (North-East) Elevation
PLOT 4 - 9
Scale 1:100

Proposed Rear (North-West) Elevation
PLOT 4 - 9
Scale 1:100

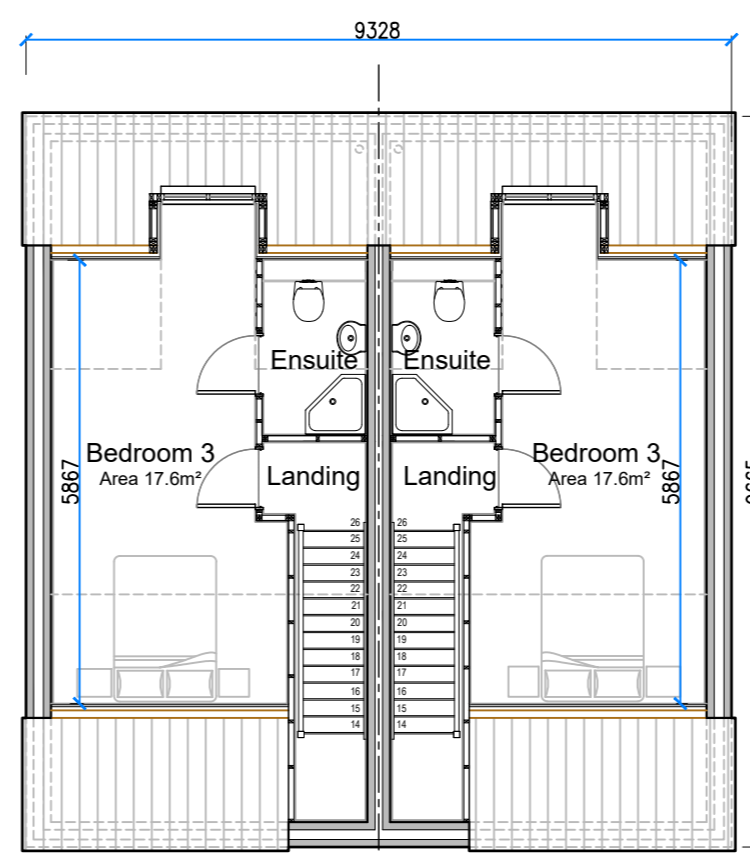
Proposed Side (South-West) Elevation
PLOT 4 - 9
Scale 1:100



Proposed Ground Floor Plan
PLOT 4 - 9
Scale 1:100



Proposed First Floor Plan
PLOT 4 - 9
Scale 1:100



Proposed Second Floor Plan
PLOT 4 - 9
Scale 1:100

3Bed 5 Person - 3 Storey Dwelling
Gross Internal Area - 99m² (1065sq ft)

Rev B: Materials updated. S.C 24-02-23
Rev A: Right hand semi unit handed. Eaves reduced by 150mm. S.C 17-01-23

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Client
Hawtorne Properties

Title
Proposed Residential Development on land at
16 Wenny Road, Chatteris,
Cambridgeshire, PE16 6UT

Drawing
Proposed Plans & Elevations
PLOTS 4 - 9

Drawing Status

PLANNING

Date	Drawn	Checked	Scale	Drawing No.	Rev.
Jan '23	SC		1:100	21-169-06	B

F/YR22/1416/O

Applicant: Mrs P McCarter

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

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

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

Officer recommendation: REFUSE

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

1 EXECUTIVE SUMMARY

- 1.1 This application has previously been referred to the Planning Committee for determination on 23rd August 2023 where it was agreed that the determination of the application be deferred to address the highway concerns in relation to visibility splays and provision of a footpath.
- 1.2 Following deferral, the case officer has been in correspondence with the agent to secure an amended site edged red to include the visibility splays along with the correct Certificate and notice to owners served on the owner of the land. Given the alterations required, a period of 21 days had to be observed.
- 1.3 The additional information submitted is not considered to overcome refusal reason 2 in relation to highway safety. Further to this, it does not alter or overcome the previously asserted recommended refusal reason 1 (backland development at odds with the local character).
- 1.4 Consequently, the recommendation is to refuse the application, consistent with the previous recommendation.

2 UPDATE

- 2.1 This application has previously been referred to the Planning Committee for determination on 23rd August 2023 where it was agreed that the determination of the application be deferred, to obtain updated plans and information surrounding the provision of visibility splays; land ownership and the width of the access road.
- 2.2 The Government provides advice on validity requirements in the Planning Practice Guidance (PPG). The PPG stipulates that: "The application site should be edged clearly with a red line on the location plan. It should include all land necessary to carry out the proposed development (e.g. land required for access to the site from a public highway, visibility splays, landscaping, car parking and open areas around buildings). A blue line should be drawn around any other land owned by the applicant, close to or adjoining the application site." Since deferral, an amended site edged red plan, SE-1565-PP1000E was received which includes the land that would be required to provide the adequate visibility splays albeit that these would involve land not in ownership of the applicant. Subsequent to this, the correct certificate was duly completed with the requisite 'Notice

to Owners' served and a copy submitted to the LPA. Given the changes, County Highways were further consulted and comments received are quoted below.

- 2.3 Contained within Appendix A is the original Officer's committee report along with the 'Update Report'

3 CONSULTATIONS

3.1 County Highways (10/10/23)

Further to correspondence dated 27th September 2023, I note that additional information has been provided, but not published on the planning website which indicates that there is a covenant on the land to the east requiring adjacent footway to remain free of obstruction. Providing the Local Planning Authority is satisfied that this is sufficient to maintain the visibility splay shown on plan PP1000 F, then I would have no objections in this regard.

I had previously indicated that a section of footway linking the proposed shared access to the existing footway network to the west be included as part of this application. Whilst I still consider this to be essential, on reflection I note that the section of private footway to the west of the access shown on plan PP1000 F is located in land outside of the redline boundary, which may prohibit delivered by the applicant. It appears likely however that a suitable 2m wide footway link could be provided within the public highway. This would however require construction of kerbing at the road edge which would obstructing the existing overedge drainage. The applicant will therefore need to provide an appropriate drainage solution. While ideally the applicant should be invited to provide additional plans to resolve this matter prior to determination of this application, I recognise that with ongoing construction of the adjacent site an appropriate footway may exist before commencement of this site and to prevent any unnecessary construction work, it would be acceptable on this occasion to manage this by inclusion of an appropriate condition.

Overcoming the drainage issues may not however be straight forward and I would therefore recommend that the applicant be required to obtain approval of detailed design of the footway link prior to commencement of any works, which must then be implemented prior to occupation of any dwelling on site.

Please append the following conditions and informative to any permission granted:

Access Road Details: *Prior to the commencement of the use hereby approved the access road shall be constructed to a minimum width of 5m metres for a minimum distance of 10 metres measured from the near edge of the highway carriageway and thereafter maintained in perpetuity.*

Reason: In the interests of highway safety and in accordance with Policy LP15 of the Fenland Local Plan 2014.

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.*

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.

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

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

Gates/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;*

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

Visibility Splays: *Prior to commencement of the use/or first occupation of the development hereby approved, visibility splays shall be provided on both sides of the new vehicular access and shall be maintained free from any obstruction over a height of 600 mm within an area of 2.4 metres x 120 metres measured along respectively the edge of the carriageway.*

Reason: In the interests of highway safety in accordance with Policy LP15 of the Fenland Local Plan 2014.

Visibility Splays: *Prior to commencement of the use/or first occupation of the development hereby approved, visibility splays shall be provided on both sides of the new vehicular access and shall be maintained free from any obstruction over a height of 600 mm within an area of 2.0 metres x 2.0 metres measured along respectively the edge of the access and the back of the footway.*

Reason: In the interests of highway safety in accordance with Policy LP15 of the Fenland Local Plan 2014.

Off-Site Highway Works: *No development shall take place until details of works to construct a 2m wide footway linking the new access to the existing public footway to the west has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied/brought into use until all of the works have been completed in accordance with the approved details.*

Reason: In the interests of highway safety and to ensure compliance with Policies LP15 and LP16 of the Fenland Local Plan, adopted May 2014. This is a pre-commencement condition because the off-site highway works are required to make the development acceptable and in addition to planning approval will require permission from the Highway Authority under the Highways Act.

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.

Local Interested Parties/neighbours

- 3.2 One received stating: *The revised site/access plan makes no difference to this application as it still ignores the requirements of the Parson Drove Local Development*

Plan to show local support for this application. It is important to note that just issuing consultation letters is not sufficient and positive support must be demonstrated to be compliant with these requirements.

4 ASSESSMENT AND CONCLUSIONS

Highway Safety:

- 4.1 As access is being considered within this outline application, County Highways were consulted on the original submission. They requested the requisite visibility splays to be provided along with the width of the access road. This was conveyed to the agent on 28th July 2023 in an email. However, no information was immediately forthcoming.
- 4.2 Following publication of the agenda for 23rd August committee, and a few days before the committee meeting, the agent submitted a plan demonstrating the visibility splays and indicated the width of the access road. County Highways commented on 18th August 2023 and, in summary, confirmed that the splays provided were considered to be commensurate with the stopping sight distance, however, that these were reliant upon land outside of the applicant's control. Given the locational issues forming another reason for refusal, the plan was disregarded as it could not be confirmed that the details provided would categorically address the highways reason for refusal.
- 4.3 Following deferral of the application at committee, and as referenced above, the agent provided an updated site edged red plan including the visibility splays along with the requisite certificate and notice to owners. Further notification and consultation was carried out. County Highways reassessed the application with all up-to-date information provided and state that there is a covenant on the land to the east '*...requiring the adjacent footway to remain free of obstruction. Providing the Local Planning Authority is satisfied that this is sufficient to maintain the visibility splay shown on plan PP1000 F, then I would have no objections in this regard*'. The presence of a restrictive covenant is not a consideration material to the grant of planning permission and the two are entirely independent of one another. Nonetheless, the covenant requires the footway to be kept free from obstruction so wouldn't hinder the visibility splays. The LPA cannot therefore confirm that this would be a suitable arrangement as a covenant cannot be enforced through the planning process. As such the concern re the delivery of the required visibility splay remains.

Conclusion

The additional information submitted is not considered to overcome refusal reason 2 in relation to highway safety issues as originally put to committee in August 2023 (See Appendix A).

Notwithstanding the view expressed by Members at the August 2023 meeting, the Officer recommendation for refusal reiterates refusal reason 2 relating to the backland nature of the proposal and this being not in character with the built form of the immediate locality and also the issue of refuse collection.

RECOMMENDATION

REFUSE for the following reasons:

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

APPENDIX A OFFICERS COMMITTEE & UPDATE REPORT (23RD AUGUST 2023)

F/YR22/1416/O

Applicant: Mrs P McCarter

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

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

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

Officer recommendation: Refuse

Reason for committee: Parish Council comments contrary to Officer recommendation

1 EXECUTIVE SUMMARY

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

with the refuse bins and waste having to be moved to the adopted highway for collection. In this instance, the development would be contrary to policy LP16 (f) and guidance contained in the County RECAP Waste Management Design Guide Supplementary Planning Document, 2012.

1.6. Consequently, the recommendation is to refuse the application.

2 SITE DESCRIPTION

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

3 PROPOSAL

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

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

4 SITE PLANNING HISTORY

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

5 CONSULTATIONS

5.1 Parson Drove Parish Council

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

5.2 Environment Agency

Thank you for your consultation dated 05 January 2023 for the above application. We have no objection to this planning application, providing that you have taken into account the Flood Risk considerations which are your responsibility. We have provided additional information below.

Flood Risk

The site is located within flood zone 3 as defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high probability of flooding. We have no objection to this application, but strongly recommend that the mitigation measures proposed in the submitted Flood Risk Assessment (FRA) undertaken by Geoff Beel Consultancy (dated: July 2022 ref: GCB/Swann Edwards) and the following mitigation measures it details:

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

5.3 Environmental Health

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

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

5.4 North Level District Internal Drainage Board

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

5.5 Highways

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

Neighbour responses:

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

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

6 STATUTORY DUTY

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

7 POLICY FRAMEWORK

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

National Design Guide 2021

Context

Identity

Homes and Buildings

Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

LP5 – Meeting Housing Need

LP12 – Rural Areas Development Policy

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

Emerging Local Plan

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

Policy LP1: Settlement Hierarchy

Policy LP2: Spatial Strategy for the Location of Residential Development

Policy LP4: Securing Fenland's Future

Policy LP5: Health and Wellbeing

Policy LP7: Design

Policy LP8: Amenity Provision

Policy LP11: Community Safety

Policy LP12: Meeting Housing Needs

Policy LP20: Accessibility and Transport

Policy LP22: Parking Provision

Policy LP32: Flood and Water Management

Parson Drove Neighbourhood Plan 2020

Policy 1 – Housing Growth

Policy 2 – Scale of Housing Development

Policy 4 - Maintaining Separation Between Parson Drove and Church End

Policy 5 – Road and Pedestrian Safety

8 KEY ISSUES

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

9 BACKGROUND

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

10 ASSESSMENT

Principle of Development

- 10.1 Policy LP3 of the Fenland Local Plan sets out the settlement hierarchy for development within the district, grouping settlements into categories based on the level of services available, their sustainability and their capacity to accept further development.
- 10.2 Parson Drove is identified within the Fenland Local Plan as a Limited Growth Village, and policy LP3 notes that for such settlements, “a small amount of development and new service provision will be encouraged and permitted in order to support their continued sustainability, but less than would be appropriate in a Growth Village. Such development may be appropriate as a small village extension”.
- 10.3 There is no defined settlement boundary for Parson Drove within the Local Plan with the application site lying behind the existing residential linear form of development that fronts the southern side of Main Road. Notwithstanding this, and, whilst there is no specific definition surrounding what is classed as a small village extension, the site immediately adjoins the built form of the settlement and, on this basis, it is concluded that this would be considered as a small village extension and would therefore accord with the provisions of the policy.
- 10.4 With regard to the consultation draft of the emerging Local Plan, which carries extremely limited weight as this time, given that consultation has only recently commenced, the site is outside of the defined settlement boundary of Parson Drove. The agent has contested this and referenced the site allocation, LP57.01, which lies beyond the west of the site with LP57.03 directly to the north of the application site which is currently being built out.
- 10.5 The proposed development is considered to be a small village extension of Parson Drove and, therefore, in terms of policy LP3 is considered acceptable in principle. Application of policy LP12 will be assessed in ‘character and appearance’

Agricultural Land

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

Compliance with the Neighbourhood Plan

- 10.9 Paragraph 12 of the NPPF states that ‘Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted’.
- 10.10 Paragraph 14 of the National Planning Policy Framework (2021) makes it clear that the adverse impact of allowing a development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh its benefits, provided that neighbourhood plan is up to date, contains policies to allow the settlement to meet its identified housing requirement, has a 3-year supply of deliverable sites and housing delivery is at least 45% of that required over a 3-year period.

- 10.11 With regard to the scale of development noted above, the Parson Drove Neighbourhood Plan (2019) states at Policy 2: Scale of Housing Development, that “sites proposing 5 or more dwellings may be considered appropriate where: the proposal is accompanied by clear demonstrable evidence of positive community support for the scheme generated via a thorough and proportionate pre-application community consultation exercise; and it is supported by the Parish Council”.
- 10.12 The Parish Council have reviewed the application and have given a recommendation in support of the development. In relation to the neighbourhood plan, the application is in line with the policies 1, 2, 4 and 5. Policy 4 of the Neighbourhood plan states that there should be no development other than permitted development between Parsons Drove and Church End from the east side of Sealeys Lane and Silvers Lane up to the existing dwellings at the end of Church End to allow for an appropriate separation of the villages. As this development is on the western side of Silvers Lane, it is considered appropriate and complies with the policies within the Neighbourhood Plan. It is to be noted that a neighbour objection was received that stated the proposal is contrary to Policy 3 of the Parson Drove Neighbourhood Plan. As referenced above, Policy 3 refers to site proposing 5 or more dwellings. In this instance, the proposal is for 4 dwellings and therefore no evidence is required.
- 10.13 On the basis of the above, the principle of the proposal is not opposed by the relevant policies of the Development Plan, and consideration must be given to the specific impacts as detailed below.

Character of area

- 10.14 Local Plan Policy LP16 identifies that proposals for new development will only be permitted if it can be demonstrated that the proposal, inter alia *makes a positive contribution to the local distinctiveness and character of the area, enhances its local setting, responds to and improves the character of the local built environment, provides resilience to climate change, reinforces local identity and does not adversely impact, either in design or scale terms, on the street scene, settlement pattern or the landscape character of the surrounding area.*
- 10.15 Whilst acknowledging that the site is considered to be a small village extension and therefore is acceptable in principle, it must also comply with the requirements of Part A of policy LP12. This states that development can be supported where it does not harm the wide open character of the countryside and provides further guidance as to the restriction of such development to ensure that it has an acceptable impact on the settlement and its character. The Policy requires development to meet certain criteria in order to be supported. The site must be in or adjacent to the existing developed footprint of the village, it must not result in coalescence with any neighbouring village, and must not have an adverse impact on the character and appearance of the surrounding countryside and farmland. Similarly, the proposal must be in keeping with the core shape and form of the settlement, without resulting in the extension of linear features or create ribbon development, and must retain natural boundaries, respect ecological features, important spaces, etc. Finally, the proposal must be served by sustainable infrastructure, and must not put people or property in danger from identified risks.
- 10.16 Further to the above-mentioned policies, Policy DM3(d) of the ‘Making a Positive Contribution to Local Distinctiveness and Character of the Area’ SPD sets out that the character of the landscape, local built environment and settlement pattern should inform the layout, density, proportions, scale, orientation, materials and features of the proposed development, which should aim to improve and reinforce positive features of local identity.
- 10.17 Details of appearance, landscaping, layout and scale are to be submitted at Reserved Matters stage, however the Council must be satisfied that an appropriate design can be brought forward through any subsequent reserved matters application before granting

planning permission. An indicative proposed block plan has been provided showing four plots set to the rear of the built form under construction that front Main Road. Each plot is to have a separate access from a private drive to the west of the site.

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

Residential Amenity

- 10.23 Policy LP2 states that development proposals should contribute to the Council's goal of Fenland's residents, including promoting high levels of residential amenity whilst Policy LP16 states that development should not adversely impact on the amenity of neighbouring users such as noise, light pollution, loss of privacy and loss of light. It also identifies that proposals should identify, manage and mitigate against any existing or proposed risks from sources of noise, emissions, pollution, contamination, odour and dust, vibration, landfill gas and protects from water body deterioration.

- 10.24 With regards to impacts of the proposed development on neighbouring properties, it is considered that the dwellings could be designed, with the appropriate orientation, window layout and landscaping to limit any adverse overlooking and could also be designed to limit any overbearing and shadowing.
- 10.25 If this application is supported, the impact on residential amenity in terms of overlooking and loss of privacy would be re-visited at the reserved matters stage once the scale and appearance of the dwellings can be fully assessed and, upon which, neighbours would have further opportunity to comment.

Highway Safety

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

Refuse collection

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

Flood Risk

- 10.30 Paragraph 162 of the NPPF states that 'The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.'
- 10.31 The site lies within Flood Zones 2 & 3 and therefore at moderate to high risk of flooding. National and Local planning policies set out strict tests to the approach to flood risk, aiming to locate development in the first instance to areas at lowest risk of flooding, Flood Zone 1.

- 10.32 Policy LP14 of the Fenland Local Plan and the NPPF seeks to steer developments to areas of lowest risk of flooding and requires developments, such as this application, to pass the Sequential Test and the Exceptions Test, should the Sequential Test be passed. In order to justify the development in Flood Zone 3, the sequential test would be expected to demonstrate that there are no reasonably available sites in Flood Zones 1 and then in Zone 2 which could accommodate the development.
- 10.33 A Flood Risk Assessment was submitted with the application. This indicated that in light of the flood risk considerations, floor levels of the proposed dwellings will be at 2.00m AOD with a further 300mm of flood resilient construction above finished floor level. Neither the Environment Agency or North Level District Internal Drainage Board have any objections to the scheme, with the Environment Agency stating that they strongly recommend that the mitigation measures proposed in the submitted Flood Risk Assessment (FRA) undertaken by Geoff Beel Consultancy (dated: July 2022 ref: GCB/Swann Edwards) and the following mitigation measures it details:
- Finished floor levels set at a minimum of 2.0m ODN.
 - Flood resilient construction to a height of 300mm above the finished floor level.
- 10.34 In communication with the agent, they were made aware that the submitted FRA failed to include a sequential test and exceptions test. A 'Sequential and Exception test' was subsequently received. Within this, the agent states that the sequential test area 'is to be restricted to the village of Parsons Drove'. It further states that 'this approach is consistent with the NPPF and the NPPG which states that the sequential test should be applied to the catchment area'. As the application proposes a level of development that is consistent with that envisaged for Parson Drove within the settlement hierarchy of the Local Plan, it is considered that the area of search for the Sequential Test can be restricted to the limited growth village of Parson Drove. A Flood Risk Assessment including Sequential Test and Exceptions Test has been submitted. This demonstrates that there are no other sequential preferable sites within the village with the exceptions test having been met. The proposal is therefore considered to comply with the Cambridgeshire Flood and Water SPD 2016, Policies LP12A(j); LP14 of the Fenland Local Plan 2014 and paragraphs 159-167 of the NPPF'

11 CONCLUSIONS

- 11.1 Parson Drove is identified within the Fenland Local Plan as a Limited Growth Village, and policy LP3 notes that for such settlements, "a small amount of development and new service provision will be encouraged and permitted in order to support their continued sustainability, but less than would be appropriate in a Growth Village. Such development may be appropriate as a small village extension". The site lies adjacent to the built form of the settlement and is therefore deemed to be classed as a small village exception with the proposal therefore in compliance with Local Plan Policy LP3
- 11.2 The proposed development would be constructed to the rear of an existing frontage development and accessed by a long vehicular access to the west of the site. The development would represent a tandem or backland form of development which would conflict with and undermine the prevailing form of linear frontage development along Main Road.
- 11.3 As the application proposes a level of development that is consistent with that envisaged for Parson Drove within the settlement hierarchy of the Local Plan, it is considered that the area of search for the Sequential Test can be restricted to the limited growth village of Parson Drove. A Flood Risk Assessment including Sequential Test and Exceptions Test has been submitted. This demonstrates that there are no other sequential preferable sites within the village with the exceptions test having been met. The proposal therefore complies with the Cambridgeshire Flood and Water SPD 2016, Policies LP12A(j); LP14 of the Fenland Local Plan 2014 and paragraphs 159-167 of the NPPF'

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

12 RECOMMENDATION:

Refuse; for the following reasons:

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

PLANNING COMMITTEE DATE: 23rd August 2023

APPLICATION NO: F/YR22/1416/O

SITE LOCATION: Land East of 114 Main Road, Parson Drove

UPDATE

Email received from Agent dated 16th August

An email was received from the agent in respect of the concerns raised by the Highways Authority;

Further to your email I attach the revised drawing which is showing the 2.4 x 120m vision splay as requested by highways, also as you will see on the drawing the access road is 5.5m wide which is the standard width for an estate road so allows for two vehicles to pass.

Highway safety

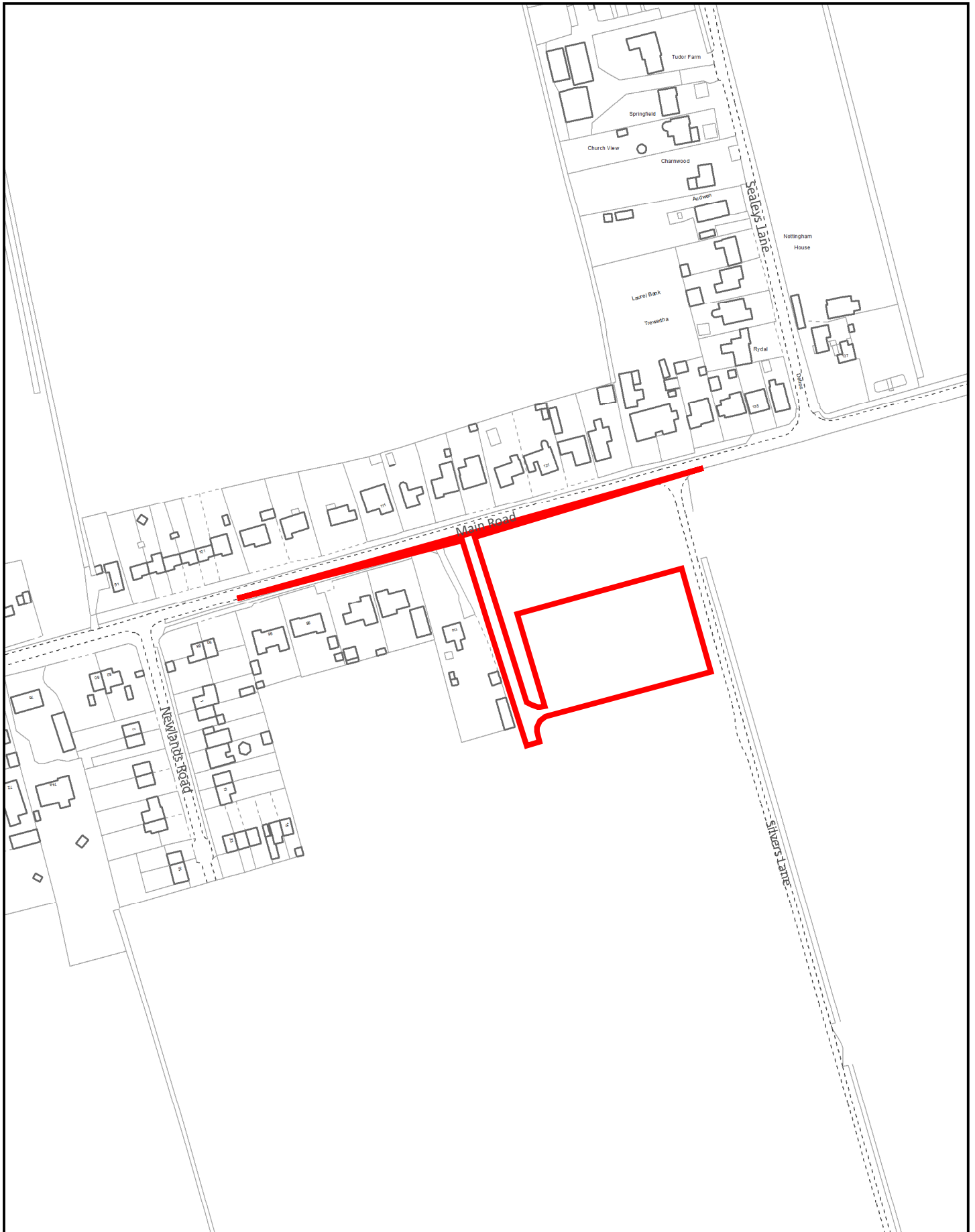
The agent submitted a plan demonstrating the visibility splays and indicated the width of the access road to address the concerns raised by the Highways Authority.

(18/8/23) County Highways commented that the 2.4m x 120m inter-vehicular visibility splay has been shown, which is commensurate with the stopping sight distance for a 40mph road. This visibility, however, does not appear to be fully contained within the application boundary and / or the highway boundary and is thus reliant upon land outside of the applicant's control. However, this is based on ordnance survey mapping without the highway boundary overlaid, so it is difficult to say with any certainty as the portion of the splay which may overspill into third-party land is very minor. For the avoidance of doubt, while there are many single driveways onto Main Road, a shared access for four dwellings will be more intensely used and therefore requires greater conspicuity.

The application seems to be reliant upon the permission F/YR19/0971/O which is to provide a 1.8m footway (Condition 6 of F/YR19/00971/O, later varied under F/YR21/1348/VOC). While this footway is shown on the submission drawings, the application is also reliant upon it so provision of a footway which connects to the existing footway to the west should also be conditioned in a similar manner.

Given the 'in-principle' and fundamental locational issues forming other reasons for refusal, it is considered that this plan should be disregarded at this stage of determination as mentioned above, it cannot be confirmed at this late stage that the access changes would address the additional highways reason for refusal.

Recommendation: REFUSAL – The above update does not alter the original recommendation as set out on page 136 of the agenda.



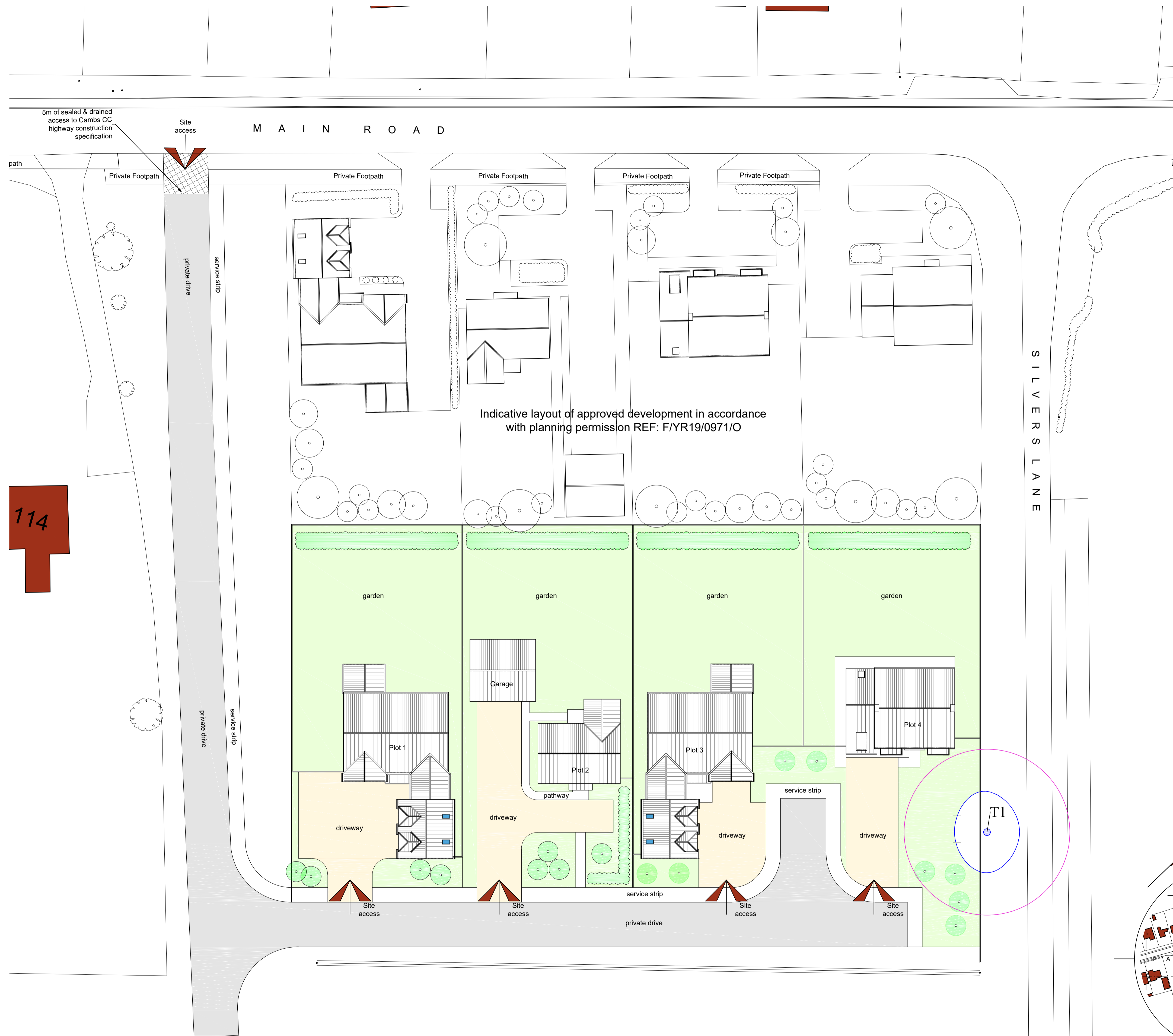
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F/YR22/1416/O


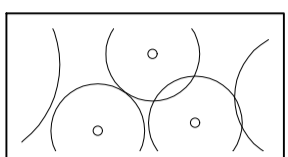
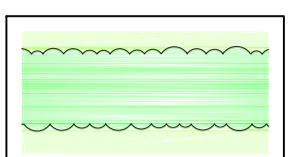
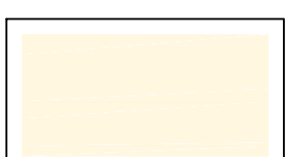
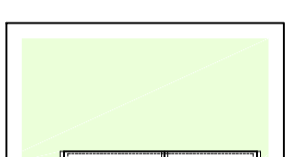
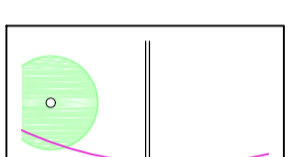
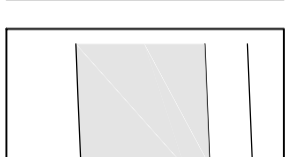
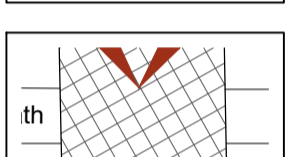
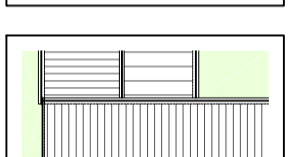
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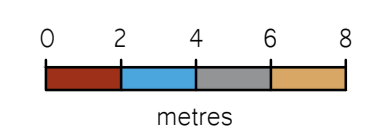


- General Notes
1. All dimensions are shown in "mm" unless otherwise stated.
 2. The contractor, sub-contractors and suppliers must verify all dimensions on site prior to the commencement of any work.
 3. This drawing is to be read in conjunction with all relevant engineers and specialist sub-contractors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

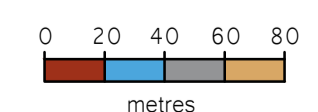
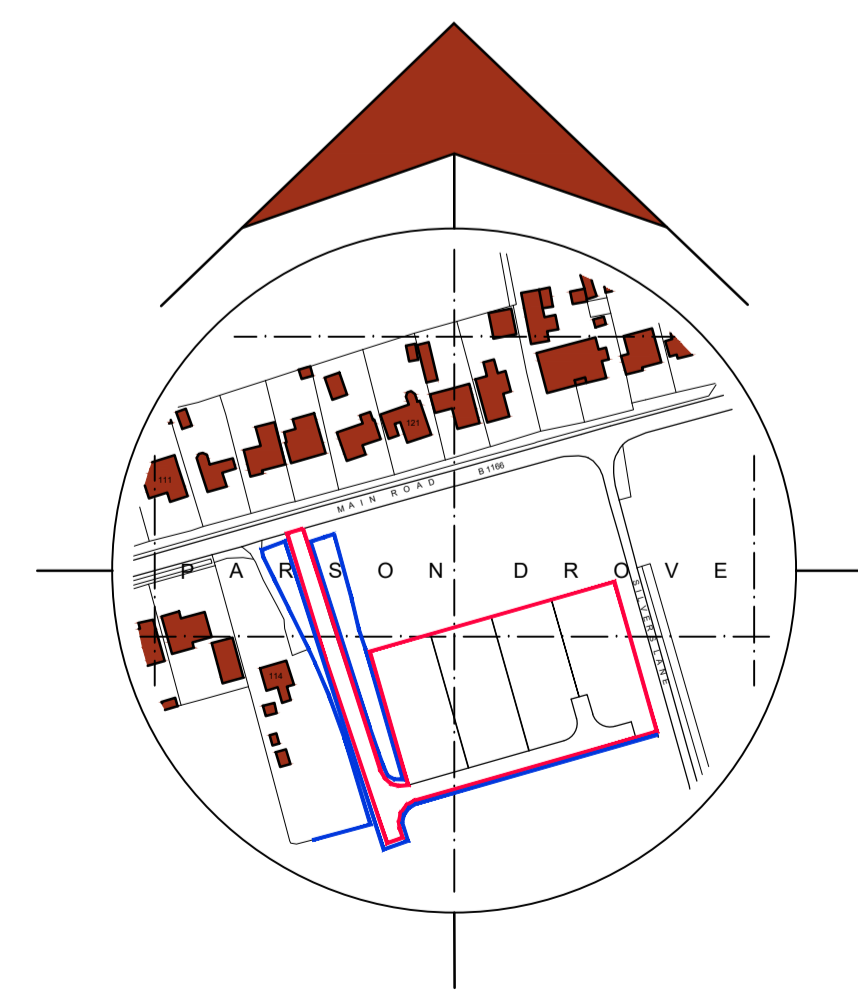
SITE PLAN KEY

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

Indicative Site Plan
Scale: 1:200



Location Plan
Scale: 1:2500



Status
FOR APPROVAL



Swann Edwards Architecture Limited, Swann Edwards Architecture, Black Barn, Fen Road, Guyhirn, Wisbech, Cambs. PE13 4AA
t 01945 450634 e info@swannedwards.co.uk w www.swannedwards.co.uk

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

F/YR23/0539/O

Applicant: Mrs S White

**Agent : Mr Lee Bevens
L Bevens Associates Ltd**

32 Wimblington Road, Doddington, March, Cambridgeshire PE15 0TJ

Erect up to 4 x dwellings (outline application with matters committed in respect of access and layout), involving the demolition of existing dwelling and storage buildings

Officer recommendation: Grant

Reason for Committee: Officers recommendation contrary to comments made by the Parish Council

1 EXECUTIVE SUMMARY

- 1.1. The application seeks outline planning permission for the erection of up to 4 dwellings involving the demolition of the existing bungalow and storage buildings with matters committed in respect of access and layout only.
- 1.2. The site is located within the settlement of Doddington and as such Policy LP3 of the Fenland Local Plan 2014 supports new residential development.
- 1.3. The site is currently occupied by a bungalow, a series of outbuildings and grassland areas. A range of mature trees are currently situated within the site and to the site's boundaries. To the west of the site is Crossway Wood, which is part of a Tree Preservation Order TPO01/2014 and has an existing pond. A newt corridor is maintained from Crossway Wood to a pond on the Larkfleet development to the south of the site.
- 1.4. The site sits within a predominantly residential area and is appropriate in terms of layout. The details such as scale and appearance have been reserved at this stage and will be required to be carefully considered should outline planning permission be granted.
- 1.5. The access has been the subject of discussion with the County Council who consider that the access is shown to be constructed to the Highway Authority's specification.
- 1.6. The layout of the proposed dwellings are not considered to give rise to unacceptable overlooking, overshadowing or overbearing impacts on neighbouring dwellings located close by the site.
- 1.7. Overall, the proposal is considered to be acceptable subject to the imposition of planning conditions.

2 SITE DESCRIPTION

- 2.1. The application site is located to the south of Wimblington Road within the settlement of Doddington.
- 2.2. The site is currently occupied by a bungalow, a series of outbuildings and grassland areas. A range of mature trees are currently situated within the site and to the sites boundary's.
- 2.3. Existing access off Wimblington Road is located at the northern boundary of the site. To the east of the site is overgrown vegetation with open fields beyond, south of the site there are 16 no. residential dwellings that were approved under planning application F/YR14/0217/F. To the west of the site is Crossway Wood, which is part of a Tree Preservation Order TPO01/2014 and has an existing pond. A newt corridor is maintained from Crossway Wood to a pond on the Larkfleet development to the south of the site approved under planning application F/YR14/0217/F.
- 2.4. The application site is situated within Flood Zone 1 and an Amber Great Crested Newts Protection Zone.

3 PROPOSAL

- 3.1. The application seeks outline planning permission for the erection of up to 4 dwellings involving the demolition of the existing bungalow and storage buildings with matters committed in respect of access and layout only.
- 3.2. Full plans and associated documents for this application can be found at: [F/YR23/0539/O | Erect up to 4 x dwellings \(outline application with matters committed in respect of access and layout\), involving the demolition of existing dwelling and storage buildings | 32 Wimblington Road Doddington March Cambridgeshire PE15 0TJ \(fenland.gov.uk\)](https://www.fenland.gov.uk/planning-and-building-control/planning-applications/outline-applications/F/YR23/0539/O)

4 SITE PLANNING HISTORY

Reference	Description	Decision	Date
F/YR14/0356/F	Removal of Conditions 1 and 2 of planning permission F/0769/83/F (Continued use of premises as residential/warehouse and distribution) to remove restrictions so that the permission does not just relate to Mr A W Turner (occupant at the time), and not to restrict business to agricultural storage (retrospective)	Finally Disposed of	08/09/2023

5 CONSULTATIONS

Local Residents/Interested Parties

5.1. **Doddington Parish Council (30/07/2023)**

Doddington Parish Council at a recent Parish Council meeting voted to object to the above planning application on the basis that the application can be classified as back land development and as such conflicts with policies LP3 and LP12.

5.2. **FDC Environmental Health (31/07/2023)**

The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposed scheme as it is unlikely to have a detrimental effect on local air quality.

Due to the demolition of existing structures and close proximity of noise sensitive receptors, it is recommended that the following conditions are imposed in the event that planning permission is granted:

WORKING TIMES

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

5.3. **CCC Highways (03/08/2023)**

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:

- *No details of the form of construction on the access appear to have been provided. For clarity, that area located in the public Highway must be in accordance with The County Councils Housing Estate Road Specification HERCS, with that section within the private access constructed in a bound material for at least 5m from the carriageway edge. The plan should be amended to clarify this and detail the extent of dropped kerbs to be provided.*

- *While it is indicated on plan that drainage will be provided to avoid discharge onto the public highway, its form and location has not been specified. The applicant should be invited to clarify this. It should be noted that the use of permeable surfacing is not in itself considered sufficient in this regard and further measures such as constructing the private driveway to fall away from the highway, or the provision of a separate drainage system to intercept any potential runoff from private surfaces would be required.*

- *While pedestrian visibility splays are shown on key, these are not correctly detailed. These should be located on either side of the access between the edge of the driveway and back edge of the footway. The applicant should be invited to correct this on plan.*

I note that the 2.4m by 43m vehicular visibility splays appear to be achievable fully within the highway which is therefore acceptable.

While access, parking and turning areas have not been clearly detailed (these should ideally all be comprehensively dimensioned on plan) there appears to be sufficient area in each plot to accommodate two 2.5m by 5m parking spaces. While turning out onto what appear to be a 4 - 4.5m wide shared driveway may potentially be awkward, the additional width available with the private drives should make this workable.

Sufficient turning appears to have been provided at the southern extent to accommodate turning for visiting cars and moderately sized delivery vehicles and is therefore acceptable from a highway perspective. It is less clear however whether the turning head would be sufficient for a fire appliance as would be required to comply with Part B5 of the Building regulations 2010. The applicant should be invited to provide appropriate vehicle swept path to demonstrate appropriate turning independent form any parking spaces.

Please let me know if the applicant is unwilling or unable to amend the application or provide additional information as outlined above, so I may consider making further recommendations.

5.4. CCC Highways (16/08/2023)

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

The access is shown to be constructed to the Highway Authority's specification. While this strictly need only apply to the highway extents, I have no objections in this regard.

I note that the pedestrian visibility spays have been amended and are now acceptable.

Suitable turning for a fire appliance has also been described at the southern turning head.

Please append the following conditions and informative to any permission granted:

Access Road Details: Prior to the commencement of the use hereby approved the access road shall be constructed to a minimum width of 5 metres for a minimum distance of 10 metres measured from the near edge of the highway carriageway and thereafter maintained in perpetuity.

