

AGENDA

PLANNING COMMITTEE

WEDNESDAY, 13 DECEMBER 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 - 24)

To confirm and sign the minutes from the previous meeting of 15 November 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/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 25 - 54)

To determine conditions.
- 6 F/YR21/0985/F
Land East Of 2, Ingles Lane, Doddington
Erect 3no dwellings (single-storey, 1-bed) (Pages 55 - 72)

To determine the application.

7 F/YR22/1387/F

Land East of 100 Feldale Lane, Coates

Erect 1 x dwelling (2-storey 4-bed) (in association with existing business) with attached office, and erect an extension to existing equestrian building (including an indoor arena and stabling) (Pages 73 - 94)

To determine the application.

8 F/YR23/0134/F

Land East of 6-8 March Road, Coates

Erect a single-storey retail unit Class E(a) including formation of 2 x accesses and associated hard and soft landscaping (Pages 95 - 126)

To determine the application.

9 F/YR23/0228/F

Land North of 3 Gore Villas, Mill Road, Murrow

Erect 1 x dwelling (2-storey 5-bed) (Pages 127 - 142)

To determine the application.

10 F/YR23/0415/F & F/YR23/0413A

22-23 Old Market, Wisbech

F/YR23/0415/F - Alterations to existing building involving conversion of part of building to create 4 x 2-storey dwellings (1 x 1-bed, 3 x 2-bed), 1 x first-floor flat (1-bed), refurbishment of existing club including new frontage and formation of 1m link footway

F/YR23/0413/A - Display 1 x non-illuminated fascia sign (Pages 143 - 180)

To determine the applications.

11 F/YR23/0572/O

Land East of 52 Church Road, Christchurch

Erect up to 3 x dwellings involving the formation of a new access (outline application with matters committed in respect of access) including a detached garage to serve No.52 and demolition of existing outbuildings (Pages 181 - 200)

To determine the application.

12 F/YR23/0749/F

114 Osborne Road, Wisbech

Erect a dwelling (2-storey, 3-bed) involving demolition of side extension, store and garage to 114 Osborne Road, including erection of a front porch (Pages 201 - 216)

To determine the application.

13 F/YR23/0852/O

Land South of 12-24 Ingham Hall Gardens, Parson Drove
Erect up to 9 x dwellings (outline application with matters committed in respect of
access) (Pages 217 - 236)

To determine the application.

14 TPO/04/2023

Granary Barn, Main Road, Elm
Tree Preservation Order. (Pages 237 - 242)

To advise members of the current situation in respect of confirmation of a Tree
Preservation Order (TPO) at Granary Barn, Main Road in Elm.

15 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, 15 NOVEMBER 2023 - 1.00 PM

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

APOLOGIES: Councillor R Gerstner.

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

P65/23 PREVIOUS MINUTES

The minutes of the meeting of the 18 October 2023 were agreed and signed as an accurate record.

P66/23 F/YR22/1296/F 14-16 WENNY ROAD, CHATTERIS ERECT 9 X DWELLINGS (3 X 2-STOREY 4-BED AND 6 X 3-STOREY 3-BED) AND THE FORMATION OF NEW ACCESSES INVOLVING THE DEMOLITION OF EXISTING DWELLING

Nick Harding presented the report to members.

Members asked questions of officers as follows:

- Councillor Connor expressed his disappointment that the applicant/agent were not present at committee to answer any questions that members may have and the update to this application does not address any concerns he had from the September committee. He knows the ownership of the road is in the hands of a separate management company and is a civil matter, not a planning issue and so no weight should be given to this. Councillor Connor referred to £6,000 being offered to the George Clare Surgery but this was based on 10 houses and this proposal is for 9 houses so there is no requirement for this to be offered and the proposal cannot be refused as it is compliant with policy.
- Councillor Benney agreed that it is unacceptable that the applicant/agent are not present and he feels the proposal is worse by the withdrawing of the £6,000 to the George Clare Surgery. Nick Harding stated that when the application was originally submitted it was for a scheme of 10 dwellings and during the consultation the health authorities responded detailing what their ask was and the applicant at that time was happy to provide. He explained that the scheme was reduced to 9 dwellings at officer's instigation due to design concerns and, therefore, the need for a contribution fell away in line with Council policy.
- Councillor Benney asked if a contamination report has been submitted as the site was an old farmyard? Nick Harding responded that Environmental Health have been consulted and recommend that a condition is placed on the approval, which is Condition 7.
- Councillor Benney stated that he accepts the £6,000 to George Clare Surgery is lost, but he would like to see a contamination report and as this is an old part of town, in the Conservation Area, he would like Cambridgeshire County Council's Archaeology Team checking to see that no artifacts are being lost. Councillor Connor asked for clarification that a full archaeological survey is being asked for at the foundation stage? Councillor Benney confirmed this to be the case.

- Councillor Mrs French stated that she supports an archaeological survey due to Chatteris' history and she is not happy that there is no longer £6,000 being given to the doctor's surgery. She referred to LP5, meeting housing needs, asking if any of the dwellings are proposed to be affordable? Nick Harding responded that under national and local policy there is no requirement for affordable housing to be provided on a site of 9 dwellings. He made the point that the County Council Archaeology Team have not requested an upfront assessment and recommend a condition attached to the permission. Nick Harding reiterated that Environmental Health have also not requested an upfront contamination report and recommend a condition be applied.
- Councillor Mrs French stated that she takes on board officer's professional advice with the recommendation to approve but she would like to see a condition on the construction times, a wheel wash and deliveries between 9am-2.30pm as there is a school nearby. Nick Harding responded that any resolution to grant planning permission can indicate that in any management plan that there should be no deliveries or leaving the site at school drop off and collections times. He stated in terms of wheel washing the problem is that the nature of the site is that there is a road already present and there is no space to position a facility but it can be added in the management plan to keep Ellingham Gardens sufficiently clear of debris.
- Councillor Connor asked is their room for a sweeper to be on duty at all times or 2-3 times per day? Nick Harding responded that he would not go as far as to define that there has to be a road sweeper but he would word the management plan so that Ellingham Gardens has to be kept free of debris and then however the road is kept clean is up to the developer.
- Councillor Marks stated that this area struggles with mud on the road and the Police cannot enforce it so something is needed questioning whether it could be pressure washing of wheels rather than a wheel wash as he can see it being a site that will cause problems. He referred to deliveries and made the point that timeframes have been added to other sites and he feels that lorries that come to the site should come and leave via the A142 rather than through town.
- Councillor Benney asked if there was a lighting scheme as he is not sure there are any street lights along Ellingham Gardens and this would be beneficial to the residents? Nick Harding responded that Condition 4 does include a lighting scheme.
- Councillor Marks asked if the applicant comes back for another dwelling can the £6,000 still be requested as he is concerned that there may be another piece of land that the applicant will find to develop? Nick Harding responded that there is not sufficient space for another dwelling so he does not think the situation would arise.

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

- Councillor Benney expressed the view that the application cannot be refused as it is policy compliant but there is the need to ensure that the residents get the best that they can. He feels that the County Council have not asked for an archaeological report as they are short of staff but there should be a requirement for one and also a surface water drainage scheme to ensure that water does not run off from the site into other parts of Ellingham Gardens. Councillor Benney stated he is happy that there is a lighting scheme and asked if bat or bird boxes could be put into the development as it was formerly a farmyard. Nick Harding responded that there is a condition regarding archaeology and one in relation to biodiversity.
- Councillor Marks stated that safeguards are required in relation to vehicle movements and cleaning of the road during construction, which is a priority as the site is near to a school.
- Councillor Mrs French made the point that Condition 16 does not mention bats and should do? Nick Harding responded that this condition is not species specific so it could include bats.
- Councillor Hicks expressed concern over how the conditions can be policed and made the point that timed deliveries do not happen in the real world. Councillor Connor responded that this has happened before and it can be enforced, developers do not usually want to flout the conditions and feels these are reasonable conditions. Councillor Marks added that

a situation occurred in Manea, enforcement came out and as soon as enforcement was involved the developer kept to terms of the conditions.

Proposed by Councillor Mrs French, seconded by Councillor Hicks and agreed that the application be GRANTED as per officer's recommendation to include no deliveries during school arrival and departure times and that provision needs to be made for sweeping of Ellingham Gardens so that it is not unsafe as a consequence of debris from the site being on the road.

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

(Councillor Marks declared, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that he is a District Councillor for Chatteris and Manea and does attend Chatteris Town Council meetings but takes no part)

**P67/23 F/YR22/1416/O
LAND TO THE EAST OF 114 MAIN ROAD, PARSON DROVE
ERECT UP TO 4 X DWELLINGS INVOLVING THE FORMATION OF A NEW
ACCESS (OUTLINE APPLICATION WITH MATTERS COMMITTED IN RESPECT
OF ACCESS)**

Nick Harding presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Shanna Jackson, the agent. Mrs Jackson referred to committee considering the scheme in August, where members were relatively comfortable with the proposal except for issues surrounding the access and highways which they felt needed further clarification. She stated that amended drawings have been submitted and these demonstrate that appropriate visibility splays can be achieved, with there being a restrictive covenant on the land to the east which requires that the footpath remains free from obstruction.

Mrs Jackson stated that whilst the covenant does not form part of the planning remit, it is enforced by other means, and, therefore, in her view, members can take comfort in knowing that this visibility splay will remain free from obstruction. She advised that the applicant for this proposal is the person who imposed the covenant and, therefore, all things considered the likelihood of this ever being breached is very slim.

Mrs Jackson expressed the view that the land in question is only a small triangle which goes over the private footpath and the whole point of the footpath is to allow for people to walk along it and for it to remain free from obstruction, if not it cannot serve its purpose. She reiterated that it is unlikely that the visibility splay will be obstructed and the visibility splays are now in the red line of the application and she feels conditions could be imposed to ensure the splays remain free of obstruction, with any such conditions being duly accepted by the applicant.

Mrs Jackson made the point that Highways have raised no objection to the scheme and, in her view, there appears to be no grounds to resist the application for reasons of highway safety. She highlighted that the proposal complies with the Local Plan and the Parson Drove Neighbourhood Plan, with it also receiving support from the Parish Council and requested that planning permission be granted.

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

- Councillor Mrs French made the point that the concern of the committee in August was the visibility splays hence its deferral and Mrs Jackson has said that they can be achieved so surely if this is achievable this application should be approved.

- Councillor Connor agreed with the comments of Councillor Mrs French, it was said there was hardly any chance of that splay to the east being obstructed, which was the only thing committee deferred it on so this is the only thing that needs to be looked at. He asked if a condition can be placed on any permission? Nick Harding responded that the agent referred to that bit of the visibility splay to the east which is in third party ownership and identified that the applicant was the person who instigated the covenant in the first place but his understanding is that there is land in the west visibility splay which is also in third party ownership and no reference has been made to that being subject to a covenant. He stated that if committee wished to grant planning consent he would be concerned over the use of a condition because if the development gets constructed and it turns out that there is inadequate visibility splay because it has been obstructed then the person that the Council would be taking enforcement against is an innocent third party who has not been party to this in a direct sense and the only solution he can think of is for a Section 106 Agreement to be entered into by the relevant third party owners of the visibility splay land linked to the grant of planning permission.
- Councillor Marks asked how can this be guaranteed? Nick Harding responded that the legal agreement would have to be signed before the planning permission is issued so that if anybody is not willing to sign the agreement then planning permission would not be issued.
- Councillor Mrs French expressed the view that this is reasonable and she would not have a problem with this.
- Councillor Benney requested clarification that if the application is approved today it has planning permission but if there cannot be a legal agreement between the third party landowners in a formal Section 106 Agreement the development would not be built as the visibility splay cannot be achieved. Nick Harding responded that this is not quite right, the legal agreement has to be signed by all the relevant landowners before the planning permission is issued, it cannot be undertaken the other way round.
- Councillor Benney stated that if this is approved today, if the landowners sign and agree then they get the planning permission and if they cannot agree they do not get planning permission, which he feels seems a fair approach. Nick Harding confirmed this to be correct.
- Nick Harding reminded members that if there is a proposal to go against officer's recommendation there has got to be a statement as to why the reason for refusal related to the form of the proposed development relating to the existing form of development in this part of the settlement is appropriate.

Proposed by Councillor Benney to support officer's recommendation to refuse planning permission, but a seconder was not forthcoming.

Proposed by Councillor Mrs French, seconded by Councillor Marks and agreed that the application be GRANTED against officer's recommendation, subject to the signing of a Section 106 Agreement to deliver the visibility splays and authority delegated to officers to apply conditions.

Members do not support officer's recommendation of refusal of planning permission as they feel the development does accord with Policy LP16 as it would not be to the detriment of the character and the appearance of the area.

P68/23

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

Nikki Carter presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Lee Bevens, the agent. Mr Bevens stated that this outline application for 4 dwellings was submitted in June this year and they have worked hard with both ecology and tree consultants to ensure that a comprehensive application was submitted. He expressed the view that with the existing bungalow being removed and a private drive being proposed with a turning area this cannot be described as backland development contrary to the Parish Council's views.

Mr Bevens stated that various options have been looked at for the site based on different densities and it was felt that 4 dwellings would not constitute overdevelopment and whilst only an outline application they were also conscious that they wanted to minimise any potential for overlooking or privacy issues with the residents of Woodside Close to the south as well as respecting the mature trees on the site and the ecology constraints that exist. He stated that a detailed ecology assessment has been carried out and confirmed that the proposed solution does not cause any harm to the existing wildlife and with the removal of the poor quality outbuildings it is likely that biodiversity will be enhanced by the development with new landscaping being proposed as part of a future Reserved Matters application.

Mr Bevens noted that whilst in outline form the application for 4 dwellings is located on a section of road used by parents for Lionel Walden School, some 230 metres away, and appropriate measures would be dealt with in any future Reserved Matters application to ensure that construction deliveries to the site are carried out outside of peak public traffic hours to reduce congestion and nuisance and an appropriate construction environment management plan would be produced. He made the point that they have worked closely with the Planning Officer over the past 5 months to ensure that all concerns have been addressed leading to a recommendation of approval and agree with the officer that the proposal creates a development which responds to the opportunities and constraints of the site and to relevant planning policies.

Mr Bevens expressed the view that the proposal does not have a detrimental impact on neighbouring properties and meets the guidance from Highways and flood risk to provide a good quality development. He asked that members support the officer recommendation and grant approval with conditions outlined in the report.

Members asked questions of Mr Bevens as follows:

- Councillor Marks stated that it is good to hear with a school being local that the applicant is prepared to put time limits on deliveries and asked if there could also be an assurance that there would be no work vehicles left outside on the public highway during the day as at school times that is already backed up with people trying to park. Mr Bevens responded that the Council has a template for construction environment management plans and they would follow the procedures to show that construction deliveries impact on the roadway would be minimised and they would have to provide welfare facilities and show where this on site plans.
- Councillor Imafidon referred to keeping the streets clean and asked what provisions have been made for that? Mr Bevens responded that within the construction environment management plan it would be listed if there is a need for wheel wash facilities as it is about minimising the disruption on the road, with no conscientious contractor wanting to bring mud out onto the road but obviously some sites are tighter than others to be able to manoeuvre inside with construction traffic so the plan shows how you overcome this and would be covered in a future Reserved Matters application. He stated it would be for officers to review that document and to state if they are satisfied.

Members asked questions of officers as follows:

- Councillor Mrs French referred to the mention of additional conditions and asked what the additional conditions are? Nikki Carter responded that the application was accompanied by an ecology and a tree report, with there being some protected trees nearby and a number on site and a number of mitigation enhancements were incorporated which have not

currently been encompassed within the conditions.

- Councillor Connor asked that a condition be added that a sweeper is provided because it is a well-used road so no mud is wanted on the road from a safety aspect.
- Councillor Hicks referred to the parking of vehicles on the road as a condition. Nick Harding stated that a construction management plan requires the applicant to identify where on-site parking provision is going to be made and no conditions can be imposed that stop people from parking on a public highway because they are entitled to do this.

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

- Councillor Marks stated that having heard what has been said and having been to look at the site he feels it would be a good development as long as there are vehicle and delivery plans in place and the trees are protected on site.
- Councillor Connor expressed the view that it is a good application although he does not like going against the views of the Parish Council.

Proposed by Councillor Mrs French, seconded by Councillor Hicks and agreed that the application be GRANTED as per officer's recommendation with authority delegated to the Head of Planning to finalise the conditions.

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

P69/23

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)

Tracy Ranger 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 Andrew Hodgson, the agent. Mr Hodgson stated the officer has raised the previous outline permission which was for a B8 distribution unit on the site but due to the climate, build costs rising and demand in that location it was not possible to deliver. He advised that it is the same applicant for this and the previous outline application and they have had to look at alternative uses with the crucial thing about this scheme is that it is primarily to serve Chiltern Distribution who are the business opposite the site to the north.

Mr Hodgson expressed the opinion that if this site had not been found there was a good chance that they would have relocated to a site in Peterborough taking away those jobs from Whittlesey. He stated that normally if he was advising a client he would not advise them to undertake any works on site prior to planning permission but the reason the works were undertaken on site is because Chiltern had an immediate and very urgent requirement to store some of their newer lorry fleet.

Mr Hodgson stated that the only works that have been carried out are site clearance and there has been some levelling works, with the type 1 material that has been laid coming from an Environment Agency licensed waste management company, it is all inert waste and there has been no excavation or digging into the ground on site just levelling out where there has been some dips on the site, with plantings put on top. He reiterated that the site will be used by Chiltern Distribution to store their lorries, with them being a big distribution company which have freezer lorries but it is not intended that there will be lorries on the site with their freezer units running overnight.

Mr Hodgson made the point that there is a residential unit on the site but it is not habitable at the moment so there are no issues with noise impacting on this property and it is in the ownership of the applicant, it needs a full refurbishment which will be subject to a wider application in due course. He expressed the view that the only time the units will be running is likely to be during the day if there is a full load on the lorry and they are waiting to swap over lorry drivers, the full refrigeration units will not be left overnight as it is not safe and they will be kept in their main yard opposite.

Mr Hodgson stated that it is hoped that Chiltern will take on most of the site going forward and in the future it might be possible to erect buildings on the site to enhance their business and to stay in Whittlesey. He stated that at this moment they have taken about a third of the site so the remainder of the site is available for other uses and there are conditions that restrict the height to 6 metres and they are looking for clean uses, with the filtration system that they have been asked to put in by the Flood Authority and the only contamination may be from drips from the lorries, which has been taken care of through an attenuation pond which is going to deal with any surface water run-off.

Mr Hodgson made the point that the site lies in a primary location, the landscaping is going to grow up around the site so visibility over the years is going to be screened and it is within an employment area, with the principle already established through the previous scheme.

Members asked questions of Mr Hodgson as follows:

- Councillor Mrs French notes the Highway and Lead Local Flood Authority objections and asked if they have been complied with? Mr Hodgson responded in the affirmative.
- Councillor Imafidon referred to security on site and said there will be no chilled lorries on site and asked what is the difference in security risk between a chilled and unchilled lorry? Mr Hodgson responded that Chiltern Distribution have refrigeration units which make a noise when they are running to keep the food cool and other HGVs do not so that is difference. Councillor Imafidon made the point that it was stated that units would not be running overnight and if you have perishables in chilled lorries you have to have the refrigerant. Mr Hodgson advised that the lorries would not be left on that site if they are loaded as they will be kept in a more secure yard, it will only be the empty lorries that are left at the site overnight.
- Councillor Connor asked for clarification on what the base coat surfacing was and what was laid over this? Mr Hodgson responded that the original ground was not touched and a type 1 crushed inert material was laid, which goes through a licensing scheme and grading to make sure it has no chemicals or anything in it which came from Midland Waste who are in Whittlesey and are regulated by the Environment Agency and on the top was some planings, a finer gravel which was compressed on top to level the site. Councillor Connor asked if this was IBAA? Mr Hodgson appeared to confirm it was. Councillor Connor stated there is conflicting views on this type of material, Cambridgeshire County Council accept that it is not waste but the Environment Agency have different views and they say it is so he is a little worried as there is no standard for this. Mr Hodgson made the point that it is not a planning issue per se but the materials have been sourced from a location where they have been tested to be inert. Councillor Connor stated that he does not agree but acknowledged that it is not a material planning consideration. Nick Harding stated that looking at the Government website in relation to IBAA it says that if you are using IBAA in building a road sub-base an environmental permit for waste is required, however, the Environment Agency will not normally take enforcement action if the legal requirements are complied with. He stated that the controls in respect of this product lie outside of the planning system and the planning system cannot duplicate controls under other legislative regimes so whilst members concerns are appreciated it is for somebody else to deal with. Councillor Connor stated that it is a concern that the Environment Agency recognise it as waste but he acknowledged that it is not a material planning consideration and made the point that IBAA is banned in Scotland. Mr Hodgson advised that he is unable to confirm exactly what the

material is but he is told it is an inert material.

- Councillor Marks referred to it being a lorry park, with refrigeration lorries only running during the day if they are on site and asked if there will be a time limit such as from 7pm to 7am bearing in mind there is a residential property on site, although not habitable at the present time, but equally there are going to be lorries going into the site 24 hours a day hooking up trailers which makes a noise. Mr Hodgson responded that part of the planning application has a condition which relates to noise, a noise assessment has been undertaken and there is some mitigation which has been agreed which would have to be put in place if that dwelling was habitable, such as an acoustic barrier. Councillor Marks made the point that it has gone from will not to occasionally so there are going to be occasions, as knowing Chilterns they have lorries that come from abroad and what provisions are there for, not only English drivers, but any of the foreign drivers, to know they are not to have fridges standing on the site overnight. Mr Hodgson advised that it will be rare that refrigeration units would be left on the site overnight but there is a condition that deals with addressing noise through an acoustic barrier so there is not an impact on that dwelling. Councillor Marks asked again if a time period of 7pm to 7am was being implemented? Mr Hodgson responded that once the barrier is in place it would not make any difference as once it is in place it is mitigated. Councillor Marks made the point that the argument could be then that lorries could be on site all the time running at night. Mr Hodgson advised potentially as if it has been mitigated the issue has been addressed.

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

- Councillor Mrs French referred to Whittlesey Town Council's request to refuse the application but there are no reasons that it should be refused. Tracy Ranger stated that there were two consultation responses that were conflicting.
- Councillor Marks stated that he still has a concern over noise with lorries going in and out of the site 24 hours a day, with a residential property nearby and whilst he has heard it can be mitigated against he still has a concern that there should be something put in place that fridge engines should only be allowed from 7am until 7pm as they are a disruption and can keep you awake and there will be other lorries coming onto the site at night and they will not switch off their fridge engines.
- Councillor Mrs French agreed and this occurred many years ago at March Coldstore, which was within a residential area so if a condition can be applied time wise she thinks it would be much appreciated.
- Councillor Connor expressed the view that it is imperative as that will safeguard residents going forward.
- Councillor Marks referred to the base element which members have expressed a concern about whether it is environmentally friendly or not and asked if this needs to be clarified that this cannot get into the water course, although he has heard the guidance from Nick Harding and that mitigation dams are being installed.
- Nick Harding stated there is an existing condition that requires the recommendations from the noise assessment to be implemented and that would deal with the issue of containing the noise sufficiently well so as not to cause disturbance to the nearest noise sensitive premises and he does not believe it needs to go as far as preventing the truck refrigeration units on site between certain times of day. He added that if it is not already in the conditions then confirmation can be required of the type of material to be used for the surfacing and this would ensure that it is appropriate for the circumstance on site.
- Councillor Connor questioned that some of that hardstanding is already in situ. Nick Harding responded that this is correct so the recommendation before committee include conditions relating to the implementation of surface water schemes and that is all designed to manage water on the site and deal with any contamination but if a type of material has been used on the site which renders that surface water management system inappropriate then that inappropriate material would either have to be removed or the surface water system would have to be changed to deal with that new material that has been put on site.
- Councillor Marks asked who would make that decision, would that be with consultation with

the IDBs, the Environment Agency or is that just for a building inspector or someone to make that decision? Nick Harding responded that it would be a condition and consultation would be undertaken with the Lead Local Flood Authority plus the Council's Environmental Health Team and the Environment Agency.

- Councillor Marks expressed the view on the noise issue there still needs to be a timed element of 7pm to 7am or similar as these lorries do make a lot of noise especially when they are cutting in or out and it is not known what is going to happen on the site in the future. Councillor Connor made the point that members heard from the agent that the fridges will be taken into the main depot and then it was stated that there may be some on this site and there may be lorries coming in at 1.00am who are going to park at the most appropriate and easiest place so he agrees that something needs to be put in place that does recognise the noise factor and could it be confirmed whether IBAA is hazardous waste or is it just waste. Nick Harding responded that the agent in his presentation said he was not 100% sure whether or not what material had or had not been used but what he did say was that a type 1 material had been sourced from a fully licensed provider so it is just a question of checking whether or not IBAA has been used but the use of that product is of no consequence to planning. He feels that outside of the committee officers can have a conversation with the agent, it can be determined whether or not that product has been utilised and if it has then it can be referred to the Environment Agency and colleagues in Environmental Health to make sure that material was used in compliance with the appropriate regulations but this is outside the planning regime.

Proposed by Councillor Mrs French, seconded by Councillor Marks and agreed that the application be GRANTED as per the officer's recommendation with an additional condition to include that no fridge units to operate on the site between 7pm to 7am.

It was further requested that the surface material be checked to ascertain what was used and if it is IBAA and not permitted the issue be raised with the Environment Agency and Environmental Health.

(Councillor Connor declared that he knows the applicant from when he was Chairman of the Planning Committee at the County Council and liaised with him over Kings Dyke Bridge, however, he has had no contact for 4-5 years and does not socialise with him, and is not pre-determined and would approach the application with an open mind)

**P70/23 F/YR22/0943/FDC
LAND WEST OF 53-69 GROUNDS AVENUE, MARCH
ERECTION OF UP TO 6 X DWELLINGS (OUTLINE APPLICATION WITH
MATTERS COMMITTED IN RESPECT OF ACCESS)**

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

Members received a presentation, in accordance with the public participation procedure, from Bob Harrington, the agent. Mr Harrington stated that he would use his presentation to address the recommended reason for refusal and made the point that the site being considered is one that has previously been developed with about 40 garages that served the surrounding houses, all accessed from Grounds Avenue. He added that it also includes a parcel of undeveloped land that has access onto Hurst Avenue and this undeveloped part is not under contention so his presentation will concentrate on the larger garage site.

Mr Harrington made the point that the garages were demolished some time ago so the land now sits in a derelict state surrounded by housing that is all occupied and the site is in desperate need of some attention to bring it back into use and to improve the environment of the people living close by and in this part of the town so a residential scheme is appropriate. He stated that the

outline application was submitted to the Council some time ago and since then they have worked with the Planning Officer to overcome the concerns identified by the various statutory consultees to demonstrate that the site is capable of redevelopment with a residential use and can make a positive contribution to this area, going some way to working to overcome the current housing shortage.

Mr Harrington referred to the single reason for refusal being the contention that the layout of the site and design of development are not acceptable and as such demonstrates the site cannot be redeveloped with 6 dwellings but he reminded members that the application is an outline one for up to 6 dwellings and that all matters relating to design are reserved except the question of access which has been resolved so the terms of the application are satisfied. He made the point the questions of design, siting and materials would all be dealt with in a Reserved Matters application subsequent to an outline approval.

Mr Harrington stated that the application was supported by a layout showing how 6 dwellings could be accommodated but the plan was purely indicative, no details of any dwellings were submitted and the question of design has not been part of any negotiations with the Planning Officer and there are no designs for the houses. He suggests that the grounds for refusal are erroneous to not relate to the terms of the outline application as submitted which seeks approval only for the principle of development of up to 6 dwellings and this seems a reasonable position considering the site is within the existing residential part of the town and the site was previously developed.

Mr Harrington expressed the view that the site is about 0.55 acres so 6 dwellings would equate to a density of about 11 dwellings per acre consistent with the surrounding area. He stated that it is recognised the issues of density, layout and design hence the reason that when the application was made it was for up to 6 dwellings not a precise number.

Mr Harrington asked committee to consider the application in terms of the way it was submitted that is as an outline application with all matters of siting, design and external appearance to be dealt with by a Reserved Matters application.

Members asked questions of Mr Harrington as follows:

- Councillor Mrs French stated that it is up to 6 so this does not mean that 6 is going to be applied for, it could be 4 or 5 if approved. Mr Harrington confirmed this to be correct.
- Councillor Marks asked for clarification if at the top of the plan was that a footpath that takes you out to the top road? Mr Harrington showed on the plan that there is an access for the former garages that comes off Grounds Avenue which is both a footpath and a vehicular right of way that leads to another footpath to the main road.
- Councillor Imafidon asked how many similar developments are there in the area that have the same access size restrictions? Mr Harrington responded that the access is about 3 metres wide and 12 metres long and confirmed that there were similar accesses in the area.

Members asked questions of officers as follows:

- Councillor Mrs French made the point that there are no details as there is no design so she is confused as to the recommendation as it is not known what is going to be built on the site so how is it known that it is not going to be a high quality, safe environment when it is an outline application. Nick Harding responded that when an application is received in outline and it has an up to figure relating to the number of dwellings officers look at it as to whether or not there is a realistic prospect of 6 dwellings being accommodated on that site and in this case officers do not think that 6 dwellings could be accommodated with an appropriate juxtaposition with each other and adjacent land uses. He stated that there are no worries over the principle of development, it is a Brownfield site in a residential area, both access points have previously been used for access and in the case of the Grounds Avenue access it falls well below modern standards but its current lawful use is a car park for 40 cars so that is a given. Nick Harding added that officers do have concerns in relation to the northern

section of the site and it is not thought that it can reasonably accommodate 5 properties, a lesser number officers would be comfortable with.

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

- Councillor Mrs French stated that she knows this site exceptionally well and it is part of her County Council Division. She made the point that it is a brownfield site, something needs to be done with it, with quite often it being a dumping ground for flytipping and she cannot say whether 6 dwellings can be accommodated but this is an outline planning application so this will not be known until a Reserved Matters application is made. Councillor Mrs French stated that she supports this application and cited LP5, housing needs, as there are over 3,000 people on the housing waiting list and there is a desperate need for homes and LP7 making efficient use of land as well.
- Councillor Marks stated that the area needs houses and this is a piece of land in the middle of a residential area that is sitting there doing nothing. He acknowledged that though one of the accesses is not great, 40 cars previously used it and even if there are 6 dwellings on the site with 2 cars per household there is going to be less vehicles going up and down this access. Councillor Marks understands that the access is 12 metres by 3 metres, and referred to the Dairy Yard at Manea which was for 9 properties plus a business and this roadway was 2.5 metres and almost 35 metres long so he does not think the access for this application will cause an issue. He feels that these dwellings will be for families, there is a footpath and people are going to be walking to and from town and it is not known what the size of housing is being proposed, which could be a small starter type properties so there could probably be 6 accommodated on the site and it will give somebody a start.
- Councillor Connor referred to Councillor Imafidon's question and stated that there have been two applications in the last couple of years in Whittlesey which had 3 metre entrances with a 40-50 metre run off to the application site and are similar to the entrance proposed on this application. He feels those sites are not as good as this one as you are coming more or less off the road on this application site, there is room to turn a lorry around for construction traffic, there is hardly any water retention, it is a brownfield site, it could become a dumping ground, it is in the middle of other houses, it needs something doing with it, there is a need for houses and as this is only an outline application, it is not known whether 6 properties can be built on the site but it is known that something can be accommodated on the site.
- Nick Harding clarified that the application is for market housing not for affordable housing so in terms of housing need there is a five-year land supply and the housing delivery test is being passed so there is no imperative need at this moment in time.
- Councillor Marks made the point that if 6 dwellings or up to 6 are placed on the site the likelihood is that they are going to be small units so they will almost be classed as starter type units and give a family a step up and will be affordable in other senses.
- Councillor Mrs French referred to the report from Cadent Gas and there are pipes that run across the site and asked, if this is approved, can it be undertaken at this stage or Reserved Matters, that permitted development rights are removed? Nick Harding responded that it is not possible to remove permitted development rights on an outline planning permission it would be at the Reserved Matters stage and if there is way leave in relation to any of the utilities that pass through the site then that will be alerted to the homeowners when they purchase the property.

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

Members do not support officer's recommendation of refusal of planning permission as they feel that the access is not poor, the application is outline only and it is not known at this time how many properties will be proposed for the site, there is a need for housing and the proposal makes efficient use of the land.

(Councillor Benney declared that this is a Fenland District Council application and this falls under his Portfolio Holder responsibilities, and took no part in the discussion and voting thereon)

(Councillor Mrs French declared that she is a Cabinet member but this application has not been discussed by Cabinet and she is, therefore, not pre-determined)

P71/23

F/YR23/0238/F

12 WIMBLINGTON ROAD, DODDINGTON

ERECT 1 X DWELLING (SINGLE-STOREY, 5-BED) INVOLVING THE DEMOLITION OF EXISTING DWELLING AND OUTBUILDINGS

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

Members received a presentation, in accordance with the public participation procedure, from Jane Watson, a supporter. Mrs Watson stated that she lives at No.10 Wimblington Road being an immediate neighbour and she does not consider it to be an overdevelopment of the plot as it still leaves significant garden area. She expressed the view that every house on Wimblington Road on this stretch is different, with the house at No.10 being incredibly near to the top of the road and given the opportunity they would move it back.

Mrs Watson expressed the opinion that it is a huge plot and given the size it should not be of bearing to anybody that it is dropped back a little bit further from the road. She feels the applicants have been extremely kind and considerate in involving neighbours with their plans including No.14, and also considering the wildlife as it is a big plot and is overrun with wildlife that use this bit of land and the applicants are prepared to take care of the wildlife.

Mrs Watson stated that she has no concerns or issues and hopefully permission can be given for this proposal to be a lovely family home on a nice plot in Doddington.

Members received a presentation, in accordance with the public participation procedure, from Ian Gowler, the agent. Mr Gowler made the point that the existing cottage on site is not fit for habitation anymore and he believes there is nothing against the principle of demolishing it within the officer's report. He indicated on the slide on the presentation screen in relation to the overdevelopment concern the site as existing and the highlighted area of outbuildings, which shows there is quite a large area of those outbuildings although they are not as comparable on the site to what is being proposed there is still established buildings in the area where the dwelling is proposed.

Mr Gowler stated the existing footprint area of the buildings on the site is currently approximately 440 square metres and the new dwelling is 468 square metres plus the garage, so the actual dwelling is only a modest increase in footprint. He showed a picture with the new dwelling superimposed on the site, with the development only equating to around 11% of the overall plot, with the new dwelling proposed right at the top near the road and the whole garden stretches along way back.

Mr Gowler referred to the officer report at 10.12 where it is acknowledged that there is no uniformity in terms of building footprints, many neighbouring properties do appear as modest forms of development with simple footprints and sit comfortably within their boundaries and made the point that most of the neighbouring properties along this road though do not have such extensive plots and gardens as this proposed development. He made the point that Mrs Watson from the neighbouring property is quite passionate that the proposal gets approved as she has taken her time to attend committee today and the residents of No.14, who are most affected, would have attended today but unfortunately had to work but they have written a letter of support for this proposal and are keen to get the existing cottage and site cleared up.

Mr Gowler showed a further slide which demonstrates the existing street scene and how the new dwelling will fit in with the street scene, with properties along Wimblington Road being quite varied with No.10 being set forward and other properties being set back from the road. He expressed the view that it would not be a negative that this property is set back and the design of the property compliments the street scene and works with the bungalow at No.14.

Mr Gowler stated that the applicant's daughter lives about 4 doors along the road so they would be more than happy to have a wheel wash or road cleaning or any other requirement in terms of the construction management plan.

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

- Councillor Benney expressed the view that this is an excellent application, which screams pass me to him and whilst it might be large in scale, he feels LP12 and LP16 are subjective policies. He does not agree that the proposal is too big or not in keeping as any property that is built adds its own character to an area.
- Councillor Connor stated that he knows this area as he used to live in Doddington and feels this proposal will only add benefit to the street scene and he cannot see any reason why it should not be supported.
- Councillor Marks stated he will be supporting the application as he drives this road most days and what is being removed is an eyesore and the street scene will be enhanced, with people not being able to see the section of property behind and, in his view, there is not a building line in this area.
- Councillor Mrs French referred to the recommendation of refusal as it would be in conflict with LP16(d) but she feels it makes a positive contribution to the local area.
- Councillor Marks expressed the view that the shed beside the property could be said to be in conflict. He feels it is typical of a Fenland village to build on the roadside and build back into a site and it is nice to hear that both neighbours are in support of the proposal.
- Councillor Imafidon made the point that it is good that the applicant has not applied for 2-3 dwellings on this large plot and he is happy to support it.

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

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

Members do not support officer's recommendation of refusal of planning permission as they feel that policies LP12(d) and LP16(d) are subjective, it would not adversely impact on the character of the area, will add benefit to the street scene and provide a lovely family home.

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

**P72/23 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**

Nick Harding presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Rashid Khan, the applicant. Mr Khan stated that he purchased the property some time ago and ran

it as a function centre, but business declined and he had to close it down. He added the building has deteriorated and the building is in much worse state than the photos in the presentation portray, it has been subject to arson and a third of the building has been burnt down.

Mr Khan advised that he has tried to undertake other commercial activities on the site and has tried to sell it, which has all amounted to nothing so he was frustrated and did not know what to do with the property and thought the best way forward was to go for residential planning. He stated that he ideally wanted about 6 units to give opportunities for 6 families to live here as the site is big enough and has a large car park but he was advised by his architect that having 6 small units would not be acceptable and there would be more of a chance with one dwelling so with limited options he decided to go ahead.

Mr Khan stated that the proposal is for one four-bedroomed detached house with a double garage and it is consistent with the next door neighbours property duplicating what is on their land. He made the point that as the site is commercial the Council are not prepared to allow him residential but the neighbours knocked down their house and replaced it with another dwelling.

Mr Khan stated that he has undertaken an ecology report with the result being that there is no danger to wildlife and the Environment Agency are happy stating that there is no objection to the planning application as long as it is taken into account that it lies in Flood Zone 3 and allowances are made for this, such as mezzanine floors. He expressed the view that there is no detrimental effect on air quality, no parking issues with the plot being large enough for off-road parking and having a turning circle and room for loading and off-loading and he would provide washing facilities to make sure the roads are not muddy and comply with all the conditions that would be necessary to build this property.

Mr Khan expressed the view that he is not offending any neighbours and the proposal should not affect anyone else, having been an unused site for 11 years and feels it makes sense to get rid of the eyesore and it be replaced with something decent, being in line with the rest of the street and trees and he feels he is improving the situation rather than making it worse. He hoped that members would look at the situation compassionately and grant planning permission.

Members asked questions of Mr Khan as follows:

- Councillor Imafidon referred to it being partially burnt down and asked how long it had been on the market and if planning permission is granted and the site is developed what are the plans, is it going to be sold on the open market or is he going to live there himself? Mr Khan responded that it was on the market for 1½ years 5-6 years ago and on this particular site there is a mobile home in which Mr and Mrs Fisher live in, who are the ones that sold him the plot in the first place, and whilst it was on the market when people went to visit the property the responses came back very negative and he feels they may have been putting buyers off and they then offered him 15% of what he had paid for the site but he could not afford to sell it at this price. He added to get into the site there is a gate and the gate is controlled by Mr and Mrs Fisher because they live there, he does not live there and lives in Luton, and when he was running the function centre he came up every weekend but since it has been derelict there is no real need for him to come to the site. Mr Khan expressed the view that if this property had been in Luton it would have been doing very well as there is a lot of demand for these venues but it is too far to ship people by coach so he did not have many options here. He stated he would like the land to be used properly, it should not be derelict and had asked the Council if they wanted to do anything constructive with his land, such as a Covid centre, but has been hitting a brick wall everywhere he has gone.

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

- Councillor Mrs French stated that she knows this site exceptionally well and it was a very well used function room for many years and she thinks the last time there was a very large function there was in 2001/2 when there was the fundraising event for the tsunami and it

has not been used since then and certainly not within the last 15 years. She made the point that it is a brownfield site, an absolute eyesore and needs demolishing and, in her view, this proposal would actually enhance the area and there are other brand new properties along Whitemoor Road and she cannot see a reason to refuse it.

- Nick Harding stated that once you get past the railway crossing heading away from March the only new dwellings are the barn conversions and those properties have benefited from a barn conversion consent and they have subsequently flipped those to the construction of a brand-new dwelling, which they are able to do under the fallback position. He advised that when it comes to barn conversions the Government's own policy says that the issue of flood risk as a matter of principle, ie the sequential test, is not a material consideration that can be taken into account in the determination of those applications. Nick Harding expressed the opinion that a significant section of this road contains no brand-new dwellings and the new dwellings that have been consented are all concentrated in the Peas Hill part of the road and this site lies in a countryside location. He made the point that this is a site with a dilapidated building and he would not argue that getting rid of a dilapidated building and putting something nice, shiny and new in there is a betterment, however, it is potentially encouraging people to not look after their property to the degree that they should and they are hoping that committee and officers will be sympathetic to the fact that they have allowed a building to become run down and are wanting to replace it with something else which is contrary to policy. Nick Harding stated that if the site is in a very poor condition then an application needs to be made to demolish the building and clear the site and maintain the site in a reasonable condition.
- Councillor Marks asked if the proposal had been submitted to the Council for a barn conversion as it could loosely be described as a barn would that have received more favour? Nick Harding responded that no because it is not in agricultural use and has never been so would not qualify to be considered under the Part Q Prior Notification route.
- Councillor Mrs French stated it is not a barn but if you were inside you would think you were in a barn.
- Councillor Benney expressed the view that barn conversions and agricultural buildings are outdated as businesses are businesses and agriculture seems to get special treatment in this area, it is not a big employer, it is big business that runs on subsidies and businesses that have to stand on their own do not get the support that farming does and he does not see why farming should be treated in any other way. He does know the building and it needs something doing with it and whilst it is in Flood Zone 3 so is all of Benwick, Turves and Wisbech and you are able to build in Wisbech and you can mitigate against the risk referring to a property that was built in Manea. Councillor Benney stated that sometimes there is public benefit on putting a house on a site and if something is not done with the site it will just get worse and where else do you build big houses as they fit and work in this kind of location and he feels it will make a very nice home for somebody.
- Nick Harding stated that the answer to the condition of the building is that if it so run down then the owner needs to be either improving it or removing it, redeveloping it is not the only answer. He made the point that the Council has adopted planning policies, this is an open countryside location, it is nowhere near an adjacent settlement boundary so the policy is against development in this location when it comes to a general residential property as it is not for agricultural purposes so there is no justification and in terms of flood risk the sequential test cannot be ignored, it is either passed or not and the fact that a higher floor level can be built does not pass the sequential test.
- Councillor Marks stated that he struggles with this application as you can see from the photographs there is a house to the right and also a mobile building which he guessed has already got planning permission for residential and, although he understands the owner can demolish it, it is an asset and something will get built there he presumes. He stated that in relation to flood risk if the application was approved he is sure there would be mitigating circumstances to ensure the property does not flood but the two beside it would flood before this one.

- Nick Harding stated that the house to the right hand side of the plot would most likely pre-date planning of 1947 and the static to the rear was granted in 2004 before planning had any notion about dealing with flood risk so committee cannot say that the properties either side have got consent and, therefore, this proposal should be fine as well on flood risk grounds as it is a different era in terms of knowledge and policy and the latest policy has to be applied.
- Councillor Marks agreed with this but what is being said is that any new property would have mitigation so a way forward is being placed on today's legislation so hopefully it does not flood.

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

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

Members do not support officer's recommendation of refusal of planning permission as they feel that there are already two properties either side of the site, it is removing and replacing a building and will provide a betterment to the area which outweigh Policy LP3, with this policy supporting development in rural areas, the scale of the proposal will be keeping with the area and will not harm the character or the appearance of the area so complies with Policy LP12(d) and in relation to Policy LP14 the flood risk can be mitigated against and the sequential test should not be applied as the proposal will provide betterment of the site, is removing an eyesore and bringing another much needed house into Fenland.

(Councillor Connor declared that he was pre-determined on this application due to the comments made in calling in the application to committee and took no part in the discussion or voting thereon. Councillor Marks took the Chair)

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

(Councillor Hicks did not take part in this application)

**P73/23 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**

Nick Harding presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Shanna Jackson, the agent. Mrs Jackson stated that proposal is for the construction of a building to serve as three one-bedroomed flats and the application is before committee as Wisbech Town Council are in support of the proposal which is contrary to the officer's recommendation. She expressed the view that the scheme is as a result of market demand, with the applicant being a local landlord and developer who is approached continually for 1-bed accommodation within Wisbech and he has advised that there are currently no such properties on the market and he would be able to sell these flats immediately once built.

Mrs Jackson expressed the opinion that the site is arguably in one of the most sustainable locations within the District as it is within the built up area of a primary market town, with local residents having the opportunity to either walk or cycle to a range of facilities including employment, education, health and retail. She feels it has been sensitively designed to resemble a dwelling house rather than a block of flats and, therefore, the language of the building is reflective

of the surrounding area.

Mrs Jackson expressed the view that there is an example of tandem development on the land to the rear of 1-5 Tinkers Drove, which was a scheme won on appeal where the Inspector did not consider that the development to the rear of the frontage housing was harmful and, therefore, approved the development in a tandem location. She would argue that concerns of backland development cannot be sustained.

Mrs Jackson expressed the opinion that the proposal is of sufficient distance from the neighbouring properties, being over 16½ metres from the rear boundaries of the dwellings along Ollard Avenue and over 26 metres from their windows and with existing garages in between. She feels that as it is at an obscure angle to those along Tinkers Drove there is no harmful or measurable overlooking or overshadowing.

Mrs Jackson made the point that no objections have been received from any of the neighbours and there are no technical issues with the scheme and the application is before committee with support from the Town Council. She would argue that the reasons for refusal are subjective and that the benefits gained in terms of providing 3 residential units within a sustainable location which could be built and occupied straight away should weigh heavily in support of this application.

Mrs Jackson referred to a previous application discussed at committee today in March where it was said that there is a need for small units such as this proposal within the District, they provide small units for couples to get on the property ladder and within a residential area. She requested that planning permission is granted.

Members asked questions of Mrs Jackson as follows:

- Councillor Imafidon questioned that there are no 1-bedroomed units available in Wisbech? Mrs Jackson responded that this is what she has been advised by her client and he is approached continually for such properties. Councillor Imafidon stated that he is a Wisbech Councillor but also a property investor and expressed the view that there are 1-bed properties available as he put an offer on two 1-bed units in the town centre 3 weeks ago. He asked if the applicant was the person that constructed No.56 less than a year ago. Mrs Jackson responded in the affirmative. Councillor Imafidon stated that it looks like part of the garden of No.58 is being incorporated into this new development and asked if this was correct? Mrs Jackson responded in the affirmative.

Nick Harding made the point that according to Rightmove a few seconds ago there are 21 1-bed units available in Wisbech.

Members made comments, asked questions and received responses:

- Councillor Benney expressed the view that there are some pieces of land that should not be built upon and this site is one of them. He made the point that the site has no parking, is not in the town centre and he would not be happy if he had 3 flats built at the back of his house. Councillor Benney expressed the opinion that this is a piece of land that the applicant is chancing and he cannot support it with, in his view, officer's getting the recommendation correct.
- Councillor Mrs French agreed.
- Councillor Marks agreed and stated that looking at Google Maps three vehicles are already parked here and there is no off-road parking and whilst it is nice to say that people are going to walk or cycle at least 1 or 2 properties are going to have cars.
- Councillor Imafidon stated that Tinkers Drove is one of those streets where people park on the road, it has speed humps and leads to a primary school, with there being no direct vehicular access to this site and having looked at the land it is part of the garden of the two front properties. He questioned how the developer will get into the site with building materials and how people who live in these flats will access the flats for delivery of furniture,

etc. Councillor Imafidon acknowledged that whilst housing in Fenland and Wisbech is needed, in his view, this development is not suitable.

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

(Councillor Hicks declared that he has been lobbied by some close connections on this application and could be seen to be pre-determined, and took no part in the discussion and voting thereon)

(Councillor Imafidon declared that he is the local councillor for this area and lives a few metres away but he is not predetermined and would approach the application with an open mind)

P74/23

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)**

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

Members received a presentation, in accordance with the public participation procedure, from Shanna Jackson, the agent. Mrs Jackson stated that this scheme seeks outline planning permission for the construction of up to 6 dwellings with only details of access committed and feels members will recall the application for 3 dwellings which was approved to the immediate south-east of the site where during their considerations members stated that they would be supportive of the whole of the site frontage land coming forward hence this application. She expressed the view that the proposal would form an extension to a market town which is supported by Policy LP3 of the Local Plan and there is a natural stop formed by the building to the north and, therefore, the scheme effectively infills the road frontage in this area.

Mrs Jackson argued that it does not constitute ribbon development or sprawl and instead promotes sustainable growth. She feels there is opportunity to provide 6 high quality dwellings which contribute to the character and visual amenity of this part of Doddington Road.

Mrs Jackson stated that the concerns previously raised by Highways have been overcome and the application now represents a form of development which is technically acceptable and has 8 letters of local support. She expressed the view that the scheme meets the policies of the Development Plan especially in relation to Policy LP3 which seeks to support extensions to market towns and requested that the application be granted.

Members asked questions of Mrs Jackson as follows:

- Councillor Marks asked if it is the same applicant as for the 3 dwellings previously approved? Mrs Jackson responded that she believes so.
- Councillor Marks made the point that the photographs showed there are already for sale boards along there but if you look where those for sale boards are they seem to be further out than what was previously approved as from his memory the site did not quite run level with the outside property and asked if this is correct? Mrs Jackson asked to look at the photograph being referred to and said she cannot comment on this as the photo is from Google and she does not know how old this is and she can only comment on the site plan that she has submitted.

Nick Harding made the point that there is the earlier refusal of planning consent on this same site, F/YR22/1236, and this is the most recent decision that is relevant to this site. He stated that this was a proposal that refused the principle of development in this location so this should be at the

forefront of members' minds in the determination of this application in terms of what change of circumstances could there possibly be to now approve this application.

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

- Councillor Benney expressed the view that this proposal is just following on from where Willey Terrace finishes and the gap where 3 dwellings have already been passed, with the site going to a farm, so this could be viewed as infill. He stated that the speed limit signs have been pushed further out, with Willey/Curf Terrace previously being 40mph and is now 30mph and the 40mph sign now goes further out of the town. Councillor Benney made the point that it is Flood Zone 1 in this location but it drops very sharply off on the right-hand side into Flood Zone 3 so there will not be the depth of development here due to flooding issues. He feels that with all these developments going into a town or into a village this is different from Upwell Road as this just does go out into the open countryside, there is a farm at the end of this proposal and another one further along and when the emerging Local Plan was being drawn up the building line was taken right up to the river. Councillor Benney stated that he is unsure of how many of those 3 plots that were previously approved have been sold but he knows that at least 1 of them has. He referred to Wype Road in Eastrea when two bungalows were approved as you approach Eastrea from Benwick and they made that village entrance and set the scene for how the village is, with Willey Terrace being built after the war as Council houses stuck on the outskirts of town and as you come back into town the fields are being developed, with the houses looking nice and adding to the character of the area and he feels this development will set the scene when you approach Chatteris. Councillor Benney expressed the opinion that this proposal is an extension and he always thought when the 3 were approved that this area may be submitted for development and referred to former Councillor Sutton's comments at that time on why only 3 were being proposed which he feels gave a steer to the applicant to come back with further development. He feels in terms of the appeal this is not the same as Upwell Road and all these appeals are heard by people that are not local and as a local person he feels it will be a benefit to the area and feels it will be included in the emerging Local Plan.
- Councillor Marks stated that he also a ward councillor for Chatteris as Manea has been diluted into Chatteris and the development of this site fills in the area up to the farm. He expressed the view that houses are needed of this standard as he knows of two businesses locally who are bringing a lot of management people into the area and are struggling to find homes for them so by building good quality houses it will attract more labour which can only be a benefit to Chatteris. Councillor Marks feels that as the speed limit has been moved further back that there is no problem with this application and he is happy to support it.
- Councillor Benney stated that Councillor Mrs French and himself were undertaking site inspections in Chatteris and visited Womb Farm, which will consist of 248 houses and these houses are filling up and selling, which is proving the need for housing in Chatteris, with this proposal being a different type of housing but it will compliment what else there is in Chatteris and nicer houses are required.
- Nick Harding stated from listening to the debate in terms of housing need there is no imperative to grant planning permission here contrary to policy on the grounds of housing need as there is a five-year land supply and the housing delivery test is being met. He added in relation to larger homes there is no evidence or an associated policy so this cannot be considered in determining the application. Nick Harding made the point that the previous refused application needs to be looked at and considered what has changed and realistically the only thing that has been put forward is that the speeding signs have moved but that was never an issue in relation to the determination of the previous application so to him there does not appear to be any substantial reason as why committee is not arriving at the same decision on this application as the previous one, reminding members of their Code of Conduct in relation to consistent decision making.
- Councillor Marks referred to consistency and building outside as you come into Chatteris with there being applications approved as you come into Chatteris from Somersham so has a precedent not been set for consistency by putting nice houses on the entrance of a town.

Nick Harding responded that looking at this particular site there was a refusal around 12 months ago and there has been no change of circumstances and, therefore, members should be making the same decision today as occurred previously.

- Councillor Benney made the point that things are taken into consideration as a committee and makes the decisions but this does mean that a previous outcome is set in stone and a different decision cannot be made. He feels a material change has happened, the speed limit has changed and just because something was refused a year ago does this mean that a decision cannot be changed as every application is supposed to be judged on its merits.
- Councillor Marks acknowledged that officers are saying there needs to be material changes but he feels in 12 months things have changed, there is more of a need for this type of housing and he talks to people and businesses in his area and he is being told what their needs are. He made the point that this is half a new committee so this is another material change and the speed limit has changed from 40mph which would have been dangerous and it is now less of a danger. Councillor Marks stated he probably would not have supported it before but he feels there have been some changes and he can now support it.
- Nick Harding stated that he feels that it is a position where he is going to have to agree to disagree but from a professional point of view it is incumbent on him to advise committee that there has been no material change of circumstances since the last application and the fact that the speed limit has changed does not impact on the openness and rural nature of the location. He stated that the demand for executive type housing is just hearsay and there is no hard evidence so whilst committee is able to make a decision he would remain concerned about the robustness and defendability of that decision if it were to be challenged.

Proposed by Councillor Marks to refuse the application as per the officer's recommendation but a seconder was not forthcoming.

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

Members do not support officer's recommendation of refusal of planning permission as they feel that the proposal does not harm the character of the countryside, it enhances and makes a positive contribution of the distinctiveness of the area as you come into Chatteris, there is a need for housing and these will provide high quality homes.

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

(Councillor Marks declared, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that he is a District Councillor for Chatteris and Manea and does attend Chatteris Town Council meetings but takes no part)

4.30 pm

Chairman

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 back at Committee: Application approved at committee Nov 2023 with additional conditions requested by the committee. The application is now back at committee to request that the condition requested is removed from the decision and an alternative condition is proposed.

1 SITE DESCRIPTION

- 1.1 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.
- 1.2 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 Kings 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 PROPOSAL

- 2.1 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/Change-of-use-of-existing-paddock-land-to-B8-Open-Storage-with-associated-access-works-and-landscaping-Churchfield-Farm-Kings-Dyke-Whittlesey-Cambridgeshire)

3 BACKGROUND, ASSESSMENT AND RECOMMENDATION

- 3.1 This application was presented and approved with conditions at Planning Committee in November 2023. Original committee report can be found in the appendix.**

Amenity

- 3.2 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 and currently vacant. The closest residential properties off site are located to the west, along the A605 Kings Dyke. There are no buildings proposed on site. The site is located adjacent to an existing industrial area.

3.3 Noise

During deliberations by members at planning committee a Councillor raised concern over the noise made by refrigerator lorries operating on site overnight. This concern led to the request for a condition to restrict refrigerator lorries operating on site. The condition requested would prevent refrigerator lorries operating on site overnight between 7pm and 7am.

- 3.4 The business using the site for refrigerator lorry storage is an established business across the road from the site and as specified in the submitted documents is a 24-hour business. The Noise Impact Assessment states that adverse impacts are predicted during the daytime and night-time. Therefore, the noise impact assessment and the mitigation measures proposed have taken into account refrigerator lorries operating on site 24hours a day 7 days a week. Mitigation measures include 2m high acoustic barriers.

- 3.5 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 during the day and at night are reasonable. However, the Noise Impact Assessment specifies has been assessed on a maximum of 16 operational vehicles on site overnight therefore an alternative condition is proposed. The proposed alternative condition would restrict the number of operational vehicles permitted on site overnight between the hours of 7pm and 7am to 16 operational vehicles.

- 3.6 After the committee advice was sort from the Environmental Health Service with regards the condition requested by the Committee. It has been confirmed by the Environmental Health Service that the noise assessment modelled the issue and with the proposed mitigation there would be an appropriate level of protection subject to the revised condition. The closest residential unit to the site to the north along Kings Dyke would be of a similar distance from the proposed site as the existing site where many operational refrigerator lorries are currently parked.

3.7 Recommendation

Therefore, a condition restricting the hours of operation of refrigerator lorries on site is considered unreasonable in the context of the site the existing business

surrounding it, the noise assessment and the mitigation measures proposed and it is recommended that the condition added by Committee be removed and replaced by the condition 9 below.

IBA Information

- 3.8 During deliberations by members at planning committee a Councillor raised concern over the surfacing that has been laid on site. This concern led to the request for detail of exactly what had been laid on site. During deliberations it was discussed that County Council did not consider the material waste but that the Environment Agency did and that the Environment Agency may require permits. Councillors asked for further investigation. The agent for the application has confirmed that the inert aggregate waste that has been laid on site was purchased from a fully licensed operator who states that all hazardous waste has been removed from the aggregate. These licences were supplied to FDC for consideration. No further action is considered necessary.

Please find proposed conditions below (please note alterations have been made with reference previously proposed conditions 4 and 5 as per the Nov committee update) and the addition of the alternative condition:

1	<p>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 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.
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	<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 for the noise barrier identified in section 5.2 and the glazing and ventilation measures discussed in 5.15 of the Noise Impact Assessment. Detail regarding the noise barrier 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 - 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>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> <ol 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

	<p>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.</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>
6	<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>
7	<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>
8	<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>
9	<p>No more than 16 operational (loaded with the engine running) refrigerator lorries to be stored on site between the hours of 7pm and 7am.</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>
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>

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 Kings 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 \(fenland.gov.uk\)](#)

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 equestrian cross country course	Granted	15 Jul 1997

	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.

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. Its 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 an 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 facilitation 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 accordance with the approved management and maintenance plan. The scheme shall be based upon the principles within the agreed Surface
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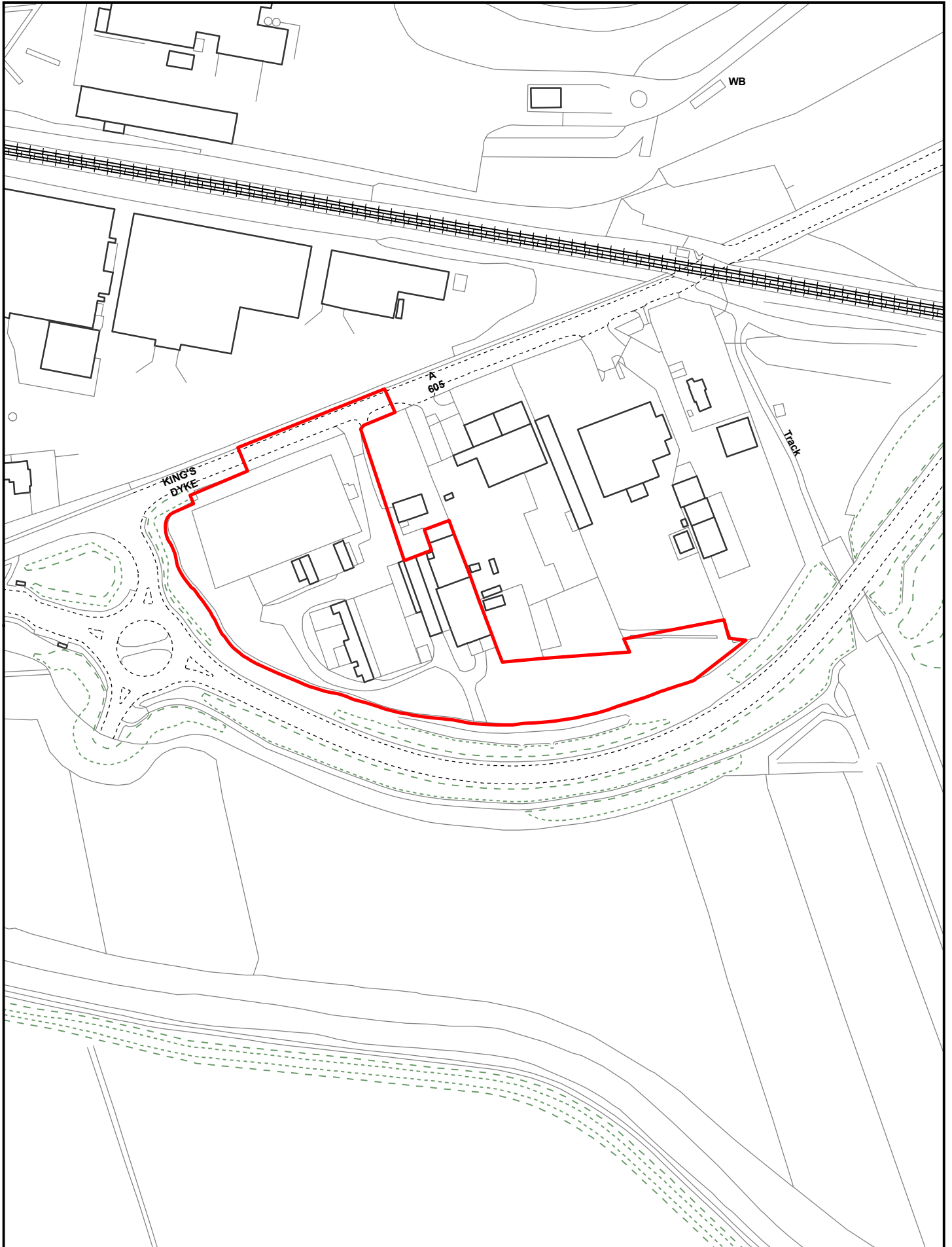
	<p>Water Management, Cannon, Ref: V271, Rev: A, Dated: September 2023 and shall also include:</p> <p>a) Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events;</p> <p>b) Full results of the 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;</p> <p>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);</p> <p>d) Full detail on SuDS proposals (including location, type, size, depths, side slopes and cross sections);</p> <p>e) Site Investigation and test results to confirm infiltration rates;</p> <p>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;</p> <p>g) Demonstration that the surface water drainage of the site is in accordance with DEFRA non-statutory technical standards for sustainable drainage systems;</p> <p>h) Full details of the maintenance/adoption of the surface water drainage system;</p> <p>i) Permissions to connect to a receiving watercourse or sewer;</p> <p>j) Measures taken to prevent pollution of the receiving groundwater and/or surface water.</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. 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:</p> <p>Detail to include:</p> <ul style="list-style-type: none"> • Exact position of proposed gates

	<ul style="list-style-type: none"> • 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 <p>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.</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>
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</p>

	<p>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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F/YR23/0546/F

Scale = 1:2,500





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



F/YR21/0985/F

**Applicant: Mr Jamie McGarvie
Ashewell Developments**

**Agent : Mr Ian Gowler
Gowler Architectural**

Land East Of 2, Ingles Lane, Doddington, Cambridgeshire

Erect 3no dwellings (single-storey, 1-bed)

Officer recommendation: Refuse

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

1 EXECUTIVE SUMMARY

- 1.1. The submitted application seeks full planning permission to erect a short terrace of 3 no. single storey, 1 bed dwellings. The proposed development would afford a 'converted stable' style arrangement of the 3 terraced units.
- 1.2. In February 2020 pre-application advice was sought in respect of a proposal at the site which involved the erection of 5 dwellings (2 x 2-storey, 3-bed and 3 x single storey 1-bed). Indication was given at the time that the primary concerns of the proposed development related to the harm to the historic environment as the proposal would fail to preserve the setting of the listed building and would result in unacceptable harm to the character and appearance of the Conservation Area due to its general scale and massing. Further concerns were also outlined in relation to biodiversity impacts given the trees which surround the land and how the development may affect nesting birds and potentially roosting and foraging bats. The applicant was also advised that given the historic land use, any application should be supported as a minimum by a contaminated land desk study.
- 1.3. The application site lies within the Doddington Conservation Area and primarily comprises an area of paddock land associated with and located to the east of 2 Ingles Lane, Doddington, a Grade II Listed Building constructed in a gault brick with a plain roof tile. The site is highly visible from the streetscene through a belt of trees and hedgerow.
- 1.4. Policies LP18 of the Fenland Local Plan 2014 and DM2 and DM3 of Delivering and Protecting High Quality Environments in Fenland SPD 2014 seek to protect and conserve the historic environment, protect open spaces where they are an important part of the character of a settlement and ensure that any existing views, vistas and focal points are incorporated within developments. Policy LP16 and DM3 also seek to ensure developments have a positive contribution to the local distinctiveness and character of the area and do not adversely impact on the streetscene or landscape character.

1.5. The historic pastureland on which the proposal is situated is considered to contribute significantly to the setting of the associated listed building (2 Ingles Lane) and the historic integrity, character and appearance of the wider conservation area. The proposed development by virtue of its location would intrude on the open pastureland and would, as a consequence of this, appear unduly prominent in its setting and be significantly detrimental to the setting of the listed building and character and appearance of the conservation area. The proposals would result in less than substantial level of harm. However, this harm would not be outweighed by the public benefit of the provision of 3 additional houses. Overall, it is therefore considered that the proposed development would be contrary to Policies LP16 and LP18 of the Fenland Local Plan 2014, DM2 and DM3 of Delivering and Protecting High Quality Environments in Fenland SPD 2014, Sections 66 and 72 Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 16 of the NPPF.

1.6. Overall, the proposed development is considered to be unacceptable, and the recommendation is one of refusal.

2 SITE DESCRIPTION

- 2.1. The application site primarily comprises an area of paddock land associated with and located to the east of 2 Ingles Lane, Doddington, a Grade II Listed Building constructed in a gault brick with a plain roof tile.
- 2.2. The site is highly visible from the streetscene through a belt of trees and hedgerow. The site is an area of open green space located within the existing built up area of the settlement of Doddington.
- 2.3. The site lies in the Doddington Conservation Area.
- 2.4. The site is situated within Flood Zone 1.

3 PROPOSAL

- 3.1. The submitted application seeks full planning permission to erect a short terrace of 3 no. single storey, 1 bed dwellings. The proposed development would afford a 'converted stable' style arrangement of the 3 terraced units.
- 3.2. The proposed terraced dwellings would run east to west across the site and collectively measure approximately 6.2m in depth, 24.5m in width and have a maximum roof ridge height of 4.5m with eaves at 2.5m. Each dwelling would contain a lounge/kitchen/diner, one bedroom and one bathroom.
- 3.3. The proposed materials would include Cambridge buff brick limited to the plinth and elevations above formed by meaningfully proportioned horizontal feather edge timber weatherboarding and natural slate roof tiles. Grey vertical boarding has also been outlined within the submission.
- 3.4. The proposal would utilise an existing access track to the application site off Ingles Lane with the introduction of a new gravel driveway, sealed entrance and gravel path to the north of the existing frontage of 2 Ingles Lane. The proposed gravel driveway would lead to the parking area for the 3 no. proposed dwellings at the southwest corner of the application site.

