

AGENDA

PLANNING COMMITTEE

WEDNESDAY, 7 FEBRUARY 2024

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 3 - 54)

To confirm and sign the minutes from the previous meeting of 13 December 2023 and 10 January 2024.
- 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/YR23/0875/F
7 Station Road, Manea, March
Change of use of existing restaurant to a house of multiple of occupation (HMO) (Sui-Generis) for up to 12 persons, and associated works, retention of existing 2-bed dwelling, and outbuilding for storage (Pages 55 - 84)

To determine the application.
- 6 F/YR23/0904/O

Land North Of Antwerp House, Gosmoor Lane, Elm
Erect up to 5no dwellings (outline application with all matters reserved) (Pages 85 - 106)

To determine the application.

- 7 F/YR23/0981/O
Land North Of 59, Stow Road, Wisbech
Erect 1 x dwelling (outline application with matters committed in respect of access)
(Pages 107 - 124)

To determine the application.

- 8 F/YR23/0438/F
Pidcock Farm, 20 Marriots Drove, Whittlesey
Change of use of land and agricultural buildings to builder's yard and plant hire depot, including the erection of a 3.0m high palisade fence and gates, and the formation of a 3.0m high earth bund and a new access, involving partial demolition of existing building (Pages 125 - 142)

To determine the application.

- 9 F/YR23/0460/FDC
Land At Inhams Close Murrow
Erect 2 dwellings (2-storey 3-bed) (Pages 143 - 150)

To determine the application.

- 10 Items which the Chairman has under item 3 deemed urgent

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

PLANNING COMMITTEE



WEDNESDAY, 13 DECEMBER 2023 - 1.00 PM

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

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

P75/23 PREVIOUS MINUTES

The minutes of the meeting of the 15 November 2023 were agreed and signed as an accurate record.

P76/23 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

Tracey Ranger presented the report to members.

Members asked questions of officers as follows:

- Councillor Marks stated that the application had been discussed at the previous meeting in November and at that time members had been advised that there were no refrigerated lorries, however, it appears that has changed, and the figure has now changed to 16. He added that officers have explained that there are refrigerated lorries across the road and he expressed his concern regarding the noise impact on residents residing nearby, especially during the summer months when people spend more time outside.
- Councillor Mrs French stated that she also shares the same concerns as Councillor Marks, and she would like to see the application deferred in order to seek further guidance and the professional opinion of an Environmental Health Officer.
- Nick Harding explained that the noise assessment was submitted when the application was first received, and the content of the report actually modelled sixteen refrigerated trucks operating from the site at night and with the proposed mitigation that has always been part of the proposal, with the Environmental Health Officer stating that the situation is satisfactory in respect of noise impact on the nearest noise sensitive premises. He added that the noise assessment would have taken into consideration the existing background noise generated from existing activities and it would have been those activities prior to the development taking place with this proposal adding onto it. Nick Harding stated that committee should be assured that the applicant's consultant has looked at this appropriately, but he does appreciate that the committee may wish to question the Environment Health Officer and defer the application.

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

- Councillor Benney expressed the view that he does not see any reason to refuse the application and whilst it could be deferred to discuss the proposal with the applicant, the application, in his opinion, is policy compliant. He added that the officer's report states that the noise levels are acceptable and whilst he would support a deferral, in his opinion, if the

proposal is brought back to committee he anticipates that the same conclusion will be reached. Councillor Benney acknowledged that it would be nice to receive some assurance from Environmental Health on whether there could be acoustic fencing installed to see if it would mitigate the noise prior to the application being determined.