Reason: In the interests of highway safety and in accordance with Policy LP15 of the Fenland Local Plan 2014.

Closure of Access: Prior to the commencement of the development hereby approved a scheme for the permanent and effective closure of the existing access Wimblington Road, including reinstatement of the footway/highway verge as appropriate shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be implemented in accordance with the approved details within 28 days of the bringing into use of the new access.

Reason: To minimise interference with the free flow and safety of traffic on the adjoining public highway and to ensure compliance with Policies LP15 and LP16 of the Fenland Local Plan, adopted May 2014.

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

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

Gates/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;

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

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

Visibility Splays: Prior to commencement of the use/or first occupation of the development hereby approved, visibility splays shall be provided on both sides of the new vehicular access and shall be maintained free from any obstruction over a height of 600 mm within an area of 2 metres x 2m metres measured along respectively the back of the footway

Reason: In the interests of highway safety in accordance with Policy LP15 of the Fenland Local Plan 2014.

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. FDC Tree Officer (18/08/2023)

The proposed development requires a significant loss of canopy cover to provide the necessary space for the new dwellings. Whilst a number of trees are Cypress species, with a limited role in biodiversity, they do provide nesting opportunities for birds. The loss of fruit trees is a reduction in foraging opportunities for wildlife.

The majority of the trees are noted as being Category C and I have no objection to this classification, many have limited visibility outside the site.

The proposal also includes the removal of one tree within a protected woodland (TPO 01/2014).

The proposal does not include landscape proposals and I cannot approve the development proposal without confirmation that trees will be replanted to mitigate the losses.

5.6. FDC Tree Officer (31/08/2023)

I can confirm that I have no further objection to the application based on the new tree planting as shown on the drawing.

Local Residents/Interested Parties

5.7. 3 letters neither objecting to or supporting the application from residents of Doddington been received, they are summarised as follows:

- Suitable care and planning needs to be given to the boundary with Crossway Wood due to the presence of a supposed newt colony
- Several trees along the boundary line are in need of surgery to make them safe for residents
- Removal of storage buildings needs to be approached with care, due to the use of asbestos in their construction. Also removal of contaminated ground surrounding the storage buildings
- The proposed plans do not show fencing fully limiting access into Crossway woods which are private woodlands
- The application form states that there is no contaminated land on site; the site has been used for light industrial use and has been used for open burning of toxic and waste materials
- Negative impact on wildlife in and around the site due to the removal of a large amount of trees
- Where will cars be parked for the house that is proposed to run directly behind my property as there does not appear to be a garage or driveway and I am concerned this could affect the privacy of our bedrooms at the back of the house
- Trees will be removed that provide shade and host nature, removal of trees could impact privacy and view
- Fully in favour of a new 6 ft fence being erected at the other side of the newt corridor to ensure privacy. We would also appreciate if trellis could be included at the top of the 6 ft fence to further promote privacy
- As there will be a substantial loss of trees what are the biodiversity net gain plans as we understand there to be great crested newts on the site, and we have also personally witnessed water voles, squirrels, blue tits, great tits, doves, muntjac deer and can hear a woodpecker

5.8. Objectors

2 letters of objection have been received from 2 addresses within Woodside Close, Doddington (x1) which raised the following summarised concerns:

- Building 4 houses on a small plot of land displacing a vast amount of wildlife and close to the existing newt trail
- Loss of privacy and associated disturbance due to the close proximity of the house(s) to our house, garden and neighbouring properties
- The choice to purchase and live in the area / current location was made due to the privacy the property had and the surrounding habitat

- Whilst I am not against development on the land or in general I do feel that 4 properties and the proximity and view to existing dwellings is wholly inappropriate
- In addition to this the lack of availability in the local school and the challenges with local amenities and infrastructure also causes concern with regular developments continuing to be permitted without development of these facilities
- The windows of all of the properties have been omitted meaning we cannot determine how many windows look onto the neighbouring properties of Woodside Close
- The positioning of both Plots 3 and 4 will obstruct the late afternoon / evening sunlight that enters our garden (4 Woodside Close) which will cause loss of light and shadowing to our rear garden
- Overlooking impacts from Plot 4 into Woodside Close
- The removal of trees also poses a big risk to the existing properties in Woodside Close with the potential for property damage when trees are felled
- One of the outbuildings to be demolished contains asbestos and which poses health risks
- Wildlife uses the existing trees and shrubbery surrounding 32 Wimblington Road

5.9. **Supporters**

14 letters of support have been received from 14 addresses within Doddington (x13) and March (x1) which made the following summarised comments:

- New housing is drastically needed in the local area
- This site already benefits from the vehicle access needed for a development of 4 houses
- The site already has multiple buildings that are frankly ready for demolition the re-development decision should not be hindered by the fact they will be demolished
- What was once a well maintained property and business is now overgrown and seemingly derelict it would be good to see the site used effectively for housing and would improve the street scene on the South side of this part of Wimblington Road
- The site is large enough to accommodate multiple units which seem to be well laid out within the site - it is far too big for a single unit especially given the potential maintenance for so much garden if it were only one property
- I note that there have been comments about back land development for this site - a visit to Wimblington Road will confirm that back land development has been positively supported on a number of sites on the north side of the road and mainly single properties with one driveway
- Minimal disruption to wildlife
- The proposed site layout looks to have considered trees and wildlife in the local area
- Happy to see the village continue to grow

6 STATUTORY DUTY

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

7 POLICY FRAMEWORK

7.1. National Planning Policy Framework (NPPF)

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

Para 11 – A presumption in favour of sustainable development

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

Para 130 – Achieving well-designed places

7.2. National Planning Practice Guidance (NPPG)

7.3. National Design Guide 2021

Context

Identity

Built Form

Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

LP19 – The Natural Environment

7.4. Emerging Local Plan

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

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

LP1: Settlement Hierarchy

LP5: Health and Wellbeing

LP7: Design

LP8: Amenity Provision

LP20: Accessibility and Transport

LP22: Parking Provision

LP27: Trees and Planting

LP28: Landscape

LP32: Flood and Water Management

8 KEY ISSUES

- **Principle of Development**
- **Design, Layout and Residential Amenity**
- **Access and Highway Safety**
- **Flood Risk and Drainage**
- **Trees/Arboricultural**
- **Ecology**

9 ASSESSMENT

Principle of Development

- 9.1. Policy LP3 of the Fenland Local Plan 2014 designates Doddington as a Growth Village within the settlement hierarchy. Development within the existing urban area or as small village extensions will be appropriate in Growth Villages albeit of a considerably more limited scale than that appropriate to Market Towns. The principle of development is therefore acceptable subject to further policy considerations set out below.

Design, Layout and Residential Amenity

- 9.2. Policy LP16 expects to deliver and protect high quality environments throughout the district, and only allows development which makes a positive contribution to the local distinctiveness and character of the area, and enhances its local setting, responding to and improving the character of the local built environment.
- 9.3. The dwellings along Wimblington Road are varied in terms of appearance and scale. The appearance and scale of the proposed dwellings are reserved details at this stage, however, as outlined within the applicants Design and Access statement the maximum scale would be two storeys, this would reflect the nearby developments of Witchford Close and Woodside Close.
- 9.4. Whilst the character of Wimblington Road is mainly of frontage development, there are other 'at depth' developments within the immediate area such as Dexter Close, Witchford Close and Woodside Close. Accordingly, in terms of general character and the core shape of the village the proposal is considered to comply with Policy LP12 of the Fenland Local Plan 2014.
- 9.5. Given the location of the proposed development in relation to existing residents, specifically Woodside Close, the proposal is not considered to give rise to concerns regarding neighbouring amenity. Plot 4, which would be located to the south of the site, would be the closest to the existing dwellings at Woodside Close. Plot 4, in respect of its closest point to each of the dwellings at Woodside Close, would be located approximately 20m from the existing dwelling at no. 1 Woodside Close, 18.5m from the existing dwelling at no. 3 Woodside Close and 28.5m from the existing dwelling at no. 4 Woodside Close. This level of distance is considered acceptable and would not cause any significant issues in relation to overlooking, overshadowing or overbearing impacts.
- 9.6. The layout of the proposed dwellings are not considered to give rise to unacceptable overlooking, overshadowing or overbearing impacts.
- 9.7. The proposed dwellings (subject to detailed design) would achieve good levels of surveillance and where necessary it will be important that windows to the ground floor can achieve surveillance over their respective/neighbouring parking areas.

- 9.8. Overall. It is considered that the proposed development layout is acceptable and subject to the detailed design would not have a detrimental impact upon the amenities of existing properties adjacent to the site and would achieve appropriate standards of amenity within the scheme itself. The proposal therefore complies with Policy LP16 of the Fenland Local Plan 2014.

Access and Highway Safety

- 9.9. Policy LP15 aims to ensure that new development provides a good designed, safe and convenient access. Access is committed as part of this application and the submitted site plan details a new 5-metre-wide access for 10m from the highway boundary and visibility splays of 2.4m by 43m in both directions along Wimblington Road. The committed layout demonstrates parking for a least three vehicles for each unit in the form of driveways and garages. A communal turning area is proposed to the south side of the site to ensure vehicles can enter and exit the site in a forward gear.
- 9.10. A bin collection point for the proposed dwellings has been provided to the west side of the shared private drive.
- 9.11. The Highways Officer has commented on the submitted application and raised no objection to the proposed development stating the access is shown to be constructed to the Highway Authority's specification. The Highways Officer has asked for conditions to be appended to any grant of permission and the proposed conditions are considered to be appropriate, these conditions would relate to the access road details, closure of the existing access, highways drainage, restriction on gates, parking/turning area and visibility splays.
- 9.12. Overall, the proposed development demonstrates a safe and convenient access and accordingly the proposal complies with Policy LP15 of the Fenland Local Plan 2015.

Flood Risk and Drainage

- 9.13. The application site falls within Flood Zone 1 (low risk) and as such the proposal is considered to be appropriate development and does not require the submission of a flood risk assessment or inclusion of mitigation measures. Issues of surface water will be considered under building regulations; accordingly, there are no issues to address in respect of Policy LP14.

Trees/Arboricultural

- 9.14. The applicant has submitted an Existing and Proposed Tree Plan, Tree Survey and Arboricultural Impact Assessment and Preliminary Method Statement detailing the impact on the tree population and methodology for the safe removal and retention of trees on the site and in relation to the TPO adjacent the site Corpse Wood TPO01/2014.
- 9.15. The Tree Officer has reviewed the proposal and accompanying documents outlining no objection to the scheme, following additional information submitted by the agent relating to replanting of trees onsite.
- 9.16. A landscape scheming will be required at submission of any Reserved Matters application stage. This can be controlled via a condition, for any approval of the application.

Ecology

- 9.17. The site is situated within an Amber Great Crested Newts Protection Zone and a newt corridor is maintained from Crossway Wood to a pond on the Larkfleet development to the south of the site.
- 9.18. The applicant has submitted a Preliminary Ecological Appraisal to accompany the application that was undertaken at the site in May 2023. The appraisal details that ponds located close to the site were subject to a Great Crested Newt presence/absence survey. The survey findings detail that the ponds that were surveyed are considered to be 'probably absent' of any Great Crested Newts. It is also included within the appraisal that the site and adjacent Corpse Woodland to the west of the site were devoid of standing water habitat suitable for breeding amphibians. Overall, the survey concludes that Great Crested Newts appear to be absent from the site as a result of waterbody management neglect over the last 10 years and the proposed development is considered unlikely to result in significant harm to Great Crested Newts.
- 9.19. The submitted Preliminary Ecological Appraisal also details that there was no evidence of bats present within any of the buildings/built structures within the site and all buildings were assessed as possessing negligible bat roost suitability. Furthermore, the single weeping willow at the north of the site was assessed as possessing low overall bat roost suitability in accordance with its size. The garden land within the site has also been considered likely to be used by small numbers of bats for foraging purposes, but the most valuable habitat for feeding bats is likely to be Corpse Wood to the west of the site.
- 9.20. It is considered that further Ecology matters can be controlled via appropriate conditions in relation to any forthcoming Reserved matters application.

10 CONCLUSIONS

- 10.1. Overall, it is considered the proposal creates a development which responds to the opportunities and constraints of the site and to relevant planning policies. The development is not considered to have a detrimental impact upon the neighbouring dwellings located close by the site and is acceptable in terms of highway safety and flood risk/drainage matters providing a good quality residential environment. The proposal also does not have an unacceptable impact of tree or ecology. The proposal does not conflict with any policies of the Fenland Local Plan 2014 or the NPPF. There are no material planning considerations which would lead to the conclusion that the proposed development is unacceptable. It is therefore recommended that outline permission is granted subject to conditions.

11 RECOMMENDATION

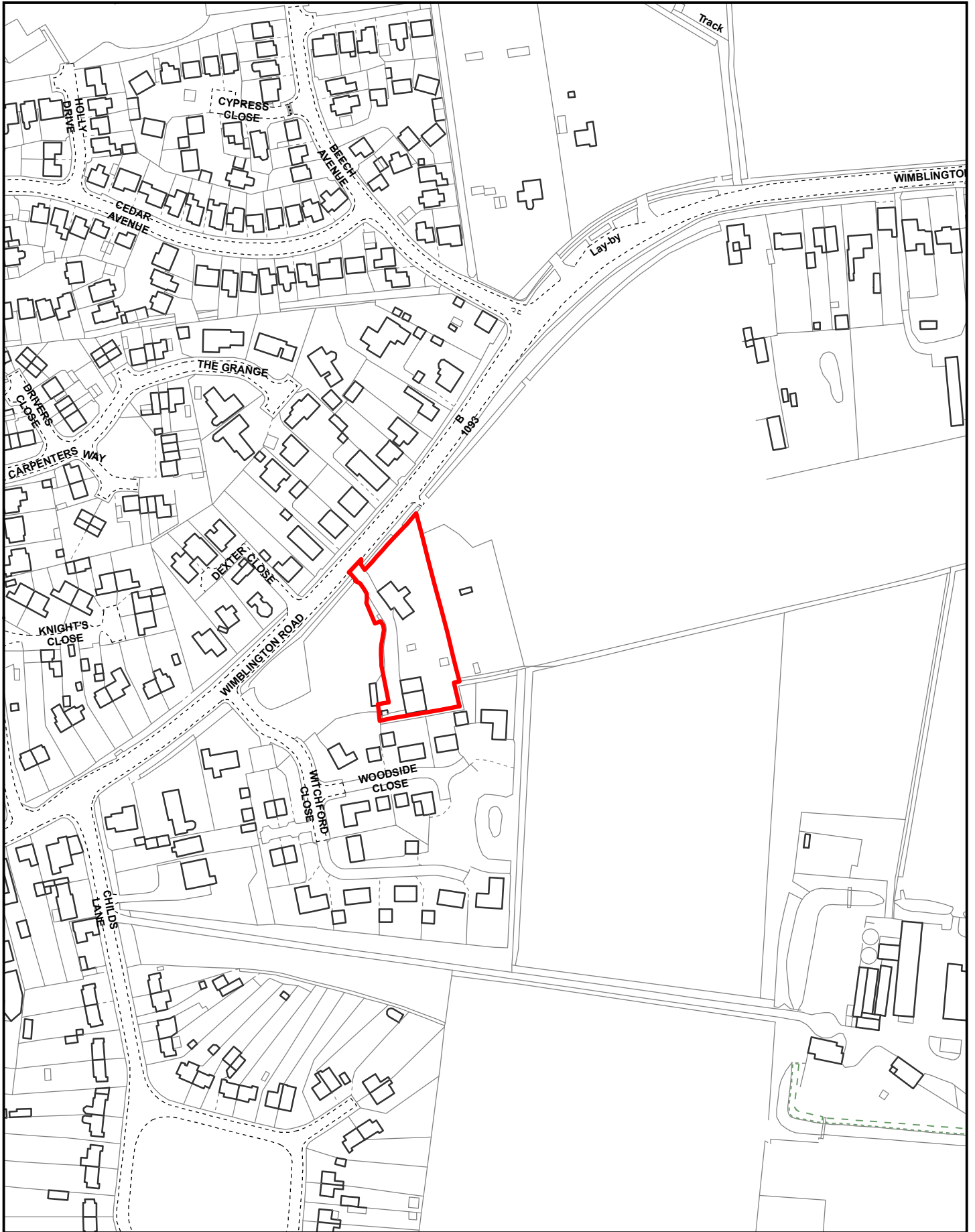
Grant, subject to the following conditions:

1	Approval of the details of: i. the scale of the building(s); ii. the external appearance of the building(s); iii. 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	<p>Application for approval of the Reserved Matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.</p> <p>Reason - To ensure compliance with Section 92 of the Town and Country Planning Act 1990</p>
3	<p>The development hereby permitted shall begin before the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.</p> <p>Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
4	<p>No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:</p> <ul style="list-style-type: none"> i. the parking of vehicles of site operatives and visitors ii. site compound & storage areas. iii. loading and unloading of plant and materials iv. storage of plant and materials used in constructing the development v. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate vi. wheel washing facilities vii. measures to control the emission of dust and dirt during construction viii. a scheme for recycling/disposing of waste resulting from demolition and construction works <p>Reason - To prevent harm being caused to the amenity of the area in accordance with the provisions of Policies LP2 and LP16 of the Fenland Local Plan (Adopted May 2014).</p>
5	<p>Prior to the commencement of the use hereby approved the access road shall be constructed to a minimum width of 5 metres for a minimum distance of 10 metres measured from the near edge of the highway carriageway and thereafter maintained in perpetuity.</p> <p>Reason: In the interests of highway safety and in accordance with Policy LP15 of the Fenland Local Plan 2014.</p>
6	<p>Prior to the commencement of the development hereby approved a scheme for the permanent and effective closure of the existing access Wimblington Road, including reinstatement of the footway/highway verge as appropriate shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be implemented in accordance with the approved details within 28 days of the bringing into use of the new access.</p> <p>Reason: To minimise interference with the free flow and safety of traffic on the</p>

	adjoining public highway and to ensure compliance with Policies LP15 and LP16 of the Fenland Local Plan, adopted May 2014.
7	<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, adopted May 2014.</p>
8	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking, amending or re-enacting that order) no gates or other means of enclosure shall be erected across the vehicular access hereby approved;</p> <p>Reason: In the interests of highway safety and to ensure compliance with Policies LP15 and LP16 of the Fenland Local Plan, adopted May 2014.</p>
9	<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>
10	<p>Prior to commencement of the use/or first occupation of the development hereby approved, visibility splays shall be provided on both sides of the new vehicular access and shall be maintained free from any obstruction over a height of 600 mm within an area of 2 metres x 2m metres measured along respectively the back of the footway.</p> <p>Reason: In the interests of highway safety in accordance with Policy LP15 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>No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:</p> <p>a) Summary of potentially damaging activities.</p>

	<p>b) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) including ensuring no Non-Native Invasive Species are spread across the site.</p> <p>c) The location and timing of sensitive works to avoid harm to biodiversity features.</p> <p>d) The times during construction when specialist ecologists need to be present on site to oversee works.</p> <p>e) Responsible persons and lines of communication.</p> <p>The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.</p> <p>Reason - To enhance biodiversity in accordance with Policy LP16 of the Fenland Local Plan, 2014.</p>
13	<p>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.</p> <p>Reason - In the interest of neighbouring amenity in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
14	<p>Development in accordance with approved plans.</p>



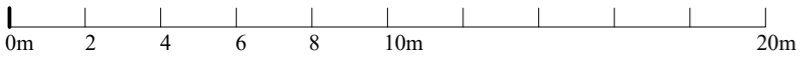
Created on: 10/07/2023

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F/YR23/0539/O

Scale = 1:2,500



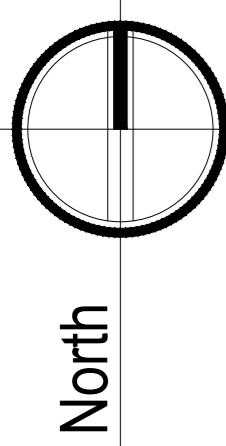


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ALL WORKS TO COMPLY WITH CURRENT CDM REGULATIONS AS APPROPRIATE. IT IS THE CLIENT'S RESPONSIBILITY TO FULLY COMPLY WITH THE CDM 2015 REGULATIONS INCLUDING APPOINTING A PRINCIPAL DESIGNER AND PRINCIPAL CONTRACTOR FOR PROJECTS WITH MORE THAN ONE CONTRACTOR ON SITE.

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Existing Site Layout




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DRAWING STATUS	PRELIMINARY	CONSTRUCTION
PLANNING	<input checked="" type="checkbox"/>	FILE COPY

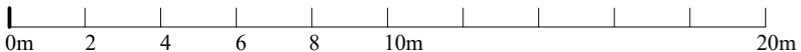
CLIENT
Mrs S White

PROJECT
32 Wimblington Road, Doddington, Cambridgeshire

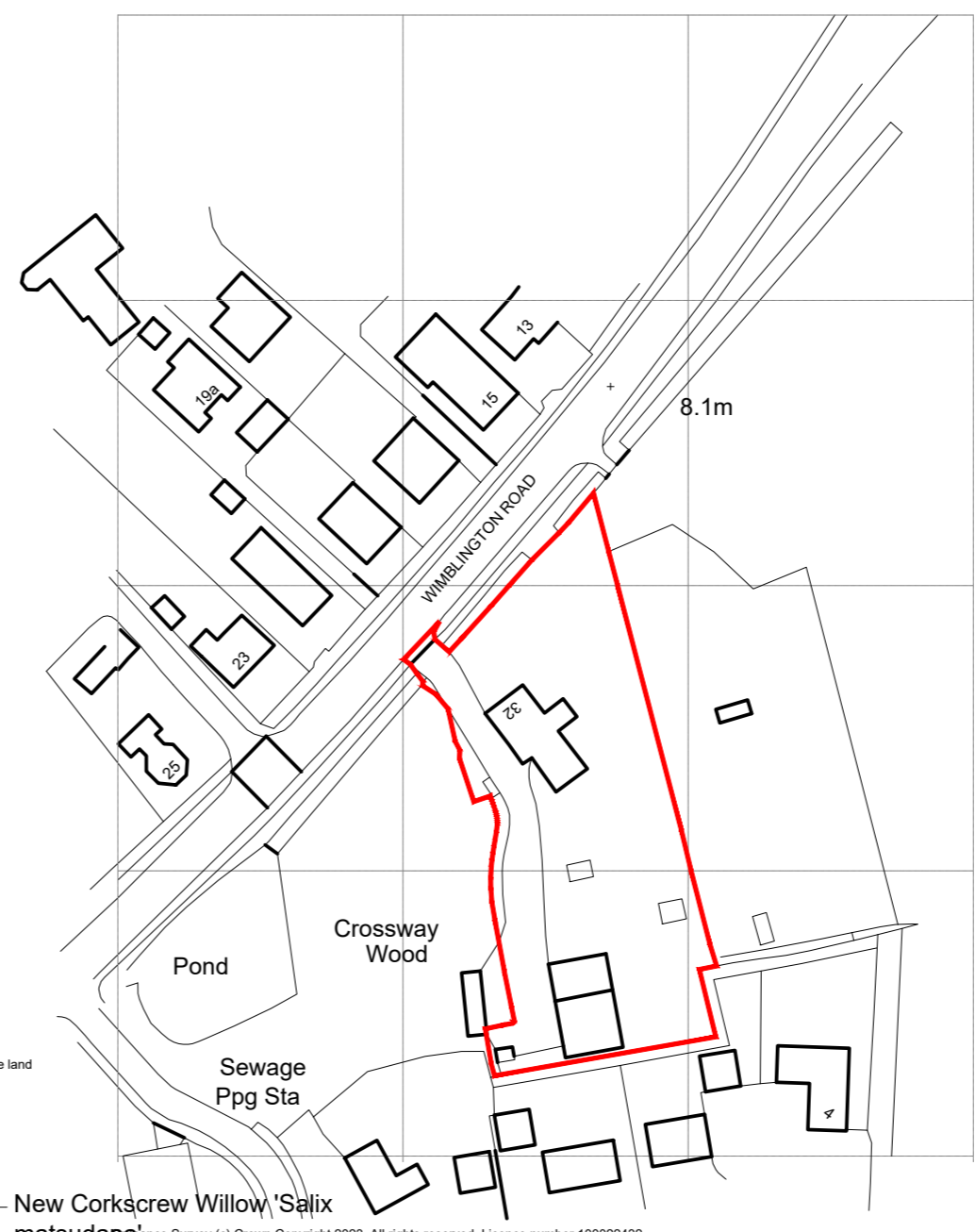
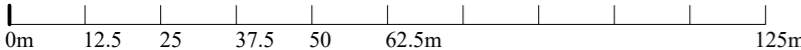
DRAWING TITLE
Existing Site Layout

SCALE	DATE	DRAWN	CHECKED
1:200 @ A1	March 2023	LB	
DRAWING NUMBER	REVISION		
CH22/LBA/624/EX-1-100			

Scale: 1:200



Scale: 1:1250



Location Plan 1:1250

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KEY TO SYMBOLS

SURFACING

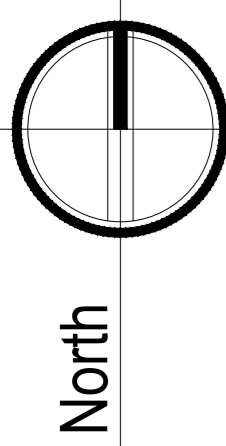
- New 5m wide access road with drainage to avoid discharge onto public highway
- Bin Collection Point.
- Indicative paths and patios
- Entrance visibility splay to be 2.4m x 43m vehicle to vehicle splay. All planting that falls within visibility splay to be a maximum of 600mm high
- 2m x 2m pedestrian to vehicle visibility splay.

INDICATIVE SOFT LANDSCAPING

- Existing trees to be retained/ off-site trees.
- Existing trees to be carefully removed shown dotted.
- Root Protection Zones. (Refer to Hayden's Arboricultural Consultants Tree Report and AIA)
- Proposed new tree planting

All proposed new trees to be a minimum nursery stock size of Selected Standard with a stem diameter of 10-12cm at 1m above ground level.

All proposed new trees to be a minimum nursery stock size of Selected Standard with a stem diameter of 10-12cm at 1m above ground level.



Proposed Site Layout

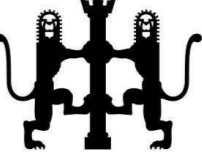
ACCOMMODATION SCHEDULE

Private housing

Plot 1	4 bedroom house	190 sq.m
Plot 2	4 bedroom house	165 sq.m
Plot 3	4 bedroom house	165 sq.m
Plot 4	4 bedroom house	190 sq.m
Overall Total	4 No	

Rev B Aug. 2023 Additional tree planting added to address concerns raised by tree officer on 18.08.23

Rev A Aug. 2023 Highway amendments made to accord with comments received from Andre Chabot on 03.08.23

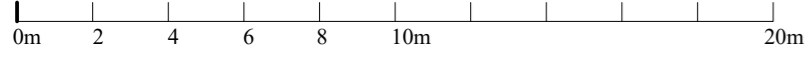


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DRAWING STATUS	PRELIMINARY	CONSTRUCTION
	PLANNING	FILE COPY
CLIENT	Mrs S White	
PROJECT	32 Wimlington Road, Doddington, Cambridgeshire	
DRAWING TITLE	Proposed Site Layout Location Plan	

SCALE	DATE	DRAWN	CHECKED
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DRAWING NUMBER	REVISION		
CH22/LBA/624/OP-1-100	B		

Scale: 1:200



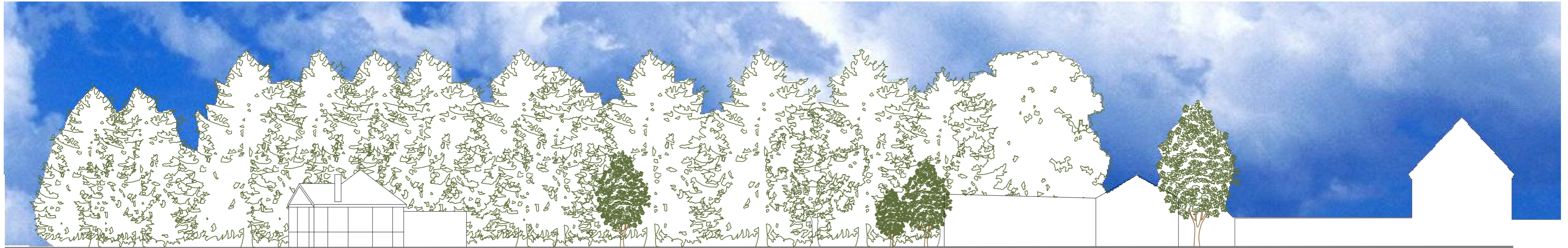
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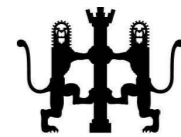
IT IS THE CONTRACTORS RESPONSIBILITY TO ACCURATELY LOCATE EXISTING SERVICES PRIOR TO WORKS COMMENCING.



Existing Site Section A-A



Indicative Site Section A-A



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DRAWING STATUS: PRELIMINARY CONSTRUCTION
PLANNING FILE COPY

CLIENT: Mrs S White

PROJECT: 32 Wimblington Road, Doddington, Cambridgeshire.

DRAWING TITLE: Existing Site Section A-A
Indicative Site Section A-A

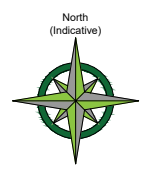
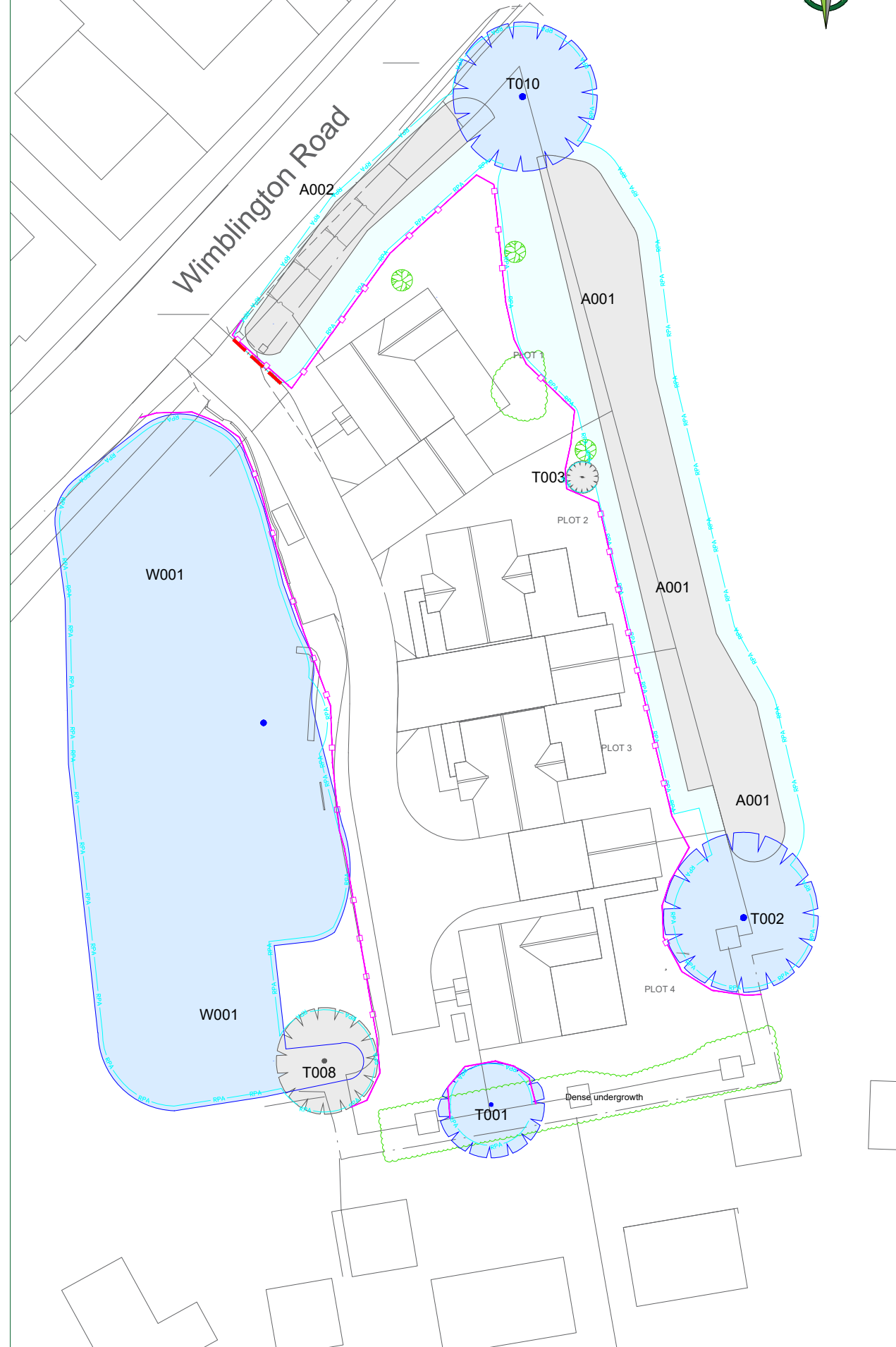
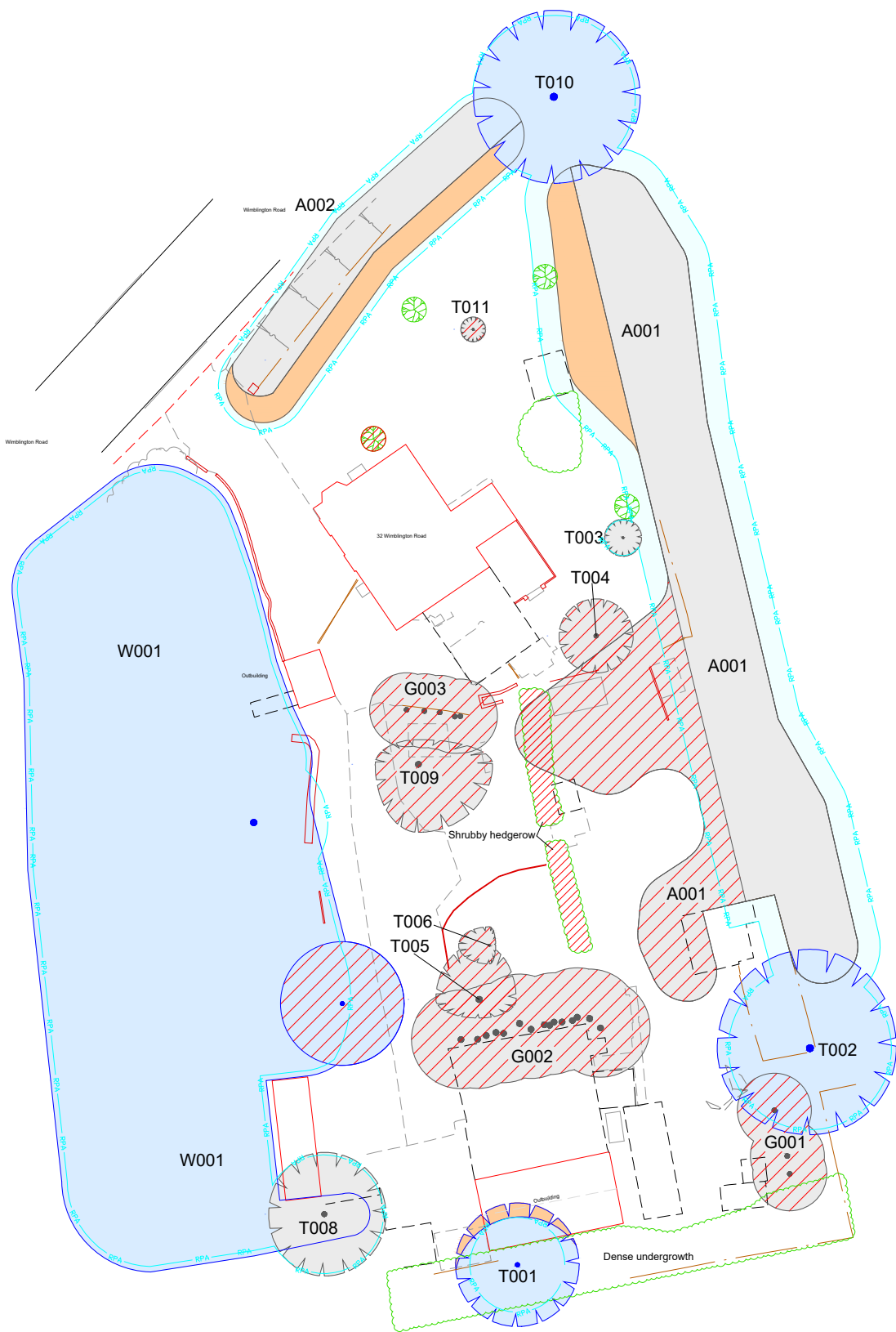
SCALE: 1:200 @ A2 DATE: March 2023 DRAWN: LB CHECKED:

DRAWING NUMBER: CH22/LBA/624/OP-1-101 REVISION:

NOTE:
 Hayden's Arboricultural Consultants were provided with a Topographical Survey but these do not always show the positions of all the trees/features on site. The locations of any additional features have been fixed using GPS. As such the position of the trees/landscape features should not be taken as exact but gives a fair distribution of their locations on site.

Existing Site Plan

Proposed Site Plan



CATEGORY AND DEFINITION

Trees unsuitable for retention	
Category U	Those in such condition that they cannot realistically be retained as living trees in the current land use for longer than 10 years
Trees to be considered for retention	
Category A	Trees of high quality with an estimated remaining life expectancy of at least 40 years
Category B	Trees of moderate quality with an estimated remaining life expectancy of at least 20 years
Category C	Trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150mm

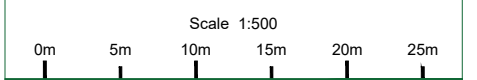
LEGEND

	Existing Tree/Feature BS 5837:2012 Category B
	Trees which require crown reduction to facilitate the prospective development
	Existing Tree/Hedge to be removed to allow for development BS 5837:2012 Category B
	Existing Tree/Feature BS 5837:2012 Category C
	Trees which require crown reduction to facilitate the prospective development
	Existing Tree/Hedge to be removed to allow for development BS 5837:2012 Category C
	Line of Root Protection Area (RPA) - calculated following guidelines set in BS 5837:2012
	Additional feature which doesn't meet BS 5837:2012 categorisation but is included for reference
	Additional feature which doesn't meet BS 5837:2012 categorisation to be removed for development
	Line of proposed temporary protective barrier
	Line of proposed Root Pruning

17/04/2023 CM Based on Topographical drawing & L Bevens Associates Architects Ltd
 Proposed site layout drawing no.CH22/LBA/624/OP-1-100
 Rev: Date: By: Revision:

The position, condition, and dimensions of the trees are based on a site survey undertaken on 09/12/2022

"The original of this drawing was produced in colour - a monochrome copy should not be relied upon"



5 Moseleys Farm Business Centre
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 Head Office: 01284 765391
 Southern Office: 01722 657423
 Email: info@treesurveys.co.uk
 www.treesurveys.co.uk

Client: L. Bevens Associates Ltd. Drawing Title: TS & AIA

Site: 32 Wimblington Road, Doddington, March, PE15 0TJ

Date: 17/04/2023 Drawn By: CM Cad File Ref: C:\Pro\9979-D-AIA.dwg

Scale: 1:500 (A3) Checked By: SHO Drawing No: 9979-D-AIA Rev: -

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F/YR23/0546/F

**Applicant: Mr Paul Adler
King's Dyke Business Park Ltd**

**Agent : Mr Andrew Hodgson
Pegasus Group**

Churchfield Farm, Kings Dyke, Whittlesey, Cambridgeshire

Change of use of existing paddock land to B8 Open Storage with associated access works and landscaping (part retrospective)

Officer recommendation: GRANT

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

1 EXECUTIVE SUMMARY

- 1.1** The application seeks full planning permission for the Change of use of existing paddock land to B8 Open Storage with associated access works and landscaping.
- 1.2** The principle of the change of use to B8 use was established by the granting of outline permission F/YR20/0357/O.
- 1.3** Whittlesey is identified in Policy LP3 of the Fenland Local Plan 2014 as a market town and whilst the site falls outside the 'settlement' given its location on the periphery of the town it is clearly referenced under Policy LP11 of the Fenland Local Plan 2014. This Whittlesey specific policy identifies that the Council will support business uses which are located to the west of the town along the A605 and to the north of Kings Dyke as far as Field's End Bridge. This site falls within these parameters.
- 1.4** LP16 (d) states that the proposal should demonstrate that it 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 built environment 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. This area however is designated within LP11 specifically, LP11 states that the Council will support business uses which are located to the west of Whittlesey along the A605. The site is within an established industrial area. Therefore, the proposal is considered to comply with policy LP16 (d) of the Fenland Local Plan 2014.
- 1.5** Policy LP15 states that schemes should provide well designed, safe and convenient access for all. The site makes use of an existing entrance off of the old A605 which is now a no through road to the north of the site. Highways have confirmed they have no objection in principle but require further detail regarding the access gate which will be conditioned. Therefore, the proposal is considered to comply with policy LP15 of the Fenland Local Plan 2014.

1.6 Policy LP16 (e) seeks to ensure that development does not adversely impact on the amenity of neighbours through significant increased noise, light pollution, loss of privacy or loss of light. A Noise Impact Assessment has been submitted which has been considered appropriate by the Environmental Health Team subject to conditions. The closest neighbours not located on the site are more than 150m away. Therefore, the proposal is considered to comply with policy LP16 (e) of the Fenland Local Plan 2014.

1.7 As such, the recommendation is to grant planning permission.

2 SITE DESCRIPTION

- 2.1 The site is located on the western outskirts of Whittlesey. Immediately to the east of the site is a small collection of commercial buildings, beyond which a lake has formed in a disused clay pit. To the south of the site past the newly built A605 bypass are open fields which are intersected by the King's Dyke (Drain) which forms part of a network of high-level watercourses, with water carried by the Dyke being pumped into the River Great Ouse.
- 2.2 To the west of the site beyond the new bypass roundabout are residential properties with long rear curtilages extending southwards, beyond which is Must Farm Quarry where clay is still extracted. The old A605 King's Dyke (Peterborough Road) forms the site's northern boundary, beyond which are large-scale industrial commercial warehouses. The Ely-Peterborough railway line runs roughly east-west to the north of these commercial warehouses.
- 2.3 Previously within the site boundaries were buildings associated with the Churchfield Farm Equestrian Centre, which have been demolished. It included two outdoor livery yards, a stable block, a metal clad storage barn, an open-sided storage barn, and horse paddocks. There is a small, disused dwelling (no. 99) still present on site. The northern boundary of the site is comprised of a row of trees. The existing gated access into the site is located on the north-eastern boundary of the site.
- 2.4 The site is located within flood zone 1 (Low risk) and is accessed off King's Dyke.
- 2.5 The majority of the site is relatively level, with a gradual slope on the southern portion of the site.