- 3.5. The existing trees within and bordering the site are to be retained, new hedges are proposed at the north and east sides of application site and various 1.8m high boarded fences with hedgehog holes are proposed within the site, alongside a sparrow terrace and bat box.

Full plans and associated documents for this application can be found at:
[F/YR21/0985/F | Erect 3no dwellings \(single-storey, 1-bed\) | Land East Of 2 Ingles Lane Doddington Cambridgeshire \(fenland.gov.uk\)](https://fenland.gov.uk/F/YR21/0985/F)

4 SITE PLANNING HISTORY

Reference	Description	Decision	Date
F/YR17/0910/F	Erection of stable block/stores	Refuse	22/11/2017

5 CONSULTATIONS

5.1. Doddington Parish Council (15/10/2021)

Doddington Parish Council considered the above planning application at it meeting last Wednesday evening and voted to oppose the application on the following grounds:

1. The location of the proposed dwellings is within the Doddington conservation area and is, in addition, adjacent to 2 Ingles Lane which is a listed building. The open green area and listed buildings should be protected from allowing developments to take place in their vicinity.

2. Traffic movements during construction and cars from the residents of the three proposed dwellings will have a detrimental impact on the area. Access into and from Ingles Lane would be via a very narrow entrance. There is no footway in Ingles Lane and this increase in vehicle movement would add to the already congested area with its associated safety issues to other vehicles and pedestrians especially children making their way along Ingles Lane to the primary school.

5.2. FDC Conservation (11/10/2021)

1. This application concerns an application concerns a proposal to erect a short terrace of 3 single storey, 1 bed dwellings to the east of 2 Ingles Lane, Doddington, which is a grade II listed building (listed 16th May 1991) located within the Doddington Conservation Area. The proposed development would afford a 'converted stable' style arrangement of 3 terraced units.

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

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

4. Comments are made with due regard to Section 16 of the National Planning Policy Framework, 2021, specifically, paragraphs 8 195, 197,199, 200, and 202. The following comments are made:

5. Due regard is given to relevant planning history. In 2019 a preapplication enquiry was submitted under 19/0173/PREAPP for the erection of 5 dwellings on the site designed in an 'L-shaped' configuration comprising of a single storey 'stable style' range affording 2 dwelling units and a two storey 'threshing barn style' affording 3 dwelling units. The scheme was not supported due to the intensity of the development, as it was not felt that 5 units could be sensitively achieved on the site, given the scale of the proposed development and the necessary consequential impact of parking and driveway which would run in front of the grade II listed building. In 2017 a planning application under F/YR17/0910/F concerning the development of a stable block to the north of the listed building, was refused. The reason cited for refusal in this instance was that the stable block would be "significantly detrimental to the setting of the listed building and character and appearance of the conservation area". Whilst there was strong objection to the location of the proposed stable it was advised that "In this instance it is felt that there is scope to have stabling on this land to serve the paddock but not in the location currently proposed. It is evident that in the past ancillary outbuildings have existed on the site to the east side of the house, approx. 15-20m east of the listed building. The remains of these collapsed outbuildings can still be seen among an area of overgrown brambles to the east of the house. In principle no objection is raised to stabling being positioned where these previous outbuildings have existed. Their positioning in a location approximately 15- 20m east of the house ensures that they would not intrude into the undeveloped paddock on the north side of the house and wouldn't intrude into views from the listed building or of its principal north elevation looking across the paddock/grazing land. Stabling 15 – 20m east of the listed building would sit more subtly in the composition of the house and its land". Reference is made to such comments for the purpose of consistency in conservation perspective.

6. It would seem that a stable style scheme is being developed here in light of this advice, but for a residential development rather than a genuine stable in ancillary use to the listed building.

7. The list description for 2 Ingles Lane refers to it as a "house, probably 18th century, remodeled in the 19th century". Its principal front elevation faces north looking over open grazing/paddock land on its north side which is associated with the dwelling. The grazing/paddock land also extends round to the east side of the house. The listed building appears to have been orientated when it was built to benefit from views afforded from and of the property across the grazing/paddock land on its north side. The setting of the house is an intrinsic element of the significance of this listed building as it gives status to this building within the village context. From High Street the listed building is noted within the streetscene and draws the eye across the natural green open space. Despite the fact hedging around the paddock/gazing land has grown higher in recent years there remains the appreciation of this listed building and the space afforded around it from High Street and views through sections of the boundary hedging. From Ingles Lane the building sits gable end onto the lane, but the open nature of the access affords views of the full extent of the building's frontage and views through across the grazing/paddock land so the surrounds which the listed building experiences are wholly appreciated. The presence of the natural green space the paddock/grazing land affords contributes not only to the setting of the listed building but also the character and appearance of the conservation area (as noted in the Conservation

Area Character Appraisal) and it is a significant area of open green space within the heart of the historic core of Doddington. Historic map evidence (OS maps 1887, 1902, 1927) reinforces the fact that the listed building sits in its historic setting associated with a parcel of land that's footprint has not changed in over 140 years. Due regard is given to this understanding of the listed building and its setting and the interests the paddock/grazing land affords to the conservation area when considering this proposal.

8. A heritage statement has been submitted with the application. The information is sufficient to comply with paragraph 194 of the NPPF and policy LP18 of the 2014 local plan.

9. There are ongoing concerns with regards to this application. The following comments are made:

i. The proposal seeks to introduce a new gravel driveway (with sealed surface entrance – presumably tarmac) to the north of the existing frontage to 2 Ingles Lane thereby formally increasing the hard-standing to the frontage, leading to designated car parking for the three proposed units, which further impinges on and formalises the character of the paddock. Previous pre-application advice suggested that any parking ought to be to the side rather than the front.

ii. The proposed terrace runs east-west, in alignment with no. 2 Ingles drive. There is a concern that this alignment would be extremely visible from views across the High Street, and although the modern housing development to the rear on Harvest Close is also partially visible, this is not prominent, even in winter, as they are set well back, and are end on to the meadow rather than front facing. The proposed development by contrast, although single storey, would be correspondingly more visible due to its positioning and alignment, and any screening provided by hedges or shrubs is variable in its effect according to the seasons, and must never be relied on as permanent mitigation.

iii. Though the design is of a 'stable style' and effort has been made to develop those characteristics and keep scale and massing to a minimum, it is difficult to portray the characteristic of a 'converted stable', in a new build, especially given the materials proposed. Furthermore, it is felt that approval of a terrace on this alignment could set an uncomfortable precedent for development along that remaining margin of land to the east and that therefore the principle of development in this location and on this alignment is a difficult one.

10. It is therefore felt that the principle of development here of a stand-alone residential development could give rise to harm to the setting and therefore the significance of the adjacent listed building, and to the character and appearance of the conservation area. This harm would be occasioned by the east-west alignment resulting in a façade fronting the paddock and being highly visible from across the meadow both from the High Street and Ingles Lane, and therefore within the setting of the listed building. Harm would be occasioned by the architectural design of the building, replicating a converted stable, yet in no way bearing a subservient, ancillary or previously connected relationship to the listed buildings. Harm would also be occasioned by the parking to the frontage, all associated hard standing, and turning areas, which would further formalise/domesticate this rural setting.

11. This harm would amount to being less than substantial in the terms of the NPPF and would therefore have to be weighed against the public benefits arising from the proposal. It has not been demonstrated that there is a requirement for

housing in this location, as opposed to any other in Doddington and it is not apparent that there is sufficient public benefit of 3 small apartments to outweigh that harm.

12. Previous concerns raised regarding the boundary created for the development plot (and previously an unauthorised static caravan) have left the listed building with a limited area of private garden. The area of garden afforded to the listed building could be considered limited in comparison to the size of this house. In this respect any development that comes forward on this site must also account for providing the listed farmhouse with a reasonable size of garden to adequately compliment the listed building. It should also account for the potential to provide a proper garage/cartshed style building to serve the listed building. It will be fundamental to ensure that any development does not preclude adequate provision of ancillary buildings being provided for the farmhouse now or in the future.

13. As stated before, given the impact of the associated hard standing to the frontage, the principle of development may be difficult to justify here. However, should the application be recommended for approval, amendments to the scheme could result in some mitigation of that harm identified above.

14. A development on a north-south alignment would present a gable end to the meadow and High Street and therefore have reduced impact on the characteristics of that setting and visibility from Ingles Lane; a weather_boarded and pan- or plain-tiled structure would be more characteristic of a stable than the current proposal.

15. Consideration would still need to be given to private amenity, parking, bins and access to such a development.

RECCOMENDATION: REFUSE in current form

5.3. FDC Conservation (01/06/2023)

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

The following comments are made: The following should be read in conjunction with the previous comments by the former Conservation Officer on this application.

Much like the previous comments, there remains a strong concern as to the principle of development within the curtilage of this listed building, owing to the harm to its setting on what is a prominent and open site. However, much like the previous comments, there is a will to make improvements to the proposal, prior to it being heard at Planning Committee.

The proposed material finish has been improved over earlier iterations. The material finish of the proposal has been revised from brick to Cambridge buff brick limited to the plinth and elevations above formed by meaningfully proportioned horizontal feather edge timber weatherboarding. Despite the misgivings of this proposal, the material finish will allow for a degree of hierarchical subservience to the host listed building. A good quality clay pantile (William Blythe or similar) would be preferable to slate, however, a natural slate would not be a reason for refusal.

The material images provided of the grey vertical boarding looks suspiciously like composite (plastic). Composite is a particularly inferior material in comparison to

natural timber and within the curtilage and setting of a listed building, it would never be appropriate.

A main and overriding concern is the proposed use of 1.8m high close board fencing within the site, which is a harsh and unsympathetic form of enclosure at a dominant height within the curtilage of a listed building and is wholly unacceptable. The proposal could be improved immeasurably with a softer form of boundary treatment. The boundary between the listed building and the proposed development should absolutely be native hedging to soften any development and provide a verdant backdrop to the listed building.

In the same vein, the proposed parking for the new development will be particularly visible from Ingles Lane and should be bounded again by soft landscaping in the form of native hedging, not crude close board fencing of suburban appearance.

The plans are not particularly clear as to how the gravel driveway to the new development in front of the listed building will be delineated. Is this proposed to be open, or is the timber fence proposed to run in front of the listed building to the back of the highway? If the latter is proposed, this would be absolutely deleterious to the setting of the listed building and its historic relationship with the paddock to the north and therefore wholly unacceptable. Firstly, the plans should clearly denote where boundary treatments are proposed and any delineation of this space should again be done with native hedging.

Recommendation: REFUSE

5.4. FDC Conservation (02/11/2023)

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

The following should be read in conjunction with the previous comments by the former Conservation Officer on this application.

Much like the previous comments, there remains a strong concern as to the principle of development within the curtilage of this listed building, owing to the harm to its setting on what is a prominent and open site. However, much like the previous comments, there is a will to make improvements to the proposal, prior to it being heard at Planning Committee.

The proposed material finish has been improved over earlier iterations. The material finish of the proposal has been revised from brick to Cambridge buff brick limited to the plinth and elevations above formed by meaningfully proportioned horizontal feather edge timber weatherboarding. Despite the misgivings of this proposal, the material finish will allow for a degree of hierarchical subservience to the host listed building. The material images provided of the grey vertical boarding looks suspiciously like composite (plastic). Composite is a particularly inferior material in comparison to natural timber and within the curtilage and setting of a listed building, it would never be appropriate. This can be picked up by way of submission of a detailed material schedule through condition discharge.

The plans are not particularly clear as to how the gravel driveway to the new development in front of the listed building will be delineated. The correspondence

from the agent has cleared up the confusion as to any potential physical boundary delineation along the access past the listed building and that no boundary is proposed.

The amendments to the scheme have in some ways improved things in relation to material finish and boundary treatments. However, as stated from the outset, there remains an in-principle objection to such a development within the curtilage of a listed building and the impact on the setting of the listed building within its curtilage. The works clearly amount to less than substantial harm to the setting of the listed building (medium on the spectrum). As outlined in paragraphs 199 -201 of the NPPF, any harm to the significance of a heritage asset, whether substantial or less than substantial are strong grounds for refusal of the application unless the public benefit outweighs the harm. In this instance, there has been no evidence submitted that the proposals will lead to a public benefit that outweighs the less than substantial harm identified.

Conditions if committee choose to approve the application:

- i. The works shall be carried out in accordance with the approved plans, elevation and section drawings.*
- ii. A full and detailed material schedule shall be submitted to and approved detailing exact materials to be used inclusive of manufacturer and item specification. This extends to windows, doors, roofing and walling material, rainwater goods and boundary treatments.*
- iii. Prior to first occupation, the boundary hedge to screen the car parking area shall be instated and retained in perpetuity.*

Recommendation: REFUSE

5.5. FDC Environmental Health (23/09/2021)

'No Objections' to the proposed development as it is unlikely to have a detrimental effect on local air quality and the noise climate or be affected by ground contamination.

Local Residents/Interested Parties

- 5.6. 1 letter neither objecting to or supporting the application from an address within March has been received, it is summarised as follows:

- Will tidy up the area

5.7. Objectors

28 letters of objection have been received from 27 addresses within Doddington (x23), March (x3), Chatteris (x1) which raised the following summarised concerns:

- Ingles lane is a very narrow street without any paving for footpaths. It's also poorly lit too. The entrance to the above property would be dangerous due to the road being very narrow for turning.
- Any new properties built would not be in keeping and would look very unsightly
- This land is really the only piece of greenery left in the village
- Damage to the local environment and to wildlife
- Unsightly being next to a grade 11 listed building
- Proposed will exacerbate current traffic issues
- This is a development for only part of the field and is likely to set a precedent for further development on the rest of the field

- All Vehicles exiting the access road will be directly facing our front window, so at nighttime we will have headlamps shining directly into our house and during daylight they will look straight in
- This site is located within a conservation area within the village boundary. Building on this location would most likely set precedence on other green field or conserved areas being built upon
- The field is in the heart of the village, it would be a shame to lose this part of Doddington's history
- Effect of more development on already stretched facilities such as the Doctors surgery and drainage network
- Noise pollution
- The lane is not able for 2 way traffic, and access to proposed application will make it even more dangerous, especially as lots of people walk children to and from school
- Ingles Lane needs to be monitored and have some form of traffic flow installed (such as speed bumps or restricted access gates) before even considering building more dwellings
- Do not need anymore homes in the village
- Ingles lane is already full to capacity with properties, it has poor access and no pavements or adequate street lighting
- In the middle of the village conservation area and would have a detrimental impact on the environment and wildlife
- The infrastructure in Doddington cannot cope with the current number of houses - the sewage system regularly overflows and / or gets blocked
- This area is mentioned several times in the Conservation Area Appraisal report of 2011. It specifically reports that it is 1 of only 2 surviving undeveloped enclosed pastureland surviving in Doddington. It contributes significantly to the setting of the associated listed building and the historic integrity, character and appearance of the wider conservation area and should be protected
- This field is the last open space left in the village and should really be turned into a public park or similar
- Concerned that built as planned the bungalows would probably be far too expensive for first-time buyers
- Adverse impacts on view across currently uninterrupted meadow
- Trees would have to be felled that are in the garden to make way for the properties. Bats and the occasional owls do perch in the trees
- This new development would require a crossover with adequate visibility splays for access and egress for the 30mph road that is Ingles Lane
-

5.8. **Supporters**

58 letters of support have been received from 55 addresses within Doddington (x15), March (x30), Chatteris (x6), Wisbech (x2), Tydd St Giles (x1) and Murrow (x1) which made the following summarised comments:

- The dwellings are positioned in such a way to have little impact on neighbours or the surrounding environment
- The properties will be much needed single story one bed dwellings, affordable to first time buyers / renters, or elderly in the village
- Unused part of the field and will add some nice character to this part with some in keeping cottages
- It appears out of the way causing no harm to anyone
- Will provide much needed homes within the area

- Lack of bungalows within the village, this site is ideal for elderly people
- Close to all amenities and will house a maximum of six people so will not impact on any services
- Will clean the waste land up and brighten the village
- It will be good to have additional properties in the village and will hopefully encourage further infrastructure in the area
- Would be beneficial to the community to have more affordable housing for the younger generation
- Small developments such as this one need to be recognised and supported by authorities to aid the younger generations
- Not a massive estate being developed and I support more small developments like this instead of an estate
- This would be a great and beneficial development
- These 3 dwellings will be an ideal addition to the village of Doddington. They will help to improve an area that is run down and neglected
- Good use of a small area of land, with property design in keeping with the area
- Better choice than selling the land to a big company who would want a block of flats
- Currently overgrown, 3 dwellings would be a more pleasurable view
- The land is an eyesore for such a beautiful village
- Refreshing to see plans for potential first homes in my area that are not unsightly blocks of flats; primarily in the centre of March
- This development sits in the middle of a fenland village which has been highlighted for development by local planning officers
- Will bring more income into the local area
- The application is in keeping with the area and will offer suitable housing for local people
- The village has a shortage of small properties

6 STATUTORY DUTY

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

7 POLICY FRAMEWORK

7.1. National Planning Policy Framework (NPPF)

Para 2: Applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

Para 126: Good design is a key aspect of sustainable development.

Para 130: Planning policies and decision should ensure developments are sympathetic to local character and history.

Para 184: Heritage assets should be conserved in a manner appropriate to their significance.

Para 189: Applicants should describe the significance of any heritage assets affected.

Para 194: Harm to or loss of significance of a heritage asset should require clear and convincing justification.

Para 195: Substantial harm should result in refusal unless substantial public benefits outweigh it.

Para 196: Less than substantial harm should be weighed against public benefits.

7.2. National Planning Practice Guidance (NPPG)

Determining a planning application

7.3. National Design Guide 2021

Context

Identity

Built Form

7.4. Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

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

LP16 – Delivering and Protecting High Quality Environments across the District

LP18 – The Historic Environment

LP19 – The Natural Environment

7.5. Emerging Local Plan

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

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

LP1 – Settlement Hierarchy

LP2 – Spatial Strategy for the Location of Residential Development

LP5 – Health and Wellbeing

LP7 – Design

LP8 – Amenity Provision

LP20 – Accessibility and Transport

LP22 – Parking Provision

LP23 – Historic Environment

LP27 – Trees and Planting

LP32 – Flood and Water Management

7.6. Supplementary Planning Documents/Guidance

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

Cambridgeshire Flood & Water SPD (2016)

8 KEY ISSUES

- **Principle of Development**
- **Heritage, design considerations and visual amenity of area**

- **Residential Amenity**
- **Parking and Highways**
- **Flood Risk and Drainage**

9 BACKGROUND

- 9.1. In February 2020 pre-application advice was sought in respect of a proposal at the site which involved the erection of 5 dwellings (2 x 2-storey, 3-bed and 3 x single storey 1-bed). Indication was given at the time that the primary concerns of the proposed development related to the harm to the historic environment as the proposed would fail to preserve the setting of the listed building and would result in unacceptable harm to the character and appearance of the Conservation area due to its general scale and massing. The officer at the time did however indicate that 'it is possible that a significantly more modest and sympathetic style of development could be achieved without such detriment to the setting of 2 Ingles Lane and the area.' Further concerns were also outlined in relation to biodiversity impacts given the trees which surround the land and how the development may affect nesting birds and potentially roosting and foraging bats. The applicant was also advised that given the historic land use, any application should be supported as a minimum by a contaminated land desk study.
- 9.2. No subsequent pre-application contact has been made in respect of the current application.

10 ASSESSMENT

Principle of Development

- 10.1. Policy LP3 and the settlement hierarchy of the Fenland Local Plan 2014 advise that Doddington is a 'Growth Village' and that development within the existing urban area will be appropriate; the site is considered to be located within the existing developed footprint of the settlement hence the principle of development is considered acceptable in respect of Policy LP3 and LP12 in this regard.
- 10.2. This is however subject to the proposal according with the aims of LP14, LP15, LP16 and LP18 of the Fenland Local Plan 2014 which seek to ensure that the proposal is acceptable in location, character or visual amenity of the area, design and parking/highways and represents no issues in terms of flood risk or the historic environment.

Heritage, design considerations and visual amenity of area

- 10.3. Policies LP18 of the Fenland Local Plan 2014 and DM2 and DM3 of Delivering and Protecting High Quality Environments in Fenland SPD 2014 seek to protect and conserve historic environment, protect open spaces where they are an important part of the character of a settlement and ensure that any existing views, vistas and focal points are incorporated within developments. Policy LP16 of the Fenland Local Plan 2014 and DM3 of Delivering and Protecting High Quality Environments in Fenland SPD 2014 also seek to ensure developments have a positive contribution to the local distinctiveness and character of the area and do not adversely impact on the streetscene or landscape character.
- 10.4. The applicant has submitted a Heritage Statement to accompany the proposed development.
- 10.5. The Doddington Conservation Area Appraisal advises that prior to the great expansion of the village housing stock between 1770 and 1910 the presence of enclosed pastureland within the village was an intrinsic characteristic of

Doddington. Only 2 important surviving areas of undeveloped enclosed historic pastureland survive in the village today; these surviving spaces linked with 2 Ingles Lane and 2 Church Lane should be protected in their current form as they contribute significantly to the settings of the associated listed buildings and the historic integrity, character and appearance of the wider conservation area.

- 10.6. There are views across this land from both High Street and Ingles Lane towards the Grade II Listed Building of 2 Ingles Lane, which has been constructed to face onto the pastureland rather than Ingles Lane itself, to benefit from views afforded from and of the property across the pasture land, it is noted that there is boundary hedging surrounding this land which results in interrupted views but nevertheless there remains the appreciation of the listed building and the space afforded around it and contributes to the character and appearance of the conservation area.
- 10.7. Whilst it is acknowledged that the proposed 3 no. single storey dwellings would not be positioned directly in front of the listed building their location would detract from views of 2 Ingles Lane looking over the pastureland from High Street as they would clearly be seen.
- 10.8. The Conservation Officer has commented on the submitted application, acknowledging that the series of amendments and iterations to the proposed development including revisions to materials and boundary treatments, have improved the initially proposed development. However, the Conservation officer has maintained a recommendation for the refusal of the application as to the principle of development within the curtilage of this listed building, owing to the harm to its setting on what is a prominent and open site.
- 10.9. The Conservation Officer has concluded within their comments that ‘the amendments to the scheme have in some ways improved things in relation to material finish and boundary treatments. However, as stated from the outset, there remains an in-principle objection to such a development within the curtilage of a listed building and the impact on the setting of the listed building within its curtilage. The works clearly amount to less than substantial harm to the setting of the listed building (medium on the spectrum). As outlined in paragraphs 199 - 201 of the NPPF, any harm to the significance of a heritage asset, whether substantial or less than substantial are strong grounds for refusal of the application unless the public benefit outweighs the harm. In this instance, there has been no evidence submitted that the proposals will lead to a public benefit that outweighs the less than substantial harm identified. The provision of three one-bedroom dwellings bring some limited benefit in terms of housing delivery, but is not considered sufficient to outweigh the harm of the proposed development.
- 10.10. Additionally, it is noted, the site has several substantial trees, which are be protected by virtue of their location within the conservation area or via TPO 4/1968 which covers the boundary of the site, these trees are important to the character and amenity of the area and no information has been provided in respect of how they may be protected during construction.
- 10.11. It is therefore considered that the proposed development would have an adverse impact on the Conservation area and the setting of a Grade II Listed building. The proposals would result in less than substantial level of harm. However this harm would not be outweighed by the public benefit of the provision of 3 additional houses. Overall, it is therefore considered that the proposed development would be contrary to Policies LP16 and LP18 of the Fenland Local Plan 2014, DM2 and DM3 of Delivering and Protecting High Quality Environments in Fenland SPD

2014, Sections 66 and 72 Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 16 of the NPPF.

Residential Amenity

- 10.12. Policy LP2 of the Fenland Local Plan 2014 requires development proposals to promote high levels of residential amenity, and Policy LP16 requires development proposals to demonstrate that they do not adversely impact on the amenity of neighbouring users whilst providing sufficient amenity space for the proposal.
- 10.13. The proposed dwellings would be located approximately 24m from the nearest neighbouring dwelling. Due to the location of the proposed development, scale and intervening boundary treatments it is considered there would be no adverse impacts on neighbouring dwellings in terms of overlooking, overshadowing or loss of privacy.
- 10.14. The proposed dwellings are considered to provide an acceptable amount of amenity space for occupiers providing amenity space that is at least a third of each plot.

Parking and Highways

- 10.15. Policy LP15 of the Fenland Local Plan 2014 states that development schemes should provide well designed, safe and convenient access for all and well-designed car parking appropriate to the amount of development proposed, ensuring that all new development meets the councils defined parking standards as set out in Appendix A. Appendix A states that dwellings with up to 3-bedrooms should have a minimum of 2 appropriately sized parking spaces.
- 10.16. The proposal includes an area of hardstanding that would incorporate a total of 6 no. parking spaces, 2 no. parking spaces to serve each of the plots, therefore providing adequate parking spaces for the development in line with the requirements of the Fenland Local Plan 2014.
- 10.17. The proposal would utilise an existing access track to the application site off Ingles Lane with the introduction of a new gravel driveway, sealed entrance and gravel path to the north of the existing frontage of 2 Ingles Lane. The proposed gravel driveway would lead to the parking area for the 3 no. proposed dwellings at the southwest corner of the application site.

Flood Risk and Drainage

- 10.18. The application site lies within Flood Zone 1 and issues of surface water will be considered under Building Regulations; accordingly there are no issues to address in respect of Policy LP14 of the Fenland Local Plan 2014.

11 CONCLUSIONS

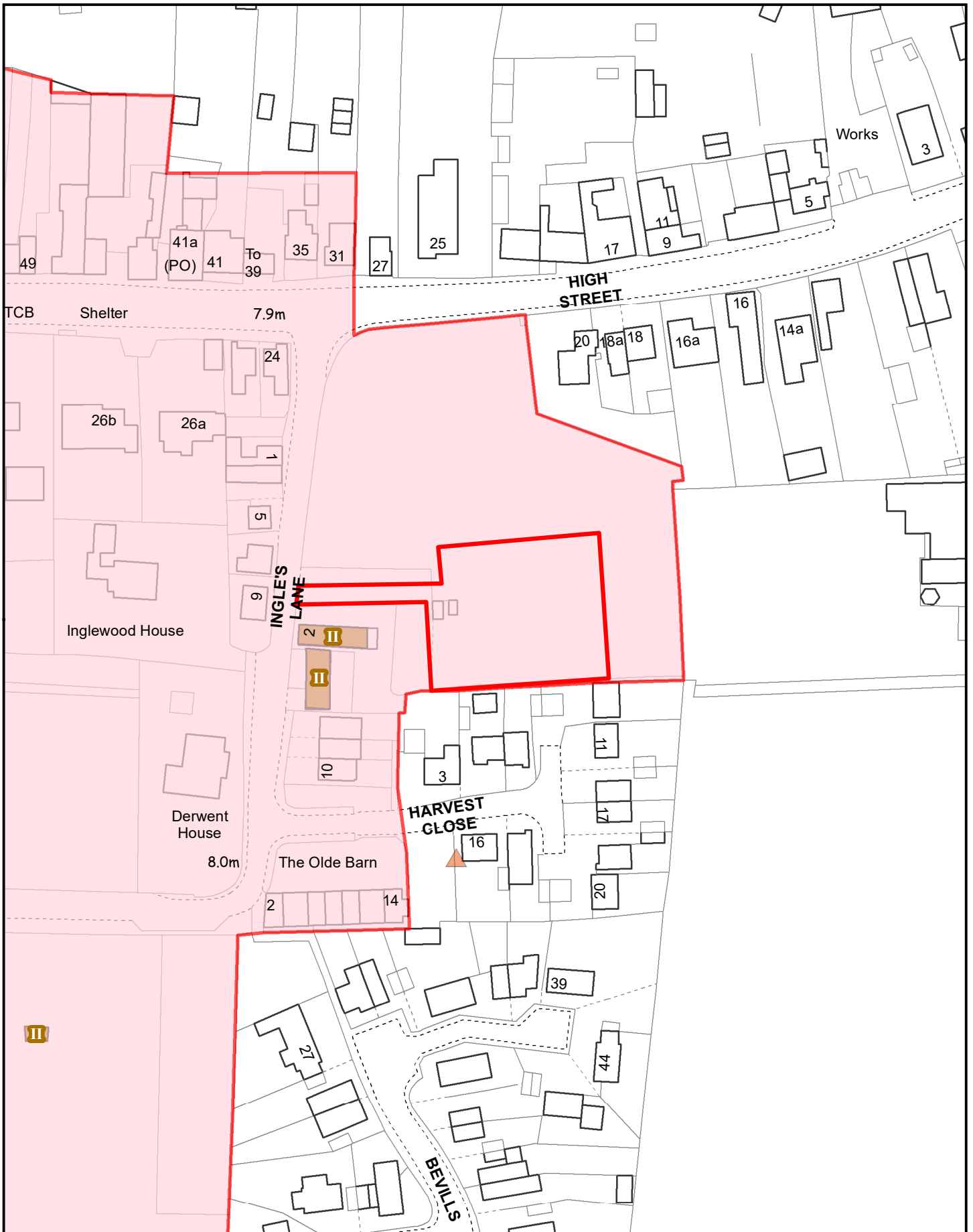
- 11.1. The proposed development by virtue of its sitting would intrude on the open pastureland and appear unduly prominent in its setting, thereby being significantly detrimental to the setting of the listed building and character and appearance of the conservation area. The proposals would result in less than substantial level of harm. However this harm would not be outweighed by the public benefit of the provision of 3 additional houses. Overall, it is considered that the proposed development would be contrary to Policies LP16 and LP18 of the Fenland Local Plan 2014, DM2 and DM3 of Delivering and Protecting High Quality Environments

in Fenland SPD 2014, Sections 66 and 72 Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 16 of the NPPF.

12 RECOMMENDATION

Refuse for the following reasons:

1.	<p>Policies LP18 of the Fenland Local Plan 2014 and DM2 and DM3 of Delivering and Protecting High Quality Environments in Fenland SPD 2014 seek to protect and conserve the historic environment, protect open spaces where they are an important part of the character of a settlement and ensure that any existing views, vistas and focal points are incorporated within developments. Policy LP16 and DM3 also seek to ensure developments have a positive contribution to the local distinctiveness and character of the area and do not adversely impact on the streetscene or landscape character.</p> <p>The historic pastureland on which the proposal is situated is considered to be an important feature, contributing significantly to the setting of the associated listed building (2 Ingles Lane) and the historic integrity, character and appearance of the wider conservation area. The proposed development by virtue of its siting would intrude into the open pasture land and would appear unduly prominent in its setting, thereby being significantly detrimental to the setting of the listed building and character and appearance of the conservation area. The proposals would result in less than substantial level of harm, however this harm would not be outweighed by the public benefit of the provision of 3 additional houses. Overall, it is therefore considered that the proposed development would be contrary to Policies LP16 and LP18 of the Fenland Local Plan 2014, DM2 and DM3 of Delivering and Protecting High Quality Environments in Fenland SPD 2014, Sections 66 and 72 Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 16 of the NPPF.</p>
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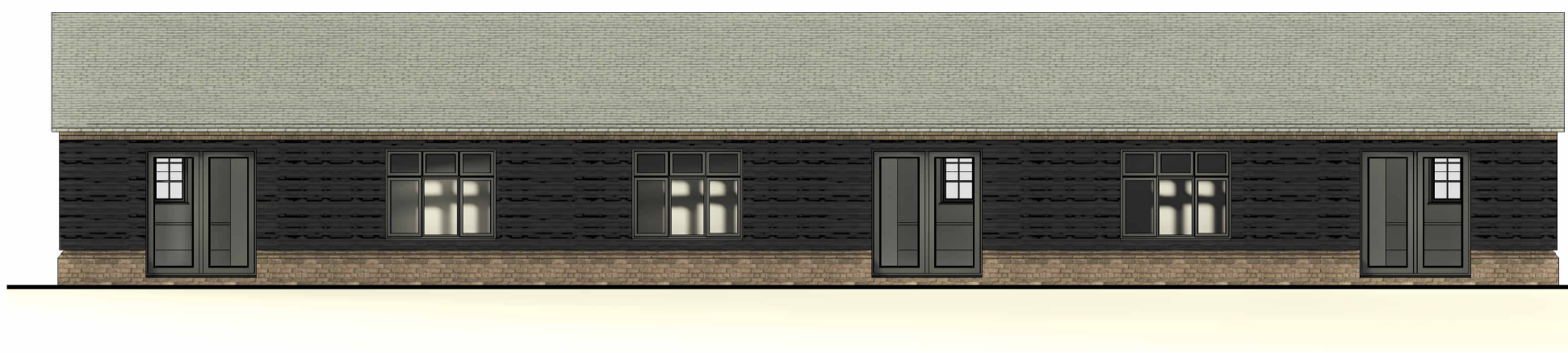
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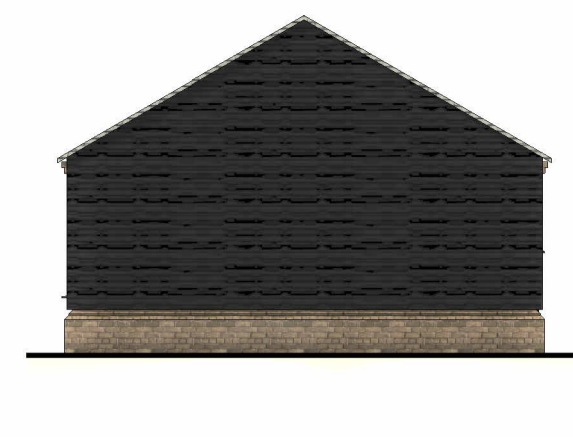
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 Do not scale from this drawing.



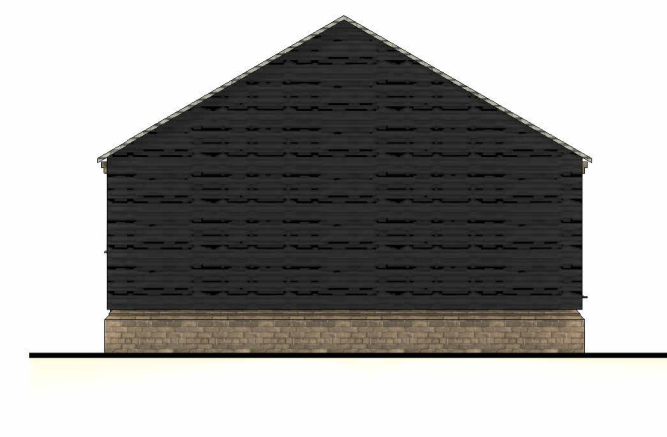
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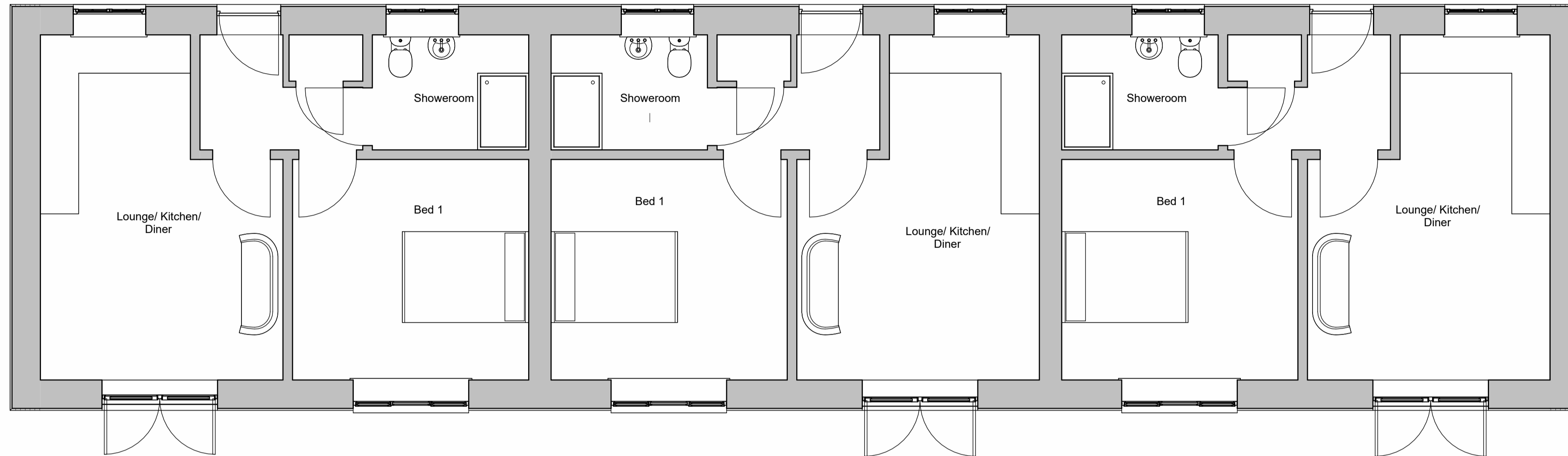
Bungalow Rear
1 : 100



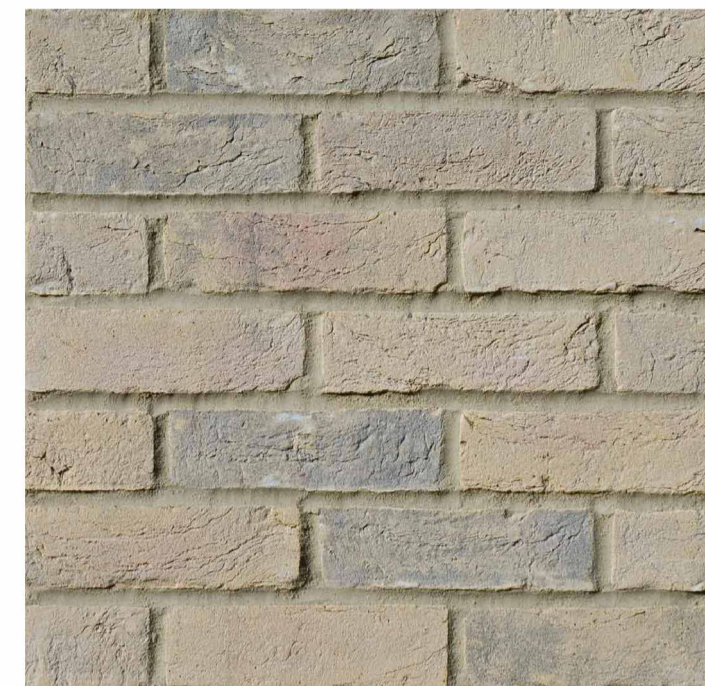
Bungalow Side (east)
1 : 100



Bungalow Side (west)
1 : 100



Floor Plan
1 : 50



Cambridge Light Weathered Brick
Mortar - Sand, Cement, Lime (6:1:1)



Natural Slate



Horizontal Timber Weatherboarding



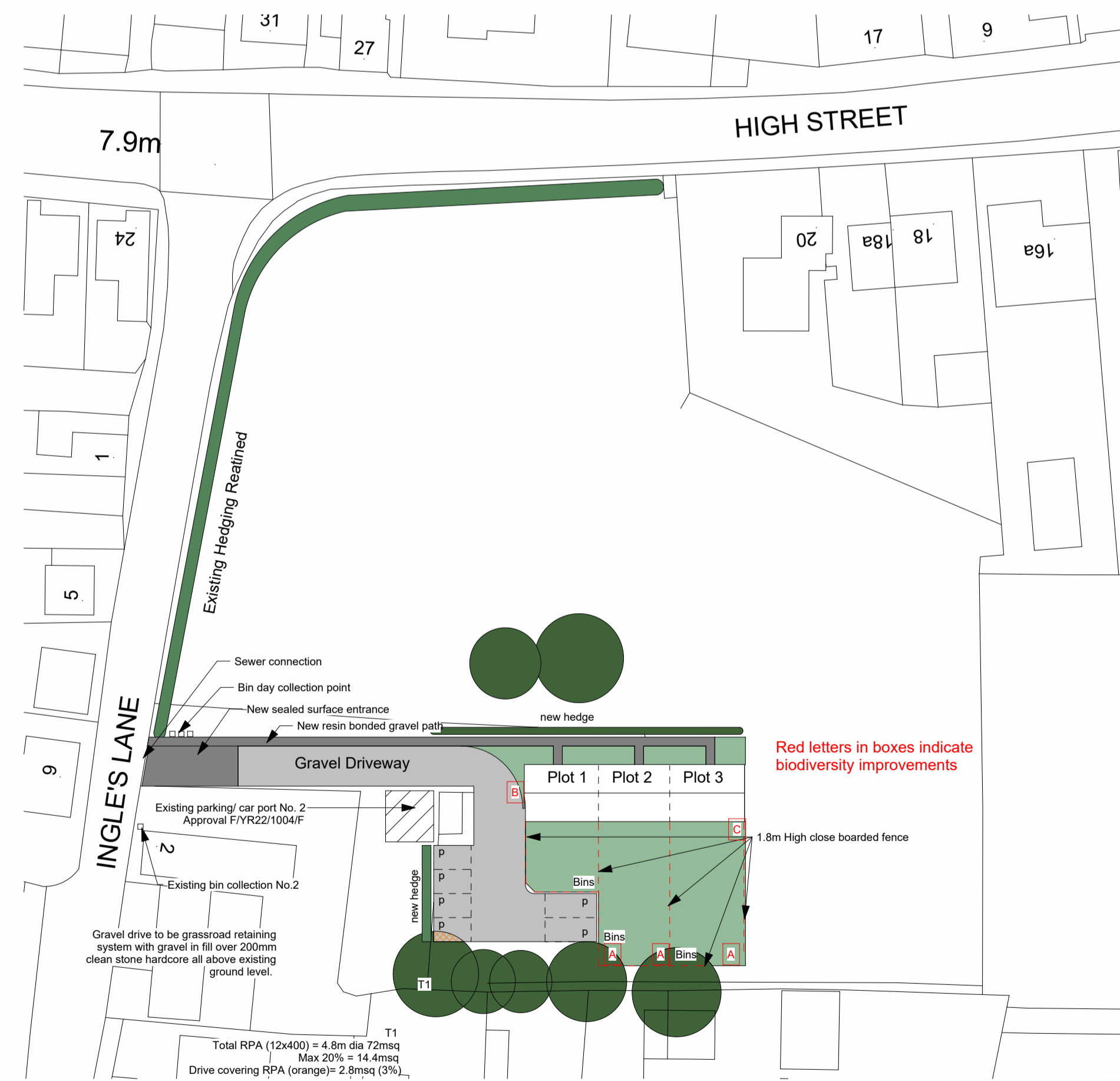
Flush Casement Window



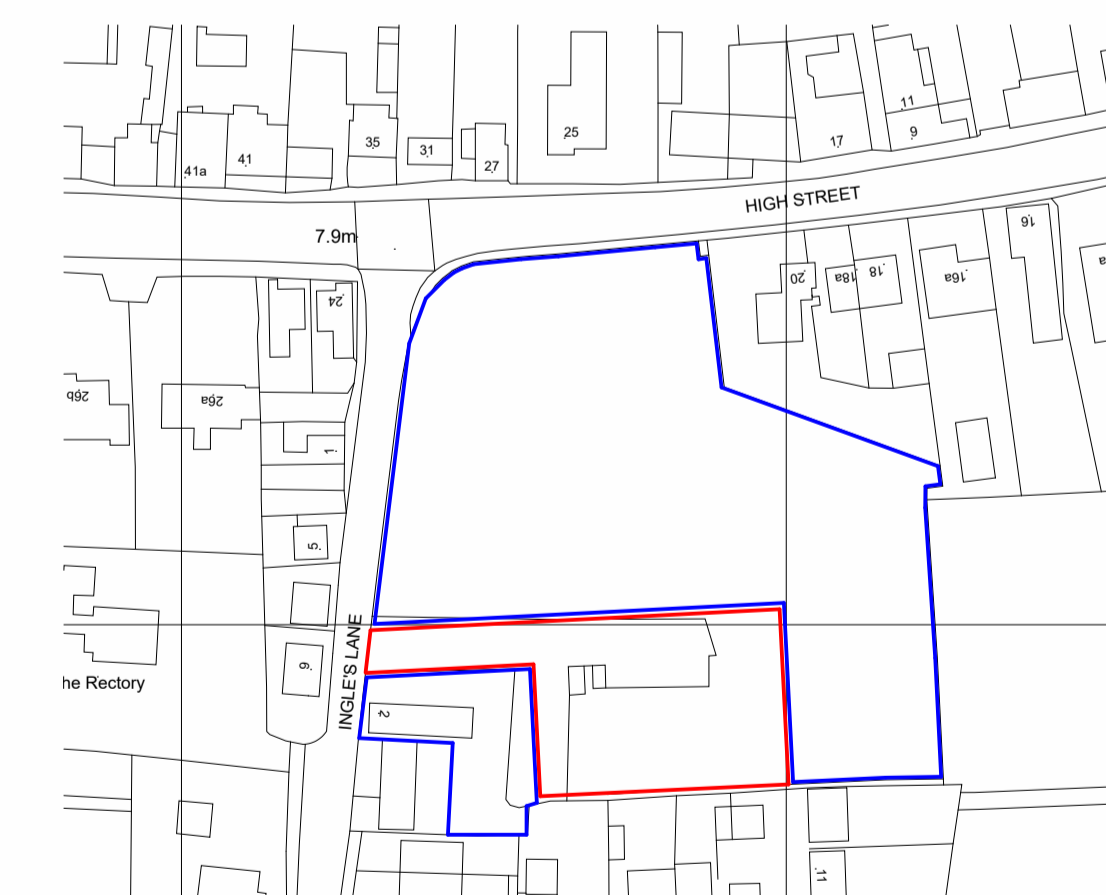
Grey Vertical Boarding



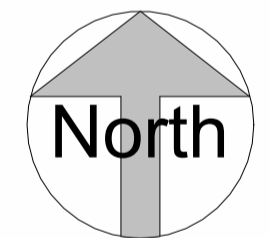
Existing Site Plan
1 : 500



Proposed Site Plan
1 : 500



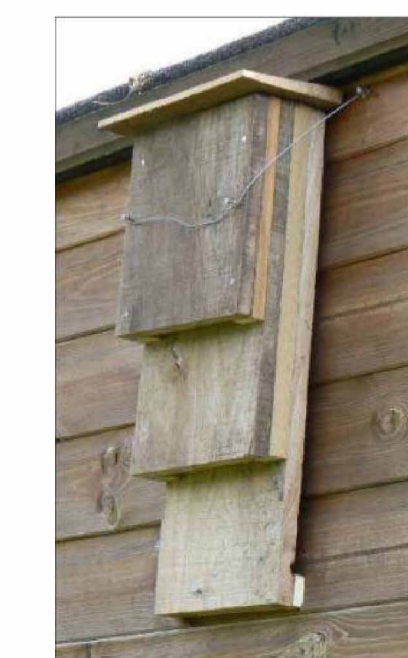
Location Plan
1 : 1250



A - Hedgehog Hole in Fence



B - Sparrow Terrace



C - Bat Box

C	Notes Amended	02-02-23
B	Layout amended	23-01-23
A	Layout redesigned and Biodiversity Amended	01-12-22

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

Proposed Development Land East of 2 Ingles Lane, Duddington for Ashwell Developments

Planning Drawing

date created	scale	drawing no.	rev.
Issue Date	As Indicated @ A1	177 - P03	C

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F/YR22/1387/F

Applicant: Mr Steve Popely

**Agent : Mr Chris Walford
Peter Humphrey Associates Ltd**

Land East Of 100, Feldale Lane, Coates, Cambridgeshire

Erect 1 x dwelling (2-storey 4-bed) (in association with existing business) with attached office, and erect an extension to existing equestrian building (including an indoor arena and stabling)

Officer recommendation: Refuse

Reason for Committee: Town Council comments contrary to Officer Recommendation & Number of representations received contrary to Officer Recommendation

1 EXECUTIVE SUMMARY

- 1.1 This application seeks to erect a dwelling (2-storey, 4-bed) in association with an existing business. The development would include an attached office as well as an extension to the existing equestrian building.
- 1.2 The application site is situated on Land East of 100 Feldale Lane, to the north of the settlement of Coates and thus is considered to fall within an 'Elsewhere' location. Policy LP3 of the Fenland Local Plan 2014 and National Planning Policy Framework (NPPF) steer new development to sustainable areas that offer the best access to services and facilities, away from 'Elsewhere' locations. This is unless it can be demonstrated that such development is essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services, or that there is a justifiable reason for locating development in otherwise unsustainable locations.
- 1.3 The proposed dwelling would be located in the open countryside and whilst it is asserted that it is essential for business reasons, therefore consistent with Policy LP3, the justification given does not meet the requirements of Policy LP12(D) in terms of evidencing the viability of the enterprise. Whilst the NPPF seeks to support a prosperous rural economy this does not override the need to ensure that development is located in the most accessible and sustainable locations.
- 1.4 The proposed development is located outside any settlement limits and the information submitted has not evidenced that the existing enterprise is viable. The proposal is therefore contrary to Local Plan Policies LP3 and LP12 of the Fenland Local Plan (adopted May 2014).
- 1.5 Subsequently, this application is recommended for refusal.

2 SITE DESCRIPTION

- 2.1 The application site is situated on Land East of 100 Feldale Lane, to the north of the settlement of Coates. The application site comprises 147672 sqm of land currently used as a stud farm and paddocks.
- 2.2 The application site is situated within Flood Zones 1,2 and 3 and a public footpath runs adjacent and partially through the site to the east.
- 2.3 The site is accessed via Feldale Lane which is predominantly a private single track with informal passing spaces at sporadic intervals. The area is distinctly rural in character, with sporadic housing segregated by agricultural fields which extends into the open countryside.

3 PROPOSAL

- 3.1 This application seeks full planning permission for the erection of a detached 2-storey, 4-bed dwelling to be used in association with an existing business. It appears that the business has been operating since 2017 in breach of a condition associated with the planning permission for the hay/machinery store/stable building on site. In addition, the land does not have planning permission for the change of use from agriculture to stud farm. The proposal before committee does not include the change of use of the land from agriculture to stud farm. The proposed dwelling would include an attached office. The application also includes an extension to the existing equestrian building which would include an indoor arena and stabling.
- 3.2 The proposed dwelling would be situated to the east of the existing equestrian building. The dwelling would accommodate a footprint of approximately 371m² and would have a ridge height of 6.57 metres approx. The proposed dwelling would be finished in a Terca Retro Mayfair stock brick and Imery Clay tiles.
- 3.3 A block paved courtyard is proposed to the front of the dwelling, with garden space to the rear. A 1.5 metre brick wall would enclose the courtyard area.
- 3.4 The extension to the equestrian building would have a width of 6.5 metres and a depth of 59.5 metres and would serve an indoor training area and stables. The materials proposed would match those of the existing building.
- 3.5 The site plan indicates that a native hedgerow would run along the north-eastern boundary of the site to line up with the existing hedgerow surrounding the site.
- 3.6 Full plans and associated documents for this application can be found at: [F/YR22/1345/F | Formation of an access road and the erection a single-storey maintenance building in association with proposed irrigation reservoir \(F/YR22/1248/AG1\) | Land East Of 1A Beggars Bridge Coates Cambridgeshire \(fenland.gov.uk\)](#)

4 SITE PLANNING HISTORY

Reference	Description	Decision
F/YR16/0903/F	Erection of building for hay/machinery storage and stabling; and the formation of a manège	Granted 09/01/2017

5 CONSULTATIONS

5.1 Whittlesey Town Council (13/01/2023)

The Town Council recommend refusal until the issues relating to the police and county mapping are resolved.

5.2 Whittlesey Town Council (02/03/2023)

The Town Council have no objection and therefore recommend approval.

5.3 FDC Environmental Health

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

It is recommended that the following condition is imposed in the event that planning permission is granted:

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

5.4 FDC Environmental Service Operations

No issues with collections being made from Feldale Lane at the boundary of the property. I was unaware that Feldale Lane was a private road however it is existing customer and practice to collect from the boundary/end of private access road of all properties on the lane with this additional property having no impact.

5.5 CCC Highways

I do not object to this application on the basis that the proposed development is accessed from a private road and by nature of the remote location, it is unlikely to adversely impact upon the public highway beyond the previously approved scheme.

5.6 CCC Definitive Map Team (07/01/2023)

Public Footpath 19, Whittlesey, runs through the land from the south heading northeast. This route is also under a Public Path Diversion Order, to be diverted

around the edge of the same land (P102). To view the location of the Footpath and Public Path Diversion Order please view our interactive map online which can be found at <http://my.cambridgeshire.gov.uk/myCambridgeshire.aspx>.

The location plan submitted shows the implementation of a new hedge across the field boundary to the north. Because there is no obvious gap in hedge, it appears that Public Footpath 19 will become permanently obstructed by the hedge, for this reason I am putting in an objection.

Should planning permission be obtained, I would ask that the following informatives are considered:

The Public Footpath should be a width of at least two metres, with any new hedge planting having an off-set distance of 2 metres from the public footpath, in accordance with the County Council's boundary policy which is available to view in the guidance for planners and developers document available here [Public Rights of Way - Guidance for Planners and Developers v4 \(cambridgeshire.gov.uk\)](#).

To ensure the Public Footpath is protected, the County Council's Definitive Map Team requests the following conditions be applied to any permission granted.

- No planting shall be erected on or within 2m of the current or any proposed public rights of way.

Reason: In the interests of the amenity of the public.

Planning permission is granted we would ask for the following informatives to be included:

Informatives

- Public Footpath 19, Whittlesey must remain open and unobstructed at all times. Building materials must not be stored on Public Rights of Way and contractors' vehicles must not be parked on it (it is an offence under s 137 of the Highways Act 1980 to obstruct a public Highway).
- The Public Footpath must not be used to access the development site unless the applicant is sure they have lawful authority to do so (it is an offence under S34 of the Road Traffic Act 1988 to drive on a Public Footpath without lawful authority)
- No alteration to the Footpath's surface is permitted without our consent (it is an offence to damage the surface of a public footpath under s 1 of the Criminal Damage Act 1971).
- Landowners are reminded that it is their responsibility to maintain boundaries, including trees, hedges and fences adjacent to Public Rights of way, and that any transfer of land should account for any such boundaries (s154 Highways Act 1980).
- The granting of planning permission does not entitle a developer to obstruct a Public Right of Way (Circular 1/09 para 7.1). The Highways Authority has a duty to maintain Public Rights of Way in such a state as to be suitable for its intended use. (S41 Highways Act 1980 and S66 Wildlife & Countryside Act 1981). If the surface of the [ROW] is damaged as a result of increased motorised vehicle usage, the Highways Authority is only liable to maintain it to a [ROW] standard. Those with private vehicular rights will therefore be liable for making good the surface of the Public Right of Way.

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

5.7 CCC Definitive Map Team (06/02/2023)

The amended hedging in drawing 6553/05 Rev B is satisfactory, though please ensure that there is an off-set distance of 2 metres each side of the public footpath.

(...)

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

5.8 CCC Archaeology

Thank you for your consultation in regard to the above referenced application. Our records indicate that the site is situated in an area that was subject to an archaeological trial trench evaluation in 2005 (Cambridgeshire Historic Environment Record reference ECB1888). The evaluation revealed significant activity dating to the Bronze Age/Iron Age. This included areas of settlement with post-built structures and ditches (CHER ref. MCB17259) as well as a cremation cemetery of a contemporary date (CHER ref. MCB17256). The evaluation noted the presence of quarry pitting truncating some of the archaeological remains, however this confined to the south-western area of the development. The proposed new building falls within the potential bounds of the prehistoric settlement undisturbed by later quarrying.

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).

5.9 Natural England (23/01/2023)

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

As submitted, the application could have potential significant effects on Nene Washes SSSI, SPA, SAC, and Ramsar site. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. The following information is required:

- Habitats Regulations Assessment (HRA)*
- Clarification of manure storage plans and associated pollution prevention measures*
- Details of the package treatment plant, and assessment of foul water and SuDS proposals*
- Consideration of potential impacts on mobile species outside the SAC & SPA*

Without this information, Natural England may need to object to the proposal. Please re-consult Natural England once this information has been obtained. Please refer to Natural England's letter dated 12 July 2019 (copy attached) regarding appropriate consideration of recreational pressure impacts, through relevant residential development, to sensitive Sites of Special Scientific Interest (SSSI).

5.10 Natural England (26/09/2023)

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

5.11 PCC Wildlife Officer

Recommendation:

Recommend refusal of application on grounds that there is insufficient information to make a recommendation.

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

The documents provided within F/YR22/1387/F do not provide sufficient information to ensure that all biodiversity material concerns for the Local Planning Authority can be safely discounted.

Following issues require resolution before determination can be provided.

1. Natural England has raised several reasons for refusal which first must be responded to before I can recommend No Objection Subject to Conditions. Please see the Natural England Consultation dated the 23rd the January 2023. To

summarize, Natural England has concerned that aspects of the development will create new negative impacts on the nearby Nene Washes and that without the proper documentation these impacts have not been properly mitigated or compensated for.

At this stage without further information the Local Planning Authority cannot make a decision on the application without risking contravening the NPPF, Local Plan, The Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1989. Please note the presence of a protected species is a material consideration when a planning authority is considering a development proposal (para 98, ODPM circular 06/2005). It is essential that the presence or otherwise of a protected species, and the extent that they may be affected by the proposed development is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.

*Required amendments/information:
I would therefore recommend that:*

- The concerns raised by Natural England are answered and all relevant reports created.*

Recommendations for mitigation and compensation of the negative impacts of the proposal should then be incorporated into the application documents as described within the ecologist's reports.

Incorporation of recommendations from survey reports into the proposal will significantly reduce the requirement for pre and post commencement conditions on the granted application. It is possible that these recommendations may have to be included within a Construction and Environment Management Plan (CEMP) this possibility should be discussed with your ecologist. It is highly likely that a CEMP will be requested as a pre-commencement condition in relation to this development. The creation of this document and submission to the proposal will significantly reduce proposal conditions further down the line.

The proposed mitigation and compensation within the Preliminary Ecological Appraisal, is considered broadly suitable (sans the points made by Natural England) for the site to result in an overall no net loss of biodiversity. It is likely that an Ecological Management Plan including the recommended compensation, including the hedge, grassland and pond will be conditioned.

Please note that many ecological surveys are constrained by seasonal restrictions, it is highly recommended that the recommended surveys are completed as soon as possible to avoid any significant delays to development. Please see the PEA and your consultant ecologist for survey timings.

Incorporation of recommendations from survey reports into the proposal will significantly reduce the requirement for pre and post commencement conditions on the granted application.

5.12 CCC Ecology

No comments received.

5.13 Cambridgeshire Constabulary (19/12/2022)

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 ward for the last 2 years. At present, I would consider this to be an area of low risk to the vulnerability to crime.

(...)

There is no information regarding security and crime prevention in the Design and Access Statement, it is important that these measures are considered and discussed at the earliest opportunity, our office would be happy to discuss Secured by Design and measures to reduce the risk to vulnerability to crime.

Although crime is reasonably low, with addition of more horses and high value machinery on site, consideration should be given to external lighting and CCTV, an alarm system linked to the managers house and good boundary treatments. For information, hare coursing is also known to occur in the area.

5.14 Cambridge Constabulary

Thank you for the opportunity to comment on this application.

I appreciate the amendments and additional crime prevention information. Happy to accept the proposed measures and there is scope to increase lighting and CCTV if this is required later. It would be good to see a drawing of the CCTV plan when available.

I have no further comment or objection

5.15 Local Residents/Interested Parties

9 letters of support were received with regard to this application all from address points within Coates (5 from Feldale Lane, 3 from March Road and 1 from Eldernell Lane). The reasons for support are as follows:

- Great addition to the local area with minimal impacts on the area
- Property on site to ensure there is full time adequate care for the horses
- Positioning of dwelling will have no impact on surrounding neighbours
- No detriment to outlook and sympathetic landscaping will enhance local area
- Security
- Little impact on area
- Other businesses on Feldale Lane had no detrimental effect on residents
- Landscaping described should bring in wildlife

2 letters of objection were received with regard to this application from address points along Feldale Lane. The reasons for objection are as follows:

- Access
- Traffic or Highways
- Heavy traffic using Feldale Lane which is unadopted
- Agricultural Land
- Design/Appearance

- Devaluing property
- Does not comply with policy
- Light pollution
- Loss of view/Outlook
- Out of character/not in keep with area
- Traffic or Highways
- Visual Impact
- Wildlife Concerns
- Would set a precedent
- Impact on view
- Light pollution
-

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 11 - Presumption in favour of sustainable development

Para 78 – Rural Housing

Para 83 – Recognise and address specific locational requirements of different sectors.

Para 84 - Development in rural areas

7.2 National Planning Practice Guidance (NPPG)

7.3 National Design Guide 2021

Context

Identity

Built Form

Movement

Lifespan

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

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

LP18 – The Historic Environment

LP19 – The Natural Environment

7.5 Emerging Local Plan

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

LP1 – Settlement Hierarchy
LP5 – Health and Wellbeing
LP7 – Design
LP8 – Amenity Provision
LP18 – Development in the Countryside
LP20 – Accessibility and Transport
LP22 – Parking Provision
LP23 – Historic Environment
LP24 – Natural Environment
LP32 – Flood and Water Management

7.6 **Delivering and Protecting High Quality Environments in Fenland SPD 2014** DM4 – Waste and Recycling Facilities

8 KEY ISSUES

- **Principle of Development**
- **Character and Appearance**
- **Residential Amenity**
- **Highways and Access**
- **Flood Risk**
- **Archaeology**
- **Ecology**
- **Other**

9 BACKGROUND

9.1 As detailed within the planning history section above, planning application reference F/YR16/0903/F was granted for the erection of a building for hay/machinery storage and stabling; and the formation of a manège. Condition 2 of the decision notice states:

The development hereby approved shall be used solely for private recreational purposes by the Applicant (Mr Steve Popely) and his family, and shall not be used for any trade, business or equestrian enterprise whatsoever.

9.2 The submitted design and access statement however indicates that Feldale Stud, owned by Mr Popely, has been in operation since February 2017.

10 ASSESSMENT

Principle of Development

10.1 It appears that the business has been operating since 2017 in breach of a condition associated with the planning permission for the hay/machinery store/stable building on site. In addition, the land does not have planning

permission for the change of use from agriculture to stud farm. The proposal does not make provision for this change of use.

- 10.2 The site lies within an area of dispersed, intermittent buildings that are detached from the main settlement of Coates. Feldale Lane is located to the north of the settlement of Coates and comprises predominantly a single-track road extending northwards which does not incorporate pedestrian infrastructure such as a pathway. These characteristics combined with a clear separation denote that the section of Feldale Lane which the site relates more to the rural countryside, than to the built-up area of the nearest settlement of Coates.
- 10.3 As the site is considered to fall outside of a settlement, it is therefore defined as an 'Elsewhere' location under FLP policy LP3; which seeks to restrict development to that which is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services. This follows the rationale set out through the relevant policies of the NPPF where the concept of concentrating additional housing within settlements is seen as generally more likely to be consistent with the promotion of "sustainable development in rural areas" than building isolated dwellings elsewhere in the countryside. To do otherwise would result in an urban sprawl or dwellings with poor access and a reliance on private motor car to make essential journeys, contrary to the NPPF's aims of minimising the need to travel and supporting the transition to a low-carbon future.
- 10.4 The NPPF does however support the principle of sustainable rural housing where it would enhance or maintain a vitality of rural communities, and sustainable economic growth in rural locations – where appropriate i.e. the right development in the right location, and it is considered that the requirements of policy LP3 are wholly consistent with the NPPF in this regard.
- 10.4 The application comes forward as a proposal for residential accommodation to serve an existing (unauthorised) stud farm business. The principle of development is accepted through LP3, which recognises that in certain circumstances it is necessary to locate dwellings in otherwise unsustainable locations. However, this is subject to meeting (where residential development is concerned) the strict test of demonstrating an essential need. FLP policy LP12-Part D sets out the requirements as to how this essential need will be demonstrated:
- a) **The existing functional need for the dwelling**
- 10.5 The dwelling is proposed to be occupied by either Mr Popely or his daughter who both currently work on site. The dwelling is to be occupied in conjunction with the business which is used as Feldale Stud Farm. The need for the dwelling is justified in the design and access statement stating that the dwelling will *allow the stud farm to bring in more horses, more breeding capacity and with it more horses to train, which will in turn increase the operation's viability*. The design and access statement also notes that an on-site presence is required full time for security of high value tack, machinery/equipment and horses but also the response time needed during the rearing process for foals and their subsequent ongoing care.
- b) **The number of part time and full-time worker(s) to live in the dwelling**

10.6 It is understood that either Mr Popely or Mr Popely's daughter would occupy the dwelling. The submitted application form states that there are 3 full time equivalent employees working on site, 2 of these whom are Mr Popely and his daughter.

c) The length of time the activity has been established

10.7 The submitted design and access statement states that Feldale Stud farm was formed in February 2017. The business has therefore been operating for over 6 years.

d) The availability of other suitable accommodation on site or in the area

10.8 There are no permanent dwellings on or associated with the land or business. Whilst no evidence has been provided in relation to the suitability of accommodation nearby, it is accepted that for security and animal health reasons, the applicants need to be located as close to the business as possible. Therefore, the site is considered to be acceptable.

e) How the proposed size of the dwelling relates to the viability of the enterprise

10.9 Paragraph 80 of the NPPF advises that isolated homes in the countryside should be avoided unless there is an essential need for a rural worker to live permanently at or near their place of work in the countryside.

10.10 Paragraph 010 of the NPPG notes that when isolated homes in the countryside for essential rural works are being assessed, consideration needs to be given to the degree which there is confidence that the enterprise will remain viable for the foreseeable future and whether it is appropriate to consider granting permission for a temporary dwelling for a trial period.

10.11 The Design and Access statement highlights that the Feldale Stud Farm is a relatively new operation, formed in February 2017. The statement notes that the farm has hit a crucial point in its progression and scaling-up where in order to expand further and rear more horses, there is a requirement for someone to reside on site at all times. The statement acknowledges that the development would enable the stud farm to bring in more horses, more breeding capacity and more horses to train, which would improve the operation's viability.

10.12 Further confidential details have been submitted in respect of the businesses position which have been addressed by FDC's accountants as accurate, and while it is reasonable to assume the business may become profitable over the next few years, there is currently no demonstration of an established viable business plan to justify a permanent dwelling on site. The application has therefore failed to demonstrate the viability of the enterprise and is therefore considered to be contrary to Policy LP12 Part D.

10.13 In accordance with Paragraph 80 of the NPPF and Paragraph 010 of the NPPG, the agent was advised to withdraw the application and resubmit the application with a temporary mobile home on site so that they could demonstrate the viability of the business, but the agent confirmed that they wish for the application to be determined as it stands.

Character and Appearance

- 10.14 Policy LP16 seeks to ensure that development makes a positive contribution to the local distinctiveness and character of the area. The area is agricultural in nature with open fields surrounding the application site. The modest design of the dwelling, with the majority of accommodation situated at ground floor, would not be considered to appear particularly prominent in the landscape, especially considering its location adjacent to the equestrian building.
- 10.15 The proposed extension to the equestrian building would likely have greater visual impact than the proposed dwelling given the large scale of the extension proposed. Notwithstanding this however, the design of the equestrian building is agricultural in nature and is not considered to be an uncommon feature in a rural setting.
- 10.16 New hedge planting is proposed along the north-eastern boundary of the site with the existing hedging retained. This hedging would aid in reducing the visual impact of the proposal and business in general. The development would therefore accord with Local Plan Policy LP16 of the Fenland Local Plan 2014.