3 PROPOSAL

- 3.1 The application seeks full planning permission for a change of use of existing paddock land to B8 Open Storage with associated access works and landscaping. The application is part retrospective as the land has been levelled and there are already trucks being stored on site.

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

[F/YR23/0546/F | Change of use of existing paddock land to B8 Open Storage with associated access works and landscaping | Churchfield Farm Kings Dyke Whittlesey Cambridgeshire \(fenland.gov.uk\)](https://fenland.gov.uk/F/YR23/0546/F)

4 SITE PLANNING HISTORY

Pertinent planning history listed below:

Application	Description	Decision	Date
F/YR23/0409/F	Erect a 2.4m high (max height) Mesh fence involving the demolition of existing buildings (part retrospective)	Granted	09 Aug 2023
F/YR20/0357/O	Erect up to 7432 sq m of B1 (c) and B8 floor space involving the demolition of existing buildings and dwelling (99 Kings Dyke) (outline application with matters committed in respect of access)	Granted	04 Dec 2020
F/YR15/0742/CCSCOP	Single carriageway road with bridge over railway line to bypass level crossing	Further Details Not Required	02 Sep 2015
F/YR15/2010/CCC	Development of a single carriageway road south of the existing A605 (Peterborough Rd) from a point 480m west to 435m east of the current Kings Dyke level crossing passing south of the commercial properties taking the new A605 road over the rail line on a bridge, also including two new 3 arm roundabout junctions (one with Funthams Lane and one with the brickworks access), two underpasses maintaining private access requirements, a footway along the full length of the link road, two surface water drainage balancing/soakage ponds, a surface water attenuation ditch, street lighting, safety fencing, signage, landscaping/ planting, a site compound and a temporary access to the brickworks	Raise no objections	18 Jan 2016
F/YR06/0576/F	Use of site for containerised storage, erection of a 2.7 metre high security fence and installation of CCTV and security lighting	Refused	04 Jul 2006
F/97/0823/F	Continued use of land for the stationing of a portacabin for use as a tack shop	Granted	26 Mar 1998
F/97/0040/F	Change of use of agricultural/domestic enclosure to riding enclosure; change of use of agricultural land to	Granted	15 Jul 1997

	equestrian cross country course including formation of jumps and use of stables for livery; and alteration to existing access		
F/96/0093/CM	Deposit of inert waste	Deemed Consent (CCC)	11 Sep 1996
F/94/0747/F	Use of land for the stationing of a portacabin for use as a tack shop	Granted	28 Feb 1995
F/93/0526/F	Use of land for the stationing of a mobile, car trailer mounted tack shop for retail sales	Granted	10 Nov 1993
F/1276/89/F	Erection of structure for use as a riding enclosure for private use and as a cattle yard (retrospective)	Granted	17 Dec 1992
F/0619/89/F	Use of land as riding school.	Refused	17 Jul 1989

5 CONSULTATIONS

Designing Out Crime Officers

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 low to medium risk to the vulnerability to crime based on the figures below.

Benwick, Coates and Eastrea Ward	Ward	Kings Dyke
Total Crime: 506		
Criminal Damage	69	0
Robbery	1	0
Theft from person	0	0
Bicycle Theft	3	0
Theft from a vehicle	24	0
Theft of a vehicle	20	2
Vehicle Interference	4	0
Public Order	49	1
Burglary Business	18	6
Possession of drugs	4	0
Trafficking of drugs	4	0

Suspicious Circumstances		0
Possession of weapons	7	0
Violence	139	0
Total Incidents	1329	
Rowdy Nuisance		24
Vehicle Nuisance		23
Poaching		68

There doesn't appear to be any security or crime prevention section within the Planning Statement. As you are aware, it is important that security and crime prevention are considered and discussed at the earliest opportunity to ensure that the security of buildings, homes, amenity space and the environment provide a safe place for people living, working in, and visiting this location.

I have the following comments for your consideration.

o **Lighting** - Please ensure that parking areas and footpaths are well lit for the safety of the user, these should be designed to BS 5489-1:2020. A fully qualified lighting engineer will be able to design in the safety and security element as well as having the ecology and wildlife in mind. Bollard lighting should be used as wayfinding only and not as a main source of lighting, particularly in parking areas where they are also prone to damage.

o **CCTV** - While 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. It should cover the access entrance, building entrances and perimeter, the site boundary, and open yards. It needs be of a quality that always produces evidential images (complemented by lighting) and have the capability to store and retrieve images, either be monitored by an Alarm Receiving Company (ARC) or linked to the security office if approved or mobile device. CCTV should also be registered with the Information Commissioners Office (ICO). Signage - CCTV signage should be at the entrance compliant with the ICO Code of Practice.

- **Security Guard** – Can you confirm if there is a plan for roaming patrols.

- **Boundary Treatment** – I note that the use of palisade fencing, and gates will be installed on site. Our recommendation is a 2m 358 anti-climb weldmesh fencing and matching gates will help to slow down any would-be offender from entering the site.

- **Landscaping** – A management plan should be in place for any existing trees or hedges. Tree crowns should be raised above 2m and any hedging should be no higher than 1m, this is to allow for natural surveillance across the site.

CCC (Lead Local Flood Authority) 31/07/23

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

1. Stone Surface, treatment stages and infiltration testing

The applicant states that the stone surface of the storage area is analogous to permeable paving, there is no evidence that this statement is true. Stone surfaces usually compress over time due to loading, causing them to become less permeable. Additionally, infiltration testing needs to be performed to confirm that infiltration can occur in this location. As the site is predominately underlain by clay this may not be feasible.

In accordance with Paragraph 6.3.20 of the Flood & Water Supplementary Planning Document, in order for us to support infiltration for this development we require site specific test results and any testing should be in accordance with BRE DG 365. For information, as outlined in paragraph 6.3.21 of the SPD there must be a minimum clearance of 1.2 m between the base of any infiltration feature and peak seasonal groundwater levels. At present this has not been demonstrated as part of the application.

Any infiltration features greater than 2 m below ground level is considered to be a deep system and these are generally not acceptable. The LLFA will look to review this application once the Environment Agency has deemed the installation of deep bore soakaways appropriate.

2. Hydraulic Calculations

The applicant has not provided any supporting hydraulic calculations which model the drainage system in various storm events. The modelling must show that the surface water system will not surcharge in a 1 in 1 year storm event, not flood in a 1 in 30 year storm event and that exceedance flows will be adequately managed and not leave the red line boundary in a 1 in 100 year storm event. Climate change allowances must be accounted for in these calculations. As the site lied within the Old Bedford and Middle Level rainfall management catchment this needs to be 35% in the 1 in 30 year storm and 40% in the 1 in 100 year storm event.

3. IDB Consent Required

The applicant is proposing to discharge surface water from the site into an existing watercourse which is managed by Whittlesey District Internal Drainage Board (IDB). Therefore, an 'in-principle' agreement must be obtained from the IDB to discharge into their system at the proposed rate.

Informatives

Infiltration

Infiltration rates should be worked out in accordance with BRE 365/CIRIA 156. If for an outline application it is not feasible to access the site to carry out soakage tests before planning approval is granted, a desktop study may be undertaken looking at the underlying geology of the area and assuming a worst-case infiltration rate for that site. If infiltration methods are likely to be ineffective then discharge into a watercourse/surface water sewer may be appropriate; however soakage testing will be required at a later stage to clarify this.

Pollution Control

Surface water and groundwater bodies are highly vulnerable to pollution and the impact of construction activities. It is essential that the risk of pollution (particularly during the construction phase) is considered and mitigated appropriately. It is important to remember that flow within the watercourse is likely to vary by season and it could be dry at certain times throughout the year. Dry watercourses should

not be overlooked as these watercourses may flow or even flood following heavy rainfall.

CCC (Lead Local Flood Authority) 25/09/23

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

1. Insufficient Surface Water Treatment Significant areas of hardstanding have insufficient surface water treatment. As HGVs will use these hardstanding areas it is important that at least two stages of pollution mitigation is used before surface water is discharged from site. Currently it is assumed that all water will be directed to the attenuation basin which will act as a single stage before discharging to the highway basin. Section 6.5 of the SPD states that runoff from a site should be of an acceptable water quality to protect receiving waters. The size and number of treatment stages required is based on the level of pollution entering the system. Using the Simple Index Approach (as outlined in the CIRIA SuDS Manual), additional treatment stages will be required to address Total Suspended Solids / Metals / Hydro-carbons.

The drainage strategy needs to be updated to include additional surface water treatment stages.

2. Drainage Plan

It is currently not clear how surface water from the site will enter the attenuation basin, overland flows will need to be mapped in the case that surface water will simply run off towards the basin.

3. Flow Control Diameter

The flow control diameter at the outflow of the attenuation basin is 35mm in diameter, as the attenuation basin is an unprotected system debris can easily block the orifice, it is a requirement that the flow control be a minimum of 75mm in such a scenario.

4. Impermeable Area

It is not clear if the surface area of the attenuation basin is included in the sites total impermeable area. Attenuation basins when filled are treated as an impermeable surface which needs to be accounted for in calculations.

Informatives

Pollution Control

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

CCC (Lead Local Flood Authority) 16/10/23

Thank you for your re-consultation which we received on the 2nd October 2023.

We have reviewed the following documents:

- Surface Water Management, Cannon, Ref: V271, Rev: A, Dated: September 2023*
- Topographical Survey, ASC, Ref: ASC.19.113, Dated: 22nd February 2019*
- Surface Water Management Strategy, Cannon, Ref: V271-PL-SK-310, Rev: P01, Dated: 9th August 2023*
- Network Calculations with Additional Basin, Cannon, Ref: V271, Dated: 27th September 2023*

Based on these, as Lead Local Flood Authority (LLFA) we can remove our objections in principle to the proposed development.

The above documents demonstrate that surface water from the proposed development can be managed through the use of swale and dual attenuation basin, restricting surface water discharge to 2.8l/s via flow control device. Provided the flow control is adopted and adequately maintained the flow control diameter will suffice.

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

We request the following conditions are imposed:

Condition 1

No laying of services, creation of hard surfaces or erection of a building shall commence until a detailed design of the surface water drainage of the site has been submitted to and approved in writing by the Local Planning Authority. Those elements of the surface water drainage system not adopted by a statutory undertaker shall thereafter be maintained and managed in accordance with the approved management and maintenance plan.

The scheme shall be based upon the principles within the agreed Surface Water Management, Cannon, Ref: V271, Rev: A, Dated: September 2023 and shall also include:

- a) Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events;*
- b) Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change), inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;*
- c) Detailed drawings of the entire proposed surface water drainage system, attenuation and flow control measures, including levels, gradients, dimensions and pipe reference numbers, designed to accord with the CIRIA C753 SuDS Manual (or any equivalent guidance that may supersede or replace it);*
- d) Full detail on SuDS proposals (including location, type, size, depths, side slopes and cross sections);*
- e) Site Investigation and test results to confirm infiltration rates;*
- f) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;*
- g) Demonstration that the surface water drainage of the site is in accordance with DEFRA non-statutory technical standards for sustainable drainage systems;*
- h) Full details of the maintenance/adoption of the surface water drainage system;*
- i) Permissions to connect to a receiving watercourse or sewer;*
- j) Measures taken to prevent pollution of the receiving groundwater and/or surface water.*

Reason

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

Condition 2

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

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

Informatives

Pollution Control

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

County Development, Minerals & Waste Planning Group

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

Policy 5: Mineral Safeguarding Areas

The site lies within Sand & Gravel and Brickclay Mineral Safeguarding Areas which are safeguarded under Policy 5 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021). This policy seeks to prevent mineral resources of local and/or national importance being needlessly sterilised. In this instance, the MWPA is content that Policy 5 either doesn't apply due to the exceptions set out within the policy or that prior extraction is not feasible. The MWPA, therefore, has no objection to the application in respect of Policy 5.

Policy 16: Consultation Areas (CAs)

It is noted that the proposed development is located within the Consultation Area for the sites of Kings Delph, Whittlesey (Minerals Allocation Area) and Must Farm, Whittlesey (Minerals Development Area), both of which are safeguard under Policy 16 (Consultation Areas) of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021).

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

It is noted that the proposed development is for a change of use to a Class B8 use (open storage). The MWPA is of the view that proposed use is generally considered to

be compatible with the nearby Minerals Development Area and Allocation. Consequently, subject to the applicant confirming to the Local Planning Authority that they are aware of the site and allocation and are satisfied that the proximity to the site will not affect their operations, the MWPA has no objection to the application in respect of Policy 16.

For reference, a full copy of Policies 5 and 16 can be found at the end of this letter. The Cambridgeshire and Peterborough Minerals and Waste Local Plan can be found on our website at: <https://www.cambridgeshire.gov.uk/business/planning-and-development/planning-policy/adopted-minerals-and-waste-plan>.

Anglian Water Services Ltd

The Planning & Capacity Team provide comments on planning applications for major proposals of 10 dwellings or more, or if an industrial or commercial development, 500sqm or greater. However, if there are specific drainage issues you would like us to respond to, please contact us outlining the details.

The applicant should check for any Anglian Water assets which cross or are within close proximity to the site. Any encroachment zones should be reflected in site layout. They can do this by accessing our infrastructure maps on Digdat. Please see our website for further information:

<https://www.anglianwater.co.uk/developers/development-services/locating-our-assets/>

Please note that if diverting or crossing over any of our assets permission will be required. Please see our website for further information:

<https://www.anglianwater.co.uk/developers/drainage-services/building-over-or-near-our-assets/>

If you have any further queries please contact the Planning & Capacity team on the number below.

Cambridgeshire County Council Highways Authority

The application includes insufficient information to enable it to be determined whether the proposal will have a detrimental impact on the public highway and the applicant should be invited to provide further clarification as outlined below. While the Transport statement describes a moderate site providing access and parking for approximately 16 HGVs, the application itself appears to imply 19600m² of B8 open storage across the entire site. The applicant should be invited to clarify this and either quantify and detail the limited area to which the proposed use will apply, or to provide a Transport Assessment that accurately reflects the potential B8 use of the entire site.

In either case, the applicant should be invited to provide a comprehensively dimensioned plan detailing the internal layout, including the areas of storage and those areas required to enable HGVs to turn within the site. The plan should also include any applicable loading areas and appropriate parking provision required to meet the District Councils parking standards for the use class proposed.

While access arrangements are described in section 6 of the Transport Statement with plans provided in Appendix C, I would have expected these to have been

included separately in the submission's principal drawings. While the arrangements for vehicular access shown on plans 4623-WSP-00-XX-DR-TP-001 P05 appear to be broadly acceptable with respect to the turning movements described, I note that this plan has removed the pedestrian link to the roundabout previously approved with respect to planning application F/YR20/0357/O for a site of up to 7432 sq m of B1 (c) and B8 use. It's removal here would appear inappropriate, especially given the potentially larger site. It is recommended that the applicant be invited to include footways as previously proposed.

I have referred this application to the County Councils Transport Assessment team who may have further observation with respect to the current application.

Please let me know if the applicant is unable or unwilling to provide clarification and any necessary amendments as outlined above, so that I can consider making alternative recommendations.

Cambridgeshire County Council Highways Authority 31/10/23

While I have no objections in principle to this application, the plans recently provided raise additional issues and it is recommended that the applicant be invited to provide further clarification or amendment.

I note that areas of storage, loading and turning have now been included on the plans provided. While the turning areas associated with the storage of HGVs appears to be reliant upon vehicles being able to utilise one of the HGV parking spaces to turn, it is reasonable to anticipate that any additional vehicle will be able to utilise part of the loading areas shown, which should only occasionally be occupied, and I do not therefore object in this regard.

While not clearly described, turning for the smaller storage areas appears to be broadly acceptable for cars and smaller vans. However, if each Lot is to be enclosed and gated as suggested on plan the applicant should be invited to demonstrate how HGVs delivering to these smaller Lots can turn from and into the access road within the gate width shown.

If the internal Lots are gated as shown, it is also unclear how an HGV entering the site and finding the internal gates closed would be able to turn within the main access road. The applicant should be invited to provide at least one area of unrestricted turning suitable for an HGV, to prevent the need for reversing out onto Peterborough Road.

The plans recently provided create additional confusion with regard to the proposed access, and specifically the presence or positioning of any access gate. While drawing 4623-WSP-00-XX-DR-TP-0007 P02 shows no gates across the main access the other plan, P22-2829_DE001_H_10 shows gates very close to Peterborough Road in a position that would be unacceptable to the Highway Authority.

Previous plans such as P22-2829_DE001_B_01 and 4623-WSP-00-XX-DR-TP-0001 P04 show consistent road alignment, although gates are not detailed on the latter, where both alignments would differ/conflict with the arrangements shown on plan 4623-WSP-00-XX-DR-TP-0007 P02. In finalising the internal arrangements, the applicant should be invited to provide a plan clarifying the access and gate position.

While parking spaces for vans is detailed, it is unclear whether this represents the requirements for parking associated for the proposed B8 use. As indicated in previous correspondence the Local Planning Authority must be satisfied that parking provision meet the District Councils parking standards for the use class proposed. This should remain appropriate should the site be subdivided into separate Lots.

The observation made previously in correspondence dated 21st September 2023 with respect to footway provision and parking on the adjacent site remain applicable and should be considered by the LPA when determining this application. Please let me know if the applicant is unable or unwilling to provide clarification and necessary amendments as outlined above, so that I can consider making alternative recommendations.

Environment & Health Services (FDC) – 09/08/23

I refer to the BWB Noise Impact Assessment (NIA) dated May 2023 (Ref: 232144).

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.

The mitigation measures set out in Section 5 of the report designed to control noise from HGV movements and the storage of refrigerated trailers are reasonable - the Environmental Health Service can find no justifiable reason to disagree with the conclusions of the report.

My recommendation, therefore, would be that - if planning permission is to be granted for the storage of HGVs including refrigerated trailers at the site to which the application refers shall not occur until :

1. *Additional information in relation to the noise barrier identified in section 5.2 and the glazing and ventilation measures discussed in 5.15 of the NIA are 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 locations*
- *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. *The mitigation proposals are implemented in full - in accordance with the proposals in the NIA and any additional detail submitted (as identified above).*

Environment & Health Services (FDC) 14/08/23

Further to my comments on the response to the Noise Impact Assessment I note the site has been subject to the disposal of waste and is also relatively close to a former landfill site. In view of this I recommend that prior to the commencement of the development hereby approved a scheme and timetable to deal with contamination of land and/or groundwater shall be submitted to, and approved in writing by, the Local Planning Authority. The approved scheme and timetable shall then be implemented on site. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing:

1. A desk-top study carried out by a competent person to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site. This should include a conceptual model, and pollutant linkage assessment for the site. Two full copies of the desk-top study and a non-technical summary shall be submitted to and approved in writing by the Local Planning Authority.

IF, during development, any previously unsuspected contamination is discovered, then the LPA must be informed immediately. A contingency plan for this situation must be in place and submitted with the desk study. If a desk study indicates that further information will be required to grant permission then the applicant must provide, to the LPA:

2. A site investigation and recognised risk assessment carried out by a competent person, to fully and effectively characterise the nature and extent of any land and/or groundwater contamination, and its implications. The site investigation shall not be commenced until:

(i) A desk-top study has been completed, satisfying the requirements of paragraph (1) above.

(ii) The requirements of the Local Planning Authority for site investigations have been fully established, and

(iii) The extent and methodology have been submitted to and approved in writing by the

Local Planning Authority. Two full copies of a report on the completed site investigation

shall be submitted to and approved in writing by the Local Planning Authority.

Following written LPA approval of the Site Investigation the LPA will require:

3. A written method statement for the remediation of land and/or groundwater contamination affecting the site. This shall be based upon the findings of the site investigation and results of the risk assessment. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.

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

Whittlesey Town Council 24/07/23

The Town Council have no objection and therefore recommend approval. This is the gateway to Whittlesey coming from west to east and could a better site be approval is there a possibility for a better site to be found.

Whittlesey Town Council 31/07/23

With regard to the planning application to change the use from paddock land to B8 open Storage with associated access works & landscaping.

Whilst there is no planning policy that Whittlesey Town Council can refuse this application. I would suggest the following:

This site is already being used for the storage of refrigerated trailers & the hard standing has been completed over the last few weeks.

The site presents itself as the first view of Whittlesey Town, indeed the first Town within Fenland after driving through the "Welcome to Fenland" signs on A605. This, we consider is 'the gateway' to Fenland & as such, should be considered for a site that showcases not only Whittlesey but Fenland also as a district that welcomes guests & business alike. A District & Town that features not only Industrial but Hospitality, Leisure, Recreation & Tourism.

In short, if this site is turned to Industrial use, we are firmly hammering a nail in the coffin of our Historic Town. On these grounds, we would strongly disagree with this development.

Local Residents/Interested Parties

Objectors

26 letters of objection received. Letters of objection received from residents living within Whittlesey and Eastrea the neighbouring parish. Letters of objection stated concerns as follows:

- Visual amenity going into Whittlesey
- Traffic (Noise, Congestion, Pollution)
- Highways Safety/Road deterioration
- Retrospective
- Materials used in surfacing
- Visual screening/Landscape plan
- Carbon Footprint
- Road system through Whittlesey/ Increased HGV traffic

Supporters

4 letters of support received from a resident of Whittlesey. Comment made:

- Suitable industrial location
- Suitable landscaping/screening has been planted.

6 STATUTORY DUTY

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

7 POLICY FRAMEWORK

National Planning Policy Framework (NPPF)

Para. 2 - Applications should be determined in accordance with the development plan, unless material considerations indicate otherwise

Para. 8 - Achieving sustainable development

Para. 10 - Presumption in favour of sustainable development

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

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

Chapter 6 - Building a strong, competitive economy

Para. 81 - Planning decisions should help to create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

Para. 83 - Planning decisions should recognise and address the specific locational requirements of different sectors [including storage and distribution operations at a variety of scales and in suitably accessible locations].

Para.85 - Identifies that sites to meet business and community needs may have to be found adjacent to or beyond existing settlements.

Chapter 9 - Promoting sustainable transport

Chapter 11 - Making effective use of land

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

Chapter 15 - Conserving and enhancing the natural environment

Chapter 16 - Conserving and enhancing the historic environment

National Planning Practice Guidance (NPPG)

Determining a Planning Application

National Design Guide 2021

Context: C1 - Relationship with local and wider context;

Identity: I1 - Respond to existing local character and identity; I3 Create character and identity

Built Form: B1 - Compact forms of development; B2 - Appropriate building types and forms

Nature: N3 - Support rich and varied biodiversity

Uses: U1 - A mix of uses

Homes and Buildings: H3 - Attention to detail; storage, waste, servicing and utilities.

Resources R3 - Maximise resilience

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

LP11 – Whittlesey

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

LP16 – Delivering and Protecting High Quality Environments across the District

LP18 – Historic Environment

LP19 – The Natural Environment

Emerging Local Plan

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

Policy LP3 – Spatial Strategy for Employment Development

Policy LP4 – Securing Fenlands Future

Policy LP5 – Health and Wellbeing

Policy LP7 – Design

Policy LP15 – Employment

Policy LP20 – Accessibility and Transport

Policy LP24 – Natural Environment

Policy LP27 – Trees and Planting

Whittlesey Neighbourhood Plan 2021-2040

Policy 1 – Spatial Planning

Policy 7 – Design Quality

Policy 10 – Delivering Sustainable Transport

Policy 11: Adapting to and Mitigating Climate Change

8 KEY ISSUES

- **Principle of Development**
- **Character**
- **Amenity**
 - **Noise**
 - **Contamination**
- **Highways**
- **Biodiversity and Landscaping**
- **Health and Wellbeing**
- **Economic Growth**
- **Archaeology**

9 BACKGROUND

- 9.1 The site has extant outline permission for up to 7432 sq m of B1 (c) and B8 floor space under application F/YR20/0357/O. This application included outline permission for the demolition of the buildings associated with the old Livery business and the dwelling on site. The livery buildings have been demolished but the dwelling remains. No reserved matters application was submitted in relation to the outline permission.

10 ASSESSMENT

Principle of Development

- 10.1 Whittlesey is identified in Policy LP3 of the Fenland Local Plan 2014 as a market town and whilst the site falls outside the 'settlement' given its location on the periphery of the town it is clearly referenced under Policy LP11 of the Fenland Local Plan 2014. This Whittlesey specific policy identifies that the Council will support businesses uses which are located to the west of the town along the A605 and to the north of Kings Dyke as far as Field's End Bridge. This site falls within these parameters.

- 10.2 Furthermore, the principal of development on the site is established by the previous permission and the redevelopment of the site will make effective use of a redundant brownfield site; thereby aligning with Paragraph 85 of the NPPF which clearly identifies that the 'use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.'
- 10.3 It is also necessary to consider any character/visual amenity impacts in accordance with Policy LP16 of the Fenland Local Plan 2014, along with site constraints which include flood risk (LP14), heritage (LP18) and biodiversity impacts (LP19). Matters of residential amenity, to include noise impacts, air quality and contamination (LP2 and LP16) along with any highway implications (LP15) must also be evaluated with mitigation being secured as appropriate.

Character

- 10.4 LP16 (d) states that the proposal should demonstrate that it 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 built environment 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.
- 10.5 As clearly evaluated in the submitted planning statement that accompanies the submission the site lies within an area where commercial activity is prevalent with warehousing and commercial units immediately adjacent to the east. The A605 forms the boundary to the north and beyond this are larger industrial and commercial buildings, as well as a single large wind turbine located opposite the site which in turn abuts the railway line. Beyond the railway line there are further industrial and manufacturing premises.
- 10.6 Concern was raised by neighbours as part of the consultation that the proposal would harm the character of the entrance way into Whittlesey. This area however is designated with LP11 specifically identifies that the Council will support businesses uses which are located to the west of Whittlesey along the A605. The site is within an established industrial area. And the landscape plan for the new road to the south of the site included extensive planting between the host site and the road whilst this hasn't currently matured it will and will serve as a green screen to the site.
- 10.7 As such the delivery of commercial storage on site in association with local business, accords with the general character of the wider area in accordance with Policy LP16 of the Fenland Local Plan.

Amenity

- 10.8 Policy LP16 (e) seeks to ensure that development does not adversely impact on the amenity of neighbours through significant increased noise, light pollution, loss of privacy or loss of light. There is a residential property on site that it is under the ownership of the applicant. The closest residential properties off site are located more than 150m to the west, along the A605 Kings Dyke. There are no buildings proposed on site.

10.9 Noise

The Noise Impact Assessment states that adverse impacts are predicted during the daytime and night-time periods as a result of noise associated with the

proposed development. Therefore, further consideration of mitigation measures is required. The site has been remodelled with a proposed 2m high acoustic barrier around the northern and north-western site boundary and it is suggested that façade insulation may be appropriate for the property on site to control noise.

10.10 The Fenland District Council Environmental Health Service completed a review of the Noise Impact Assessment (NIA) and associated documentation and concluded that the mitigation measures set out in Section 5 of the NIA report designed to control noise from HGV movements and the storage of refrigerated trailers are reasonable. They recommend that conditions be attached to the permission relating to the proposed noise barrier. Therefore, when the noise mitigation measures are implemented the noise impact would be considered to be neutral.

10.11 Contamination

Representations received through the consultation process highlighted a concern for the hard surfacing that has been laid on site and possible contamination. The Environmental Health team noted that the site has been subject to the disposal of waste in the past and that it is also relatively close to a former landfill site. The proposal states that hardcore was put on top of the existing land and no excavations were undertaken. The Environmental Health Team recommend that a condition be attached to the permission relating to a scheme and timetable to deal with contamination of land and/or groundwater.

10.12 Therefore, on balance subject to conditions the proposal is considered acceptable in terms of policy LP16 (e) of the Fenland Local Plan 2014.

Highways

10.13 LP15 of the Fenland Local Plan 2014 states that development schemes should provide well designed, safe and convenient access for all. The proposed site entrance is positioned to the north of the site along what is now a no through road leading to the railway track along the A605 Kings Dyke. The site and the dwelling on the site were previously accessed using an access in a very similar position to that proposed.

10.14 Owing to negotiations, plans were submitted showing proposed parking and turning on site and Highway Authority comments on these will be provided in a future update to Committee. A condition will be attached to the decision to request detail of gates proposed on the entrance to the site (Location, material, design).

10.15 Therefore, the proposal is considered acceptable in terms of policy LP15 of the Fenland Local Plan 2014.

Biodiversity and Landscaping

10.16 Policy LP19 states that the Council working in partnership with all relevant stakeholders, will conserve, enhance and promote the biodiversity and geological interest of the natural environment throughout Fenland.

10.17 The proposal contains an Arboricultural Impact Assessment (AIA). The AIA sets out that none of the trees that were on site were located in a conservation area or subject to a Tree Preservation Order. It is proposed to retain the trees to the north of the site in the main and only trees affecting visibility splays to be removed for Highways safety reasons and the assessment confirms that no tree

roots should be affected by the proposals. The assessment makes a number of recommendations that should have been implemented prior to any works starting on site. However, as all demolition works have taken place, this is no longer applicable. For any further works on site, the AIA suggests that protective fencing is erected around the remaining trees as part of the tree protection plan.

10.18 There has been extensive tree planting to the west and south of the site in association with the new road and bridge. This planting has not yet matured but when it does mature will give good screening to the site from the road.

10.19 Therefore, the proposal is considered to comply with policy LP19 of the Fenland Local Plan 2014.

Health and Wellbeing

10.20 Policy LP2 of the Fenland Local Plan, 2014 seeks to facilitate the health and well-being of Fenland’s residents by creating an environment in which communities can flourish, creating opportunities for employment in accessible locations, promoting and facilitating healthy lifestyles, providing good access to health, leisure and recreation facilities and providing sustainable and safe transport networks, amongst other things.

10.21 This proposal will meet the relevant criteria within this Policy as it will provide opportunities for employment through the expansion of local business premises. As such the proposal complies with Policy LP2.

Economic Growth

10.22 The proposed development will provide economic benefits to Whittlesey and the District as a whole through the provision of employment opportunities for an established expanding business. As such the development will support the economic growth of the area and therefore complies with Policy LP6 of the Fenland Local Plan, 2014.

11. CONCLUSIONS

11.1 The area within which the site is located has been identified under Policy LP11 as a suitable location to support business uses. The A605 forms the boundary to the north and beyond this are larger industrial and commercial buildings, as well as a single large wind turbine located opposite the site which in turn abuts the railway line. There has been significant tree planting around the exterior of the site that will form a visual barrier to the site when mature. Mitigation measures have been conditioned to protect the amenity of neighbouring properties. Therefore, on balance no significant harm in terms of the principle of the development, the character of the area, residential Amenity, highways safety or biodiversity is anticipated. It is therefore recommended that the proposal be granted.

RECOMMENDATION

Approve subject to conditions.

1	No laying of services, creation of further hard surfaces or erection of a building shall commence until a detailed design of the surface water drainage of the site has been submitted to and approved in writing by the Local Planning Authority. Those elements of the surface water drainage system not adopted by a statutory undertaker shall thereafter be maintained and managed in
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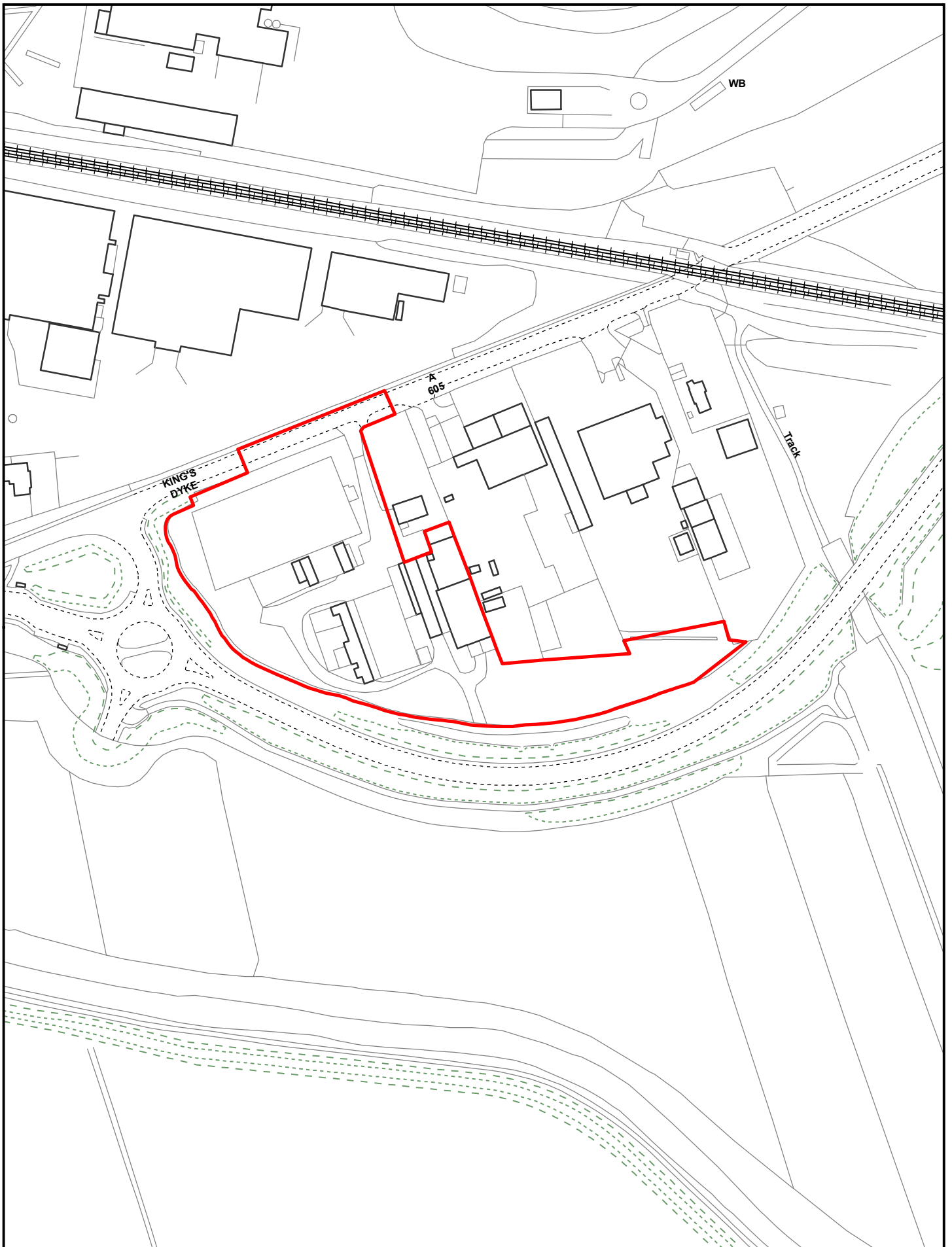
	<p>accordance with the approved management and maintenance plan. The scheme shall be based upon the principles within the agreed Surface Water Management, Cannon, Ref: V271, Rev: A, Dated: September 2023 and shall also include:</p> <ul style="list-style-type: none"> a) Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events; b) Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change), inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance; c) Detailed drawings of the entire proposed surface water drainage system, attenuation and flow control measures, including levels, gradients, dimensions and pipe reference numbers, designed to accord with the CIRIA C753 SuDS Manual (or any equivalent guidance that may supersede or replace it); d) Full detail on SuDS proposals (including location, type, size, depths, side slopes and cross sections); e) Site Investigation and test results to confirm infiltration rates; f) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants; g) Demonstration that the surface water drainage of the site is in accordance with DEFRA non-statutory technical standards for sustainable drainage systems; h) Full details of the maintenance/adoption of the surface water drainage system; i) Permissions to connect to a receiving watercourse or sewer; j) Measures taken to prevent pollution of the receiving groundwater and/or surface water. <p>Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no increased flood risk on or off site resulting from the proposed development and to ensure that the principles of sustainable drainage can be incorporated into the development, noting that initial preparatory and/or construction works may compromise the ability to mitigate harmful impacts. To provide reasonable protection against flooding in accordance with Policy LP14 of the Fenland Local Plan 2014.</p>
2	<p>No further development, including preparatory works, shall commence until details of measures indicating how additional surface water run-off from the site will be avoided during the construction works have been submitted to and approved in writing by the Local Planning Authority. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved measures and systems shall be brought into operation before any works to create buildings or hard surfaces commence.</p> <p>Reason: To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development itself; recognising that initial works to prepare the site could bring about unacceptable impacts. To provide reasonable protection against flooding in accordance with Policy LP14 of the Fenland Local Plan 2014.</p>

3	<p>Notwithstanding the approved plans. Detail should be submitted prior to the erection of any gate along the site access: Detail to include:</p> <ul style="list-style-type: none"> • Exact position of proposed gates • Material of proposed gates • Height and design of proposed gates <p>Reason: In the interests of highway safety and in accordance with Policy LP15 of the Fenland Local Plan 2014.</p>
4	<p>A detailed scheme additional for the noise barrier identified in section 5.2 and the glazing and ventilation measures discussed in 5.15 of the Noise Impact Assessment which 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 locations - 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>shall be submitted to and approved by the Local Planning Authority and implemented in accordance with the approved scheme within 6 months of this permission and thereafter retained in accordance with the approved scheme.</p> <p>Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policies LP2 and LP16 of the Fenland Local Plan, adopted May 2014.</p>
5	<p>The mitigation proposals set out in the approved Noise Impact Assessment (NIA) shall be implemented in full - in accordance with the proposals in the NIA within 6 months of this permission and any additional detail submitted in connection with condition 4.</p> <p>Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policies LP2 and LP16 of the Fenland Local Plan, adopted May 2014.</p>
6	<p>A site investigation and recognised risk assessment carried out by a competent person, to fully and effectively characterise the nature and extent of any land and/or groundwater contamination, and its implications. The site investigation shall not be commenced until:</p> <ul style="list-style-type: none"> (i) A desk-top study has been completed, satisfying the requirements of paragraph (1) above. (ii) The requirements of the Local Planning Authority for site investigations have been fully established, and (iii) The extent and methodology have been submitted to and approved in writing by the Local Planning Authority. <p>Two full copies of a report on the completed site investigation shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: To control pollution of land or water in accordance with the National Planning Policy Framework, in particular paragraphs 183 and 184, and Policy</p>

	LP16 of the Fenland Local Plan 2014.
7	<p>A written method statement for the remediation of land and/or groundwater contamination affecting the site. This shall be based upon the findings of the site investigation and results of the risk assessment. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.</p> <p>Reason: To control pollution of land or water in accordance with the National Planning Policy Framework, in particular paragraphs 183 and 184, and Policy LP16 of the Fenland Local Plan 2014.</p>
8	<p>The provision of two full copies of a full completion report confirming the objectives, methods, results and conclusions of all remediation works, together with any requirements for longer-term monitoring and pollutant linkages, maintenance and arrangements for contingency action shall be submitted and approved in writing by the Local Planning Authority.</p> <p>Reason: To control pollution of land or water in accordance with the National Planning Policy Framework, in particular paragraphs 183 and 184, and Policy LP16 of the Fenland Local Plan 2014.</p>
9	<p>The height of materials stored shall not exceed 6m in height.</p> <p>Reason: In the interest of the appearance of the area and to accord with Policy LP16 of the Fenland Local Plan 2014.</p>
10	Approved Plans

Informatives:

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



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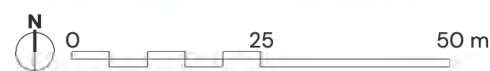
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KEY	
	SITE LOCATION
	LAND UNDER APPLICANTS CONTROL
	EXISTING VEGETATION
	PROPOSED BUFFER PLANTING
	CRUSHED COMPACTED MATERIAL
	FENCING - SUBJECT TO APPLICATION F/YR23/0409/F
	ROUTE OF DRAINAGE TO ATTENUATION POND



DRAFT

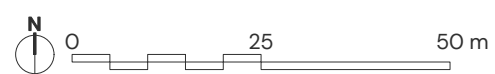
LAND SOUTH OF THE A605, WHITTLESEY, PETERBOROUGH - SITE LAYOUT





KEY

□ SITE LOCATION



LAND SOUTH OF THE A605, WHITTLESEY, PETERBOROUGH - PARCELISATION PLAN



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F/YR22/0943/FDC

Applicant: Fenland District Council

**Agent : Mr R Harrington
BHD Ltd**

Land West Of 53 - 69, Grounds Avenue, March, Cambridgeshire

Erect up to 6 x dwellings (outline application with matters committed in respect of access)

Officer recommendation: Refuse

Reason for Committee: The applicant is Fenland District Council

1 EXECUTIVE SUMMARY

1.1 Whilst the single dwelling accessed via Hurst Avenue is supported, the majority of the development, for up to 5 dwellings off Grounds Avenue, is considered unacceptable, as whilst a reason for refusal in respect of the poor access cannot be substantiated, it has not been demonstrated that that a high quality, safe environment, which does not result in significant adverse impacts in relation to visual and residential amenity, could be achieved for the number of dwellings applied for, given the severely constrained nature of the site.

1.2 The recommendation is therefore to refuse the application in its entirety, given that there is no opportunity for a split decision.

2 SITE DESCRIPTION

- 2.1 The application site comprises an irregular shaped parcel of land surrounded by residential development on Grounds Avenue, Badgeney Road and Hurst Avenue, March.
- 2.2 The most northerly section of the site is accessed from Grounds Avenue via a narrow tarmac access at the corner of the turning head between 51 and 53 Grounds Avenue, with the driveways of these dwellings also utilising the access along with a number of dwellings on Badgeney Road to access the rear of their garden. There is also a pedestrian link through the site between Grounds Avenue and Badgeney Road. It is a former garage site which has since been cleared of structures, hardstanding remains and the site is partially overgrown, it is enclosed by the boundary fences of the surrounding sites. There is a high voltage cable which runs through the site which has a 3m wide easement.
- 2.3 The remainder of the site is a grassed area to the north and east of existing dwellings on Hurst Avenue bounded by trees and vegetation, it appears from aerial photographs that this was historically garden land serving these dwellings which has since been segregated, rather than a formal open space. There is access from Hurst Avenue which is a narrow concrete road leading to tarmac oval cul-de-sac arrangement which enables turning and some on street parking within the island. Access into the site itself is over an existing block paved drive.

- 2.4 The site is in flood zone 1, however part of the northern section of the site is at a high risk of surface water flooding.

3 PROPOSAL

- 3.1 The application seeks outline planning permission for up to 6 dwellings with matters committed in relation to access only. It is proposed that 5 dwellings are accessed via Grounds Avenue to the north with a further dwelling accessed via Hurst Avenue.

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

[F/YR22/0943/FDC | Erect up to 6 x dwellings \(outline application with matters committed in respect of access\) | Land West Of 53 - 69 Grounds Avenue March Cambridgeshire \(fenland.gov.uk\)](#)

4 SITE PLANNING HISTORY

Most recent only:

F/YR12/0802/FDC	Erection of a dwelling	Withdrawn
	Land North Of 8 Hurst Avenue	

5 CONSULTATIONS

5.1 Middle Level Commissioners (MLC)

Comments have been received from MLC which appear to be their standard letter to applicant's (as Fenland District Council is the applicant for this site), these have been provided to relevant parties for their information. No comments are made regarding the suitability of the development itself.

5.2 Anglian Water

The Planning & Capacity Team provide comments on planning applications for major proposals of 10 dwellings or more, or if an industrial or commercial development, 500sqm or greater. However, if there are specific drainage issues you would like us to respond to, please contact us outlining the details.

The applicant should check for any Anglian Water assets which cross or are within close proximity to the site. Any encroachment zones should be reflected in site layout. They can do this by accessing our infrastructure maps on Digdat. Please see our website for further information:

<https://www.anglianwater.co.uk/developers/development-services/locating-our-assets/>

Please note that if diverting or crossing over any of our assets permission will be required. Please see our website for further information:

<https://www.anglianwater.co.uk/developers/drainage-services/building-over-or-near-our-assets/>

5.3 Environmental Health (FDC)

The proposal seeks approval for residential use on a piece of land where part of it had been formally used as a garage courtyard. Given the proposals' sensitive intention this service would expect an assessment being undertaken to determine

plausible linkages to ground contamination in view of the sites previous use and its subsequent overgrown and derelict state.

Notwithstanding the above such a proposal is unlikely to affect or be affected by the existing or future noise or air climate so this service would have 'No Objections' subject to the results of a ground assessment deeming the site to be free of contamination and being suitable for such a development.

5.4 Town Council

Recommendation: Approval

5.5 Cambridgeshire County Council Highways (30/11/2022)

The application is unacceptable to the Local Highway Authority because the access is unsatisfactory to serve the proposed development by reason of its inadequate width and the proposal would therefore likely result in stopping and manoeuvring of vehicles on the highway to the detriment of highway safety.

5.6 Cambridgeshire County Council Highways (9/3/2023)

Highways have objections to this development. The following are reasons:

The addition of this development would increase the number of conflicts in the areas, which would increase the likelihood of incidents between pedestrians, cyclists, prams, service vehicles, resident vehicles, and emergency vehicles.

Emergency fire services should be consulted for this development. The current arrangement of the development is not suitable for fire tenders. The distance and width required for fire tenders is not achievable.

The access is unsatisfactory to serve the proposed development by reason of its inadequate width and the proposal would therefore likely result in stopping and manoeuvring of vehicles on the highway to the detriment of highway safety.

The access to this size of development would need to be at least 5m to enable two-way pass for vehicles. The current arrangement is not suitable. Furthermore, the access road will conflict with existing side residents. This adds further likelihood for an incident due to the lack of usable space.

5.7 Cambridgeshire Fire and Rescue

Dwelling Houses

There should be vehicle access for a pump appliance to within 45m of all points within each dwelling-house, measured on a route suitable for laying hose, (fire appliance width 3.7m minimum)

Every elevation to which vehicle access is provided in accordance with the above paragraph should have a suitable door(s), not less than 750mm wide, giving access to the interior of the building.

Where the proposed new dwelling cannot meet access requirements for fire pump appliances, then an AWFSS - Automatic Water Fire Suppression System (Sprinkler or Water Mist) should be provided as a compensatory feature.

Where an AWFSS is to be provided, then the distance between the fire appliance and any point within the house (having no floor more than 4.5m above ground level) may be up to 90m.

Access of a fire engine to within:-

45 - 65 meters: Domestic/residential sprinklers required.

65 - 90 meters: Domestic/residential sprinklers and a fire hydrant installed immediately by the access driveway.

Over 90 meters: Not acceptable.

Access Roadways, Turning Facilities & Car parking provision

Any street or private roadway forming part of such a fire access way must be no less than 3.7m wide between kerbs, although this may reduce to 3.1m for a gateway or similar short narrowing.

Dead-end access routes longer than 20m should be provided with suitable turning facilities, as fire appliances should not have to reverse more than 20m, unless where it is discussed and approved in consultation with the Fire Service.

If private driveways are to be considered as access roadways, then they should provide appropriate vehicle access, hardstanding and turning facilities, as well as managing any obstructions (e.g. trees, shrubbery & overhangs). A driveway and/or fire appliance may become damaged if suitable provision are not provided and could seriously affect the response to an incident.

Development schemes must have adequate off-street parking provision to reduce roadside parking and therefore reduce any impact on emergency service access and operational response times.

5.8 Designing Out Crime Team

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

There are limited detailed drawings for me to comment. I would like to see floor plans, boundary treatments and a lighting plan, including lux and calculations levels please.

5.9 Ecology Officer (FDC)

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. Construction Environment Management Plan*
- 2. Hard and Soft Landscape Scheme*
- 3. Bird / Bat Boxes*
- 4. External Lighting Scheme*
- 5. Time Limit on Development before further biodiversity surveys required*
- 6. Breeding Birds Informative*

Please find further details below:

1. Construction Environment Management Plan (condition)

The Ecological Impact Assessment recommends mitigation measures to protect the following biodiversity features / species during construction:

- Nesting birds*
- Bats*

- Reptiles
- Hedgehog

If planning permission is granted, we recommend these mitigation measures are incorporated into a Construction Environment Management Plan, which should be secured through a suitably worded planning condition:

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

a) ecological mitigation measures recommended in the Ecological Impact Assessment

Reason: Fenland Local Plan 2014 policy LF19 (to protect biodiversity)

2. Hard and Soft Landscape Scheme (condition)

The Ecological Impact Assessment has identified potential adverse impacts of the scheme on biodiversity and recommends mitigation / compensation measures to be incorporated into the landscape scheme to address adverse impact to:

- Nesting birds
- Bats
- Reptiles
- Hedgehog
- Invertebrates

In addition, the landscape scheme should maximise opportunities for biodiversity within the development should be secured as part of the Hard and Soft Landscape Scheme. In accordance with National Planning Policy Framework (paragraphs 174d & 180d) and Fenland Local Plan policy LP19, which states that:

“Through the processes of development delivery (including the use of planning obligations), grant aid (where available), management agreements and positive initiatives, the Council will... Ensure opportunities are taken to incorporate beneficial features for biodiversity in new developments...”

Therefore, we recommend a detailed Hard and Soft Landscape Scheme that incorporates compensation / enhancements for biodiversity (including measures identified in the Ecological Impact Assessment) be secured through a suitably worded condition:

SUGGESTED DRAFT CONDITION: Hard and Soft Landscape Scheme (biodiversity section)

Prior to the first planting season following commencement of works on site full details of both hard and soft landscape works shall be 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:

- a) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife, including those recommended in Ecological Impact Assessment
- b) means of enclosure noting that all new garden fencing should be designed to allow hedgehogs to be able to pass through the fencing.
- c) details of siting and timing of all construction activities to avoid harm to all nature conservation features
- d) [Additional details from landscape officer....]
- e) management and maintenance details

The approved hard landscaping scheme shall be carried out with regard to the dwelling to which it relates, prior to the occupation of that dwelling 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.

Reason: Fenland Local Plan policy LF19 (to protect and enhance biodiversity)

4. Bird / Bat Boxes (condition)

The Ecological Impact Assessment has recommended installation of bird/bat boxes as part of the scheme to compensate for loss of nesting habitat and provide enhancement for these species. We recommend details of the proposed boxes, their installation and maintenance of these boxes be secured through a suitably worded condition:

SUGGESTED DRAFT CONDITION: Bird / Bat Boxes

Prior to the commencement of the development, details of the proposed location of bird / bat boxes (recommended in the Ecological Impact Assessment) should be submitted to and approved in writing by the Local Planning Authority.

This should include (but not limited to):

- a) all boxes should be positioned in 'unlit' areas
- b) boxes on trees: annotated landscape plan showing the type of box to be attached to mature tree(s), its orientation and height above ground
- c) boxes on buildings: annotated elevational plan showing the type of box, height above ground and distance away from any windows or external lighting
- d) timetable for installation, with boxes installed concurrently with their related dwelling or part of the landscape scheme

All boxes shall be installed as agreed, under supervision of a suitably qualified ecologist, and retained in perpetuity thereafter.

Reason: Fenland Local Plan 2014 policy LF19 (to protect and enhance biodiversity)

5. External Lighting Scheme (condition)

External lighting has the potential to adversely impact wildlife, such as bats, as identified in the Ecological Impact Assessment. We recommend that any external lighting scheme is designed sensitively to wildlife and suggest this is secured through a suitably worded condition:

SUGGESTED DRAFT CONDITION: External Lighting Scheme (for biodiversity)
Within 6-months of the commencement of development hereby approved, a scheme for the provision of external lighting relating to all dwellings and common areas within the site shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to commencement of use/occupation of any dwellings and retained thereafter in perpetuity.

The external lighting shall be carefully designed for wildlife, in accordance with recommendation set out in the Ecological Impact Assessment, and baffled downwards away from the retained trees and hedgerows/scrub corridors.

Reason: Fenland Local Plan 2014 policy LF19 (to protect biodiversity)

6. Time Limit on Development - Further Biodiversity Surveys Required (condition)
The ecological survey work was undertaken in May 2023. Wildlife is dynamic and therefore, if there is a delay to the development, the ecological surveys will need to be updated to ensure the proposed ecological mitigation is still appropriate. We suggest this is captured through a suitably worded planning condition:

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

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

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

Reason: Fenland Local Plan 2014 policy LF19 (to protect biodiversity)

7. Breeding Birds (informative)

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

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

DRAFT INFORMATIVE – Breeding Birds

The Applicant is reminded that under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees / scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

Reason – Wildlife and Countryside Act 1981 (protection of wild birds, their nests, eggs and young)

5.10 Cambridgeshire County Council Lead Local Flood Authority (3/8/2023)

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

1. Incomplete SW Strategy

Whilst the applicant has proposed an outline drainage strategy, it is missing a few important details. The applicant proposes to dispose of surface water on site entirely via infiltration, yet no infiltration testing has been performed and additionally the local ground conditions are not known to infiltrate sufficiently. The applicant has provided a second option in the event infiltration rates are not adequate however no drainage plan has been provided for this scenario. Hydraulic calculations measuring the performance of both proposed systems in storm conditions have also not been provided. The following section outlines considerations for drainage and flood risk associated with minor developments at the outline stage that still need to be provided:

- i. Soil and geology type*
- ii. Existing flood risk (fluvial, surface water and groundwater sources)*
- iii. Proposed method of surface water disposal*
- iv. Existing and proposed runoff rates (if discharging off-site)*
- v. Assessment of SuDS features*
- vi. A surface water system layout*

Informatives

Infiltration

Infiltration rates should be worked out in accordance with BRE 365. If it is not feasible to access the site to carry out soakage tests before planning approval is granted, a desktop study may be undertaken looking at the underlying geology of the area and assuming a worst-case infiltration rate for that site. If infiltration methods are likely to be ineffective then discharge into a watercourse/surface water sewer may be appropriate; however soakage testing will be required at a later stage to clarify this.

Pollution Control

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

5.11 Cambridgeshire County Council Lead Local Flood Authority (17/10/2023)

We have reviewed the following documents:

• *Sustainable Drainage Strategy, Ellingham Consulting Ltd, Ref: ECL0985a, Dated: September 2023*

Based on these, in principle the LLFA support the proposed development.

The above documents demonstrate that surface water from the proposed development can be managed through the use of permeable paving and soakaways, discharging surface water from site via infiltration. This relies on successful infiltration testing at a later date providing evidence that the infiltration rate on site is sufficient. Additionally, groundwater testing must be completed ensuring the base of any infiltration features has sufficient clearance from peak seasonal groundwater levels. If infiltration testing proves that infiltration is not feasible the alternative drainage strategy of permeable paving and discharge via flow control at 3.1l/s is also acceptable.

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

We request the following conditions are imposed:

Condition 1

No laying of services, creation of hard surfaces or erection of a building shall commence until a detailed design of the surface water drainage of the site has been submitted to and approved in writing by the Local Planning Authority. Those elements of the surface water drainage system not adopted by a statutory undertaker shall thereafter be maintained and managed in accordance with the approved management and maintenance plan.

The scheme shall be based upon the principles within the agreed Sustainable Drainage Strategy, Ellingham Consulting Ltd, Ref: ECL0985a, Dated: September 2023 and shall also include:

- a) Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events;*
- b) Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change), inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;*
- c) Detailed drawings of the entire proposed surface water drainage system, attenuation and flow control measures, including levels, gradients, dimensions and pipe reference numbers, designed to accord with the CIRIA C753 SuDS Manual (or any equivalent guidance that may supersede or replace it);*
- d) Full detail on SuDS proposals (including location, type, size, depths, side slopes and cross sections);*
- e) Site Investigation and test results to confirm infiltration rates;*
- f) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;*
- g) Demonstration that the surface water drainage of the site is in accordance with DEFRA non-statutory technical standards for sustainable drainage systems;*
- h) Full details of the maintenance/adoption of the surface water drainage system;*
- i) Permissions to connect to a receiving watercourse or sewer;*
- j) Measures taken to prevent pollution of the receiving groundwater and/or surface water*

Reason

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

Condition 2

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

Reason

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

Condition 3

No development shall commence until infiltration testing has been undertaken in accordance with BRE365/CIRIA156 and a final surface water strategy based on the results of this testing has been agreed by the Local Planning Authority, in conjunction with the Lead Local Flood Authority.

Reason

To ensure a satisfactory method of surface water drainage, and to prevent the increased risk of flooding to third parties.

Informatives

Infiltration

Infiltration rates should be worked out in accordance with BRE 365/CIRIA 156. If for an outline application it is not feasible to access the site to carry out soakage tests before planning approval is granted, a desktop study may be undertaken looking at the underlying geology of the area and assuming a worst-case infiltration rate for that site. If infiltration methods are likely to be ineffective then discharge into a watercourse/surface water sewer may be appropriate; however soakage testing will be required at a later stage to clarify this.

Pollution Control

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

5.12 Local Residents/Interested Parties

2 objections have been received (from Grounds Avenue, March) in relation to the following:

- Loss of privacy
- Loss of light
- Noise and disturbance from additional traffic
- Impact of construction work
- Overdevelopment
- Access via a single width road which is 3m at widest, no scope for widening
- Any overflow parking would be onto Grounds Avenue and would cause obstruction
- No separate footpath for safe pedestrian access
- Impact in relation to drainage

1 representation has been received (from Badgeney Road, March) in relation to the fact that the access to the rear of the property is used and the need to ensure that this is maintained.

6 STATUTORY DUTY

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

7 POLICY FRAMEWORK

National Planning Policy Framework (NPPF)

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

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

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

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

Para. 110 – It should be ensured that:

b) safe and suitable access to the site can be achieved for all users.

Para. 112 – applications for development should:

c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles

d) allow for the efficient delivery of goods, and access by service and emergency vehicles

Para. 119 - Promote an effective use of land in meeting the need for homes

Para. 120 - planning decisions should:

c) give substantial weight to the value of using suitable brownfield land within settlements for homes

Para. 130 - Planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Para. 134 – Development that is not well designed should be refused.

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

Chapter 15 – Conserving and enhancing the natural environment

National Planning Practice Guidance (NPPG)

Determining a Planning Application

National Design Guide 2021

Context – C1

Identity – I1, I2

Built Form – B2

Movement – M3

Nature – N3

Homes and Buildings –H1, H2, H3

Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

LP9 – March

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

LP17 – Community Safety

LP19 – The Natural Environment

Emerging Local Plan

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

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

Policy 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 LP20 – Accessibility and Transport

Policy LP22 – Parking Provision (Appendix 6)

Policy LP24 – Natural Environment

Policy LP25 – Biodiversity Net Gain
Policy LP27 – Trees and Planting
Policy LP32 – Flood and Water Management
Policy LP33 – Development on Land Affected by Contamination
Policy LP51 – Site allocations for March

Delivering and Protecting High Quality Environments in Fenland 2014

Policy DM3 – Making a Positive Contribution to Local Distinctiveness and Character of the Area
Policy DM4 – Waste and Recycling Facilities

March Neighbourhood Plan 2017

H2 – Windfall Development
H3 – Local Housing Need

8 KEY ISSUES

- **Principle of Development**
- **Suitability of the site for the development proposed**
- **Flood Risk and Drainage**
- **Ecology**

9 BACKGROUND

- 9.1 Pre-application advice was sought in 2021 for 5 dwellings on the site (4 flats on the site to the north accessed via Ground Avenue and 1 bungalow on the site accessed via Hurst Avenue).
- 9.2 Concerns were raised in relation of the site to the north in respect of the fact it is severely constrained by its shape, relationship with surrounding dwellings and the fact that there is a right of way through the site which effectively cuts it in two, further concerns were raised in relation to the site access due to its width and potential vehicular and pedestrian conflict.
- 9.3 It was considered that a single-storey dwelling on the site access via Hurst Avenue may be acceptable subject to a suitable arrangement being put forward.
- 9.4 The applicant was again advised of the concerns with the Grounds Avenue element of the site during the course of the application and it was recommended that the application be withdrawn, and a stand-alone application submitted for the Hurst Avenue site. Further information has since been submitted in relation to ecology and drainage as the applicant wishes for the application to proceed to determination, aware of the fact that the recommendation would be one of refusal.
- 9.5 Whilst not material to the determination of the application it should be noted that the applicant and landowner is Fenland District Council.

10 ASSESSMENT

Principle of Development

- 10.1 The application site is located within the settlement of March which is identified within the Settlement Hierarchy as a Primary Market Town; Market Towns are identified within Policy LP3 as the focus for housing growth, accordingly there is a presumption in favour of development within this location. This is however on the

basis that the development is in keeping with and reflects the character of the area and that there are no significant issues in respect of residential or visual amenity, design, parking, highways, flood risk/drainage and ecology.

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

10.3 Policy LP1, Part A identifies March as a Market Town; Part B advises that land within the settlement, such as this site, will be supported in principle.

Suitability of the site for the development proposed

10.4 For the purposes of the assessment the site will be differentiated between that accessed via Hurst Avenue to the south and the northern element of the site accessed via Grounds Avenue:

Hurst Avenue

10.5 Whilst details in relation to appearance, layout, scale and landscaping are reserved matters, the site appears suitable for one single-storey dwelling as indicated. The indicative proposal demonstrates that a scheme can be achieved that respects the existing building line and character of the area, would not appear to result in a significant detrimental impact in relation to residential amenity of surrounding dwellings and would be afforded with adequate private amenity space, though suitable boundary treatments would be required to ensure sufficient privacy. There is a belt of trees and vegetation along the eastern boundary which should be retained where possible and incorporated within any proposed landscaping scheme (also see Ecology section below).

10.6 Access is via Hurst Avenue which is a narrow concrete road leading to tarmac oval cul-de-sac arrangement which enables turning, this currently serves 19 dwellings (some of which were under construction when the site was visited), it is acknowledged that this access arrangement is not ideal, however it is not considered that the addition of 1 dwelling would create a significant detrimental impact in this regard. Access to the site itself utilises an existing block paved drive which would be shared with 8 Hurst Avenue, parking for No.8 is retained with 2 parking spaces indicated for the proposed development, the layout is indicative at this time and may need to be reconsidered to ensure that on site turning is achieved.

10.7 Concerns were originally raised regarding the fact that the land to the rear of 6-8 Hurst Avenue would appear to become landlocked by the creation of the plot and could therefore become unmaintained and/or subject to antisocial behaviour. The applicant's agent has advised that access is available from Henry Orbell Close to the south.

Grounds Avenue

10.8 This element of the application is a former garage site which has since been cleared of structures, hardstanding remains, and the site is partially overgrown. Information from the applicant's agent indicates that there were 38-40 garages and that these were demolished around 2009, some 14 years ago. The historic use of the site for garaging and the associated traffic movements is a material consideration in the determination of this application.

10.9 The site is surrounded by residential development and is presently underutilised. It is acknowledged that para 120 c) of the NPPF affords substantial weight to the

value of using suitable brownfield land within settlements. However, whilst the site is large, it is severely constrained in relation to its shape, the relationship with surrounding dwellings (including access to the rear gardens of dwellings on Badgeney Road) and the fact that there is a right of way through the site which effectively cuts it in two and results in a large part of the site being unusable, there is also a high voltage cable which runs through the site which has a 3m wide easement which coincides with the right of way.

- 10.10 The layout put forward is contrived due to the awkward shape of the site and site constraints, with plot 1 being set back significantly further than the established building line on Grounds Avenue and introducing a detached property which is not characteristic of the area. Limited amenity space is afforded and relationships between dwellings are not ideal in respect of overlooking and outlook. No bin storage or collection area has been indicated and it is clear that Council refuse vehicles would be unable to access the site. The parking is predominately distant from the associated dwelling in a separate parking area, which does not appear useable in respect of the size of the spaces or the layout and could give rise to security and community safety concerns. An access road is provided in front of plots 2-5 with turning indicated, however it has not been demonstrated that this is workable, and the separated nature of the parking area is likely to result in parking on this access which would limit its use. Whilst it is acknowledged that this application is outline only, it is not considered that it has been demonstrated that 5 dwellings could be accommodated on this element of site without significant detrimental impacts.
- 10.11 It is proposed to utilise the existing access from Grounds Way which is also serves 51 and 53 Grounds Way and a number of properties on Badgeney Road for access to the rear of their gardens, along with pedestrians utilising the right of way through the site. The access is located in the corner of the turning head and is of extremely limited width at less than 3m wide with no scope for improvement due to the gardens and drives of existing dwellings either side. The Local Highways Authority object to the application on the basis that the addition of the development would increase the likelihood of conflict due to its inadequate width, with vehicles unable to pass and the presence of the right of way resulting in it also being used by pedestrians traversing the site. It is acknowledged that the access and its relationship with the existing properties and pedestrian use clearly falls below modern standards. However, as the lawful use of the land is car parking, this use could restart at any time without the need for planning permission and could generate at least as many traffic movements as the proposed 5 dwellings. Given the fall-back position, officers cannot recommend the refusal of planning permission on the grounds of the poor access.

Flood Risk and Drainage

- 10.12 The application site Falls within Flood Zone 1 (low risk of flooding from rivers of the sea), however a small part of the site has a high risk of surface water flooding. The application is accompanied by a Sustainable Drainage Strategy which demonstrates that surface water from the proposed development (and therefore the small area prone to surface water flooding) can be managed through the use of permeable paving and soakaways discharging surface water via infiltration or, should infiltration not prove feasible permeable paving and discharge via flow control. On this basis the Lead Local Flood Authority support the proposed development subject to conditions in relation to infiltration testing, detailed design and management of surface water during construction.

Ecology

- 10.13 The application is accompanied by an Ecological Impact Assessment which identifies that the site has potential for habitat for nesting birds, bats, reptiles, hedgehogs and invertebrates and mitigation and enhancement measures are therefore recommended. The Ecology Officer considers that the proposal is acceptable on ecology grounds subject to conditions securing the aforementioned measures.

11 CONCLUSIONS

- 11.1 The principle of development is accepted and there are no issues to address regarding flood risk, drainage and ecology, subject to conditions

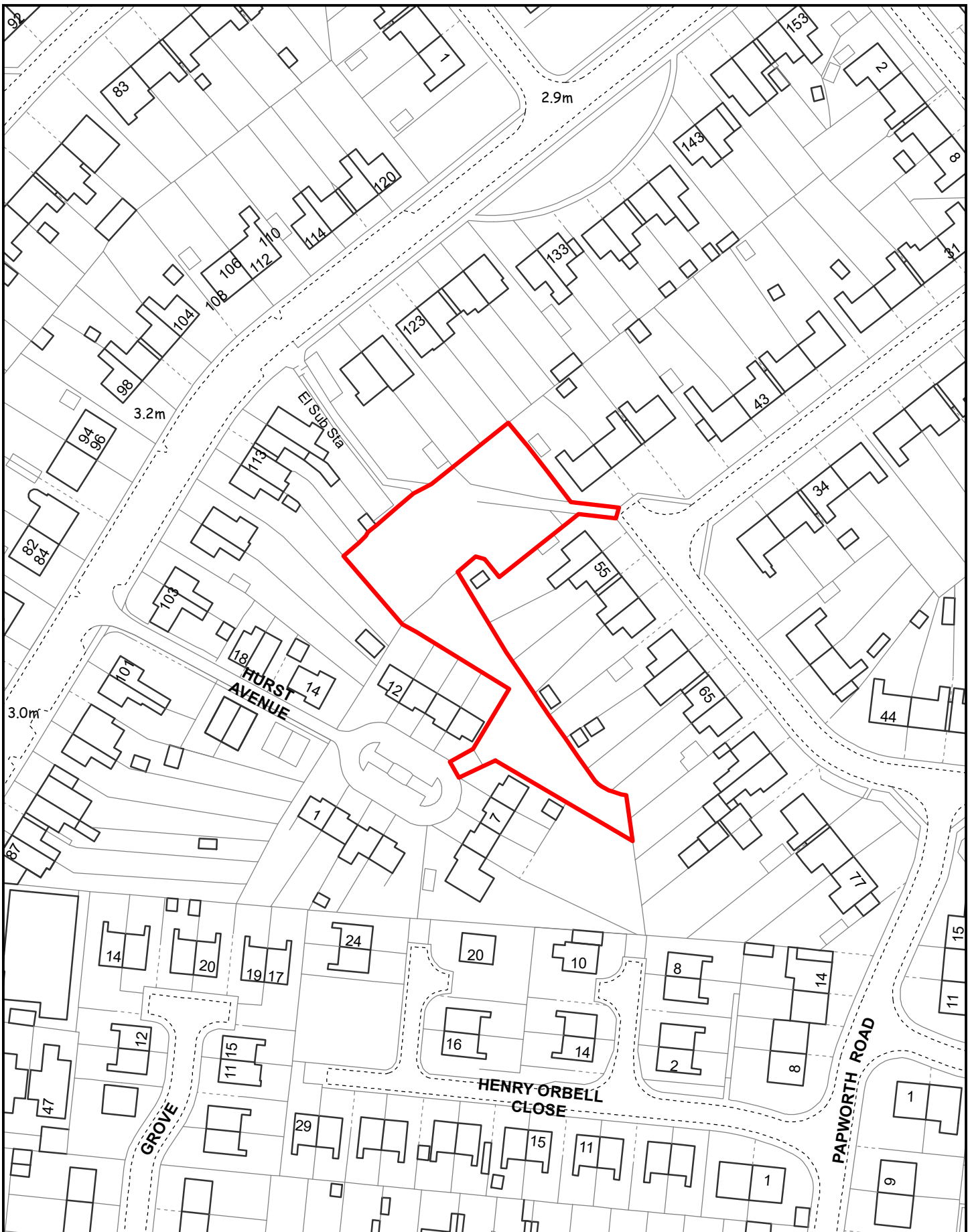
Whilst the single dwelling accessed via Hurst Avenue is supported, the majority of the development, for up to 5 dwellings off Grounds Avenue, is considered unacceptable, as whilst a reason for refusal in respect of the poor access cannot be substantiated, it has not been demonstrated that that a high quality, safe environment, which does not result in significant adverse impacts in relation to visual and residential amenity, could be achieved for the number of dwellings applied for, given the severely constrained nature of the site.

- 11.2 The recommendation is therefore to refuse the application in its entirety, given that there is no opportunity for a split decision.

12 RECOMMENDATION

Refuse for the following reason :

1.	<p>Policies LP2 and LP16 of the Fenland Local Plan 2014, DM3 of the Delivering and Protecting High Quality Environments in Fenland SPD 2014, para 130 of the NPPF 2023 and Chapters C1, I1 and I2 of the NDG 2021 seek to ensure that developments make a positive contribution to the local distinctiveness and character of the area and provide high quality environments, with high levels of residential amenity, avoiding adverse impacts.</p> <p>The Grounds Avenue element of the scheme is severely constrained in relation to its shape, the relationship with surrounding dwellings (including access to the rear gardens of dwellings on Badgeney Road) and the fact that there is a right of way through the site which effectively cuts it in two. There is also a high voltage cable that runs through the site which has a 3m wide easement which coincides with the right of way. Given all this, the application has failed to demonstrate that a high quality environment, which does not result in significant adverse impacts in relation to visual and residential amenity could be achieved for the proposed number of dwellings given the constrained nature of the site. As such, the development is considered contrary to the aforementioned policies as set out above.</p>
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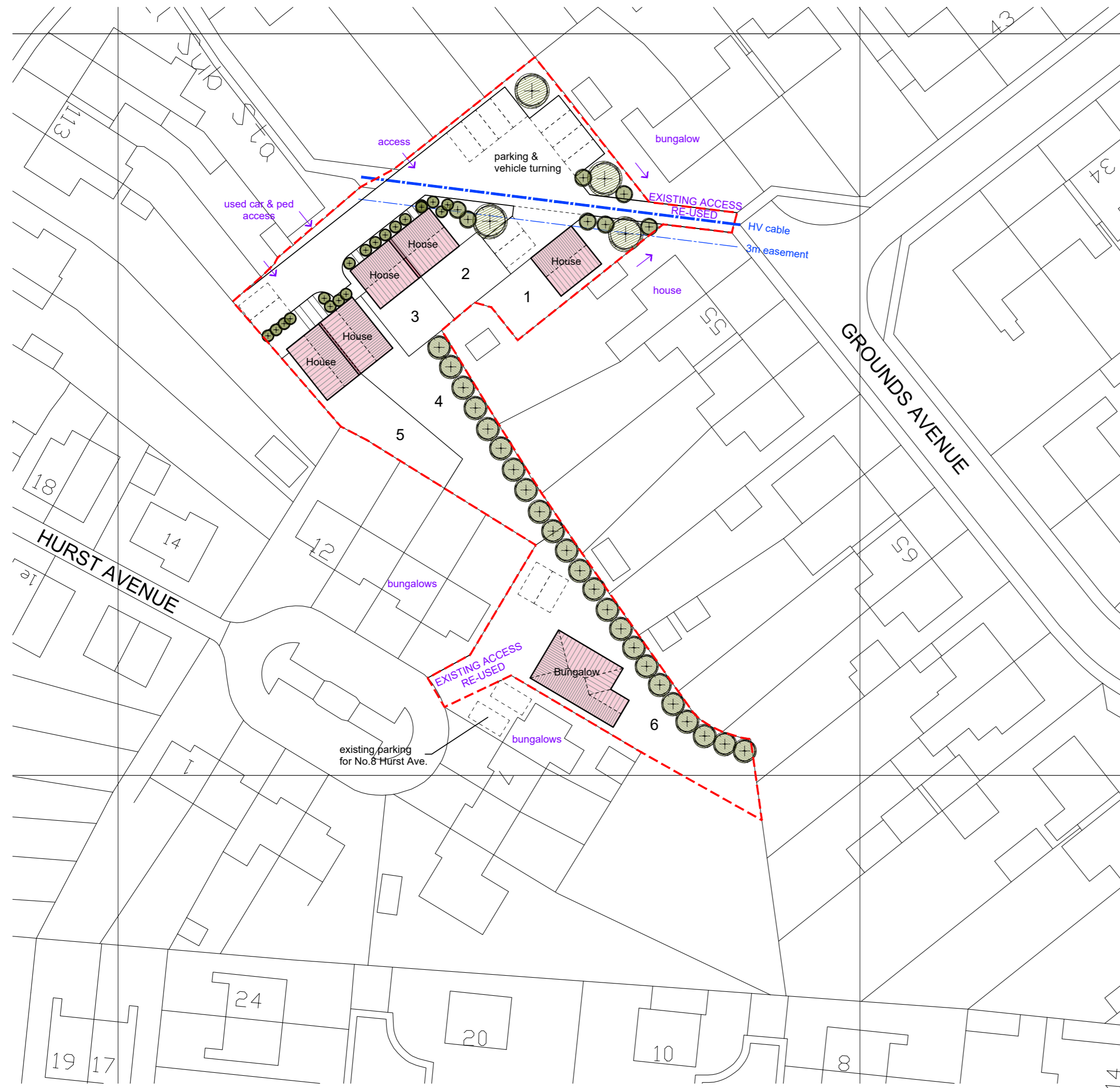
Created on: 18/08/2022

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F/YR22/0943/FDC

Scale = 1:1,250





ILLUSTRATIVE LAYOUT
FOR UP TO 6 DWELLINGS - 1:500

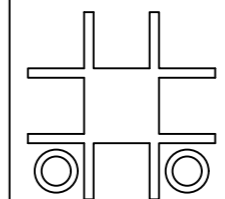
Site area = 2256 sq.m



LOCATION PLAN 1:1250

P:\2022 projects\Grounds Avenue, Chatteris\New Company Filing System\BHD Docs, Drawings & PDFs\2 Planning Drawings\outline planning.dwg

REVISION	DATE	DRAWN	CHECKED	DESCRIPTION	REVISION	DATE	DRAWN	CHECKED	DESCRIPTION

 <p>bhd R. HARRINGTON, 1st FLOOR 12 CHURCH SQUARE LEIGHTON BUZZARD BEDS. LU7 1AE Tel: 01525 854770 Fax: 01525 854778</p>	<p>PROJECT: GROUNDS AVENUE / HURST AVENUE MARCH</p>		
	<p>DRAWING TITLE: INDICATIVE DEVELOPMENT PLAN LOCATION PLAN</p>	<p>SCALE: 1:500 1:1250</p>	<p>PROJECT CODE: 2224</p>
<p>DRAW DATE: 08.06.22</p>	<p>DRAWN: AC</p>	<p>CHECKED: BH</p>	<p>DRAWING NUMBER: PL-01</p>
<p>DRAWING STATUS: OUTLINE PLANNING</p>	<p>REVISION DATE:</p>	<p>DRAWN:</p>	<p>REVISION: A</p>
		<p>CHECKED:</p>	<p>SHEET: A2</p>

F/YR23/0238/F

Applicant: Mr Kestutis Slamas

**Agent: Mr Ian Gowler
Gowler Architectural**

12 Wimblington Road, Doddington, Cambridgeshire, PE15 0TL

Erect 1 x dwelling (single-storey, 5-bed), involving the demolition of existing dwelling and outbuildings.

Officer recommendation: REFUSE.

Reason for Committee: Chairman requested a committee decision.

1 EXECUTIVE SUMMARY

- 1.1 The site is within a run of ribbon development and between nos.10 and 14 Wimblington Road.
- 1.2 The application site has an area of 5420 sqm and comprises of 1 single storey dwelling and some outbuildings.
- 1.3 Although the proposed dwelling would be acceptable in principle, the front elevation setback and the scale of the scheme would fail to be in keeping with the character of the area and streetscene and would significantly enclose the garden of No 14 to the detriment of its amenity.
- 1.4 It is considered the proposal would result in overdevelopment of the site and would adversely impact the surrounding pattern of development. As such, the proposal would conflict with Policies LP12 and LP16 of the adopted Fenland Local Plan 2014.
- 1.5 Therefore, the proposal is recommended for refusal.

2 SITE DESCRIPTION

- 2.1 The application site is flat land which comprises of 1 single storey dwelling and some outbuildings on the south side of Wimblington Road between the neighbouring plots of nos.10 and 14. This part of the road frontage consists of a parade of housing (approx. 17 dwellings).
- 2.2 The existing dwelling is one and a half storey in height, is setback from the road and benefits from a substantial rear amenity which widens to the rear and behind the neighbouring property no.14.
- 2.3 The side is defined by dense landscaping along the rear boundaries which abut a pond to the east, a paddock and poultry houses to the west and agricultural land to the south. Directly to the north are open fields used for agricultural rotation with further residential developments to the north-east.

- 2.4 With regards to the property on-site, the overall scale, roof pitch, fenestration arrangement and layout of interior spaces are characteristic of low-status vernacular housing dating from the late 18th-early 19th century, though obviously altered and extended in more recent times. The property is considered as a non-designed heritage asset (determined in the previous application ref: F/YR21/0777/F which was withdrawn).
- 2.5 The site is within Flood Zone 1 (low risk) and there is a Tree Preservation Order (TPO) along the south-east boundary.

3 PROPOSAL

- 3.1 This planning application seeks full planning approval for the demolition of the existing dwelling and associated outbuildings and the erection of a single storey dwelling and a detached garage/workshop.
- 3.2 The proposed dwelling would be sited 10m behind the building line of no.14 and further into the west site of the plot.
- 3.3 The proposed dwelling would be of a single storey bungalow design, finished with a mixture of pitched, hipped and crown roof features. Two dormer features are proposed along the north elevation and one along the east elevation. The dwelling will have a wide frontage to the north and extend into the site by way of a narrow central proportion which then widens to the rear and behind the rear boundary of no.14. Proposed materials include facing brickwork and concrete tiles however, these can be controlled via a planning condition.
- 3.4 The detached garage/workshop would be of a single storey traditional design, finished with a pitched roof and sited along the east boundary.
- 3.5 The site would be served by an access from Wimblinton Road located in the north-east corner of the site and a driveway which would run along the east side of the site and directly to the proposed garage/workshop. A turning area is also proposed to the front of the site.
- 3.6 Full plans and associated documents for this application can be found at: [F/YR23/0238/F | Erect 1 x dwelling \(single-storey, 5-bed\), involving the demolition of existing dwelling and outbuildings | 12 Wimblinton Road Doddington Cambridgeshire PE15 0TL \(fenland.gov.uk\)](https://fenland.gov.uk/permissions/F/YR23/0238/F)

4 SITE PLANNING HISTORY

Reference	Description	Decision	Date
18/0129/PREAPP	Erection of 5 dwellings following the demolition of existing dwelling	Not favourable	07/03.2019
20/0020/PREAPP	Residential development Land South Of 12 - 14C Wimblington Road, Doddington	Not favourable	31/03/2020
20/0076/PREAPP	Proposed demolition of existing dwelling and erection of x6 new dwellings	Not favourable	28/07/20220
20/0136/PREAPP	Proposed Development of 5 New Dwellings Land South Of 12 - 14C Wimblington Road, Doddington	Not favourable	16/11/2020
F/YR21/0777/F	Erect a dwelling (2-storey, 4-bed), detached triple garage/store and front boundary wall (approx height 2.0m) including demolition of existing dwelling and outbuildings	Withdrawn	215/08/2021
F/YR23/0017/O	Erect up to 6no dwellings (outline application with all matters reserved) Land South Of 12 - 14C Wimblington Road, Doddington (adjacent application site)	Refused	24/07/2023

5 CONSULTATIONS

5.1 Doddington Parish Council

Objected to the planning application on the grounds that the size and appearance of the proposed dwelling is out of character with the street scene and it will create a significant intrusion to the adjoining property.

Whilst the Parish Council has no objection to the principle of demolishing the existing property at 12 Wimblington Road and building a new dwelling, this must have regards to the effect on the street scene and neighbouring properties

5.2 FDC Environmental Health

The Environmental Health Team note and accept the submitted information and have 'No Objections' as it is unlikely to have a detrimental effect on local air quality and the noise climate.

I note from the previous application submitted for this site (reference F/YR21/0777/F) that due to observations of previous land use and the potential contaminants to exist, this service requested a Phase 1 contaminated land assessment to ensure the land is suitable for its intended sensitive end use. There does not appear to be a Phase 1 contaminated land assessment submitted with the current application, therefore it would be appropriate to request the full suite of contaminated land conditions on this decision in the event planning permission is granted.

5.3 CCC Highways

(Received 25.04.2023). *I have no objection to the principle of the proposed development, but the applicant will need to amend the proposals to include a turning area so that domestic vehicles need not reverse onto Wimblington Road. There appears to be sufficient space for such turning but the applicant will need to confirm the hard landscaping proposals. Provided that the applicant can make this change, the replacement dwelling will not impact upon the public highway beyond that of the current dwelling, and the continued use of the existing access remains acceptable.*

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

(Received 28.07.2023). *Based on the revised proposals, which now include a turning head, I have no objection to the proposed development.*

5.4 CCC Archaeology

Our records indicate that the property proposed for demolition is illustrated on early edition Ordnance Survey mapping dating to 1885. The overall scale, roof pitch, fenestration arrangement and layout of interior spaces are characteristic of low-status vernacular housing dating from the late 18th-early 19th century onwards, which was once common but is now of considerable rarity in Fenland and across the county. Very few such properties now survive as they are subject to high attrition rates through development – without substantial alteration/extensions they do not offer the scale of accommodation that is preferable for modern living.

We have commented on this site previously in relation to prior (withdrawn) application F/YR21/0777/F. At that time we advised your colleague that a

photographic survey would be required to determine the extent of historic fabric surviving and whether the property should be considered as a non-designated heritage asset in the determination of the application, under the terms of the NPPF.

The current application is now accompanied by a photographic survey, as requested. The photographic survey of the interior confirms the antiquity of the dwelling but also arguably provides relevant evidence to support the present application for demolition, in terms of the condition of the existing structure. We therefore would not object to this new application for demolition, but consider that the site should be subject to a programme of archaeological historic building recording in mitigation of the loss of this traditional Fenland cottage. The record of the cottage that is provided by the existing plans, photographs and documentary research should be compiled and augmented to produce a single report documenting the property in its existing condition prior to demolition, to serve as a permanent, publicly accessible record per paragraph 205 of the National Planning Policy Framework. This should be secured through the inclusion of a condition such as the example condition approved by DLUHC:

Archaeology Condition

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

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

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

5.5 CCC Definitive Map Team

Public Footpath 1, Doddington, runs across the south of the site. To view the location of the Footpath please view our interactive map online which can be found at <http://my.cambridgeshire.gov.uk/myCambridgeshire.aspx>. Whilst the Definitive Map Team has no objection to this proposal, the Footpath must remain open and unobstructed at all times.

5.6 FDC Arboriculture Officer

The proposed development requires the removal two individual trees, one group of trees and a short length of hedge.

I agree with the submitted arboricultural impact assessment regarding the value of the trees and have no objections to the removals.

I would expect to see some replacement planting to mitigate the losses and they can be dealt with as part of conditions.

The applicant must ensure the method statement and tree protection guidelines within the submitted arboricultural report are adhered to for the retained trees.

5.7 **Local Residents/Interested Parties**

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

- Sympathetic design
- Good garden development
- Family home
- Tidy up the plot
- Visually improve site
- Enhance the area

6 **STATUTORY DUTY**

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

7 **POLICY FRAMEWORK**

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

Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

LP12 – Rural Areas Development Policy

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

LP19 – The Natural Environment

Emerging Local Plan

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

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

LP1: Settlement Hierarchy
LP2: Spatial Strategy for the location of residential development
LP7: Design
LP8: Amenity Provision
LP18: Development in the Countryside
LP20: Accessibility and Transport
LP22: Parking Provision
LP24: Natural Environment
LP28: Landscape
LP32: Flood and Water Management

8 KEY ISSUES

- **Background**
- **Principle of Development**
- **Archaeology (Non-Designated Heritage Asset)**
- **Visual Amenity and Character of the area**
- **Residential Amenity**
- **Flood Risk**
- **Highway Safety**
- **Ecology & Trees**

9 BACKGROUND

9.1 The applicant was informed of the original highway comments i.e., the need to include a turning area. The applicant provided a revised plan which was submitted 30.06.2023 and accepted.

10 ASSESSMENT

Principle of Development

- 10.1 The site lies along a linear form of residential development that fronts the southern side of Wimblington Road. This section of Wimblington Road appears as a ribbon development between Doddington and Wimblington. Further, the site already benefits from a residential dwelling therefore, the residential use of the site has already been established.
- 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 of this report.

Archaeology (Non-Designated Heritage Asset)

- 10.3 The host dwelling is considered to be a non-designated heritage asset. A low-status vernacular Fenland Cottage dating from the late 18TH early 19TH century.
- 10.4 There is a presumption that such Non-Designated Heritage Asset's (NDHA) are retained unless there are very good reasons not to.
- 10.5 Para 203. of the NPPF states: *'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-*

designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'.