Residential Amenity

- 10.17 The closest neighbouring dwelling to the application site is Kennel House, which is situated in excess of 105 metres from the equestrian building.
- 10.18 The dwelling is sited sufficiently away from neighbouring boundaries so as not to result in any overshadowing or overbearing issues. Furthermore, given the lack of surrounding residential amenity, there are no issues to address with regards to overlooking.
- 10.19 Similarly, whilst the equestrian building would introduce a visual change on the site, the building would again be sited sufficiently away from neighbouring boundaries as to not result in any overshadowing, overbearing or overlooking issues.
- 10.20 It is acknowledged that within the letters of objection received, concerns were raised with regard to devaluation of property and loss of view. Both of these issues are not material planning considerations and therefore cannot be considered as a reason to refuse this application.
- 10.21 As per the previous application on site, the associated waste (manure) would be collected and stored on site within the designated area on the site plan. The residential waste is proposed to be collected from the site entrance on Feldale Lane by the Local Authority. Policy DM4 of the Delivering and Protecting High Quality Environments in Fenland SPD states that users should not have to carry their waste and recycling more than 30 metres to storage. FDC Environmental Services Operation have raised no objection to the proposed bin collection point and whilst it is acknowledged that users would have to carry their waste more than 30 metres, given that the dwelling is to be used in association with an existing business on site, it is considered acceptable in this instance.
- 10.22 The future operation of the stud farm, as with most farms does have some potential for disturbance. However, given that there are no residential neighbouring properties within close proximity to the site, it's unlikely that such

disturbance would occur. In addition to this, no objections have been raised from FDC Environmental Health.

Highways and Access

10.23 The Local Highways Authority have assessed the application and raise no objection to the proposal. In this regard, the application presents no technical issues with regards to highways impacts and would comply with FLP policy LP15.

Flood Risk

10.24 The application site is situated within Flood Zone 1, 2 and 3. The majority of the site is situated within Flood Zone 1, with a small area within the north-west corner of the site being situated within Flood Zone 3. The proposed dwelling and equestrian building extension are situated well within Flood Zone 1 and therefore it is not considered that the scheme would introduce any additional flood risks. Issues of surface water drainage would be considered under building regulations.

Archaeology

10.25 The application site is situated within an area that was subject to an Archaeological trial trench evaluation in 2005, revealing significant activity dating to Bronze Age/Iron Age. The proposed new building falls within the potential bounds of the prehistoric settlement. Therefore, due to the archaeological potential of the site, a further programme of investigation and recording has been requested by CCC Archaeology which would be conditioned should permission be granted.

Ecology

10.26 The application is accompanied by a preliminary ecological appraisal which highlights that there is unlikely to be any potential significant ecological impact with regard to protected sites, habitats/plants and protected species and suggests that no further surveys are required.

10.27 The ecological appraisal highlights various mitigations to be provided. Currently the existing muck heap is stored on bare ground with no associated drainage. The proposal indicates that this is to be transferred onto a dedicated store for muck and hay for collection.

10.28 The following precautionary mitigation to safeguard protected species and enhancement to increase the overall biodiversity of the site:

- Native, species-rich hedgerow planting
- Management of grass margin to the north to benefit reptiles
- Creation of biodiversity area to the west of the development area to include suitable management of the grassland, reprofiling of the pond and incorporation of vegetation heap for grass snake breeding
- Installation of bat boxes and bird boxes onto the new equestrian building and surrounding area;
 - 2 bat boxes to be installed on the west and east of the equestrian building at a height of at least 5m
 - 6 externally mounted swift boxes will be installed onto the northern elevation of the new equestrian building extension

- Careful clearance of any suitable bird nesting/reptile vegetation under the supervision of an ecologist or outside of the bird breeding season/reptile hibernation period
- Careful measures of working to protect reptiles, amphibians and small mammals
- Careful removal of soil mounds as not to entomb rabbits

10.29 No lighting is proposed to the extension of the equestrian building. The new dwelling would incorporate some level of lighting and will adhere to the following:

- Any external lighting should be limited to only that absolutely necessary for safety purposes;
- The brightness of the lighting will be as low as possible and kept at a low level and directed away from the boundary vegetation, suitable habitat outside of the application area and any new bat boxes/roosting areas
- Narrow spectrum lighting with no UV light
- Luminaires should feature peak wavelengths higher than 550nm to avoid the component of light most disturbing to bats
- Lighting on sensors will not be so sensitive that foraging bats set them off and should be on short timers (1 minute)
- Lighting must not illuminate habitats outside of the application area nor exceed 1lux on the surrounding grassland

10.30 Natural England have raised no objections to the scheme as the proposed development would not have significant adverse impacts on designated sites.

Other

10.31 Due to the constraints of the site and its location within the open countryside, it would be appropriate to include a planning condition that ties the dwelling to the use of the business.

10.32 As aforementioned, a Public Right of Way (PROW) runs adjacent and partially through the site to the east. CCC Definitive Map team originally raised an objection to the application due to the inclusion of hedge planting which appeared to block the PROW, however a new route has been approved through spinney to the existing footbridge. The proposed hedgerow has also been amended to ensure that it does not cross the new route to the footpath. Subsequently, the objection has been removed.

11 CONCLUSIONS

11.1 The site lies within an 'elsewhere' location as defined in the Fenland Local Plan as such, the erection of a dwelling is contrary to the settlement policies outlined in Policy LP3 of the Fenland Local Plan 2014. Furthermore, the scheme fails to evidence the viability of the enterprise as required by Policy LP12 – Part D. In line with Paragraph 80 of the NPPF and Paragraph 010 of the NPPG, the applicant was advised to resubmit the application with a temporary mobile home on site to demonstrate the viability of the business.

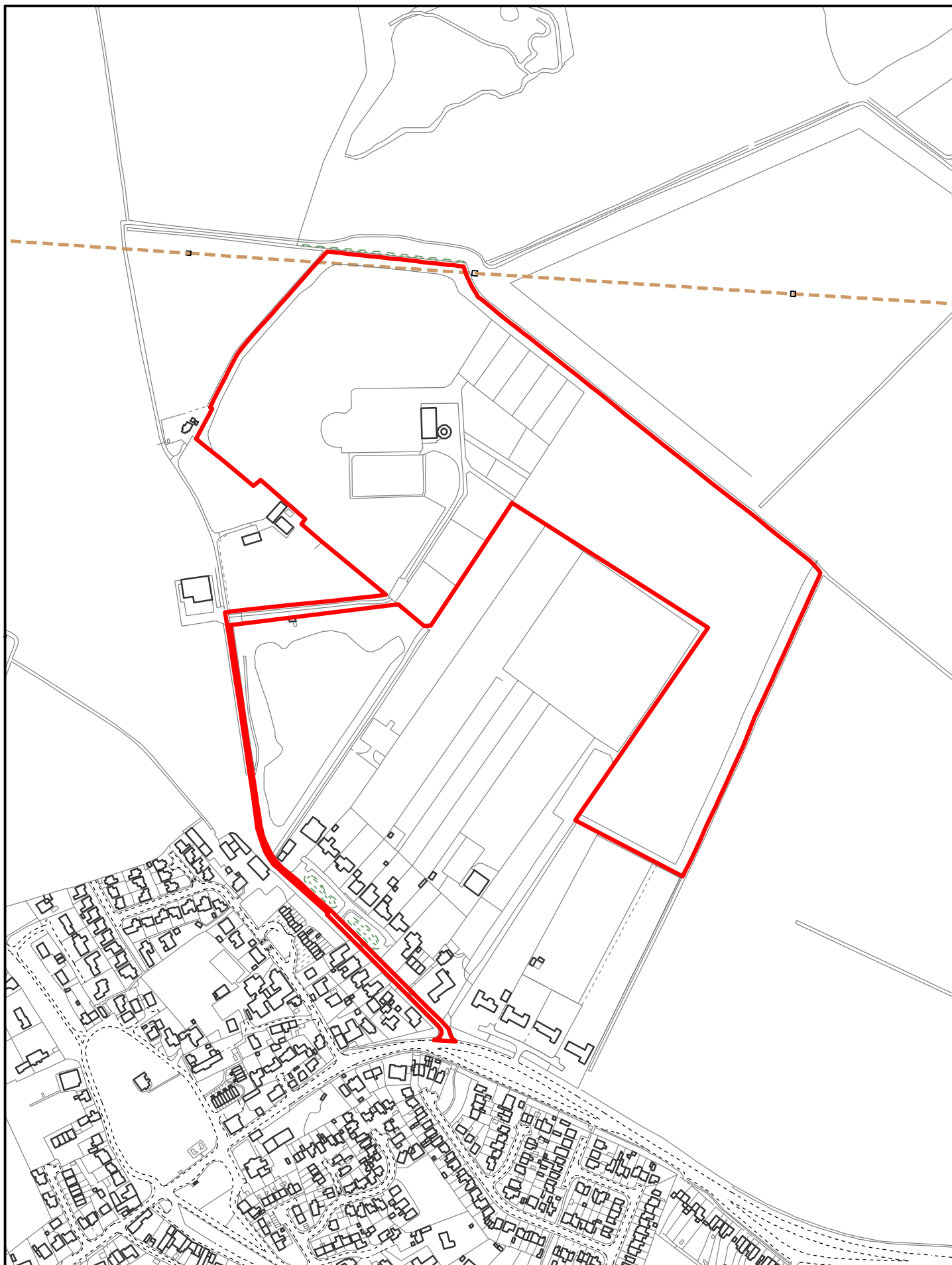
11.2 Given that the scheme is contrary to Policy LP12, Part D, there can be no other response but to recommend refusal.

11.3 It should be noted that the stud farm does not benefit from planning permission in terms of the change of use of land and that there is currently a breach of planning condition in relation to the commercial use of the building on site

12 RECOMMENDATION

12.1 Refuse; for the following reason:

1	<p>Policy LP3 of the Fenland Local Plan 2014 and National Planning Policy Framework (NPPF) steer new development to sustainable areas that offer the best access to services and facilities. This is unless it can be demonstrated that such development is essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services, or that there is a justifiable reason for locating development in otherwise unsustainable locations. The proposed dwelling would be located in the open countryside and whilst it is asserted that it is essential for business reasons, therefore consistent with LP3, the justification given does not meet the requirements of LP12(D) in terms of evidencing the viability of the enterprise. Whilst the NPPF seeks to support a prosperous rural economy this does not override the need to ensure that development is located in the most accessible and sustainable locations. The proposed development is located outside any settlement limits and the information submitted has not evidenced that the existing enterprise is viable. The proposal is therefore contrary to Local Plan Policies LP3 and LP12 of the Fenland Local Plan (adopted May 2014).</p>
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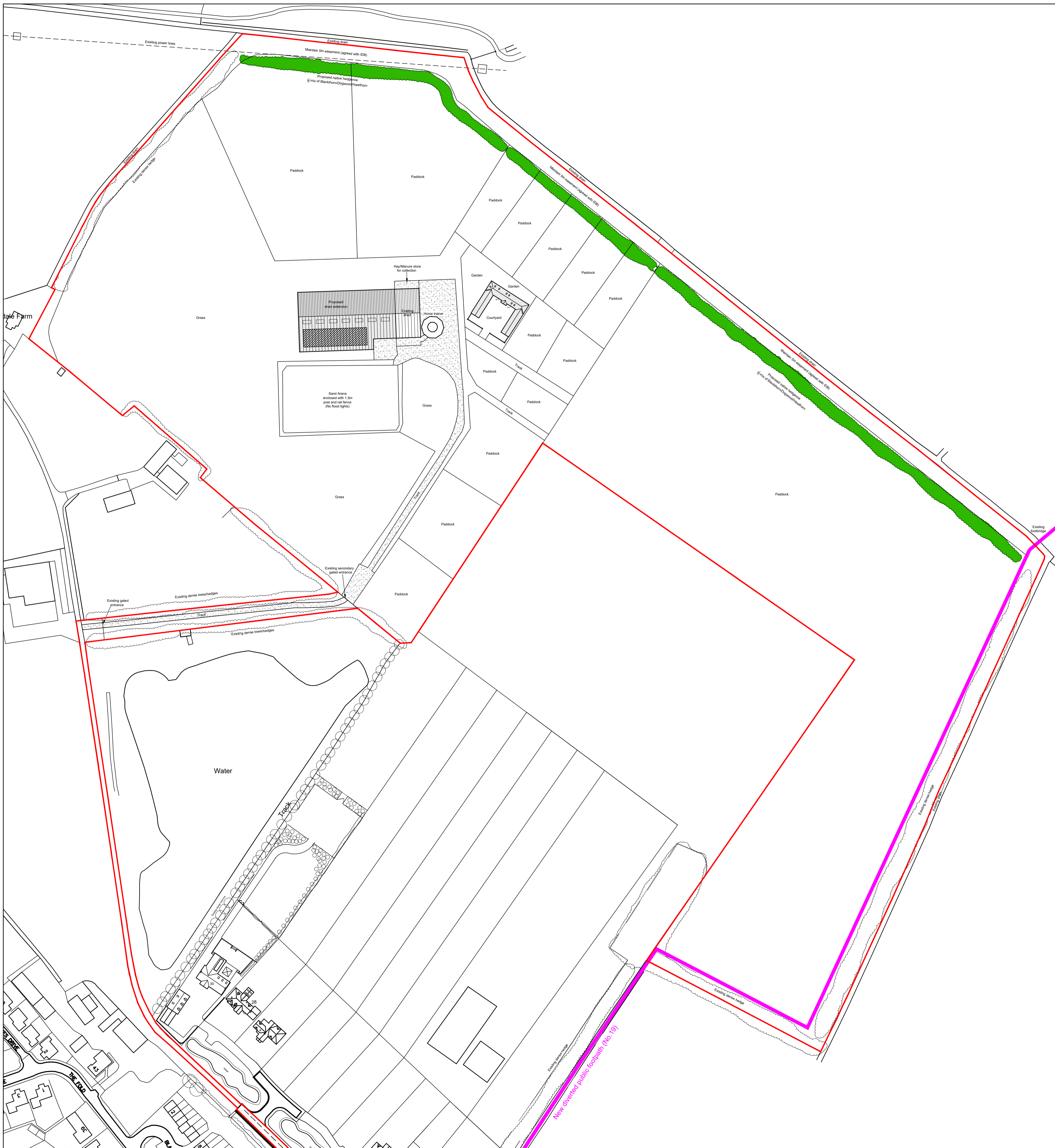
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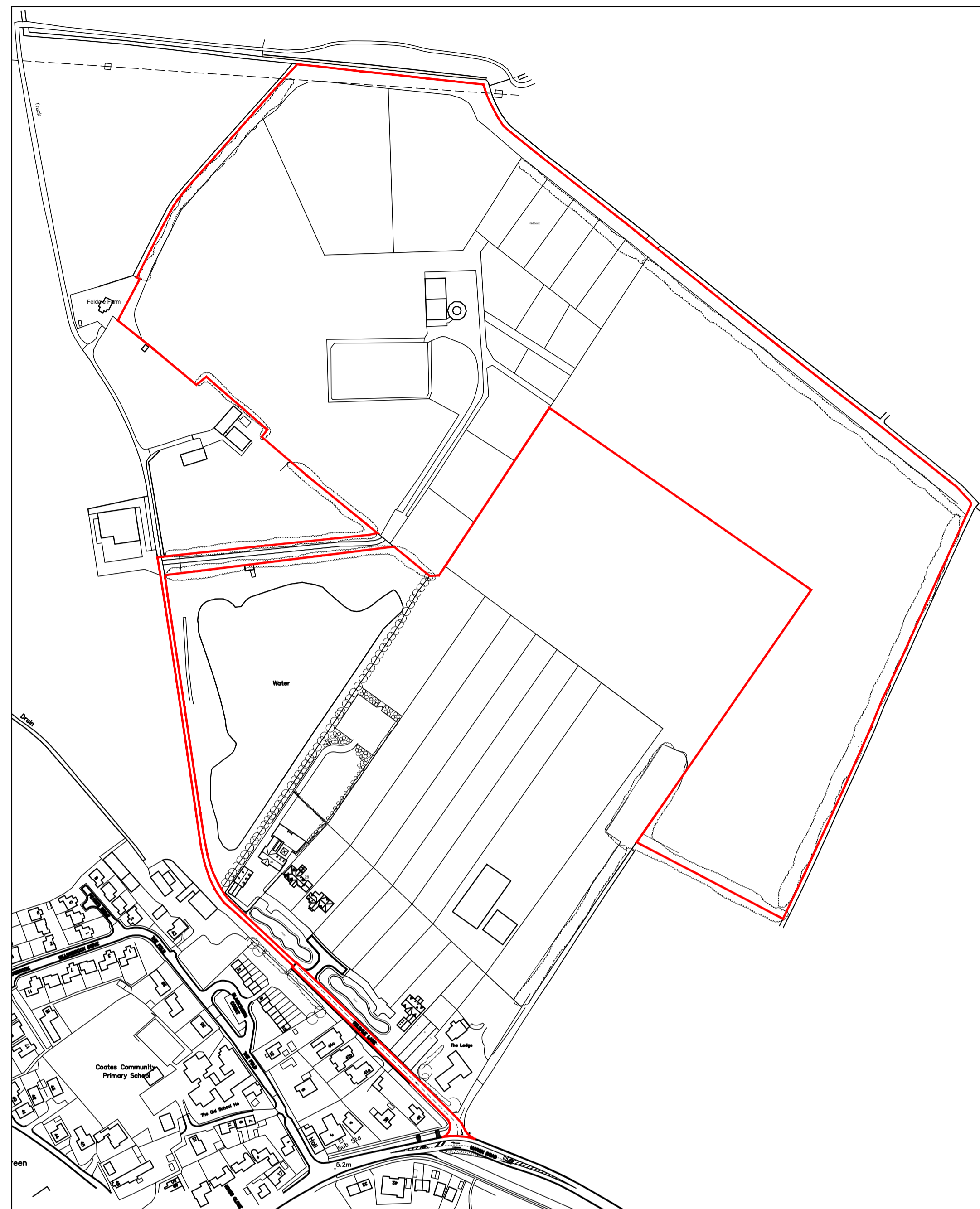
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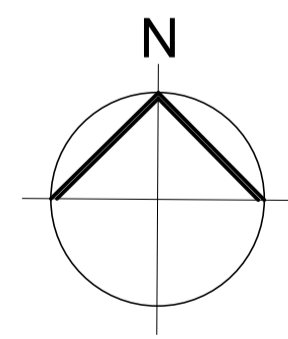




Proposed Site Plan 1:1250



Location Plan 1:2500



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6533/05B	A1	MARCH 2022

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CLIENT
MR S POPELY

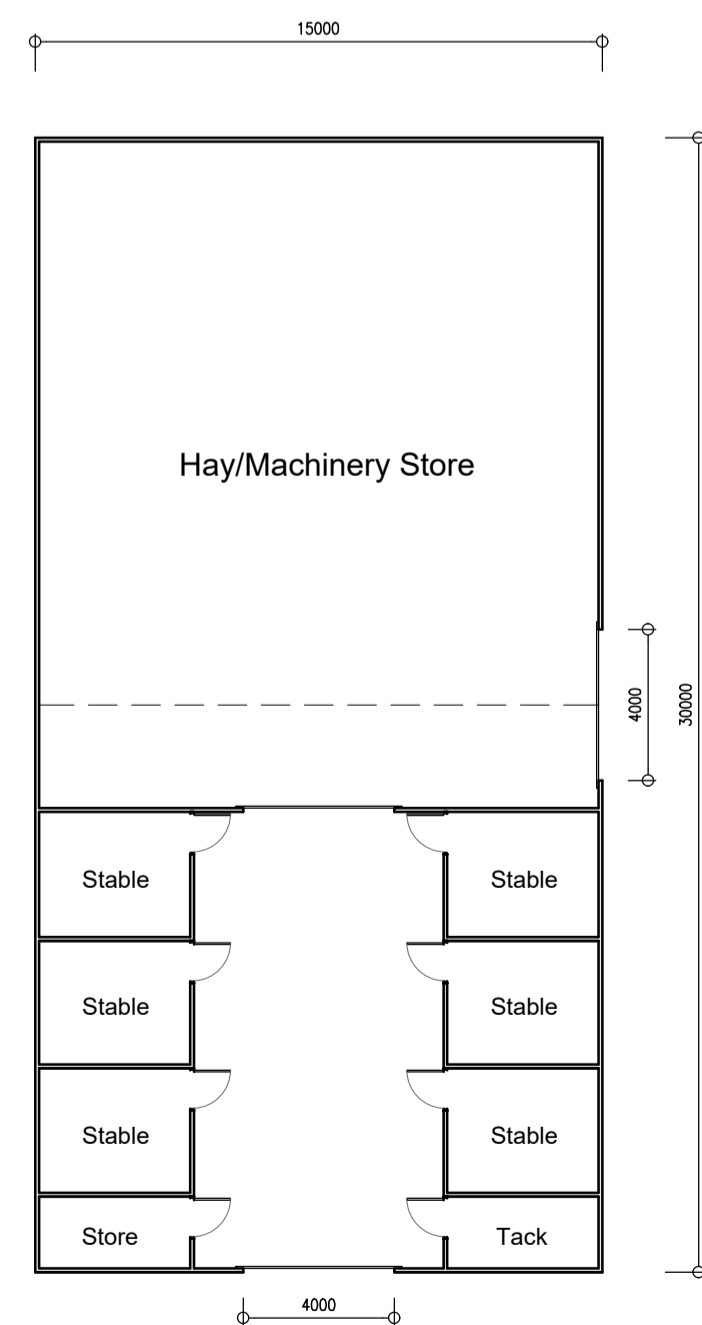
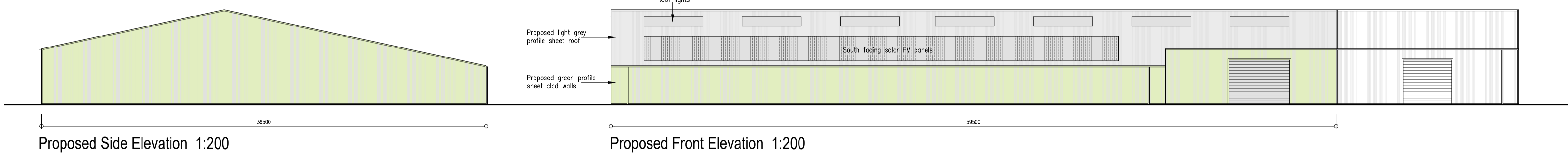
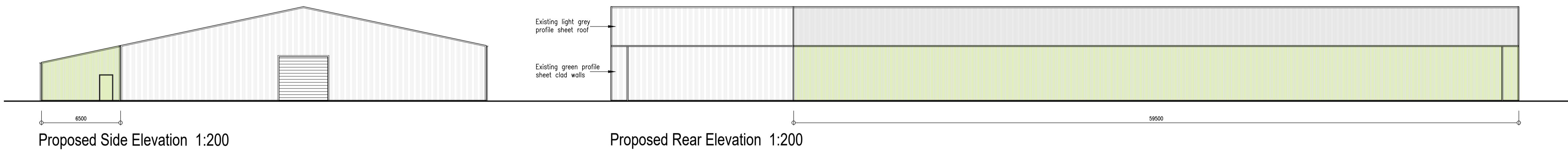
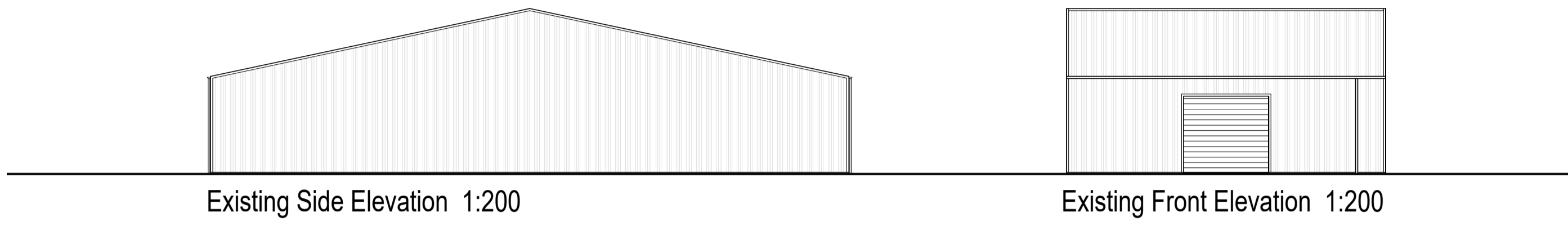
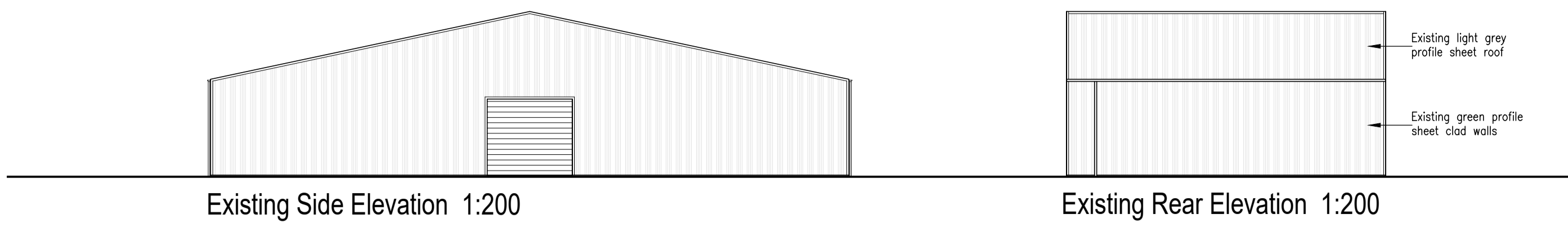
PROJECT
PROPOSED MANAGER'S DWELLING SHED EXTENSION AND ASSOCIATED WORKS

SITE
FELDALE STUD - LAND EAST OF 100 FELDALE LANE COATES CAMBS PE7 2ED

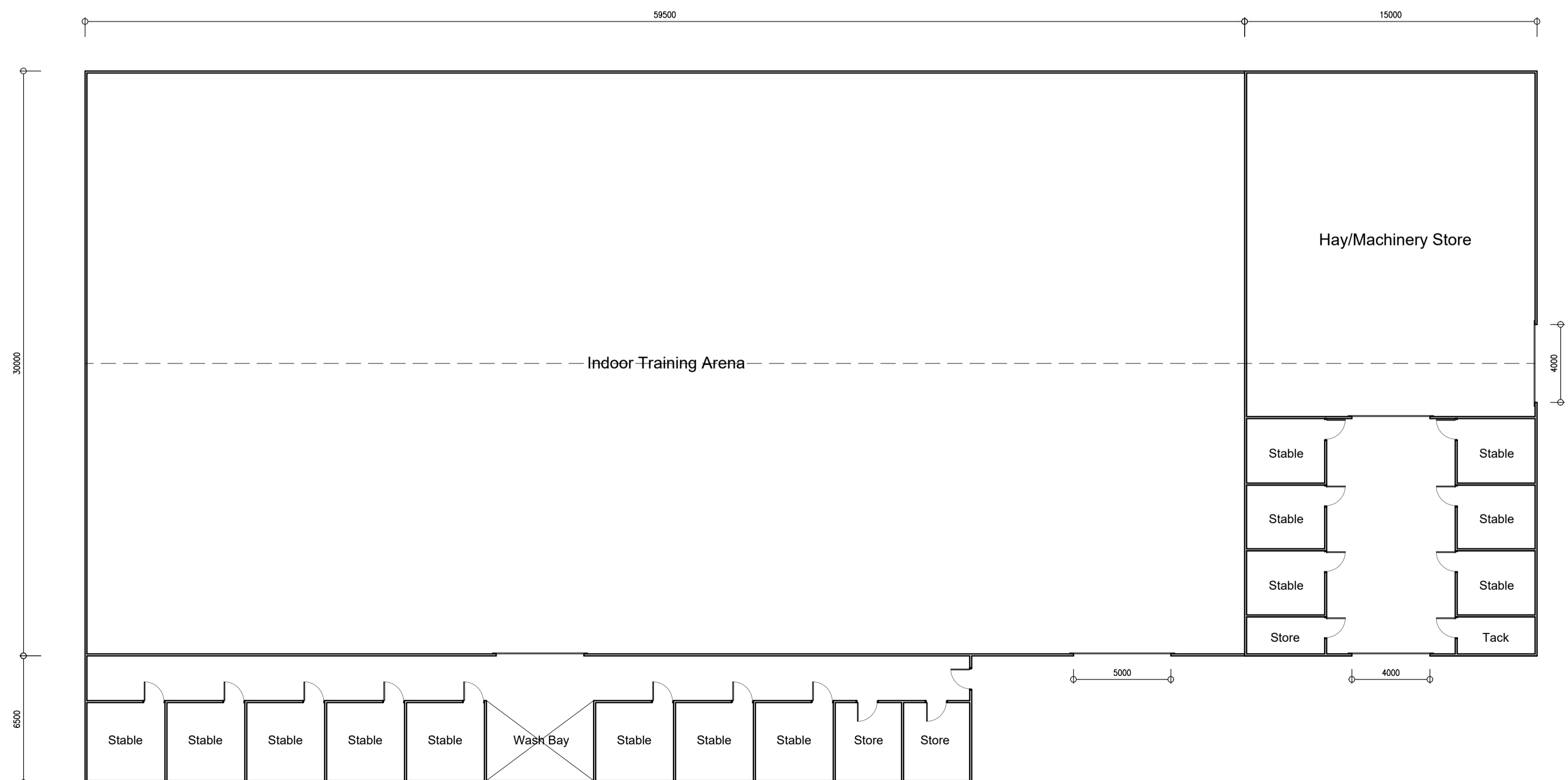
DRAWING
PLANNING DRAWING 5

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Existing Floor Plan 1:200



Proposed Floor Plan 1:200

A -
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PROJECT

PROPOSED MANAGER'S DWELLING

SHED EXTENSION AND ASSOCIATED WORKS

SITE

FELDALE STUD - LAND EAST OF 100

FELDALE LANE

COATES

CAMBS

PE7 2ED

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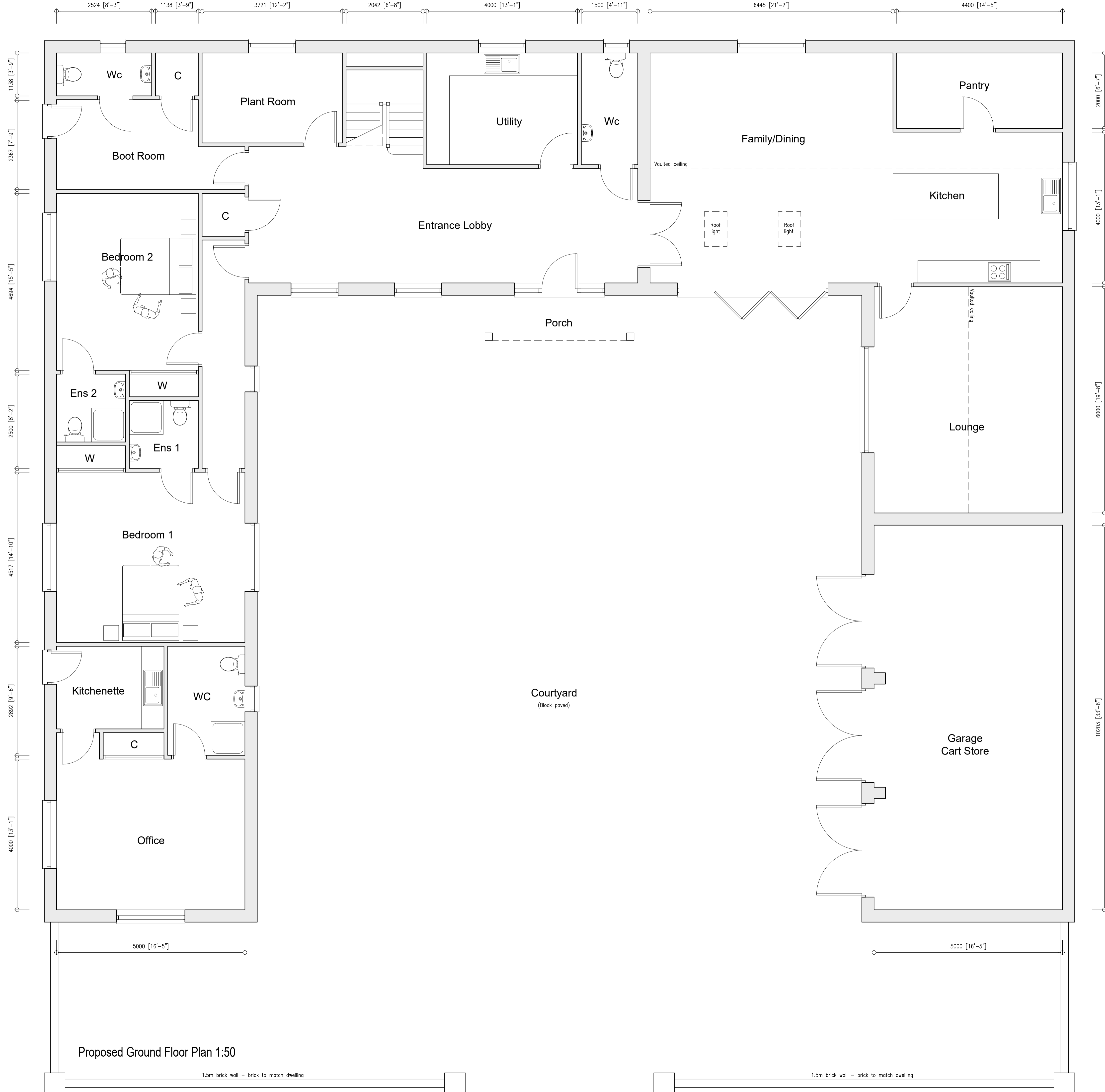
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Proposed Ground Floor Plan 1:50

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CLIENT
 MR S POPELY

PROJECT
 PROPOSED MANAGER'S DWELLING
 SHED EXTENSION AND ASSOCIATED WORKS

SITE
 FELDALE STUD - LAND EAST OF 100
 FELDALE LANE
 COATES
 CAMBS
 PE7 2ED

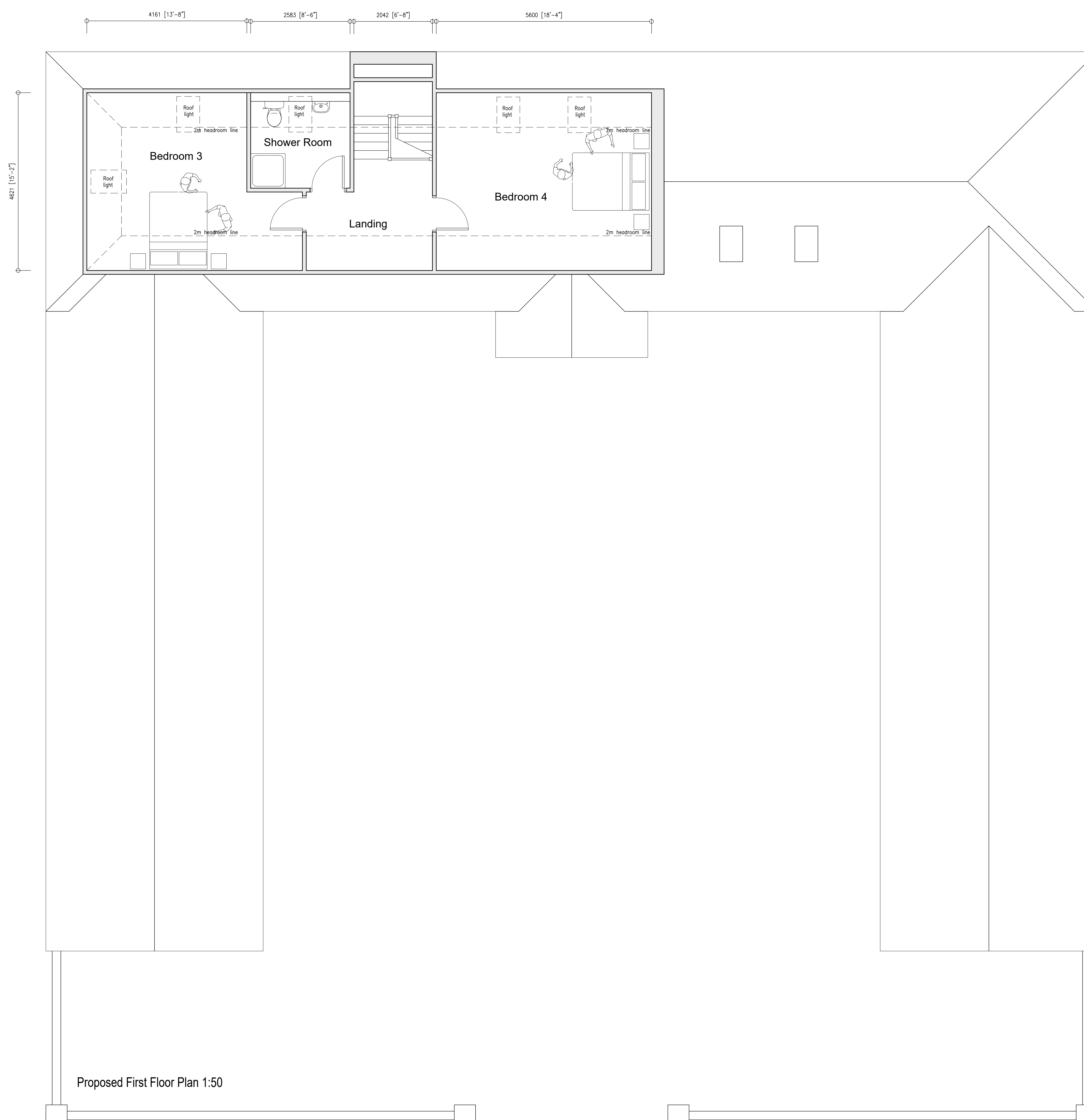
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Proposed First Floor Plan 1:50

A -
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CLIENT
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PROJECT
PROPOSED MANAGER'S DWELLING
SHED EXTENSION AND ASSOCIATED WORKS

SITE
FELDALE STUD - LAND EAST OF 100
FELDALE LANE
COATES
CAMBS
PE7 2ED

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JOB NO.	PAPER SIZE	DATE
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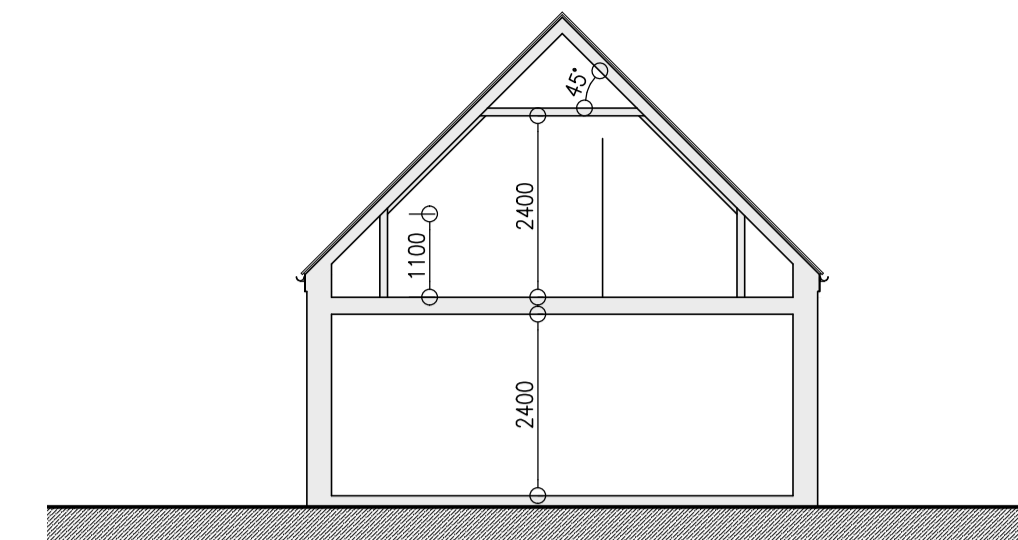
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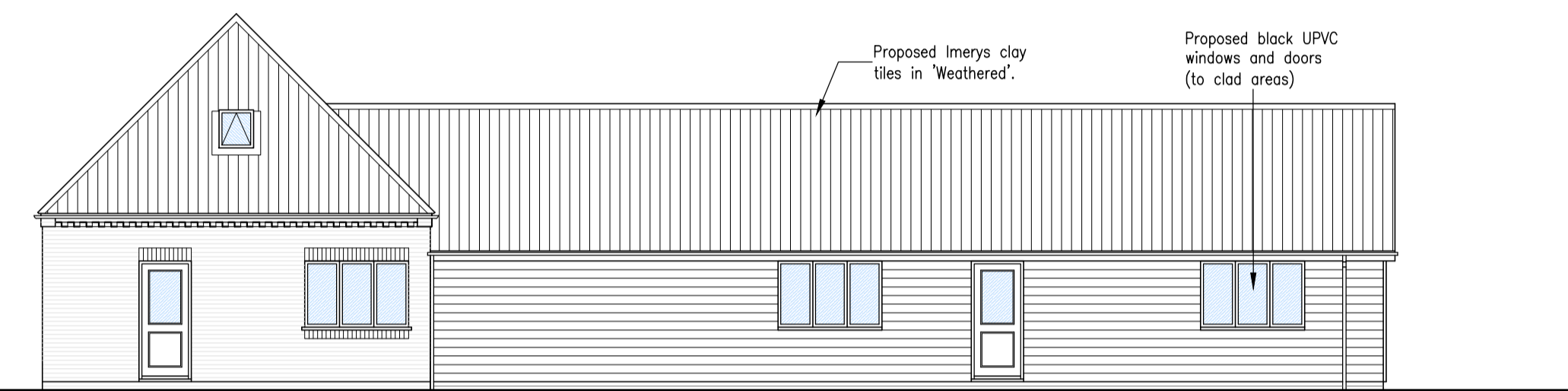
Proposed Front Elevation (With Courtyard Wall) 1:100



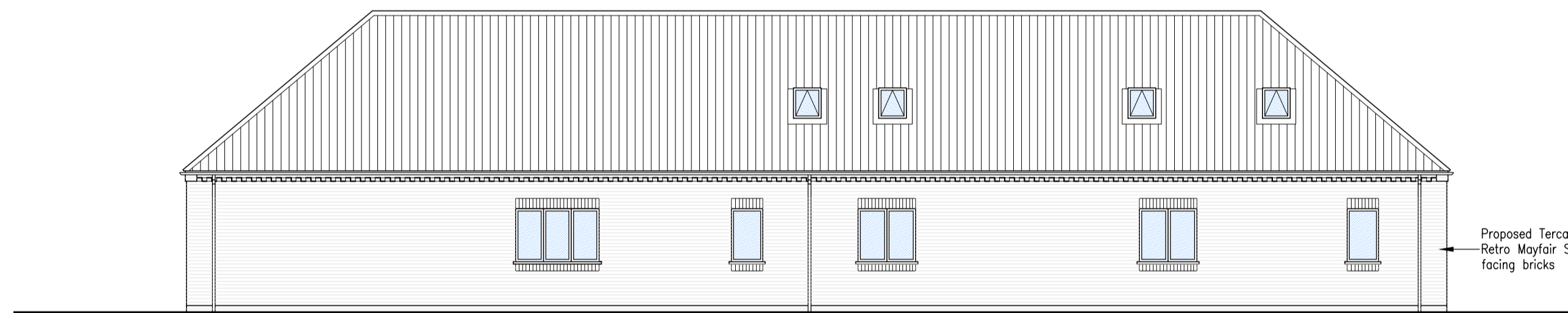
Proposed Section 1:100



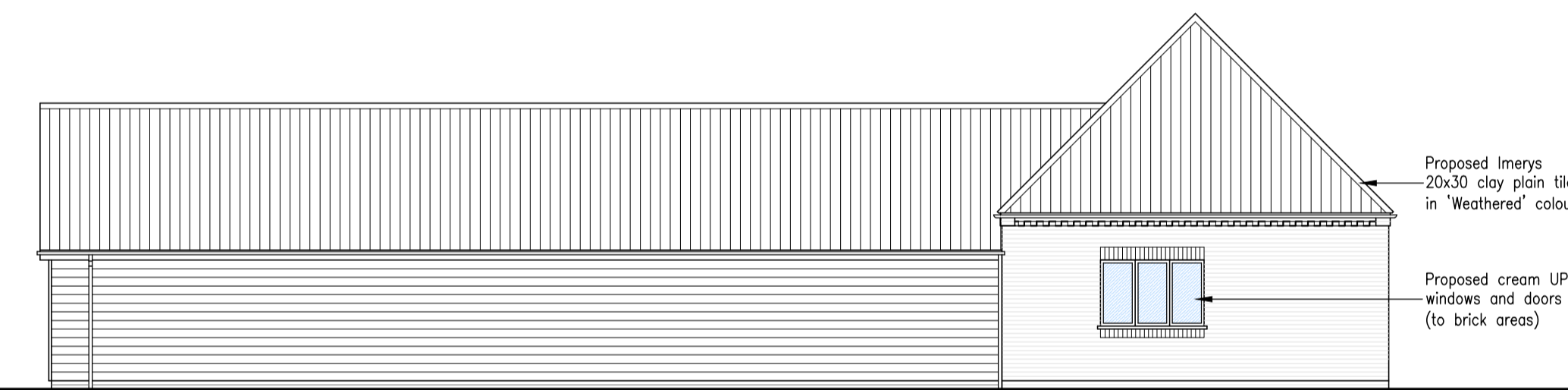
Proposed Front Elevation (Without Courtyard Wall) 1:100



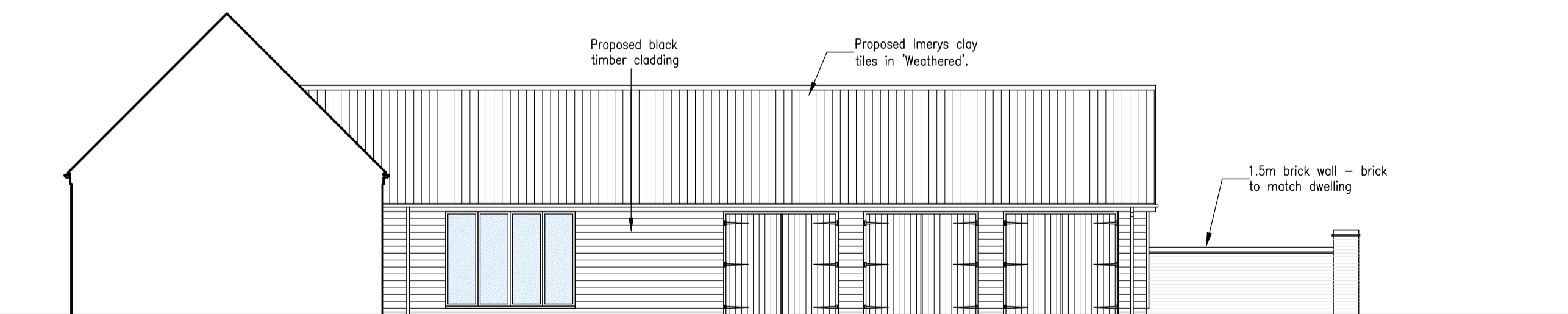
Proposed Side Elevation 1:100



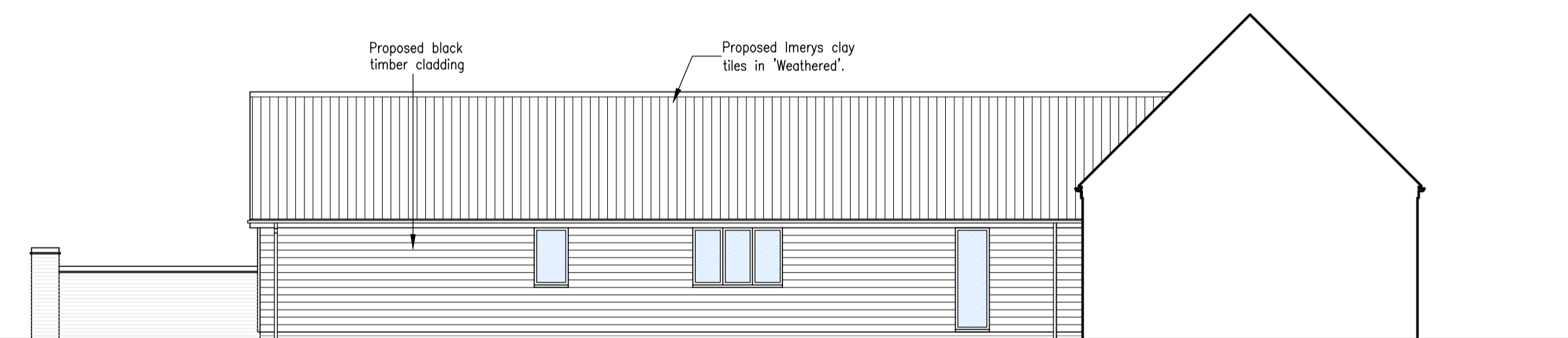
Proposed Rear Elevation 1:100



Proposed Side Elevation 1:100



Proposed Inner Side Elevation 1:100



Proposed Inner Side Elevation 1:100

A - REVISIONS

JOB NO.	PAPER SIZE	DATE
6533/03B	A1	MARCH 2022

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

CLIENT
 MR S POPELY

PROJECT
 PROPOSED MANAGER'S DWELLING
 SHED EXTENSION AND ASSOCIATED WORKS

SITE
 FELDALE STUD - LAND EAST OF 100
 FELDALE LANE
 COATES
 CAMBS
 PE7 2ED

DRAWING
 PLANNING DRAWING 3

PETER HUMPHREY ASSOCIATES
 ADDRESS: 2 CHAPEL ROAD, WISBECH, CAMBS, PE13 1RG.
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F/YR23/0134/F

**Applicant: Mr Matthew Wilkinson
Lincolnshire Co-operative Limited**

**Agent : James Grogan
Framework Architects**

Land East Of 6-8, March Road, Coates, Cambridgeshire

Erect a single-storey retail unit Class E(a) including formation of 2 x accesses and associated hard and soft landscaping

Officer recommendation: Grant

Reason for Committee: Number of representations contrary to Officer recommendation

1 EXECUTIVE SUMMARY

- 1.1 This application seeks full planning consent for the erection of a single-storey retail unit (Class E(a)), including the formation of 2 accesses and associated hard and soft landscaping.
- 1.2 The application is not considered to introduce any significant adverse impacts upon the character of the surrounding area, nor is it considered to detrimentally impact upon neighbouring residential amenity.
- 1.3 A number of letters of objection were received with regard to highway safety. However, no objections have been raised to the scheme from CCC Highways subject to appropriate conditions.
- 1.4 A number of letters of objection were also received with regard to noise and lighting impacts on surrounding residential amenity. FDC Environmental Health have raised no objections to the scheme subject to conditions to manage and minimise potential noise and light impacts.
- 1.5 As such, the scheme is considered to be acceptable as it complies with Policy LP1, LP2, LP3, LP6, LP13, LP14, LP15, LP16, LP17, LP18 and LP19 of the Fenland Local Plan 2014 and is therefore recommended for approval.

2 SITE DESCRIPTION

- 2.1 The application site is situated on the southern side of March Road, within the settlement of Coates. Residential properties are situated immediately to the east and south of the site.
- 2.2 The last known use of the site was as a John Deere dealership, Anker of Coates. The site appears to have been vacant for more than 10 years.
- 2.3 Coates Conservation Area is situated to the west of the application site.
- 2.4 The application site is situated within Flood Zone 1.

3 PROPOSAL

- 3.1 This application seeks planning permission for the erection of a Class E retail unit, to be used as a Co-Op food-store, comprising 382m² of gross internal floorspace (280m² sales area and 102m² back of house) and associated parking. It is envisaged that the store would employ 15 people on a full-time equivalent basis.
- 3.2 The opening hours would be:
07:00 – 22:00 Monday to Sunday and bank holidays.
- 3.3 The retail foodstore would be accompanied by a car park which will provide 19 car parking spaces (including 2 disabled) and 3 bicycle stands which will provide 6 bicycle spaces.
- 3.4 A new vehicular access and pedestrian access are proposed into the site.
- 3.5 The building occupies a footprint of 382m² and is proposed to be set back from March Road by approximately 11m, with the principal elevation facing north onto March Road. The car park is L-shaped and would be laid out in front and along the northern side of the shop and would be accessed directly from March Road.
- 3.6 The store building will have a height of c.6.5m. The building is proposed to be finished externally in a buff facing brickwork, with grey artificial slate tiles. The doors and windows will be powder coated aluminium and steel.
- 3.7 The car park is proposed to be surfaced in tarmac. Delivery vehicles will turn within the proposed car park. The service yard would be enclosed by a 2.4 m brick wall.
- 3.8 The landscaping would include a mixture of hedge planting, tree planting, planting beds and ground cover planting. A community garden would be situated to the front of the site adjacent to the proposed pedestrian access.
- 3.9 The south-west boundary of the site would be enclosed with a 2.5m brick wall, the south-east and north-east boundary of the site would be enclosed with a 1.8m close boarded timber fence.
- 3.10 Full plans and associated documents for this application can be found at: [F/YR23/0134/F | Erect a single-storey retail unit Class E\(a\) including formation of 2 x accesses and associated hard and soft landscaping | Land East Of 6-8 March Road Coates Cambridgeshire \(fenland.gov.uk\)](https://fenland.gov.uk/F/YR23/0134/F | Erect a single-storey retail unit Class E(a) including formation of 2 x accesses and associated hard and soft landscaping | Land East Of 6-8 March Road Coates Cambridgeshire (fenland.gov.uk))

4 SITE PLANNING HISTORY

Reference	Description	Decision
F/0884/83/O	Layout of 3 residential building plots	Permitted 05/01/1984

5 CONSULTATIONS

- 5.1 **Whittlesey Town Council** (02/03/2023)

*Request extension of time, until meeting on 13th March.
The Town council request an extension to allow a response on Tuesday 14th March as there is no highways report on the fenland website.*

5.2 Whittlesey Town Council (16/03/2023)

The Town Council recommend refusal of this application until a satisfactory highways report is brought before the town council. There has been a failure to present a highways analysis, there are also concerns about access.

5.3 Whittlesey Town Council (15/11/2023)

The Town Council recommend refusal of this application as it has a detrimental impact on the surrounding area, there are road safety issues with the close proximity of the school. With regards to the lighting and noise assessment, if there has to be a store, we are happy with the noise assessment and lighting plan.

5.4 FDC Environmental Health

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

However, should planning permission is granted, it is recommended that the following matters are addressed by way of condition in the interests of public health;

CONTAMINATION

The content of the Phase 1 (Desk Study) Report provided by Humberside Materials Laboratory Ltd (Ref: 0088/5830/P/P1) is noted and accepted.

Based on the findings to date and recommendation for further investigation, it is suggested that this takes place and is secured by the following condition;

No development approved by this permission shall be commenced prior to a Phase 2 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 paragraph

(a). This is an iterative process, and the results of each stage will help decide if the following stage is necessary. (a) 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 (b), (c) and (d).

(b) 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.

(c) 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.

(d) 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.

LIGHTING

Owing to the close proximity of existing residential properties couple with the scale of the proposed development, a light impact assessment should be undertaken by a suitably qualified professional, and the subsequent report submitted as part of a full application in order to demonstrate to what levels nearby residential properties will be affected. The report must include an Iso contour plan and demonstrate that any street or security lighting will be within parameters set in accordance with the Institution of Lighting Professionals Guidance Note 01/21 – Reduction of Obtrusive Light, having regard to the relevant Environmental Zone, that being (E2) Rural areas

NOISE/DUST/VIBRATION

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

The development is proposed in close proximity to a number of existing noise sensitive receptors. At this stage there are no specific details submitted concerning potential noise breakout from the site by fixed plant or vehicular activity (including deliveries). It is therefore imperative that a noise impact assessment is undertaken by a suitably qualified professional, with the subsequent report submitted to the LPA. This shall be undertaken in accordance with the relevant nationally recognised acoustic standards and also provide appropriate means of mitigation were identified as being required.

5.5 FDC Environmental Health (25/10/2023)

The Environmental Health Team note the information submitted in respect of the above re-consultation.

Having observed the latest correspondence including emails outlining the predicated lighting levels in accordance with the relevant guidance and the

supporting lighting plan (Drawing LD230907-2-102), I can confirm that this service is satisfied with the artificial lighting scheme proposals.

Notwithstanding the above and in the event that planning permission is granted, this service reserves the right to investigate any complaints of alleged statutory nuisance from light overspill and/or glare where artificial lighting sources are not installed in accordance with proposals, and it subsequently leads to levels in excess of those predicated at nearby residential properties.

Previous comments provided on 02.03.2023 concerning other matters relevant to this service still apply

5.6 FDC Environmental Health (09/11/2023)

The Environmental Health Team confirm receipt of the Noise Impact Assessment (NIA) report (dated 31.10.23) provided by S. & D. Garritt Ltd.

The methodology and findings are acknowledged and accepted, with reference made to the appropriate industry recognised standards.

The NIA report states the following on Page 12:

“This assessment has been based on items of fixed plant installed at the latest comparable Lincolnshire co-operative food stores. It is possible that as the project progresses, alternative items of fixed plant may be preferred by the design team. If this is the case, then we can advise on their acoustic suitability”

It is therefore imperative when the exact manufacturing details of fixed plant equipment and specifications of noise mitigation schemes such as acoustic barriers/enclosures are confirmed, this must be submitted to and approved in writing by the Local Planning Authority. A follow-up NIA report is suggested whereby it includes the aforementioned information with updated predicated noise levels at the same measurement locations (receptors) as defined on Page 24.

The following on Page 34 is also welcomed by this service in the interests of protecting the amenity of existing nearby residents:

“For these reasons it would be acoustically desirable to ensure that the noise barrier breaks line of sight from the fixed plant to the first-floor windows of dwellings to the south, certainly from the condenser fans so that low impact is targeted by the methods of BS 4142 at all times. We can provide further acoustic design assistance on this point once the exact dimensions and location of the plant items are finalised and if cross section drawings are made available that shows plant, noise barrier location and closest dwelling to the south”

The information regarding potential noise impact from goods delivery, loading/unloading sources is accepted and considered suitable and sufficient for purpose. It is recommended that this forms part of a premises Noise Management Plan that must be adhered to in the interests of protecting the amenity of those residing in the vicinity.

Heavy goods vehicle deliveries to the site will only be permitted between the hours of 7am to 7pm Monday to Sunday (Table detailing specifics to suppliers excluded from this email due to potential supplier changes but should be included by the Co-Operative and amended as and when required). Tonal reversing alarms shall not be utilised by delivery vehicles using the site. Broadband reversing alarms or

alternative safety measures shall be implemented when delivery vehicles are reversing on site such as safety person (Banksman). In the event of a customer or member of staff identifying a vehicle using a tonal reversing alarm, then the company and vehicle registration number shall be reported to the Store Support manager.

Vehicles carrying chilled and frozen products shall turn off fridge and freezer motors whilst parked in the service bay. No electrical connections are available for these vehicles. Drivers will be advised to:

- Turn off engine;*
- Switch off radios*
- Vehicle headlights will be switched off when stationary and vehicle lights will be used for vehicle manoeuvring only, to aid safe movement;*
- The use of external alarms or speakers will be prohibited within the service yard;*
- Drivers will be advised by signage within and outside the yard, reminding staff and drivers to be quiet at all times;*
- Noise generation from vehicle manoeuvring into loadings to be kept to a minimum;*
- At all times drivers will be advised to, engage gears within minimal noise, keep engine revs to a minimum, apply brakes gently and close doors with minimal noise.*
- Lower loading plates into the correct position with minimal noise;*
- Avoid making contact with trailer walls, lift guardrails and other obstructions*
- Maintain conversation to a minimum.*

There will be no movement of stock cages or waste bins in the yard after 9pm and the surface of the service yard will be installed and maintained as a smooth surface to minimise noise from trolley, stock cage and bin wheels. The store manager is to monitor the times of the movement of cages in the service yard. Work schedules should be planned so that all movements externally should be completed by 8.30pm.

I trust that the above confirms the stance of this service at the present time, however please let me know if you require any further information.

5.7 CCC Highways (24/03/2023)

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

The applicant needs to incorporate inter-vehicular visibility splays of 2.4m x 43m, measured to the nearside carriageway edge, into their vehicular access design. The visibility must be contained within the application boundary and / or the highway boundary. Should the applicant need to procure a copy of the highway boundary, they can do so by following instructions at the link below.

<https://www.cambridgeshire.gov.uk/business/highway-searches>

There is an existing vehicular crossover at the location of the proposed bell mouth. The footway on the west side of the bell mouth needs to be reinstated at full height to protect crossing pedestrians from overrun. This is however engineering detail which can be addressed post-planning.

To aid future reviews, I would like to request the applicant dimension the site access (width and corner radii) and parking space dimensions. The access width should be between 5m and 6m and corner radii 6m. Parking spaces need to be a minimum of 2.5m x 5m.

The existing vehicular crossover proposed for removal serves as access to 6-8 March Road. An access is being re-provided through the proposed car park, but this approach is not necessarily acceptable as the existing access is directly onto the public highway while the replacement access will be within a private car park. Furthermore, changes to the boundary fencing and parking / turning area are needed for land outside the application boundary. I cannot accept the removal of access onto the public highway in absence of written acceptance from the freeholder of the land.

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

5.8 CCC Highways (10/05/2023)

The revised information has suitably addressed my previous comments and provided sufficient assurance that access to 6-8 March Road can be retained (subject to LPA agreement). However, additional detail should be provided regarding the permitted use of this building to allow me to make an informed recommendation regarding the suitability of access via the Co-op car park in close proximity to the proposed A605 junction. Detail should include permitted use class, floor areas and existing / historic uses.

The application boundary shown on the Location Plan and the Legal Plan does not appear to align with the highway boundary. The indicative mapping to which I have access indicates that a potential ransom strip between the two exists. The applicant will need to procure a copy of the verified highway extent to provide certainty that access can be achieved. The highway record extract submitted to support this application is not a verified copy of the highway boundary. This can be procured from CCC's Searches team by following the instructions at the link below. <https://www.cambridgeshire.gov.uk/business/highway-searches>

5.9 CCC Highways (24/05/2023)

I can confirm I do not object to the application. My recommended Conditions and Informatives are:

Conditions Construction Facilities: Prior to the commencement of the development hereby approved adequate temporary facilities area (details of which shall have previously been submitted to and agreed in writing with the Local Planning Authority) shall be provided clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting the site during the period of construction.

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

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

Wheel Wash Facilities: Development shall not commence until fully operational wheel cleaning equipment has been installed within the site. All vehicles leaving the site shall pass through the wheel cleaning equipment which shall be sited to ensure that vehicles are able to leave the site and enter the public highway in a clean condition and free of debris which could fall onto the public highway. The wheel cleaning equipment shall be retained on site in full working order for the duration of the development.

Off-Site Highway Works: No development shall take place until details of works to widen the footway between the vehicular site access and pedestrian access to 2m have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until all of the works have been completed in accordance with the approved details.

Informatives

Works in the Public Highway: This development may involve work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council.

5.10 CCC Ecology

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

5.11 CCC Archaeology

Thank you for your consultation with regards to the above referenced planning application. The proposed development is situated in an area of high archaeological potential near the centre of the village of Coates to the south of the March Road, the Horsey Toll to March Private Turnpike (Cambridgeshire Historic Environment Record ref MCB31388). Coates itself is situated on a raised area or 'Fen Island' to the east of Whittlesey and is an area known to be favoured in the Prehistoric and Roman times. This is evidenced in the wider landscape by a number of investigations and finds, including archaeological evaluations to the north of Coates which showed significant evidence for Bronze age and Iron age settlement as well as a possible cremation cemetery (CHER ECB1888). The end of The Fen Causeway is known to terminate around the north of Coates, this is a significant Roman trackway across the fen to the east (CHER MCB11007). Within the proposed development area itself there is a very high potential for Medieval and Post- Medieval archaeology. Immediately to the north at Kings close

archaeological investigations showed evidence of Late Medieval and post medieval activity (CHER ECB2079). To the west of the proposed development part of the buildings at 6-8 March road consist of buildings related to a Corn Mill (CHER MCB23053). The 1st edition OS map indicates a long road fronted building within the redline.

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

Archaeology Condition

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

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

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

Informatives:

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

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

5.12 Cambridgeshire Constabulary

Thank you for the opportunity to comment on this planning application. I have viewed the documents in relation to crime, disorder, and the fear of crime. There doesn't appear to be a section relating to security or crime prevention within the documents, it is important that security and crime prevention are considered and discussed at the earliest opportunity to ensure that the security of buildings, and the environment provide a safe place for visitors. I have searched the Constabulary crime and incident systems covering this location for the last 2 years a two-year period would usually provide sufficient information. I would consider this to be an

area of low risk to the vulnerability to crime at present. Whilst we have no objections to this proposed application, we need to ensure that community safety and vulnerability to crime is addressed at an early stage with this development. This proposed development should incorporate the principles of 'Secured by Design' (SBD) it needs to demonstrate that:

The layout and general appearance look to be acceptable in relation to crime prevention and the fear of crime providing reasonable levels of natural surveillance from neighbour's properties with the majority of homes facing each other, many homes have back-to-back protected rear gardens which reduces the risk and vulnerability to crime, and some have been provided with defensible space to their front. Vehicle parking in-curtilage between and to the sides of properties. The play area and open spaces with the use of footpaths should encourage natural surveillance on this development.

- Natural Surveillance of public spaces and entrance to a car park overlooked from active rooms in property's opposite.
- Defensible space and the clear definition, differentiation and robust separation of public, private and semi-private space, so that all the spaces are clearly defined and adequately protected in terms of their use and ownership.
- External lighting should be column lit all to the standard (BS5489:1 2020 or BS EN 12464-2:2014.) of an adopted road to include car park and footpaths. This office would not support bollard lighting along the pedestrian footpath or within the customer parking shared parking court areas.
- Design and layout of pedestrian, cycle, and vehicle routes into and within the site, including how these integrate with existing patterns in the village.
- Landscaping and planting ensuring there are no potential hiding places which ensures that dark or secluded areas are not created.

Door standards and certification

• Retail Entrance Doors – all door sets allowing direct access, e.g., front, and rear entrance door sets, plant rooms and fire doors will be certificated to one of the following standards:

- STS 202 Issue 3 (2011) Burglary Rating 2 or (Commercial door sets)
- LPS 2081 Issue 1 (2015) Security Rating B+

NB: The benefits of third-party certification are recognised within ADQ, Appendix A, Note 3.

The documents appear to mention glass roof, please could clarification be provided on this please see recommendation for standards below.

• Windows, roof windows and roof lights – all ground floor and easily accessible windows, shall be certificated to one of the following standards:

- PAS 24 - 2022 or
- STS 204 Issue 4:2012 or
- LPS 1175 Issue 7.2 (2014) Security Rating 1 or
- STS 202 Issue 3 (2011) Burglary Rating 1 or
- LPS 2081 Issue 1 (2015) Security Rating A

NB: Easily accessible is defined within Approved Document Q Appendix A.