- 10.6 The applicant has submitted a photographic survey with the application. The Archaeology Officer assessed the survey and concluded there was no objection to the proposed loss of the Non-Designated Heritage Asset, subject to a condition for a programme of archaeological historic building recording.

Visual Amenity and Character of the area

- 10.7 Policy LP16 refers to development making a positive impact to local distinctiveness and the character of the area and amongst other things should not have an adverse impact on landscape character. It is also a core planning principle in the NPPF that recognises the intrinsic value of the countryside; therefore, consideration needs to be given to any harm caused.
- 10.8 Part A of policy LP12, criteria (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 Further to the above-mentioned policies, Policy DM3(d) of the 'Making a Positive Contribution to Local Distinctiveness and Character of the Area' SPD sets out that the character of the landscape, local built environment and settlement pattern should inform the layout, density, proportions, scale, orientation, materials and features of the proposed development, which should aim to improve and reinforce positive features of local identity.
- 10.10 The application site is located within ribbon development and is easily visible by users travelling along Wimblington Road (B1093) and the adjacent public footpaths therefore, any proposal would have to integrate well into the surrounding built environment. Many of the adjacent properties benefit from a consistent setback from the road frontage by approx. 3m – 6m which is a characteristic of the area.
- 10.11 The proposed dwelling would be located between no.10 to the east and no.14 to the west. Regarding no.14, the proposed dwelling would be located 8m – 10m behind their building line. However, this proposed setback would result in a substantial visual gap between the nos. 14 and 10 and would prejudice the character of the Wimblington Road streetscene. The visible and apparent location of the site would further exacerbate visual impacts and therefore is unacceptable.
- 10.12 The surrounding pattern of development along Wimblington Road consists of plots with modest built-to-land ratios. Whilst it is acknowledged there is no uniformity in terms of building footprints, many neighbouring properties do appear as modest forms of development with simple footprints which rest comfortably within their boundaries. The proposed dwelling would occupy a large footprint almost 3 to 4 times larger compared to surrounding properties. Whilst the proposed central elongated proportion which widens to the rear and 'hooks' behind the rear boundary of no.14 would be drastically at odds with the built form along Wimblington Road. Furthermore, the arrangement of the development along the south-west side of the site particularly the 'utility' and 'pool room' results in a disjointed and contrived appearance which poorly relates to the site and the surrounding built environment.

- 10.12 Regarding design, the locality consists of two storey and single storey properties with a mixture of designs and in this regard a bungalow would be acceptable within the area. The northern portion of the dwelling is the simplest portion which would be the most visible along the northern elevation and therefore is acceptable. The remainder of the dwelling would be isolated towards the rear of the site and benefits from a degree of obscurity which in turn, softens impacts. Although the arrangement of mixed roof forms, particularly the large, hipped roof with a crown feature serving the `pool room` and the mixture of ridge heights throughout the dwelling are not ideal they are on balance, acceptable due to the limited views into the site.
- 10.13 The proposed detached garage along the east boundary by way of its conventional design and scale is acceptable.
- 11.14 In light of the above, the proposed dwelling by virtue of its excessive front elevation setback would result in a substantial gap between no.14 and no.10. Furthermore, the proposal by virtue of its quantum of development would fail to be in keeping the surrounding scale of dwellings along this section of Wimblington Road.
- 10.15 As such, the proposal would conflict with Policies LP12 and LP16 of the Fenland Local Plan 2014.

Residential Amenity

- 10.16 Policy LP2 states that development proposals should contribute to the Council's goal of Fenland's residents, inter alia, promoting high levels of residential amenity whilst policy LP16 states that development should not adversely impact on the amenity of neighbouring users such as noise, light pollution, loss of privacy and loss of light.
- 10.17 The proposed dwelling would be a single storey bungalow. No first-floor windows are proposed therefore, there would be loss of privacy. It is acknowledged a 1.8m high fence is proposed along the west site boundary. Notwithstanding the fence there may be limited overlooking from the corridor windows, but given the frequency of use of the corridor and the limited dwell time it is considered that the relationship is acceptable. There is also on the west elevation a `bi-fold` style, full height door to bedroom 5. This looks largely toward the outbuilding at No 14 and so the level of overlooking will be limited.
- 10.18 The proposal is of a low-impact, single storey bungalow and so would not adversely impact neighbouring amenity in terms of loss of light. It is acknowledged the proposed `pool room` feature would be located 1m – 1.5 (approx.) from the rear boundary of no.14 and would have a maximum height of 4m - 5m (approx.); this would normally result in amenity impacts (i.e., loss of light/overbearing/enclose rear garden). However, it is acknowledged no.14 benefits from an existing detached garage of a moderate scale in their rear garden. This existing garage would lie adjacent the site and by way of its scale would obscure the bulk of the `pool room` and subsequently soften the impact. Considering the mass of this existing garage serving no.14 it would mitigate amenity impacts such as, loss of light. Notwithstanding this, the proposed development would `surround` and `enclose` the garden of No. 14 on two of its three sides in relative close proximity to an unacceptable degree.

- 10.19 The proposed parking arrangement to the front and side is generally consistent with neighbouring properties. Although there is a long driveway proposed along the east side of the site, it would be sited 5m – 6m from the side elevation of no.10 which would not result in noise impacts.
- 10.20 The proposed garage is located deep into the site along the east boundary and is generally isolated from neighbouring amenities, therefore, is acceptable.
- 10.21 The proposal would be in accordance with Policies LP2 and LP16 (e) of the adopted Fenland Local Plan 2014.

Flood Risk

- 10.22 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.
- 10.23 The site lies within the Middle Level Commissioners Drainage Board area and were subsequently consulted. However, no comment was made in regard to this application.
- 10.24 It is considered reasonable to determine that this part of the proposal is acceptable in terms of flood risk and there are no issues to address in respect of Policy LP14.

Highway Safety

- 10.25 Policy LP15 requires new development 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.
- 10.26 The proposal seeks to maintain the existing access in the north-east corner of the site. The Highways consultee has reviewed the proposal and has no objection.
- 10.27 The scheme proposes the creation of one, 5-bed dwelling which require 3 parking spaces, as per the current parking standards. The private areas of driveway offer sufficient parking availability for the quantum of accommodation proposed.
- 10.28 The proposed parking and access are not objected to and would accord with Policy LP15 of the Fenland Local Plan 2014.

Ecology & Trees

- 10.29 The application site is occupied by an existing dwelling which is proposed to be removed. An Preliminary Ecological Assessment (PEA) has been submitted and the Ecology consultee was subsequently consulted. However, no comments were received. The planning officer has reviewed the PEA and it is accepted. As such, the proposal would accord with Policy LP19 of the Fenland Local Plan 2014.
- 10.30 An Arboricultural Impact Assessment (AIA) has been submitted and the Tree consultee has no objection to the proposal.

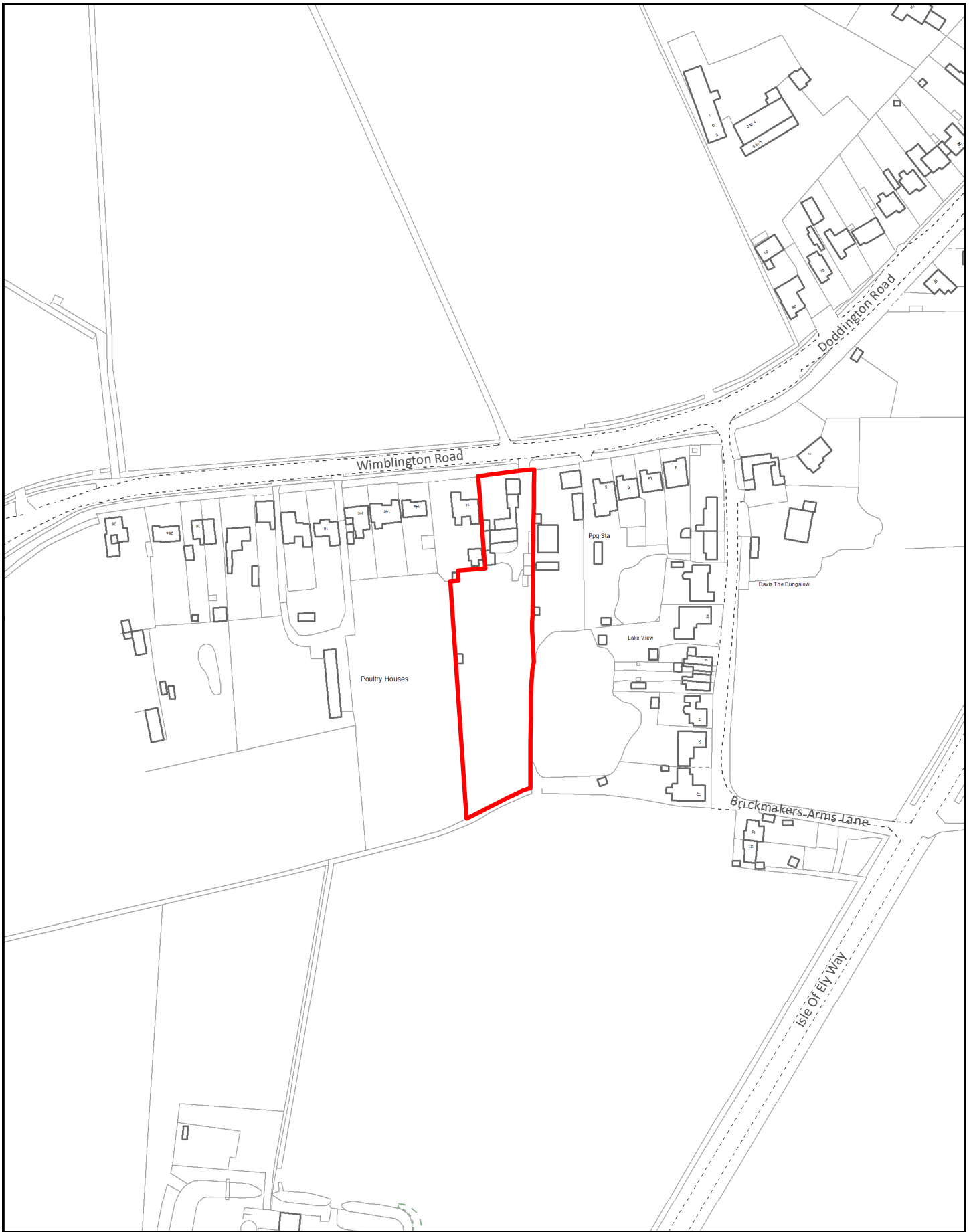
11 CONCLUSION

- 11.1 The proposal would not be in-keeping with form, layout and setting of the local area. The scheme would be in contravention of Policies LP12 and LP16 and is recommended for refusal.

11 RECOMMENDATION

REFUSE; for the following reasons:

1	<p>Policy LP12 (d) of the Fenland Local Plan (2014) 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. Policy LP16 (d) of the Fenland Local Plan (2014) requires development to deliver and protect high quality environments through, amongst other things, making a positive contribution to the local distinctiveness and character of the area.</p> <p>The proposed dwelling by virtue of its excessive front elevation setback would result in a substantial gap between nos.14 and no.10 Wimblington Road and so would be at odds with the surrounding pattern of development and adversely impacting the local character of Wimblington Road. Furthermore, the proposal, by virtue of its scale, would result in overdevelopment of the site and surround and enclose much of the garden of No14 impacting on its amenity and be at odds with the surrounding pattern of development and adversely impacting the local character of Wimblington Road.</p> <p>As such, the proposal would conflict with Policies LP12 (d) and LP16 (d) of the Fenland Local Plan (2014).</p>
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Scale = 1:2,500





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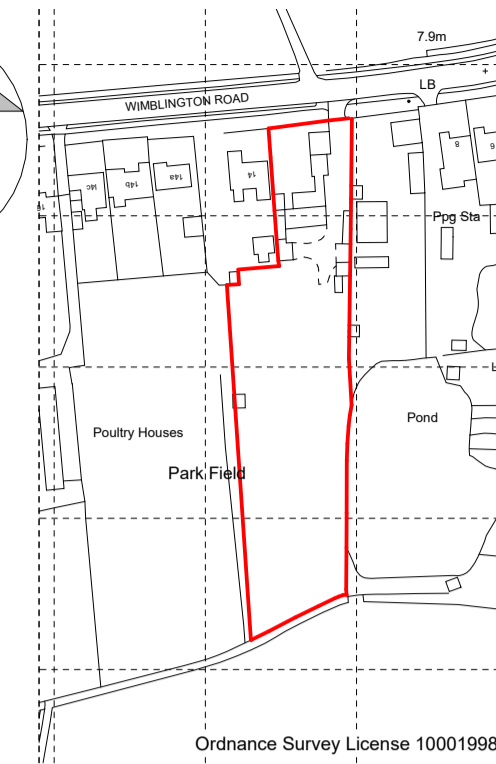
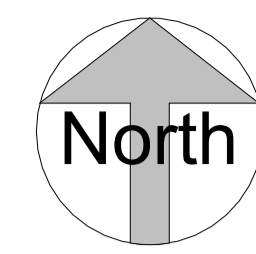
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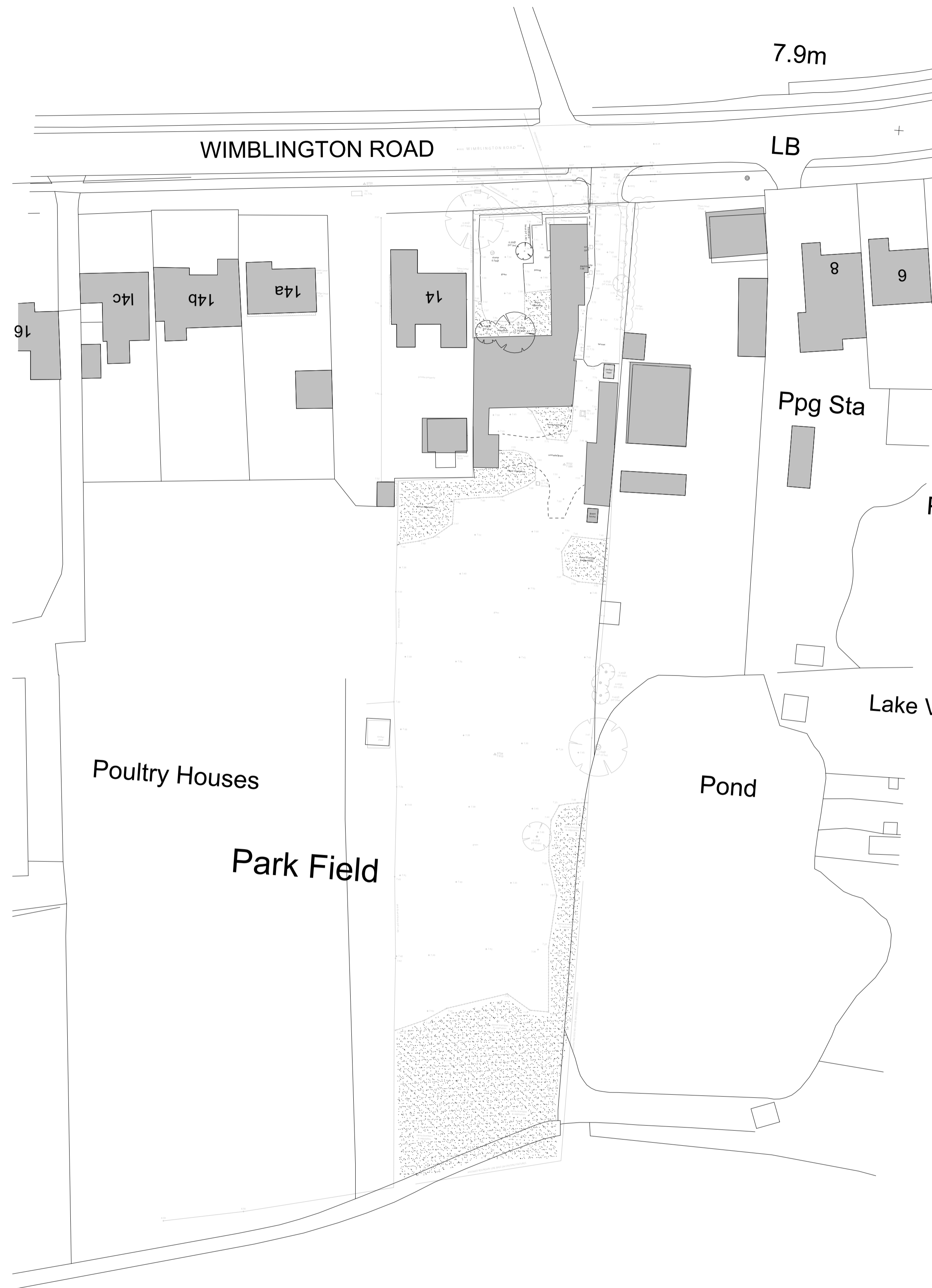
 **Fenland**
CAMBRIDGESHIRE
Fenland District Council

Any discrepancies to be brought to the attention of the author as soon as possible.
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Notes



Location Plan
 Scale 1 : 2500



Existing Site Plan
 Scale 1 : 500

Rev	Description	Date

Primrose Energy and Architectural Services Ltd
 Grove House, 22 Primrose Hill, Doddington
 Cambs PE15 0SU
 tel: 07733 266198 email: ian@peastd.co.uk

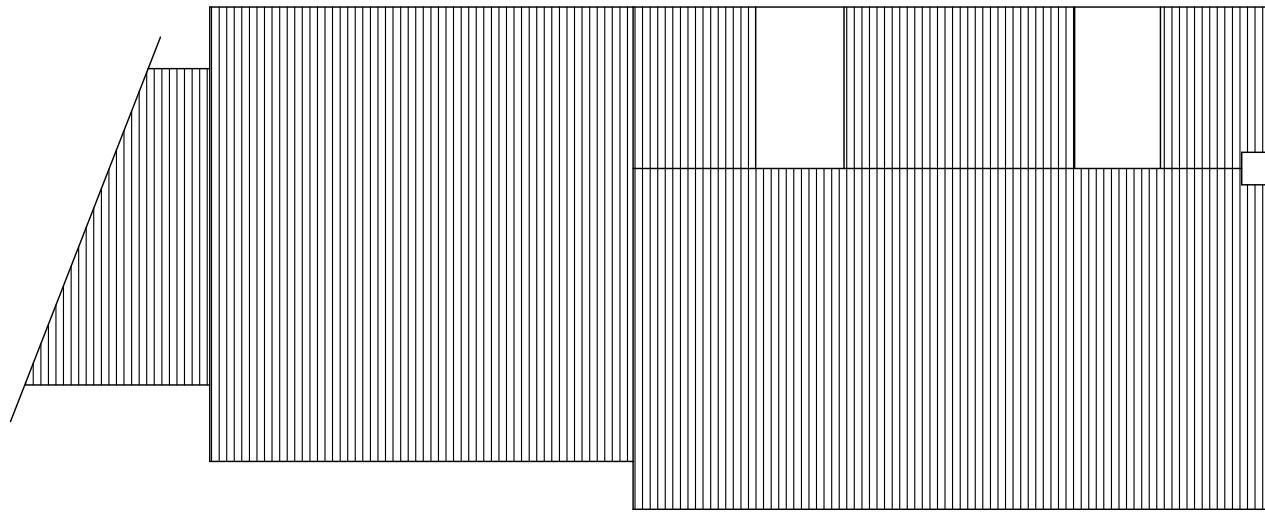
Job Description
 Proposed Replacement Dwelling at 12
 Wimblington Road, Doddington

Drawing Title
 Planning Drawing 1 - Existing Site Plan

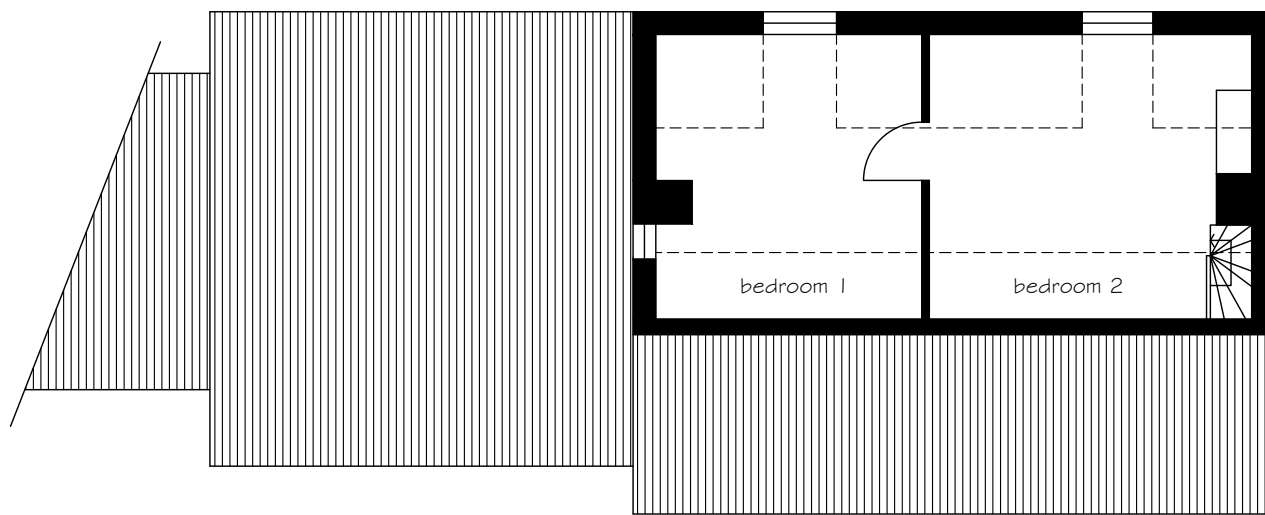
date	scale	drawing no.	rev
11/27/22	As indicated	PEAS025 - P01	100

General Notes

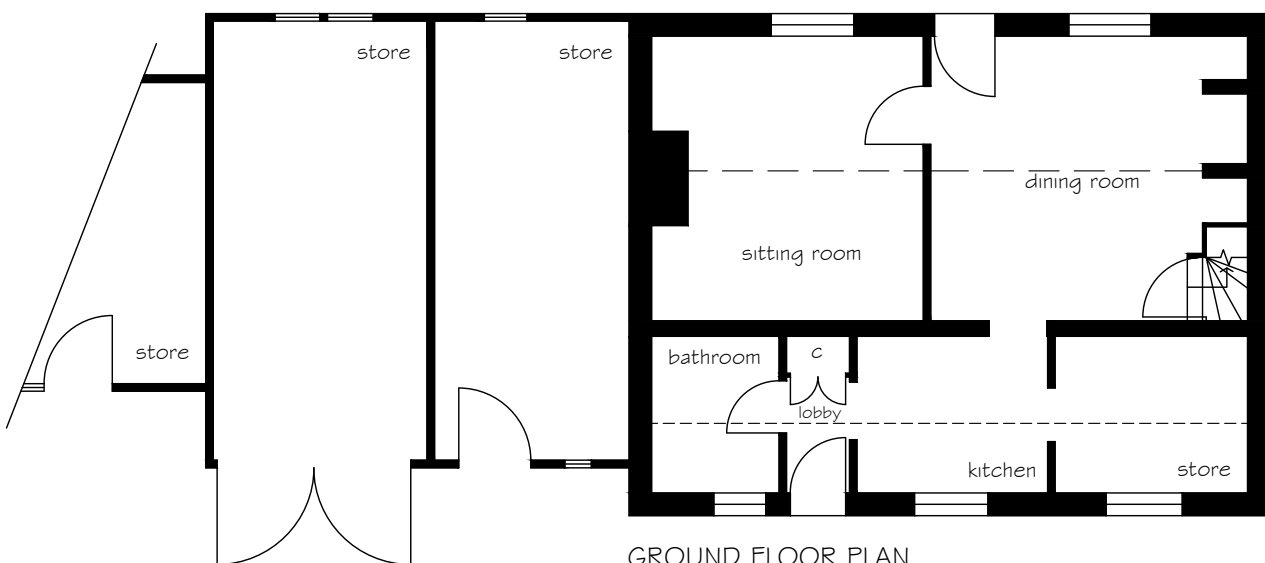
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10. All foundations and structures within 3 meters of a public sewer are to be taken below the invert level of the sewer in accordance with the water utility company's requirements. The land owner is responsible for organizing, financing and obtaining all 'Build-Over/Adjacent to' agreements before any work commences on site



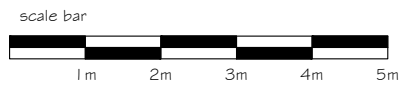
ROOF PLAN



FIRST FLOOR PLAN



GROUND FLOOR PLAN



date	rev.	revision/author/checker

purpose of issue PLANNING
project Doddington, 12 Wimlington Road
drawing Photographic Record floor plans

drawing no. DD.12WR.PO1	
drawn	checked
scale 1/100 @ A3	date December 2021

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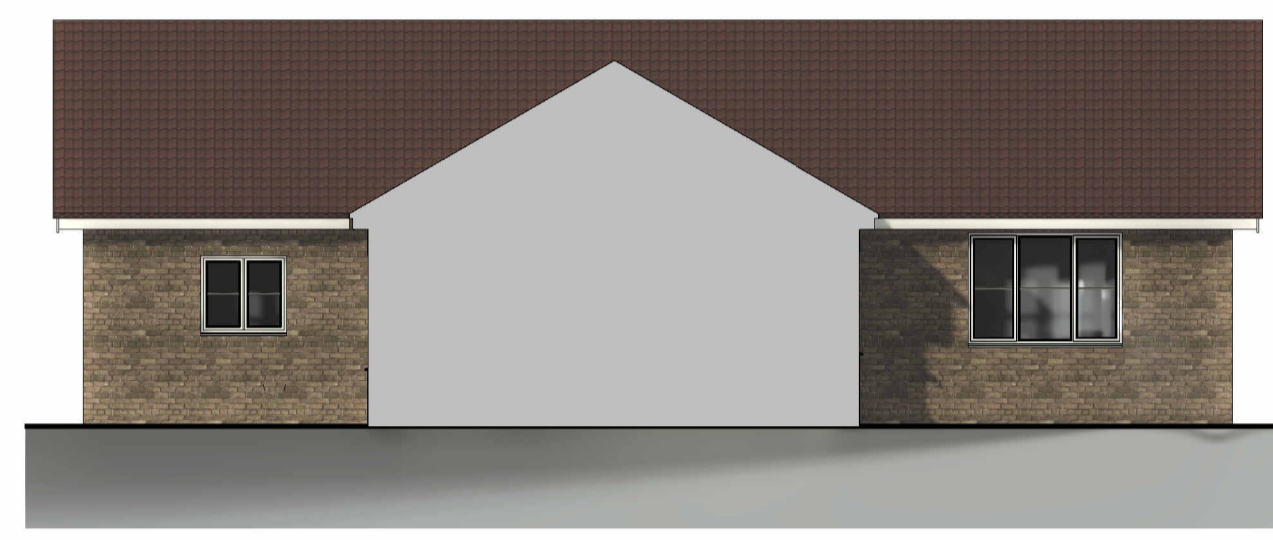
Notes



Planning Street Scene
 Scale 1 : 100



Planning Front
 Scale 1 : 100



Planning Part Elevation Rear
 Scale 1 : 100



Planning Rear
 Scale 1 : 100



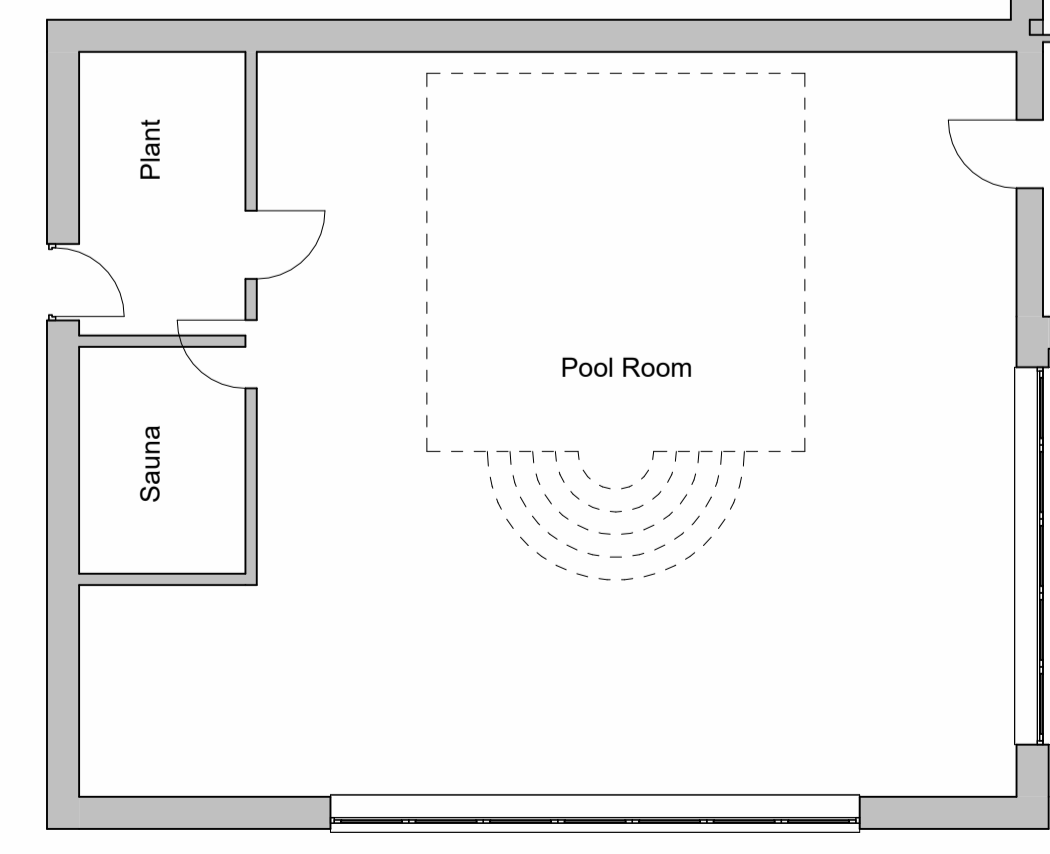
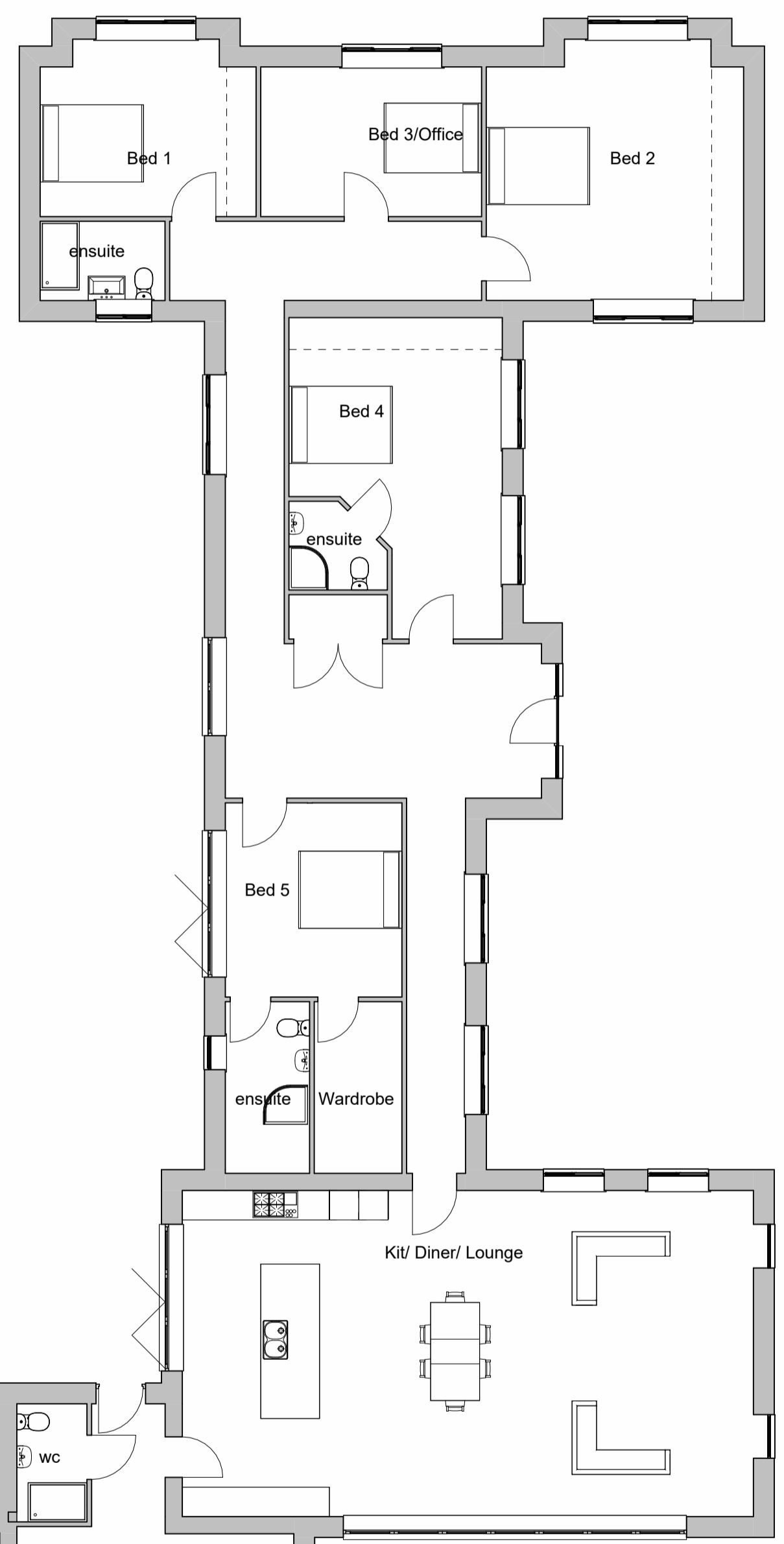
Planning Part Elevation Front
 Scale 1 : 100



Planning Side (east)
 Scale 1 : 100



Planning Side (west)
 Scale 1 : 100



Proposed Ground Floor
 Scale 1 : 100

Rev	Description	Date

Primrose Energy and Architectural Services Ltd
 Grove House, 22 Primrose Hill, Doddington
 Cambs PE15 0SU
 tel: 07733 266198 email: ian@peastd.co.uk

Job Description
 Proposed Replacement Dwelling at 12
 Wimblington Road, Doddington

Drawing Title
 Planning Drawing 3 - Plans and Elevations

date	scale	drawing no.	rev
15/06/22	1 : 100	PEAS025 - P03	

F/YR23/0340/F

Applicant: Mr R Khan

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

**Whitemoor Road Function Centre, Whitemoor Road, March, Cambridgeshire,
PE15 0AF**

**Erect 1 x dwelling (2-storey 4-bed) with detached garage involving demolition of
function centre.**

Officer recommendation: REFUSE.

**Reason for Committee Consideration: Officer recommendation for refusal
whereas the Town Council supports the application**

1 EXECUTIVE SUMMARY

- 1.1 The application seeks full planning permission to demolish the existing Whitemoor Road Function Rooms and the erection of a two-storey detached dwelling, with direct access onto Whitemoor Road.
- 1.2 Policy LP3 seeks to steer development to the most sustainable areas. The site within an 'Elsewhere' location in the settlement hierarchy, as set out in Policy LP3. Development elsewhere will be restricted to that which is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services. The applicant has not demonstrated that there would be an 'essential' need, as required in order to satisfy the tests set out in Policies LP3 and LP12 of the Fenland Local Plan 2014. As such, the proposal fails to comply with these policies.
- 1.3 The site is within a 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. As such, the application has not passed the Sequential Test and the development is contrary to Policy LP14 of the Fenland Local Plan 2014, Section 4 of the Cambridgeshire Flood and Water SPD 2016 and Paragraph 162 of the NPPF 2023.
- 1.4 Therefore, the application is recommended for refusal.

2 SITE DESCRIPTION

The proposed site is currently comprised of the former Whitemoor Road Function Rooms and Windmill Rooms. The buildings are currently vacant and are single storey in height constructed of timber and corrugated roofing.

The site lies outside of and to the north-west of March and forms a small ribbon development to the north of Whitemoor Road. To the north-west is a mobile home whilst to the east is Windmill Farm. Beyond the western boundary is a modest pond and landscaping area. There is currently a single point of access into the site,

which opens directly onto the Whitemoor Road and serves the mobile home to the north-west as well as the in-situ former function rooms. The wider area is comprised of largely agricultural fields.

The site is designated within Flood Zone 3 (high risk).

3 PROPOSAL

The proposal seeks to demolish the existing function rooms and erect a two storey, 4-bedroom dwelling with a large single storey detached garage. The dwelling is proposed to be of a barn conversion style, finished with a pitched roof, a front elevation two storey projection and side and rear proportions. Proposed materials include, red facing brick and natural grey slate roof, whilst the front projection (including the garage) will be finished in black featheredge board with a glazed feature.

The dwelling would have a height of 7.4m, a length of 19.8 and a depth of 8.2m (including the front projection). The rear/side extension measures 5.8m from the rear elevation and 6.9m in width.

The detached garage would have a single storey height finished with a pitched roof, a width of 6.4m and a depth of 7.0m. The garage would benefit from an adjacent car port.

4 SITE PLANNING HISTORY

Reference	Description	Decision	Date
F/YR04/3122/F	Stationing of a mobile home to use as a holiday home. Windmill Farm Whitemoor Road March	Granted	04/05/2004

5 CONSULTATIONS

March Town Council

Recommendation Approval.

Environment Agency

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

Flood Risk

The site is located within the extent of the 'IDB Flood Risk Area', which forms part of our Local Flood Risk Standing Advice (LFRSA) for Fenland District Council. As such, this development falls within the scope of Advice Note 6 of the LFRSA and we have no objections to make on the application.

The Internal Drainage Board should be consulted with regard to flood risk associated with their watercourses and surface water drainage proposals.

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

Sequential and Exception Tests

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

Environmental Health

The Environmental Health Team note and accept the submitted information, and have no objections to the proposed development as it is unlikely to have a detrimental effect on local air quality.

Owing to the historical issues associated with the site, a desk study / Phase I contaminated land risk assessment must be submitted to determine whether previous activities have impacted on the ground condition which will be put to residential use, including where it will serve as garden areas and have a potentially detrimental impact on the end user. This can be secured by way of imposing the full contaminated land condition which will then cover a Phase II survey and follow-up remediation work if then considered necessary.

CONTAMINATED LAND

No development approved by this permission shall be commenced prior to an investigative contaminated land assessment and associated remedial strategy, being submitted to the LPA and receipt of approval of the document/documents from the LPA. This applies to paragraphs a) and b). This is an iterative process, and the results of each stage will help decide if the following stage is necessary.

(a) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitable qualified and accredited consultant/contractor in accordance with a quality assured sampling and analysis methodology.

(b) A site investigation report detailing all investigative works and sampling on site, together with the results of the analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the LPA. The LPA shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment including any controlled waters. No development approved by this permission shall be occupied prior to the completion of any remedial works and a validation report/s being submitted to the LPA and receipt of approval of the document/documents from the LPA. This applies to paragraphs (c), (d) and (e).

(c) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance.

(d) If, during the works, contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA.

(e) Upon completion of the works, this condition shall not be discharged until a validation/closure report has been submitted to and approved by the LPA. The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from site, and what has been brought on to site.

In the interests of protecting the amenity of existing nearby residents, I would also recommend including the following condition for any planning permission granted:

WORKING TIMES

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

Highways

Having reviewed the above application, the Highway Officer raises no objection to the above application on behalf of the Highway Authority.

The proposed application involves the demolition of the Whitemoor Function Centre (in a state of repair), replacing it with a 2-storey 4-bedroom dwelling, three parking spaces, 3 detached garages and a new access. The supporting documents asserts that the above proposal would result in reduce traffic movements, when compared with it previous use. This is welcomed by the LHA.

Regarding proposed parking, spaces and designated parking area, the applicant should ensure it complies with CCC's minimum dimensions of 2.5m x 5m and can accommodate the associated parking manoeuvres.

While no inter-vehicular visibility splays have been explicitly shown for the proposed new access onto Whitemoor Road, based on the alignment of the highway and width of highway verge, I am confident that visibility commensurate with the signed speed limit (2.4m x 215m) can be achieved fully within the highway.

Should the LPA be minded to approve the above application, it should be subject to the following conditions:

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

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

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

Reason: In the interest of highway safety in accordance with Policy LP15 of the Fenland Local Plan 2014.

Temporary facilities 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: In the interest of highway safety in accordance with Policy LP15 of the Fenland Local Plan 2014.

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.

Reason: In the interest of highway safety in accordance with Policy LP15 of the Fenland Local Plan 2014.

Ecology

The application provides insufficient evidence to demonstrate the level of impact of the scheme on biodiversity, namely bats. It is not possible to determine if the scheme will adequately protect European Protected Species, nor if the scheme accords with Fenland Local Plan 2014 policy LP19 which seeks to conserve, enhance and promote the biodiversity interest.

We recommend refusal until the further bat survey work recommended within the Preliminary Ecological Appraisal (Philip Parker Associates Ltd, 2023) is completed and submitted to the LPA.

Local Residents/Interested Parties

Three objections have been received which are summarised below and will be addressed within the report:

- Potential asbestos
- Overlooking
- Loss of light
- Incorrect boundaries shown on plan(s)
- Impact on animals
- Maintenance of land
- Impact upon privacy
- Impact on Road safety

6 STATUTORY DUTY

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

7 POLICY FRAMEWORK

National Planning Policy Framework (NPPF)

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

Para 11 – a presumption in favour of sustainable development

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

Para 80 – Avoid the development of isolated homes in the countryside unless specified exceptions apply

Para 130 – achieving well-designed places

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

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

Para 162 - Sequential and exceptions tests.

Para 174 – Contribution to and enhancement of the natural and local environment.

National Planning Practice Guidance (NPPG)

National Design Guide 2021

Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

LP12 – Rural Areas Development Policy

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

LP19 – The Natural Environment

Emerging Local Plan

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

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

LP1 – Settlement Hierarchy

LP2 – Spatial Strategy for the Location of Residential Development

LP7 – Design

LP8 – Amenity Provision
LP18 – Development in the Countryside
LP20 – Accessibility and Transport
LP22 – Parking Provision
LP24 – Natural Environment
LP32 – Flood and Water Management

8 KEY ISSUES

- Principle of Development
- Character and Design
- Residential Amenity
- Highways and Parking
- Flood Risk
- Ecology

9 BACKGROUND

The applicant sent an incomplete redline boundary shown on three of the site/location plans. This was amended (received 29.08.2023).

It was also noted the annotation on the plans stated the window to Bedroom 1 will be obscure glazed however this was meant to say Bedroom 4. This was amended (received 29.08.2023).

A commercial assessment was requested and carried out by way of an updated D&A statement (received 29.08.2023).

The ecology officer requested further bat surveys and these were submitted (received 13.07.2023).

10 ASSESSMENT

Principle of Development

Policy LP3 seeks to steer development to the most sustainable locations, focusing the majority of growth around the four market towns (March, Wisbech, Chatteris and Whittlesey) and promotes making the most of previously developed land.

The site is physically divorced from the main settlement being located 1.1 miles (approx.) from the main built-up area. The application site is therefore located outside of the settlement of March and as such is identified within Policy LP3 of the Fenland Local Plan 2014 and the settlement hierarchy as an 'Elsewhere' location.

Development in 'Elsewhere' locations will be restricted to that which is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services and any such development will be subject to a restrictive occupancy condition.

Policy LP12, Part D of the Fenland Local Plan 2014 is relevant for considering proposals for new dwellings in areas away from the market towns and villages. To determine such proposals, an applicant should provide supporting evidence as part of the application to prove a demonstrable need, including information regarding the following areas listed as items a-f.

a) The existing functional need for the dwelling.

No information has been provided in this regard.

b) The number of part time and full time worker(s) to live in the dwelling.

No information has been provided in this regard.

c) The length of time the activity has been established.

No information has been provided in this regard.

d) The financial viability of the enterprise.

No information has been provided in this regard.

e) The availability for other suitable accommodation on the site or in the area.

No information has been provided in this regard.

f) How the proposed size of the dwelling relates to the viability of the enterprise.

No information has been provided in this regard; however, the scale of the proposed dwellings would be considered in the character section of this report.

Loss of Commercial Element

The applicant has provided a design and access statement which outlines the site has been subject to anti-social behaviour and that due to the circumstances of Covid the previous function room use is no longer viable.

The site is a brownfield site and the function room has been unused for approximately 12 years. The recommending officer has visited the site and confirms the property is in a state of disrepair and would need significant investment to bring back into use. Considering this, coupled with its isolated position, there is a low likelihood of the function room use being re-instated. It cannot be said the use has been abandoned. The site has potential to be used for a use compliant with Policy LP3 such as, outdoor recreation, horticulture or agricultural etc.

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

Policy LP1, Part A identifies March as a Market town; Part B advises that land outside settlement boundaries is defined as countryside where development is restricted (as set out in LP18), this site is outside of the defined settlement and Part C would not be applicable as the development is not considered to adjoin the settlement and would be located in an area of flood risk. LP40 defines residential site allocations in March 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.

In light of the above, the proposal fails to demonstrate compliance with Policies LP3 and LP12 of the Fenland Local Plan 2014.

Character and Design

Policy LP16 (d) states that proposal should make a positive contribution to the local distinctness and character of the area, enhancing its local setting, responding to and improving the character of the local built environment and reinforcing local identity to ensure it does not adversely impact either in design or scale terms, on the street scene or landscape character of the area.

The proposed site is located within a rural area. The site currently comprises of the former Whitemoor Road function rooms, which occupied a significant built footprint within this area. When travelling either direction along Whitemoor Road, the site is screened by mature trees and lies adjacent to a dwelling to the east.

Whitemoor Road contains a number of two storey dwellings, therefore it is not considered the introduction of an additional two-storey dwelling on the site to be out of character within the area. Moreover, the rural design and proposed finish in red facing brick is considered to be of a traditional character that displays features akin to a barn therefore, appropriate within the rural built environment. Whilst it is noted the proposed dwelling incorporates a wide frontage of approx. 20m, consideration is given to the existing function room at this location, which occupies a similar wide frontage therefore, on balance would not be detrimental to the overall character of the area. Consideration has also been afforded to the existing screening in the form of mature trees and built development enclosing the site.

As such, the proposal is considered to comply with Policy LP16(d) of the Fenland Local Plan 2014.

Residential Amenity

Policy LP16 states development should not adversely impact on the amenity of neighbouring users such as noise, light pollution, loss of privacy and loss of light.

The dwelling to the east of the site is a two-storey dwelling with ancillary accommodation to its west side (both units in Windmill Farm). The proposed dwelling will have a setback and building line which would respond positively to the adjacent dwelling. Regarding the ancillary accommodation, the proposed dwelling would be separated by approximately 8.8m and setback behind the building line. The proposed dwelling by way of its scale, positioning within the plot and the existing boundary treatments would not result in an adverse loss of light.

It is noted the proposal would have a first-floor east elevation bedroom window (bedroom 4) however, as there are no habitable room windows on this nearest elevation of the ancillary accommodation, there would be no window-to-window overlooking. Notwithstanding this, the east elevation window of bedroom 4 would be obscure glazed which would prevent overlooking onto this part of Windmill Farm; this bedroom would also benefit from a forward outlook and so amenity outlook would be maintained. The ground floor east elevation bedroom window (bedroom 1) would front onto the dense boundary treatment separating the plot from Windmill Farm, and so would screen and mitigate potential overlooking. The bedroom window along the west elevation (bedroom 2) would only front onto the open pond and landscaped area. No first-floor habitable windows with a rearward outlook area proposed. Therefore, it is not considered the proposed scheme

would have a detrimental impact on the neighbouring property in terms of privacy or loss of light.

There is a mobile home unit located to the northwest of the site approximately 20m, the planning history associated with this mobile identifies the building as a holiday home (Ref: F/YR04/3122/F). Notwithstanding this, the proposal is not considered to impact the amenities of this building.

As such, the proposal is considered to comply with Policy LP16(e) of the Fenland Local Plan 2014.

Furthermore, there would be sufficient private amenity space remaining within the curtilage of the property, in accordance with LP16 (h) of the Local Plan.

Highways and Parking

The proposal includes the construction of a new access onto Whitemoor Road, whilst the existing access will be retained for use of the holiday home to the northwest. The application has indicated that the former use as function rooms generated more traffic movements to the site, therefore the scheme will see a reduction of vehicular movements. This is agreed by the recommending planning officer. Additionally, the highways consultee has reviewed the proposal and has no objection, subject to conditions. Therefore, the proposed access arrangements are acceptable.

Regarding parking, the scheme proposes the creation of one, 4-bed dwelling which requires 3 parking spaces, as per the current parking standards (Appendix A). Parking provision for three usable parking spaces and a garage have been outlined therefore, the parking arrangements are acceptable.

As such, the proposal is considered to comply with Policy LP15 of the Fenland Local Plan 2014.

Flood Risk

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, Part B of the Fenland Local Plan 2014.

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 Flood Zone 3 be allowed to proceed and this is then on the basis that the exceptions test can be met.

Whilst it could be argued that the site is already developed, it is important to note that the existing use has a lower vulnerability categorisation than a dwelling. In this regard, the risk to the occupier of a dwelling is deemed to be greater than the existing use as a matter of principle.

Sequential Test

Section 4.4 of the adopted Cambridgeshire Flood and Water Supplementary Planning Document 2016 sets out the initial approach to carrying out a sequential test should be to agree the scope of the test with the LPA. As the site is located within the countryside, the scope of the test would need to encompass the whole of the rural area within the district.

The submitted sequential test (carried out by Peter Humphreys Associates) indicates the scope of the sequential test was limited to the local Market Town of March and the smaller settlement of Westry. However, as the site is considered outside the settlement, the scope for the sequential test would need to have been the whole of the rural area, as set out in the Flood Risk Sequential Test Methodology 2018. The scope of the sequential test is not accepted by the LPA.

Irrespective of this, it is the case that there are sites available in March at lesser flood risk / permitted and not implemented.

The fact that there is an engineering solution to the flood risk issue (floor levels above the flood level) cannot equate to the sequential test being passed.

Therefore, the application fails the sequential test.

Exceptions Test

It is important to note that the exceptions test only comes in to play if the Sequential Test is passed. This does not mean that if the Sequential Test is not passed the requirements of the Sequential Test can be ignored. In order 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.*

Regarding point a), the applicant has outlined the proposal would represent an economic benefit through job creation during the construction of the building, along with ongoing maintenance costs and services required by the occupants which would supplement the local economy. It was also indicated that the scheme would provide a social role, as the occupants would access the local surgery, school and social facilities providing increased usage therefore sustainability of those clubs, youth groups and services. Moreover, it was highlighted that the scheme will provide an environmental role through the provision of a modern dwelling and use of other sustainable technologies which would contribute to a low carbon economy. Additionally, the removal of contaminated materials will allow the site to be clean and more environmentally friendly.

Whilst the above justification is noted, 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 proposal would have limited social benefits given the modest contribution of one dwelling and its isolated position within the rural area. There could potentially be environmental improvements within the site. The SPD does identify that climate change

mitigation and renewable energy may be considered as wider sustainability benefits and as such, securing such outputs from the scheme may be deemed sufficient to satisfy the exceptions test in this instance. This can be controlled via an Energy Performance Certificate condition, if approved.

The site has been unused for a good number of years and the reuse of a brownfield site would be a positive.

The application, subject to condition(s), satisfies part a) of the exceptions test.

Regarding point b), the Flood Risk Assessment (carried out by Ellingham Consulting) recommends the finished floor levels should be 0.3m above ground level with 0.3m of flood resilient construction above finished floor level. There are no ground levels indicated on the proposed plan, therefore it has not been demonstrated that the development will be safe from all sources of flood risk over its lifetime. However, it is noted that should this application have been considered acceptable, the finished floor levels of the development could be conditioned. Furthermore, the Environmental Agency has been consulted and has no objection.

The application, subject to condition(s), satisfies part b) of the exceptions test.

In conclusion, the proposal is considered contrary to Policy LP14 of the Fenland Local Plan 2014, Section 4 of the Cambridgeshire Flood and Water SPD 2016 and Paragraph 162 of the NPPF 2023 as the sequential test has not been passed.

Ecology

Policy LP19 seeks proposals conserve, enhance and promote biodiversity of the natural environment throughout the district. This includes refusing permission for development that would cause a demonstrable harm to a protected species, unless the need for public benefits outweighs the harm and mitigation and/or compensation can be secured to offset the harm and achieve, where possible a net gain for biodiversity. This is supported by Policy LP16 (b).

The agent submitted a Preliminary Ecological Appraisal (Philip Parker Associates Ltd, 2023), which concluded there is a low likelihood of bats within the site. This would require further surveys to be carried out. The ecology officer reviewed the scheme and recommended refusal until the further bat survey work recommended within the Preliminary Ecological Appraisal (Philip Parker Associates Ltd, 2023) is completed and submitted to the LPA.

The bat survey work was carried out in June and submitted in July. This was reviewed and outlined the proposal would not result in the loss of any identified bat roosts. Suitable ecology protection measures can be conditioned, if approved.

As such, the proposal is considered to comply with Policies LP16 (b) and LP19 of the Fenland Local Plan 2014.

Other Matters

With regards to the objecting comments received:

The applicant submitted amended plans, obscuring the landing window to the rear and the east elevation serving Bedroom 4 window. These can be controlled by a condition.

Potential Asbestos and health impacts can be controlled via conditions.

Construction matters and land ownership matters fall outside the scope of the LPA.

The applicant has amended the redline boundary to include the entire site.

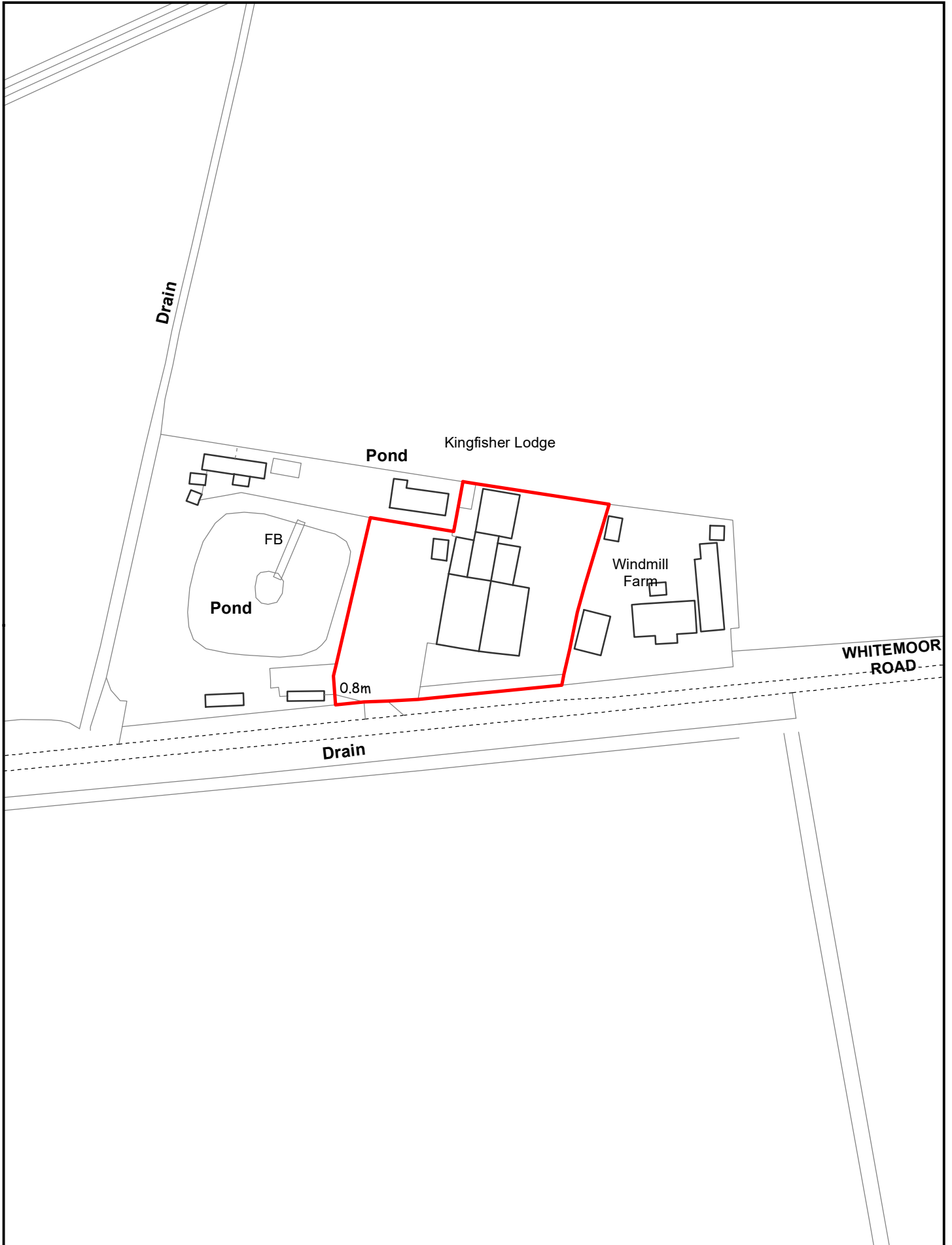
11 CONCLUSIONS

The site is within an 'elsewhere' location as it is some distance from the built up area of March. Given the location, the Local Plan policies limit residential development to a limited number of circumstances (ie barn conversions, agricultural / forestry dwellings) and the proposal does not purport to be such a qualifying scheme. Furthermore, the site is within a Flood Zone 3 and the application by way of its insufficient sequential test, fails to adequately demonstrate there are no alternative reasonably available sites with a lower probability of flooding to accommodate the development.

12 RECOMMENDATION

Refuse; for the following reasons

1	<p>To promote sustainable development in rural areas, Policy LP3 of the Fenland Local Plan 2014 seeks to restrict development in areas outside of settlements to that which is demonstrably essential for the effective operation of land-based enterprise. This determination is determined through the criteria as set out under Policy LP12 Part D.</p> <p>The proposal is not in relation to such an enterprise and the application fails to demonstrate an essential, functional need for a full-time worker to be readily available at most times on the site. This is contrary to the criteria of LP12 Part D and therefore conflicts with Policy LP3 of the Fenland Local Plan (2014) as the proposal would result in the provision of an unwarranted dwelling.</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. As such the application fails the sequential test, and the development is contrary to Policy LP14 of the Fenland Local Plan 2014, Section 4 of the Cambridgeshire Flood and Water SPD 2016 and Paragraph 162 of the NPPF 2023.</p>



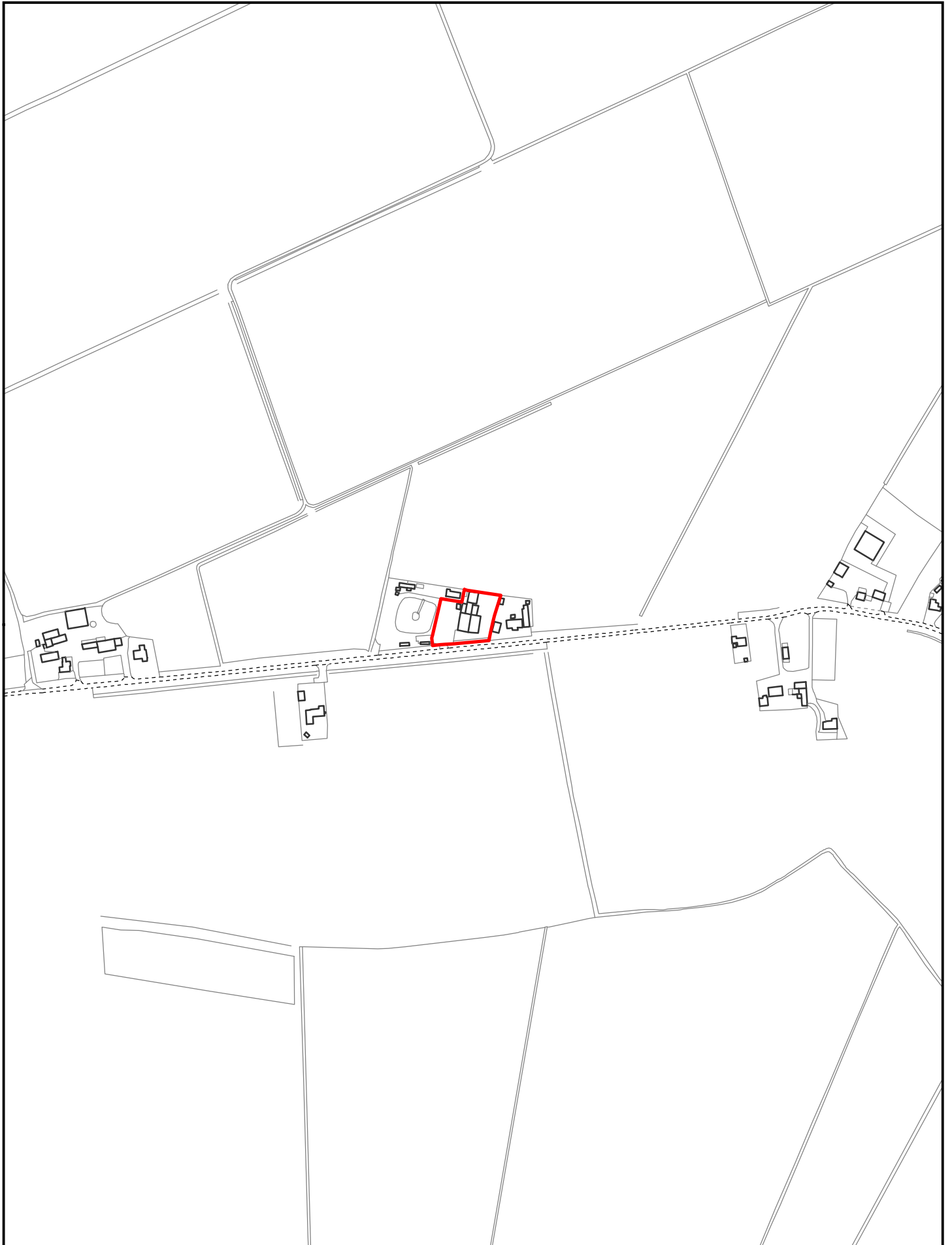
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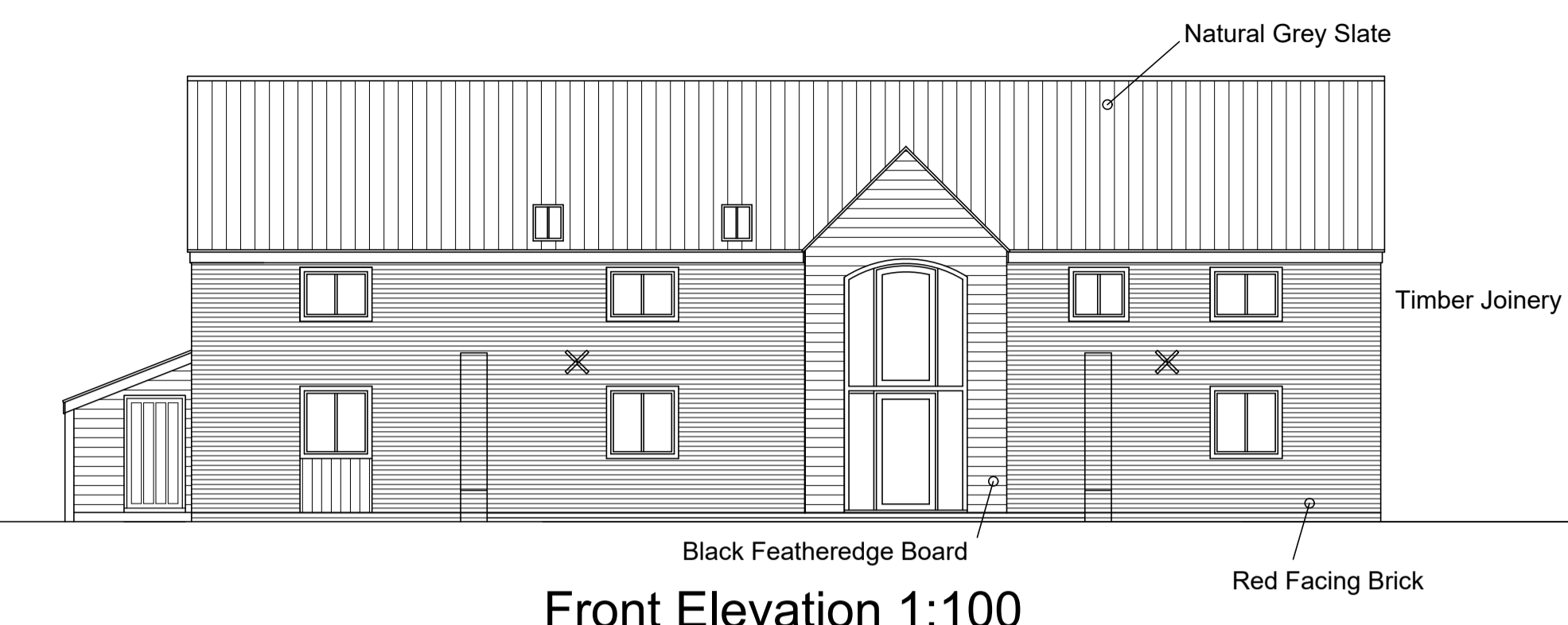
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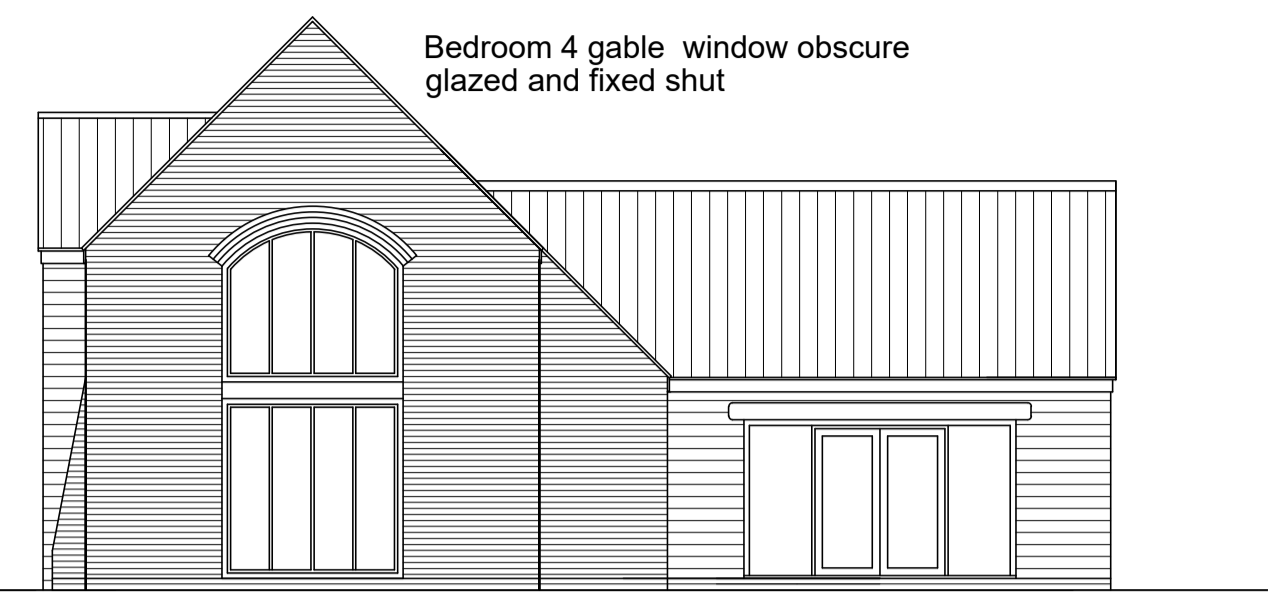
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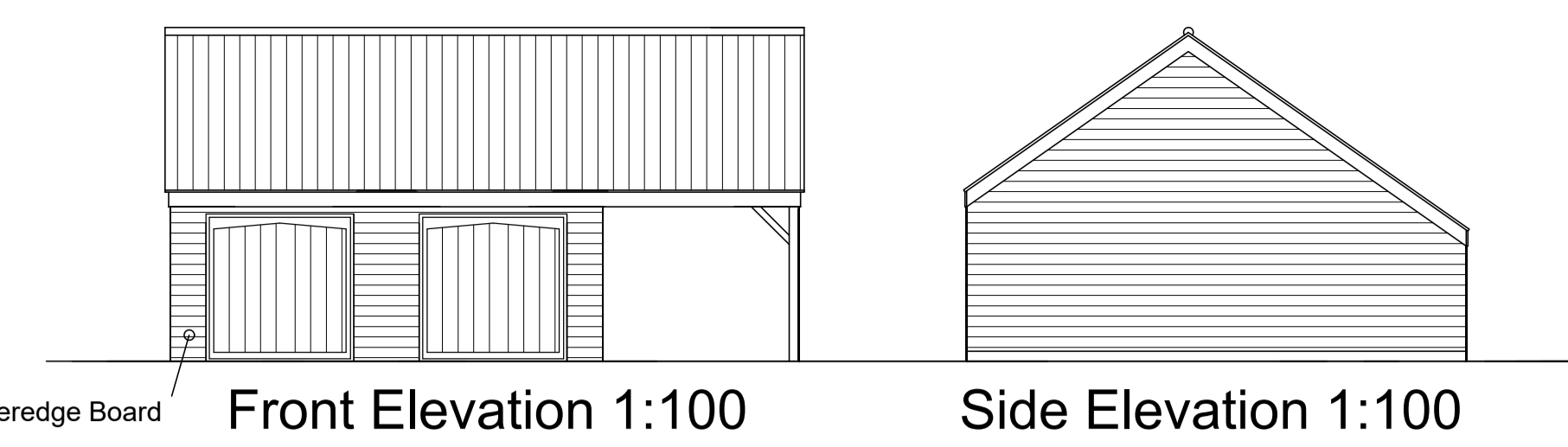




Front Elevation 1:100



Side Elevation 1:100



Front Elevation 1:100

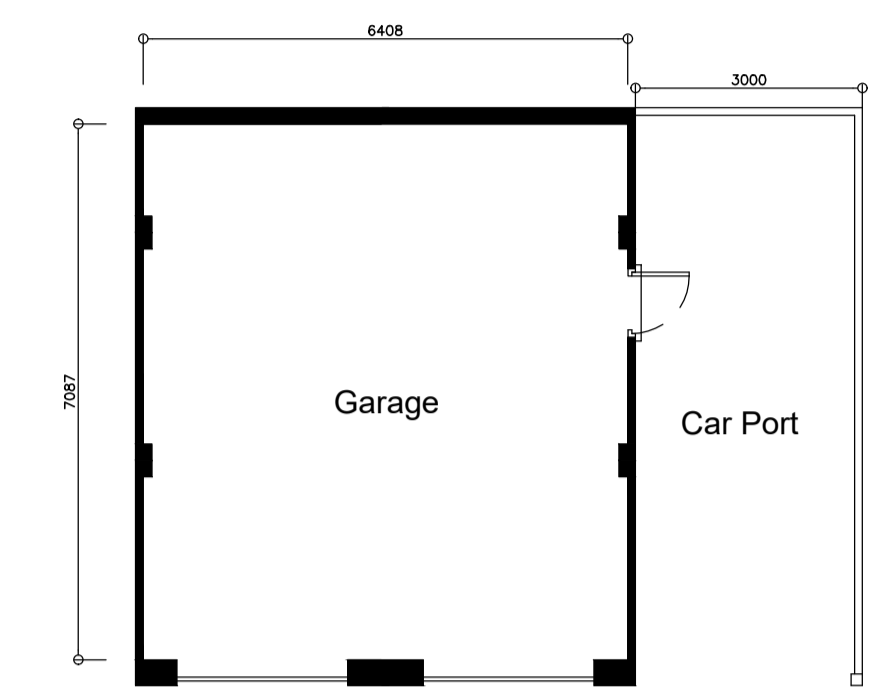
Side Elevation 1:100



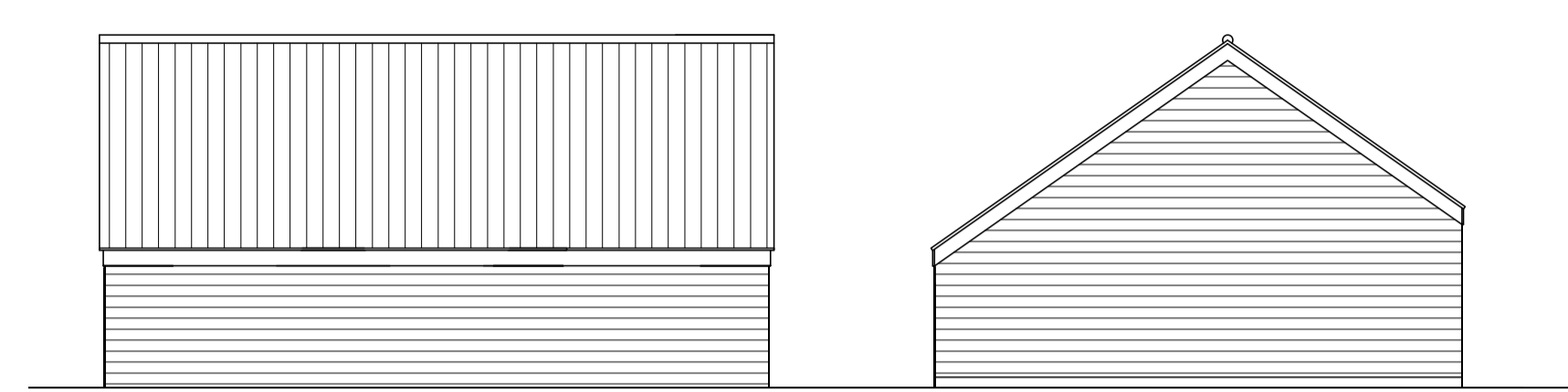
Rear Elevation 1:100



Side Elevation 1:100

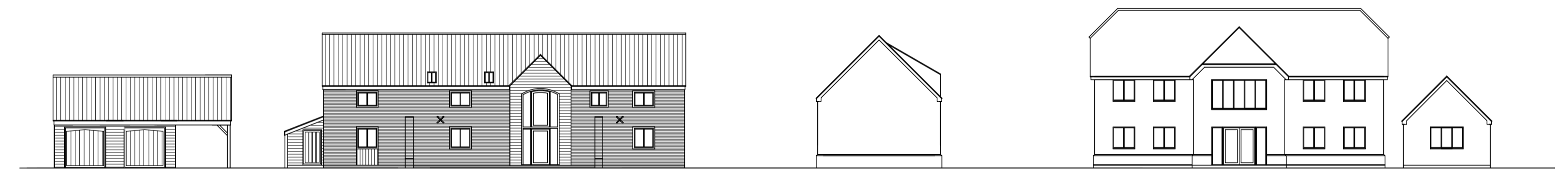


Floor Plan 1:100



Rear Elevation 1:100

Side Elevation 1:100



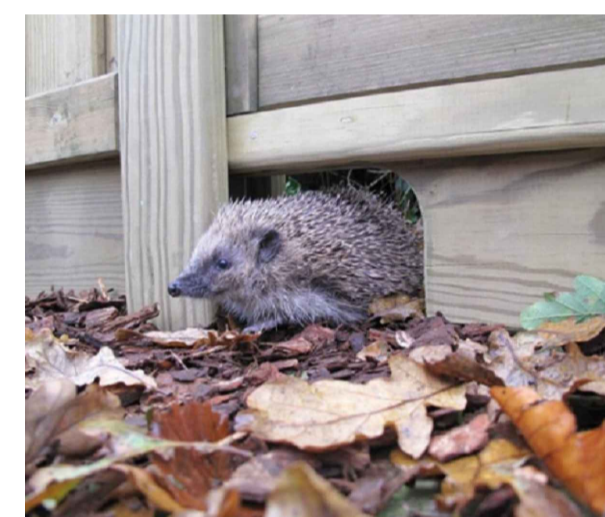
STREET SCENE 1:200



Beaumaris Woodstone Bat box maxi



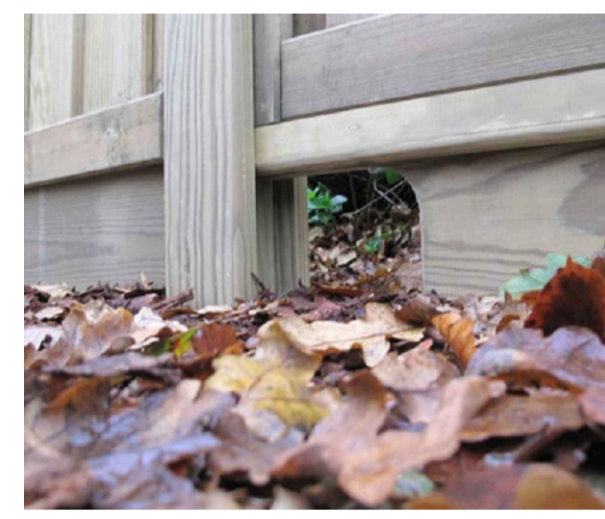
Woodcrete by Schwegler 32mm nest box (Coal Tit, Blue Tit, Great Tit, House Sparrow) 1 to North elevation



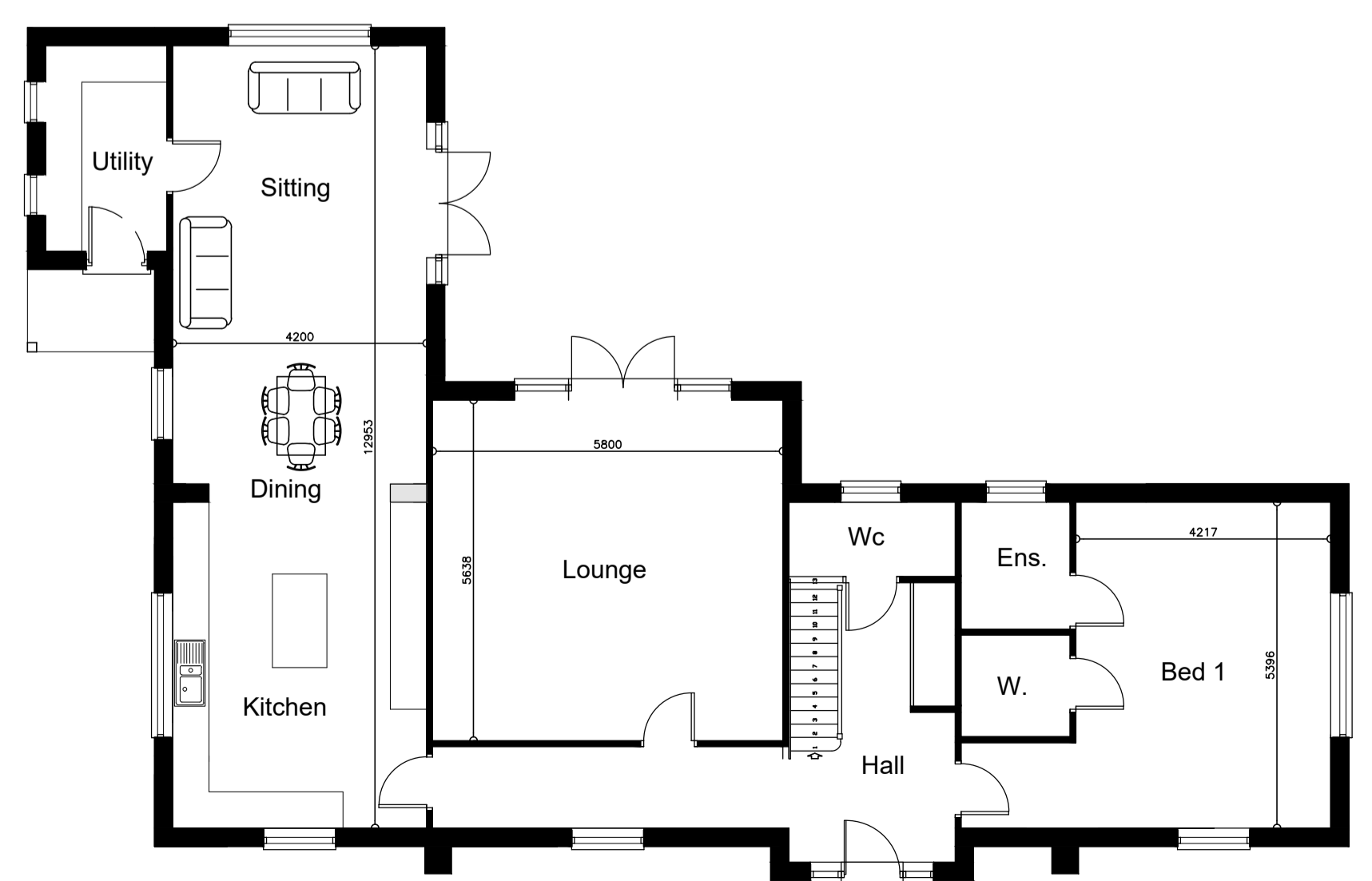
Boundary fence to have 1 hedgehog gravel board to each boundary



Schwegler triple cavity swift box 1 to East elevation gable



Computer Generated Image



Floor Plan 1:100



Floor Plan 1:100

REVISIONS

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CLIENT
 MR R KHAN

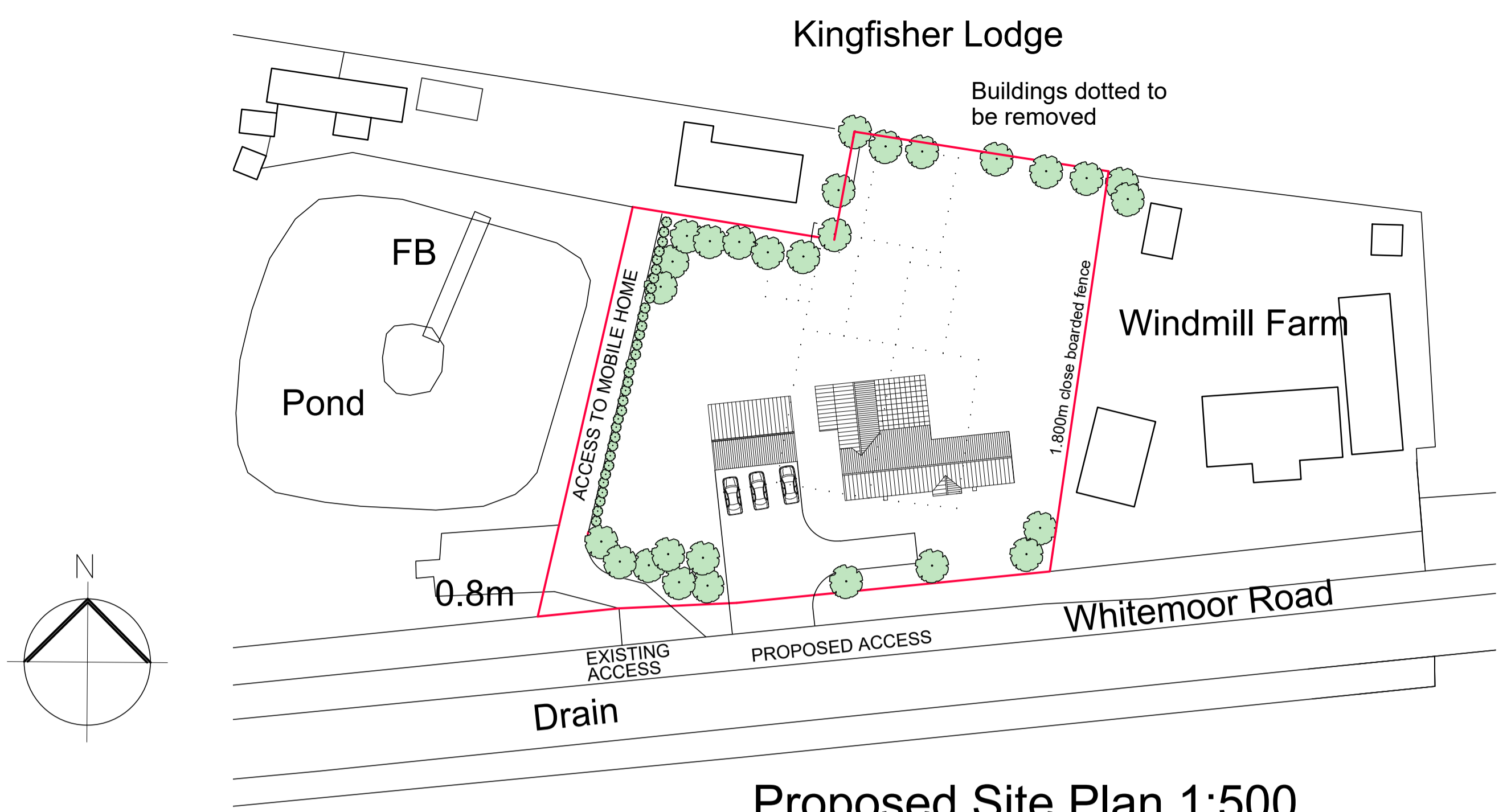
PROJECT
 PROPOSED DWELLING

SITE
 FORMER WHITEMOOR ROAD FUNCTION CENTRE
 WHITEMOOR ROAD,
 MARCH,
 PE150AF

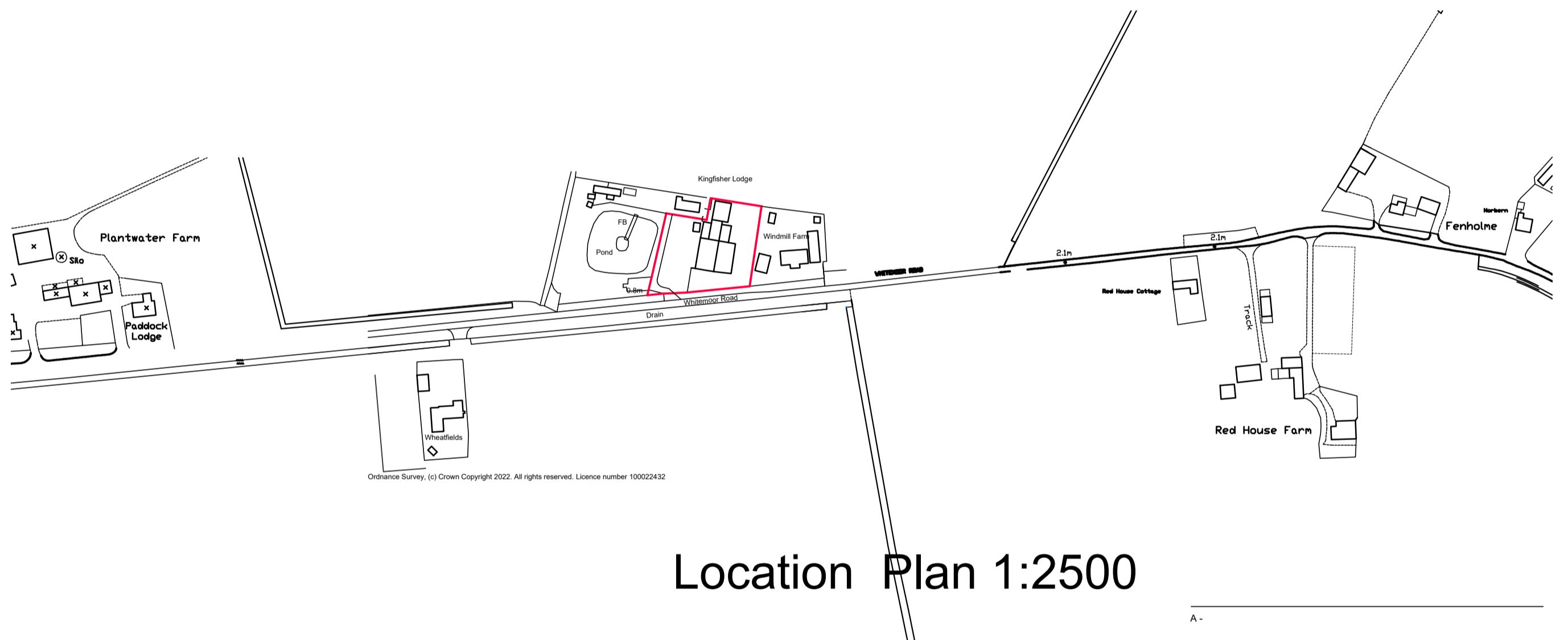
DRAWING
 PLANNING

JOB NO. 6649-PL01b	PAPER SIZE A1	DATE OCT 2022
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 Peter Humphrey Associates' form of appointment with the client confirms whether the agent is appointed as 'Designer' or 'Principal Designer' under these regulations. Nevertheless, the design phase has been carried out with due consideration for the safety during construction, occupation and maintenance of the finished project. No extraordinary hazards or risks were identified outside of the routine construction operations that would not already be apparent to a competent contractor.