• CCTV - This is not a universal solution to security problems, but 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. If external CCTV is to be installed then this should meet BS EN 50132-7: 2012+A1:2013 CCTV surveillance systems for use in security

applications, be well signed and be registered with the Information Commissioners Office. Cameras should ideally cover main entrances into the buildings, service yards, car park and cycle storage. (NSI and SSAIB accreditation is also applicable for CCTV)

- BS 7958 CCTV Management and Operation Code of Practice
 - BS 8495 Export of Digital Images
 - BS 8418 Remote Monitoring Stations
 - BS 62676 British Standard for the minimum requirements for CCTV Surveillance in security applications
- Alarms – BS EN 50131 for wired alarm systems 4 grades (to accommodate all EU requirements)
 - Buildings - loss prevention standard 1175 Burglary resistance of buildings and fences, Intruder resistance, security grills. Shutters etc. commercial risk 2,3 and 4.
 - BS 8220 – Guide for the security of Buildings against crime – comes in 3 parts and gives guidelines on security measures that can be introduced to protect against crime.
 - Offices and shops
 - Warehouse and distribution
 - External Cycle racks:
The issues we are trying to prevent are cycle hoops bolted into the ground; they need to be cemented 300mm into the floor, they should be within view of active windows. Minimum requirements for such equipment are:
 - Galvanised steel bar construction (Sheffield stands). There are now SBD tested products available.
 - Minimum foundation depth of 300mm with welded ‘anchor bar’
 - The cycle stands must facilitate the locking of both wheels and the crossbar. (Cycle crime is a problem across the County particularly Cambridge).
 - Lighting - Please could you provide a copy of the lighting plan including lux levels once available, lights within the car park should be dusk to dawn columns designed to BS5489-1:2020 or BS EN 12464-2:2014. (There are column lights with back shields that prevent excess light spill and are sympathetic to the environment these work alongside ecology for the safety of wildlife and environment!).

I would encourage the applicant considers submitting a “Secured by design” commercial 2015 application, I believe this development could attain accreditation with consultation.

5.13 Local Residents/Interested Parties

6 letters of support were received with regard to this application. 2 of these letters were from address points along Burnthouse Road, Turves with the remaining 4 letters from address points along March Road, Coates.

A further letter of support was received however no address details were provided.

The reasons for support are as follows:

- Residential Amenity
- Great addition to the village
- Current site is an eyesore
- Could slow traffic through the village
- Welcome addition to have a landscaped area

- Adequate number of bins and regular emptying of waste to minimise litter
- Goods delivery times need considering
- Late night noise and traffic
- Car headlights facing onto properties – landscaping suggested
- Average speed zone would improve safety
- Great use of brownfield site

50 letters of objection were received with regard to this application. 43 of these objections were from address points in Coates, 3 from Eastrea, 1 from Whittlesey, 1 from Thorney, 1 from Turves and 1 from March. The reasons for objection are as follows:

- Density/Over development
- Unsuitable location
- Out of character/not in keep with area
- Waste/litter
- Design/Appearance
- Access
- Anti-Social Behaviour
- Noise
- Devaluing property
- Loss of view/outlook
- Shadowing/loss of light
- Proximity to property
- Smell
- Would set a precedent
- Environmental Concerns
- Wildlife Concerns
- Local services/schools – unable to cope
- Flooding
- Light pollution
- Parking arrangements
- Residential Amenity
- Traffic or Highways
- Shop is not needed, large Aldi within 2 miles
- 2 other Coops and 2 Nisas serving Whittlesey
- Stores are expensive and stock a minimal selection of products
- 90% support for Aldi to be built, overwhelming objection to Coop
- No requirement for Coop on this land
- Something more aesthetically pleasing and functioning would be a greater addition such as a social dwelling for the public
- High traffic/pedestrian risks
- Already a speeding issue on the A605
- Pedestrian crossing predominantly used for the local school
- Impact on the existing village shop and post office – not able to compete
- Properties behind site security affected
- Traffic congestion within the car park during school hours
- Poor public transport in Whittlesey
- Dominate and obscure landscape
- Residents were not publicly notified, only one notice posted on 3rd March
- Lack of consultation with local residents
- Post office used daily by elderly, carers and vulnerable people
- Post office is situated within a conservation area so cannot be easily modified

- Traffic in and around the nearby school is dangerous
- Foul water is and continues to be an issue 2
- Zebra crossing should be moved to a more suitable location
- Bus services need improving
- No green land left soon
- Need for schools, doctors, dentist
- Measures to ensure the village shop is protected
- Coop has a monopoly on Whittlesey
- A fence sound barrier should be installed in line with the noise report
- A sound barrier is proposed – confirmation that the development will be much too close to people’s homes and should not be approved
- Measurements in noise report taken during school half term
- Decision dependent upon evidential data that bears to relation to the location proposed
- 2.4m solid brick wall and noise barrier
- Report advises that drivers should turn off engines, close doors quietly, keep revs to a minimum, tonal reversing alarms not to be used etc – cannot be realistically guaranteed that this will be adhered to

1 letter of representation was received that neither supported nor objected to the application from an address point along The Fold, Coates. The letter of representation raised concerns regarding access, parking arrangements, shadowing/loss of light and traffic/highways.

6 STATUTORY DUTY

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

7 POLICY FRAMEWORK

- 7.1 **National Planning Policy Framework (NPPF)**
 Chapter 6 – Building a strong, competitive economy
 Chapter 7 – Ensuring the vitality of town centres
 Chapter 9 – Promoting sustainable transport
 Chapter 12 – Achieving well-designed places
 Chapter 14 – Meeting the challenges of climate change, flooding and coastal change
 Chapter 15 – Conserving and enhancing the natural environment
 Chapter 16 – Conserving and enhancing the historic environment
- 7.2 **National Planning Practice Guidance (NPPG)**

7.3 **National Design Guide 2021**

Context
Identity
Built Form
Movement
Nature
Uses
Resources
Lifespan

7.4 **Fenland Local Plan 2014**

LP1 – A Presumption in Favour of Sustainable Development
LP2 – Facilitating Health and Wellbeing of Fenland Residents
LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside
LP6 – Employment, Tourism, Community Facilities and Retail
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

7.5 **Emerging Local Plan**

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

LP1 – Settlement Hierarchy
LP5 – Health and Wellbeing
LP7 – Design
LP8 – Amenity Provision
LP11 – Community Safety
LP15 – Employment
LP20 – Accessibility and Transport
LP22 – Parking Provision
LP23 – Historic Environment
LP23 – Natural Environment
LP32 – Flood and Water Management

8 **KEY ISSUES**

- **Principle of Development**
- **Impact on the Character of the area**
- **Highways and Transport**
- **Noise and Lighting**
- **Residential Amenity**
- **Flood Risk and Drainage**
- **Biodiversity**

- **Historic Environment**
- **Contamination**
- **Other Matters**

9 ASSESSMENT

Principle of Development

- 9.1 Policy LP3 sets out the spatial strategy for the district's growth and seeks to direct the majority of growth to the 4 market towns; March, Wisbech, Whittlesey and Chatteris, seen to be the most sustainable of all Fenland's Settlements. Policy LP3 designates Coates as a Limited Growth Village. For these 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.
- 9.2 In respect of retail development, LP6 seeks to direct new retail development to existing centres. Coates is not an identified centre. Notwithstanding the direction of the policy, retail development elsewhere is not completely prevented. As the development falls below the threshold above which the impact of the proposal on existing centres has to be considered, it is considered that the scale of the proposal is appropriate to its location. The site is well located to the A605 which is the main road running through Coates and surrounding residential properties and in compliance with Policy LP3, introduces new service provision which is considered acceptable in Limited Growth Villages.
- 9.3 The principle of development is therefore considered to be acceptable, subject to further policy consideration outlined below.

Impact on the Character of the Area

- 9.4 The building proposed is a modern single-storey L-shaped building with dual-pitched roof to the main part of the building and a hipped roof to the back of house area. The building is not considered to look out of character with the surroundings, given the mixture of styles and scales of built forms in the vicinity. The proposed building is to be finished in a buff brick which is consistent with neighbouring properties within the vicinity. In visual impact terms, the overall appearance of the development would comply with the aims of FLP policy LP6 and LP16(d).
- 9.5 The layout, as with the design of the building, is consistent with similar convenience foodstores in the district and includes adequate circulation for shoppers and delivery vehicles. Above policy-levels of car parking have been proposed (having regard to Appendix A of the FLP which indicates 16 spaces for this scheme). The scheme would also incorporate 3 bicycle stands providing 6 bicycle spaces. The layout also demonstrates the inclusion of appropriate footways within the site, in order to connect the site with the existing footpaths along March Road.
- 9.6 The landscaping would include a mixture of hedge planting, tree planting, planting beds and ground cover planting. A community garden would be situated to the

front of the site adjacent to the proposed pedestrian access. It is considered that the proposed soft landscaping scheme is acceptable and would provide sufficient visual interest and be appropriate to the planting locations proposed.

- 9.7 However, for completeness, it is considered that a landscape management plan should be secured by condition; such to satisfactorily accommodate the planting proposed and support the long-term maintenance of the soft landscaping proposed.
- 9.8 Overall, subject to the imposition of conditions, it is considered that the proposed development would not have a significant detrimental impact upon visual amenity but would make a positive contribution towards the character of the area through the development of this site. In this regard, the proposed development is considered to be compliant with the aims of the NPPF and the FLP.

Highways and Transport

- 9.9 Adequate parking provision is to be provided in accordance with Appendix A as discussed above.
- 9.10 The scheme includes the provision of new vehicle and pedestrian accesses into the site, and it is acknowledged that a number of objections have been received raising concerns regarding highways safety. Notwithstanding this however, CCC Highways have raised no objections to the scheme subject to conditions regarding construction facilities, highway drainage, restriction of gates, wheel wash facilities provision and off-site highway works.
- 9.11 The off-site highway works include the widening of the footway between the vehicular site access and pedestrian access, which will be required prior to development to ensure adequate access to the site is achieved.
- 9.12 The proposed new access would result in the removal of an existing access serving 6-8 March Road, however the officer at CCC Highways has confirmed that re-instating this access would unlikely materially obstruct the site access based on the last known use of the site.
- 9.13 It is therefore considered that the scheme is considered acceptable with regards to highway safety in compliance with Policy LP15.

Noise and Lighting

- 9.14 The application is accompanied by a Noise Impact Assessment which concludes that the sound from the operation of the proposed Co-Op store is predicted to comply with relevant guidance documents and standards if the advice and recommendations within the report are followed.
- 9.15 Upon consultation with FDC Environmental Health, the methodology and findings within the report are acknowledged and accepted. The comments provided acknowledge that the noise impact assessment has been based on items of fixed plant being installed and thus should permission be granted, a condition will be secured to ensure exact manufacturing details of such fixed plant equipment and acoustic barriers/enclosures are confirmed through the imposition of a follow up Noise Impact Assessment.

- 9.16 The FDC Environmental Health officer has also confirmed that the potential noise impact from goods delivery, loading/unloading sources is accepted and considered suitable. It is recommended that a premises Noise Management Plan is also conditioned should permission be granted in the interest of protecting the amenity of neighbouring properties.
- 9.17 It is acknowledged that a number of the letters of objection raised concerns regarding potential noise impacts from the proposed development. Upon consultation with FDC Environmental Health, no objections have been raised with regard to the proposed development, subject to conditions requiring the submission of a Construction Environmental Management Plan in order to protect the amenity of existing nearby residents during construction.
- 9.18 Due consideration has also been given to the proximity of the existing residential properties and the likely noise and disturbance arising from the operation of the retail store from the site. FDC Environmental Health raised no objection to the Noise Impact Assessment subject to conditions.
- 9.19 In addition to this, due consideration must be given to the previous use of the site for B8 storage or distribution, which whilst ceased, remains capable of resurrection and thus is capable of generating of significant noise.
- 9.20 It is therefore considered that the proposed development would have negligible noise impact upon neighbouring residential properties and is thus compliant with Policy LP2 and LP16.
- 9.21 The application is also accompanied by a Lighting Plan. It is acknowledged that some of the letters of objection received raise concern with regard to potential light impacts. Upon consultation with FDC Environmental Health, no objections have been raised to the lighting plan submitted and it is therefore unlikely that the lighting proposed will adversely impact upon surrounding residential amenity.
- 9.22 Notwithstanding the above and in the event that planning permission is granted, FDC Environmental Health reserve the right to investigate any complaints of alleged statutory nuisance from light overspill and/or glare where artificial lighting sources are not installed in accordance with proposals, and it subsequently leads to levels in excess of those predicated at nearby residential properties.
- 9.23 It is therefore considered that the proposed development would have negligible lighting impacts upon neighbouring residential properties and is thus compliant with Policy LP2 and LP16.

Residential Amenity

- 9.24 Residential properties are situated immediately to the east and south of the site. The closest residential properties are situated at 49 Barnfield Gardens (approximately 4.6 metres south of the proposed building) and 20 March Road (approximately 5.3 metres east of the proposed building).
- 9.25 The proposed building would have a maximum height of circa 6.5 metres and therefore it is acknowledged that the building would be visible from the surrounding residential properties. However, given the single-storey nature of the building, it is unlikely that the building would appear significantly visually

overbearing to these properties, nor would it introduce any significant overshadowing impacts.

- 9.26 Similarly, the fenestration proposed will be situated upon the principal elevation of the building and therefore will not introduce any adverse overlooking impacts upon these neighbouring properties.
- 9.27 The south-west boundary of the site would be enclosed with a 2.5m brick wall, the south-east and north-east boundary of the site would be enclosed with a 1.8m close boarded timber fence. The site as existing is enclosed with a close-boarded timber fence. The 2.5m brick wall will partially obscure the development from adjacent neighbouring properties and therefore is not considered to introduce any adverse detrimental impacts upon residential amenity.
- 9.28 Neighbour objections have been received with regard to devaluation of property and loss of view. These factors are not material planning considerations and therefore cannot be used to justify refusal of an application.

Flood Risk and Drainage

- 9.29 The site is less than 1ha and lies within Flood Zone 1, as shown on the Environment Agency's indicative Flood Risk Maps. Surface water drainage will be considered as part of the Building Regulations process.

Biodiversity

- 9.30 The application is accompanied by a preliminary ecological appraisal which notes that no physical evidence or field signs of protected species were identified within the survey area. The report notes that precautionary measures should include vegetation removal outside of nesting season or after inspection to confirm no nests are present and a search for evidence of hedgehogs should be carried out immediately before any taller or dense vegetation is removed. It is acknowledged that a large area of hardstanding is present on site which therefore supports very limited vegetation on site.
- 9.31 It is therefore considered that the scheme is unlikely to detrimentally impact upon biodiversity or upon protected species and is therefore considered to be compliant with Policy LP19.

Historic Environment and Archaeology

- 9.32 The application is accompanied by a heritage statement given that the site is situated adjacent to the Coates Conservation Area.
- 9.33 It is acknowledged that this brown field redundant site makes a negative contribution to the area and therefore it is considered that the development on site would enhance the character appearance of the surrounding area and consequently the adjacent conservation area.
- 9.34 The application site is also situated within an area of high archaeological potential. Upon consultation with CCC Archaeology, no objection has been raised to the scheme subject to a programme of archaeological investigation being undertaken prior to the commencement of development on site.

9.35 As such, it is considered that the scheme is compliant with Policy LP18.

Contamination

9.36 The application is accompanied by a Phase 1 (Desk Study) which notes the findings on site to date as well as the recommendation for further investigation on site. As such, upon consultation with FDC Environmental Health, should permission be granted, a condition will be secured to ensure that a Phase 2 assessment and associated remedial strategy is submitted and approved by the LPA to ensure that contamination on site is adequately addressed.

Other Matters

9.37 A number of letters of objection have been received with regard to this application which have predominantly been addressed within the assessment above. The outstanding comments will be addressed below.

9.38 The objections received raised concern with regard to anti-social behaviour as a result of the development. Upon consultation with Cambridgeshire Constabulary, no objections were raised with regard to scheme as the area is considered to be an area of low risk to the vulnerability of crime.

9.39 Concerns were also raised with regard to local services such as schools, dentists, doctors being able to cope. As the proposal is for a Class E retail use, it's unlikely that the scheme would materially impact upon existing services within the village and thus cannot be used as a reason to refuse the application.

9.40 A number of the letters received raised concern with regard to the proposed development and the potential impacts this may have on the existing village shop and post office, given that there is a presence of Co-op stores within Whittlesey as well as the recent construction of an Aldi approximately 2 miles from the site. Whilst we these concerns are acknowledged; business competition is not a material planning consideration and as such cannot be used as a reason to refuse the application.

9.41 Similarly, concerns were raised with regard to the potential stock within the store with the suggestion that the shop provide products that are not available in the existing village shop as a protection measure. The stock within the store cannot be reasonably conditioned as part of the planning process.

9.42 Some of the letters suggested that an alternative service be provided on the site such as a social dwelling for the public, doctors surgery or dentist. The application has to be considered on its merits and whether the proposed use complies with existing planning policies.

9.43 The letters of objection also noted that residents were not publicly notified of the planning application. In line with the Fenland District Council Statement of Community Involvement, a site notice was erected directly outside of the site on 1st March 2023.

10 CONCLUSIONS

10.1 The scheme aligns with both local and national policy as detailed within the assessment section above. The scheme is considered to be acceptable in terms of

visual and residential amenity. No objections have been raised with regard to the scheme from statutory consultees subject to conditions and therefore the scheme is considered to comply with Policy LP1, LP2, LP3, LP6, LP13, LP14, LP15, LP16, LP17, LP18 and LP19 of the Fenland Local Plan 2014.

11 RECOMMENDATION

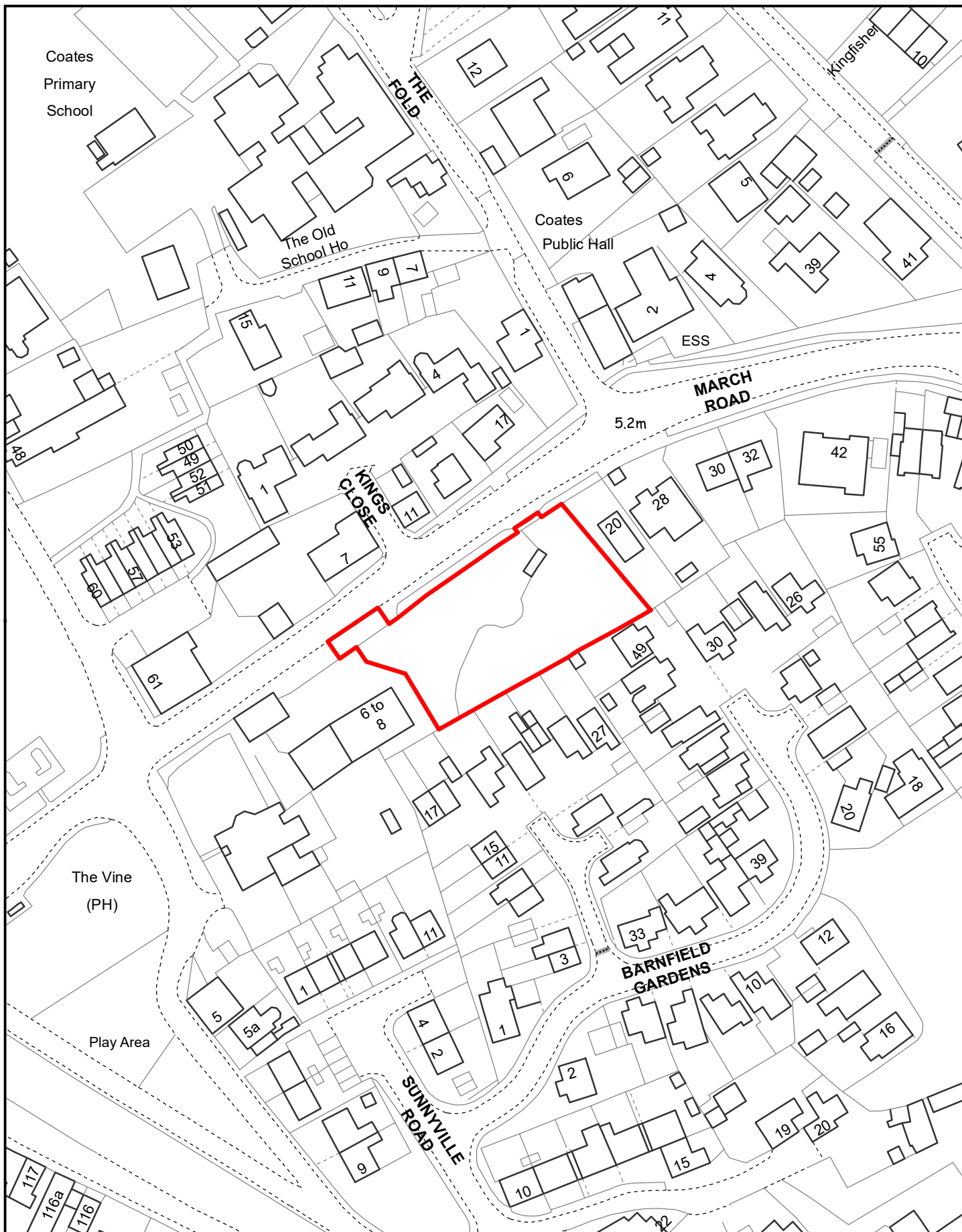
11.1 Grant, with the following conditions:

1	<p>The development permitted shall be begun before the expiration of 3 years from the date of this permission.</p> <p>Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
Highways Conditions	
2	<p>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.</p> <p>Reason – In the interests of the safe operation of the highway in compliance with Policy LP15.</p>
3	<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 compliance with Policy LP15.</p>
4	<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 – To ensure the permanent availability of the parking/manoeuvring area, in the interests of highways safety in compliance with Policy LP15.</p>
5	<p>Development shall not commence until fully operational wheel cleaning equipment has been installed within the site. All vehicles leaving the site shall pass through the wheel cleaning equipment which shall be sited to ensure that vehicles are able to leave the site and enter the public highway in a clean condition and free of debris which could fall onto the public highway. The wheel cleaning equipment shall be retained on site in full working order for the duration of the development.</p> <p>Reason – In the interests of highway safety in compliance with Policy LP15.</p>
6	<p>No development shall take place until details of works to widen the footway between the vehicular site access and pedestrian access to 2m have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until all of the works have been completed in accordance with the approved details.</p> <p>Reason – In the interests of safe operation of the highway and protection of general residential amenity in accordance with policy LP15 and LP16.</p>
Environmental Health Conditions	
7	<p>No development approved by this permission shall be commenced prior to a</p>

	<p>Phase 2 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 paragraph</p> <p>(a). This is an iterative process, and the results of each stage will help decide if the following stage is necessary. (a) 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.</p> <p>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 (b), (c) and (d).</p> <p>(b) 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.</p> <p>(c) 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.</p> <p>(d) 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.</p> <p>Reason - To control pollution of land or water in the interests of the environment and public safety in compliance with Policy LP2 and LP16.</p>
8	<p>The development hereby approved shall be carried out in accordance with the S. & D. Garritt Ltd. Noise Impact Assessment dated 31st October 2023.</p> <p>Reason - To safeguard the residential amenity of neighbouring occupiers with regard to noise impacts, in accordance with policies LP2 and LP16.</p>
9	<p>Notwithstanding condition 8, no development approved by this permission shall be commenced prior to the submission of full manufacturing details of fixed plant equipment and specifications of noise mitigation schemes, including acoustic barriers and enclosures for approval by the LPA. The development shall not be brought into use until all of the works have been completed in accordance with the approved details.</p> <p>Reason - To safeguard the residential amenity of neighbouring occupiers, in accordance with policies LP2 and LP16.</p>
10	<p>Prior to first occupation of the development, the developer shall be responsible for the provision and implementation of a Noise Management Plan to be agreed in</p>

	<p>writing with the Local Planning Authority. The Noise Management Plan shall include management of noise impact from goods delivery and loading/unloading sources.</p> <p>Reason - To safeguard the residential amenity of neighbouring occupiers, in accordance with policies LP2 and LP16.</p>
11	<p>Prior to any work commencing on the site a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority regarding mitigation measures for noise, dust and lighting during the construction phase. These shall include, but not be limited to, other aspects such as access points for deliveries and site vehicles, and proposed phasing/timescales of development etc. The CEMP shall be adhered to at all times during all phases.</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. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted</p>
	Archaeology
12	<p>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:</p> <p>a) the statement of significance and research objectives;</p> <p>b) The programme and methodology of investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;</p> <p>c) The timetable for the field investigation as part of the development programme;</p> <p>d) The programme and timetable for the analysis, publication & dissemination, and deposition of resulting material and digital archives.</p> <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 2019).</p>
	Ecology conditions
13	<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</p>

	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.
14	<p>The development shall only be carried out in accordance with all of the recommendations for mitigation and compensation set out in the Preliminary Ecology Appraisal (CBE Consulting dated 24 July 2023) which details the methods for maintaining the conservation status Breeding Birds, unless otherwise approved in writing by the local planning authority or varied by a European Protected Species licence subsequently issued by Natural England.</p> <p>Reason - 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>
	Approved Plans/Documents
14	<p>CBE Consulting Preliminary Ecological Appraisal dated 24 July 2023</p> <p>Drawing J2232-00103 Rev C Proposed Block Plan Drawing J2232-00104 Rev C Proposed Site Layout Drawing 6883/100 Rev P1 Surface and Foul Drainage Schematic Layout Drawing CHS 22-131-01 Topographical Survey Drawing J2232-00101 Rev B Site Location Plan Drawing J2232-00102 Rev B Existing Block Plan Drawing J2232-00105 Rev B Existing and Proposed Site Sections Drawing J2232-00106 Rev B Proposed Plans Drawing J2232-00107 Rev B Proposed Elevations Drawing J2232-00108 Rev B Proposed Elevations Drawing J2232-00109 Rev B Contextualised Elevation Studies Drawing J2232-00110 Rev B Proposed Boundary Treatments Drawing J2232-00111 Rev B Design Development Study Drawing SK001 Swept Path Analysis Drawing SK002 Swept Path Analysis Drawing SK003 Swept Path Analysis Drawing SK004 Swept Path Analysis Phase 1 (Desk Study) Report Parts 1-4 Surface Water Drainage Strategy Drawing LD230907-2-102 Lighting Plan Noise Impact Assessment Dated 31st October 2023</p>



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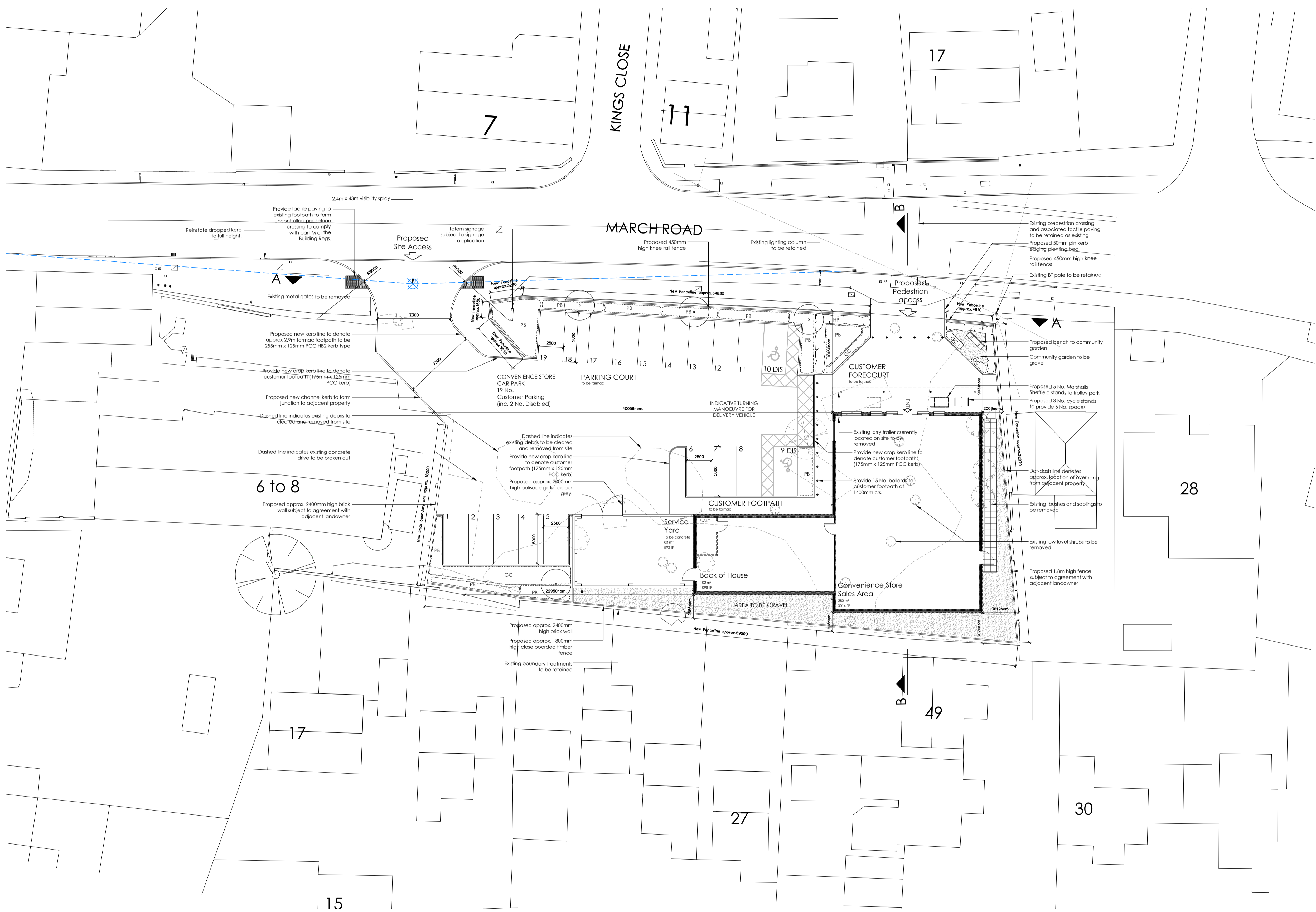
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Proposed soft landscaping legend

- GC** Ground cover:
groundcover planting to be mixture of:
Buddleja Royal Red, to be planted at 1250 ctrs. 5/sq m
Rudus
Euonymus Fortunei 'Silver Queen', to be planted at 500 ctrs. 3/sq m
Choiya Ferrata, to be planted at 1250 ctrs. 5/sq m
Procumbent Rose, to be planted at 300 ctrs. 0.2/sq m
Rudus
All in prepared ground with compost beds 150mm deep with 100mm bark mulch
All plants to be pot grown 30-60cm
- PB** Planting bed:
Planting beds to be a mixture of:
Lavandula, to be planted at 800 ctrs. 1.8/sq m
Wolonia Coerulea 'Nocturne', to be planted at 300 ctrs. 0.2/sq m
Rudus
Procumbent Rose, to be planted at 300 ctrs. 0.2/sq m
Santolina Chamaecyparissus, to be planted at 500 ctrs. 0.8/sq m
Rudus
Weigela Red Prince, to be planted at 800 ctrs. 1.8/sq m
Choiya Ferrata, to be planted at 1250 ctrs. 5/sq m
Weigela Red Prince, to be planted at 800 ctrs. 1.8/sq m
Rudus
All in prepared ground with compost beds 150mm deep with 100mm bark mulch
All plants to be pot grown 30-60cm
- T** Tree planting:
all trees to be standard 1.5 - 1.8m high, suitably staked and tied.
- HP** Hedge planting:
Beech, Fagus sylvatica, 80-100cm
Planted 300mm apart in double staggered row, (7No per linear metre).

Proposed hard landscaping legend

- CS** cycle stands & trolley park:
Provide 3 No. Marshalls Sheffield stands for secure cycle parking fixed with 150mm x 150mm x 6mm base plate & tamper proof bolts
Provide 5 No. Marshalls Sheffield stands to trolley park area fixed with 150mm x 150mm x 6mm base plate & tamper proof bolts
- B** bollards:
To be 178mm dia stainless steel tube bollards set in 450 x 450mm concrete foundation to finish 1200mm above finished ground level

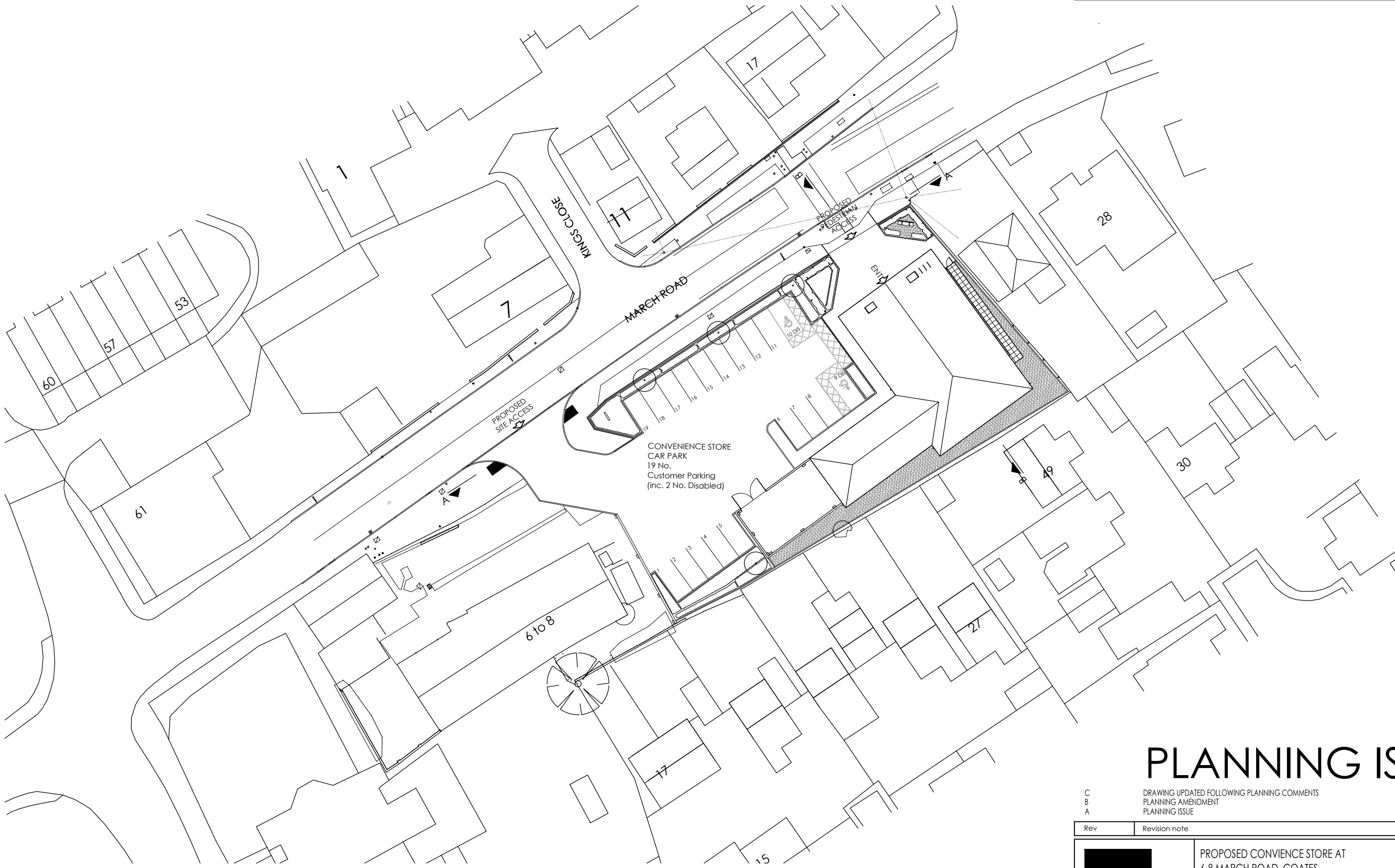
Proposed Site layout (Scale 1:200)

PLANNING ISSUE

C	DRAWING UPDATED FOLLOWING PLANNING COMMENTS	31.03.2023	ST
B	PLANNING AMENDMENT	08.02.2023	ST
A	PLANNING ISSUE	23.12.2022	SW

Rev	Revision note	Date	Drawn by
1	PROPOSED CONVENIENCE STORE AT 6 - 8 MARCH ROAD, COATES FOR THE LINCOLNSHIRE CO-OPERATIVE		
2	Drawn by ST	Checked	Date NOV 22
3	Scale 1:200 @A1		
4	PROPOSED SITE LAYOUT	Dwg No J2232 - 00104	Rev C

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PLANNING ISSUE

C	DRAWING UPDATED FOLLOWING PLANNING COMMENTS	31.03.2023	ST
B	PLANNING AMENDMENT	08.02.2023	ST
A	PLANNING ISSUE	23.12.2022	SW

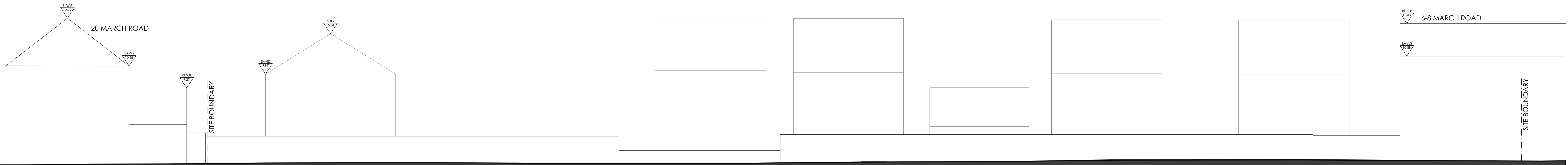
Rev	Revision note	Date	Drawn by
	PROPOSED CONVENIENCE STORE AT 6-8 MARCH ROAD, COATES FOR THE LINCOLNSHIRE CO-OPERATIVE		
	Drawn by	Checked	Date
	ST		DEC 22
	PROPOSED BLOCK PLAN	Dwg No	Scale
		J2232-00103	1:500 @A3
		Rev	
		C	

Proposed Block Plan (Scale 1:500)

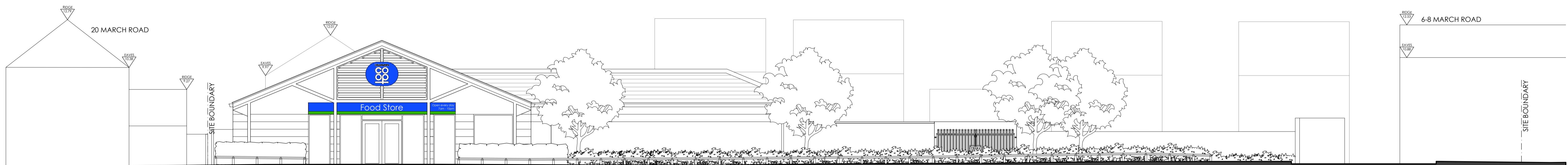


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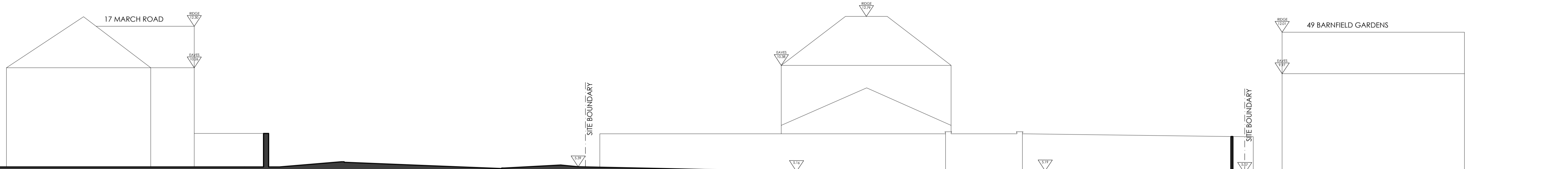
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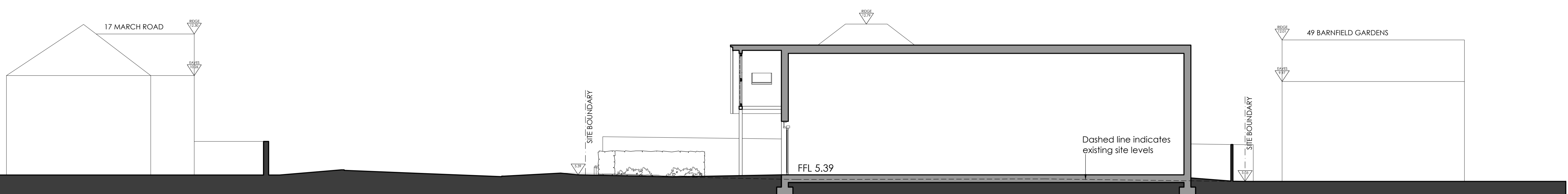
Existing Site Section A-A



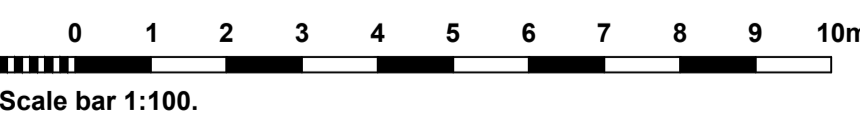
Proposed Site Section A-A



Existing Site Section B-B



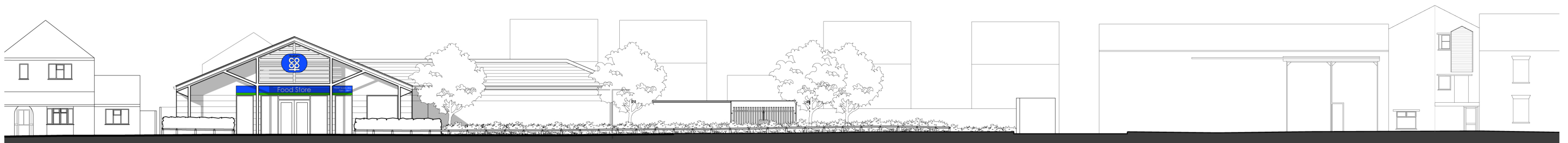
Proposed Site Section B-B (Scale 1:100)



PLANNING ISSUE

Rev	Revision note	Date	Drawn by
ST	PROPOSED CONVENIENCE STORE AT 6 - 8 MARCH ROAD, COATES FOR THE LINCOLNSHIRE CO-OPERATIVE	DEC 22	ST
ST	EXISTING AND PROPOSED SITE SECTIONS	J2232 - 00105	Rev B

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March Road Elevation

Contextualised Elevation Studies

NOT TO SCALE

PLANNING ISSUE

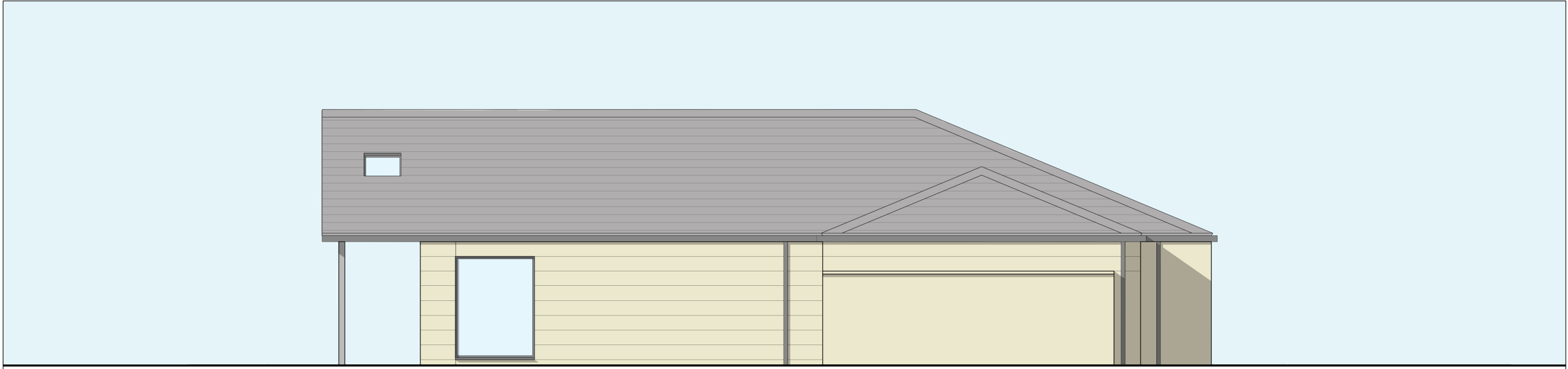
B PLANNING AMENDMENT 08.02.2023 ST
 A PLANNING ISSUE 21.12.22 ST

Rev	Revision note	Date	Drawn by
	PROPOSED CONVENIENCE STORE AT 6-8 MARCH ROAD, COATES FOR THE LINCOLNSHIRE CO-OPERATIVE		
	Drawn by ST	Checked	Date DEC 22
	Scale NTS	Dwg No J2232 - 00109	Rev B
	CONTEXTUALISED SITE ELEVATION STUDIES NOT TO SCALE A3		

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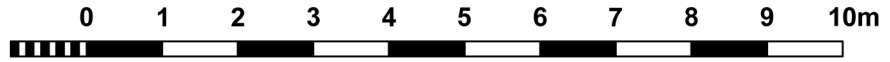


Proposed Front Elevation



Proposed Side Elevation

Proposed Elevations



Scale bar 1:100.

PLANNING ISSUE

B	PLANNING AMENDMENT	08.02.2023	ST
A	PLANNING ISSUE	23.12.2022	SW

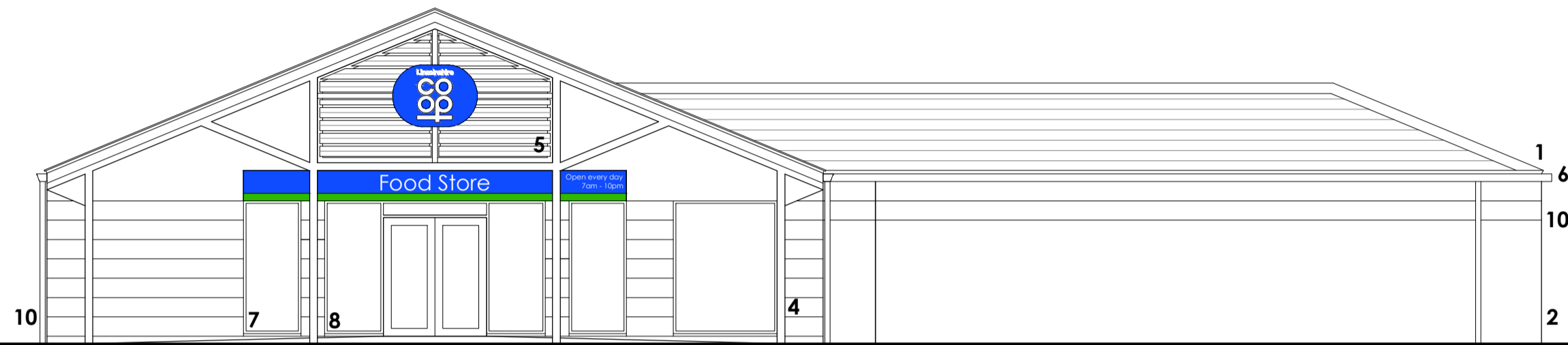
Rev	Revision note	Date	Drawn by
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<p>Framework Architects</p>	PROPOSED CONVENIENCE STORE AT 6-8 MARCH ROAD, COATES FOR THE LINCOLNSHIRE CO-OPERATIVE			
	Drawn by ST	Checked	Date DEC 22	Scale 1:100 @A3
	COLOUR ELEVATIONS		Dwg No J2232 - 00108	Rev B

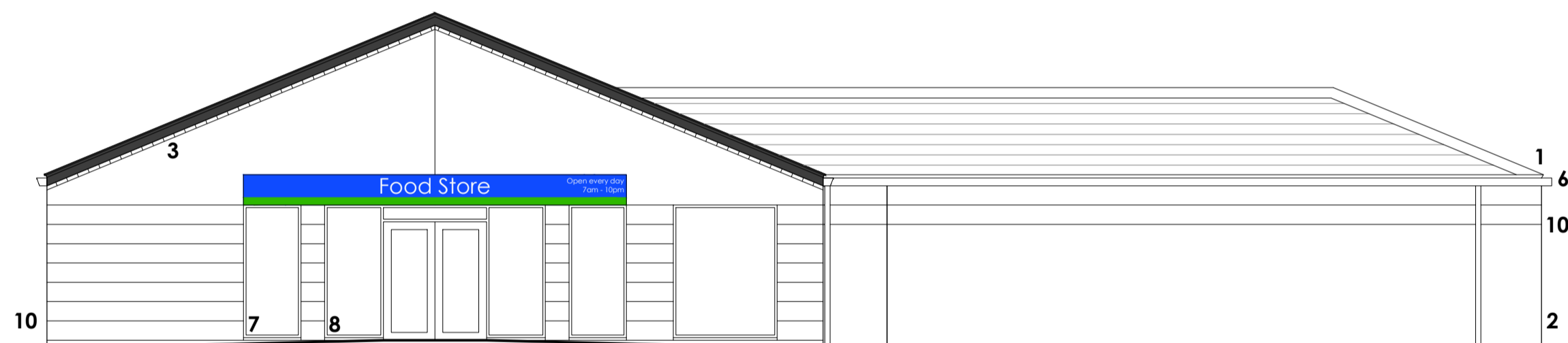
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MATERIALS

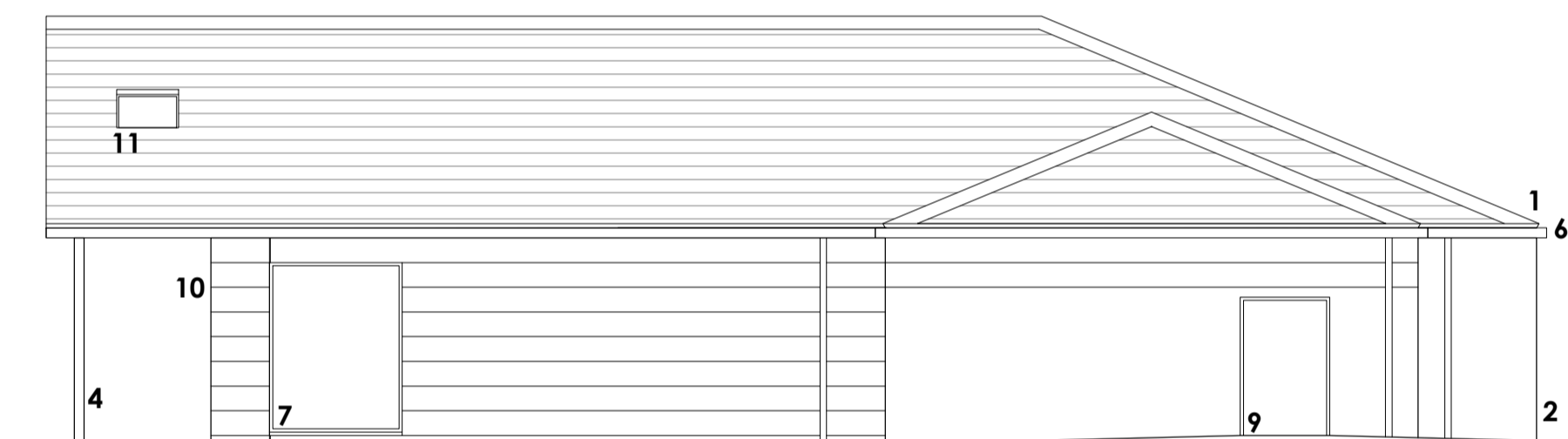
- 1. Roof - Grey interlocking artificial slate tiles
- 2. Walls - Buff facing brickwork
- 3. Verge Brick Detailing - Buff facing brickwork
- 4. Canopy - Feature steel canopy truss, colour grey
- 5. Timber Cladding - Horizontal panels, colour grey
- 6. Rainwater Goods - Powder coated aluminium, colour dark grey
- 7. Windows - Powder coated aluminium, colour dark grey
- 8. Shopfront - Powder coated aluminium, colour dark grey
- 9. Service Door - Steel, colour grey
- 10. Brick Detailing - Recessed Mortar Joints
- 11. Glazed roof light to canopy



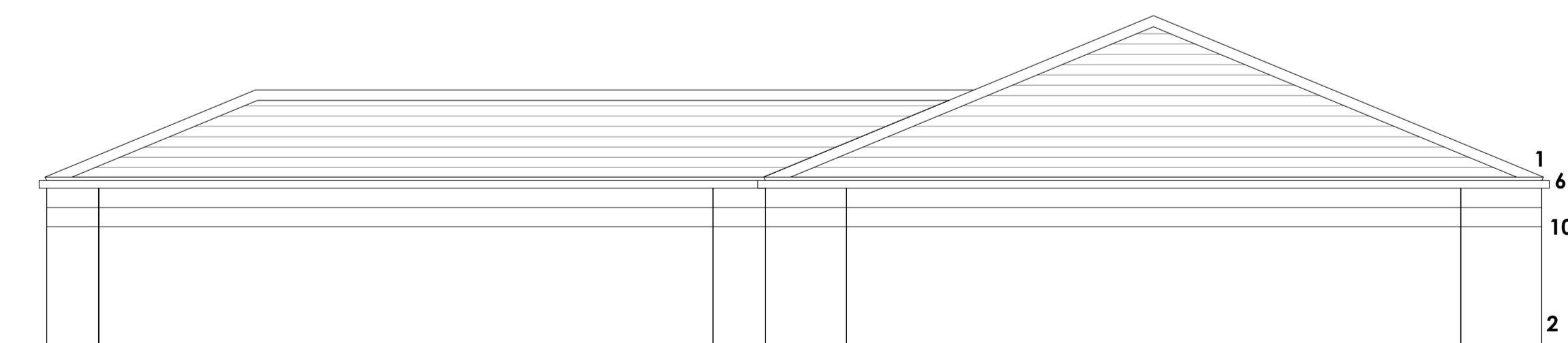
Front Elevation



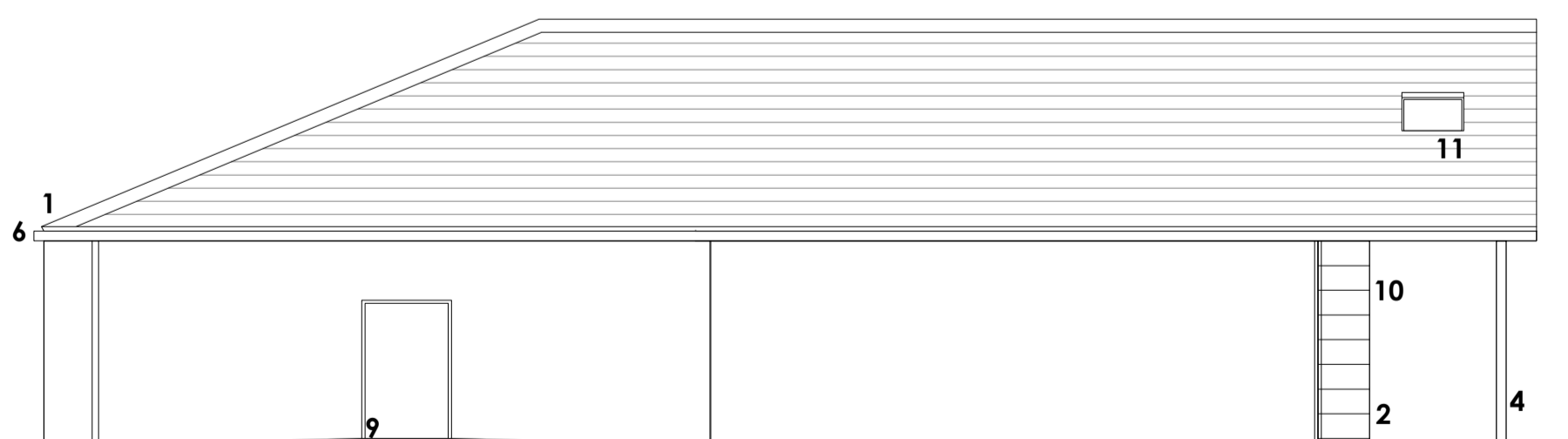
Front Elevation (through canopy)



Side Elevation

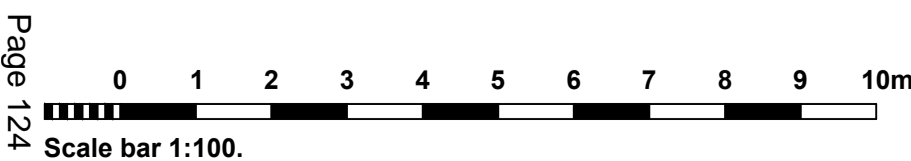


Rear Elevation



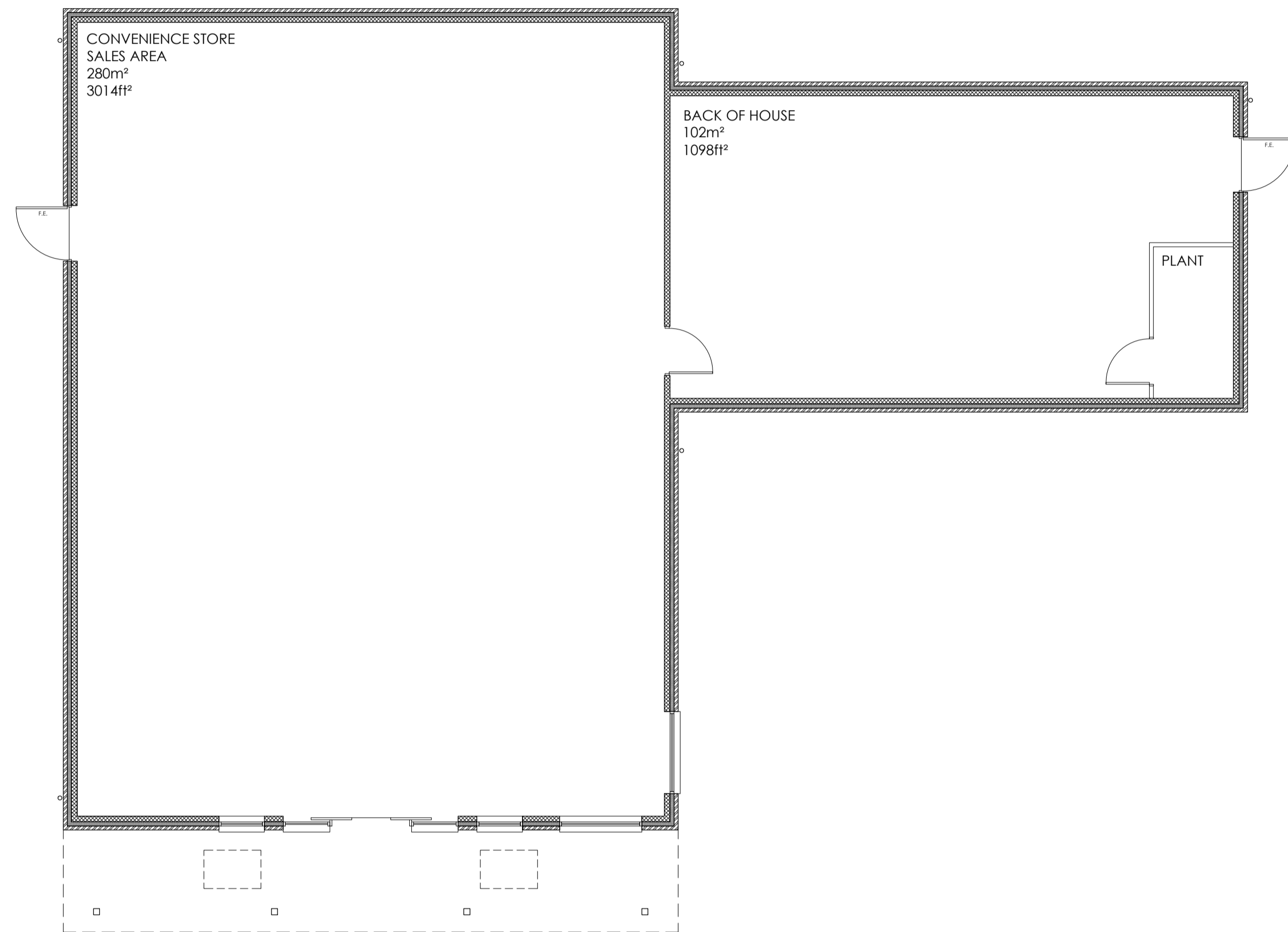
Side Elevation

Proposed Elevations (Scale 1:100)

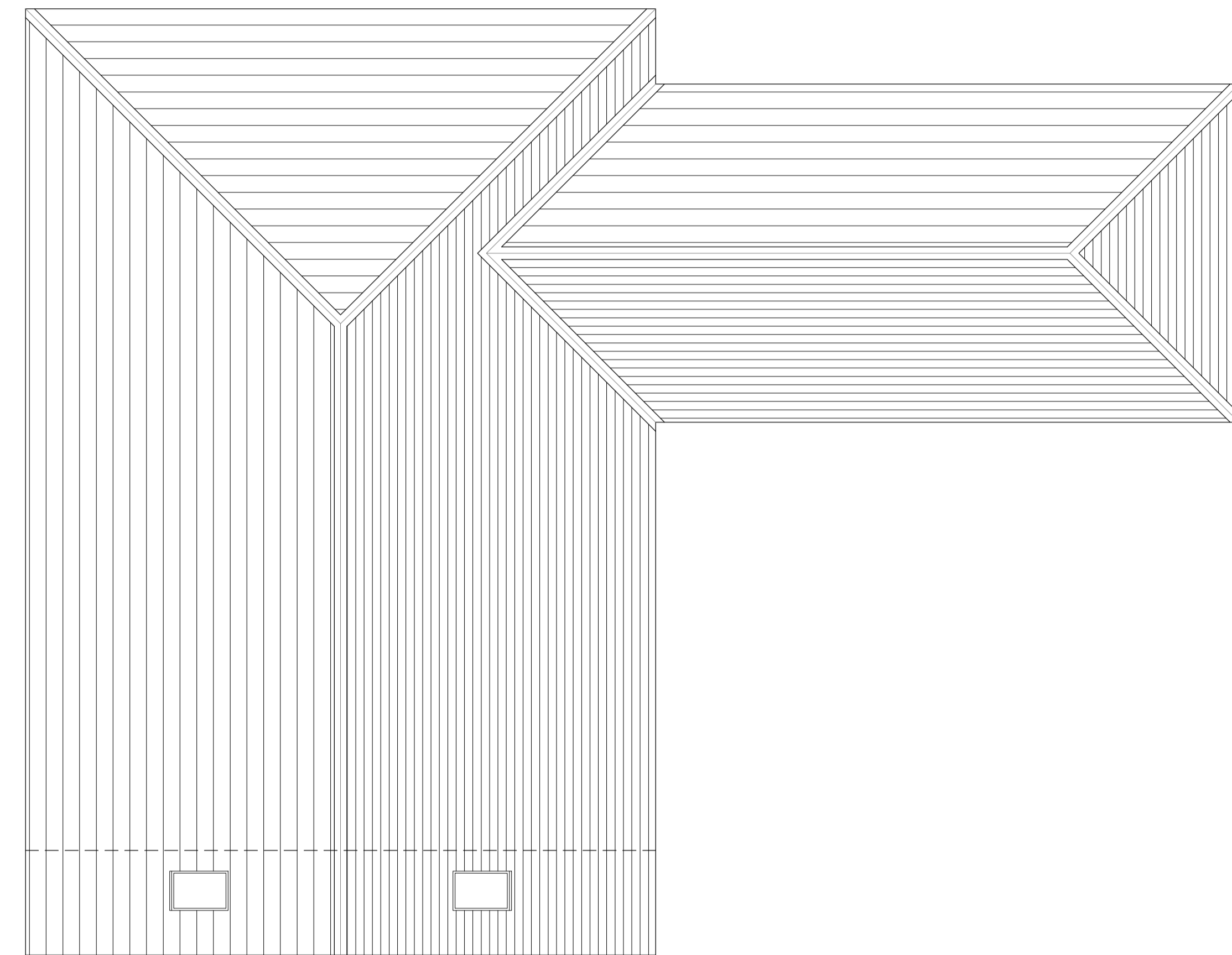


PLANNING ISSUE

Rev	Revision note	Date	Drawn by
8	PLANNING AMENDMENT	03/12/2022	ST
A	PLANNING ISSUE	23/12/2022	SW
	PROPOSED CONVENIENCE STORE AT 6 - 8 MARCH ROAD, COATES FOR THE LINCOLNSHIRE CO-OPERATIVE		
	Drawn by	Checked	Date
	ST		DEC 22
			Scale
			1:100 @A1
	PROPOSED ELEVATIONS	Dwg No	Rev
		J2232 - 00107	B

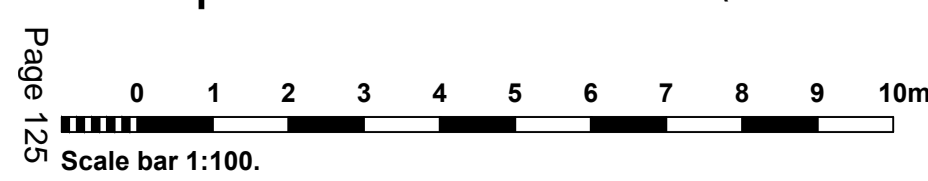


Ground Floor Plan



Roof Plan

Proposed Plans (Scale 1:100)



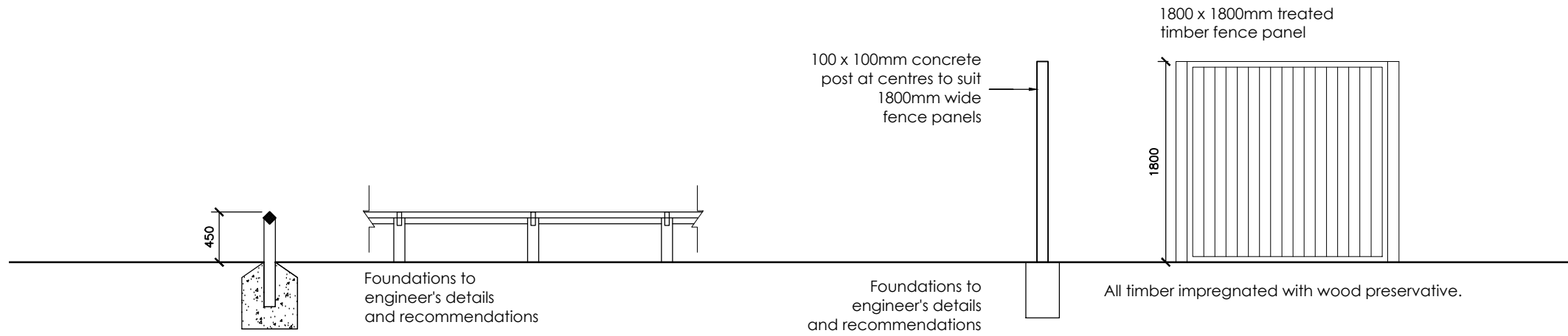
Page 125

PLANNING ISSUE

Rev	Revision note	Date	Drawn by
8	PLANNING AMENDMENT	03/12/2022	ST
A	PLANNING ISSUE	23/12/2022	SW

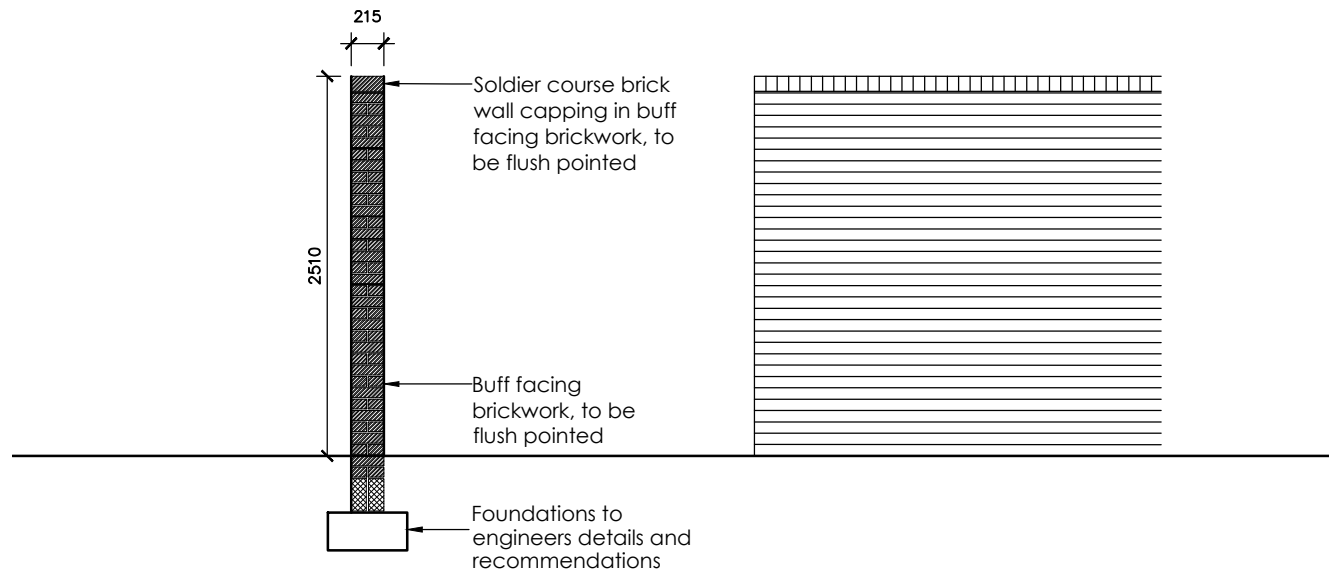
PROPOSED CONVENIENCE STORE AT 6 - 8 MARCH ROAD, COATES FOR THE LINCOLNSHIRE CO-OPERATIVE			
Drawn by	Checked	Date	Scale
ST		DEC 22	1:100 @A1
PROPOSED PLANS		Dwg No	Rev
		J2232 - 00106	B

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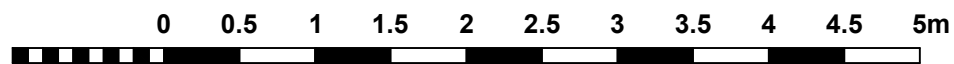
450mm KNEE RAIL

1800mm CLOSE BOARDED FENCING PANEL



2510mm BRICK WALL

Proposed Boundary Treatments (scale 1:50)



Scale bar 1:50.