Proposed Site Plan 1:500



Location Plan 1:2500



Existing Site Plan 1:500

A -

REVISIONS



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CLIENT
MR R KHAN

PROJECT
PROPOSED DWELLING

SITE
FORMER WHITEMOOR ROAD FUNCTION CENTRE
WHITEMOOR ROAD,
MARCH,
PE150AF

DRAWING
PLANNING

JOB NO. 6649-PL02B	PAPER SIZE A1	DATE OCT 2022
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F/YR23/0616/F

Applicant: Mr S Necker

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

Land East Of 56-58 Tinkers Drove, Wisbech, Cambridgeshire

Erect part 2-storey/single storey block of 3 x 1-bed flats

Officer recommendation: REFUSE.

Reason for Committee: The officer recommendation is contrary to the Town Council and the proposal is for more than two dwellings.

1. EXECUTIVE SUMMARY

- 1.1. The submitted planning application seeks planning permission for the erection of a part two-storey, part-single storey development for three, one-bedroom flats.
- 1.2. The site is located on the east side of Tinkers Drove, to the rear of nos. 56 & 58 and south of an existing PROW.
- 1.3. The site is located within the settlement of Wisbech which is identified within the settlement hierarchy as a Market Town (Policy LP3).
- 1.4. It is considered the proposal would be indicative of adverse backland development, significant overdevelopment and cramped urbanisation of the plot which would be at odds with the surrounding pattern of development. As such, the proposal would conflict with Policy LP16 (d) of the Fenland Local Plan 2014.
- 1.5. It is also considered the proposal, by virtue of its position to the north boundary, the floor level, its part two-storey scale and the proposed windows at the first-floor level along the north elevation, would result in an overbearing relationship and an adverse loss of light and privacy serving the rear garden of no.60 Tinkers Drove and an adverse loss of privacy for and an overbearing relationship with 61 – 65 Ollard Avenue and their associated rear gardens. There would also be an overbearing relationship with 56 and 58 Tinkers Drove and 3-9 Godwin Rd. As such, the proposal would conflict with Policy LP16 (e) of the Fenland Local Plan 2014.
- 1.6. No parking is proposed as part of the development contrary to Plan Policy LP15 and given the location of the site it is not considered that any dispensation can be given.
- 1.7. Therefore, the planning application is recommended for refusal.

2. SITE DESCRIPTION

- 2.1. The site is located on the east side of Tinkers Drove and to the rear of nos. 56 & 58 (no.56 was recently approved ref: F/YR22/0287/F). The site is currently used as garden land serving these dwellings and is enclosed by fencing. Directly to the north is a Public Right of Way (PROW) and beyond are single storey garages. To the north-west is a neighbouring property, no.60 Tinkers Drove. To the south are the rear plots serving nos. 1- 9 Godwin Road.
- 2.2. The surrounding area is built-up and predominately residential consisting of two-store semi-detached and terrace dwellings.
- 2.3. The site is located within Flood Zone 3 (high risk) and within the settlement limits of Wisbech.

3 PROPOSAL

- 3.1 The submitted planning application seeks full planning permission for the erection of a part two-storey, part single-storey development consisting of three, one-bedroom flats.
- 3.2 The two-storey element of the development would be situated towards the west boundary and would be finished with a cross-gable roof. The single storey element would extend towards the east and would be finished with a gable roof. Window detailing is proposed throughout, three apex porch features are proposal along the north elevation to serve the occupier entrances. Modest garden spaces are proposed to the north, south, east and west. The proposed materials include brick and render.
- 3.3 No vehicle access/parking provision is proposed. The development is proposed to be access on foot via a Public Right of Way (PROW) to the immediate north between the dwellings of no.58 & 60. This PROW runs along the front of the site and onto Ollard Avenue.
- 3.4 Full plans and associated documents for this application can be found at: [F/YR23/0616/F | Erect part 2-storey/single storey block of 3 x 1-bed flats | Land East Of 56-58 Tinkers Drove Wisbech Cambridgeshire \(fenland.gov.uk\)](https://fenland.gov.uk/Planning/2023/06/16/F-ERECT-PART-2-STORY/SINGLE-STORY-BLOCK-OF-3-X-1-BED-FLATS-LAND-EAST-OF-56-58-TINKERS-DROVE-WISBECH-CAMBRIDGESHIRE)

4 SITE PLANNING HISTORY

Reference	Description	Decision	Date
F/YR22/0287/F	Erect 1 x dwelling (2-storey, 3-bed)	Granted	27.06.2022
	Land south of 58 Tinkers Drove Wisbech		

5 CONSULTATIONS

- 5.1 **Wisbech Town Council**
- 5.2 *Supports the application.*

5.3 **Environment Agency**

5.4 *We have reviewed the documents as submitted and have no objection to this proposal. The Flood Risk section below contains further information on our position.*

5.5 *Flood Risk - the submitted Flood Risk Assessment (FRA) (referenced Ellingham Consulting ECL1057/SWANN EDWARDS ARCHITECTURE dated May 2023) adequately meets the National Planning Policy Framework's requirements in relation to Flood Risk. We strongly advise that these measures are adhered to. Particularly, the FRA details mitigation measures such as:*

- *Finished floor levels shall be set no lower than 1 meter above existing ground levels.*
- *A minimum of 0.3m flood resilient construction to be provided above the finished floor level.*

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

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

5.7 **FDC Environmental Health**

5.8 *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.*

5.9 *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:*

5.10 *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.

5.11 Local Residents/Interested Parties

5.12 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

LP4 – Housing

LP8 – Wisbech

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

Flood Risk Sequential Methodology February 28th (2018)

Section 5.5 Special Approach for Wisbech - *within the Town redevelopment sites last used for Use Classes A, B, C or D don't have to go through the Sequential Test.*

8 KEY ISSUES

- **Principle of Development**
- **Flood Risk**
- **Impact on Character and Visual Amenity**
- **Impact on Residential amenity**
- **Impact on Parking & Access**
- **Other Matters**

9 ASSESSMENT

Principle of Development

- 9.1 The site is located within the settlement of Wisbech 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.
- 9.2 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.

Flood Risk

- 9.3 The site is within Flood Zone 3 identified as an area of high risk of flooding.
- 9.4 Paragraph 159 of the NPPF 2023 and Policy 14 of the Fenland Local Plan 2014 state that development should be avoided in areas of high flood risk however where development is necessary it should be safe from flood risk for its lifetime without increasing flood risk elsewhere.
- 9.5 Approximately half of Wisbech currently falls within flood zones 2 and 3. For the redevelopment of sites for residential purposes (Use Class C3) within these areas it is not always possible to pass the Sequential Test. The need to prevent widespread areas suffering blight from flood risk restrictions is recognised, and the district council seeks to ensure that Wisbech retains its constituency and vibrancy. The council have adopted specific guidance relating to the sequential test within Wisbech which allows for a bespoke approach to applying the sequential test and the current scheme would fall within this guidance.
- 9.6 Noting that the 'land' is in use as a garden serving nos. 56 & 58 both of which are in Use Class C3 and located within a built-up urban area of the town, the council accepts that the sequential test is passed, in accordance with the Special Approach for Wisbech (Flood Risk Sequential Methodology 2018). It is also accepted that the 1st part of the exception test is considered to have been passed as the development would be redevelopment of an existing site within the urban area in accordance with the council's sustainability objectives and this is sufficient to outweigh flood risk.

- 9.7 Regarding the 2nd part of the exception test a site-specific Flood Risk Assessment (FRA) has been submitted in support of the application, this FRA has been accepted by the Environment Agency although they have recommended that the mitigation measures within the FRA are conditioned, if recommended for approval.
- 9.8 Therefore, subject to a suitable condition requiring compliance with the FRA the proposed development is considered to comply with paragraph 159 of the National Planning Policy Framework 2023 and Policy LP14 of the Fenland Local Plan 2014.

Impact on Character & Visual Amenity

- 9.9 Policy LP16 (d) 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.
- 9.10 The settlement pattern of the area consists of buildings which benefit from a road frontage and appear well-balanced within their plots.
- 9.11 Regarding position, the proposal would be to the rear of nos. 56 & 58 which would result in backland development which fails to respond positively to the surrounding pattern of development.
- 9.12 Regarding layout, the proposed footprint would be built less than 1.5m from the north and south boundaries. In particular, the northeast corner of the development would be built right up along the north boundary which results in an extremely contrived relationship. It appears the garden area towards the east of the site would not be accessible which further demonstrates the contrived nature of the proposal. Moreover, the proposed garden sizes would not be reflective of the gardens serving neighbouring plots which unbalances the site. It is considered the proposal would be indicative of adverse overdevelopment and urbanisation of the plot which would be at odds with the surrounding pattern of development.
- 9.13 Regarding design, the locality consists of two storey and single storey properties with a mixture of designs. The proposed part two-storey, part-single storey development would be of a traditional design and would be of an acceptable appearance in terms of ridge height, style etc in-keeping with the surrounding built environment. The proposed materials can be controlled via a condition. Notwithstanding this, the site is positioned behind nos.56 & 58 therefore the bulk of the proposal would be obscured from the streetscene of Tinkers Drove which would soften impacts. Views of the site are limited to areas adjacent the single storey garages to the north however these views would be limited.
- 9.14 Nevertheless, the proposal would be unacceptable in terms of position and layout which would harmfully impact the character of the local area.
- 9.15 As such, the proposal would conflict with Policy LP16 (d) of the Fenland Local Plan 2014.

Impact on Residential Amenity

- 9.16 Policy LP16 Parts (e) and (h) of Policy LP16 require new development to not adversely impact on the amenity of neighbouring users, through noise, light pollution, loss of privacy and loss of light, and provide sufficient private amenity space.
- 9.17 The proposed development would be positioned 11-12m (approx.) from the rear elevations of nos. 1- 9 Godwin Road (to the south). Coupled with the east-west orientation of the sun there would be no adverse loss of light serving these rear elevations. Consideration has also been given to the built-up nature of the area. No habitable south facing elevation windows are proposed therefore there would be no adverse loss of privacy on nos. 1- 9 Godwin Road. Whilst two windows are proposed along the south elevation, serving the stairwell and a ground floor bathroom, these can be controlled via an obscurity condition. However, given the proximity of the development to the boundary with 3-9 Godwin Rd (coupled with the garden depths of these properties) these and the fact that the development will have a floor level of c1.2m above existing ground level, it is considered that the development would have an overbearing effect.
- 9.18 The proposed development is positioned to the rear of nos.56 & 58 Tinkers Drove and would be setback 15m (approx.) from their main rear elevations which would limit loss of light impacts. At the ground floor level, the proposed west elevation windows of unit 1 would likely be offset by boundary fencing separating the development from the plots of nos.56 & 58 and can be controlled via a condition. Additionally, the proposal would have one windows a the first-floor level (serving a bathroom of unit 2) fronting onto the rear elevations and gardens of nos.56 & 58. The window can be controlled by condition and so there will be no overlooking issues. However, the floor level of the property will be c1.2m above existing ground level and so it is considered that the proposed development will have an overbearing impact on 56 &58.
- 9.19 The proposed development would be setback from nos.61 – 65 Ollard Avenue (to the north) by over 24m and separated by a parade of single storey garages and a turning area which would mitigate loss of light impacts.
- 9.20 The proposal would be located within 4m (approx.) of the rear boundary of no.60 Tinkers Drove (northwest) which currently has a very restricted rear amenity space. Therefore, considering particularly the part two-storey nature of the proposal, coupled with the modest separation distance and the east-west orientation of the sun, the proposal would significantly enclose the rear garden of no.60 Tinkers Drove and result in a loss of light and an increase sense of overbearing especially given the required floor level of the development.
- 9.21 Regarding privacy, the proposed north elevation would benefit from two habitable windows (kitchen and lounge) at the first-floor level serving unit 2. As mentioned, the proposal would be located within 4m (approx.) of the rear boundary of no.60 Tinkers Drove which would overlook their rear garden. These proposed north elevation windows would also result in direct window-to-window overlooking of the rear habitable windows serving nos.61 – 65 Ollard Avenue (c19m separation) and their gardens. Normally a c19-20m back to back relationship is acceptable but in this case the proposed properties will have a higher than normal floor level (c1.2m above ground level) and so there is a need for a greater degree of separation.

- 9.22 It is noted a window serving a stairwell at the first-floor level along the north elevation is also proposed however this can be controlled via an obscuration condition. The lounge and kitchen windows of unit 2 cannot be obscured as sufficient outlook is required. The outlook serving the bedroom of unit 1 is not an ideal arrangement however considering the built-up location it is on balance acceptable.
- 9.23 Whilst the proposed gardens (private amenity space) of the development would be modest, consideration has been given to the built-up nature of the area, the Market town location and the fact there are several amenity greens within a short walking distance of the site. On balance, the proposed private amenity space is acceptable.
- 9.24 The proposed development, by virtue of its position to the north boundary, the height of the development above existing ground level, part two-storey scale and the proposed windows at the first-floor level along the north elevation, would result in an adverse loss of light and privacy on no.60 Tinkers Drove and an adverse loss of privacy on nos. 61 – 65 Ollard Avenue and their associated rear gardens.
- 9.25 As such, the proposal would conflict with Policy LP16 (e) of the Fenland Local Plan 2014.

Impact on Parking & Access

- 9.26 Policy LP15 of the Fenland Local Plan 2014 requires development schemes to provide well designed car and cycle 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.
- 9.27 No parking provision is proposed for this development. Occupants are proposed to access the site on foot directly from the PROW situated along the north boundary. Although no parking provision is proposed for the development, there is scope within Appendix A of the local plan for nil parking provision, in special circumstances.
- 9.28 Appendix A Parking Standards - *'Where a site has good public transport links, such as in a central area of a market town, a reduction in car parking provision may be negotiated and, in special circumstances, nil parking provision may be appropriate'*.
- 9.29 The site is not considered to be located sufficiently central to Wisbech (the town centre being c 1km away) or with sufficiently good public transport facilities that justify a dispensation to be allowed.
- 9.30 The proposal would not be in accordance with Policy LP15 of the Fenland Local Plan 2014.

Other Matters

- 9.31 Surface/foul water and bin details can be controlled via suitable conditions.

9.32 The construction working hours/days and the flood measures in the Flood Risk Assessment (FRA) can be controlled via suitable conditions.

9.33 The site serves a residential garden and has low ecological value. It is also noted the site is within a green zone for Green Crested Newts (GCN).

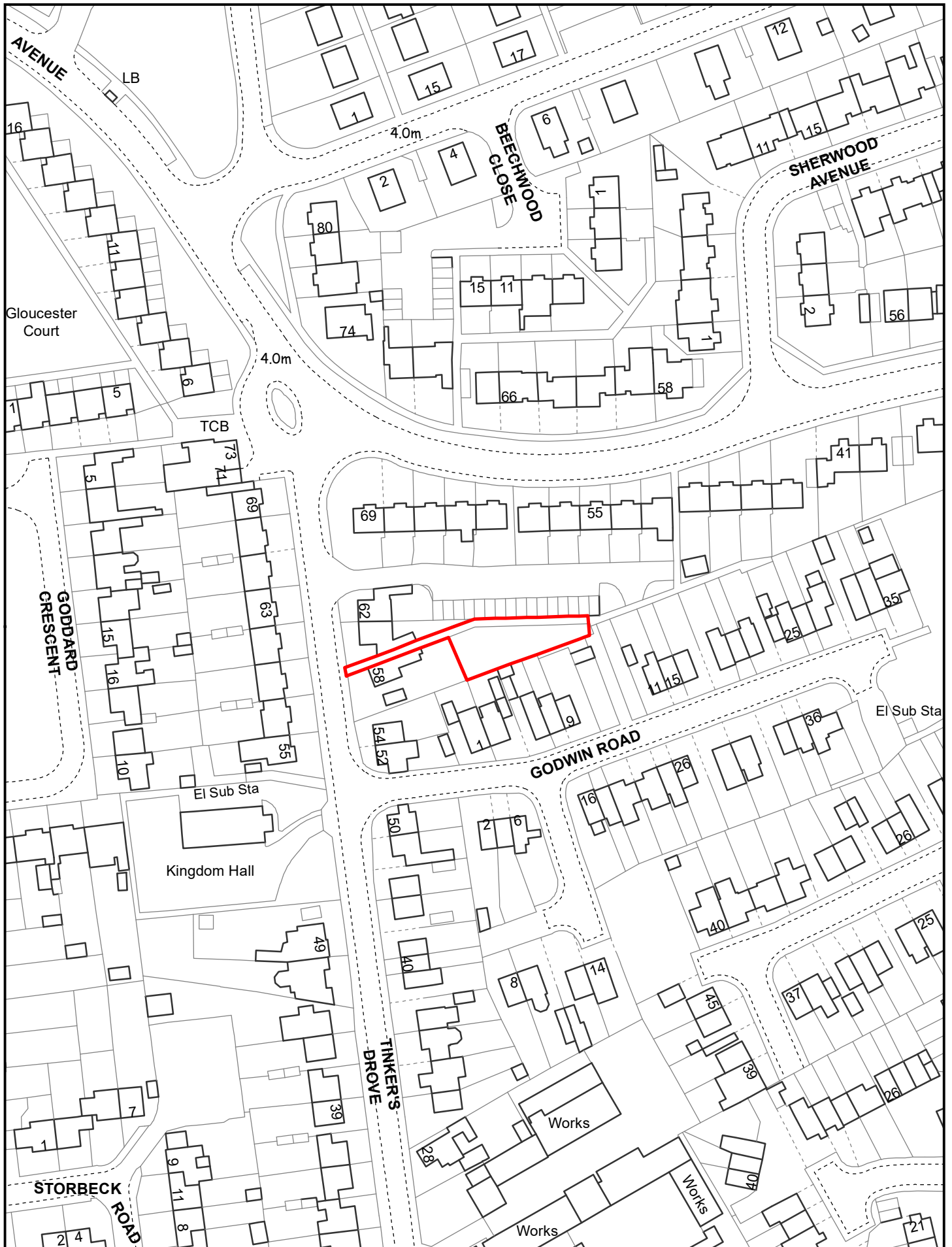
10 CONCLUSIONS

10.1 Although the proposal would result in public benefits such as new flatted development within the Market Town. It would also result in an adverse impact on the character of the local area and neighbouring amenity which would conflict with local and national planning policies.

11 RECOMMENDATION

Refuse; for the following reasons

1	<p>Policy LP16 (d) of the Fenland Local Plan (2014) requires development to deliver and protect high quality environments through, amongst other things, making a positive contribution to the local distinctiveness and character of the area.</p> <p>The proposal, by virtue of its position and quantum of development would result in adverse backland development, significant over development and cramped urbanisation of the site. It is considered the proposal would be at odds with the surrounding pattern of development and would adversely impact the character of Tinkers Drove and the wider area. As such, the proposal would conflict with Policy LP16 (d) of the Fenland Local Plan (2014).</p>
2	<p>Policy LP16 (e) 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.</p> <p>The proposal, by virtue of its position to the north boundary, part two-storey scale and the proposed windows at the first-floor level along the north elevation, would result in an adverse loss of light and privacy serving rear garden of no.60 Tinkers Drove and an adverse loss of privacy serving nos.61 – 65 Ollard Avenue and their associated rear gardens. The proposal would also have an overbearing relationship with 3-9 Godwin Rd and 56-58 Tinkers Drove given the height and proximity of the development to these existing dwellings. As such, the proposal would conflict with Policy LP16 (e) of the Fenland Local Plan 2014.</p>
3.	<p>The proposed development makes no provision for car parking. This is contrary to Policy LP15. Given the location of the development a significant distance away from Wisbech Town Centre and an insufficiently good public transport facilities, it is not considered that a dispensation from the parking policy requirement can be justified.</p>



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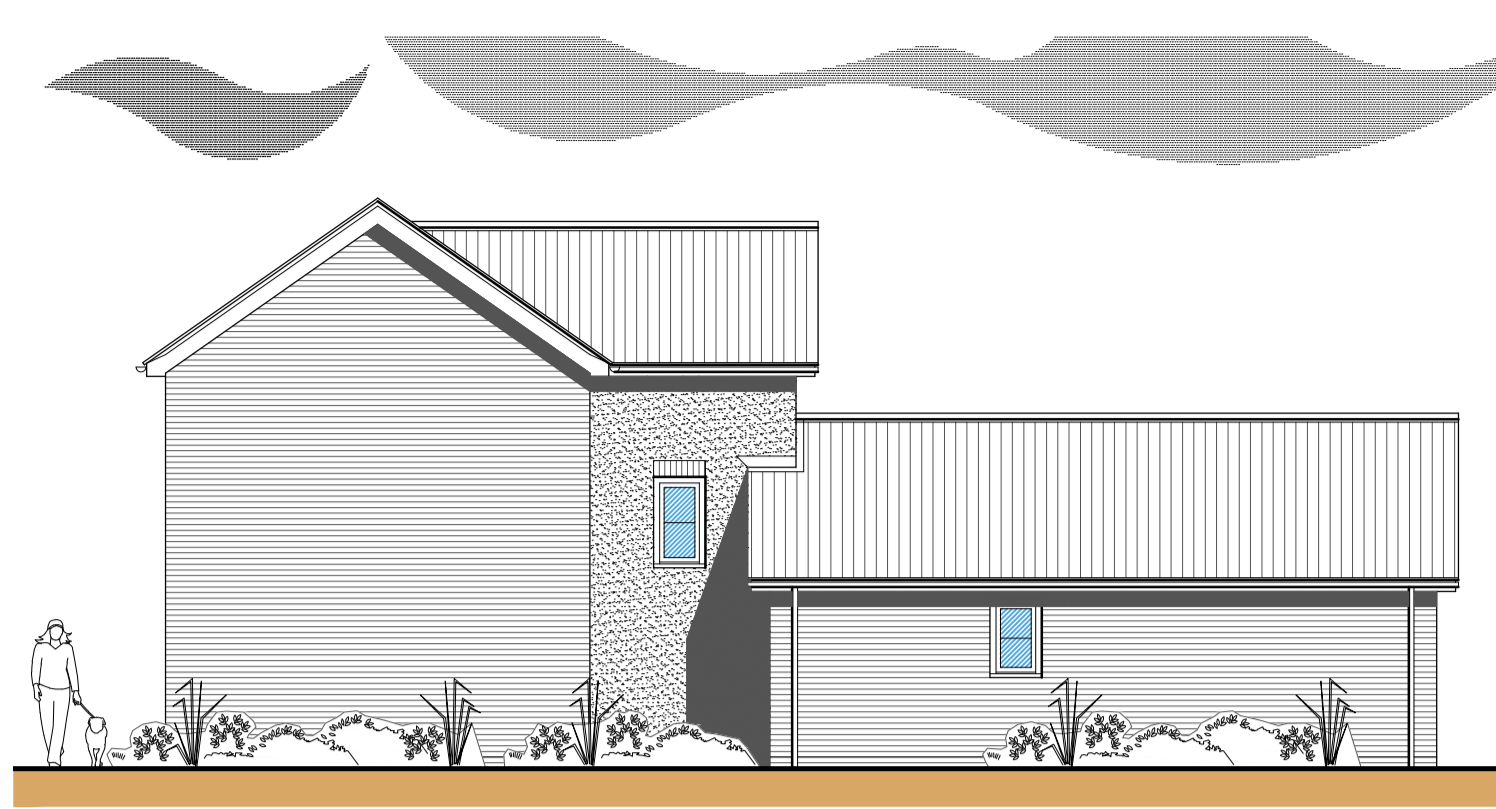
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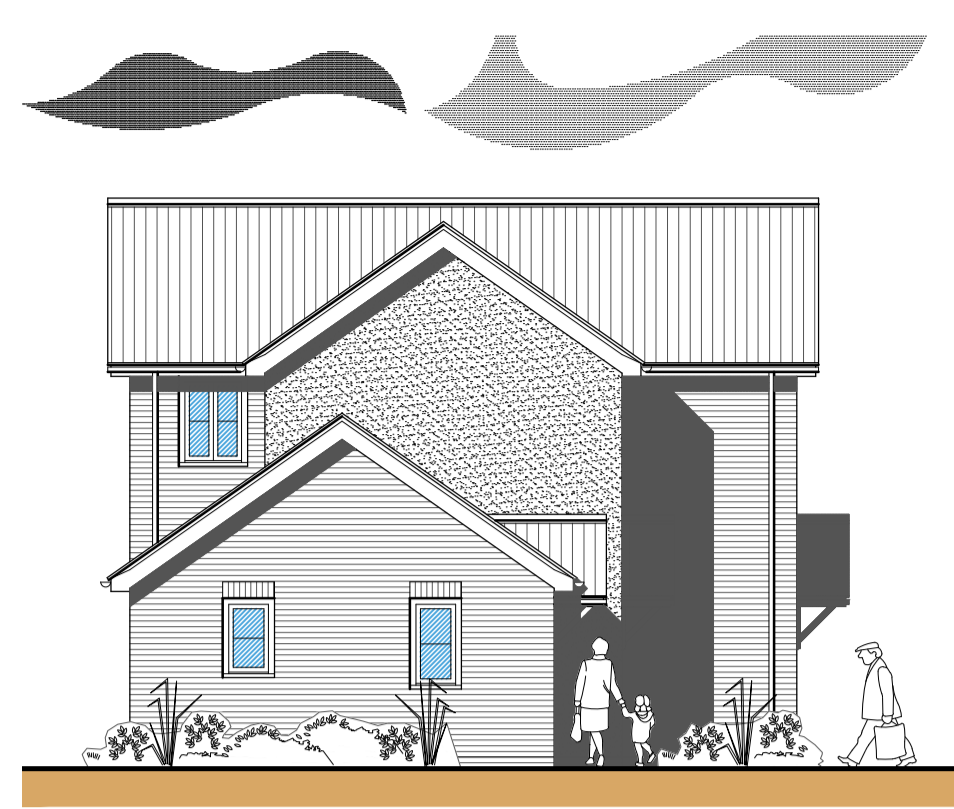
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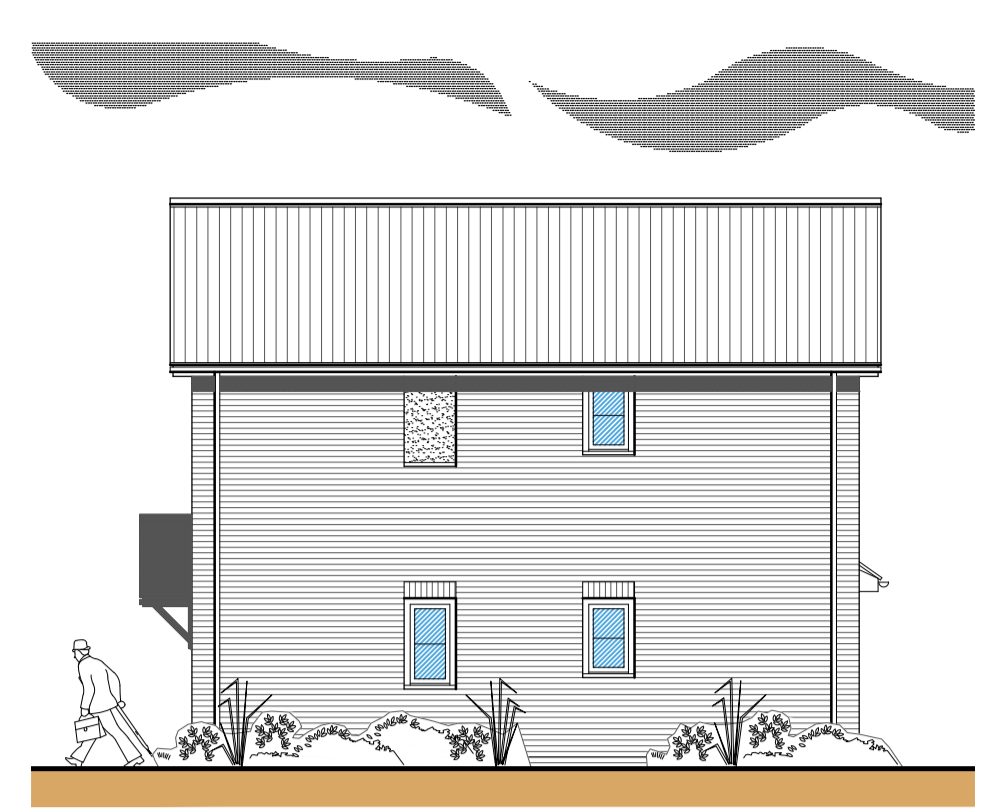
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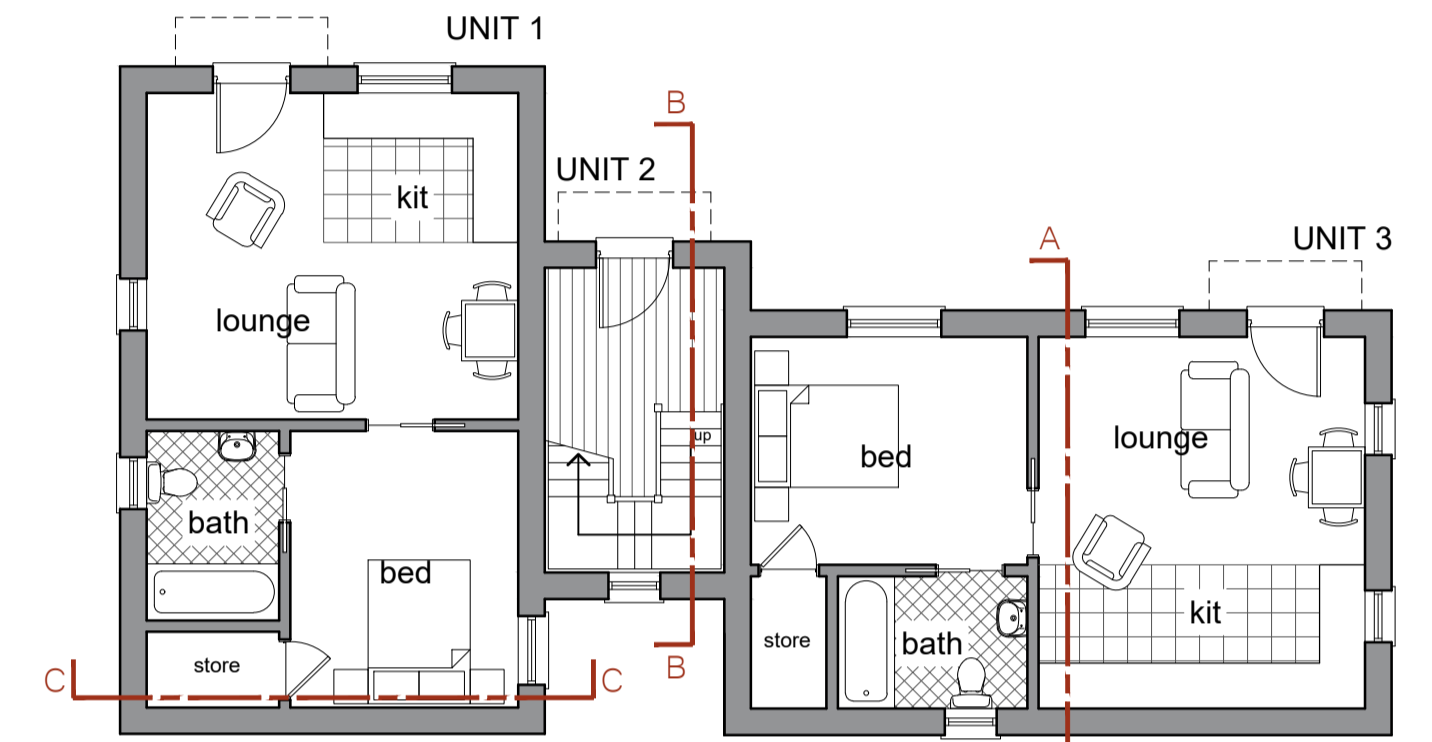
Side (E) Elevation
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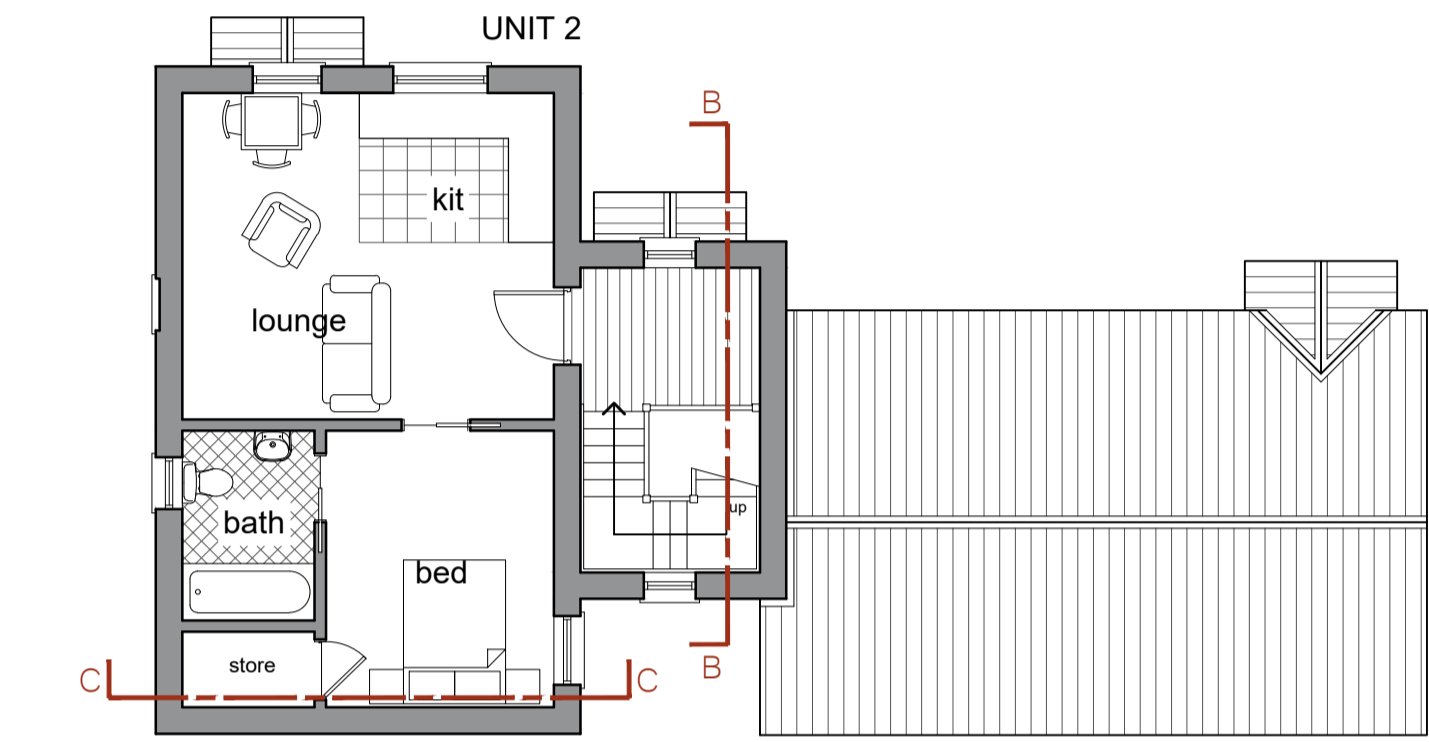
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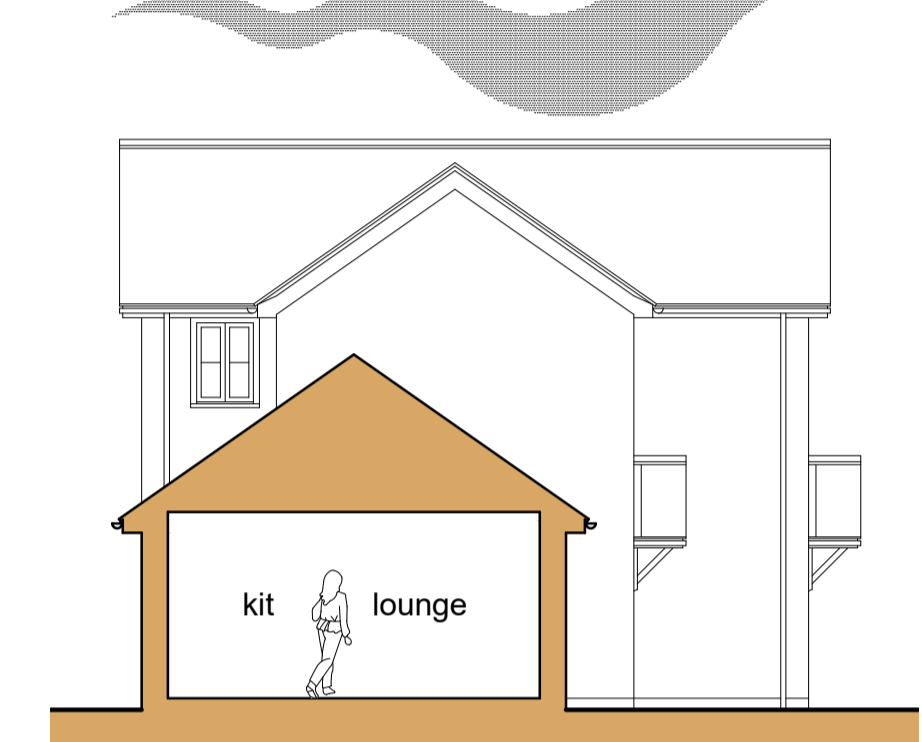
Side (W) Elevation
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Ground Floor Plan
Scale: 1:100