PLANNING ISSUE

B	PLANNING AMENDMENT	08.02.2023	ST
A	PLANNING ISSUE	23.12.2022	ST
Rev	Revision note	Date	Drawn by
	PROPOSED CONVENIENCE STORE AT 6-8 MARCH ROAD, COATES FOR THE LINCOLNSHIRE CO-OPERATIVE		
	Drawn by ST	Checked	Date DEC 22
	PROPOSED BOUNDARY TREATMENTS	Dwg No J2232 - 00110	Scale 1:50 @A3
	Framework Architects		Rev B

F/YR23/0228/F

Applicant: Mr Ben Cobbin

**Agent: Mr Connor White
Swann Edwards Architecture Limited**

Land North Of 3 Gore Villas, Mill Road, Murrow, Cambridgeshire

Erect 1 x dwelling (2-storey 5-bed)

Officer recommendation: REFUSE.

Reason for Committee: Six letters in support of the application have been received.

1. EXECUTIVE SUMMARY

- 1.1. The submitted planning application seeks planning permission for the erection of one, 5-bedroom dwelling. The application site is on the north side of Mill Road, to the west of no.24 Mill Road and to the north (rear) of no. 3 Gore Villas and within the settlement of Murrow which is identified within the settlement hierarchy as a `Small Village` (Policy LP3).
- 1.2. In `Small Village` settlements, development will be considered on its merits but will normally be of a very limited nature and normally be limited in scale to residential infilling or a small business opportunity. The site does not constitute an infill form of development as the proposed dwelling would encroach into the countryside and be indicative of adverse backland development, which would prejudice the linear pattern of frontage development along Mill Road and appear at odds with the local character. Moreover, the proposal would fail to make a positive contribution towards the local distinctiveness and character of the area.
- 1.3. The site lies in Flood Zone 3, the highest risk of flooding. No evidence has been submitted by the applicant demonstrating why the site should be developed as sequentially no other more suitable land with a lower risk of flooding available. As such, the proposal fails the Sequential Test.
- 1.4. The site lies in close proximity to a watercourse and is not accompanied by a preliminary ecological survey or any subsequent species surveys as may be necessary. Therefore, the local planning authority is unable to assess the impact of the proposal upon protected species and habitats as is its public duty.
- 1.5. In conclusion, the proposal would conflict with paragraphs 162 -167 & 180 of the National Planning Policy Framework (2023), Section 40 of the Natural Environment and Rural Communities Act (2006) and Policies LP3, LP12, LP16 & LP19 of the Fenland Local Plan (2014).
- 1.6. Therefore, the planning application is recommended for refusal.

2. SITE DESCRIPTION

- 2.1. The application site known locally as, `The Paddocks` is situated on the north side of Mill Road, to the west of no.24 Mill Road and to the north (rear) of no. 3 Gore Villas. The land is currently undeveloped, with an existing access from Mill Road to the south. The immediate surrounding area is predominately residential consisting of two-storey detached dwellings with agricultural land beyond. The parade of properties to the east comprises linear frontage development (nos. 16 – 24 Mill Road). There is a riparian drain to the north and east which borders the site.
- 2.2. The site is located within Flood Zone 3 (high risk).

3 PROPOSAL

- 3.1 The submitted planning application seeks full planning permission for the erection of one, detached, five-bedroom dwelling and a detached garage.
- 3.2 The proposed dwelling would be of a two-storey form and would benefit from a gable roof with two front facing pitch features and one rear facing pitch feature. The proposed garage (double bay) would be single storey finished with a pitched roof. A large garden area is proposed to the side (west) of the site and a parking and turning area proposed to the south of the site.
- 3.3 The application site seeks to make use of the existing access serving the property to the south, no.3 Gore Villas from Mill Road to the southeast corner of the site.
- 3.4 Full plans and associated documents for this application can be found at:
[F/YR23/0228/F | Erect 1 x dwelling \(2-storey 5-bed\) | Land North Of 3 Gore Villas Mill Road Murrow Cambridgeshire \(fenland.gov.uk\)](https://fenland.gov.uk/F/YR23/0228/F | Erect 1 x dwelling (2-storey 5-bed) | Land North Of 3 Gore Villas Mill Road Murrow Cambridgeshire)

4 SITE PLANNING HISTORY

Reference	Description	Decision	Date
F/YR13/3010/COND	Details reserved by condition 3 of planning permission F/YR12/0620/F (Erection of a 2-storey 2-bed dwelling)	Approve	05.04.2013
F/YR12/0620/F	Erection of a 2-storey 2-bed dwelling 3 Gore Villas	Grant	18.10.2012
F/YR11/0891/F	Siting of a mobile home and storage container (retrospective)	Refused	16.01.2012
F/YR06/1043/F	Erection of a single-storey dwelling (log cabin style)	Refused	23.10.2006
F/YR22/0370/O	Erect 1 dwelling (outline application with matters committed in respect of access)	Refused	05.07.2022
Land East Of 16 Mill Road			

5 CONSULTATIONS

5.1 Parson Drove Parish Council

5.2 *Where it was acknowledged that there had been both a number of objectors as well as supporters from the Community, that the application was similar to an application received at the other end of the development that had been declined by this Council as development in the open Countryside. Therefore, it was agreed to object on the basis of it being development in the open countryside. Councillor Booth acknowledged that he had received a message from an objector but had not engaged in discussion about the application with them.*

5.3 Environment Agency

5.4 *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.*

5.5 *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.*

5.6 *We have no objection to this application, but strongly recommend that the mitigation measures proposed in the submitted Flood Risk Assessment (FRA) prepared Ellingham Consulting, dated March 2023, REF: ECL0989/SWANN EDWARDS ARCHITECTURE and the following mitigation measures detailed within section 5.2 of the FRA (Finished floor level of the dwelling to be 0.3m above existing ground levels with 0.3m of flood resilient construction above the finished floor level) are fully implemented prior to occupation and subsequently in*

accordance with the scheme's timing/phasing arrangements. The measures detailed above should be retained and maintained thereafter throughout the lifetime of the development.

5.7 Highways

5.8 *The access is substandard, but it's existing. While the site is unused at present, I would struggle to argue a material intensification of use for a single dwelling. Therefore, the impact on the highway is negligible, particularly when ample parking and turning is provided. On this basis I would not object. I recommend the following condition is appended to any permission granted:*

5.9 *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).*

5.10 FDC Environmental Health

5.11 *No comments received.*

5.12 North Level Drainage Board

5.13 *My board has no objection in principle to the above application. I would draw the applicant's attention to the riparian drain to the north and east of the site and enclose some information with regard to riparian responsibilities.*

5.14 Local Residents/Interested Parties

5.15 15 letters have been received. 6 letters in support, 8 letters objecting and 1 in a neutral position regarding the proposal. The comments received are summarised below. The comments objecting to the application will be addressed within the body of the report.

5.16 Supporting comments:

- *Helps the village to grow*
- *Growing community*
- *No negative impact*
- *Attractive new people to village*
- *Supports local shops*

5.17 Objecting comments:

- *Not an infill development*
- *Impact on privacy, loss of light*
- *Overdevelopment*
- *Access and no right of way*
- *Missing ecological survey*
- *Impact on traffic, construction vehicles*
- *Impact on waiting times for doctors/chemists*
- *Out of character of the shape of the village*
- *Loss of land*

- Sets a harmful precedent
- Loss of views

5.18 Representations

5.19 Cllr Fryett

I would like to oppose the above planning application as it is not in the line of building. The access obviously has problems. This application does come under the parish of Parson Drove but does directly affect the residents of Mill Rd Murrow with the access coming out directly on to this road. Mill Road has seen extensive building over the last few year's, the road itself already has problems in that area with flooding due to a lack of drainage. As it is now the road sits lower than the recent newly built properties and therefore creates a dish for the water to sit into. On the opposite side of the road to the proposed access there is still to be a footpath installed from previous building which is not yet been completedyet more development would cause more of a problem to area that has already flooding issues.

6 STATUTORY DUTY

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

7 POLICY FRAMEWORK

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

Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

LP5 – Meeting Housing Need

LP12 – Rural Areas Development Policy

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

LP19 – The Natural Environment

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

FDC Delivering and Protecting High quality Environments in Fenland SPD (2014)

Cambridgeshire Flood and Water SPD 2016

Parson Drove Neighbourhood Plan 2020

8 KEY ISSUES

- **Principle of Development**
- **Flood Risk**
- **Impact on Character and Visual Amenity**
- **Impact on Residential amenity**
- **Impact on Parking & Access**
- **Impact on Ecology**
- **Other Matters**

9 BACKGROUND

- 9.1 The agent was informed a sequential test would be required as part of the submission regarding the flood zone 3 location. The agent was also informed ecological surveys would also be required as part of the submission given the adjacent drain to the north and east and the potential impact on water voles. No information (i.e. sequential test or ecological surveys) was forthcoming.
- 9.2 The agent was informed there was a recent planning refusal for a similar development (ref: F/YR22/0370/O) to the east of no.16 Mill Road which is located on the opposite (east) side of the parade of dwellings on this part of Mill Road. This application represented similar concerns (the principle, absence of sequential test and absence of ecological surveys). The agent has given the opportunity to withdraw the application, but this was not forthcoming.

10 ASSESSMENT

Principle of Development

- 10.1 The site is located within the settlement of Murrow which is identified within the settlement hierarchy as a Small Village as set out in Policy LP3. In Small Village settlements, development will be considered on its merits but will normally be of a very limited nature and normally be limited in scale to residential infilling or a small business opportunity.
- 10.2 It is considered that the development does constitute infill albeit that the nature of the development is tandem in nature.

Flood Risk

- 10.3 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.
- 10.4 In order to comply with Policy LP14, Part B, where development is proposed in Flood Zone 2 and 3, applicants are required to undertake a sequential test, to demonstrate that there are no other areas reasonable available to accommodate the development in lower areas of risk. Only if this test is met should development in Flood Zone 2 and the Flood Zone 3 be allowed to proceed and this is then on the basis that the exceptions test can be met. This approach is outlined in paragraphs 161 – 167 of the NPPF 2023.
- 10.5 The applicant submitted a Flood Risk Assessment and this document states that a separate Sequential Test document has been submitted. No such document accompanied the planning application. So, no information has been submitted to demonstrate that any search for areas at lower risk of flooding has taken place. Therefore, in this instance the development has not passed the sequential test.
- 10.6 As the proposal has not passed the sequential test, there is no requirement to apply the exceptions test. However, for information, 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.*
- 10.7 The applicant has submitted an FRA in which it outlines the proposal would contribute to the housing target within the district as a wider sustainability benefit to the community. However, 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. Therefore, the application and fails part a) of the exceptions test.
- 10.8 Flood mitigation measures are proposed. The Environmental Agency (EA) has reviewed the FRA and does not object to the application. Therefore, the application passes only part b) of the exception test.
- 10.9 The proposal has failed the sequential test and therefore is contrary to Paragraphs 162 - 167 of the National Planning Policy Framework 2023, Policies LP12 & LP14 of the Fenland Local Plan 2014 and The Cambridgeshire Flood and Water Supplementary Planning Document.

Impact on Character & Visual Amenity

- 10.10 Policy LP12 sets out that new development in villages will be supported where it contributes to the sustainability of that settlement and does not harm the wide-open character of the countryside. Any proposal will need to satisfy the applicable policies of the local plan as well as criteria listed in Policy LP12. Criteria (a) of Policy LP12 states that with regards to “small” or “other “villages only infill sites will normally be considered favourably. Criteria (c) states that the proposal shall not have an adverse impact upon the character and appearance of the surrounding countryside or farmland and that (d) the proposal is of a scale and in a location that is in keeping with the core shape and form of the settlement and will not adversely harm its character and appearance. Criteria (i) requires the development to not result in a loss of high-grade agricultural land unless comprehensive evidence is provided to justify the loss.
- 10.11 Policy LP16 requires developments to makes a positive contribution towards local distinctiveness and character of an area.
- 10.12 The proposed dwelling would be set to the rear of no.3 Gore Villas and does not have an adjacent frontage onto Mill Road whereas the adjacent properties to the east, nos.16 – 24 Mill Road do. This is a built form characteristic of the village and would need to be maintained. Furthermore, nos.16 – 24 Mill Road are recently built dwellings (ref: F/YR13/0031/F) as a result of a balanced judgement which tipped in favour of permitting the development due to its frontage nature and consistent linear form which was considered in keeping with the character of this part of the village. The proposed site would not have a road frontage similar to the adjacent dwellings as it is proposed to be setback 10 meters behind the front building line of no.24 and would not be positioned between developed plots but moreover to the side of no. 24 Mill Road and 25 meters to the rear of no.3 Gore Villas. This constitutes backland development which would fail to respond positively to the surrounding liner pattern of development afforded to this part of Mill Road. Therefore, the proposal would not be in keeping with the form and pattern of development of the village and encroaches into the open countryside rather than being an infill site.
- 10.13 Regarding layout, the site is of a generous size and the proposed footprint would appear well-balanced set within the overall plot. Equally, the proposed garden size whilst large, would generally be reflective of the gardens serving neighbouring plots.
- 10.14 Regarding design, the locality consists of two storey properties with a mixture of designs. The proposed two-storey detached dwelling would be of a traditional design and appearance. No materials have been confirmed however, these can be controlled via a condition. In terms of ridge height, style etc the proposal would not be at odds with the surrounding built environment.
- 10.15 Nevertheless, the proposal would be unacceptable in terms of position which would harmfully impact the character of the local area.
- 10.16 As such, the proposal would conflict with Policies LP3, LP12 & LP16 of the Fenland Local Plan 2014.

Impact on Residential Amenity

- 10.17 Policy LP16 of the Fenland Local Plan 2014 requires development proposals to deliver and protect high quality environments throughout the district. Proposals must demonstrate they do not adversely impact on the amenity of neighbouring users such as, loss of privacy and loss of light and noise.
- 10.18 Additionally, section (h) relates to private amenity and states proposals must provide sufficient private amenity space, suitable to the type and amount of development proposed.
- 10.19 The most likely impacted properties would be no.3 Gore Villas to the southwest and no.24 Mill Road to the east.
- 10.20 Regarding no.3 Gore Villas and in terms of loss of privacy, the proposed dwelling would be set to the rear of no.3 Gore Villas. However, it would not be positioned directly behind no.3 Gore Villas and therefore, would not result in window-to-window overlooking. Whilst the proposed dwelling would benefit from two, front facing bedroom windows, they would be setback from no.3 Gore Villas by 30 meters which is considered to mitigate overlooking. Additionally, the proposed dwelling would primarily front onto the parking area serving no.3 Gore Villas and so impacts would be limited. Regarding the outdoor amenity space serving no.3 Gore Villas, it lies to its immediate rear and would be adjacent the bulk of the proposed detached garage which would obscure views from the proposed dwelling, further limiting overlooking. No.3 Gore Villas also benefits from dense landscaping along its rear boundary which would screen views into its rear amenity. In terms of loss of light, the proposed dwelling would be sufficiently setback from no.3 Gore Villas and given the proposed scale and design of the dwelling and the east-west orientation of the sun, would not result in an adverse loss of light.
- 10.21 Regarding no.24 Mill Road and in terms of loss of privacy, the proposed dwelling would have four, first-floor side elevation windows, two would serve bedroom 1 and two would serve an en-suite/bathroom. These side elevation windows would potentially overlook onto the rear amenity space serving no.24 Mill Road. However, bedroom 1 also benefits from a window along the front elevation therefore, the two side elevation bedroom windows can be controlled via an obscure-glazed condition and would prejudice outlook whilst limiting overlooking. The en-suite/bathroom windows can also be controlled via an obscure-glazed condition. In terms of loss of light, the west elevation of no.24 Mill Road does not benefit from any windows. Additionally, the proposed dwelling would not protrude the rear building line of no.24 Mill Road, is separated from the shared site boundary by 2-5 meters and given the scale and design of the dwelling and the east-west orientation of the sun, would not result in an adverse loss of light.
- 10.22 In terms of noise, a conditioned could be recommended which would limit construction hours/days.
- 10.23 In terms of private amenity, the dwelling would benefit from an adequate side-rear garden to serve future occupants. The amount of private amenity provided within the plot curtilage would be generally reflective of the surrounding area and so is therefore acceptable (h).

10.24 The proposed dwelling would not adversely impact the amenity of neighbouring properties such as loss of light or privacy and would accord with Local Plan Policy LP16.

Impact on Parking & Access

10.25 Policy LP15 of the Fenland Local Plan 2014 requires development schemes to provide well designed, safe and convenient access and provide well designed 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 Regarding parking, the proposal is for a five-bedroom dwelling. Appendix A states that three parking spaces should be provided for dwellings with four or more bedrooms. There is sufficient parking provision to the south side of the site to accommodate at least three parking spaces which would meet the parking standard, in accordance with Appendix A of the Fenland Local Plan 2014.

10.27 Regarding access, the access is existing, and the intensification of this access for one additional dwelling would have a negligible impact on traffic and the safety of Mill Road. The highway consultee has reviewed the proposal and has no objection.

10.28 The proposal would not be in accordance with Policy LP15 of the Fenland Local Plan 2014.

Impact on Ecology

10.29 Policy LP19 of the Fenland 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.

10.30 Although the submitted biodiversity checklist outlines the site is not within 5 meters of a stream or ditch, there is a IDB riparian drain which runs along the northern and eastern boundary of the site (within 5 meters) and a North Level drain is only 270 meters (approx.) further north of the site. Therefore, water voles, otters and other wildlife may potentially be present on site.

10.31 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 (NERC) 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.

10.32 No ecological surveys have been undertaken and submitted with the application. It is therefore not possible for the local planning authority to undertake its duty to conserve biodiversity due to a lack of information. This is a reason for refusal.

Other Matters

- 10.33 The neighbouring comments regarding ownership, the right of way of the access and construction vehicles is not a material planning matter, in this instance.
- 10.34 The neighbouring comments regarding the potential increase of waiting times for doctors/chemists because of the proposal is noted however, there is no requirement for the applicant to improve local services within the area given the level of development proposed (1 dwelling).
- 10.35 The neighbouring comments regarding setting a precedent are noted but each planning application is assessed on its own individual merits.

11 CONCLUSIONS

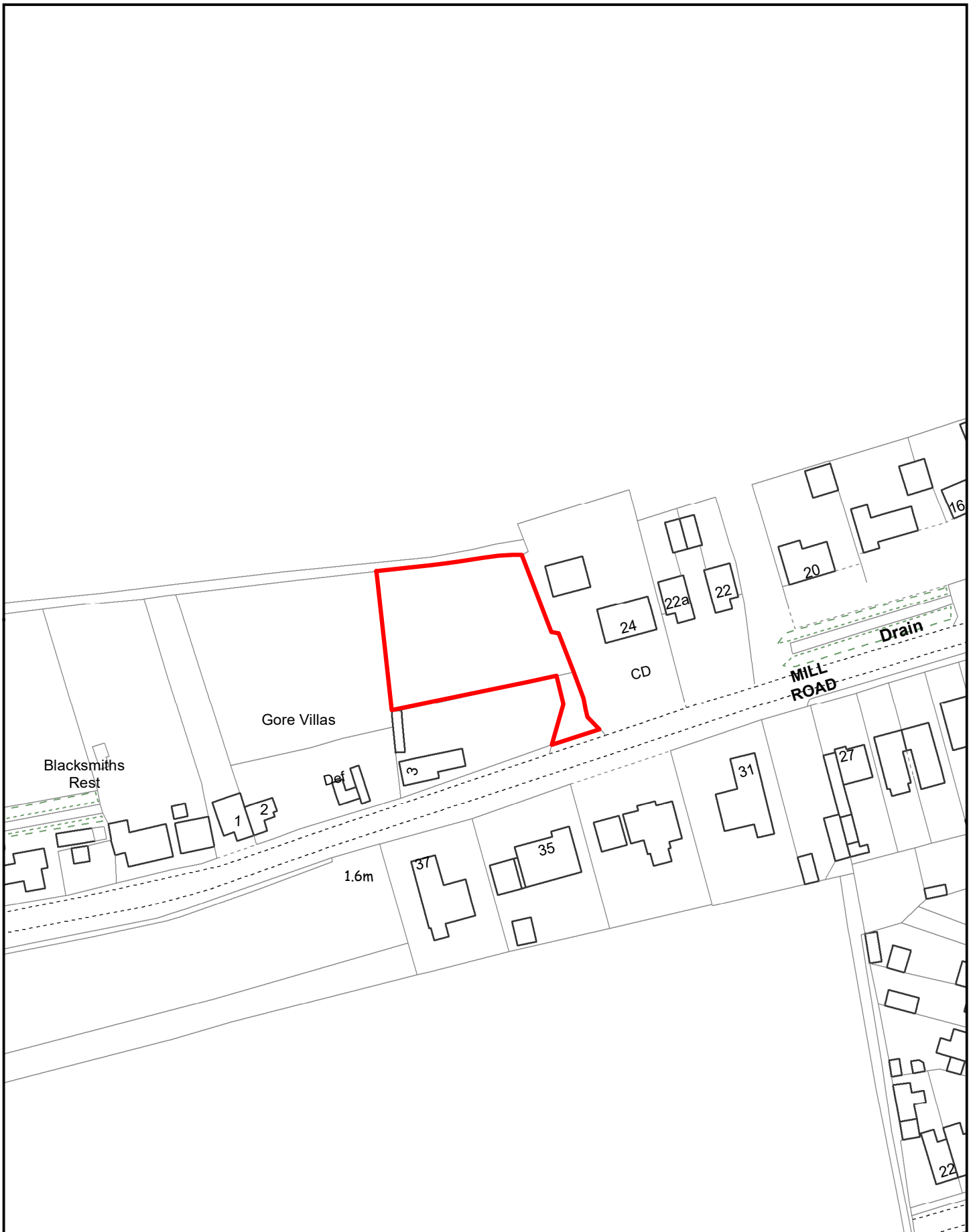
- 11.1 The principle of the development at this location is not acceptable. Murrow is designated as a small village as set out in Policy LP3 of the Fenland Local Plan and normally only infill development at such locations is acceptable. In addition, the development of this site is not in keeping with the character of development in Mill Road where there is a strong linear character and properties have a direct and adjacent road facing frontage. There are no similar backland developments present within the village. The proposal is therefore contrary to Policies LP3, LP12 & LP16 of the Fenland Local Plan 2014.
- 11.2 No evidence has been submitted as to why this site should be developed as sequentially no other more suitable land with a lower risk of flooding is available. The application fails the sequential test and is therefore contrary to Policy LP14, Part B, Paragraphs 162- 167 of the NPPF
- 11.3 There is insufficient information to enable the local planning authority to assess the potential impacts of the development upon protected species and habitats, by way of a preliminary ecological survey and/or any subsequent species surveys. The application is therefore contrary to the NERC Act 2006, Paragraph 180 of the NPPF & Policy LP19 of the Fenland Local Plan 2014.

12 RECOMMENDATION

Refuse; for the following reasons

1	LP 12 Part A (d) and LP16 (d) respectively seek to ensure that new developments are in keeping with the form of development in the settlement and that new developments make a positive contribution to the distinctiveness and character of the area. The proposal represents tandem development which is not a characteristic of the build form. Whilst there is a row of dwellings set well back from the road frontage to one side, the character changes to one where dwellings close to the road frontage are prevalent. The proposal is therefore at odds with the character and form of built development and so is contrary to policy.
2	The site lies in Flood Zone 3, the highest risk of flooding. Policy LP12 Part A (j) seeks to ensure that developments would not put people or property in dangers from identified risks, such as flooding. Policy LP14 of the Fenland Local Plan and paragraphs 162 -167of the NPPF seek

	<p>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>No evidence has been submitted demonstrating why the site should be developed as sequentially no other more suitable land with a lower risk of flooding available. As such, the proposal fails the Sequential Test and conflicts with paragraphs 162 -167 of the National Planning Policy Framework (2023), Policies LP12 (j) & LP14, Part B of the Fenland Local Plan (2014), The Cambridgeshire Flood and Water Supplementary Planning Document and guidance set out in the National Planning Policy Guidance.</p>
3	<p>Policy LP19 of the Fenland Local Plan states that planning permission should be refused for development that would cause a demonstrable harm to a protected species or habitat.</p> <p>The site lies in close proximity to a watercourse and is not accompanied by a preliminary ecological survey or any subsequent species surveys as may be necessary. Therefore, the local planning authority is unable to assess the impact of the proposal upon protected species and habitats as is its public duty. As such, the application is contrary to the provisions of Section 40 of the Natural Environment and Rural Communities Act (2006), Paragraph 180 of the National Planning Policy Framework (2023) & Policy LP19 of the Fenland Local Plan (2014).</p>



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F/YR23/0228/F

Scale = 1:1,250





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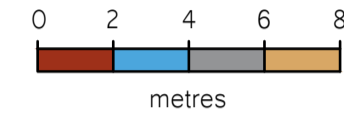
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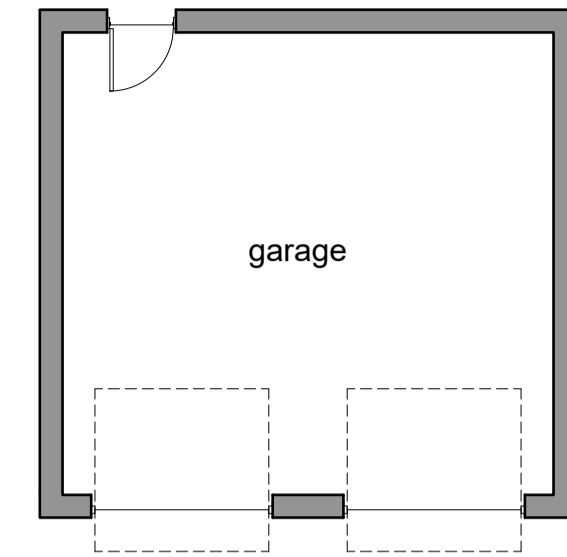
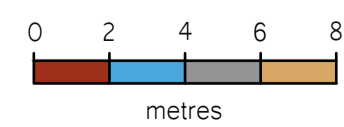




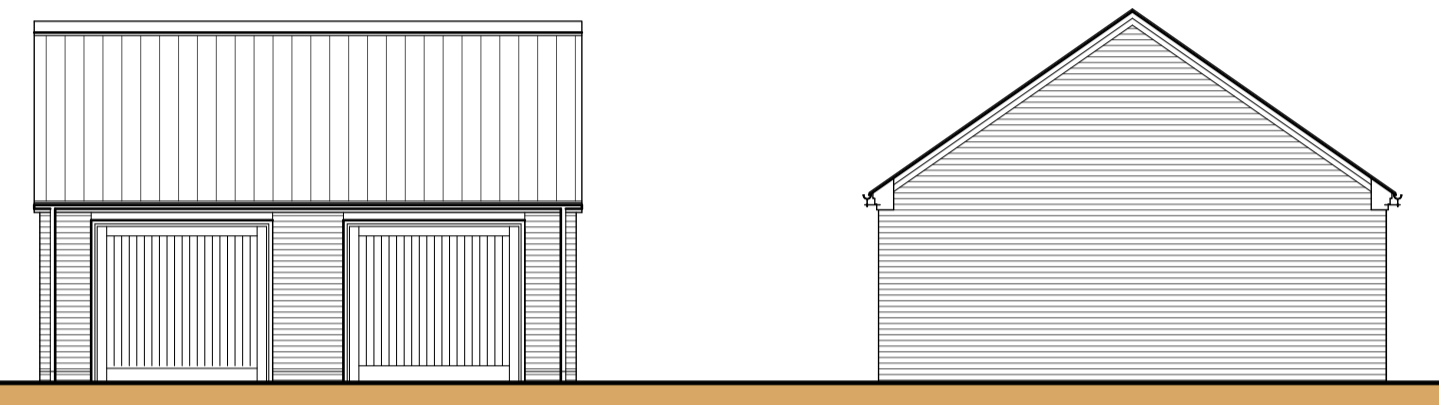
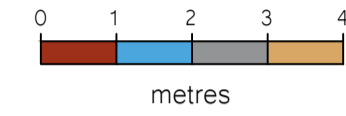
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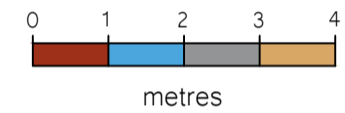
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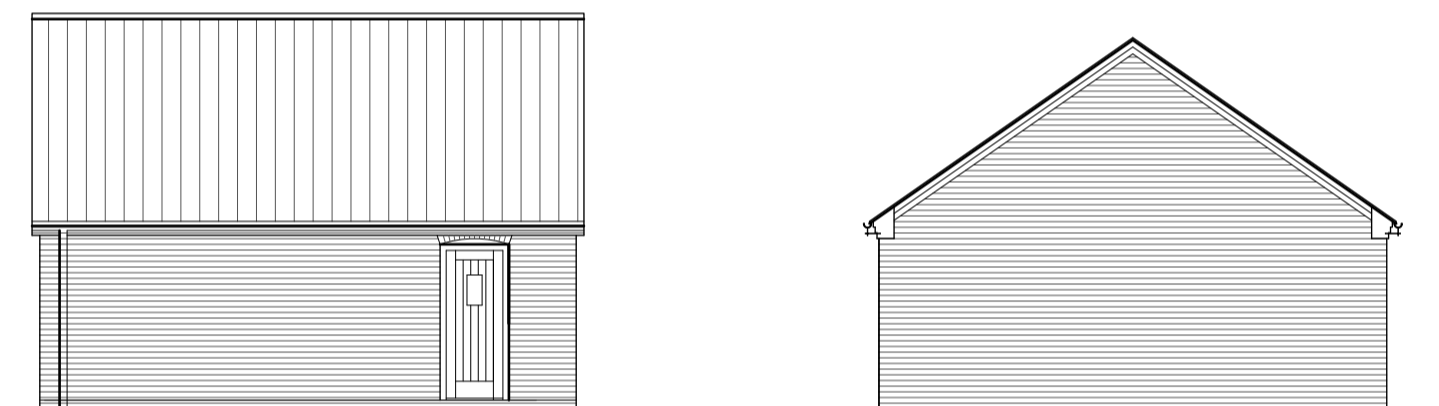
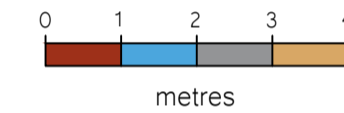
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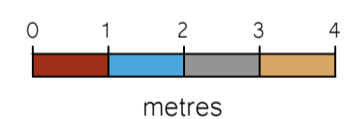
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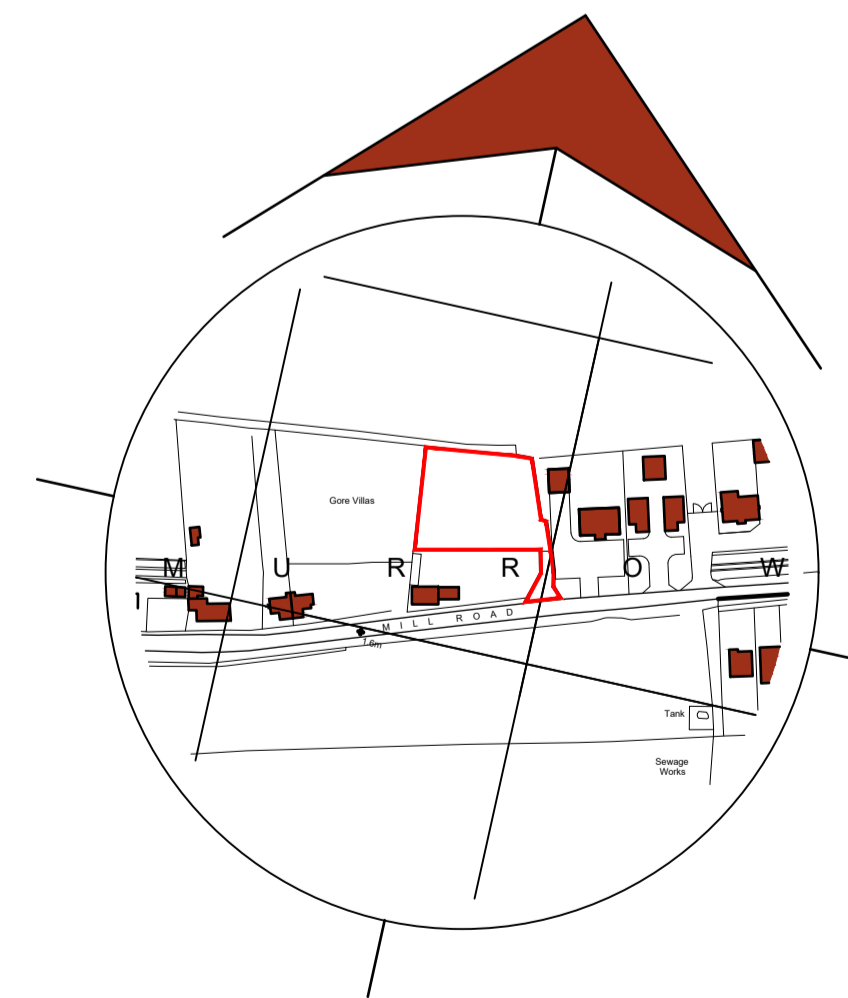
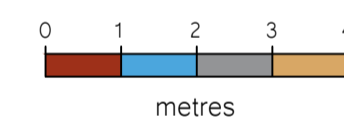
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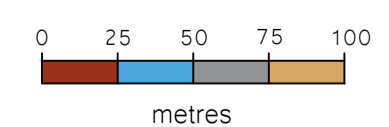
West Elevation
Scale: 1:100



North Elevation
Scale: 1:100



Location Plan
Scale: 1:2500



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

CONSTRUCTION DESIGN & MANAGEMENT REGULATIONS 2015

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

SITE PLAN KEY

- Indicates existing structures taken from O.S. map
- Indicates proposed trees and planting on site
- Indicates site access

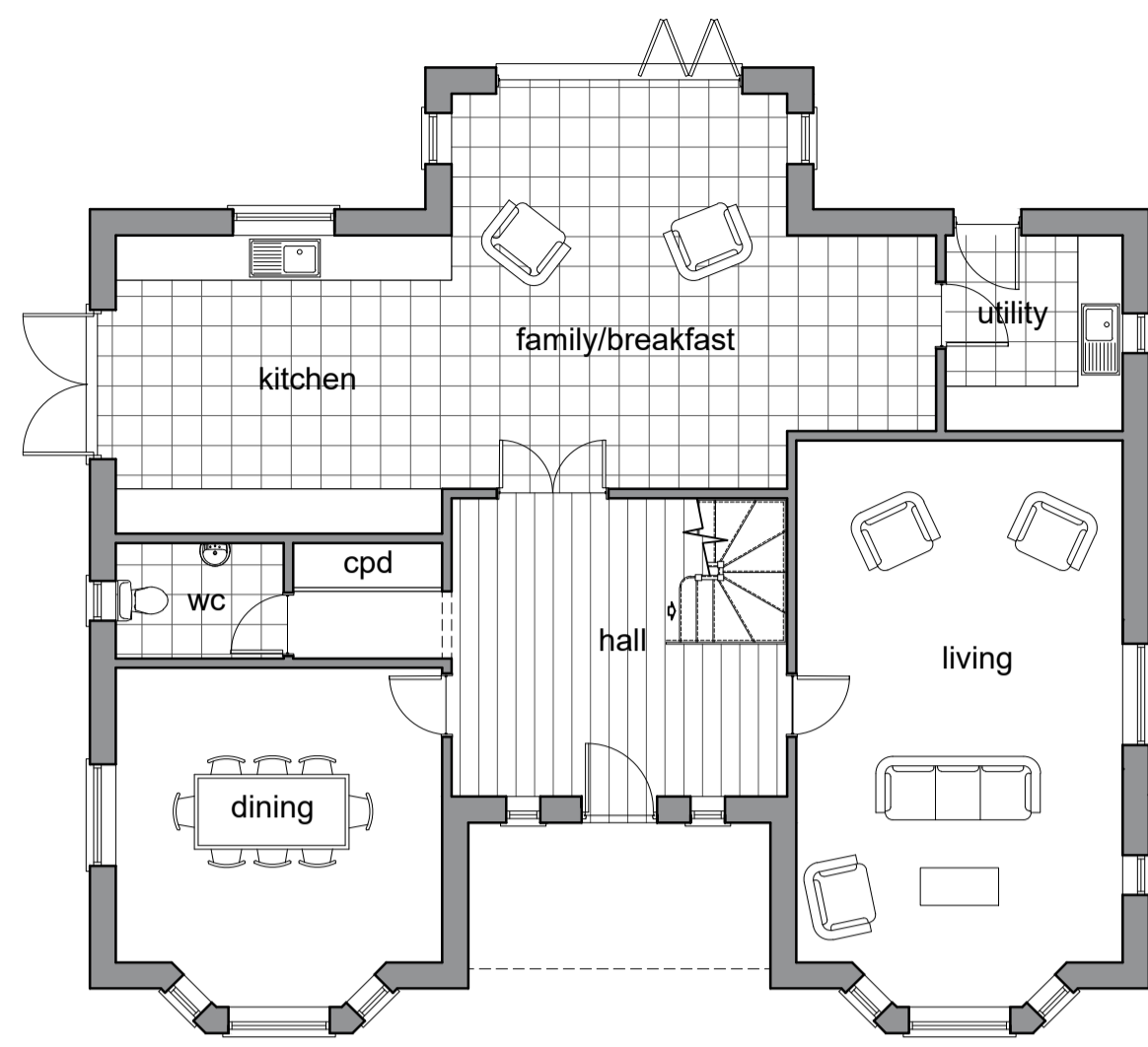
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B	Feb 2023	

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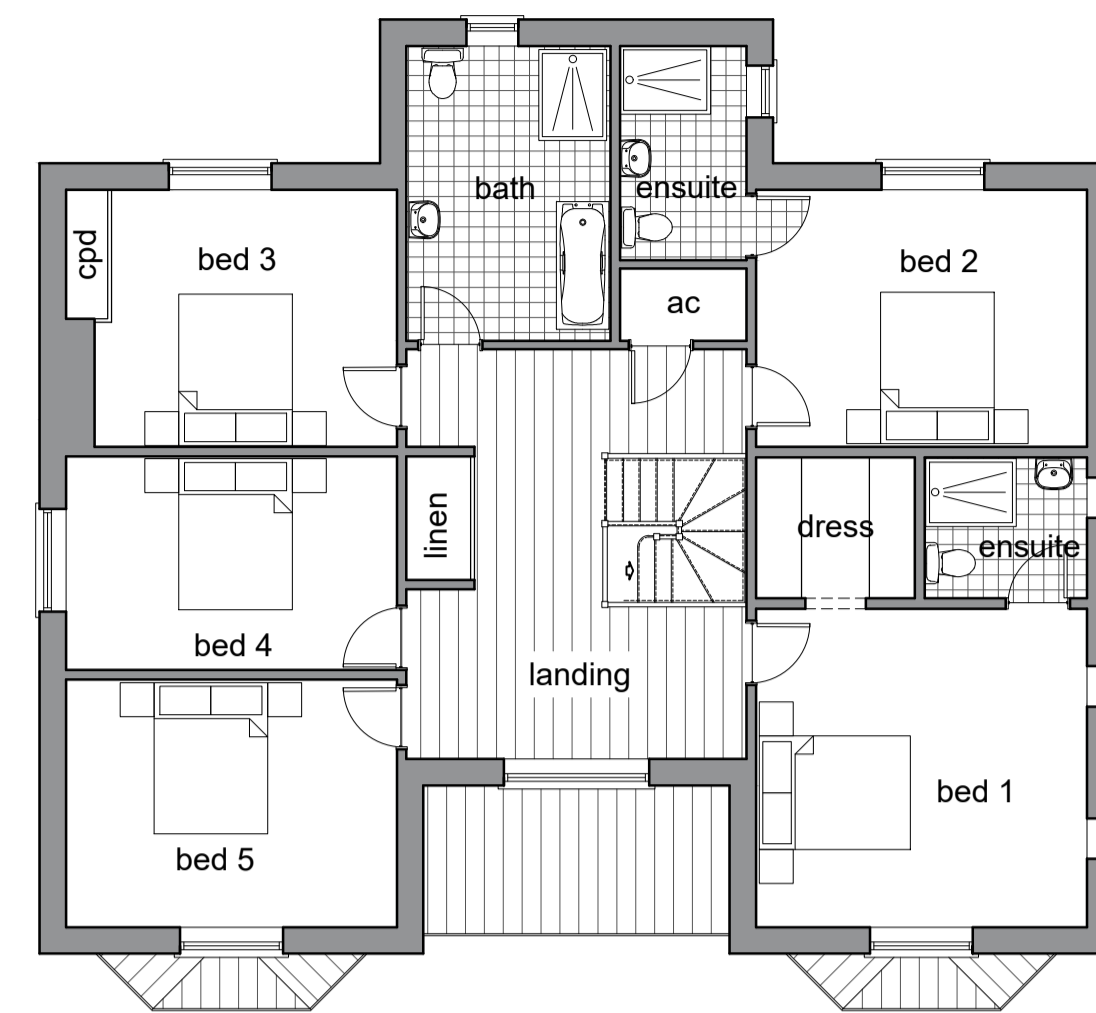
SWANN EDWARDS
ARCHITECTURE

Swann Edwards Architecture Limited, Elveden House, Gull Road, Guyhirn, Wisbech, Cambs, PE13 4ER
1 01945 450694 e info@swannedwards.co.uk w www.swannedwards.co.uk

Job Title	Date	Scale
Proposed Dwelling, The Paddocks, Mill Lane Murrow	January 2023	AS Sheet Size A1
For: Mr B Cobin		
Drawing Title	Job No.	Drawn by
Site Plan, Location Plan & Street Scene	SE-1915	CW
	Dwg No.	Revision
	1000	B



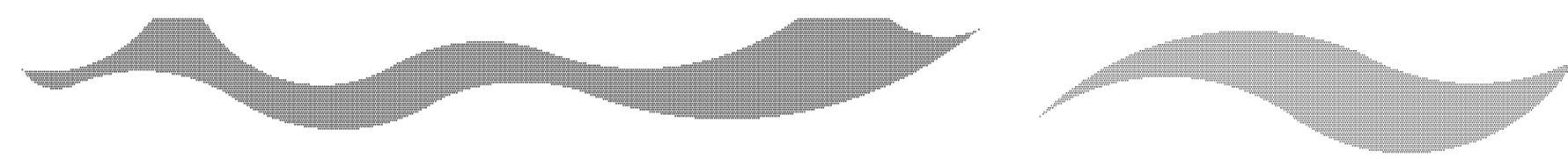
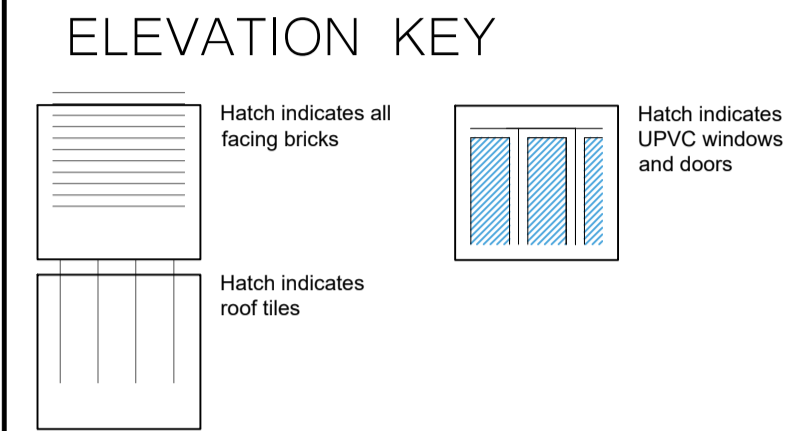
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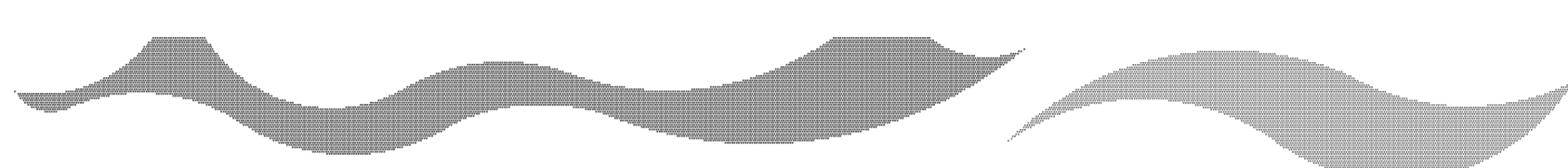
First Floor Plan
Scale: 1:100

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

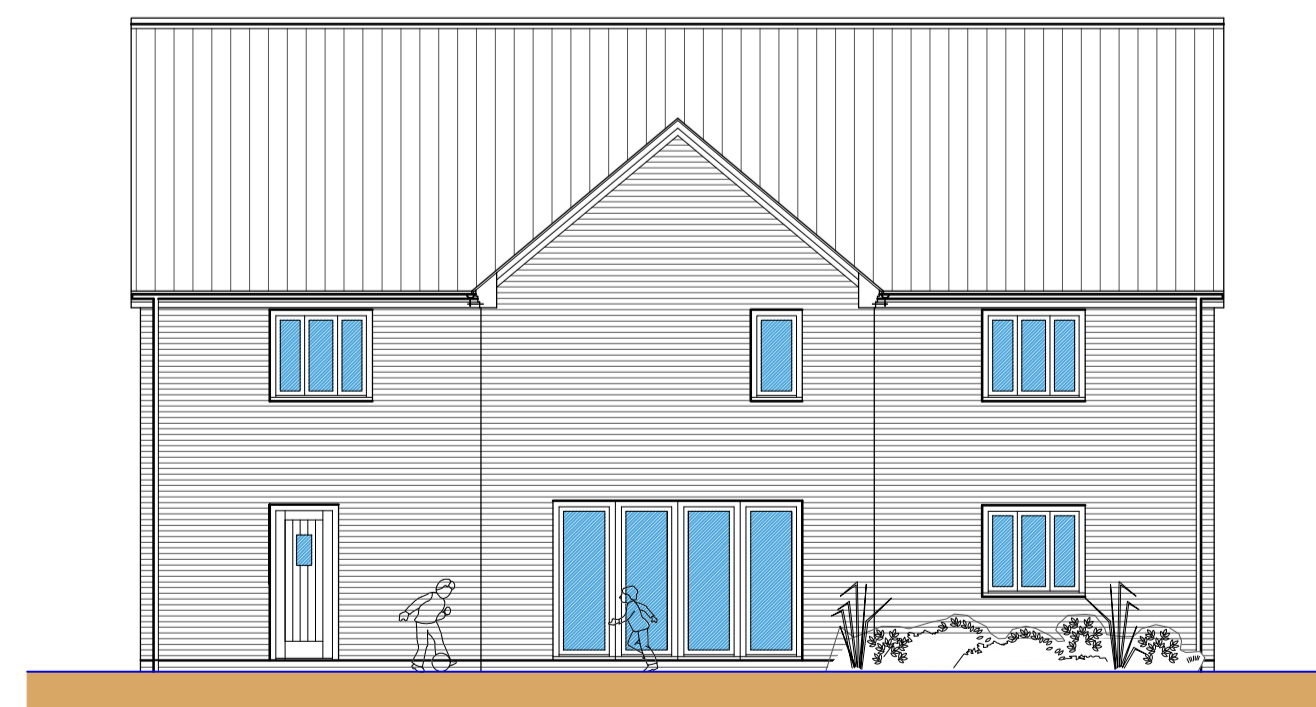
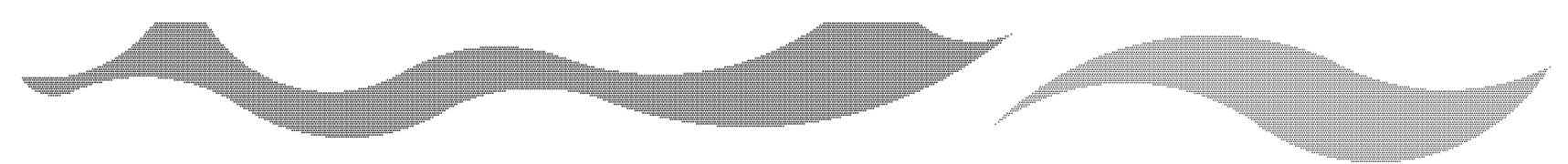
CONSTRUCTION DESIGN & MANAGEMENT REGULATIONS 2015
The following information must be read in conjunction with the project Risk register. This drawing highlights significant design related Health & Safety Risks present during Construction phase, and Residual Risks which remain post completion. Other Health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



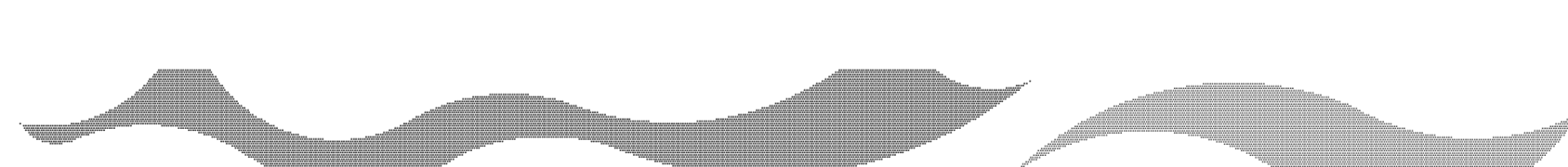
South Elevation
Scale: 1:100



West Elevation
Scale: 1:100



North Elevation
Scale: 1:100



East Elevation
Scale: 1:100

Status
FOR APPROVAL

SWANN EDWARDS
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Swann Edwards Architecture Limited, Elveden House, Gull Road, Guyhirn, Wisbech, Cambs. PE13 4ER
t 01945 450694 e info@swannedwards.co.uk w www.swannedwards.co.uk

Job Title	Date	Scale
Proposed Dwelling, The Paddocks, Mill Lane Murrow	January 2023	AS Sheet Size A1
For: Mr B Cobin		
Drawing Title	Job No.	Drawn by
Planning Drawing Floor Plans & Elevations	SE-1915	CW
	Dwg No.	Revision
	1001	

F/YR23/0415/F & F/YR23/0413/A

Applicant: Mr Stephen Necker

**Agent : Mr Chris Walford
Peter Humphrey Associates Ltd**

22 - 23 Old Market, Wisbech, Cambridgeshire, PE13 1NB

F/YR23/0415/F - Alterations to existing building involving conversion of part of building to create 4 x 2-storey dwellings (1 x 1-bed, 3 x 2-bed), 1 x first floor flat (1-bed), refurbishment of existing club including new frontage and formation of 1m link footway.

F/YR23/0413/A - Display 1 x non-illuminated fascia sign

Officer recommendation: GRANT

Reason for Committee: Number of representations against officer recommendation

1 EXECUTIVE SUMMARY

- 1.1 **F/YR23/0415/F** seeks full planning permission and advertising consent for alterations to the existing building known as Mendi's. This would involve the conversion of the rear section of the building to create 4 x 2-storey terraced dwellings (1 x 1-bed, 3 x 2-bed) and 1 x first floor flat (1-bed) and the formation of 1m link footway along Exchange Square. The flat would be positioned above the night club fire exit and the bin/cycle storage area. The proposal includes a scheme for the refurbishment of the existing night club including a new frontage and the display of 1 x non-illuminated fascia sign.
- 1.2 The property gained permission in 1973 for a change of use to a nightclub, restaurant, and offices. There is also evidence that the removal of condition 4, requiring parking, was approved and the addition of a flat for employees was also approved.
- 1.3 Wisbech is identified in Policy LP3 of the Fenland Local Plan 2014 as a market town where it states the majority of residential and business growth should occur.
- 1.4 New advertising is proposed under **F/YR23/0413/A** as part of the alterations to the front of the premises towards 'Old Market'. The sign would be approximately 7.5m in length and 0.9m in height. It would be located in a similar location to existing signage and of a similar overall size. The proposed 1x illuminated sign would be in replacement of the existing advertisements and be in keeping with the revamped frontage to the building and other signage in the vicinity. The proposed advertisement would not interfere with the public highway. Therefore, the proposed advertising is considered acceptable under policies LP16 and LP18 of the Fenland Local Plan 2014.
- 1.5 The Conservation Officer has no objection to either of the applications. The proposal is now to repair and repaint existing render and replace windows with steel windows in a similar style and layout to those existing. The

original steel windows are not in good condition and have succumbed to considerable rust in places. The ground floor is proposed to have steel windows similar to those on the first floor. The Conservation Officer considers that the proposed alterations to the ground floor front windows are an improvement over the double bow window design that currently exists. Therefore, the proposed alterations and materials to the front of the building are considered in keeping with the character of the existing non designated heritage asset and therefore would not be considered to harm the character of the Conservation Area or the street scene. Therefore, the proposed alterations and change of use is considered acceptable under policies LP16 and LP18 of the Fenland Local Plan 2014.

- 1.6 The application site has had planning permission since 1973 to be a nightclub, restaurant and bar with amendments made to remove requirement for parking and the addition of residential accommodation both approved. Within the original permission, the position of the dancefloor was not restricted to be located to the rear of the premises. This is reinforced within the premises licence. There are existing and proposed residential dwellings adjacent to the existing nightclub. The proposed window alterations to the front of the building are considered to give some improvement to the building's acoustic performance. The positioning of the internal stair block is considered to add a buffer alongside the neighbours (19 Old Market). The stair lobby design will help to add an improved buffer to the neighbours along with the proposed bar areas and the new internal freestanding walls internally to north and south walls of the nightclub. The proposed townhouses and flat are buffered from the club by the toilet block on the ground floor and the store area at first floor area. The Environmental Health Team have considered the proposal and when considering the existing use of the property and the proposed mitigation measures have no objection subject to conditions and an informative. Therefore, the proposal is considered on balance acceptable under policy LP2 and LP16 (e) of the Fenland Local Plan 2014.
- 1.7 To the rear of the property the proposed dwellings face onto Exchange Square. Exchange Square is a no through road with only pedestrian access through to North Brink. The proposed dwellings are proposed to exit out onto a 1m wide link footway. The proposed link footway is considered by Highways to provide a safe landing area for future residents entering and exiting their property. The nightclub is existing on site with planning permission given and the requirement for parking removed. The site is within walking distance of shops, education, employment, health facilities and public transport. Furthermore, there is a free public car park in close proximity of the site at Church Terrace approximately 290 metres away which would cater for future occupants if necessary. Limited car parking is also available on the Old Market and on North Brink. In view of the above officers consider that approving the proposal without parking would help to promote sustainable living. It would also lessen the emphasis on private car use, which would help to reduce carbon emissions. Therefore, the proposal is considered acceptable under policy LP15 of the Fenland Local Plan 2014.
- 1.8 As such, the recommendation is to grant planning permission for both applications.

2 SITE DESCRIPTION

- 2.1 The site is located within the market town of Wisbech and within the Wisbech conservation area. There are many Grade II Listed buildings within close proximity to the host property. The host property is a 2-storey, terraced building set up as a restaurant, nightclub and bar with allocated function rooms accessed from the Old Market to the east and from Exchange Square to the west.
- 2.2 The site is location within Flood Zone 3 (High Risk) and within the Flood Warning Area.

3 PROPOSAL

- 3.1 The application seeks full planning permission and advertising consent for alterations to the existing building known as Mendi's. This would involve the conversion of the rear section of the building to create 4 x 2-storey terraced dwellings (1 x 1-bed, 3 x 2-bed) and 1 x first floor flat (1-bed) and the formation of 1m link footway along Exchange Square. The flat would be positioned above the night club fire exit and the bin/cycle storage area. The proposal includes a scheme for the refurbishment of the existing night club including a new frontage and the display of 1 x non-illuminated fascia sign.

Full plans and associated documents for this application can be found at:
F/YR23/0415/F –

<https://www.publicaccess.fenland.gov.uk/publicaccess/simpleSearchResults.do?action=firstPage>

F/YR23/0413/A –

<https://www.publicaccess.fenland.gov.uk/publicaccess/simpleSearchResults.do?action=firstPage>

4 SITE PLANNING HISTORY

Pertinent planning history listed below:

Application	Description	Decision	Date
WB/73/176/F	Change of use from shop to restaurant, club and offices	Granted	16/12/73

5 CONSULTATIONS

F/YR23/0415/F - Environment Agency 08/06/23

Thank you for your consultation dated 22 May 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) ref: ECL0996/PETER HUMPHREY ASSOCIATES Dated March 2023) and the following mitigation measures it details:

• 2 storey dwellings with a minimum finished floor levels set no lower than 0.3m above the carriageway level of Exchange Square with 0.3m of flood resilient construction above finished floor level.
are fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above should be retained and maintained thereafter throughout the lifetime of the development.

F/YR23/0415/F - Environment Agency (Re-consult) 09/08/23

Thank you for your re-consultation dated 04 August 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) ref: ECL0996a/PETER HUMPHREY ASSOCIATES Dated August 2023) and the following mitigation measures it details:

o 2 storey dwellings or first floor flats.

o Finished floor levels of the dwellings to be a minimum of 0.3m above the carriageway level of Exchange Square with 0.3m of flood resilient construction above finished floor level.

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

F/YR23/0415/F - Environment & Health Services (FDC) 29/06/23

Whilst Environmental Health have no objection to this application it has the potential to cause loss of amenity to the proposed new residential accommodation in close proximity to the proposed 1st floor night club and from any plant and equipment associated with the build including extract ventilation and cooling systems. In view of this I recommend the following conditions be applied to protect the amenity of residents from amplified music, particularly low bass tones, the ongoing use of the building as a nightclub, and from any plant and equipment installed as part of the development.

Night Club

1. Prior to the first operational use of the development hereby approved a noise assessment in the form of a commissioning acoustic assessment (applying BS4142:2014 Methods for rating and assessing industrial and commercial sound) shall be undertaken for the proposed night club. The assessment shall be submitted to, and approved in writing by, the Local Planning Authority, prior to the premises opening for business. The development shall then be carried out in accordance with the approved particulars and retained as such for the lifetime of the development.

2. Prior to the first operational use of the development hereby approved A Noise Management Plan (NMP) shall be submitted to and approved by the Local Planning Authority. The NMP shall include as a minimum, written details of the following information;

- i. *Organisational responsibility for noise control*
- ii. *Hours of operation and music production*
- iii. *Imposed planning conditions controlling noise/disturbance*
- iv. *Physical and managerial noise controls processes and procedures*
- v. *Music noise level controls including music noise limiter settings and any external noise limits, monitoring locations.*
- vi. *Details of how compliance with control limits is achieved and procedure to address non-compliance*
- vii. *Details of review of NMP*
- viii. *Details of community liaison and complaints logging and investigation*

Noise from plant and equipment

1. *No development shall take place until an assessment to show that the rating level of any plant & equipment, as part of this development, will be at least 5 dB below the background level has been submitted to and been approved in writing by the Local Planning Authority. The assessment must be carried out by a suitably qualified acoustic consultant/engineer and be in accordance with BS4142: 2014 Methods for rating and assessing industrial and commercial sound.*

REASON

To protect the amenity of neighbouring residential users from the adverse impact of noise in accordance with Policy LP16 (e)

Informative

Regardless of whether any conditions are applied to control the amenity of nearby users from noise it is important to point out that the Council retains the right to utilise the statutory nuisance provisions under the Environmental Protection act 1990, and the licensing provisions under the Licensing Act 2003, should complaints about noise associated with this development be received by the Council.

F/YR23/0415/F – Environment and Health Services (Re-consult 10/09/23)

Whilst Environmental Health have no objection to this application it has the potential to cause loss of amenity to the proposed new residential accommodation in close proximity to the proposed 1st floor night club and from any plant and equipment associated with the build including extract ventilation and cooling systems. In view of this I recommend the following conditions be applied to protect the amenity of residents from amplified music, particularly low bass tones, the ongoing use of the building as a nightclub, and from any plant and equipment installed as part of the development.

Night Club

1. *A scheme for protecting the proposed noise-sensitive development including 4 x 2-storey dwellings (1 x 1-bed, 3 x 2-bed), 1 x first floor flat (1-bed) from noise arising from the use of the night club shall be submitted to and approved in writing by the local planning authority. All works which form part of the scheme should be completed before the noise-sensitive development is occupied and shall thereafter be retained as approved.*
2. *Prior to the first operational use of the development hereby approved A Noise Management Plan (NMP) shall be submitted to and approved by the Local Planning Authority. The NMP shall include as a minimum, written details of the following information;*

- i. Organisational responsibility for noise control*
- ii. Hours of operation and music production*
- iii. Imposed planning conditions controlling noise/disturbance*
- iv. Physical and managerial noise controls processes and procedures*
- v. Music noise level controls including music noise limiter settings and any external noise limits, monitoring locations.*
- vi. Details of how compliance with control limits is achieved and procedure to address non-compliance*
- vii. Details of review of NMP*
- viii. Details of community liaison and complaints logging and investigation*

Noise from plant and equipment

2. *No development shall take place until an assessment to show that the rating level of any plant & equipment, as part of this development, will be at least 5 dB below the background level has been submitted to and been approved in writing by the Local Planning Authority. The assessment must be carried out by a suitably qualified acoustic consultant/engineer and be in accordance with BS4142: 2014 Methods for rating and assessing industrial and commercial sound.*

REASON To protect the amenity of neighbouring residential users from the adverse impact of noise in accordance with Policy LP16 (e).

Regardless of whether any conditions are applied to control the amenity of nearby users from noise it is important to point out that the Council retains the right to utilise the statutory nuisance provisions under the Environmental Protection act 1990, and the licensing provisions under the Licensing Act 2003, should complaints about noise associated with this development be received by the Council.

F/YR23/0413/A – Environment and Health Services (30/06/23 & 29/08/23)
Environmental Health have no objection to this application.

F/YR23/0415/F - Cambridgeshire County Council Highways Authority
12/06/23

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

The applicant will need to clarify how the proposed nightclub will be serviced for deliveries and other ancillary needs e.g., cleaning.

I note that no car parking has been provided for the six proposed dwellings, but in context of the town centre location, I do not foresee this resulting in material highway safety concerns.

However, the frontages to the dwellings are directly onto highway carriageway with no visibility of any oncoming vehicles and no opportunity to wait off the highway while opening / closing the dwellings' front door. Accesses need to be recessed back to allow for a pedestrian landing area suitable for wheelchair / pram / bicycle use and pedestrian visibility splays to the nearside carriageway edge. The pedestrian visibility splays are to measure no less than 2m x 2m and are necessary to provide pedestrians with the opportunity to view any oncoming vehicles prior to entering the carriageway.

Furthermore, the frontages of the northernmost two dwellings clash with marked on-street parking bays. Should these bays be in use, they will obstruct access to the dwellings. To make these two dwellings acceptable, the on-street parking must be removed which will require a Traffic Regulation Order (TRO). TROs are governed by

legislation which sits outside of the planning system, so for any certainty regarding the implementation, I recommend that the application not be determined until a TRO has been applied for and approved. Alternatively, the applicant may wish to amend their proposal to avoid the clash.

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.

**F/YR23/0415/F - Cambridgeshire County Council Highways Authority
22/08/23**

In response to my previous comments, entrances to the proposed residential properties have been recessed but the necessary 2m x 2m pedestrian visibility splays, measured to the carriageway edge, have not been included. The current design means that a pedestrian has no visibility to a passing vehicle until they have already entered their path of travel and drivers similarly lack any forewarning of emerging pedestrians. While traffic volumes through Exchange Square are likely to remain low with vehicles travelling at slow speeds, the arrangement nonetheless introduces a hazard, one which could be avoided with the introduction of splayed entranceways.

My previous comment relating to obstruction of residential accesses by on-street parking bays remains valid but in the latest iteration, it impacts only one of the five proposed dwellings. In absence of an approved Traffic Regulation Order to alter the on-street parking arrangements along Exchange Square, the access to the first plot in the line will, on occasion, be obstructed. In such cases, residents may be temporarily blocked into their property, particularly if said resident has a mobility impairment and requires the use of a walking aid.

I would like to request that the applicant clarify how the site will be serviced (deliveries, cleaners etc.) and if these arrangements will vary from the previous nightclub.

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

**F/YR23/0415/F – Cambridgeshire County Council Highways Authority
10/11/23**

Upon review of the latest submission, I do not object to the application.

The proposed footway along Exchange Square is sufficient to address my previous concerns as it provides a safe landing area for future residents entering and exiting their property. Such infrastructure will require some ancillary accommodation works in relation to the existing highway drainage and to regularise road markings, both of which can be accommodated as part of the S278 process post-planning. The applicant should also give consideration to the impact of the footway on building threshold levels.

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

Conditions

Off-Site Highway Works (amended): No development shall take place until details of works to Exchange Square, in accordance with the principle shown on the drawing 6690/06, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied/brought into use until all of the works have been completed in accordance with the approved details.

Informatives

Works in the Public Highway: This development may involve work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council.

**F/YR23/0413/A - Cambridgeshire County Council Highways Authority
10/11/23**

I have no objection to this application as the proposed fascia sign will have no material highway impact.

F/YR23/0415/F - Designing Out Crime Officers 22/05/23

Thank you for the opportunity to comment on this planning application. I have viewed the Design and Access statement (DAS) and associated documents in relation to crime, disorder, and the fear of crime and I have searched the Constabulary crime and incident systems covering this location and ward for the two years, and I would consider the proposed location to be of Low risk to the vulnerability to crime.

Crimes and Incidents of note:

<i>All Crime</i>	<i>Peckover Ward Total Crime = 623</i>	<i>Incidents of Note</i>	<i>Peckover Ward Total Incidents = 1615</i>
<i>Theft from Vehicle</i>	<i>1</i>	<i>Rowdy/Nuisance</i>	<i>16</i>
<i>Violence</i>	<i>9</i>	<i>Begging</i>	<i>2</i>
<i>Other Theft</i>	<i>3</i>		
<i>Criminal Damage</i>	<i>6</i>		
<i>Burglary Business</i>	<i>2</i>		
<i>Public Order</i>	<i>4</i>		
<i>Theft from Person</i>	<i>1</i>		

I note within the DAS Crime prevention has been considered, and within the proposals CCTV will be installed to the front of the nightclub and over the rear bin store.

I do have the following comments.

Nightclub:

Door standards and certification

•Commercial Entrance Doors - all door sets allowing direct access, e.g., front, and rear entrance door sets, plant rooms and fire doors will be certificated to one of the following standards:

- STS 202 Issue 3 (2011) Burglary Rating 2 or (Commercial door sets)*
- LPS 2081 Issue 1 (2015) Security Rating B+*

NB: The benefits of third-party certification are recognised within ADQ, Appendix A, Note 3.

• **CCTV** - this is not a universal solution to security problems, but 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. If external CCTV is to be installed then this should meet BS EN 50132-7: 2012+A1:2013 CCTV surveillance systems for use in security applications, be well signed and be registered with the Information Commissioners Office. Cameras should ideally cover main entrances into the buildings, service yards, car park and cycle storage. (NSI and SSAIB accreditation is also applicable for CCTV) including signage.

- **BS 7958** CCTV Management and Operation Code of Practice
- **BS 8495** Export of Digital Images
- **BS 8418** Remote Monitoring Stations
- **BS 62676 British Standard** for the minimum requirements for CCTV Surveillance in security applications.
- Signage

Residential Town Houses:

• **Doors/ Windows, and roof lights** – all ground floor and easily accessible windows, shall be certificated to one of the following standards:

- PAS 24 - 2022 or
- STS 204 Issue 4:2012 or
- LPS 1175 Issue 7.2 (2014) Security Rating 1 or
- STS 202 Issue 3 (2011) Burglary Rating 1 or
- LPS 2081 Issue 1 (2015) Security Rating A

NB: Easily accessible is defined within Approved Document Q Appendix A. The plan also shows roof lights over the rear bedrooms for the residential dwellings, these should be security enhanced, as this area of Wisbech has experienced issues with persons climbing on roofs and free running.

• **Lighting** - For the safety of people and their property our recommendation is that home security lights both front and rear should be dusk to dawn bulkhead LED lights. There should also be a bulk-head LED Dusk to Dawn light over the bin store door.

Shared facilities:

• **Bin Store** - enclosed bin store doors should be enhanced security door-sets LPS 1175 SR2 fitted with self-closers and a thumb turn for egress to ensure that people

cannot be locked in and to prevent rough sleepers gaining access. The DAS mentions that there will be keypad access for the residents and refuse collection staff, the interconnecting bin store door from the nightclub to the residential bin store, should have a separate code or fob access control for staff only, this door must also be a security enhanced door-set fitted with self-closer.

I would be happy to meet with the applicant to discuss "Secured by Design" and measures to reduce crime and anti-social behaviour including building security, I believe this development could achieve "Secured by Design" homes 2023 accreditation with discussion.

F/YR23/0415/F - Designing Out Crime Officers (Re-consult) 22/08/23

Thank you for the opportunity to comment on this revised planning application. Having read the documents, I note the changes made in relation to installing rear windows to the town houses and 1 bedroom flat, taking the concerns raised into consideration in relation to the first-floor windows my recommendation would be installing security enhanced frosted windows to reduce the visibility over the business premises and rear car park, or the original design Velux roof windows. I refer to my previous comments dated 22nd May 2023 these still stand.

F/YR23/0415/F - Mr Dan Horn (FDC) 22/05/23

As this falls under the threshold for affordable housing, we have no comment to make.

F/YR23/0415/F - The Wisbech Society 12/06/23

With reference to the above Planning Application, the Wisbech Society OBJECTS to the application for the following reasons.

1. HERITAGE

The proposed changes to the frontage of the building are considered an attempt to create a 'modern nightclub style' of building, without any consideration given to how it will impact the setting of the historic built environment that is The Old Market. The Old Market, as its name suggests was the site of the original weekly market held since the 12th Century.

The Heritage Statement offered by the applicant is a simple list of the nearby Listed Buildings, and makes no attempt to assess the impact of the application on these properties and the nearby architecture of the North Brink, named by the antiquarian, Nikolaus Pevsner, as "one of the finest brick built Georgian streets in England." The National Planning Policy Framework (NPPF), Section 194. states that "In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting." Likewise, Section 195 of the NPPF states that, "Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal".

In addition, the planned replacement of the existing frontage and the removal of the Crittal style narrow steel window frames, will have a detrimental effect on this early/mid 20th C. building, which in itself should be recognised as a non-

designated heritage asset that has evolved into the historic environment. Section 203. . NPPF, states that, "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."

2. OVERDEVELOPMENT

The development of 6 housing units to the rear of the building can be considered to be an overdevelopment of the site. Most of the units have no access to natural light at the rear of each unit and the designated cycle storage behind the front entry doors cannot be considered a serious proposal (if anything they are a potential danger and may prevent safe egress from the property).

There will undoubtedly be an issue with car parking, as the limited availability is used by customers of small businesses in Exchange Square. Has consideration been given to the additional risks to Highway Safety caused by additional manoeuvring of vehicles in this confined square.

Has any consideration been made to the additional burden of waste water/sewerage on the existing systems?

3. NOISE/IMPACTS ON EXISTING RESIDENTS

Although the site was a former restaurant/nightclub, has any consideration been given to the impacts of noise on existing residents by moving the nightclub to the first floor, which is adjacent to existing sleeping quarters?

The addition of another nightclub (to add to the nearby Legends in Chapel Road) adds a lot of additional activity around the relatively small spaces of Exchange Square and Old Market, which would negatively impact on current residential properties for noise and nuisance. In 2020 there were Licensing and Planning issues with VIP Lounge (Legends previous name), which do not appear on the Planning or Licensing details (?).

F/YR23/0415/F - The Wisbech Society (Re-consult)

No response received.

F/YR23/0415/F & F/YR23/0413/A - Conservation Officer (FDC) 25/05/23

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

It is positive to see a proposal to bring this building back into use and invest investment in it is timely.

Front elevation:

The property is a commercial building constructed in the early-mid C20. Whilst it has a divergent appearance to the overriding character of formal C18 and C19 buildings in the vicinity, it has a positive early-mid C20 modernist character, aided by its symmetry and large slim framed metal workshop windows to the first floor, which are integral to that design ethos. The architectural character of the building provides definition to the urban grain and reflects its historic use and evolution of design into the C20.

Although the building needs attention, its clear architectural character and quality adds significantly to the streetscene in which it stands and is a remnant of the architecture of the early twentieth century motoring industry in Wisbech. The building is deemed positive non-designated heritage asset, albeit in need of work.

The ground floor has previously been altered with the insertion of the somewhat incongruous bow windows flanking the central entrance door.

The first-floor benefits from its original large format slim metal framed window that is a key component to its architectural character.

The proposal for the front elevation is to remove the original large metal framed glazing to the first floor and replace it with inset grey brickwork and smaller windows. The design is overly modern and does not attempt to be sensitive to the very high historic significance of it its surroundings.

The design concept utilised is considered to be completely at odds with the symmetry afforded by the simple modernist form. The offset fenestration is considered to be deleterious to the historic character of the building as starkly at odds with the symmetry of the adjacent listed buildings.

There are many examples recent C21 buildings in Wisbech and I struggle to think of one that has been a beneficial addition to the historic environment. It would be short sighted to lose this example rather than concentrating on the simple changes it needs to the existing poorly designed ground floor insertion.

Unfortunately, the heritage statement does little to try and justify the proposed designs.

I would strongly recommend that the principal elevation is revised to replace the slim framed metal window with glazing with a similar style. There are a number of companies offering traditional slim metal framed windows inspired by that era in both steel and aluminium.

The galleried landing at first floor does not present a conflict in maintaining such a feature and would work as a positive, light and airy circulation space for the premises.

One only has to look at the positive refurbishments that have been achieved at a similar style and age of building on Chapel Street, which has respected the core historic character of the building to the benefit of the conservation area.



The positive and original cast iron rainwater hoppers and downpipes should be painted and retained as part of the works.

Off white render is deemed appropriate and will retain much the same appearance as it currently exists.

Again, at ground floor the entrance doorset would ideally be central to maintain the symmetry that this type of architecture requires.

Rear Elevation:

The works proposed to the rear elevation are somewhat less controversial in that the existing rear elevation is of poor character that detracts from the character and appearance of the conservation area. Introducing fenestration to this elevation would enliven the surroundings, bring footfall and natural surveillance to an otherwise neglected and enclosed streetscape.

The use of grey slate to the rear roofslopes is supported.

Conclusion:

The proposals are considered to be entirely incongruous with the streetscene and have a serious detrimental impact on the setting of the adjacent listed building and the wider Wisbech Conservation Area. It is deemed to be at odds with national and local planning policy with regards to both the setting of the conservation area and adjacent listed buildings and should be substantially revised or refused.

F/YR23/0415/F & F/YR23/0413/A – Conservation Officer (Re-consult) 04/09/23

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

It is positive to see a proposal to bring this building back into use and invest investment in it is timely.

Front elevation:

The property is a commercial building constructed in the early-mid C20. Whilst it has a divergent appearance to the overriding character of formal C18 and C19 buildings in the vicinity, it has a positive early-mid C20 modernist

character, aided by its symmetry and large slim framed metal workshop windows to the first floor, which are integral to that design ethos. The architectural character of the building provides definition to the urban grain and reflects its historic use and evolution of design into the C20.

Although the building needs attention, its clear architectural character and quality adds significantly to the streetscene in which it stands and is a remnant of the architecture of the early twentieth century motoring industry in Wisbech. The building is deemed positive non-designated heritage asset, albeit in need of work.

The ground floor has previously been altered with the insertion of the somewhat incongruous bow windows flanking the central entrance door.

The first-floor benefits from its original large format slim metal framed window that is a key component to its architectural character.

The initial proposal was to remove the original large metal framed glazing to the first floor front elevation and replace it with inset grey brickwork and smaller windows. The design was overly modern and did not attempt to be sensitive to the very high historic significance of it its surroundings. As such, my previous comments raised an objection to that effect.

The proposed front elevation has been revised in light of the concerns. The existing render is to be repaired and repainted. The original steel windows are not in good condition and have succumbed to considerable rust in places. The revised proposals are for replacement steel windows in a similar manner by retaining the large first floor opening. There is high importance in conditioning the window details to be forthcoming prior to their manufacture to ensure they are correct. The only element I would raise is the addition of the central column. This style of building generally had unbroken glazing across the frontage which benefitted the simplicity of such early-mid C20 modernist architecture. I understand that there is a wall proposed to run into the glazing panel, but there are options available to inset the walling behind the glazing, thus retaining the characteristic expanse of a single bay of glazing.

The ground floor has been revised to a more acceptable appearance, with the use of similar steel windows as the first floor. This is an improvement over the double bow window design that currently exists. I would suggest that the newly proposed rendering within the ground floor bay ought to be a contrasting material to the rendered frame, in order to maintain the original single bay design. This could be achieved by maintaining a small setback and possibly using a well chosen tile in place of the proposed new render.

As previously stated, the positive and original cast iron rainwater hoppers and downpipes should be painted and retained as part of the works.

Off white render is deemed appropriate and will retain much the same appearance as it currently exists.

Rear Elevation:

The works proposed to the rear elevation are somewhat less controversial and remain as previously proposed. The existing rear elevation is of poor character that detracts from the character and appearance of the

conservation area. Introducing fenestration to this elevation would enliven the surroundings, bring footfall and natural surveillance to an otherwise neglected and enclosed streetscape.

The use of grey slate to the rear roof slopes is supported.

Conclusion:

The proposals are now considered to be much improved and will not have an undue impact on the setting of the adjacent listed buildings and the wider Wisbech Conservation Area. There are two elements that do need resolving before support can be given from a heritage consideration – 1) remove the central window column at first floor and look for an alternative but complimentary material for the infill sections at ground floor that are currently proposed to be matching render. I would suggest a well chosen tile. This infill section should be set back slightly allowing the single bay ‘frame’ of the building to remain a key and prominent feature.

The proposals are deemed to be in accordance with national and local planning policy with regards to both the setting of the conservation area and adjacent listed buildings.

Suggested Conditions

Prior to commencement of this part of the development, full details of the replacement front elevation glazing shall be submitted to and agreed in writing by the LPA.

Reason: In order to preserve the special architectural and historic character of the Listed Building and in accordance with the provisions of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and Policy LP18 of the Fenland Local Plan 2014.

The replacement windows shall be recessed to the same depth from the front face of the building as they exist.

Reason: In order to preserve the special architectural and historic character of the Listed Building and in accordance with the provisions of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and Policy LP18 of the Fenland Local Plan 2014.

Details of all external materials pertaining to all external elevations and roofslopes shall be submitted to and agreed in writing by the LPA prior to their use.

Reason: In order to preserve the special architectural and historic character of the Listed Building and in accordance with the provisions of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and Policy LP18 of the Fenland Local Plan 2014.

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

It is positive to see a proposal to bring this building back into use and invest investment in it is timely.

Front elevation:

The property is a commercial building constructed in the early-mid C20. Whilst it has a divergent appearance to the overriding character of formal C18 and C19 buildings in the vicinity, it has a positive early-mid C20 modernist character, aided by its symmetry and large slim framed metal workshop windows to the first floor, which are integral to that design ethos. The architectural character of the building provides definition to the urban grain and reflects its historic use and evolution of design into the C20.

*Although the building needs attention, its clear architectural character and quality adds significantly to the streetscene in which it stands and is a remnant of the architecture of the early twentieth century motoring industry in Wisbech. The building is deemed positive **non-designated heritage asset**, albeit in need of work.*

The ground floor has previously been altered with the insertion of the somewhat incongruous bow windows flanking the central entrance door.

The first-floor benefits from its original large format slim metal framed window that is a key component to its architectural character.

The initial proposal was to remove the original large metal framed glazing to the first floor front elevation and replace it with inset grey brickwork and smaller windows. The design was overly modern and did not attempt to be sensitive to the very high historic significance of it its surroundings. As such, my previous comments raised an objection to that effect.

The proposed front elevation has been revised in light of the concerns. The existing render is to be repaired and repainted. The original steel windows are not in good condition and have succumbed to considerable rust in places. The revised proposals are for replacement steel windows in a similar manner by retaining the large first floor opening. There is high importance in conditioning the window details to be forthcoming prior to their manufacture to ensure they are correct.

The ground floor has been revised to a more acceptable appearance, with the use of similar steel windows as the first floor. This is an improvement over the double bow window design that currently exists.

As previously stated, the positive and original cast iron rainwater hoppers and downpipes should be painted and retained as part of the works.

Off white render is deemed appropriate and will retain much the same appearance as it currently exists.

Rear Elevation:

The works proposed to the rear elevation are somewhat less controversial and remain as previously proposed. The existing rear elevation is of poor character that detracts from the character and appearance of the conservation area. Introducing fenestration to this elevation would enliven the surroundings, bring footfall and natural surveillance to an otherwise neglected and enclosed streetscape.

The use of grey slate to the rear roofslopes is supported.

Conclusion:

The proposals are now considered to be much improved and will not have an undue impact on the setting of the adjacent listed buildings and the wider Wisbech Conservation Area.

The proposals are deemed to be in accordance with national and local planning policy with regards to both the setting of the conservation area and adjacent listed buildings.

Suggested Conditions

Prior to commencement of this part of the development, full details of the replacement front elevation glazing shall be submitted to and agreed in writing by the LPA.

Reason: In order to preserve the special architectural and historic character of the Listed Building and in accordance with the provisions of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and Policy LP18 of the Fenland Local Plan 2014.

The replacement windows shall be recessed to the same depth from the front face of the building as they exist.

Reason: In order to preserve the special architectural and historic character of the Listed Building and in accordance with the provisions of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and Policy LP18 of the Fenland Local Plan 2014.

Details of all external materials pertaining to all external elevations and roof slopes shall be submitted to and agreed in writing by the LPA prior to their use.

Reason: In order to preserve the special architectural and historic character of the Listed Building and in accordance with the provisions of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and Policy LP18 of the Fenland Local Plan 2014.

RECOMMENDATION: No objection subject to appending suggested conditions.

F/YR23/0415/F - Senior Archaeologist (CCC) 14/06/23

The application site redline is occupied by no.22-23 Old Market, an un-listed building within the Wisbech Conservation Area. Many of the buildings in the immediate vicinity of the development redline date to the 18th and 19th century and benefit from statutory designations, eg. nos 27 Old Market (National Heritage

List for England reference 1126593), nos 28-29 Old Market (NHLE 1331648), no.12 Old Market (Barclays Bank - NHLE 1126591) directly opposite and, facing the site to the rear, the rear elevation of the Old Town Hall, formerly the Exchange Hall (NHLE 1126633). Despite being of a style quite distinct from its immediate neighbours, 22-23 Old Market is considered to be a non-designated heritage asset which makes a positive contribution to the overall character of the area.

The principal elevation faces Old Market and is of distinct early 20th century character, with a continuous range of large metal-framed Crittall-style windows occupying the full width of the frontage at first floor level. To the rear of this frontage, the built footprint extends back to present a two-storey gable and an adjoining part one- and part two-storey linear range facing onto Exchange Square. Examination of early Ordnance Survey mapping shows that the entirety of the built footprint within the development redline was occupied and closely resembled its present configuration at the time the 1st edition (1:2500) was produced in 1885, although it is not at present clear to what extent the standing buildings comprise historic built fabric or later replacements.

The submitted proposals entail substantial alteration to the Old Market and Exchange Square elevations, including the loss of the historic fenestration arrangement. Internally, the space will be sub-divided and redeveloped to create the proposed residential units and re-configure the commercial space. The submitted 'heritage statement' downplays the impact of these changes to the building itself, dismissing it as 'out of character, dated, and is not considered to be of architectural interest or merit' and consequently offers little in the way of justification for the proposals. This document is un-fit for purpose in that it fails to adequately assess the impact of the proposals on either the building itself, nearby assets or the Conservation Area.

It is noted that the Conservation Officer has identified fundamental concerns with the design of the proposals in terms of national and local policy. Subject to these being addressed in a revised scheme, we would not object to this development, but consider that the site should be subject to a programme of 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 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

F/YR23/0415/F - Senior Archaeologist (CCC) (Re-consult) 10/08/23

We have reviewed the submitted amendments and I am writing to confirm that these do not alter the advice previously issued by this department on 14/06/2023 and re-attached here, for your convenience.

F/YR23/0413/A - Senior Archaeologist (CCC) 10/08/23

We have reviewed the amended documentation and can confirm that it does not alter our previous advice for this application. Namely that we have no objections or requirements for this.

F/YR23/0415/F – Wisbech Town Council 31/05/23

Object, on the basis that

- the residential element of the application would constitute overdevelopment of the site*
- the use of part of this building as a nightclub would result in an unacceptable adverse impact upon the amenity of nearby residents, by virtue of noise generation and a likely increase in the number of incidents of anti-social behaviour in the vicinity of the premises*
- the proposed new frontage to the building (particularly the design and material of the windows) would be out of keeping with the character of the Conservation Area within which this building is situated.*

Wisbech Town Council shares the opinion of the objectors to the application that the crime data which has been provided by the Constabulary is not accurate; councillors believe that more incidents of crime and disorder have taken place than are shown within the data. Therefore, councillors suggest that the CCTV footage which is captured routinely within that area be examined to ensure that an accurate assessment of the level of crime and disorder within that area can be made by the Local Planning Authority

F/YR23/0415/F - Wisbech Town Council (Re-consult) 15/08/23

Object, on the basis that

o despite the total number of residential units proposed being reduced from 6 to 5, the residential element of the application would still constitute overdevelopment of the site

- o *the use of part of this building as a nightclub would result in an unacceptable adverse impact upon the amenity of nearby residents, by virtue of noise generation and a likely increase in the number of incidents of anti-social behaviour in the vicinity of the premises*
- o *the proposed new frontage to the building (particularly the design and material of the windows) would be out of keeping with the character of the Conservation Area within which this building is situated.*

F/YR23/0415/F - Wisbech Town Council (Re-consult) 14/11/23

Object, on the basis that

- *the residential element of the application would constitute overdevelopment of the site*
- *the use of part of this building as a nightclub would result in an unacceptable adverse impact upon the amenity of nearby residents, by virtue of noise generation and a likely increase in the number of incidents of anti-social behaviour in the vicinity of the premises*
- *the proposed new frontage to the building (particularly the design and material of the windows) would be out of keeping with the character of the Conservation Area within which this building is situated.*

F/YR23/0413/A – Wisbech Town Council 13/11/23

Object, on the basis that this proposal is linked to the one covered by planning application F/YR23/0415/F, which Wisbech Town Council opposes.

F/YR23/0415/F - Private Sector Housing – FDC 31/05/23

I have just reviewed the application and have the following concerns:

1. *Absence of windows to both floors at front elevation. This is likely to increase the level of damp & mould due to lack of ventilation and negatively impact on mental health due absence of natural light.*
2. *The absence of external space for each unit. This is likely to adversely affect mental health and child development, particularly as they are 2 bed houses.*

F/YR23/0415/F - Private Sector Housing – FDC (Re-consult) 04/08/23

Further to the revised plans for the above application, I wish to comment as follows.

Whilst the proposed windows to the first-floor bedrooms reduce the psychological impact due to the presence of more light to the dwelling, there are still concerns relating to the levels of humidity likely to be created within the ground floor from the kitchen and shower room. There is no indication of any mechanical extraction.

As far as I can see there has been no further proposal to provide external space for the residents of any of the proposed dwellings, therefore my original concerns stand.

I also note that there is no consultation response from Cambs Fire & Rescue Service. Please can you advise if they have received a copy as I assume they will have some concerns relating to the open plan of the houses.

Cambridgeshire Fire 03/10/23

With regards to your email below concerning planning application notification F/YR23/0415/F Cambridgeshire Fire and Rescue Service does NOT require the addition of any further Fire Hydrants as there is sufficient within the immediate area.

Local Residents/Interested Parties

F/YR23/0415/F - F/YR23/0413/A – Objectors

43 representations have been received objecting to the proposals. 22 objections have been received from people living within the application site ward, 7 objections from people living within a neighbouring ward and 14 objections from other locations. The objectors raised concerns as follows:

- The introduction of a nightclub in a residential area
- The introduction of a nightclub a conservation area
- The reopening of the nightclub
- The relocation of the nightclub dance floor to the front of the building
- The crime and anti-social behaviour that objectors considered went hand in hand with the introduction/re-opening of the nightclub.
- The negative impact on local business that objectors considered went hand in hand with the introduction/re-opening of the nightclub.
- The noise that objectors considered went hand in hand with the introduction/re-opening of the nightclub.
- The design of the nightclub frontage in a conservation area.
- Highways safety/congestion/parking
- Overdevelopment
- Overlooking from the new dwellings to business premises/residents at the rear
- Availability of new dwellings to have natural light.
- Availability of new dwellings to have private amenity space.
- Fire safety of new dwellings
- Fire safety and restricted numbers permitted in new/reopening night club.
- Lack of affordable housing
- Neighbour consultations
- Flood Risk and Drainage

F/YR23/0415/F – F/YR23/0413/A - Supporters

34 representations have been received in support of the applications. Supporters spoke about how great it was that the nightclub was reopening, how safe they felt when attending and how important the club was to the economy of Wisbech.

F/YR23/0415/F – F/YR23/0413/A - Representations

1 representation was received neither objecting or supporting the applications.

6 STATUTORY DUTY

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

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

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 require a Local Planning Authority to exercise its powers in the interests of amenity and public safety taking into account the provisions of the development plan, so far as they are material, and any other relevant factors.

7 POLICY FRAMEWORK

National Planning Policy Framework (NPPF)

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

Para 11: Presumption in favour of sustainable development

Para 130: Well-designed development

Para 190 – Historic environment

National Planning Practice Guidance (NPPG)

Determining a Planning Application

National Design Guide 2021

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

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

H1 & H2 Homes and Buildings – healthy, comfortable and safe places well related to external amenity space

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

LP6 – Employment, Tourism, Community Facilities and Retail

LP8 – Wisbech

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

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

Policy LP5 – Health and Wellbeing
Policy LP7 – Design
Policy LP8 – Amenity Provision
Policy LP12 – Meeting Housing Needs
Policy LP15 – Employment
Policy LP16 – Town Centres
Policy LP17 – Culture, Leisure, Tourism and Community Facilities
Policy LP20 – Accessibility and Transport
Policy LP22 – Parking Provision
Policy LP23 – Historic Environment
Policy LP32 – Flood and Water Management
Policy LP35 – Regeneration of Wisbech

8 KEY ISSUES

- **Principle of Development**
- **Character and Historic Environment**
- **Residential Amenity**
- **Change of use**
- **Advertising**
- **Highways and Transport**
- **Bins**
- **Flood Risk and Drainage**
- **Other considerations**
 - **Night club**
 - **Position of night club dance floor**
 - **Fire safety**
 - **Neighbour consultations**
 - **Affordable housing**
 - **Archaeology**

9 BACKGROUND

- 9.1 The application has many amendments including the removal of 1 dwelling and the introduction of a new 1m link footway along the front of the proposed dwellings on Exchange square. The window arrangement of the dwellings has been altered to maximise natural light in the dwellings and reduce the possibility of overlooking. The proposed alterations to the front of the building on the 'Old Market' has been altered as per the Conservation Officer comments.

10 ASSESSMENT

Principle of Development

- 10.1 The applications seek full planning permission and advertising consent for alterations to the existing building known as Mendi's. This would involve the conversion of the rear section of the building to create 4 x 2-storey dwellings (1 x 1-bed, 3 x 2-bed) and 1 x first floor flat (1-bed) and the formation of 1m link footway along Exchange Square. The flat would be positioned above the night club fire exit and the bin/cycle storage area. The proposal includes a scheme for the refurbishment of the existing night club including a new frontage and the display of 1 x non-illuminated fascia sign. The site is located within Wisbech Market Town, Flood Zone 3 and within the Wisbech Conservation Area.
- 10.2 Policy LP3 of the Fenland Local Plan 2014 sets out the settlement Hierarchy. The policy identifies Fenlands overall strategy for sustainable growth, including new

housing, job creation and business growth in order to facilitate the health and wellbeing of Fenlands resident. The policy states that the focus for the majority of growth is in and around the four-market towns. The proposal is to bring back into use and refurbish and established business and create new dwellings.

- 10.3 Policy LP6 of the Fenland Local Plan 2014 states that opportunities for job growth in the district will be maximised. It also states that visitor facilities will be protected and where possible enhanced. The proposal is considered to comply with this policy as staff will be employed by the nightclub that is understood to have closed during Covid.
- 10.4 It is also necessary to consider any character/visual amenity impacts in accordance with Policy LP16 and LP18 of the Fenland Local Plan 2014, site constraints which include flood risk (LP14) and matters of residential amenity, to include noise impacts, air quality and contamination (LP2 and LP16). Any highway implications (LP15) must also be evaluated with mitigation being secured as appropriate.
- 10.5 Therefore, the proposal in this location is considered in principle acceptable subject to these policy considerations being considered below.

Character and Historic Environment

- 10.6 Policy LP16 (a) of the Fenland Local Plan states that proposals for alterations to existing buildings will be permitted if it can be demonstrated that the proposal protects and enhances any affected heritage assets and their settings to an extent commensurate with paragraph 190 of the National Planning Policy Framework and in accordance with Policy LP18 of the Fenland Local Plan. Policy LP16 (d) of the Fenland Local Plan 2014 states 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.
- 10.7 The property is a commercial building constructed in the early-mid C20 that has been used as a nightclub, bar and restaurant since the 1970's. Whilst the host building has a divergent appearance to the overriding character of formal C18 and C19 buildings in the vicinity, it has a positive early-mid C20 modernist character, aided by its symmetry and large slim framed metal workshop windows to the first floor, which are integral to that design ethos. The architectural character of the building provides definition to the urban grain and reflects its historic use and evolution of design into the C20. It's clear architectural character adds significantly to the streetscene in which it stands and is a remnant of the architecture of the early twentieth century motoring industry in Wisbech. The building is deemed a positive non-designated heritage asset.
- 10.8 The proposed front elevation alterations facing 'Old Market' have been revised in light of Conservation Officer concerns raised in the first consultation. The proposal is now to repair and repaint existing render and replace windows with steel windows in a similar style and layout to those existing. The original steel windows are not in good condition and have succumbed to considerable rust in places. The ground floor is proposed to have steel windows similar to those on the first floor. The Conservation Officer considers that the proposed alterations to the ground floor front windows are an improvement over the double bow window

design that currently exists. Therefore, the proposed alterations and materials to the front of the building are considered in keeping with the character of the existing non designated heritage asset and therefore would not be considered to harm the character of the Conservation Area or the street scene.

- 10.9 The works proposed to the rear elevation to form 5 dwellings are considered by the Conservation Officer to be somewhat less controversial. The Conservation Officer states that the existing rear elevation is of poor character that detracts from the character and appearance of the conservation area. They consider that the Introduction of fenestration to the rear elevation would enliven the surroundings, bring footfall and natural surveillance to an otherwise neglected and enclosed streetscape. The materials proposed to the rear of the site along Exchange Square are considered in keeping and in some parts an improvement. Therefore, the proposed alterations to the rear of the property along Exchange Square are considered an improvement to the appearance and character of the building within the Conservation Area.
- 10.10 The Conservation Officer has no objection to the revised proposals and states that it is positive to see a proposal to bring this building back into use and invest investment in it is timely as there are areas showing significant wear such as the front elevation windows. Owing to the above the proposal is considered acceptable under policy LP16 (a & d) and policy LP18 of the Fenland Local Plan 2014.

Residential Amenity

- 10.11 Policy LP2 of the Fenland Local Plan 2014 states that development should positively contribute to creating a healthy, safe and equitable living environment. Policy LP16 (e) seeks to ensure that development does not adversely impact on the amenity of neighbours through significant increased noise, light pollution, loss of privacy or loss of light.
- 10.12 The application site has had planning permission since 1973 to be a nightclub, restaurant and bar with amendments made to remove requirement for parking and the addition of accommodation approved. Whilst neighbour concerns regarding the positioning of a nightclub in this location are acknowledged the permission cannot be revoked. Within the original permission the position of the dancefloor was not restricted to be located to the rear of the premises, this is reinforced within the premises licence. The proposal is for conversion of an existing building which currently does not have any outdoor amenity space and neither is any proposed. Whilst it is recognised that there is policy requiring external amenity space this cannot be achieved with the existing layout of the building. However, the location of the site in close proximity to town centre amenity areas is considered appropriate in this case and the reuse of a property in the town centre is considered to be a benefit.
- 10.13As there are existing and proposed residential dwellings adjacent to the existing Nightclub amenity issues regarding noise must be mitigated. The proposed window alterations to the front of the building are considered to give some improvement to the building's acoustic performance. The positioning of the internal stair block is considered to add a buffer alongside the neighbours (19 Old Market). A new freestanding internal wall along the side of the club wall where it meets the neighbours (19 Old Market) has also been introduced. The stair lobby design will also help to add an improved buffer to the neighbours over and above the existing layout. The location of the bar areas and the new internal

freestanding wall is considered to create an insulated party wall and would help improve sound buffering between the host property and the adjoining neighbour to the north (No24-26 Old Market). The proposed townhouses and flat are buffered from the club by the toilet block on the ground floor and the store area at first floor area. The Environmental Health Team have considered the proposal and when considering the existing use of the property and the proposed mitigation measures have no objection subject to conditions and an informative.

- 10.14 Owing to comments made by the design out of crime team, FDC private sector housing team and neighbour representations security enhanced frosted glazing is now proposed to the rear of Proposed dwellings. This will add additional security measures to the dwellings and prevent overlooking of residential and commercial properties to the rear of the proposed dwellings. The proposed new windows to the front of the proposed dwellings would be more than 12m away from the dwellings positioned to the west of Exchange Square. Therefore, no significant harm to neighbouring amenity in terms of overlooking is anticipated owing to the proposals.
- 10.15 Owing to the above on balance the proposal is considered acceptable under policies LP2 and LP16 (e) of the Fenland Local Plan 2014 subject to conditions.

Change of use

- 10.16 It is proposed to split the existing building, with the nightclub remaining to the front of the existing property onto 'Old Market' and the rear of the building changing from part of the nightclub to 4x 2-storey dwellings and 1x flat. The site is in a sustainable location and as stated above policy LP3 states within the settlement Hierarchy that Wisbech market town is 1 of 4 markets towns where housing growth should be focused. The proposed partitioning of the existing property is proposed to maintain the viability of the business, Therefore, the change of use of part of the business premises to dwellings is considered to comply with this policy.

Advertising

- 10.17 New advertising is proposed as part of the alterations to the front of the nightclub. The sign would be approximately 7.5m in length and 0.9m in height. It would be located in a similar location to existing signage and of a similar overall size. The proposed 1x illuminated sign would be in replacement of the existing advertisements and be in keeping with the revamped frontage to the building and other signage in the vicinity. The proposed advertisement would not interfere with the public highway. Therefore, the proposed advertising is considered acceptable under policies LP16 and LP18 of the Fenland Local Plan 2014.

Highways and Transport

- 10.18 LP15 of the Fenland Local Plan 2014 states that development schemes should provide well designed, safe and convenient access for all. It also states that development schemes should provide well designed car and cycle parking appropriate to the amount of development proposed in accordance with Appendix A of the Fenland Local Plan 2014.
- 10.19 Application F/YR23/0413/A is for advertising to the front of the existing property. The advertising is not considered to interfere with the pedestrian footpath or vehicular highway. The Highways department have no objection to the proposal.

- 10.20 To the rear of the property the proposed dwellings face onto Exchange Square. Exchange Square is a no through road with only pedestrian access through to North Brink. Negotiations have been facilitated between the agent and the Highways Team. The proposed dwellings are now proposed to exit out onto a 1m wide link footway. The proposed link footway is considered by Highways to provide a safe landing area for future residents entering and exiting their property. Owing to the addition of the proposed link footway Highways now have no objection to the proposals. Highways have stated that the Link Footway will require some ancillary accommodation works in relation to the existing highway drainage and to regularise road markings, both of which can be accommodated as part of the S278 process post-planning.
- 10.21 It has been indicated that the access to the dwellings would be for pedestrians and cyclists only, and as such no car parking is provided. Given that the site is located within easy access of town centre facilities and public transport, it is considered that on-site parking is not, in this instance, required. Cycle storage for each dwelling is proposed under the proposed flat.
- 10.22 The nightclub is existing on site with planning permission given and the requirement for parking removed. The site is within walking distance of shops, education, employment, health facilities and public transport. Furthermore, there is a free public car park in close proximity of the site at Church Terrace car park approximately 290 metres away which would cater for future occupants if necessary. Limited car parking is also available on the Old Market and on North Brink.
- 10.23 In view of the above officers consider that approving the proposal without parking would help to promote sustainable living. It would also lessen the emphasis on private car use, which would help to reduce carbon emissions.
- 10.24 As referred to above, Appendix A to the Local Plan sets out that in special circumstances nil parking provision for new residential development may be appropriate. In this case the special circumstances are considered to be a combination of: the planning history of the site which has approved development with no car parking; the fact the building is existing and proposed for partial conversion, the location of nearby services; and the close proximity of alternative and suitable car parking.
- 10.25 In accordance with national guidance contained in Manual for Streets 2, Local Authority's should promote cycle use and provide cycle storage where possible; this scheme includes such facilities. This adds some further justification to the proposed car parking arrangements.
- 10.26 The proposal is therefore considered to be in accordance with Policy LP15 of the Local Plan inasmuch as it does provide appropriate car and cycle parking arrangements given the site's locality and will unlikely result in insurmountable matters in respect of highway safety.

Bins

- 10.27 The design and access statement states that there is no outside storage area and a history of bin vandalism along Exchange Square, a lockable internal bin storage area has been incorporated into the design, for storage of bins for the townhouses, flat and the venue. There is space for bins for general and recyclable waste. Residential tenants and the LPA would have the pin code

access to the bin store. As the venue currently has their bins collected from the rear of the venue it is considered appropriate for future bin storage and collection.

Economic Growth

- 10.28 The proposed development will provide economic benefits to Wisbech and the District as a whole through the provision of employment opportunities for a reestablishing business under new ownership. As such the development will support the economic growth of the area and therefore complies with Policy LP6 of the Fenland Local Plan, 2014.

Flood Risk and Drainage

- 10.29 The site is located within flood zone 3, where planning policy LP14 (B) states that development in such area will only be permitted following the successful completion of a sequential test, an exception test, the demonstration of meeting an identified need and flood risk management and safety measures and a positive approach to reducing flood risk overall.
- 10.30 The proposal is for the change of use of part of the building and alterations to an existing building therefore there is sequentially no preferable location for it to be positioned. As such it is considered to pass the sequential test. The Environment Agency have considered the application and have no objection but strongly recommend a flood risk mitigation measure condition.
- 10.31 Surface and foul water drainage would make use of the existing connections on site that serve the current building.
- 10.32 Therefore, the proposal is considered acceptable under policy LP14 of the Fenland Local Plan 2014.

Other considerations

- 10.33 Night club: The planning application is not for the change of use of the front of the existing Mendi's site to a night club. As shown in the planning history, the host property has had permission to be a night club since the granting of planning application WB/73/176/F in December 1973. Some neighbour responses state that it was a club and not a nightclub however the original planning application file has documents within it that state the application was for a discotheque/nightclub. A Wisbech Standard newspaper article has been found dated 24th May 1974 that states '*Plans for a new club – restaurant in Wisbech – Wisbech is once again to have a nightclub and restaurant*'. Therefore, I can confirm that no matter how the premises has been managed it has planning permission to be a nightclub. The premises is licenced.
- 10.34 Position of night club dance floor: Concern was also raised about the nightclub dance floor being positioned towards the front of the building towards 'Old Market'. A letter from a planning officer at the time of the original nightclub permission (1973) states that 'the permission is not restricted to the ground floor'. Through correspondence with the FDC licencing department it can be confirmed that the plan attached to the licence shows a dancefloor currently to the rear of the premises off 'Exchange square' and on the first floor to the front of the premises off 'Old Market'.
- 10.35 Fire safety: A number of neighbour objections raised concerns over fire safety in relation to the remaining nightclub and the proposed dwellings. This matter was raised with the agent who stated that they have been working with a fire safety

consultant that has no concerns. Cambridgeshire Fire and Rescue were consulted on the application and raised no concerns. Ultimately if any issues regarding fire safety arise at a later date this will be dealt with by Building Regulations.

- 10.36 Neighbour consultations: After a local planning authority has received a planning application, it undertakes a period of consultation where views on the proposed development can be expressed. The formal consultation period will normally last for 21 days, and the local planning authority will identify and consult a number of different groups.

A few neighbour representations raised concern over who had been sent neighbour consultation letters. A consultation letter was sent to all adjoining property/landowners/occupiers as required by The Town and Country Planning (Development Management Procedure) (England) Order 2015.

As the site is adjacent to a number of listed buildings and within the Wisbech Conservation area a site notice was erected on 'Old Market' and a notice was published within the Fenland Citizen.

- 10.37 Affordable housing: The Fenland District Council Local Plan was adopted in May 2014. Policy 'LP5 – Meeting Housing Need' does specify that there should be affordable housing provision on sites which in combination provide 5 or more dwellings. However, since the Local Plan was adopted the National Planning Policy Framework has superseded this requirement and therefore affordable housing is now required for 10 dwellings or more.

- 10.39 Archaeology: The County Council Archaeology Team were consulted as part of the application consultation process. The Archaeology team requested a condition regarding an archaeological Written Scheme of Investigation (WSI) they specified that this was to safeguard archaeological assets within the approved development boundary from impacts relating to any demolitions or groundworks. The proposal is for the upgrade of part of the building and conversion of part of the building therefore no major demolition or groundworks are proposed. The building is not listed therefore internal works could in other circumstances be undertaken under permitted development rights. Therefore, the condition is not considered reasonable and is not proposed to be attached to the decision.

11 CONCLUSIONS

- 11.1 **F/YR23/0415/F** The application is considered on balance acceptable as it is considered that the proposal will not cause significant adverse harm to the street scene or the character of the Conservation Area, the setting of nearby Grade II Listed Buildings or in respect of residential amenity, highways safety, or flood risk. As such, the proposed development complies with Policies LP1, LP2, LP14, LP15, LP16 and LP18 of the Fenland Local Plan 2014.
- 11.2 **F/YR23/0413/A** The proposed 1x illuminated sign would be in replacement of the existing advertisements and be in keeping with the revamped frontage to the building and other signage in the vicinity. The proposed advertisement would not interfere with the public highway. Therefore, the proposed advertising is considered acceptable under policies LP16 and LP18 of the Fenland Local Plan 2014.

12 RECOMMENDATION

- a) F/YR23/0415/F - Grant subject to conditions
- b) F/YR23/0413/A - Grant subject to conditions

Proposed Conditions - F/YR23/0415/F

1	<p>Commencement</p>
2	<p>Noise sensitive development Prior to the first occupation of the approved dwellings a scheme for protecting this noise-sensitive development from noise arising from the use of the night club shall be submitted to and approved in writing by the local planning authority. All works which form part of the scheme should be completed before the noise-sensitive development is occupied and shall thereafter be retained as approved.</p> <p>Reason: To protect the amenity of neighbouring residential users from the adverse impact of noise in accordance with Policy LP16</p>
3	<p>Noise management plan Prior to the first occupation of the dwellings hereby approved A Noise Management Plan (NMP) for the nightclub shall be submitted to and approved by the Local Planning Authority. The NMP shall include as a minimum, written details of the following information;</p> <ul style="list-style-type: none"> i. Organisational responsibility for noise control ii. Hours of operation and music production iii. Imposed planning conditions controlling noise/disturbance iv. Physical and managerial noise controls processes and procedures v. Music noise level controls including music noise limiter settings and any external noise limits, monitoring locations. vi. Details of how compliance with control limits is achieved and procedure to address non- compliance vii. Details of review of NMP viii. Details of community liaison and complaints logging and investigation. <p>Reason: To protect the amenity of neighbouring residential users from the adverse impact of noise in accordance with Policy LP16</p>
4	<p>Noise from plant and equipment No development shall take place until an assessment to show that the rating level of any plant & equipment, as part of this development, will be at least 5 dB below the background level has been submitted to and been approved in writing by the Local Planning Authority. The assessment must be carried out by a suitably qualified acoustic consultant/engineer and be in accordance with BS4142: 2014 Methods for rating and assessing industrial and commercial sound.</p> <p>Reason: To protect the amenity of neighbouring residential users from the adverse impact of noise in accordance with Policy LP16 (e).</p>
5	<p>Off-Site Highway Works No works to convert the rear of the building to 5 approved residential dwellings shall take place until details of works to Exchange Square, in accordance with the principle shown on the drawing 6690/06, have been submitted to and approved in writing by the Local Planning Authority. The dwellings shall not be occupied until all of the works</p>

	<p>have been completed in accordance with the approved details.</p> <p>Reason: In the interests of highway safety and in accordance with Policy LP15 of the Fenland Local Plan 2014.</p>
6	<p>Nightclub fenestration</p> <p>Prior to the commencement of any works to the front elevation of the nightclub along 'Old Market', full details of the replacement front elevation glazing shall be submitted to and agreed in writing by the Local Planning Authority.</p> <p>Reason: In order to preserve the special architectural and historic character of the Listed Building and in accordance with the provisions of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and Policy LP18 of the Fenland Local Plan 2014.</p>
7	<p>Nightclub fenestration inset.</p> <p>The replacement windows to the front of the nightclub along 'Old Market' shall be recessed to the same depth from the front face of the building as they are existing.</p> <p>Reason: In order to preserve the special architectural and historic character of the Listed Building and in accordance with the provisions of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and Policy LP18 of the Fenland Local Plan 2014.</p>
8	<p>Materials</p> <p>No external works shall take place until detail of external materials pertaining to all external elevations and roof slopes are submitted to and agreed in writing by the LPA prior to their use. . The details submitted for approval shall include the name of the manufacturer, the product type, colour and reference number. The development shall then be carried out in accordance with the approved details and retained in perpetuity thereafter.</p> <p>Reason: In order to preserve the special architectural and historic character of the Listed Building and in accordance with the provisions of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and Policy LP18 of the Fenland Local Plan 2014.</p>
9	<p>PD Windows</p> <p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other Order revoking or re-enacting that Order), no additional windows other than those shown on the plans hereby approved shall be placed in any elevation of the development hereby approved.</p> <p>Reason: To protect the amenities of the adjoining properties in accordance with Policy LP16 of the Fenland Local Plan, adopted May 2014.</p>
10	<p>Obscure glazing</p> <p>Prior to occupation of the approved residential units hereby approved, security enhanced frosted glazing shall be installed to the rear of the approved dwellings (eastern elevation) in accordance with the requirements set out in the Design Out of Crime consultation response.</p>

	<p>These windows will be maintained in perpetuity.</p> <p>Reason: To safeguard the amenities currently enjoyed by the occupants of adjoining dwellings in accordance with Policies LP2 and LP16 of the Fenland Local Plan, adopted May 2014.</p>
11	<p>Flood mitigation measures</p> <p>The approved scheme shall be implemented according to the recommendations detailed in the approved Flood Risk Assessment (FRA) ref: ECL0996a/PETER HUMPHREY ASSOCIATES Dated August 2023):</p> <ul style="list-style-type: none"> o The dwellings must be 2 storey dwellings or first floor flats. o Finished floor levels of the dwellings must be a minimum of 0.3m above the carriageway level of Exchange Square with 0.3m of flood resilient construction above finished floor level. <p>Reason: To provide a reasonable freeboard against flooding in accordance with the National Planning Policy Framework and Policy LP14 of the Fenland Local Plan 2014.</p>
12	Approved Plans

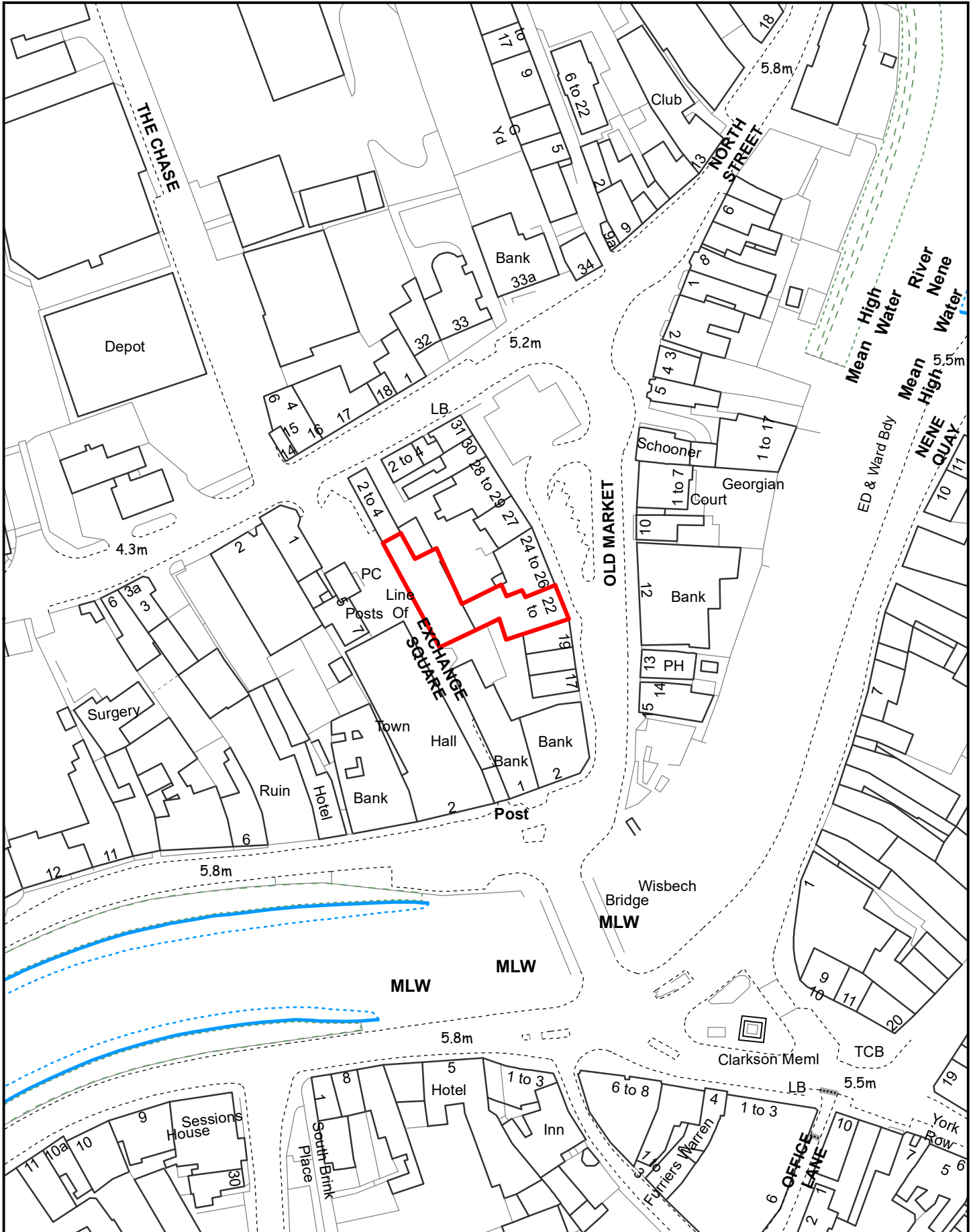
Informatives:

095A	Compliance with SI 2012 No 2274
093B	Bins Informative
094A	CNC
096	In or adjacent to a settlement – monitoring
	The Council retains the right to utilise the statutory nuisance provisions under the Environmental Protection act 1990, and the licensing provisions under the Licensing Act 2003, should complaints about noise associated with this development be received by the Council
	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.
	This works hereby approved require advertisement consent which has been approved under application F/YR23/0413/A. Please note that there are separate conditions attached to the consent for application F/YR23/0413/A.

Proposed Conditions - F/YR23/0413/A

1	Commencement
2	<p>Advertisement Standard Conditions</p> <p>1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.</p>

	<p>2. No advertisement shall be sited or displayed so as to -</p> <p>a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);</p> <p>b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or</p> <p>c) hinder the operation of any device used for the purpose of security or surveillance or for the measuring of speed of any vehicle.</p> <p>3. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.</p> <p>4. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.</p> <p>Reason: In accordance with Schedule 3 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, (as amended).</p>
3	<p>Advert</p> <p>The advertisement(s) permitted shall only be displayed for a period of 5 years from the date of this consent. On or before the expiry of this period the advertisement(s) shall be removed unless a further application for renewal is submitted prior to that date.</p> <p>Reason - To ensure compliance with Regulation 15 (2) of the Town and Country Planning (Control of Advertisements) Regulations 2007.</p>
4	Approved plans



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F/YR23/0415/F

Scale = 1:1,250

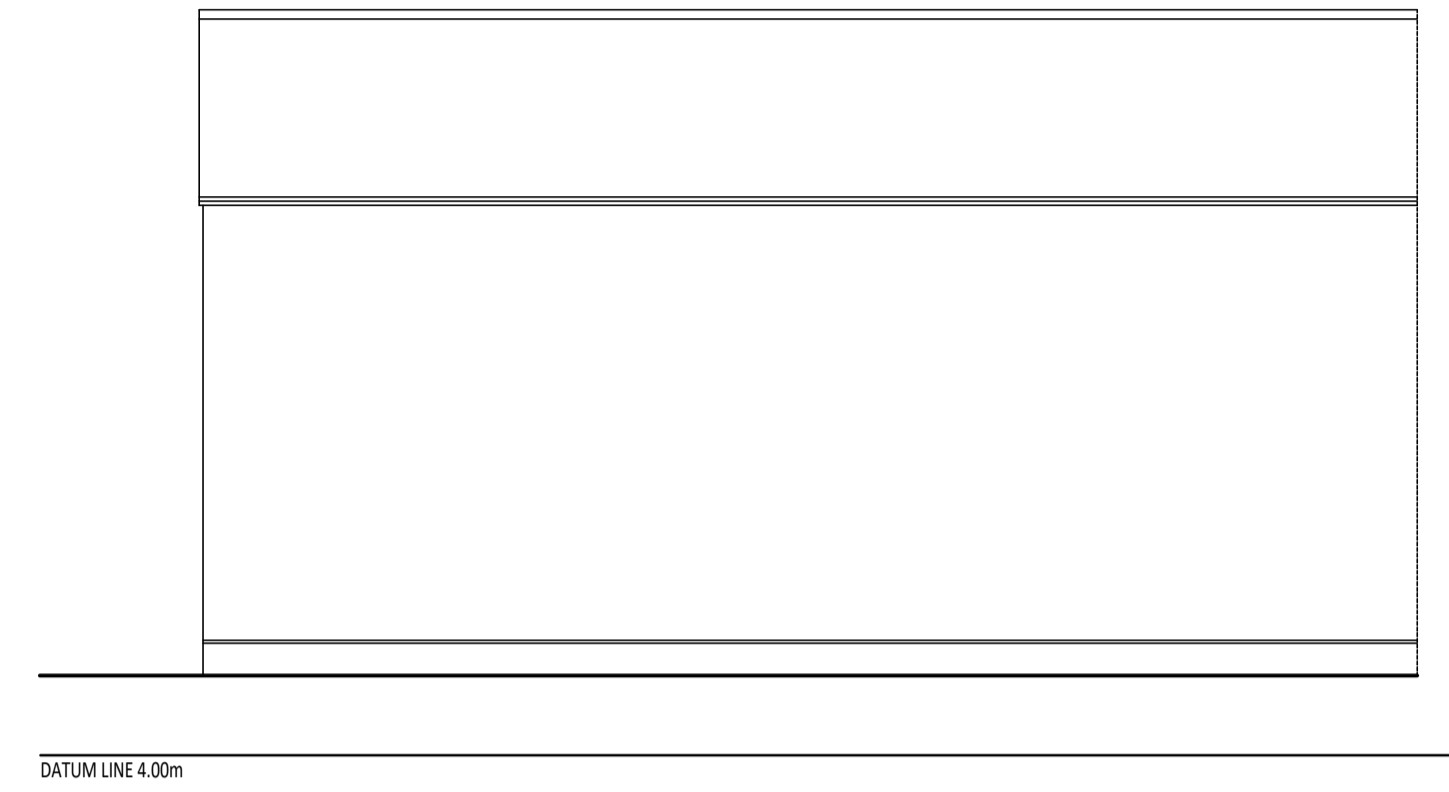




Existing Front Elevation (Old Market) 1:100



Existing Rear Elevation (Exchange Square) 1:100



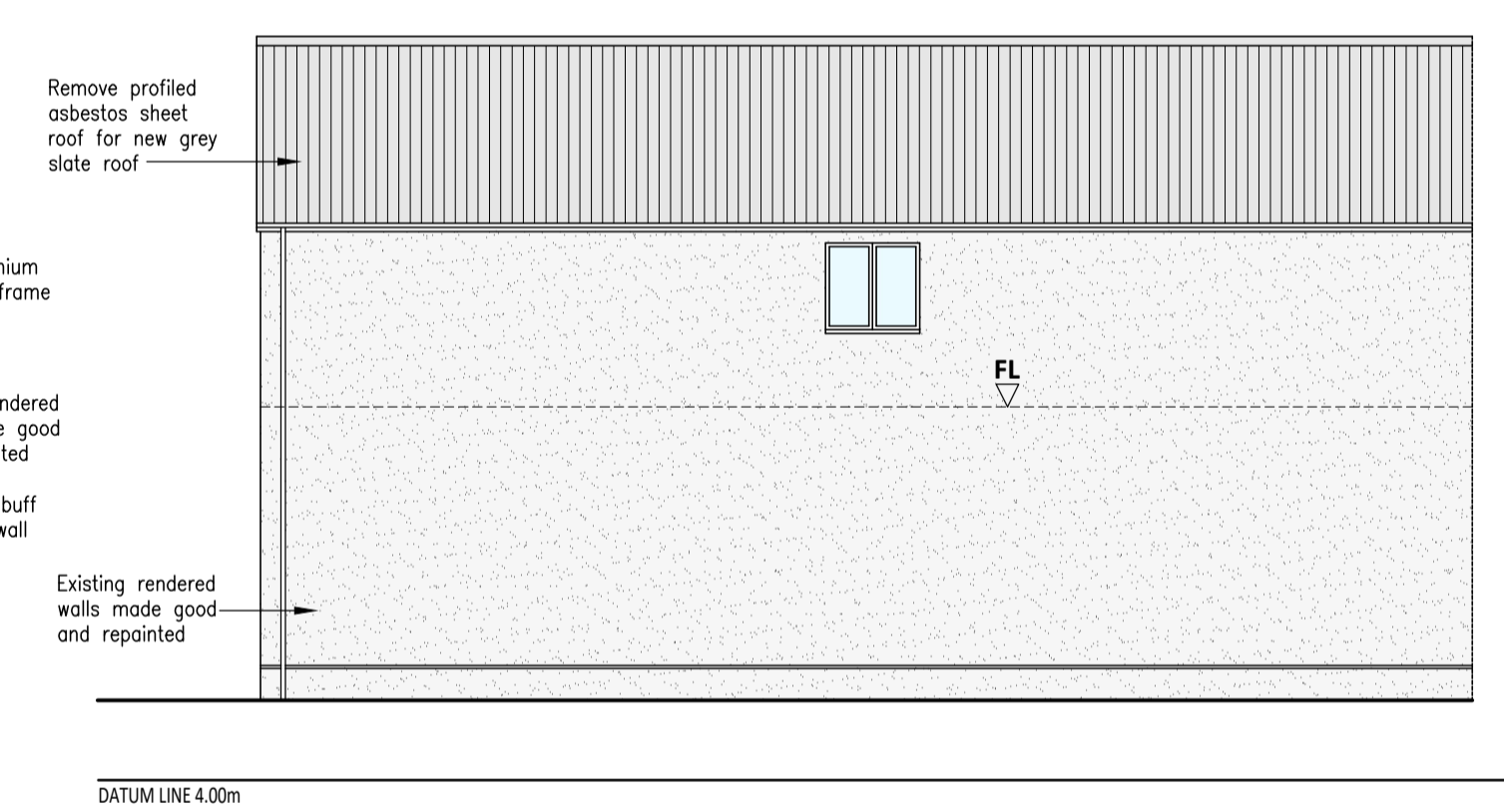
Existing Side Elevation 1:100



Proposed Front Elevation (Old Market) 1:100



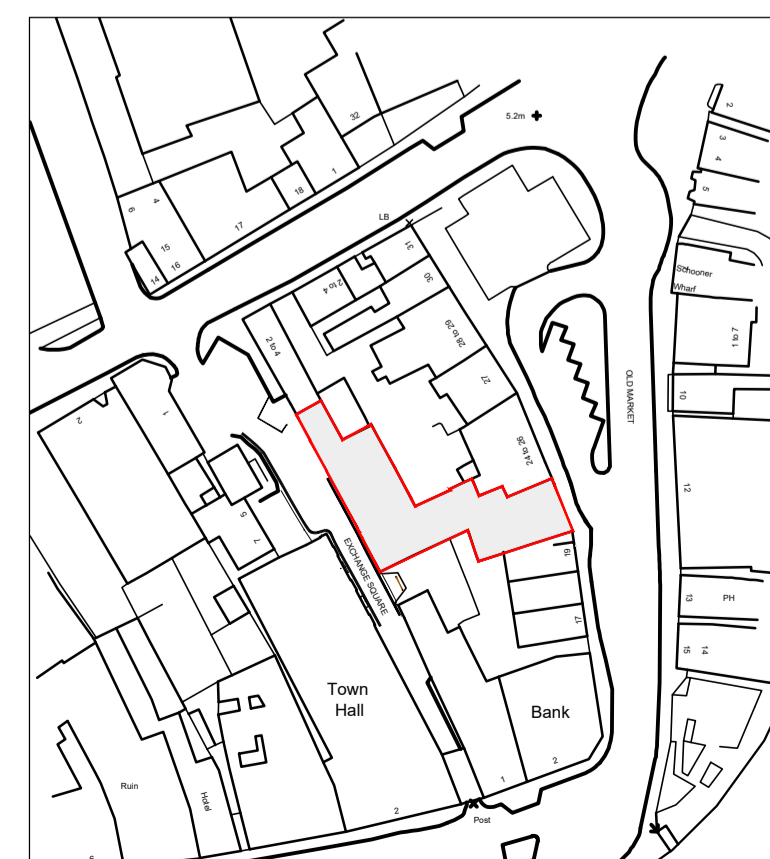
Proposed Side Elevation (Exchange Square) 1:100



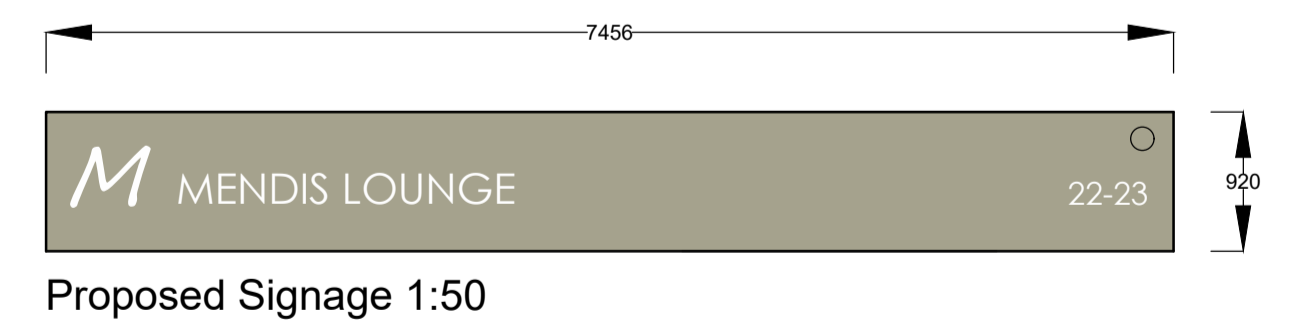
Proposed Side Elevation 1:100



Proposed Site Plan 1:500



Location Plan 1:1250



Proposed Signage 1:50

REVISIONS	PAPER SIZE	DATE
JOB NO. 6690/05F	A1	JAN 2023

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CLIENT
MR S NECKER
PROJECT
PROPOSED ALTERATIONS

SITE
MENDIS LOUNGE
21 OLD MARKET
WISBECH
CAMBS
PE13 1NB

DRAWING
PLANNING DRAWING 5

PETER HUMPHREY ASSOCIATES
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Proposed Ground Floor Plan 1:50

REVISIONS

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CLIENT
 MR S NECKER

PROJECT
 PROPOSED ALTERATIONS

SITE
 MENDIS LOUNGE
 21 OLD MARKET
 WISBECH
 CAMBS
 PE13 1NB

DRAWING
 PLANNING DRAWING 2

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Proposed First Floor Plan 1:50

REVISIONS



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CLIENT
 MR S NECKER

PROJECT
 PROPOSED ALTERATIONS

SITE
 MENDIS LOUNGE
 21 OLD MARKET
 WISBECH
 CAMBS
 PE13 1NB

DRAWING
 PLANNING DRAWING 4

JOB NO.	PAPER SIZE	DATE
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 prior to commencing work and any discrepancies to be highlighted immediately.
 The Construction (Design and Management) Regulations 2015:
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 design. In this case, the design is the responsibility of the contractor. The contractor
 is responsible for the safety during construction, occupation and maintenance of
 the 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 Footway Plan 1:50

REVISIONS

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CLIENT
 MR S NECKER

PROJECT
 PROPOSED ALTERATIONS

SITE
 MENDIS LOUNGE
 21 OLD MARKET
 WISBECH
 CAMBS
 PE13 1NB

DRAWING
 PLANNING DRAWING 6

JOB NO: 6590/06 PAPER SIZE: A0 DATE: JAN 2023

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 Peter Humphrey Associates' form of agreement with the client contains whether the agent is approved as 'Designer' or 'Project 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 noteworthy hazards or risks were identified outside of the routine construction operations that would not already be apparent to a competent contractor.

F/YR23/0572/O

Applicant: Mr G Brown

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

Land East Of 52 Church Road, Christchurch

Erect up to 3 x dwellings involving the formation of a new access (outline application with matters committed in respect of access) including a detached garage to serve no. 52 and demolition of existing outbuildings.

Officer recommendation: APPROVE.

Reason for Committee: The Parish Council object and the proposal is for more than two dwellings.

1. EXECUTIVE SUMMARY

- 1.1. The submitted outline planning application seeks planning permission for the erection of up to 3 dwellings (including a new detached garage), with matters committed in respect of access.
- 1.2. The application site is located on the north side of Church Road, has a road frontage and forms part of the garden of no.52 Church Road.
- 1.3. The application site is within the settlement of Christchurch which is identified within the settlement hierarchy as a `Small Village` as set out in Policy LP3. Developments in Small Villages would be limited to residential infilling.
- 1.4. When viewed within the built-up context of the area, the application site would appear as a gap site between no. 52 Church Road & no.3 Shrubbery Close within an otherwise built-up frontage. Therefore, the proposal would result in residential infilling.
- 1.5. The proposal includes two new accesses from Church Road; one would serve proposed Dwelling 1 and the other access would allow access to a shared driveway to serve proposed Dwellings 2 & 3. The Highways consultee has no objection to the proposed Means of Access. Matters such as layout, scale, appearance, and landscaping will be assessed under a reserved matters application.
- 1.6. The planning application is recommended for approval, subject to conditions.

2. SITE DESCRIPTION

- 2.1. The application site is located on the north side of Church Road and forms part of the garden land of no.52 Church Road which is situated to the southwest. The site has a narrow frontage with a wider area to the rear and is occupied by two outbuildings (sheds). The site boundaries are a hedgerow to the north, post and rail to the south along the frontage, close boarded fencing to the west and an open

boundary to the east. An IDB drain borders the east boundary of the site. The plot appears as an infill site and within the village settlement of Christchurch which consists of traditional residential properties.

2.2. The site is located within flood zone 1 (low risk).

3 PROPOSAL

3.1 The outline application seeks planning permission for the erection of up to three dwellings including the formation of two new access points, although one presently exists (outline application with matters committed in respect of access) including a detached garage to serve no. 52 Church Road and the demolition of the existing outbuildings (sheds) on site.