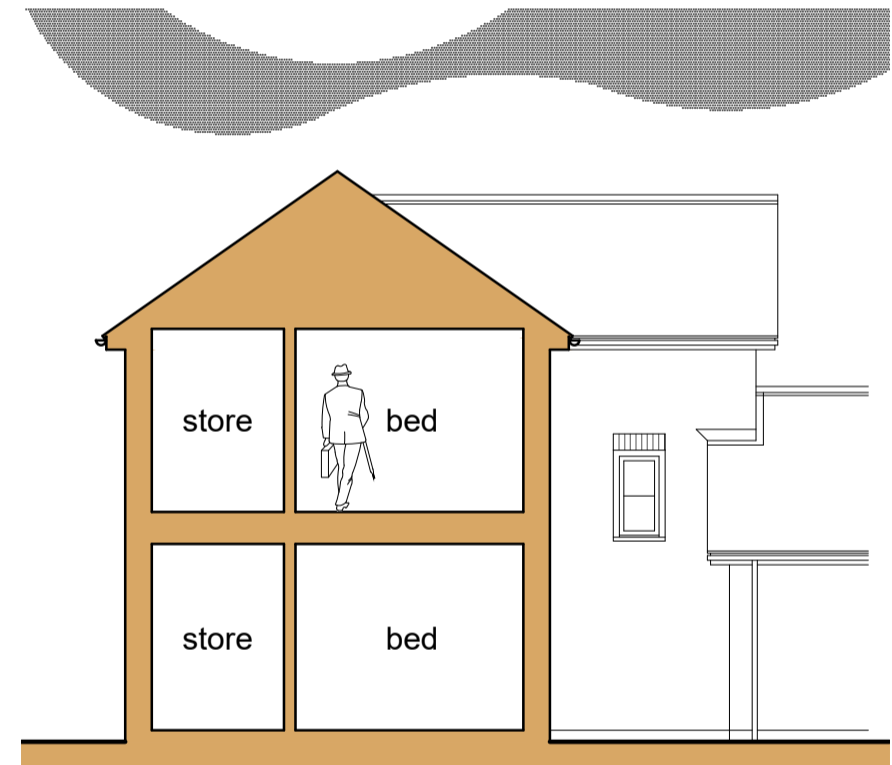
First Floor Plan
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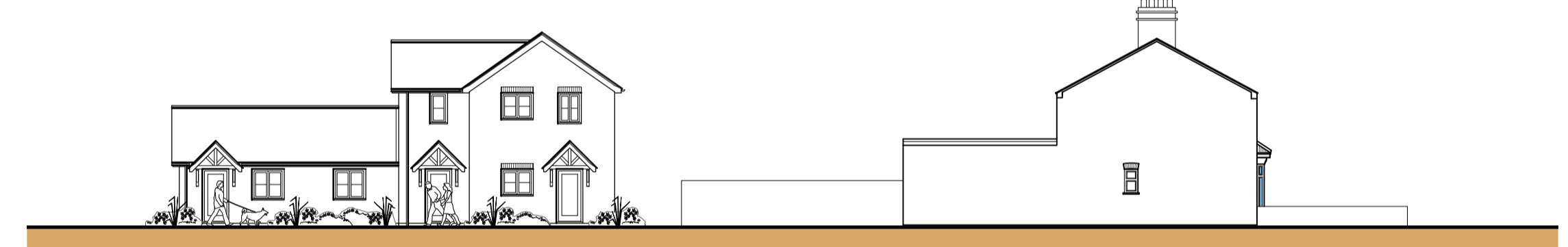
Section A-A
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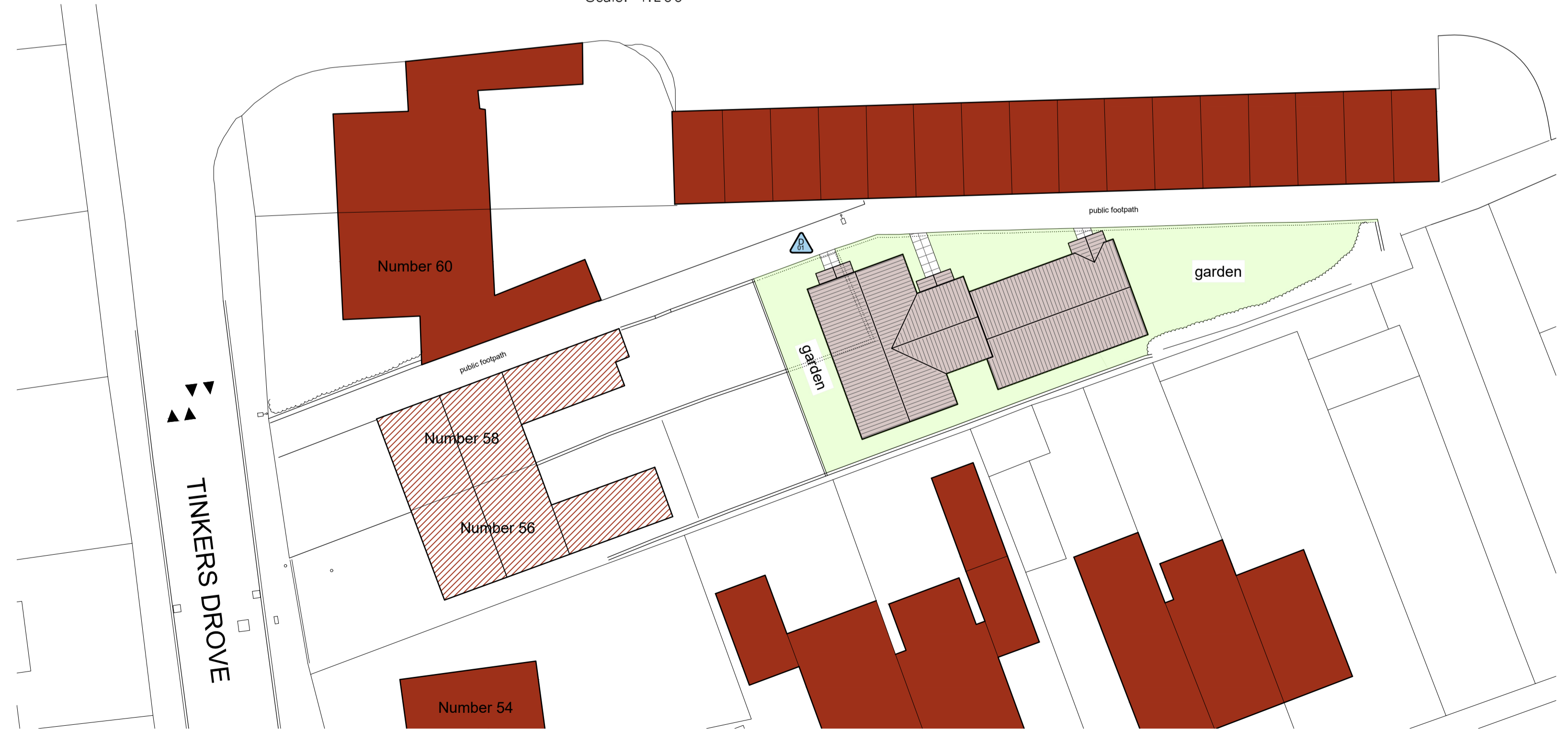
Section B-B
Scale: 1:100



Section C-C
Scale: 1:100



Street Scene
Scale: 1:200



Site Plan
Scale: 1:200



Location Plan
Scale: 1:2500

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

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

SITE PLAN KEY

- Hatch indicates host property
- Number 58
- dotted lines indicate existing structures to be removed
- Hatch indicates proposed building
- Hatch indicates proposed garden/amenity areas
- garden
- Indicates Existing Structures Taken From O.S. Map

ELEVATION KEY

- Hatch indicates tiled roof
- Hatch indicates through colour render
- Hatch indicates brickwork
- Indicates casement windows and doors with brick soldier course above

SITE RISK NOTIFICATION KEY

To be used with reference to the accompanying Project Risk Register

D01	Public Footpath
Status	
PLANNING	

SWANN EDWARDS ARCHITECTURE
Swann Edwards Architecture Limited, Black Barn, Fen Road, Guyhirn, Wisbech, Cambs. PE13 4AA
1 01945 450694 e info@swannedwards.co.uk w www.swannedwards.co.uk

Proposed Residential Development Land to the Rear of 58 Tinkers Drive, Wisbech for Mr S Necker	Job Title Date May 2023	Scale As Shown Sheet Size A1
Planning Drawing Site and Location Plans Plans and Elevations	Job No. SE-1963 Dwg No. PP1000	Drawn by RS Revision A

F/YR23/0730/O

Applicant: Mr & Mrs Guy

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

**Land South East Of Highfield Lodge, Doddington Road, Chatteris,
Cambridgeshire**

**Erect up to 6 x dwellings and the formation of 2 x accesses (outline application
with matters committed in respect of access)**

Officer recommendation: Refuse

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

1 EXECUTIVE SUMMARY

- 1.1. This application seeks outline planning approval, with matters committed in respect of access only, for the erection of up to 6 dwellings and the formation of two accesses on land south east of Highfield Lodge, Doddington Rd, Chatteris.
- 1.2. The site sits within the open countryside outside the existing built form of Chatteris, and is closely associated with the undeveloped rural landscape. Given the existing characteristics of the site, the proposal would change the overall character of the area. The introduction of 6 dwellings (illustrated in a linear orientation) with a new vehicular access from Doddington Road would diminish the openness and rural nature of the area. It would represent urban sprawl in this particular location. This would be contrary to Policy LP12 and LP16 (d) of the Fenland Local Plan 2014 and DM3 of the High Quality Environments SPD.
- 1.3. The proposal also includes a new vehicular access from a stretch of Doddington Road which is subject to the national speed limit along with a separate pedestrian access. Policy LP15 of the Fenland Local Plan 2014 seeks to ensure highways safety within the District. Owing to a lack of supporting information, the Highways Authority were unable to confirm that the proposed accesses would be suitable in respect of highway safety. This matter was highlighted to the agent, but revised details were not forthcoming. Accordingly, the proposal therefore raises concerns with regard to highway safety, which would be contrary to Policy LP15 of the Fenland Local Plan 2014.
- 1.4. Accordingly, the application is recommended for refusal.

2 SITE DESCRIPTION

- 2.1 The application site is part of an agricultural field located beyond the existing built up edge of the town of Chatteris, and comprises approximately two thirds of the frontage of the field along Doddington Road between Willey Terrace and Highfield Lodge. The first third of the field adjacent to Willey Terrace was granted outline permission for 3 dwellings at Committee (F/YR19/1031/O) in July 2020, and a related variation of condition application (F/YR22/1018/VOC) for the development approved by delegated powers in May 2023.
- 2.2 There is a ditch and a native species hedge running along the frontage of the site, with occasional trees located within the hedgerow.
- 2.3 The land is located within flood zone 1.

3 PROPOSAL

- 3.1 The proposal is in outline for 6 dwellings. The only matter committed at this stage is access with a new vehicular access proposed off Doddington Road, leading to a private road serving the dwellings, along with a separate pedestrian access. The vehicular access will be positioned outside the 40mph speed sign as you enter Chatteris. The illustrative layout shows 6 x detached dwellings each with detached double garage, in a linear format.
- 3.2 Full plans and associated documents for this application can be found at: [F/YR23/0730/O | Erect up to 6 x dwellings and the formation of 2 x accesses \(outline application with matters committed in respect of access\) | Land South East Of Highfield Lodge Doddington Road Chatteris Cambridgeshire \(fenland.gov.uk\)](https://fenland.gov.uk/F/YR23/0730/O)

4 SITE PLANNING HISTORY

Relevant to the application site specifically: Land South East Of Highfield Lodge, Doddington Road, Chatteris, Cambridgeshire

F/YR22/1236/O	Erect up to 6 x dwellings and the formation of 6 x accesses (outline application with matters committed in respect of access)	Refused 23.12.2022
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Relevant to the adjacent site to the south-east: Land North West Of 24 Willey Terrace, Doddington Road, Chatteris

F/YR23/0660/RM	Reserved matters application relating to detailed matters of appearance, landscaping, layout and scale (Plot 1 only) pursuant to planning permission F/YR22/1018/VOC to erect 1 x dwelling (3-storey, 7-bed) including the temporary siting of a caravan, container and welfare unit during construction	Pending
F/YR23/3072/COND	Details reserved by Condition 04 (Foul & Surface Water Drainage) and 05 (Temp Facilities) of planning permission F/YR19/1031/O (Erect up to 3no dwellings (outline application with matters committed in respect of access)) relating to Plot 3 only	Pending

F/YR22/1183/RM	Reserved Matters application relating to detailed matters of appearance, landscaping, layout and scale (Plot 3 only) pursuant to outline permission F/YR19/1031/O to erect 1 x dwelling (2-storey, 3-bed)	Approved 19.05.2023
F/YR22/1018/VOC	Variation of conditions 4 (surface water drainage), 5 (temporary facilities), 10 (footpath) and 11 (list of approved drawings) relating to planning permission F/YR19/1031/O	Granted 17.05.2023
F/YR19/1031/O	Erect up to 3no dwellings (outline application with matters committed in respect of access)	Granted 10.07.2020

5 CONSULTATIONS

5.1 Chatteris Town Council

Recommend Refusal. Land outside the building line/boundary of Chatteris. Concerns about access on a bend on a busy road; number of access points may have been reduced to two but number of vehicles generated by houses has not reduced. Not in new 30mph speed limit area.

5.2 CCC Archaeology

Our records indicate that the development lies in an area of archaeological potential on the fen island of Chatteris. Cropmarks are known within the development area which show a yet undated series of linear features (Cambridge Historic Environment Record reference 09670). Although undated, find spots of Roman pottery have been recovered in the Doddington Road area, in particular an imitation Samian ware vessel dating to the 3rd to 4th centuries AD, indicating a Roman presence in the area. A possible medieval moated site has been identified through cropmarks to the north-west (CHER ref. 09671). Later activity is known from the route of the 18th century toll road which the site abuts to the east (CHER ref. MCB31386). Archaeological investigations have taken place along the route of the toll road to the south, medieval to post-medieval activity was recorded indicating gravel extraction took place within the area (CHER ref. CB15314).

We have commented on previous development (F/YR22/1236/O) within the same bounds and advise that the recommendations made previously still apply.

Due to the archaeological potential of the site a further programme of investigation and recording is required in order to provide more information regarding the presence or absence, and condition, of surviving archaeological remains within the development area, and to establish the need for archaeological mitigation of the development as necessary. Usage of the following condition is recommended:

Archaeology Condition

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

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

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

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

Informatives:

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

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

5.3 CCC Highways Authority

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

The applicant has not demonstrated that suitable visibility can be achieved. Doddington Road at the location of the proposed access is subject to the national speed limit (60mph) with a correlating stopping sight distance of 215m. Therefore, the access must be capable of achieving an inter-vehicular visibility splay of 2.4m x 215m in both directions, contained within the application boundary and / or the highway boundary. A forward visibility splay of 215m to a vehicle stopped to turn right into the site is also required. I will accept a reduction in visibility splays but only based upon the observed 85th percentile speeds.

In context of the scale of development and the nature of Doddington Road, the access should be formed as a bellmouth style junction rather than a shared vehicular crossover.

The applicant has included a private footpath connection from the permitted site to the south-east. This approach is generally not endorsed by the LHA and instead recommend that such pedestrian infrastructure is placed within the highway / adjacent to the carriageway. Where the path crosses the site accesses, the vegetation will need to be suitably restricted along either side to provide vehicles turning into the site with advanced warning of crossing pedestrians.

A footpath link to Doddington Road is provided opposite Plot 6 but the rationale for this link is unclear as there is no connecting infrastructure along Doddington Road, nor has the applicant demonstrated that this is a safe location for a pedestrian crossing.

5.4 Environment & Health Services (FDC)

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

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

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

5.5 Local Residents/Interested Parties

The LPA received 8 letters of support for the scheme from 7 address points within Chatteris and Doddington. Two letters gave no reasons for supporting the application, just indicated support. Other reasons for support can be summarised as:

- Overlooking open fields, high quality development;
- Lovely area with open fields, would make an excellent addition to Chatteris;
- Set back in fields with lovely surroundings, and not far from Chatteris amenities;
- Would make Chatteris look nice when coming into town;
- More properties would benefit the ever growing town;
- Would be good for the town.

6 STATUTORY DUTY

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

7 POLICY FRAMEWORK

7.1 National Planning Policy Framework (NPPF) July 2021

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

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

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

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

Para 80: Planning policies and decisions should avoid the development of isolated homes in the countryside unless specific circumstances apply.

7.2 National Planning Practice Guidance (NPPG)

Determining planning applications

7.3 National Design Guide 2019

Context

Identity

Built Form

Homes and Buildings

7.4 Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

LP10 – Chatteris

LP12 – Rural Areas Development Policy

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

LP15 – Facilitating the Creation of a More Sustainable Transport Network

LP16 – Delivering and Protecting High Quality Environments

Lp19 – The Natural Environment

7.5 Emerging Local Plan

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

LP1 – Settlement Hierarchy

LP2 – Spatial Strategy for the Location of Residential Development

LP7 – Design

LP8 – Amenity Provision

LP18 – Development in the Countryside

LP20 – Accessibility and Transport

LP22 – Parking Provision

LP24 – Natural Environment

LP32 – Flood and Water Management

7.6 Supplementary Planning Documents/ Guidance

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

8 KEY ISSUES

- **Principle of Development**
- **Impact on the Character and Appearance of the Area**
- **Access & Highway Safety**
- **Biodiversity**

9 BACKGROUND

9.1 This application is similar to an earlier application on the same site, F/YR22/1236/O, that sought outline planning approval for the erection of up to 6 x dwellings and the formation of 6 x accesses (outline application with matters committed in respect of access). The previous application was refused under delegated powers (agreed by the Planning Chair) for the following reasons:

1. Policy LP16 of the Fenland Local Plan, 2014 requires that proposals for new development should deliver and protect high quality environments which respond to and improve the character of the local built form and respond to the street scene and existing settlement patterns. The introduction of 6 dwellings (illustrated in a linear orientation) with 6 new vehicular accesses from Doddington Road along with the likely changes needed to the drainage of the highway in this location would diminish the openness and rural nature of the area. It would represent urban sprawl in this particular location. This would be contrary to Policy LP16 of the Fenland Local Plan 2014 and DM3 of the High Quality Environments SPD.
2. The proposal includes 6 new accesses from a stretch of Doddington Road which is subject to the national speed limit. Policy LP15 of the Fenland Local Plan 2014 seeks to ensure highway safety within the District. The development will result in additional turning and stopping movements leading to an increased risk of high speed collisions. The site will also result in servicing and deliveries being potentially made from the roadside where the national speed limit applies. This would also lead to increased risk and inconvenience to users of the highway. The proposal therefore raises concerns with regard to highway safety, which would be contrary to Policy LP15 of the Fenland Local Plan 2014.

9.2 The current application also seeks outline approval for up to 6 dwellings, but this application submission differs from the earlier refused scheme in that it is only committing one vehicular access point (as opposed to 6) leading to a private roadway to serve the intended dwellings along with a separate pedestrian access. Accordingly, it seeks to reconcile the earlier reasons for refusal. The below assessment considers the material planning considerations in respect of the revised proposal for the site.

10 ASSESSMENT

Principle of Development

- 10.1 The locational circumstances of the site have not changed since the earlier refusal of F/YR22/1236/O.
- 10.2 The application site is located between 30 and 100m beyond the existing built-up edge of the town of Chatteris (Willey Terrace). Policy LP3 of the Fenland Local Plan 2014 defines Chatteris as a Market Town where (along with the other market towns) the majority of the district's new housing growth should take place. Although Policy LP3 identifies Chatteris as being a suitable location for housing growth, Policy LP10 states that new development should

contribute to retaining its character. The site sits at the transition between the existing built form of Chatteris and the open countryside beyond.

- 10.3 The three plots to the south-east approved by Committee (F/YR19/1031/O) are regarded as being different in terms of their context and with regard to highway safety as the location of the plots mirrors the edge of the existing built form of Curf Terrace on the opposite side of Doddington Road and are positioned within the 40mph speed limit that clearly demarcates the approach into Chatteris. With this application, however, the proposed plots and the new access are within the national speed limit (60mph), and thus the site can be clearly regarded as being within the open countryside that forms the buffer to the Chatteris built form to the northeast of the town. This is all the more apparent given the lack of development opposite and the sporadic nature of very limited development as you travel north out of Chatteris along Doddington Road.
- 10.4 The application site is therefore considered to be more closely associated with the undeveloped rural landscape, a matter which has not changed since the earlier refusal. As such, given the existing characteristics of the site, the principle of development in this location is not considered to be acceptable.

Impact on the Character and Appearance of the Area

- 10.5 Policy LP12 of the Local Plan provides guidance as to the restriction of rural areas development to ensure that it has an acceptable impact on the settlement and its character.
- 10.6 Policy LP12 requires development to meet certain criteria in order to be supported. The site must not have an adverse impact on the character and appearance of the surrounding countryside and farmland. Similarly, the proposal must be in keeping with the core shape and form of the settlement, without resulting in the extension of linear features or create ribbon development, and must retain natural boundaries, respect ecological features, important spaces etc. Finally, the proposal must be served by sustainable infrastructure, and must not put people or property in danger from identified risks.
- 10.7 The development proposed would extend the existing linear feature of the developed footprint of the settlement, by adding a further six dwellings to a line of ribbon development along Doddington Road, into an area of agricultural grassland. This area of grassland at the site is mirrored by agricultural land opposite, and forms a distinct and natural demarcation between the developed built form of Chatteris and the countryside beyond; save for sporadic rural development to the northwest, such as Highfield Lodge and Carters Bridge Farm House that are not considered to be within the built form of Chatteris.
- 10.8 Development encroaching into this land would be to the detriment of the character and appearance of the area; a circumstance that has unfortunately been initiated by the approval of the 3 dwellings to the southeast (F/YR19/1031/O) within the same parcel of agricultural land. Additional development on this land would arguably perpetuate a damaging precedent of

advancing ribbon development along Doddington Road, yet further eroding the rural character, contrary to the requirements of policy LP12.

- 10.9 Policy LP16 seeks to ensure that development makes a positive contribution to the local distinctiveness and character of the area. There are clear views across the site and to the countryside beyond it. This is due to the absence of any significant landscaping. Therefore, impact of the development of up to six dwellings on the character and appearance of the currently open area will be significant.
- 10.10 The site sits at the transition between the existing built form of Chatteris and the open countryside and is more closely associated with the undeveloped rural landscape. There is a well-defined character here consisting of wide green verges siting above the deep drainage channel which make an attractive entrance to the town. Given these existing characteristics, the proposal would change the overall character of the area. The introduction of 6 additional dwellings (illustrated in a linear orientation) with a new vehicular access from Doddington Road and private roadway, along with the hedge removal and likely changes needed to the drainage of the highway in this location would result in a significant urbanisation of the area, detrimentally eroding the countryside character. This would be contrary to Policy LP16 of the Fenland Local Plan 2014 and DM3 of the High Quality Environments SPD.
- 10.11 The locational circumstances of this site and proposal are very similar to that of a recent appeal decision received for a site at Sandbank, Wisbech St Mary (APP/D0515/W/23/3318565), in which development for up to 4 dwellings was proposed on an agricultural grassland field that formed a notable gap between a line of residential properties on Sandbank and Sandbank Farm. Similar here in that the application site is a grassland field forming part of a notable gap between dwellings along Willey Terrace and Highfield Lodge. Within the appeal decision, the inspector concluded that:
- “The scheme would lead to the development of up to 4 dwellings beyond the built up edge of the settlement, extending ribbon development into the countryside. The impact would be exacerbated by the absence of built development on the opposite side of the road which distinguishes the proposal from the planning permission granted on neighbouring land. The scale of the development with up to 4 dwellings proposed also makes the scheme before me different from that which has been granted planning permission.”*
- 10.12 A direct correlation between the appeal site and the application site can be drawn, and as such it follows that the conclusion in respect of the unacceptability of the development of the site in terms of its impact on character would be relevant to the application site, as was determined by the Inspector at the appeal.
- 10.13 In addition, parallels can be drawn between the application site and the recent application for a similar scale of development refused by Committee for a site east of 137 Upwell Road, March (F/YR23/0491/O) in which up to 6 dwellings were proposed on grade 3 agricultural land, used for hay production. Members concluded that the proposal would amount to urban sprawl along

Upwell Road into open countryside. The application site is similar, as it is also categorised as grade 3 agricultural land ([10-111h East Region 250k ALC.pdf](#)) and would be tantamount to urban sprawl beyond the existing built form along Doddington Road.

- 10.14 Given the above, it is considered that the submitted application remains in clear conflict with policies LP12 and LP16 of the adopted Local Plan in terms of its impact on character.

Access & Highway Safety

- 10.15 Policy LP15 of the Fenland Local Plan 2014 seeks to ensure safe and convenient access for all within the district.

- 10.16 The indicative site plan suggests that there would be sufficient parking/turning room available to service the dwellings.

- 10.17 The Local Highway Authority have raised concern regarding the proposed footpath connection to the site to the south-east and the rationale behind the intended footpath connection to the Doddington Road carriageway, which, incidentally, has no footpath at this point along the highway to which this intended connection can link. Appropriate pedestrian access is a material consideration in respect of the suitability of the site in general sustainability terms.

- 10.18 Notwithstanding matters of sustainable development, the Highways Authority consider the proposed access to be unacceptable, as details of appropriate visibility splays were not provided. The Agent was invited to address these concerns, however such detail was not forthcoming. Accordingly, the application has not been provided to that safe and convenient vehicular or pedestrian access could be achieved to the satisfaction of the Highway Authority.

- 10.19 As such, in the absence of evidence to the contrary, and the outstanding technical objection from the Highways Authority, the principle of providing safe and convenient access for all may be unachievable at the site, and thus the application remains in conflict with Policy LP15 in respect of highway safety.

Biodiversity

- 10.20 Policy LP16 (b) requires proposals for new development to protect and enhance biodiversity on and surrounding the proposal site, taking into account locally designated sites and the special protection given to internationally and nationally designated sites in accordance with Policy LP19. Criteria (c) requires the retention and incorporation of natural and historic features of the site such as trees, hedgerows, field patterns, drains and water bodies.

- 10.21 The application site comprises an agricultural field bounded by a ditch and mature hedge with the proposed accesses to the development are confirmed as being across this ditch and through the hedge.

- 10.22 Ecological surveys and if necessary, species surveys, are required to be carried out pre-determination. Section 40 of the Natural Environment and Rural Communities Act 2006 places a public sector duty upon local planning

authorities to conserve biodiversity. Section 180 of the NPPF states that when determining planning applications local planning authorities should refuse planning permission if significant harm to biodiversity resulting from development cannot be avoided (through locating on an alternative site with less impact), adequately mitigated or as a last resort, compensated for. Such consideration requires sufficient ecological investigation to assess if there are any particular protected species present so that they can be taken into account in the consideration of the proposals.

- 10.23 Policy LP19 of the local plan states that planning permission should be refused for development that would cause a demonstrable harm to a protected species or habitat unless the need for and public benefits of the development clearly outweigh the harm and mitigation, or compensation measures can be secured to offset the harm.
- 10.24 An Ecological Impact Assessment (EIA) has been submitted; however, it should be noted that this has not been updated since the earlier refusal. Notwithstanding, it appears that the circumstances of the site have not significantly changed since the EIA was undertaken and accordingly is considered to accurately assess the site as it is today. Accordingly, if the application was acceptable in all other matters, it would be suggested that a planning condition be attached requiring development to be carried out in accordance with the EIA.

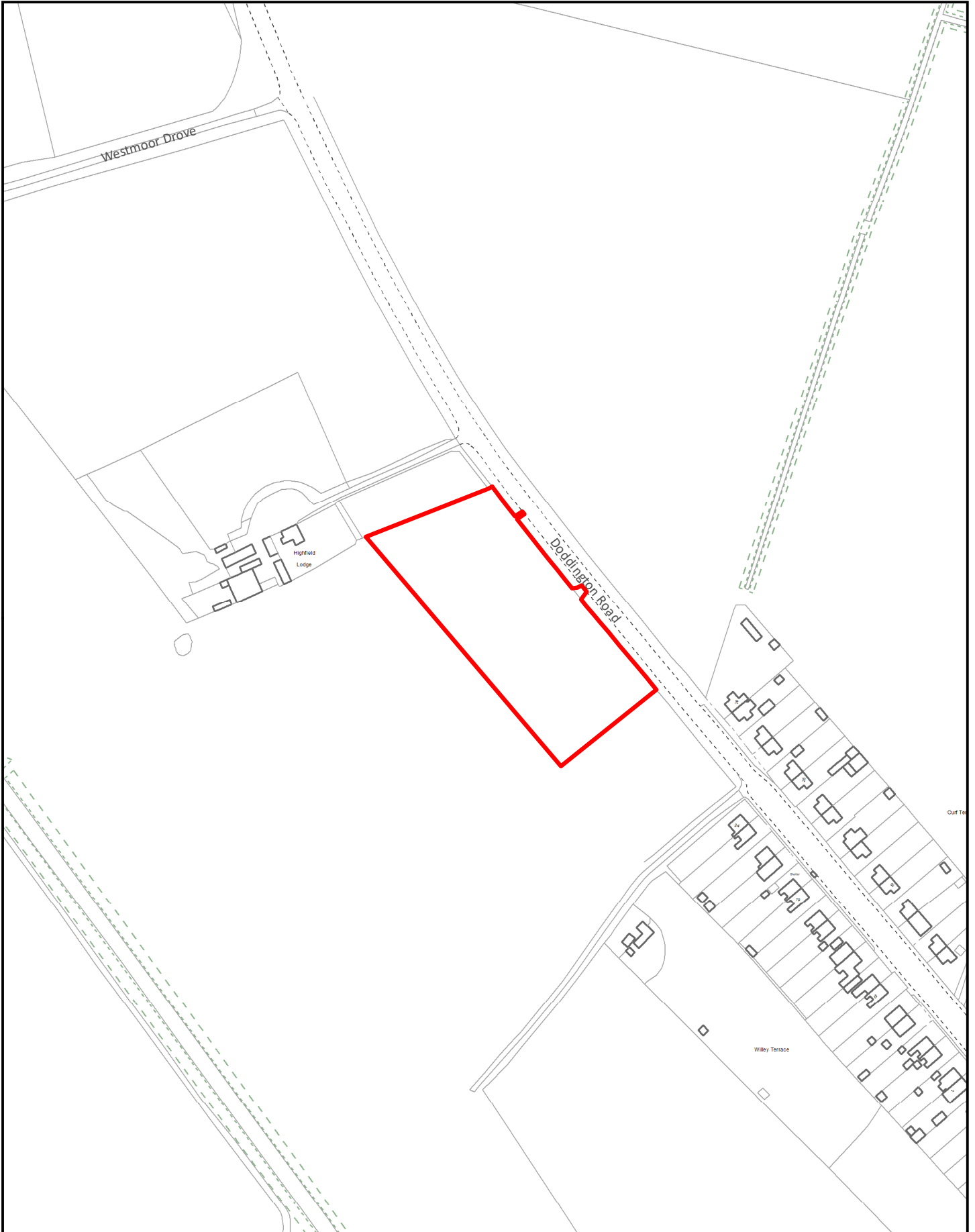
11 CONCLUSIONS

- 11.1 The site sits within the open countryside outside the existing built form of Chatteris. It is closely associated with the undeveloped rural landscape for the reasons given above. Given the existing characteristics of the site, the proposal would change the overall character of the area to its detriment. The introduction of 6 dwellings (illustrated in a linear orientation) with a new vehicular access from Doddington Road would diminish the openness and rural nature of the area and would set an unacceptable precedent within the area and would consequently represent urban sprawl in this particular location. This would be contrary to Policy LP12 and Policy LP16 (d) of the Fenland Local Plan 2014 and DM3 of the High Quality Environments SPD.
- 11.2 The proposal also includes a new vehicular access from a stretch of Doddington Road which is subject to the national speed limit along with a separate pedestrian access. Policy LP15 of the Fenland Local Plan 2014 seeks to ensure highway safety within the District. Given the lack of supporting information, the Highways Authority were unable to confirm that the proposed accesses would be suitable in respect of highway safety. This matter was highlighted to the agent, but revised details were never received. Accordingly, the proposal therefore raises concerns with regard to highway safety, which would be contrary to Policy LP15 of the Fenland Local Plan 2014.

12 RECOMMENDATION

Refuse, for the following reasons;

1	Policy LP12 seeks to support development that does not harm the character of the countryside. Policy LP16 of the Fenland Local Plan, 2014 requires that proposals for new development should deliver and protect high quality environments which respond to and improve the character of the local built form and respond to the street scene and existing settlement patterns. The proposal is for the construction of up to six new dwellings with a new access on currently undeveloped grassland with a close relationship to the wider open countryside. Development on this land would be to the detriment of the character and appearance of the rural area through increased urbanisation, representing urban sprawl in this location, directly contradicting the current settlement pattern and arguably creating a precedent for further development into the countryside, contrary to the requirements of Policy LP12 and Policy LP16(d) of the Fenland Local Plan 2014 and DM3 of the High-Quality Environments SPD.
2	Policy LP15 seeks to support proposals that provide safe and convenient access for all. In the absence of evidence to the contrary, it is unknown if this is achievable to provide the necessary visibility splays relative to the speed of the road within the highway boundary and / or application boundary, to ensure safe vehicular access to the site. Furthermore, the justification for the proposed pedestrian footpath links appears to be unclear. Therefore, the scheme is contrary to Policy LP15 as it has not been evidenced that a suitable and safe access to the development can be provided.



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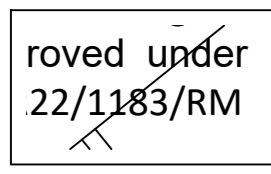
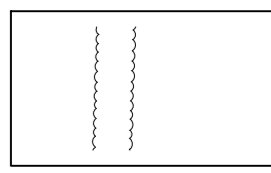
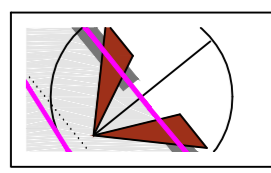
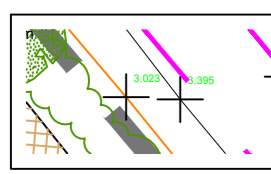
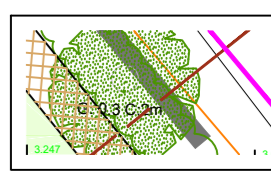
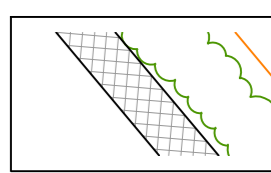
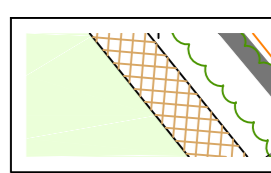
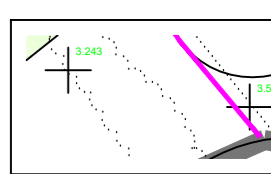
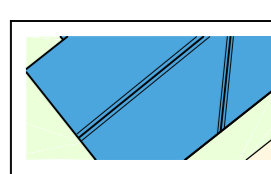
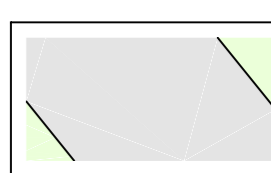
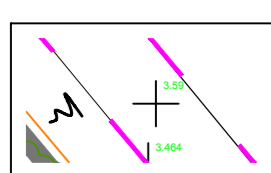
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 **Fenland**
CAMBRIDGESHIRE
Fenland District Council

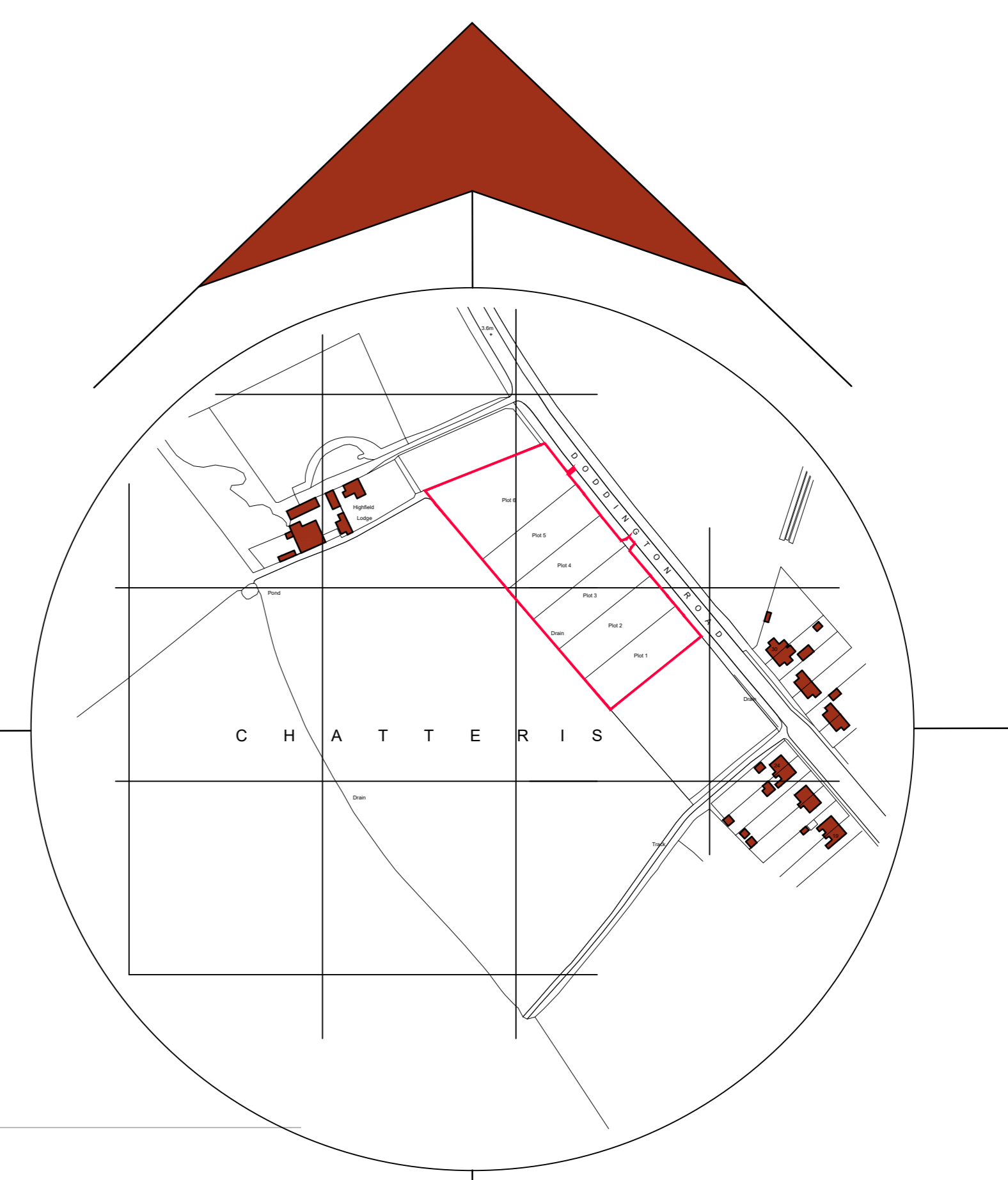
General Notes
 1. All dimensions are shown in 'met' unless otherwise stated.
 2. The contractor, sub-contractors and suppliers must verify all dimensions on site prior to the commencement of any work.
 3. This drawing is to be read in conjunction with all relevant engineers and specialist sub-contractors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

SITE PLAN KEY

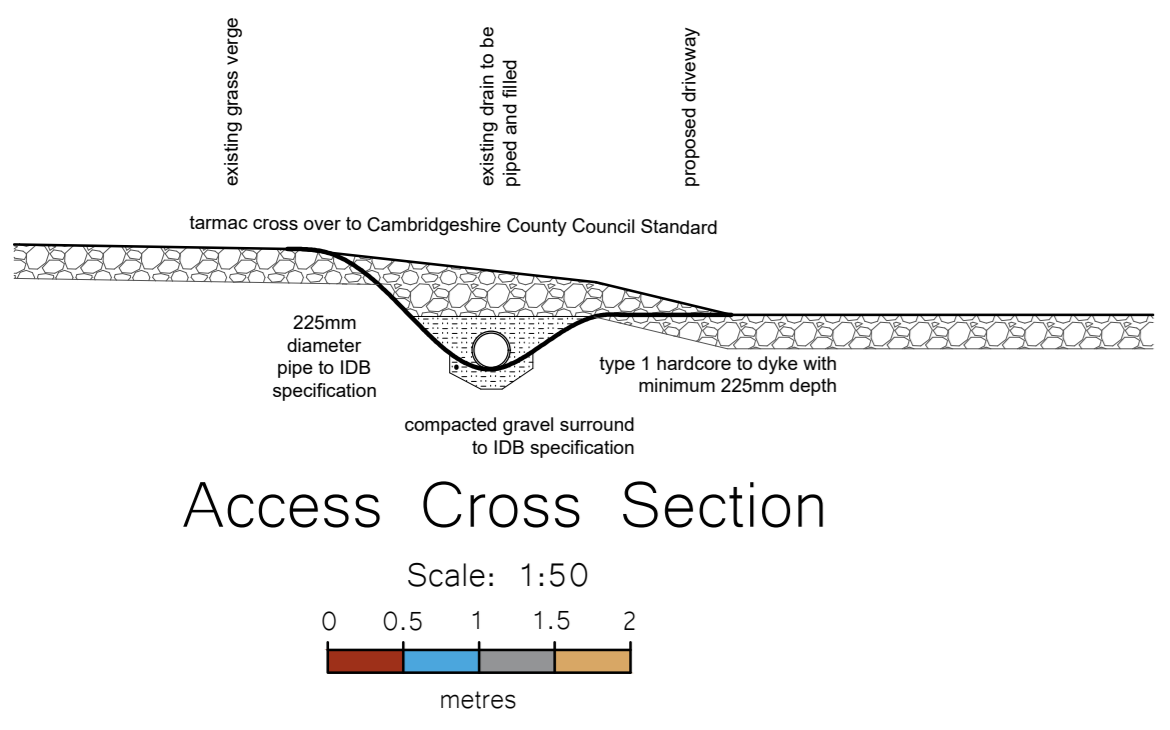
-  Indicative dwellings from F/YR21/1031/0
-  Existing hedges
-  Proposed site access with sealed and drained entrance to CambsCC specification
-  Existing site levels
-  Existing trees
-  Existing footpath
-  Proposed footpath
-  Dotted line represents areas to be removed
-  Proposed indicative dwellings
-  Proposed roadway to adoptable standard
-  Magenta line shows 2.4 x 210m vision splays all within highways control



Indicative Front Elevation
 Scale 1:100

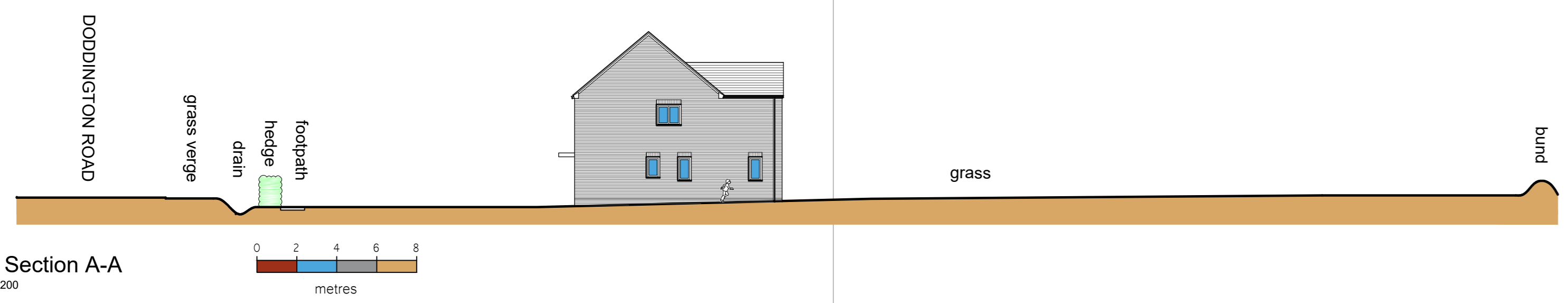


Location Plan
 Scale 1:2500



Access Cross Section
 Scale: 1:50

Site Plan (Indicative layout only)
 Scale 1:200



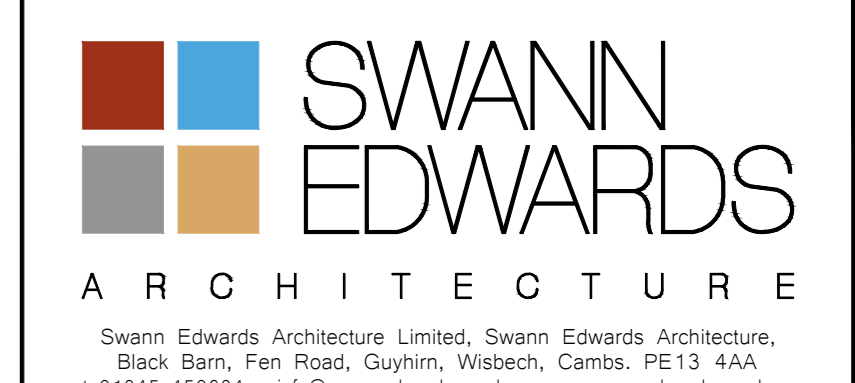
Site Section A-A
 Scale 1:200

Proposed Dwelling
 Approved under
 F/YR22/1183/RM

Proposed Dwelling
 Approved under
 F/YR22/1018/VOC

Proposed Dwelling
 Application under
 F/YR23/0660/RM

FOR APPROVAL



Proposed building name Dodderington Road Charters	Job Title for: Mr & Mrs P. Guy	Date August 2022	Drawn by G.E.
Outline Planning Drawing Site and Location Plans Indicative front elevation and site section	Job No. SE-1851	Sheet Size A0	Checked by R.S.
	Dwg No. PP-1000	Person C	

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