3.2 The indicative plan illustrates Dwelling 1 would be northeast of no.52 and would have a road frontage. Dwellings 2 & 3 would be positioned directly to the rear and would have a frontage to the northeast. The proposed detached garage serving no.52 would be positioned between Dwelling 1 and Dwelling 2. Regarding Means of Access, two adjacent accesses are proposed directly from Church Road and along the southeast boundary of the site. One access would serve Dwelling 1 only whilst the second access would serve Dwellings 2 & 3 to the rear of the site by way of a proposed shared access/driveway.

3.3 Illustrations have been provided outlining the proposed dwellings would be of a two-storey scale and of a traditional design (rectangular footprints, pitch roof forms etc). It is noted Dwelling 1 appears smaller in scale compared to Dwellings 2 & 3 and these dwellings would also benefit from a shared garage situated towards the northwest corner of the site.

3.4 Full plans and associated documents for this application can be found at: [F/YR23/0572/O | Erect up to 3 x dwellings involving the formation of a new access \(outline application with matters committed in respect of access\) including detached garage to serve no. 52 and demolition of existing outbuildings | Land East Of 52 Church Road Christchurch \(fenland.gov.uk\)](https://fenland.gov.uk/Planning/Planning-Applications/F/YR23/0572/O)

4 SITE PLANNING HISTORY

Reference	Description	Decision	Date
F/YR05/0578/F	Erection of 29 dwellings comprising; 15 x 3-bed and 14 x 2-bed terraced houses with associated parking. Land Off Church Road Christchurch Wisbech Cambridgeshire (The Croft)	Grant	15.08.2006
F/YR15/0104/F	Erection of 4no dwellings comprising of 2 x 3-storey 5-bed with detached garages and 2 x 2-storey 4/5-bed with integral garages Site Of Former Shrub House 46 Church Road Christchurch Cambridgeshire (Shrubbery Close)	Grant	04.07.2025
F/YR16/0781/F	Erection of a 2-storey rear extension and detached garage to existing dwelling	Grant	31.10.2016
F/YR21/0685/VOC	Variation of conditions 2 (Materials), 6 (Pedestrian Visibility Splay), 7 (Drainage), 10 (Boundary Treatments) and 11 (List of Approved Plans), relating to planning permission F/YR18/0880/F (Erection of a 2-storey 4-bed dwelling with detached garage and formation of access) - to change pre-commencement conditions to compliance conditions, and amendments to proposal	Grant	02.09.2021
F/YR21/1327/VOC	Variation of condition 8 (Church Road access) and condition 12 (list of approved plans) of planning permission F/YR15/0104/F (Erection of 4no dwellings comprising of 2 x 3-storey 5-bed with detached garages and 2 x 2-storey 4/5-bed with integral garages) Site Of Former Shrub House 46 Church Road Christchurch	Grant	28.01.2022

5 CONSULTATIONS

5.1 Christchurch Parish Council

- 5.2 *The Members of the Parish Council considered this application at their recent meeting. They expressed concern regarding the arrangements for maintenance access to the watercourse adjacent to the site. This strategic watercourse provides drainage to the whole of the village of Christchurch and is already overgrown due to the proximity of the wooden sheds on the site that inhibit access. Whilst the Middle Level Commissioners may have indicated their acceptance of the 9m access including the frontage of the properties, this will result in the annual destruction of the front gardens of dwellings 2 and 3. There are also two designated parking spaces within the 9m strip.*

The Council does not support this type of backfill development and members expressed concerns that the granting of this proposal would set a precedent for other similar developments in the village. Members raised no objections to the proposed dwelling 1 as infill development on the established frontage.

Occupiers of these dwellings will be dependent on the use of private motor vehicles, contrary to the picture painted by the design and access statement. There is no village shop in Christchurch and no public transport to enable residents to access amenities elsewhere. Members resolved not to support this application.

5.3 CCC Archaeologist

- 5.4 *Our records indicate that the development lies in an area of archaeological potential. The development is situated on a historically valuable area of slightly raised ground in this low-lying part of the Fen where cropmarked evidence of Roman settlement and agricultural systems appears extensively on the early roddon deposits of the silted-up meander of the Old Croft River. An extensive Roman field system is known in the areas adjacent to the development area, focused around a roddon which itself is surrounded by several ditches likely representing an attempt at water management in the area (Cambridgeshire Historic Environment Record reference 06848). Archaeological investigations to the north-east confirmed the presence of the roddon, which passes adjacent north of the development (CHER ref. MCB17930). A number of east to west ditches believed to relate to the Roman field system and activity focused around the roddon were also identified during the works. The cropmarks to the north also show a number of ring ditches (CHER ref. MCB29367). Where excavated elsewhere these ring ditches are believed to relate to medieval agricultural practices, however due to their location within the Roman field system, they may also have Roman or Iron Age origins.*
- 5.5 *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:*
- 5.6 **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).

5.7 CCC Highways

5.8 *The Local Highway Authority raises no objections to the proposed outline application. In the event that the LPA are mindful to approve the application, please append the following conditions and informative to any consent granted:*

5.9 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.

5.10 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.

5.11 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.

5.12 Visibility Splays: *Prior to commencement of the 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 by 43 metres measured respectively along the centre of the driveway and the edge of the carriageway.

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

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

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

5.14 **FDC Environmental & Health Services**

- 5.15 *The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposals as it is unlikely to have a detrimental effect on the local environment.*

- 5.16 *Although current and historic land use does not suggest the site has been left in a contaminated state, I would however recommend that the following condition is imposed in the event that planning permission is granted:*

- 5.17 **Unsuspected Contamination:** *If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA, a Method Statement detailing how this unsuspected contamination shall be dealt with. Where the site is likely to import soils for the development of garden spaces it is requested that a condition is applied to ensure the source, condition and sampling of the soil has been undertaken in accordance with relevant guidance.*

- 5.18 *Due to the close proximity of this development to existing residential properties this service would also welcome a condition requiring on construction working times, with the following considered reasonable:*

- 5.19 **Working Time:** *No construction work shall be carried out and no plant or power operated machinery operated other than between the following hours: 0800 hours and 1800 hours on Monday to Friday, 0800 hours and 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays, unless otherwise previously agreed in writing with the Local Planning Authority.*

5.20 **Middle Level Commissioners**

No comments received.

5.21 **Natural England**

No comments received.

5.22 **Representations**

5.23 **Cllr Dal Roy** - *Having visited the site and noted the comments about this being an area of archaeological interest, I wish for it to be noted that I would object to this current application. The development is next to a main drain that serves Christchurch and I have noted that in other areas of the district, potential backfill developments have tended to allow rubble to enter the watercourses and cause flooding.*

5.24 **Local Residents/Interested Parties**

5.25 Six letters have been received in support of the application which are summarised below.

- Good use of the land

5.26 Four letters objecting to the application has been received which are summarised below:

- Impact on amenity
- Impact on roadway
- Out of character and impact on countryside
- Impact on IDB drain next to the site
- Proposed garage to close to neighbouring property

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

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

LP4: Securing Fenland's Future

LP7: Design

LP8: Amenity Provision

LP19: Strategic Infrastructure

LP22: Parking Provision

LP28: Landscape

LP32: Flood and Water Management

8 KEY ISSUES

- **Principle of Development**
- **Visual Amenity**
- **Residential Amenity**
- **Means of Access (Impact on Highways)**
- **Ecology & Biodiversity**
- **Other Matters**

9 BACKGROUND

- 9.1 An amended plan has been received. The amendments include a slight realignment of the access and the removal of an indicative hedge to the front of Plot 1 (dwelling 1). Furthermore, the applicant has submitted evidence of the IDB approval to allow development within their 9m easements strip.
- 9.2 The applicant has also submitted an ecology report.

10 ASSESSMENT

Principle of Development

- 10.1 The site is located within the settlement of Christchurch which is identified within the settlement hierarchy as a `Small Village` as set out in Policy LP3. In Small Village settlements, development will be considered on its merits but will normally be of a very limited nature and normally be limited in scale to residential infilling or a small business opportunity.
- 10.2 When viewed within the built-up context of the area, the application site appears as a gap site between no. 52 Church Road & no.3 Shrubbery Close within an otherwise built-up frontage. Therefore, the proposal would result in residential infilling.
- 10.3 Policy LP12 is also relevant which outlines the criteria to be met for supporting developments in villages. Policy LP12, Part A (d) requires that new developments are of a scale and in a location that is in keeping with the core shape and form of the settlement and will not adversely harm its character and appearance amongst other criteria. The proposal would introduce three dwellings onto a site with development at either side and directly opposite the site therefore, the site is broadly within the core shape of Christchurch. 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.

- 10.4 The proposal is considered to be in accordance with Policy LP3 of the Fenland Local Plan 2014.

Character & Visual Amenity

- 10.5 Policy LP12, Part A (c) states that proposals should not have an adverse impact on the character and appearance of the surrounding countryside and farmland, (d) the proposal in a location that is in keeping to the core shape and form of the settlement and (e) proposals would not extend existing linear features of the settlement.
- 10.6 Policy LP16 (part d) requires proposals to make a positive contribution to the local distinctiveness and character of the area and not to have an adverse impact on the settlement pattern or the landscape character of the surrounding area.
- 10.7 Layout details would be part of the reserved matters application and are not for consideration at this stage however, the submitted plan outlines an indicative site layout in which the proposed dwellings would extend to the rear and into the countryside. Whilst this is noted, it is also acknowledged the in-situ dwellings to the northeast consisting of Shrubbery Close (approved ref: F/YR15/0104/F) and The Croft (approved ref: F/YR05/0578/F), both within 35-40m meters of the site, represent an existing form of linear development extending further into the countryside than this application. Therefore, the proposal's linear layout would not appear at odds nor incongruous with the core shape and form of the settlement and would not have an adverse impact on the countryside or the settlement pattern.
- 10.8 The comments received from the Parish Council regarding the proposal would be a type of backland development and would set a precedent have been acknowledged. However, considering the residential developments of Shrubbery Close and The Croft, the indicative linear arrangement of dwellings would not appear adversely above and beyond what already exists in the settlement. Although the site plan is indicative and layout details are reserved matters, it is likely the most appropriate way for three, detached dwellings to occupy the site is in a linear arrangement and this on balance is acceptable. Although the proposal could set a precedent each planning application is assessed on its own individual merits.
- 10.9 The scheme is for the construction of up to three, detached dwellings and the indicative site plan demonstrates the site can accommodate three dwellings with sufficient space for parking and private amenity space. It is acknowledged this part of Church Road is characterised by detached two-storey dwellings and whilst scale, appearance and landscaping are reserved matters are not for consideration at this stage, the indicative two-storey design (roof, eaves etc) would not appear at odds with the streetscene of Church Road or the landscape character of the area. Furthermore, the indicative front building line serving Dwelling 1 would be in-keeping with no.52 Church Road and would respond positively to the built environment.

10.10 It is accepted that the quantum of development proposed could be accommodated within the site without adverse harm to the character and visual amenity of the area.

Residential Amenity

10.11 Policy LP16 (e) requires new developments to not adversely impact on the amenity of neighbouring users, through noise, light pollution, loss of privacy and loss of light.

10.12 A reserved matters application will fully assess the impact of matters such as overlooking, overshadowing and loss of privacy, both in relation to the proposed dwellings and neighbouring properties. The scale of the proposed dwellings has been outlined as traditional two-storey which is unlikely to result in an adverse impact such as loss of light given the set-back positions of neighbouring properties.

10.13 . The rear elevations of Dwellings 2 & 3 would front to the southwest and adjacent the boundary serving no.54 (approved F/YR18/0880/F). However, the rear garden depth of no.54 is 20 meters (approx.), a similar arrangement to no.52 therefore, Dwellings 2 & 3 would not directly overlook the garden of no.54.

10.14 Whilst proposed habitable bedroom windows have not been confirmed, any forthcoming design/layout would have to be sensitive to the front elevations of nos. 1& 2 Shrubbery Close and the rear elevations of nos. 5-8 The Croft. However, it is acknowledged these properties are set-back by 35-40 meters.

10.15 It is accepted that the quantum of development proposed could be accommodated within the site without adverse harm to the residential amenity of the area.

Means of Access (Impact on Highways)

10.16 Policy LP15 of the Fenland Local Plan 2014 requires development schemes to provide well designed, safe and convenient access.

10.17 Some third-party objections have been received regarding parking. However, parking arrangement details (layout) will be assessed under a reserved matters application. Notwithstanding this, there appears to be sufficient space within the site to accommodate the parking provision required under Appendix A of the Fenland Local Plan 2014.

10.18 Regarding accesses, the Highways consultee has reviewed the application and has no objection, subject to conditions.

10.19 The proposed accesses would be adequately positioned away from the boundaries of no. 52 & 54 Church Road and the dwellings to the north-east along Shrubbery Close. As such, the means access would not prejudice the amenity of neighbouring properties in terms of noise.

Ecology & Biodiversity

10.20 Policy LP19 seeks to conserve, enhance and promote biodiversity within Fenland.

- 10.21 This site lies within a green zone for Great Crested Newts (GCN) which is acceptable.
- 10.22 The planning application includes the removal of two outbuildings. The applicant submitted an ecology report titled, Ecological Impact Assessment, prepared by Glaven Ecology, ref: 347-2200-GE-SE, dated Oct 2023. The survey work was completed by Carolyn Smith MSc, BSc. (Hons) MCIEEM on 23rd October 2023.
- 10.23 The report outlined no further surveys for protected species are required. Mitigation measures recommended include:
- Tree protection as per guidelines within BS 5832 (2012)
 - Diverse grass planting.
 - Good working practices.
 - External lights associated with the development should use warm white lights at <2700k.
- 10.24 Based on successful implementation of mitigation and enhancement measures and other safeguards, no significant adverse effects are predicted as a result of the proposal. Enhancements recommended for the site include the installation of integrated bat boxes and bird boxes.
- 10.25 Mitigation/enhancements are detailed within the ecology report (sections 6 & 7), in order to mitigate the impacts on the development on ecology and to enhance the biodiversity of the site. As such, subject to implementing the mitigation/enhancement strategy, it is anticipated that the proposal will not result in any adverse impacts protected species.
- 10.26 Subject to the measures outlined in sections 6 & 7 of the ecology report, the proposal is considered to comply with Policy LP19 of the Fenland Local Plan 2014.

Other Matters

- 10.27 Regarding developments within or on the edge of a village, Policy LP12 Part A (i) requires development that increases the number of dwellings by 10% or more to provide demonstrable evidence of clear local community support for the scheme, generated through a proportionate pre-application community consultation exercise.
- 10.28 The latest figures, dated November 17TH 2023, show that the established threshold in Christchurch is 23 dwellings and the number of new dwellings built or committed (as of November 17TH 2023) is 28. It is considered the threshold has been exceeded, therefore, in accordance with Policy LP12 Part A, the application would require local community support, demonstrated through a Pre-Application Community Consultation or a Neighbourhood Plan exercise. As no evidence of a Consultation or Neighbourhood Plan exercise has been submitted, it cannot be established if there is clear local community support for the scheme, therefore, the application fails this requirement.
- 10.29 The scheme fails to address the requirements of Policy LP12 insofar as it relates to community support/engagement. However, the LPA is mindful of a 2017 appeal

decision (APP/D0515/W/17/3182366) where a Planning Inspector considering an appeal which was solely based on the failure of a scheme to achieve support under Policy LP12, found that the failure to achieve community support in accordance with Policy LP12 should not render an otherwise acceptable scheme unacceptable.

- 10.30 Against this backdrop it is not considered that the scheme could be refused on the grounds of the Policy LP12 threshold considerations and therefore the principle of development is acceptable.
- 10.31 Regarding the proposed detached garage, its indicative location is not objected to. Its proposed scale has not been outlined however, careful consideration should be made regarding its potential impact on no.52 however, it is also noted this property is under the ownership of the applicant.
- 10.32 There were third-party concerns the proposed development would impact the IDB access to the drain to the northeast. The indicative plans suggest the dwellings would be positioned 9m away from the bank of the drain to allow for IDB access. The proposal would also involve the demolition of the existing outbuildings on site which will be of significant benefit to the IDB as currently these buildings are positioned too close to the drain to allow access for maintenance. The applicant has also outlined consent from the IDB to allow works within the 9m easements strip has been received. Further, the applicant has submitted evidence of the IDB approval for the proposed works which is accepted by the LPA.
- 10.33 The site is within a Flood Zone 1 which is low risk and is therefore a sequentially preferable location for residential development. No additional measures are recommended.
- 10.34 No foul water details have been provided. Additionally, no surface water details have been provided other than a soakaway (outlined on the application form), but these can be controlled via a condition. Building Regulations would also require details on this matter outside the scope of planning.
- 10.35 The comments received from the Parish Council regarding Christchurch having limited amenities and there are no public transport links in the area is noted. However, the assessment of the location of development (principle) is subject to the considerations within Policies LP3 & LP12 in which is considered acceptable.

11 CONCLUSIONS

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

12 RECOMMENDATION

Approve, subject to conditions.

1	<p>Approval of the details of:</p> <ul style="list-style-type: none">i. the layout of the siteii. the scale of the building(s);iii. the external appearance of the building(s);iv. the landscaping <p>(hereinafter called "the Reserved Matters" shall be obtained from the Local Planning Authority prior to the commencement of development).</p> <p>Reason - To enable the Local Planning Authority to control the details of the development hereby permitted.</p>
2	<p>Application for approval of the Reserved Matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.</p> <p>Reason - To ensure compliance with Section 92 of the Town and Country Planning Act 1990.</p>
3	<p>The development hereby permitted shall begin before the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.</p> <p>Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
4	<p>The residential elements of the development shall not exceed three dwellings (Use Class C3).</p> <p>Reason - For the avoidance of doubt and to ensure a satisfactory standard of development.</p>
5	<p>The details submitted in accordance with Condition 01 of this permission shall include:</p> <ul style="list-style-type: none">a) existing and proposed site levels including those on adjacent land.b) means of enclosure ensuring that adequate gaps are provided under any new fencing to allow for the passage of hedgehogs.c) car parking, vehicle and pedestrian access and circulation areas (which shall be of a bound material)d) hard surfacing, other hard landscape features and materialse) planting plans, including specifications of species, sizes, planting centres number and percentage mix, a range of native tree and shrub species should be included.

	<p>f) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife.</p> <p>g) existing trees, hedges or other soft features to be retained, including those on adjoining land and a tree survey is required to ensure the proposal will not have an adverse impact on the trees.</p> <p>h) timing of landscaping works</p> <p>All works shall then be carried out in accordance with the approved details.</p> <p>Reason - To ensure the appearance of the development is satisfactory and contributes to the visual character and amenity of the area and to protect the character of the site and enhance biodiversity in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
6	<p>Details of the location, height, design and materials of all screen walls and fences shall be submitted to and approved in writing by the Local Planning Authority before commencement of the relevant parts of the work. The approved scheme shall be implemented concurrently with the erection of the dwelling(s) fully in accordance with the agreed details prior to occupation and thereafter retained in perpetuity.</p> <p>Reason - To ensure that the appearance of the development is satisfactory and that it contributes to the visual character and amenity of the area, and to ensure that the private areas of the development are afforded an acceptable measure of privacy in accordance with Policies LP2 and LP16 of the Fenland Local Plan 2014.</p>
7	<p>Prior to the commencement of any works above ground level, a scheme and timetable for the provision and implementation of foul and surface water drainage shall be submitted and approved in writing by the Local Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification at such time(s) as may be specified in the approved scheme and thereafter retained in perpetuity.</p> <p>Reason - To ensure a satisfactory method of foul and surface water drainage and to prevent the increased risk of flooding in accordance with Policy LP14 of the Fenland Local Plan 2014.</p>
8	<p>No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.</p> <p>Reason - In order to protect birds in accordance with Policy LP19 of</p>

	Fenland Local Plan 2014.
9	<p>All works shall be carried out in accordance with the details contained in sections 6 & 7 Ecological Impact Assessment (Glaven Ecology, 347-2200-GE-SE, October 2023) hereby approved.</p> <p>Reason: To ensure compliance with the Wildlife and Countryside Act and to protect features of nature conservation importance and in order to protect biodiversity of the site in accordance with Policy LP19 of Fenland Local Plan 2014.</p>
10	<p>If the development hereby approved does not commence within 2 years from the date of the planning consent, the approved ecological measures secured through the condition above (condition 9) shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to establish if there have been any changes in the presence and/or abundance of breeding birds, owls or bats; and identify any likely new ecological impacts that might arise from any changes.</p> <p>Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.</p> <p>Reason: To ensure compliance with the Wildlife and Countryside Act and to protect features of nature conservation importance in relation to any on-site changes in accordance with Policy LP19 of the Fenland Local Plan 2014.</p>
11	<p>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:</p> <ol style="list-style-type: none"> 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 &

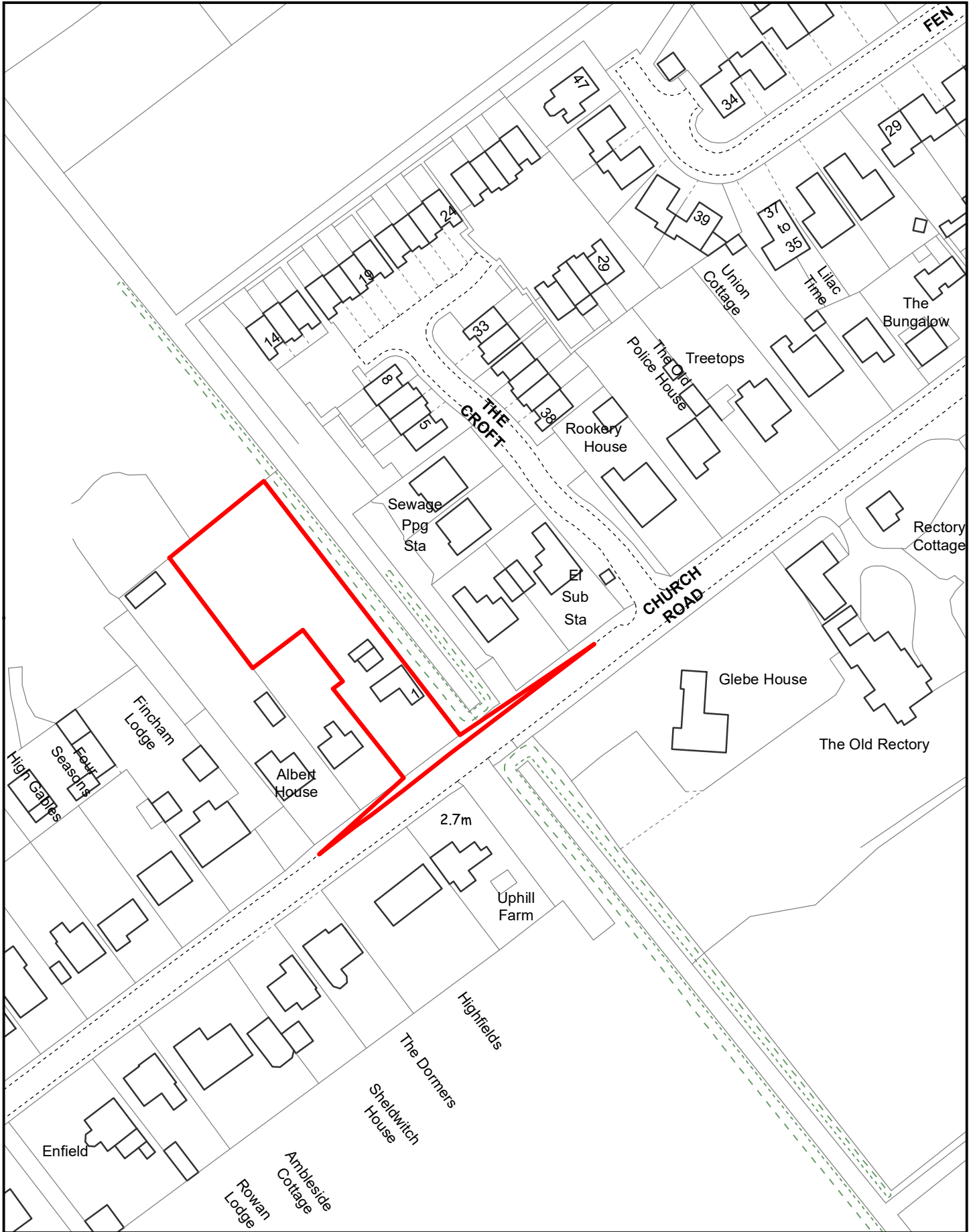
	<p>dissemination, and deposition of resulting material and digital archives.</p> <p>Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any demolitions or groundworks associated with the development scheme and to ensure the proper and timely preservation and/or investigation, recording, reporting, archiving and presentation of archaeological assets affected by this development, in accordance in accordance with Policies LP16 & LP18 of the Fenland Local Plan 2014.</p>
12	<p>If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority (LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA, a Method Statement detailing how this unsuspected contamination shall be dealt with. The development shall then be carried out in full accordance with the amended remediation strategy.</p> <p>Reason - To ensure that the development complies with approved details in the interests of the protection of human health and the environment in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
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>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 interest of highway safety and in accordance with Policy LP15 of the Fenland Local Plan 2014.</p>
15	<p>The approved access and all hardstanding within the site shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway and retained in perpetuity.</p> <p>Reason - To prevent surface water discharging to the highway in accordance with policy LP15 of the Fenland Local Plan 2014.</p>
16	<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</p>

	<p>shall be erected across the vehicular access hereby approved.</p> <p>Reason - In the interest of highway safety and to ensure compliance with Policies LP15 and LP16 of the Fenland Local Plan 2014.</p>
17	<p>Prior to commencement of the 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 by 43 metres measured respectively along the centre of the driveway and the edge of the carriageway.</p> <p>Reason - In the interest of highway safety in accordance with Policy LP15 of the Fenland Local Plan 2014.</p>
18	<p>Prior to commencement of the first occupation of the development hereby approved, visibility splays shall be provided on both sides of the new vehicular access and shall be maintained free from any obstruction over a height of 600 mm within an area of 2 metres x 2 metres measured respectively along the edge of driveway and back of the footway.</p> <p>Reason - In the interest of highway safety in accordance with Policy LP15 of the Fenland Local Plan 2014.</p>
19	Approved Plans

Informative(s)

1	The Local Planning Authority has worked positively and proactively with the applicant to seek solutions to problems arising from the application and as such planning permission/consent is granted.
2	Prior to the occupation of a dwelling a bin charge is payable in accordance with the leaflet found at: https://www.fenland.gov.uk/newbins Please contact environmentalservicerequests@fenland.gov.uk for further information.
3	You are reminded that this project may require approval under Building Regulations prior to work commencing. It is recommended that you make enquiries in this respect direct to CNC working in partnership with the Local Authority Building Control Team (0808 1685041 or E-mail: enquiries@cncbuildingcontrol.gov.uk).
4	This development may involve work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council.
5	Where it is intended to create semi-natural habitats, all species used in the

	landscaping schedules shall be locally native species of local provenance.
6	For monitoring purposes, the development is considered to be in or adjacent to the settlement as set down in Policies LP4, LP6 and LP12 of the Fenland Local Plan 2014.



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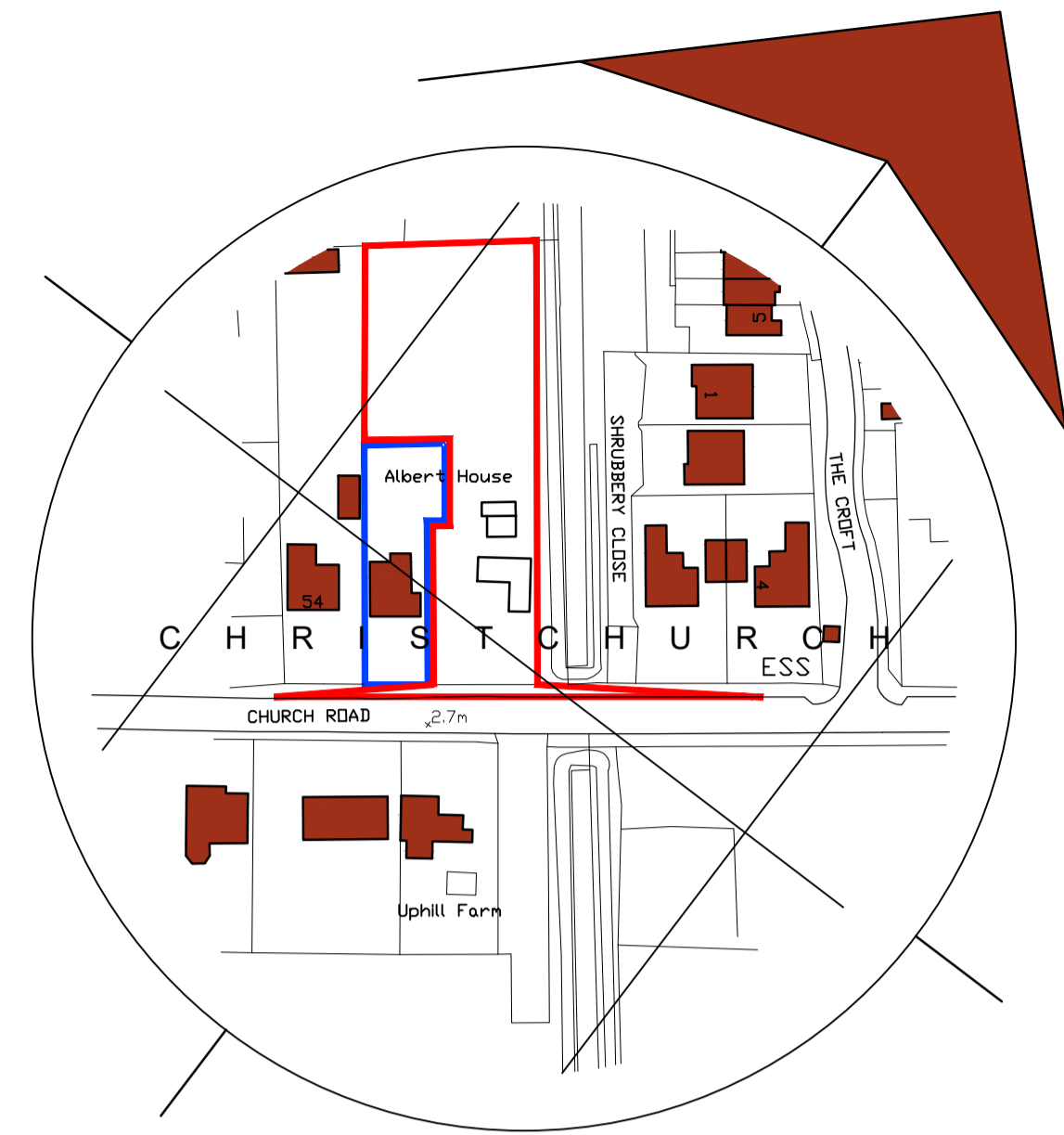
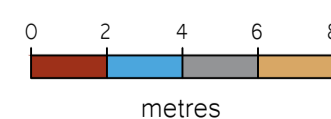
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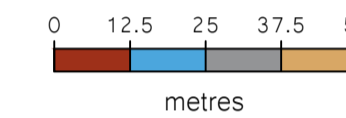
Site Plan Is Indicative With Access Committed



Site Plan With Indicative Layout
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Location Plan
Scale: 1:1250

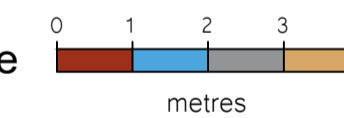


SITE PLAN KEY

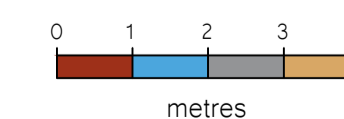
- Indicates existing surveyed buildings
- Indicates un-surveyed buildings taken from OS map
- Indicates proposed indicative dwellings
- Indicates site access
- Indicates position of existing surveyed trees and hedges
- Indicates 2x2m pedestrian visibility splay
- Indicates features to be demolished
- Indicates 5m easement strip for open drain maintenance
- Indicates rapid change in level
- Indicates proposed gravel drive
Shared private drive to adoptable standards
- Indicates proposed grass
- Indicates 5m sealed and drained into site access to CC highways specification



Indicative Principle Elevation/Street Scene
Proposed Dwelling 1 - Scale 1:100



Indicative Principle Elevation
Proposed Dwellings 2 & 3 - Scale 1:100



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

CONSTRUCTION DESIGN & MANAGEMENT REGULATIONS 2015

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

Revisions

A	Jun 2023	Committed access note added following comments from validation officer.
B	July 2023	Plot 1 hedge revised following comments from MLC.
C	Sept 2023	Site Plan revised following comments from Highways.

PLANNING

SWANN EDWARDS ARCHITECTURE

Swann Edwards Architecture Limited, Swann Edwards Architecture, Black Barn, Fen Road, Guyhirn, Wisbech, Cambs. PE13 4AA
t 01945 450694 e info@swannedwards.co.uk w www.swannedwards.co.uk

Job Title	Date	Drawn by
Residential Development	May 2023	BR
Land Adjacent, 52 Church Road, Christchurch, PE14 9PQ		Checked by
For: Mr G Brown		MC
Drawing Title	Job No.	Sheet Size
Outline Planning Drawing Site Plan, Location Plan & Indicative Elevations	SE-1932	A1
	Dwg No.	Revision
	PP1000	C

F/YR23/0749/F

Applicant: Mr Kehinde Agoro

**Agent : Mr Robert Fry
R&R Planning**

114 Osborne Road, Wisbech, Cambridgeshire, PE13 3JW

Erect a dwelling (2-storey, 3-bed), involving demolition of side extension, store and garage to 114 Osborne Road, including erection of a front porch

Officer recommendation: REFUSE

Reason for Committee: Town Council recommendation contrary to Planning Officer

1 EXECUTIVE SUMMARY

- 1.1 The proposal for a detached dwelling on the site was refused under delegated powers in 2021. There were two reasons for refusal, firstly the adverse impact upon the character of the area and secondly the failure to submit a Flood Risk Assessment (FRA) given the site is located within Flood Zone 3.
- 1.2 This application seeks full planning permission for the erection of a dwelling to be physically attached to no114 Osborne Road whilst utilising the existing access from Savory Road.
- 1.3 The proposal is considered acceptable in principle as it is located within a Primary Market Town where development is supported by Policy LP3 subject to other considerations.
- 1.4 In addressing one of the previous reasons for refusal, the application has been accompanied by an FRA which, subject to flood mitigation secured through condition would comply Policy LP14.
- 1.5 Through attaching the dwelling to the gable end of no114 Osborne Road sees an increase in the gap by a further 1m to the northern boundary on the corner of Savory Road. Notwithstanding this change, given the width and design of the dwelling on such a visually prominent corner plot, the proposal would disrupt the distinctive character of the area and therefore fail to comply with LP16.

2 SITE DESCRIPTION

- 2.1 The application site is located within the settlement of Wisbech and forms garden land associated with an existing dwelling. The plot is located on the corner of Savory Road and Osborne Road.
- 2.2 The host dwelling is one half of a pair of semi-detached dwellings fronting Osborne Road and benefits from parking within its rear garden accessed from Savory Road. The site currently benefits from landscaping along the north boundary of the site behind the existing close board fencing along Savory Road. Adjacent to the side

boundary at the rear of the site are an existing street light and post box within the highway.

- 2.3 The site is designated within Flood Zone 3, therefore at highest risk of flooding.
- 2.4 There is no overriding property character along Osborne Road, however, within the immediate vicinity lies a row of semi-detached properties interspersed with the odd detached dwelling. There is also a variation with materiality.

3 PROPOSAL

- 3.1 The proposal is for the construction of a two-storey dwelling attached to the existing property, no114 Osborne Road. The dwelling will, in effect, alter what is currently a pair of semi-detached properties to a row of terraced dwellings and would be erected on garden land at the side of, and, associated with the existing dwelling.
- 3.2 The site is located in a visually prominent position on the corner of Osborne Road and Savory Road.
- 3.3 Parking for the new dwelling would be located to the rear of the property utilising the existing access from Savory Road.
- 3.4 The proposed dwelling is to measure 5.9m in width and run a depth of 8.8m. Constructed of brick and tiles to match the existing dwelling, there proposes a pitched roof with front to rear ridge and gable side elevation. The two-storey rear projection will incorporate a pitched roof with side hip and gabled rear elevation. A large window is proposed within the side gable elevation to serve bedroom 1 with a smaller window at ground floor to serve the open plan kitchen/dining area.
- 3.5 The application form and plans also show the erection of a porch to 114 Osborne Road itself following the removal of the existing porch. The existing single storey side element will be removed to facilitate the new dwelling. There also proposes the provision of hardstanding to the front of no114 Osborne Road and removal of the existing boundary wall to provide off-street parking displaced by the proposed parking for the new dwelling.

4 SITE PLANNING HISTORY

- 4.1 F/YR21/0496/F Erect a dwelling (2-storey, 3-bed) and boundary fence (1.8m max) including demolition of side extension and garage and formation of access at 114 Osborne Road – Refused

The application was refused for two reasons. Firstly relating to the impact upon the character of the area given its visual prominence and secondly due to the failure to submit an FRA.

- 4.2.1 F/0943/88/O – Outline for the erection of a house on garden, land at rear of 114 Osborne Road (fronting Savory Road) – Refused

5. CONSULTATIONS

5.1 County Highways

Based on the information submitted, I have on balance no objection to the above application from the perspective of the Local Highway Authority subject to conditions

Comment

The proposal would increase (though marginal) the trip movements associated with the site adjacent to the Orsborne/ Savory Road junction and not ideal for the number of accesses proposed for the development. Whilst the LHA has reservations in respect of the number accesses proposed in that area, in view of the limited trip generation for the site (etc), it is considered that a recommendation of refusal could not be substantiated with due regard to Para 111 of the NPPF, where development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

The Applicant should however ensure that vehicle accesses on Savory Road and Osbourne Road are dropped and constructed in accordance with CCC Highway Construction Specification. A scaled and dimensioned plan should be submitted to LHA for consideration. A minimum parking spaces of 5x2.5m should be provided. The parking area with a minimum parking space of 5mx2.5m sealed and drained up to the back of the footway should be provided. Also, it should be graded away from the highway or have an interceptor drainage. A Plan showing these requirements would be needed.

Conditions If the LPA is mindful to approve the application, please append the following conditions to any consent granted:

Access Details:

Before the dwelling hereby permitted is occupied, the vehicular access from the existing carriageway edge shall be laid out and constructed in accordance with a detailed engineering scheme to be submitted to and approved in writing by the local planning authority, and such a scheme shall include the provision of a metalled/sealed surface for a minimum length of 5m from the existing carriageway edge.

Reason: In order to ensure that adequate vehicular and pedestrian access is provided in the interests of highway safety in accordance with Policy LP15 of the Fenland Local Plan 2014.

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

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.

5.2 County Planning, Minerals and Waste

Thank you for consulting Cambridgeshire County Council, in its role as the Minerals and Waste Planning Authority (MWPA), on the above application.

Having reviewed the available documentation, the MWPA wishes to make the following comments:

The proposed development is located within the Consultation Area for the Wisbech Port Transport Infrastructure Area (TIA), which is safeguarded under Policy 16 (Consultation Areas) of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021). Policy 16 seeks to safeguard facilities used in relation to minerals and waste activities.

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, i.e. the safeguarded site for which the CA has been designated; 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. The MWPA is content that the proposal is unlikely to affect the operation of Wisbech Port, nor be adversely affected by its proximity to the Port. The MWPA, therefore, has no objections to the proposed development.

5.3 North Level District Internal Drainage Board

Please note that North Level District Internal Drainage Board have no comment to make in relation to the above planning application as it is out of our district.

5.4 Wisbech Town Council

That the application be supported

5.5 Environment Agency

Thank you for your consultation dated 28 September 2023. We have reviewed the documents as submitted and have no objection to the proposed development. We have provided further details in the sections below.

Flood Risk Assessment We have reviewed the Flood Risk Assessment (FRA) and advise that the following, set out in the FRA, should be adhered to.

- Finished floor levels should be set no lower than 4.6 metres above Ordnance Datum (AOD)*
- Flood resilience and resistance measures should be incorporated into the proposed development as stated in the submitted FRA.*

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

Flood Warnings

To reduce the risk of flooding to the proposed development and future occupants, we support the suggestion in the FRA that future occupants sign up to Floodline Warnings Direct to receive advance warning of flooding. This can be done online at <https://www.gov.uk/sign-up-for-flood-warnings> or by phoning Floodline Warnings Direct on 0345 988 1188.

5.6 Local Residents/Interested Parties

One letter of objection:

- Dangerous so close to a prominent junction
- Increase in parking issues
- Change in property from semi-detached

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

LP5 – Meeting Housing Need

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

LP17 – Community Safety

Emerging Local Plan

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

LP1: Settlement Hierarchy
LP2: Spatial Strategy for the location of residential development
LP4: Securing Fenland's Future
LP5: Health and Wellbeing
LP7: Design
LP8: Amenity Provision
LP12: Meeting Housing Needs
LP20: Accessibility and Transport
LP22: Parking Provision
LP24: Natural Environment
LP27: Trees and Planting
LP32: Flood and Water Management

8 KEY ISSUES

- **Principle of Development**
- **Visual amenity**
- **Residential amenity**
- **Highways**
- **Flooding**

9 BACKGROUND

9.1 Application F/YR21/0496/F was refused on the grounds of impact upon the character of the area due to visual prominence and the failure to submit an FRA

9.2 This application makes several changes to that previously refused:

- Dwelling to be attached to the existing dwelling increasing the gap to the northern boundary by 1m to 3m
- A two storey rear projection
- Utilisation of the existing access
- Submission of a Flood Risk Assessment (FRA)

10 ASSESSMENT

Principle of Development

10.1 Policy LP3 of the Fenland Local Plan directs new housing towards the primary market towns of March and Wisbech. There are no special designations on the land that would need to be factored in, therefore subject to other considerations being addressed, the principle is acceptable.

Visual amenity

- 10.2 Policy LP16 of the Fenland Local Plan (2014) requires development proposals to deliver and protect high quality environments throughout the district. Proposals must demonstrate they make a positive contribution to the local distinctiveness and character of the area, enhancing their local setting and both responding to and improving the character of the local built environment whilst not adversely impacting on the street scene, settlement pattern or landscape character of the surrounding area.
- 10.3 The proposal is for the construction of a two-storey dwelling attached to the existing dwelling, no 114 Osborne Road in a part of Wisbech where there is no overriding character with properties differing in design and materiality.
- 10.4 It is to be noted that an application was refused for a two-storey detached dwelling on the same plot of land with the differences outlined in the 'Background' section of the report.
- 10.5 One of the differences proposed is to attach the dwelling to the gable end of no114 Osborne Road, therefore creating a row of terraced properties. Whilst there is evidence of terraced properties along Osborne Road, these are approximately 60m to the north and 80m to the south and therefore not read in direct context with the application site. On this basis, the scheme does result in some divergence from the predominant characteristics of residential development in the immediate area.
- 10.6 Through attaching the dwelling to 114 Osborne Road, there proposes a gap of 3m to the boundary with Savory Road to the north, an increase of 1m from the previous application. There is a distinct feeling of openness around the junction of Savory Road and Osborne Road, created by the two flanking dwellings both being located a notable distance inset from the road. Notwithstanding the increase in gap to the northern boundary, this is considered minimal in context with the location of the proposed dwelling in close proximity to the junction of Savory Road and Osborne Road being at odds with that existing relationship. Further to this, it would also result in a property in closer proximity to Savory Road than the existing properties along that highway with a visually dominant element proposed through the incorporation of a two storey rear gabled projection.
- 10.7 The existing dwellings along Savory Road are set back from the road by a consistent distance, which contributes to a very distinctive character of development in the area. Accommodation of the scheme on the site would also require the removal of the entirety of the existing landscaping along the northern boundary of the site, which would result in a significant change to the character of the development in this area and make the proposal visually obtrusive.
- 10.8 Part of the application proposes a front porch to 114 Osborne Road. Given the overall limited scale and design and given this element would resemble the existing porch to the property adjacent, no112 Osborne Road, no adverse visual amenity issues would arise.
- 10.9 For the reasons given above, and notwithstanding the changes to the refused scheme, these are not so significant to outweigh the harm caused through the presence of a dominant and overbearing impact on the character of the area,

particular at the junction of Savory Road with Osborne Road. This impact would be harmful to the overall character of the area, at odds with the requirements of policy LP16.

Residential amenity

- 10.10 LP2 of the Fenland Local Plan (2014) requires development proposals to promote high levels of residential amenity, and policy LP16 requires development proposals to demonstrate that they do not adversely impact on the amenity of neighbouring users whilst providing sufficient amenity space for the proposal, with the guideline for non-flat development being one third of the plot area.
- 10.11 The proposal accords with the requirement for provision of a minimum of one third of the plot area as private amenity space, and due to the layout of the scheme on the site will not result in adverse impacts on the residential amenities of the neighbouring properties due to issues such as privacy or overbearing impacts on garden areas.

Highway safety

- 10.12 Policy LP15 of the Fenland Local Plan (2014) requires development to provide a well-designed, safe and convenient access for all, giving priority to the needs of pedestrians, cyclists, people with impaired mobility and users of public transport. Appendix A of the Fenland Local Plan sets out the parking standards associated with development proposals, noting that for properties of up to three bedrooms, two parking spaces are required, and for properties of four bedrooms or more, provision of three spaces is required.
- 10.13 The application differs from that previously refused in that the existing access is to remain and utilised to serve the new dwelling which will provide 2no off-street parking spaces. Through displacement of the parking for no114 Osborne Road to serve the new dwelling, there proposes the provision of hardstanding to the front of no114 to provide 2no off-street spaces. This will require the removal of the existing boundary wall and the provision of a dropped kerb. Whilst this is not ideal given the proximity to the junction, Osborne Road is not a classified road and therefore planning permission is not required in this instance. Further, to this County Highways confirm that whilst it is not ideal for the number of accesses proposed for the development, it is considered that a recommendation of refusal could not be substantiated with due regard to Paragraph 111 of the NPPF, where development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

Flooding

- 10.14 Policy LP14 of the Fenland Local Plan and paragraphs 155-165 of the National Planning Policy Framework set out the approach to developing land in relation to flood risk, with both documents steering development in the first instance towards land at a lower risk of flooding. This is achieved by means of requiring development proposals to undertake a sequential test to determine if there is land available for development at a lower risk of flooding than the application site, and only resorting to development in those higher flood risk areas if it can be demonstrated that there are no reasonably available sites at a lower risk of flooding.

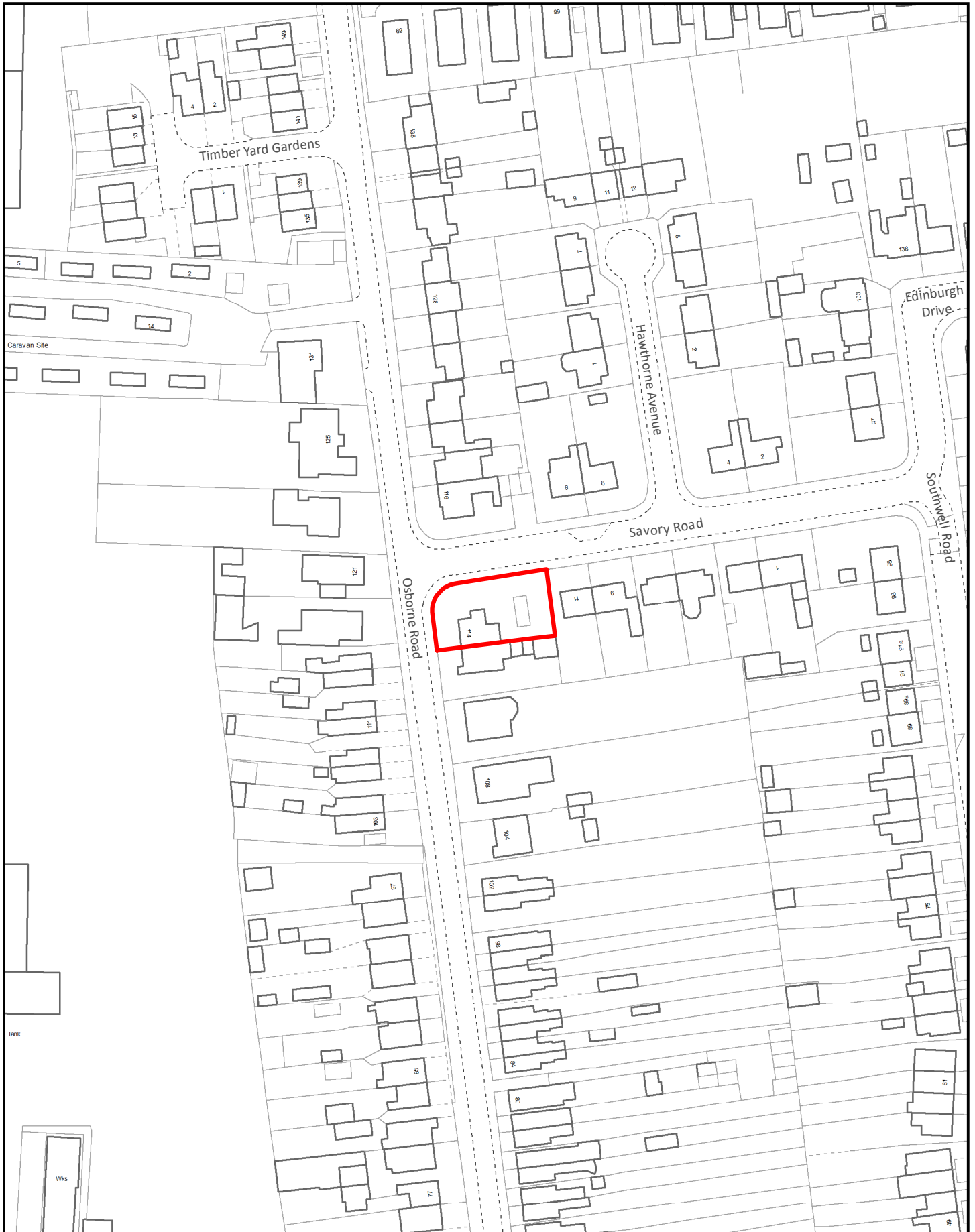
- 10.15 With regard to the sequential test in relation to flood risk, the approach adopted by Fenland District Council is that for development within the existing urban area and on land most recently used for uses including residential (such as the application site) then the sequential test is considered to be passed.
- 10.16 Notwithstanding that, however, the application is still required to be accompanied by a Flood Risk Assessment. The failure to submit an FRA led to one of the reasons for refusal of the previous application. An FRA has therefore accompanied this submission. The Environment Agency have assessed the proposal along with the FRA and raise no objections subject to conditions to mitigate flood risk within the development. On that basis, the proposal complies with the requirements of policy LP14 of the Fenland Local Plan and the NPPF section regarding flood risk.

11 CONCLUSIONS

- 11.1 Overall, the proposal is for a development that would result in a detrimental impact on the character of the area in which it is located through its proposed proximity to the road on the corner of Savory Road and Osborne Road. This impact is due to the distinctive character of the area at present, with built development all located away from the junction and giving a feeling of space to the residential development that would be lost if the proposal were granted planning permission.

12 RECOMMENDATION: REFUSE

1	Policy LP16 of the Fenland Local Plan (2014) requires that development proposals demonstrate that they make a positive contribution to the local distinctiveness and character of the area, enhancing its local setting and responding to and improving the character of the local built environment, without impacting adversely on the street scene or landscape character of the surrounding area. The proposal is for the construction of a new dwelling on the land forming a side garden of the host property and would result in a two-storey dwelling that would occupy a dominant position within the street scene at the junction of two highways where the distinctiveness characteristic of the existing built development is one of space between the dwellings and the highway. The proposal would therefore have an overbearing and dominant effect on the street scene at odds with the prevailing and distinctive character of the existing built environment.
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F/YR23/0749/F

Scale = 1:1,250



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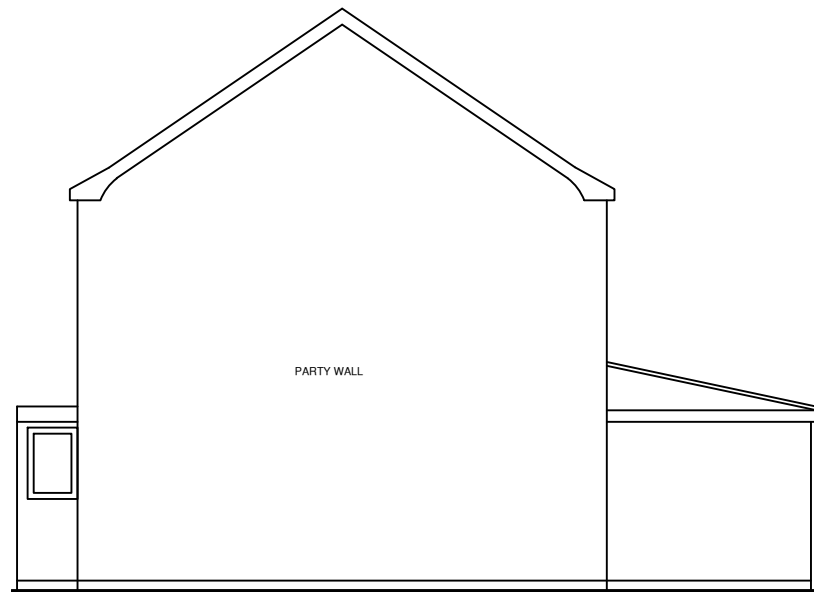
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FRONT ELEVATION
1:100 / A3

SIDE ELEVATION
1:100 / A3



SIDE ELEVATION
1:100 / A3



REAR ELEVATION
1:100 / A3

SCHEDULE		GIA
Site Area		453 sqm
Proposed Dwelling		89 sqm
Proposed Dwelling Amenity		100 sqm
Existing Dwelling		93 sqm
Existing Dwelling Amenity		76 sqm
2 Parking Spaces per Dwelling		
2 Cycle Spaces per Dwelling		

Rev	Detail	Date
Drawing No. : 2217_PL03c	Drawn by : RJ	
Scale : 1:100 @ A3	Date : 09.11.2022	

Project Title :
**114 OSBORNE ROAD,
PE13 3JW**

Drawing Title :
EXISTING ELEVATIONS



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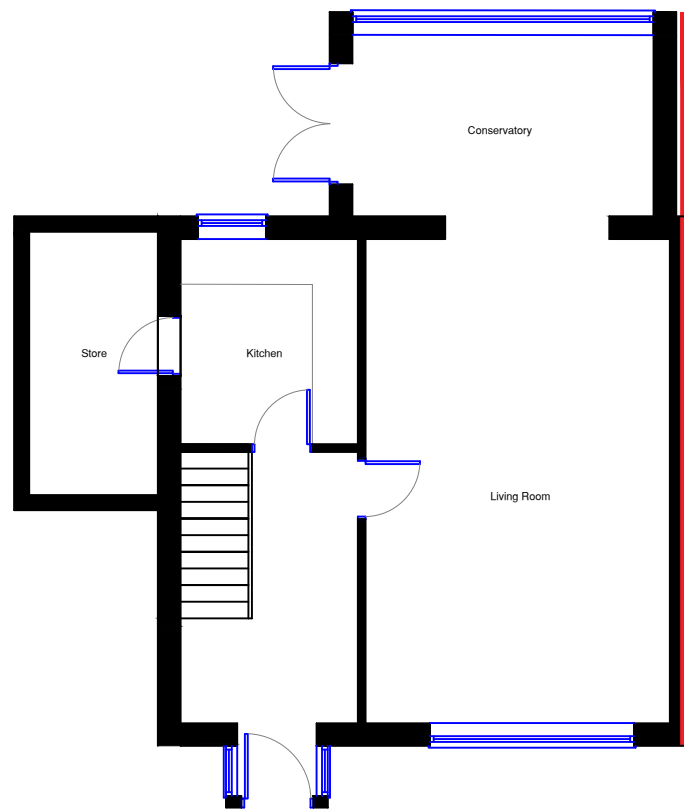
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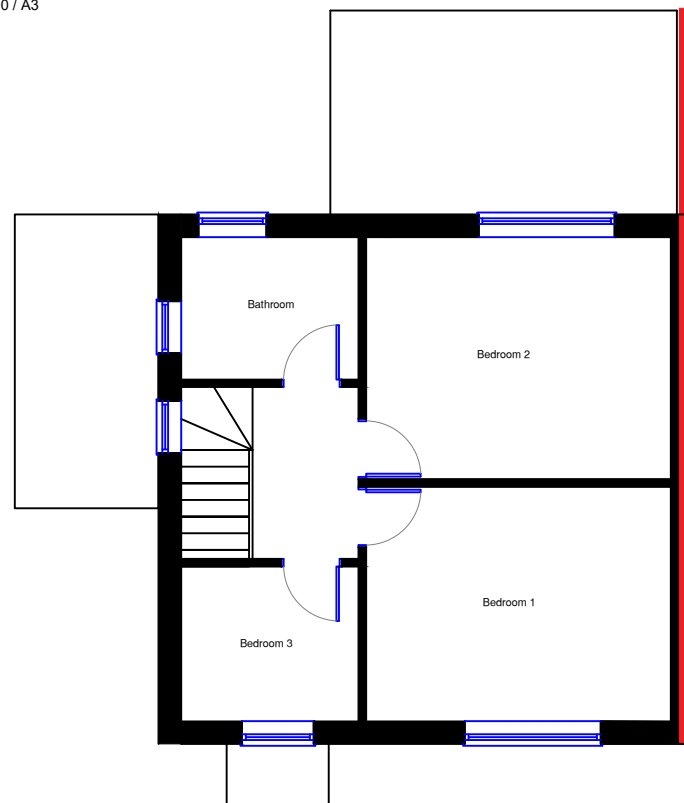
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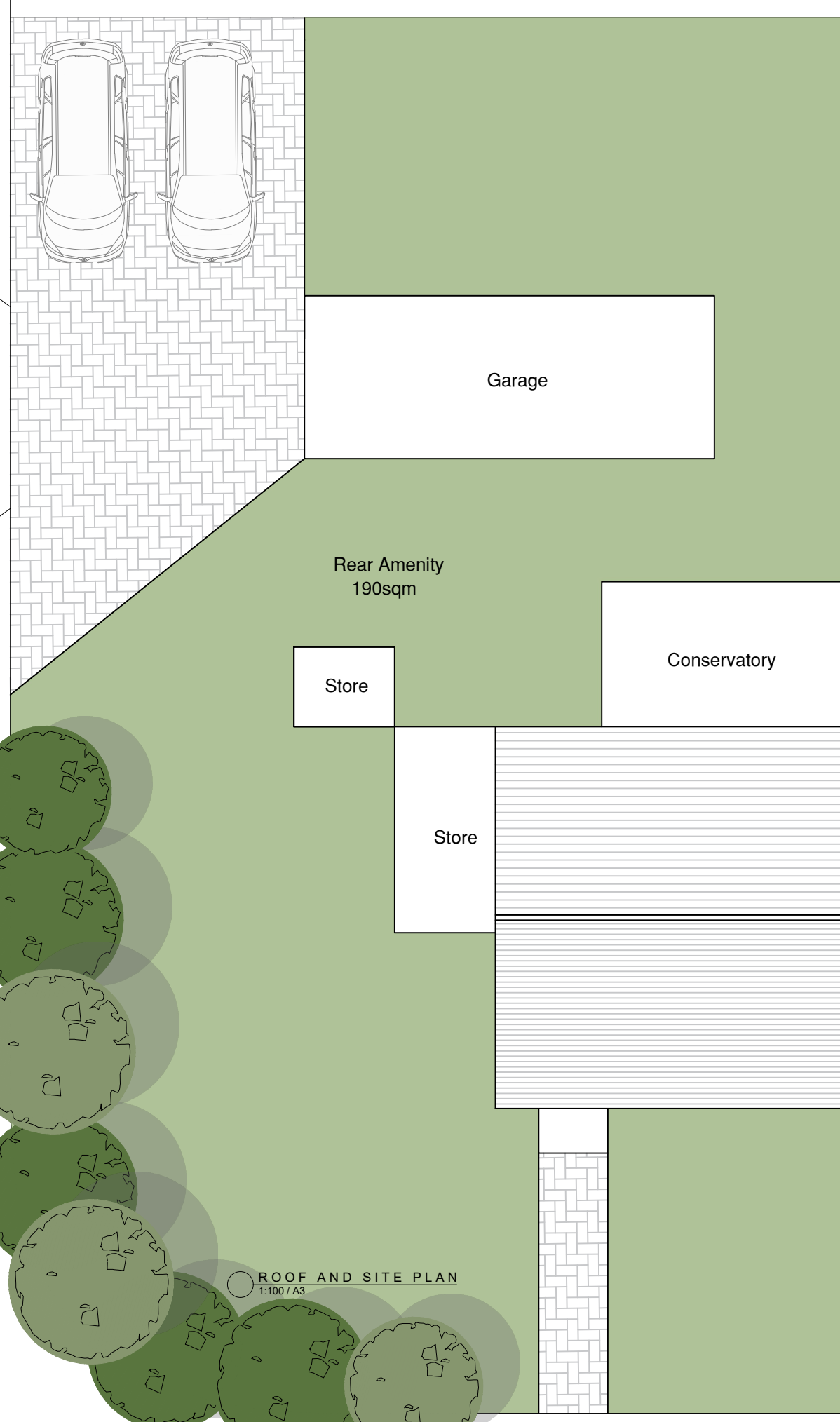
GROUND FLOOR PLAN
1:100 / A3



FIRST FLOOR PLAN
1:100 / A3

SCALE 1:100 @A3
0 10m

Existing Cross Over



ROOF AND SITE PLAN
1:100 / A3

SCHEDULE		GIA
Site Area		453 sqm
Proposed Dwelling		89 sqm
Proposed Dwelling Amenity		100 sqm
Existing Dwelling		93 sqm
Existing Dwelling Amenity		76 sqm
2 Parking Spaces per Dwelling		
2 Cycle Spaces per Dwelling		

Rev	Detail	Date
Drawing No. : 2217_PL02c	Drawn by : RJ	
Scale : 1:100 @ A3	Date : 09.11.2022	

Project Title :
**114 OSBORNE ROAD,
PE13 3JW**

Drawing Title :
**EXISTING FLOOR, ROOF AND
SITE PLANS**

PL-02d

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PLANNING
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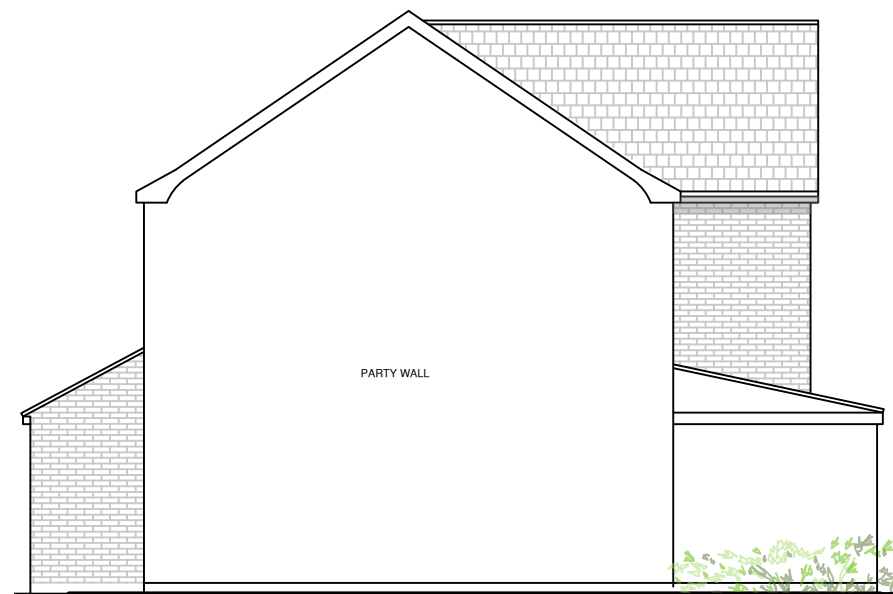
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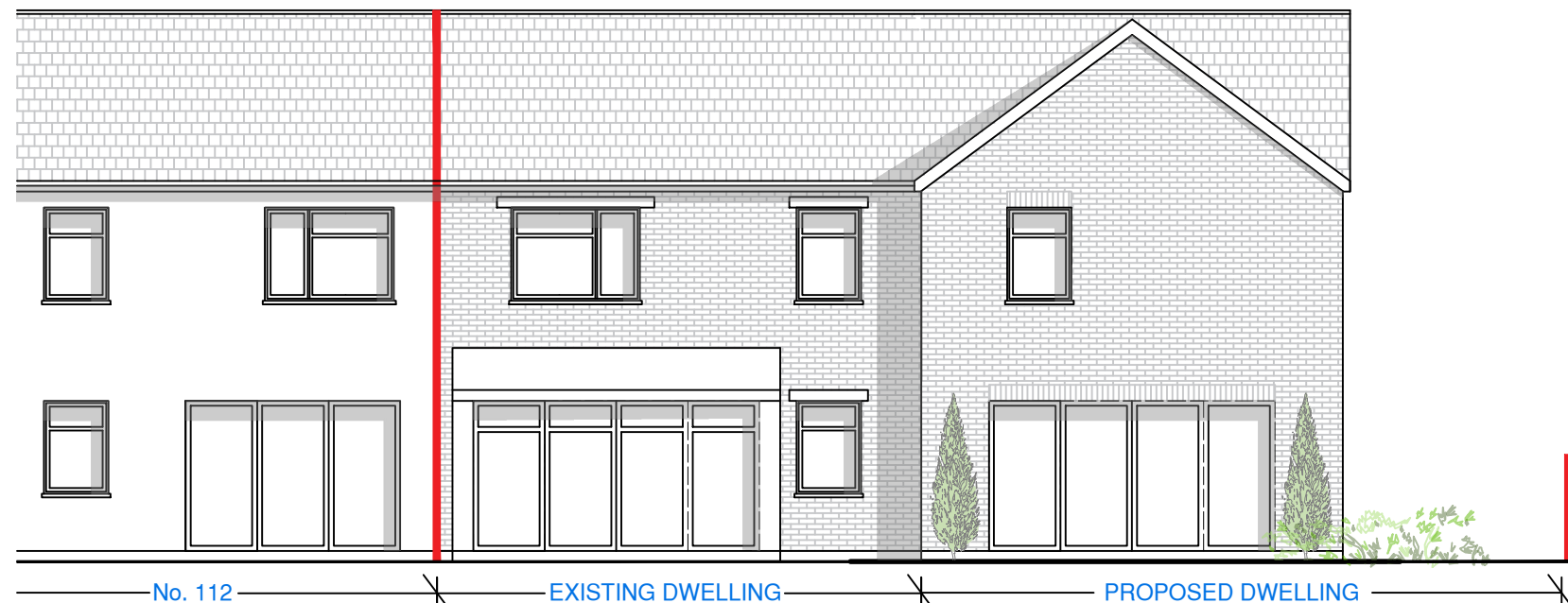
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FRONT ELEVATION
1:100 / A3

SIDE ELEVATION
1:100 / A3



SIDE ELEVATION
1:100 / A3



REAR ELEVATION
1:100 / A3

SCHEDULE		GIA
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2 Parking Spaces per Dwelling		
2 Cycle Spaces per Dwelling		

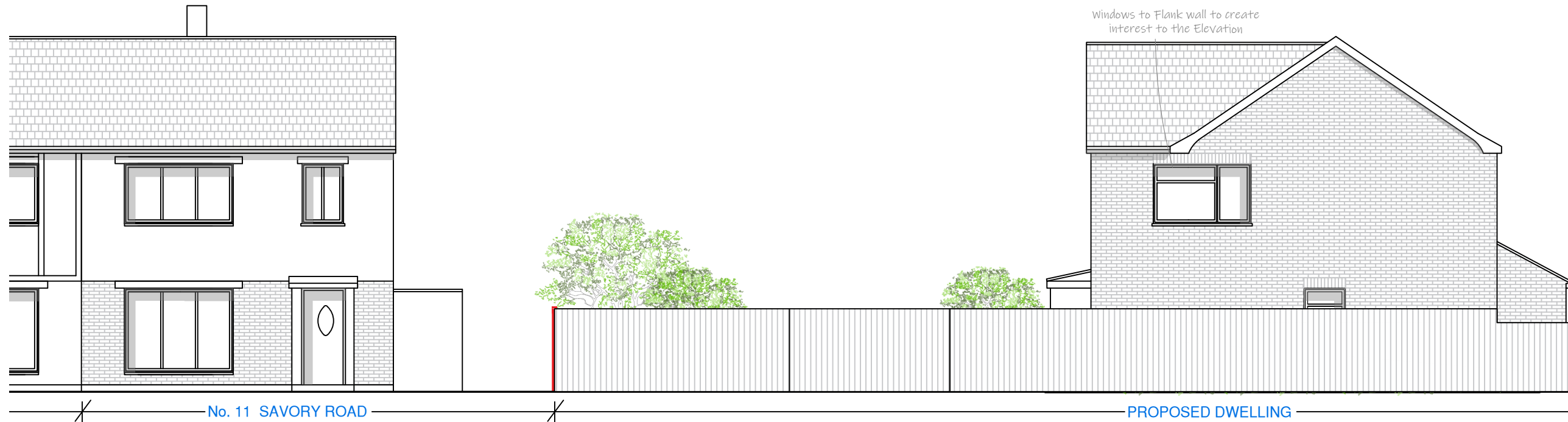
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Project Title :
**114 OSBORNE ROAD,
PE13 3JW**

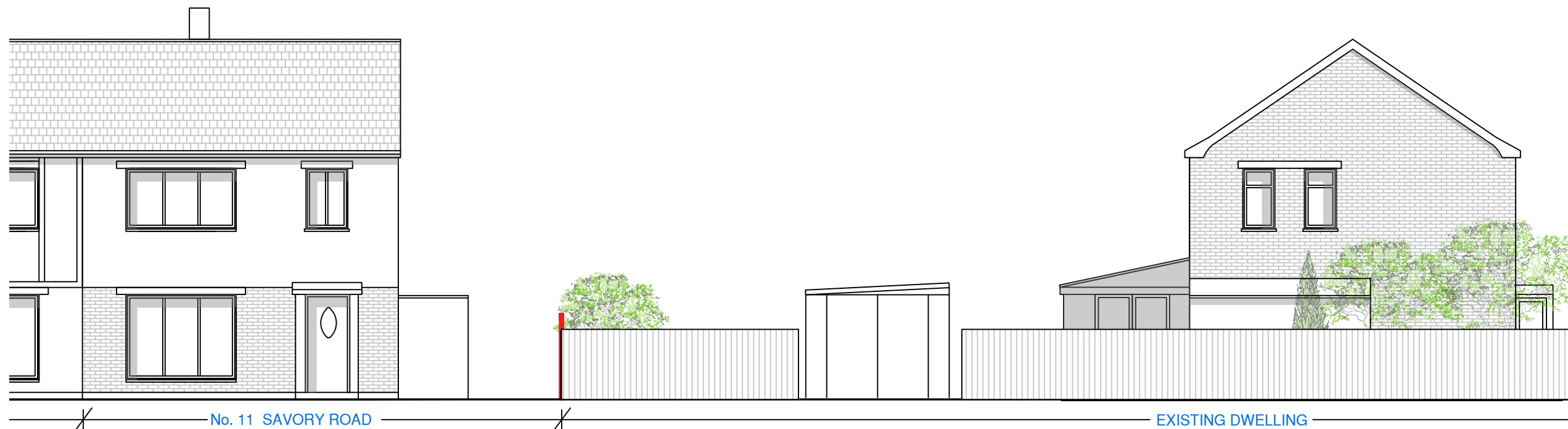
Drawing Title :
PROPOSED ELEVATIONS

SCALE 1:100 @A3
0 10m

PL-05b



PROPOSED STREET SCENE
1:100 / A3



EXISTING STREET SCENE
1:100 / A3

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SCHEDULE		GIA
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Existing Dwelling Amenity		76 sqm
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2 Cycle Spaces per Dwelling		

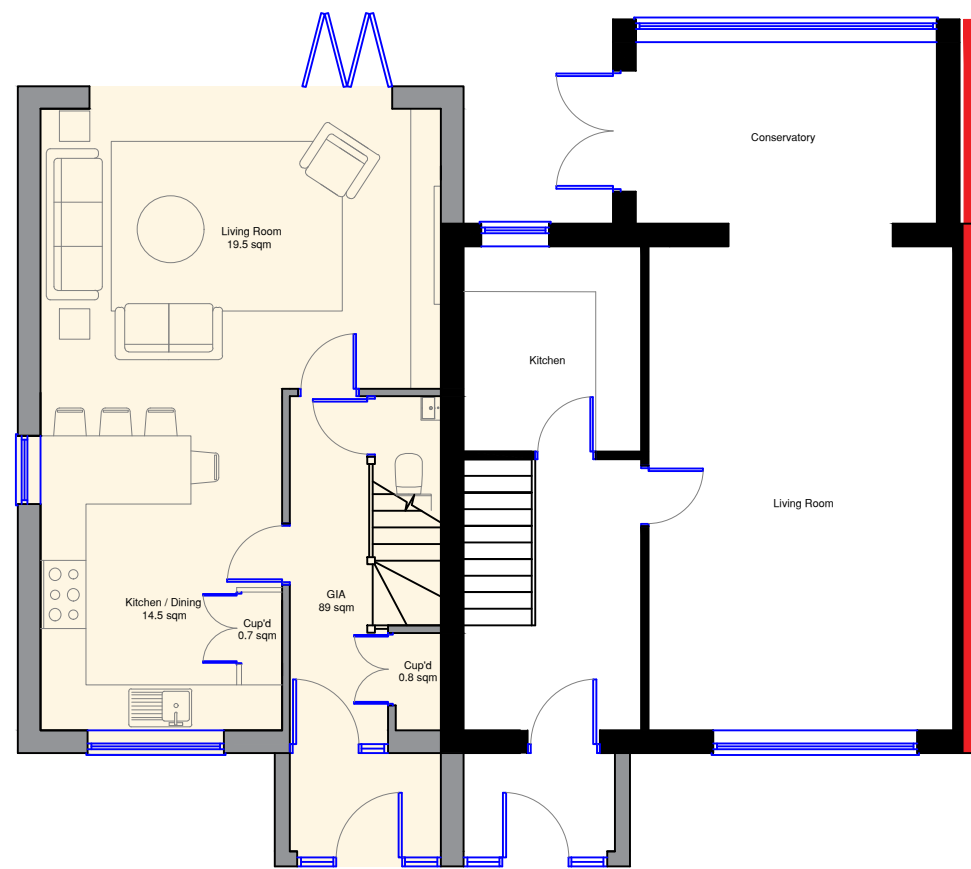
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Scale : 1:100 @ A3	Date : 09.11.2022	

Project Title :
**114 OSBORNE ROAD,
PE13 3JW**

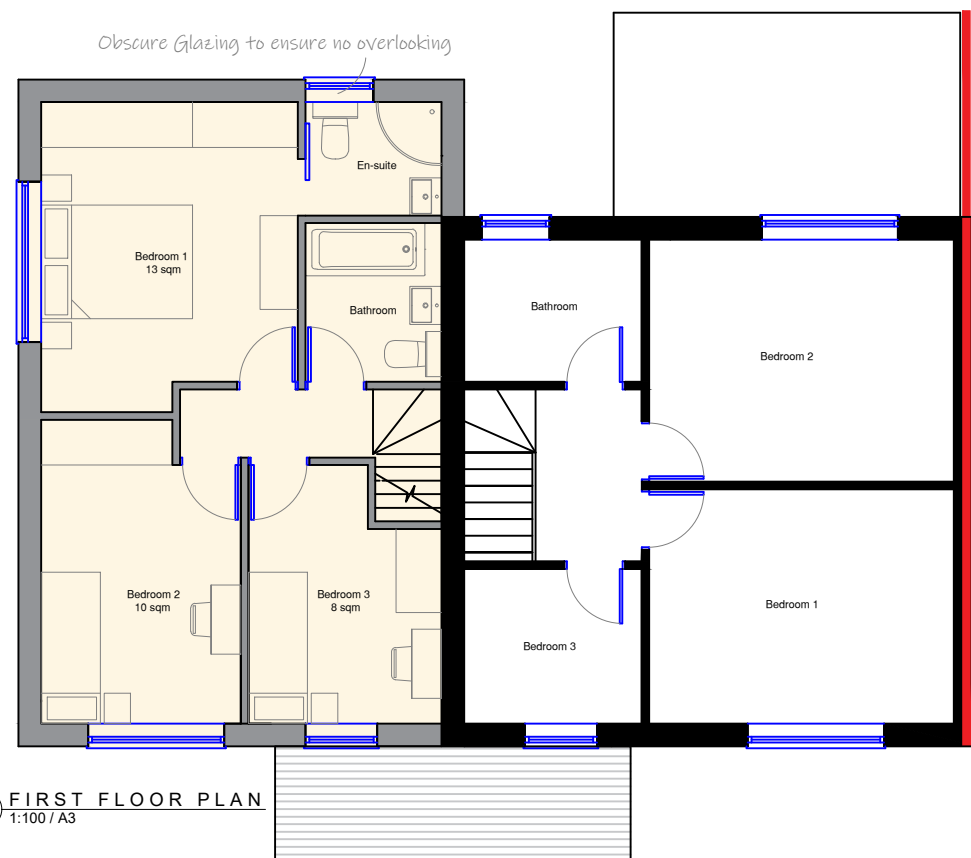
Drawing Title :
SAVORY RD STREET SCENE

PL-06c



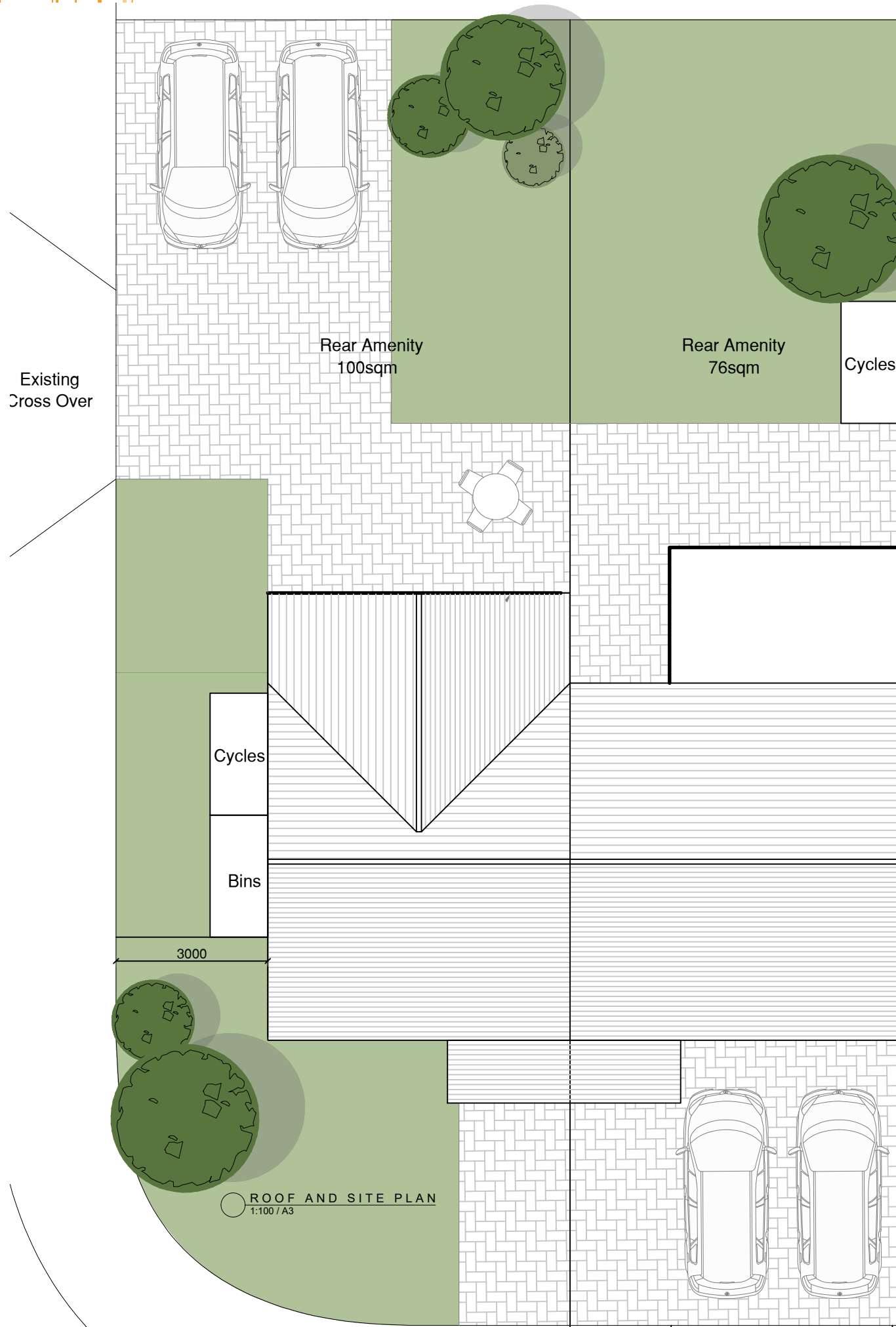


GROUND FLOOR PLAN
1:100 / A3



FIRST FLOOR PLAN
1:100 / A3

SCALE 1:100 @A3



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SCHEDULE

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Site Area	453 sqm
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2 Cycle Spaces per Dwelling	

Rev	Detail	Date
Drawing No. : 2217_PL04c		
Drawn by : RJ		
Scale : 1:100 @ A3		
Date : 09.11.2022		

Project Title :
114 OSBORNE ROAD,
PE13 3JW

Drawing Title :
PROPOSED FLOOR, ROOF
AND SITE PLANS

PL-04c

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F/YR23/0852/O

Applicant: Mrs G Bellamy

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

Land South of 12 - 24 Ingham Hall Gardens, Parson Drove, Cambridgeshire

Erect up to 9 x dwellings (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. The proposal is for the construction of a 9-dwelling development to the south of the existing southernmost extent of the village of Parson Drove.
- 1.2. The scheme represents a re-submission of a twice-refused application, with the addition of a Community Involvement Statement to demonstrate local support. The fundamental impacts of the proposal have not altered since its original submission under F/YR20/0233/O in May 2020, and resubmission and subsequent refusal under F/YR21/0233/O in June 2021.
- 1.3. The scheme is considered to extend the village out into the countryside in a non-linear fashion that is at odds with the distinctive character of the existing settlement, with the result being that the proposal would result in harm to that character contrary to the relevant policies of the development plan.
- 1.4. The Parson Drove Neighbourhood Plan requires that for developments of over five dwellings, the application is accompanied by evidence of local support and receives the backing of the Parish Council. The application is accompanied by a Community Involvement Statement appearing to demonstrate local support. However, the public consultation undertaken as part of the planning process has indicated that there is no consensus of public opinion in relation to the scheme. The Parish Council have maintained and confirmed their opposition to the proposal.
- 1.5. The scheme is not accompanied by evidence of an agreement facilitating access for waste collection vehicles, and the proposal would still result in an adverse impact on the residential amenity levels of existing dwellings on Ingham Hall Gardens due to the levels of traffic associated with the scheme.
- 1.6. The proposal is therefore recommended for refusal for all three previous reasons, as the below assessment outlines these have not be adequately reconciled.

2 SITE DESCRIPTION

- 2.1. The application site is a combination of open grassland and agricultural land to the south of the residential dwellings located off Ingham Hall Gardens and Brewery Close, Parson Drove. The land is separated from those dwellings by 1.8m closeboard fencing typical of modern residential developments. Some elements of the existing fencing have been replaced by more open trellis panels granting views over the land to the south. The dwellings on Ingham Hall Gardens and Brewery Close to the north are single-storey in height.
- 2.2. The application site is mainly located within Flood Zone 1, although the south east corner of the site contains land in both Flood Zones 2 and 3.
- 2.3. There are no defined settlement boundaries within the Fenland Local Plan 2014. However with the exception of the residential properties to the north boundary the application site is surrounded by open agricultural land that is most appropriately defined as being countryside. The proposal is therefore considered to be adjacent to the existing built up part of the settlement.

3 PROPOSAL

- 3.1. The proposal is in outline for the construction of up to 9 dwellings with access to the site via the existing road, Ingham Hall Gardens, which is privately owned along the final section leading to the application site.
- 3.2. The Design and Access Statement accompanying the application indicates that the proposal would be for the construction of bungalows adjacent to the existing development to the north, with chalet style dwellings along the southern boundary of the site.
- 3.3. The application also proposes the replacement of the existing sewage treatment plant to the east of the site with a new treatment plant as a benefit to the existing residents in the area.
- 3.4. Full plans and associated documents for this application can be found at: [F/YR23/0852/O | Erect up to 9 x dwellings \(outline application with matters committed in respect of access\) | Land South Of 12 - 24 Ingham Hall Gardens Parson Drove Cambridgeshire \(fenland.gov.uk\)](https://fenland.gov.uk/F/YR23/0852/O)

4 SITE PLANNING HISTORY

F/YR21/0233/O	Erect up to 9 x dwellings (outline application with matters committed in respect of access)	Refused 02.07.2021
F/YR20/0292/O	Erect up to 9 x dwellings (outline application with matters committed in respect of access)	Refused 27.05.2020
F/0797/87/O	Erection of a dwellinghouse and garage	Refused 8.10.1987

5 CONSULTATIONS

Parson Drove Parish/Town Council

- 5.1. *Councillors discussed the application and recommended refusal.*
- 5.2. *The proposed development encroached into the open countryside and would detrimentally impact the established line of built development for Parson Drove. This is also contrary to policy LP 12 Part A; sections (a), (b), (c) and (d).*
- 5.3. *Councillors noted that a Community Consultation however felt that the offer of a donation to community facilities will have influenced a large number of parishioners who indicated their support for the application. There is no formal agreement yet in place to provide this donation, therefore the community support has to be considered against this fact. The Parish Council were not happy to accept this as just a condition.*
- 5.4. *It was noted Access & Design Statement referred to the road being made up to an adoptable standard however were concerned that the access road would not be able to cope with the additional dwellings.*
- 5.5. *Therefore, as the application does not have support of the Parish Council it is contrary to the Neighbourhood Plan, policy 2 where Parish Council support is required for developments of 5 or more and should not be given planning permission.*

Environment & Health Services (FDC)

- 5.6. *The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposal.*
- 5.7. *Should planning permission be granted, in the interests of protecting the amenity of existing nearby residencies, it is recommended that a number of issues are addressed from an environmental health standpoint by way of imposing conditions.*
- 5.8. *Given the nature and scale of the proposed development, the issues of primary concern to this service during the construction phase would be the potential for noise, dust and possible vibration to adversely impact on the amenity of the occupiers at the nearest residential properties.*
- 5.9. *Therefore, this service would welcome the submission of a robust Construction Environmental Management Plan (CEMP) that shall include working time restrictions in line with the template for developers, now available on Fenland District Council's website at: Construction Environmental Management Plan: A template for development sites (fenland.gov.uk)*
- 5.10. *Vibration impact assessment methodology, mitigation measures, monitoring and recording statements in accordance with the provisions of BS 5228-2:2009+A1:2014 Code of Practice for noise and vibration control on construction and open sites may also be relevant, as would details of any piling construction methods / options, as appropriate.*

5.11. *It is also recommended that the following condition is imposed:*

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

Senior Archaeologist (CCC)

5.12. *I am writing in regards to the archaeological potential of the above referenced planning application.*

5.13. *Our records indicate that the development lies in an area of high archaeological potential along the fen edge of a roddon, an area often utilised for activity and occupation prior to fen drainage due to representing an area of higher ground. This has been evidenced during archaeological investigation to the adjacent north-east where Roman settlement activity was identified. Three phases of settlement was present, associated with salt making and animal rearing (Cambridgeshire Historic Environment Record reference. CB15642). Medieval settlement was also identified, including trackways, enclosures and evidence for further evidence for salt making. Archaeological remains are also known to the west of the development where cropmarks outline a complex series of features including a trackway (CHER ref. MCB12606). The cropmarks and settlement activity in the area appear to be part of a chain of Iron Age to Roman settlement following the route of the roddon which the development sits on. Further extensive cropmarks detail early settlement and agricultural practices throughout the route of roddon to the north (e.g. CHER refs. 03803 and 09443) and south (e.g. CHER refs. 03805 and 03872a) of the development area.*

5.14. *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.*

Arboricultural Officer (FDC)

- 5.15. *The proposed development has limited impact on vegetation with the more important west boundary vegetation retained.*
- 5.16. *I have no objection with the proposed development of the area and matters of landscaping/tree planting can be dealt with later, some screening will be required to existing properties to the north of the development site.*

North Level Internal Drainage Board

- 5.17. *Please note that North Level District Internal Drainage Board have no objection in principle to the above application.*

Cambridgeshire County Council Highways Authority

Recommendation

- 5.18. *Based on the information submitted for the above application, I have no objection in principle to the above proposal from the highway perspective.*

Comments

- 5.19. *This application seeks Outline Planning Permission for 9 residential units. The proposals are no different from the previous applications F/YR21/0233/O and F/YR20/0292/O and while these were refused, the refusals were not on highway safety grounds.*
- 5.20. *The development is remote from the adopted highway with the access approach to the proposed dwellings believed to be private.*
- 5.21. *Clarification is required on the development's Refuse collection point since I believe the existing Refuse collection point is on Ingham Hall gardens, an inappropriate distance for Refuse collection for the development in my view.*
- 5.22. *The LHA will also expect the applicant to provide footway connectivity between the proposed development with the existing footway network in the area.*

- 5.23. *I also recommend, should the application be permitted, that the applicant consult CCC's General Principles for Development when preparing any future reserve matters applications, noting that the current indicative site plan does not conform with CCC's adoption criteria.*
- 5.24. *Since the layout for the site is a not for approval, I will make comments on the indicative drawing at the reserve matter stage of the application process.*
- 5.25. *If the LPA are mindful to approve the application, please append the following Conditions to any consent granted:*

Conditions

- 5.26. **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.

- 5.27. **Wheel Wash Facilities:** *Development shall not commence until fully operational wheel cleaning equipment has been installed within the site. All vehicles leaving the site shall pass through the wheel cleaning equipment which shall be sited to ensure that vehicles are able to leave the site and enter the public highway in a clean condition and free of debris which could fall onto the public highway. The wheel cleaning equipment shall be retained on site in full working order for the duration of the development.*
- 5.28. **Parking/Turning Area:** *Prior to the first occupation of the development the proposed on-site parking/turning area shall be laid out, surfaced in a bound material, drained within the site, and submitted to LPA for approval. The parking/turning area, surfacing and drainage shall thereafter be retained as such in perpetuity.*
- 5.29. **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

- 5.30. *I should be able to provide further comments on the above application on receipt of additional information and clarifications requested in support of the application if it advances to the next stage of the application process.*

Mr Dan Horn (FDC)

- 5.31. *As this application is for 9 dwellings, it is below the threshold for affordable housing requirements. Should this number be revised upwards we would look to apply Policy LP5 of the Fenland Local Plan (adopted May 2014).*

Local Residents/Interested Parties

Supporters

- 5.31 The application has resulted in the LPA receiving 34 letters of support for the scheme from 25 households of which 24 were within the Parson Drove and Wisbech St Mary ward boundary. It should be noted that the total number of letters as set out above does not include any of the pro-forma letters of support included within the submitted Community Involvement Statement, as it could not be confirmed that the details provided to these supporters were the same as submitted within the application. Notwithstanding, the letters of support as counted above were submitted separately from the Community Involvement Statement.

- 5.32. The reasons for support for the scheme can be summarised as:

- Positive as intended as bungalows;
- The development is close to village amenities;
- The development will aid in sustaining the village;
- No environmental/wildlife concerns;
- Site provides good access and no highways safety issues;
- Complies with Parish Council requirement for public consultation; follows Neighbourhood Plan
- Site is within flood zone 1; no drainage issues;
- Proposed monetary contribution to Parish is a benefit;
- The site is not an encroachment into open countryside;
- There will be no residential amenity issues arising from the scheme;
- Resubmission has addressed reasons for refusal of earlier applications;
- The design of the dwellings is in keeping with others nearby;
- Follows the Emerging FDC Draft Local Plan; and
- Will enhance and improve the appearance of the area.

Five letters received included no reasons for support.

Objectors

- 5.33. 21 letters of objection against the scheme were received from 12 households within the Parson Drove and Wisbech St Mary ward boundary, including the majority received from residents of Ingham Hall Gardens, the residential development immediately adjacent to the site and through which access to the subject site would be gained. One letter of objection was from an address in Northborough (near Peterborough).

- 5.34. The reasons for objection to the scheme can be summarised as:

- Backland development in the open countryside; out of character;
- The precedent set by earlier refusals;
- The potential for additional precedent for more development;
- Concerns over increased traffic, pedestrian safety and highways;

- Inadequate infrastructure to cope with more development; road is showing signs of wear and tear;
- No public transport serving Parson Drove;
- Foul drainage concerns; existing treatment plant is overloaded;
- Environmental and Wildlife concerns;
- Residential amenity impacts to residents of Ingham Hall Gardens; overlooking, light pollution, noise, etc.
- Proposals will impede views of surrounding countryside;
- Access is via an unadopted road, ownership of it is unclear as is any right of way over it, and maintenance is understood to be the financial responsibility of existing residents.
- Design not in keeping with the surrounding development as chalets;
- Proposed monetary contribution to Parish is not legally binding;
- Letters of support from people not local to the development site.

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

Para 8: 3 strands of sustainability

Para 11: Presumption in favour of sustainable development

Para 14: Conflicts with the neighbourhood plan where adverse impact outweighs benefits

7.2. National Planning Practice Guidance (NPPG)

Determining a planning application

7.3. Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

LP12 – Rural Areas Development Policy

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

LP15 – Facilitating the Creation of a More Sustainable Transport Network

LP16 – Delivering and Protecting High Quality Environments

LP19 – The Natural Environment

7.4. 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
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
LP57 - Residential site allocations in Parson Drove

7.5. **Parson Drove Neighbourhood Plan**

Policy 1 – Housing Growth

Policy 2 – Scale of Housing Development

Policy 5 – Road and Pedestrian Safety

8 KEY ISSUES

- **Principle of Development**
- **Visual Impact and Character**
- **Highway Safety**
- **Residential Amenity**
- **Natural Environment**
- **Flood Risk**
- **Other matters**

9 BACKGROUND

9.1. This application is a resubmission of an application that has been refused on two previous occasions.

9.2. The first was a delegated refusal of permission in May 2020 (F/YR21/0233/O), following an earlier informal email indicating that some development on the land may be acceptable.

9.3. Four reasons were given for refusing the above application, which can be summarised as being:

- the impact in relation to the character and appearance of the settlement,
- the lack of support for the scheme from both the community AND the Parish Council in line with the policies of the Neighbourhood Plan,
- the impact of the scheme and its provision in relation to residential amenity, and
- the lack of information to demonstrate an acceptable impact on biodiversity.

- 9.4. Following this, Members refused a subsequent resubmission in their meeting of 30 June 2021. The previous reason for refusal in relation to biodiversity was reconciled through the submission of an acceptable ecological appraisal of the site. Notwithstanding, three reasons for refusing the application remained, including the impact in relation to the character and appearance of the settlement, the lack of support for the scheme in line with the policies of the Neighbourhood Plan, and the impact of the scheme and its provision in relation to residential amenity.

10 ASSESSMENT

Principle of Development

- 10.1. The application site is located beyond the existing built-up extent of the settlement of Parson Drove on the south side of Main Road, beyond the development access from Ingham Hall Gardens, which was itself a backland development scheme.
- 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. The application site is also located on Grade 2 agricultural land. Policy LP12 (i) of the Fenland Local Plan requires development to not result in the loss of high grade agricultural land. The National Planning Policy Framework notes at footnote 58 of paragraph 175 that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. The NPPF defines the “Best and most versatile agricultural land” as land in grades 1, 2 and 3a of the Agricultural Land Classification. Having regard to the wider classification of land across the District, it is noted that the significant majority of land within Fenland falls within these grades and it would therefore not be possible for Fenland to achieve its housing targets without development on such land. Notwithstanding, the application site is not considered to comprise an area of such size as to be considered ‘significant’ with regard to paragraph 175 of the National Planning Policy Framework.
- 10.4. Paragraph 14 of the National Planning Policy Framework (2019) 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.
- 10.5. With regard to the scale of development noted above, the Parson Drove Neighbourhood Plan (adopted 2020) 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".

- 10.6. The application attempts to address earlier reasons for refusal by including a Community Involvement Report, which concludes that at public exhibition *"69.7% of completed forms were in favour of some form of development of which 68.4% were in favour of the nine dwellings with a community enhancement."*
- 10.7. Whilst these figures may constitute evidence of positive community support for the scheme as a majority percentage of respondents to the applicant's consultation appear to be in favour of development at the site. The public consultation undertaken as part of the application process indicates that public opinion on the proposal is divided, with those most directly affected by the proposals being the most opposed to the scheme. In addition, comments received from Parson Drove Parish Council are particularly relevant in determining if the scheme accords with the Neighbourhood Plan as it is a requirement within the policy that Parish Council support is obtained.
- 10.8. The Parish Council have reviewed the submitted documents and resolved to recommend refusal of the proposal. The Parish Council considered that, in respect of the submitted Community Involvement Report and the application's compliance with the Neighbourhood Plan, that the offer of a £50,000 community enhancement payment *"will have influenced a large number of parishioners who indicated their support"*, in particular they note *"there is no formal agreement in yet in place"* to enable the Parish Council to accept this enhancement payment. It should be noted that there is no legal recourse for the LPA or Parish Council to mandate this payment from the applicant, and as such consideration of the scheme must disregard this proposition.
- 10.9. Accordingly, the earlier reason for refusal in respect of the non-compliance with Policy 2 of the Parson Drove Neighbourhood Plan (adopted 2020), must remain.
- 10.10. With regard to the consultation draft to of the emerging Local Plan, the site forms part of a larger site allocation for wholesale development of up to 30 dwellings (Policy LP57). However, it should be noted that in the Draft Local Plan Consultation: Report on Key Issues Raised (May 2023) this site allocation has been actively objected to by Parson Drove Parish Council for very similar reasons to that of their objection to this application specifically. Concerns are raised that the site as a whole would impact on the open countryside, has flood risk issues, and would have major impact on the shape and form of Parson Drove. Accordingly, given the outstanding objections to this policy, it may be such that this site allocation may not come to fruition within any adopted version of the new local plan. Notwithstanding, given the very early stage which the emerging Local Plan is 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.

- 10.11. However, the principle of the proposal is not opposed by the relevant policies of the current Fenland Local Plan, and consideration must be given to the specific impacts as detailed below.

Visual Impact and Character

- 10.12. Policy LP12 of the Fenland Local Plan (2014) addresses the matter of development within or adjacent to villages under Part A of that policy, noting that development will be supported where it does not harm the wide open character of the countryside, alongside a set of other criteria. These include (as relevant to matters of visual impact and character) the proposal not having an adverse impact on the character and appearance of the surrounding countryside and farmland, being of a scale and in a location that is in keeping with the core shape and form of the settlement, not harming its character and appearance, not extending linear features of the settlement, and retaining natural boundaries of the site.
- 10.13. Policy LP16 of the Fenland Local Plan (2014) requires development proposals to deliver and protect high quality environments throughout the district. Proposals must demonstrate they make a positive contribution to the local distinctiveness and character of the area, enhancing their local setting and both responding to and improving the character of the local built environment whilst not adversely impacting on the street scene, settlement pattern or landscape character of the surrounding area.
- 10.14. The Design and Access statement with regard to the matter of visual impact indicates that the applicant would be willing to accept a condition requiring a landscaping scheme around the perimeter of the site to soften its appearance.
- 10.15. Parson Drove is identified in the settlement hierarchy of the Fenland Local Plan (2014) as a Limited Growth Village and is of a distinctive linear character. There are only limited exceptions to this character, with Ingham Hall Gardens being a backland development itself that took place on former garden land (as the name suggests).
- 10.16. The southern boundary of the existing properties located along Brewery Close and Ingham Hall Gardens creates a strong boundary with the countryside for the present extent of the village, with these properties also being the most southerly projection of the village along the Main Road. There is an informal access to the rear of 22 Ingham Hall Gardens however with this exception, the land that is the subject of the planning application is distinctive in its own right due to its openness. This character is notably visible not only from the immediate vicinity of the site, but also on the approach to Parson Drove from the south west along Murrow Bank, with the existing single-storey dwellings on Brewery Close being visible from some distance across the open agricultural land in that direction.
- 10.17. Notwithstanding the potential for the inclusion of a landscaping scheme surrounding the proposed site, 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. Landscaping may mitigate this to an extent, however it would take a significant amount of time to establish and would still result in an obvious visual intrusion of the built form into the countryside surrounding the village, which would set an unacceptable precedent.

- 10.18. In character terms, the proposal is located on a backland site, which is located beyond an existing development that was itself in a backland location. 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.
- 10.19. The locational circumstances and countryside character of the site have not changed since the earlier refusals of the scheme. Accordingly, the nature of the proposed site is therefore considered to remain contrary to that established character and would result in harm to the character of the settlement and the surrounding area contrary to policies LP12 and LP16 of the Fenland Local Plan (2014) and as such, the earlier reason for refusal pertaining to character harm has not been reconciled.

Highway Safety

- 10.20. Policy LP15 of the Fenland Local Plan (2014) requires development to provide a well-designed, safe and convenient access for all, giving priority to the needs of pedestrians, cyclists, people with impaired mobility and users of public transport. Appendix A of the Fenland Local Plan sets out the parking standards associated with development proposals, noting that for properties of up to three bedrooms, two parking spaces are required, and for properties of four bedrooms or more, provision of three spaces is required.
- 10.21. The proposal is for the dwellings to be accessed via the existing highway known as Ingham Hall Gardens, with the new road joining the existing surface where it terminates at the entrance to a treatment plant to the east of the site. It is noted however that the road in this location however is currently not publicly adopted. The application site does extend out to meet the edge of the adopted highway, however ownership certificate A is signed as part of the application forms, indicating that the entire site is within the applicant's ownership. This matter would need to be clarified should members be minded to grant planning permission.
- 10.22. The proposed plans show a carriageway 5.5m wide allowing for two-way vehicle flow, with a 1.8m footpath to either side of the new carriageway. The comments of the highways authority note however that the existing estate road is not to an adoptable standard, and should members be minded to grant planning permission in its current format then the road would remain in private ownership and consideration should be given to on-site turning provision, bin collection arrangements and street lighting, maintenance etc.
- 10.23. The Highways Authority however confirm that there are no highway safety objections to the proposal if the road is to remain in private ownership.

- 10.24. Consideration must therefore be given to the impact of granting consent for up to nine dwellings from a private access and whether or not that is acceptable in planning terms. This is discussed further in the section below titled Residential Amenity.

Residential Amenity

- 10.25. Policy LP2 of the Fenland Local Plan (2014) requires development proposals to promote high levels of residential amenity, and policy LP16 requires development proposals to demonstrate that they do not adversely impact on the amenity of neighbouring users whilst providing sufficient amenity space for the proposal, with the guideline for non-flat development being one third of the plot area.
- 10.26. There are several elements to the impact of the proposal on the residential amenity of both the proposed dwellings and the existing properties in the area. In respect of these matters, it is noted that the application is made in outline with only access committed for approval at this time and therefore specific impacts regarding overlooking etc are not considered in detail at this stage. The indicative layout plan submitted alongside the application is relevant however in establishing whether or not it is possible for the proposal to meet the required standards in respect of amenity impacts prior to submission of reserved matters.
- 10.27. The scheme indicates that up to nine dwellings are proposed to be located on the land. Whilst this figure is a maximum for consideration at this stage, it must be assessed on the basis that nine properties will be constructed on the land, unless a condition is imposed on any permission granted restricting it to fewer than that figure. All matters relating to residential amenity must therefore be considered on the basis of an additional nine dwellings at this point.
- 10.28. Sewage Treatment Plant/Drainage Issues
Any proposals to replace the existing sewage treatment plant as part of the development are not considered material to the proposed application for the following reasons.
- The application if approved would be required to make appropriate provision for foul sewage treatment for the new dwellings. If the existing system is incapable of accommodating the flow from the proposed dwellings then it would be required to be upgraded.
 - The existing dwellings already have foul sewage treatment provision. The residents association has confirmed the existing system is not nearing the end of its lifetime and that accommodation is being made for its replacement when necessary.
 - The proposal cannot therefore be considered to be a benefit to the existing dwellings that would mitigate harm caused by the development.
- 10.29. Traffic Increases
The first of the matters relevant to consideration in respect of residential amenity relates to the impacts of the use of the site as a matter of principle, and the increased impacts arising as a result of a further nine dwellings being accessed along Ingham Hall Gardens. This results in greater impacts on all the properties currently accessed on the existing development through

an increase in traffic using the access road. In particular, this will impact most significantly on those properties located directly opposite the access roads, specifically 14 and 37 Ingham Hall Gardens due to headlights of vehicles accessing the site, and those properties flanking the access road, with 28 and 30 Main Road experiencing the greatest impact due to their rear gardens being located directly adjacent to the access road. The increase in traffic along these parts of Ingham Hall Gardens will result in a loss of amenity levels within the identified properties in particular, and a likely loss of amenity to a lesser extent in other dwellings along Ingham Hall Gardens for the same reason.

10.30. Privacy and amenity levels within adjoining gardens

The properties along the southern side of Ingham Hall Gardens will also now experience a loss of amenity levels due to the southern boundary of their properties adjoining the rear gardens of the plots identified as 1-5 on the indicative site plan. The control available over the scale of the proposed dwellings on the land mean that it is unlikely that they would experience a loss of privacy as a result of the proposals. The noise impacts of residential dwellings being located adjacent to their gardens would not be sufficient to justify refusal on the grounds of amenity impact, in particular since the affected gardens are already flanked by other residential gardens due to the layout of the Ingham Hall Gardens estate.

10.31. Impacts relating to landscaping along the northern boundary of the site to as shown on the indicative plan may result in loss of light or outlook for dwellings to the north. However, landscaping is a reserved matter that is not submitted for approval at this stage and as a result, it is within the control of the later reserved matters to ensure that any boundary planting in this location is acceptable in regards to impact on neighbouring amenity, specifically that the planting proposals do not result in the use of species that are not appropriate for use within residential gardens due to their mature height.

10.32. Bin collection

Finally, and as noted earlier, the limitation of the access road to the properties being of a private nature as the road is not adoptable will result in several amenity impacts. Private driveways are normally limited to serving no more than five dwellings, not least of which is due to the requirement for bin collections from the properties to take place adjacent to an adopted highway. This would result in a potential requirement for the dwellings at plots 5 and 6 a distance in the region of 150m for collection. This would not constitute the high levels of residential amenity required by policy LP2 and would be in contravention of the RECAP Waste Management Design Guide (2012).

10.33. The D&A Statement accompanying the application indicates that the intention is to provide an indemnity to allow waste collection vehicles to enter the application site for the purposes of waste collection, which may overcome that aspect of the consideration of the proposal in residential amenity terms, however no such agreement is put forward for consideration at this time. This would therefore need to be secured by planning condition if the application is recommended for approval, or should form part of a reason

for refusal if the application is not supported, to ensure that it is considered appropriate during the course of any appeal that may be made on the site.

Conclusion

- 10.34. Given the above, the residential amenity impacts from the likely traffic generation and potential bin drag distances are considered to result in unacceptable residential amenity impacts contrary to policies LP2 and LP16 of the Fenland Local Plan (2014). Accordingly, the earlier reason for refusal pertaining to amenity has not been reconciled.

Natural Environment

- 10.35. Policy LP19 of the Fenland Local Plan (2014) states that the Council will conserve, enhance and promote the biodiversity and geological interest of the natural environment throughout Fenland, protecting designated sites, refusing permission for developments that cause demonstrable harm to a protected habitat or species, and ensure opportunities are taken to incorporate beneficial features into new developments.
- 10.36. The application is accompanied by an updated ecological appraisal of the site undertaken by Philip Parker Associates Ltd. This report includes a preliminary assessment of the site including a habitat survey, an assessment of the proposed works on species present on the site and a mitigation strategy in relation to the impacts of the proposals on protected species. None of the information included in the report indicates that the scheme would be unacceptable from an ecological perspective.

Flood Risk

- 10.37. The majority of the application site is located within Flood Zone 1. A small portion of the site is located within flood zones 2 and 3 however none it would not be necessary to locate any of the built development within these parts of the site. On that basis, and subject to compliance with the recommendations made within section 6 of the accompanying Flood Risk Assessment, it is considered that the scheme is acceptable from a flooding and flood risk perspective.

Other matters

- 10.38. Lack of Public Transport.
Concern is raised by local residents regarding the lack of public transport. This may be the case, however the village is classified as a Limited Growth village where an amount of development is considered acceptable, therefore the lack of public transport is not considered acceptable grounds for the refusal of the application.
- 10.39. Impact on views.
The loss of a view is not a material consideration in relation to the determination of a planning application.

11 CONCLUSIONS

- 11.1 The application proposals have seen no significant amendment in relation to the previous refusals of applications for residential development on the site. The current proposal is accompanied by a Community Involvement

Statement which seeks to overcome a previous reason for refusal, however the sustained objection by the Parish Council in respect of the scheme negates any justification for removal of this reason. In addition, it is considered that the impact of the proposal on the character and appearance of the area remain unchanged.

- 11.2 The proposed monetary contribution to the Parish is noted, however there is no legal recourse available to the LPA or Parish council to mandate this payment, and thus it must form a material consideration in respect of this application. In addition, any stated intention to upgrade the existing sewage treatment plant in this part of the village is noted, but this does not constitute a material factor in favour of the development as appropriate management of the existing system is in place and the additional load as a result of the proposed development would need to be accommodated regardless of the state of the existing system. The amenity impacts in relation to the proposal remain the same as previously considered.
- 11.3 Accordingly, the scheme is recommended for refusal by virtue of the impact in relation to the character and appearance of the settlement, the lack of support for the scheme in line with the relevant policies of the Parson Drove Neighbourhood Plan, and the impact of the scheme and its provision in relation to residential amenity.
- 11.4 Committee should note the absence of any change in planning circumstances in relation to the current scheme and associated reasons for refusal proposed and the previously refused application. Committee's notice is therefore brought to the Planning Code of Conduct in relation to consistent decision making where there have been no changes in planning circumstance.

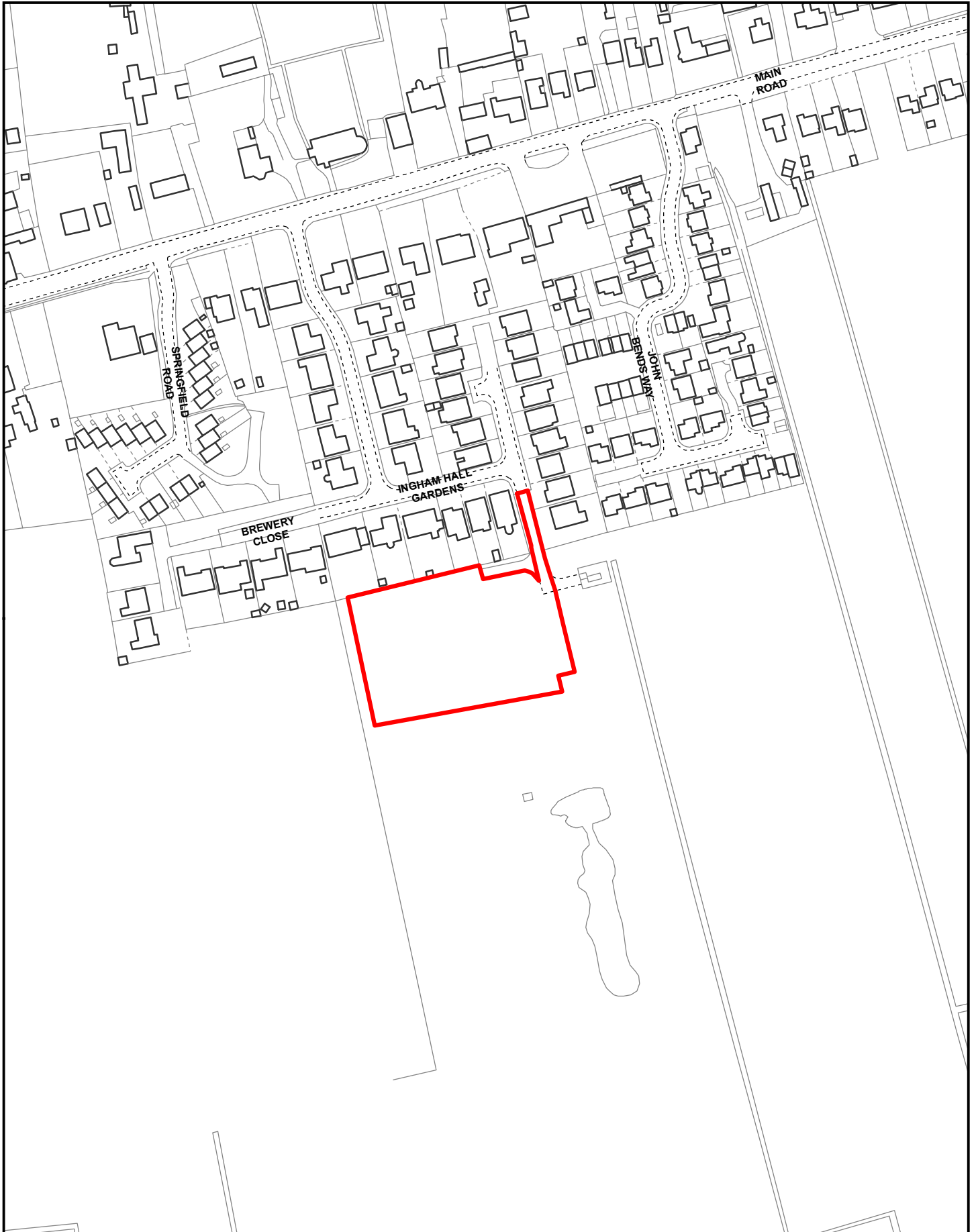
12 RECOMMENDATION

Refuse, for the following reasons;

Reasons

1	<p>Character Harm</p> <p>Policy LP12 of the Fenland Local Plan 2014 seeks to ensure that development does not result in an adverse impact on the character and appearance of the surrounding countryside and policy LP16 seeks to ensure that development makes a positive contribution to the local distinctiveness and character of the area whilst enhancing its setting and responding to the character of the local built form, and not adversely impacting on the street scene.</p> <p>The development proposal for 9 dwellings is considered out of character with the prevailing linear form of development in Parson Drove and will result in an incursion into the open countryside that will have a detrimental impact on the character and appearance of the settlement by extending the non-linear development in a position that is notable on the approach into the village.</p>
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	The development is therefore considered contrary to Policies LP12 and LP16 of the Fenland Local Plan 2014.
2	<p>PD Neighbourhood Plan</p> <p>Policy 2 of the Parson Drove Neighbourhood Plan (adopted 2020) considers that development of more than 5 dwellings should have the support of the local community and also the Parson Drove Parish Council.</p> <p>Notwithstanding the evidence submitted within the Community Involvement Report, the development application has generated a number of local objections together with an objection from the Parish Council. It is therefore considered that the proposal fails to comply with Policy 2 of the Parson Drove Neighbourhood Plan (adopted 2020).</p>
3	<p>Amenity</p> <p>Policy LP2 of the Fenland Local Plan 2014 requires proposals to promote high levels of residential amenity while policy LP16 requires the proposal to not have an unacceptable impact on neighbouring amenity. The proposal would result in a significant increase in the amount of traffic using Ingham Hall Gardens, and the additional traffic would result in adverse impact on the residential amenity of several properties on Ingham Hall Gardens/Main Road. The proposed properties would also fail to meet the requirement in policy LP2 of providing high levels of residential amenity due to the distance they are located from the nearest Waste/Recycling point on Ingham Hall Gardens and the requirement for residents to move their waste/recycling bins to that point. The proposal would therefore be contrary to policies LP2 and LP16 of the Fenland Local Plan.</p>



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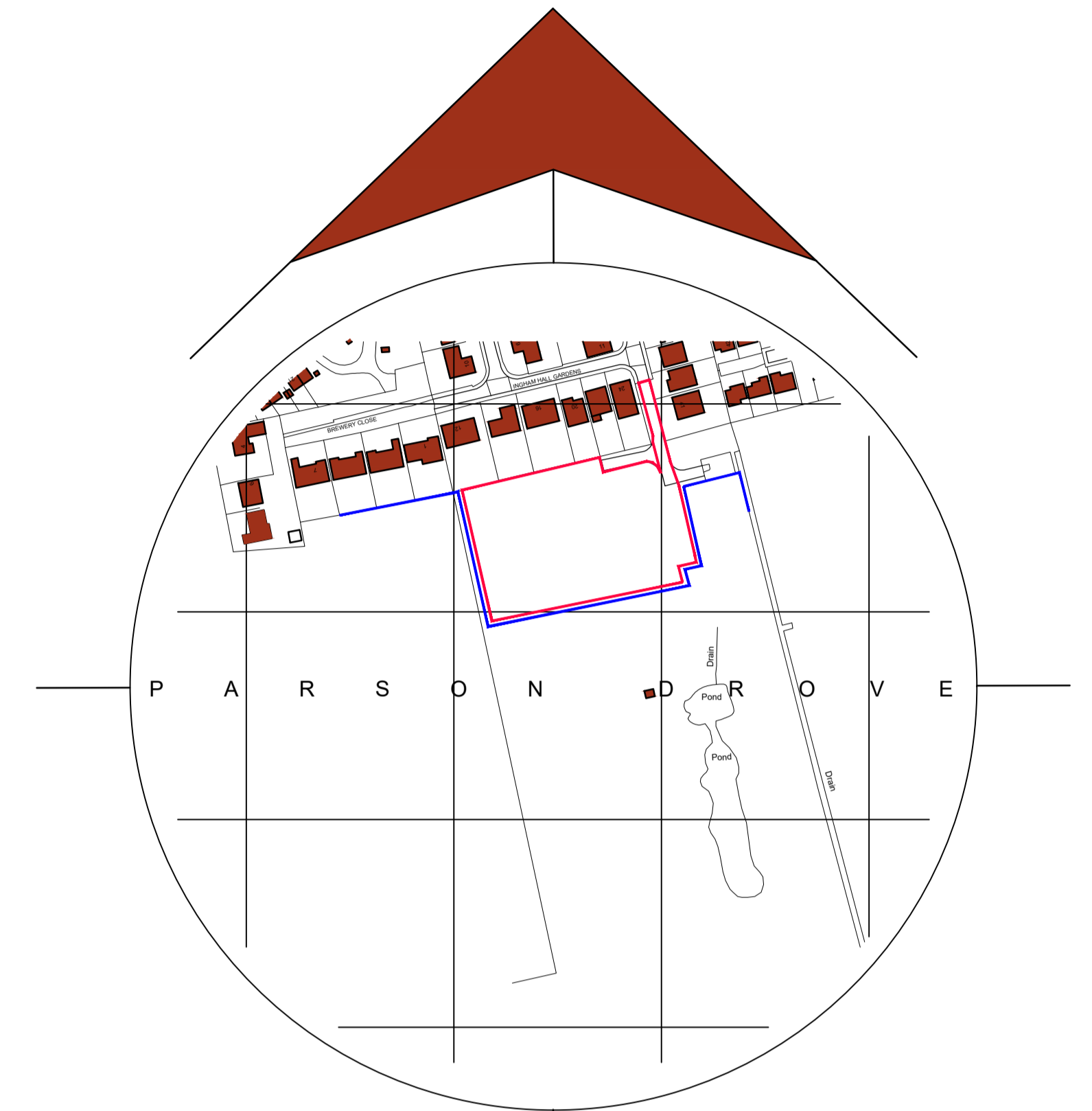
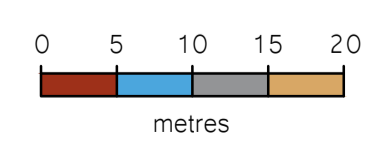
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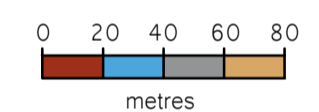
- General Notes
1. All dimensions are shown in 'mm' unless otherwise stated.
 2. The contractor, sub-contractors and suppliers must verify all dimensions on site prior to the commencement of any work.
 3. This drawing is to be read in conjunction with all relevant engineers and specialist sub-contractors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



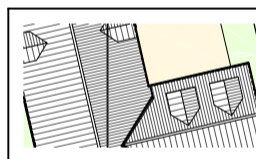
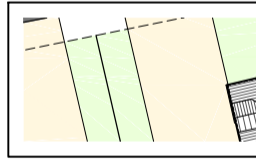
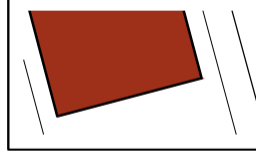
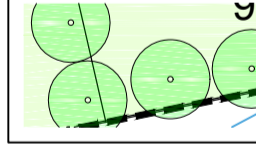
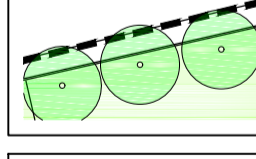
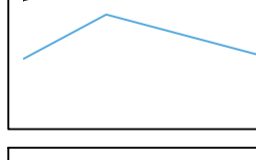
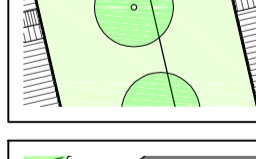
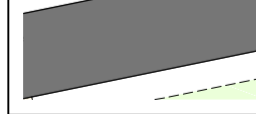
Indicative Site Plan
Scale: 1:500



Location Plan
Scale: 1:2500



SITE PLAN KEY

-  Indicates proposed dwellings
-  Indicates parking spaces and access
-  Indicates existing neighbouring dwellings
-  Indicates proposed trees
-  Indicates proposed site boundary
-  Indicates line of flood zone 2
-  Indicates grassed areas
-  Indicates adoptable standard road with service strip

Status
FOR APPROVAL

SWANN EDWARDS
ARCHITECTURE

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Job Title	Date	Scale
Proposed Residential Development Ingham Hall Gardens Parson Drove, Wisbech, Cambs for: Mrs G Bellamy	August 2023	Various Sheet Size A1
Drawing Title	Job No.	Drawn by
Outline Planning Drawing Site & Location Plans	SE-1870	G.E.
	Dwg No.	Revision
	PP-1000	

AGENDA ITEM NO. 13	
PLANNING COMMITTEE	
Date	13 December 2023
Title	TPO 04/2023 – Granary Barn

1. PURPOSE

The purpose of this report is to advise members of the current situation in respect of confirmation of a Tree Preservation Order (TPO) at Granary Barn, Main Road in Elm, and to determine an appropriate course of action.

2. SUMMARY

Matters relating to the issue and confirmation of a TPO are normally dealt with by delegated powers and confirmations are only referred to this Committee where objections to the Order are received. An objection to the TPO was received from the applicant.

In September 2023 an Emergency TPO was imposed on 1x Scots Pine at Granary Barn, Main Road in Elm. The Order was required to ensure the Scots Pine is protected as it is visible proving landscape interest over the Autumn/Winter period and contributes to the amenity and character of the area. The 1x Scots Pine tree contributes to tree cover, amenity and biodiversity.

No consultation responses were received from neighbours, nor the town/parish council.

The Arboricultural Officer provided consultation comments stating that an evaluation of the Scots pine gave a positive result with the tree justifying a TPO despite a bowed trunk near the crown. Therefore, the Arboricultural Officer requested an emergency TPO to be placed on the 1x Scots Pine tree.

3. RECOMMENDATION

It is therefore recommended that members confirm the TPO in respect of the 1x Scots Pine tree at Granary Barn, Main Road in Elm.

Forward Plan Reference No. <small>(if applicable)</small>	Not applicable
Portfolio Holder(s)	Not applicable
Report Originator	Zoe Blake, Development Officer
Contact Officer(s)	
Background Paper(s)	N/A

1. BACKGROUND

- 1.1 A TRCA application (a notification of proposed works to trees within a Conservation Area. Town and Country Planning Act 1990.) was received under reference F/YR23/0614/TRCA for the felling of 1x Scots Pine and felling of 1x Corsican Pine Tree within the Conservation Area.
- 1.2 The Arboricultural Officer completed an evaluation of the 1x Corsican Pine Tree for a potential TPO using TEMPO (Tree Evaluation Method for Preservation Orders) and considered that this 1x Corsican Pine tree did not merit a TPO.
- 1.3 The Arboricultural Officer also completed an evaluation of the 1x Scots Pine Tree and considered that this 1x Scots Pine tree gave a positive result with the tree justifying a TPO despite a bowed trunk near the crown.
- 1.4 During the processing of the TPO an objection from the applicant was received resulting in the confirmation of the 1x Scots Pine at Granary Barn, Main Road in Elm to be presented to the Planning Committee.

2. ASSESSMENT

- 2.1 The Order, which encompasses the site at Granary Barn, Main Road in Elm is detailed on the accompanying plan.
- 2.2 Matters relating to the issue and confirmation of a TPO are normally dealt with by delegated powers and confirmations are only referred to Committee where objections to an Order are received.
- 2.3 The placement of a TPO does not prevent tree works or even removal, but gives the Local Planning Authority control over 'inappropriate' works.
- 2.4 The applicant has objected to the placing of the TPO for 1x Scots Pine at Granary Barn, Main Road in Elm. However, the applicant was unsure on which tree out of the two applied to be felled had the TPO request. The applicant mentioned that both trees are very tall, spindly and top heavy all year round. Their primary concern was that one of the trees has heavily laden branches positioned dangerously close to their property. However, it is considered that this comment is referring to the tree that is closest to Angel House and has had permission to be felled.
- 2.5 The applicant also mentioned the branches overhanging the roof and that there is a risk of damage.
- 2.6 Lastly, the applicant has mentioned the fallen branches into their neighbour's garden causing damage, their neighbour's parking space being restricted due to pinecones being dropped on the cars, and pinecones being dropped onto the applicant's garden.

3. ARBORICULTURAL OFFICER'S ASSESSMENT

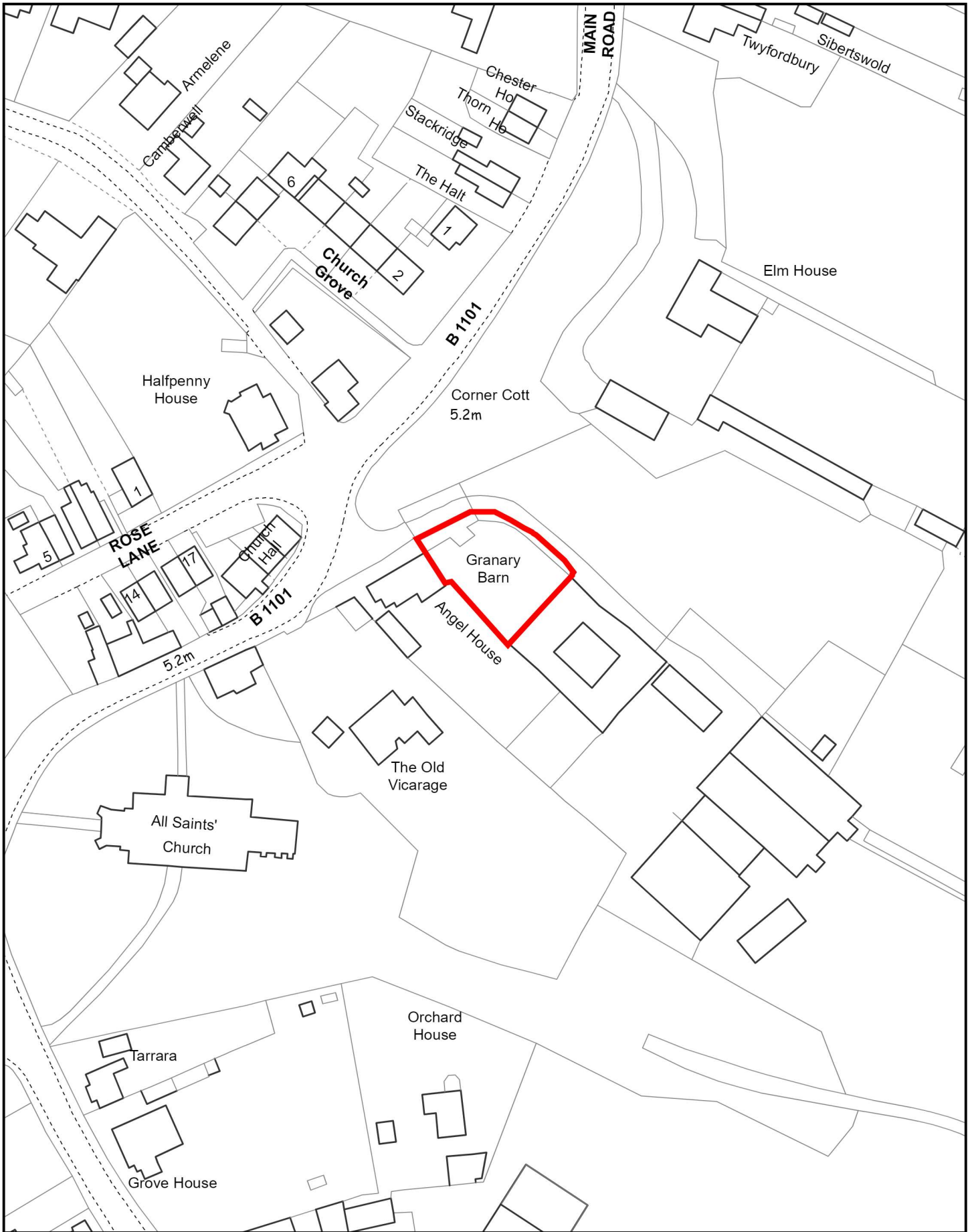
- 3.1 It is considered that the tree is of high amenity value within Elm Conservation Area, especially being located to the front of the property. Although Granary Barn is set back from Main Road, there are a number of mature trees within immediate vicinity.
- 3.2 These trees are the predominate landscape feature, with some views to the 1x Scots Pine. During the Autumn/Winter when the broadleaved species have lost their leaves,

the Scots Pine is much more visible proving landscape interest over this period and contributes to the amenity and character of the area.

- 3.3 It is considered expedient to place a TPO on this 1x Scots Pine tree to contribute to tree cover, amenity and biodiversity.
- 3.4 In light of the above considerations, it is considered that the placing of a TPO is the correct decision to ensure that the correct advice and guidance is obtained regarding protection of the tree population.

4. CONCLUSION

- 4.1 Due consideration has been given to the objection from the applicant, however it is considered that the Scots Pine is more visible proving landscape interest over the Autumn/Winter period and contributes to the amenity and character of the area. The 1x Scots Pine tree contributes to tree cover, amenity and biodiversity.
- 4.2 It is therefore recommended that the TPO at Granary Barn, Main Road in Elm is confirmed.



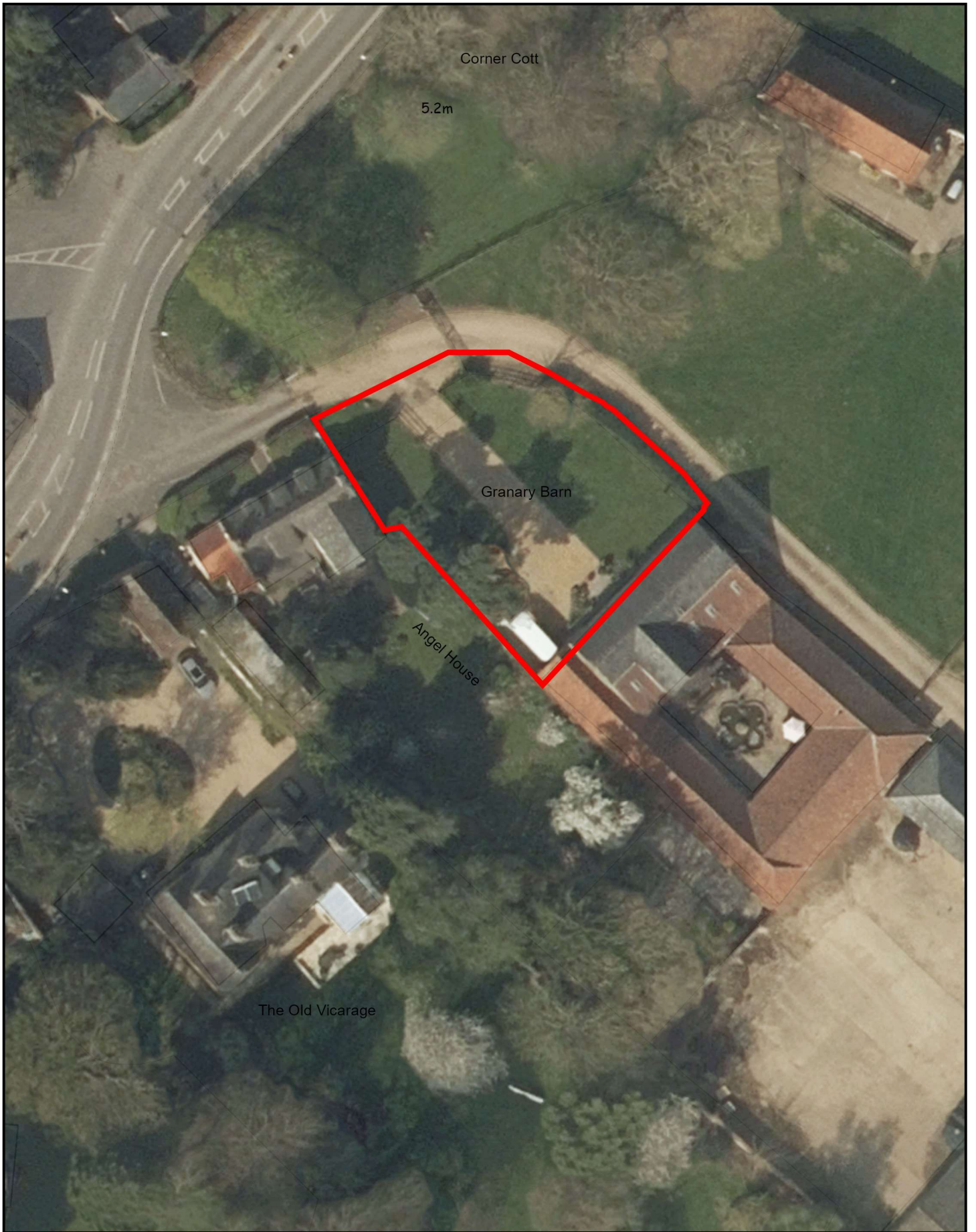
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