- Councillor Gerstner stated that the noise assessment has been carried out to the satisfaction of Environmental Health. He added that he has spoken to the nearest resident to the site which is at least 300 to 400 metres away and at the present time, the application site is not causing the residents any problems at all, however, this may alter once refrigerated units are brought onto the site. Councillor Gerstner explained that it is an industrial site and he concurred with the comments made by Councillor Benney that at the current time there are very few reasons to refuse the application.
- Councillor Marks stated that at the last meeting when this application was considered, there was no mention of refrigerated vehicles until that particular question was asked. He added that his fear is that the number of vehicles could escalate and, in his opinion, the company are likely to expand and his concern is that whilst the residents do not have any concerns currently, once additional lorries are added that an increase in noise is inevitable and if they are left overnight, the refrigeration units cut in and out and the noise is not a constant running noise. Councillor Marks stated that he is not in objection to the actual planning permission, but he does have major concerns over the noise, and he would like assurances that steps have been taken to mitigate the issue. He added that is why he would with like to listen to the expert opinion of Environmental Health Officers so that residents can be provided with some assurance.
- Councillor Benney stated that any assurances the Environmental Health Officers give to the committee cannot be guaranteed, and he reiterated the fact that as the application stands currently, it is fully compliant.
- Councillor Gerstner stated that a request can be made for a mathematical modelling of 16 refrigeration units to be provided which can provide the amount of noise, sound and frequency that could be generated but he does not know what the outcome of that would be. He added that the science could be that there is a slight variation between the mathematical modelling and the actual practical modelling. Councillor Gerstner stated that whilst he appreciates the issue concerning the units cutting in and out there are no residents living adjacent to or very nearby and, therefore, even with the noise impact statement, he would find it very difficult not to agree with the officer's recommendation.
- Councillor Connor stated that there is a noise impact assessment in place and whilst he does sympathise with the opinion of Councillor Marks, consideration does need to be given to the fact that if a decision is not reached today then the applicant and agent could penalise the Council for non-determination of the application.
- Councillor Marks made the point that he would be more content if the opinion of the Environmental Health Team can be sought and whilst he appreciates that to date the residents have not complained, if approval is given, then there maybe a time when complaints do start and he would like to have the comfort factor of speaking to the noise specialists and the applicant so that they can explain to the committee how they intend to marshal 16 trailers.
- Councillor Mrs French made the point that the application was actually determined at the committee meeting in November and a condition was added to the application and, therefore, the Council cannot be penalised for non-determination. Nick Harding explained that as a result of the committee resolution, the planning application decision notice has not been issued due to the fact that following the meeting some checks were made on the noise assessment and it was identified that the noise assessment made a provision for 16 refrigerated vehicles operating overnight and, therefore, it was thought to be prudent to bring the application back to committee to see if members would be minded to amend that one condition or keep it in place.
- Councillor Mrs French asked whether the committee can stand by the decision that they made last month when the application was determined. Nick Harding stated that the committee do not need to alter their decision which they have already made.

- Councillor Marks expressed the view that officers have been very fair to the applicant, however, consideration does need to be given to the residents living there as well and, in his opinion, then the Environmental Health Team along with the applicant should be invited to committee to ensure those safeguards are in place and he would be happy to see the application deferred.
- Councillor Benney stated that he does not welcome deferments unless there is good reason for it, and he does not see what difference it will make if any experts are invited in to address the committee as they will just reaffirm what it says in the report. He added that if the application went to appeal the Council would lose and he made reference to the point made by Councillor Gerstner that the nearest resident is 300 metres away from the site and there is no noise at the present time although that could alter. Councillor Benney stated that he will support a deferment but, in his opinion, there needs to be grounds to support it. He made the point that the application has come back to the committee with a variation of a condition and, in his view, that condition that the committee placed on the application in November was reasonable and whilst he appreciates that the number of refrigerated units may increase, the committee need to base their decision on what is before them which, in his opinion, is a policy compliant application.
- Councillor Gerstner stated that there is another major distribution centre, DFDS, who operate a much larger 24-hour operation, which is closer to the settlement of Kings Delph in Whittlesey. He expressed the view that if the application is deferred or refused then the applicant will appeal, because adjacent businesses across the road, such as McCain Foods, which are closer to the residents have no restrictions.
- Councillor Imafidon expressed the opinion that if the application is deferred then it will be a waste of officer's time. He added that the noise assessment has been undertaken and when the application had been previously discussed in November, he had mentioned whether there were any refrigeration lorries going to be on site and at that time there was not but, in his opinion, a storage yard like this always has refrigeration units. He added that the noise assessment report states that the noise levels are within acceptable levels, and he does not see any reason for a deferment as it would be wasting officer's time.

Proposed by Councillor Gerstner, seconded by Councillor Imafidon and agreed that the alternative condition be GRANTED to state that no more than 16 operational (loaded with the engine running) refrigerator lorries to be stored on site between the hours of 7pm and 7am.

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

(Councillor Gerstner declared that he had been lobbied by individuals and also the Saxon Gate Residents Group but he is not pre-determined and would approach the application with an open mind)

**P77/23 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 X1-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**

Tracy Ranger presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Rakesh Ganger, an objector to the application. Mr Ganger stated that he is a direct neighbour and expressed the opinion that the five dwellings at the rear of the building, which were originally the dancefloor, are overdevelopment with poor internal amenity space for future residents, assuming that there will be families with children in cramped living conditions with no private communal outdoor space. He added that the developer has not provided measurements which could be assessed against technical housing standards and national prescribed space standard to see if they meet the minimum requirement for internal living space and no detail of the roof height for the three two-bedroomed dwellings and he questioned how the development improves the economic and social development and the well-being of Wisbech and the residents.

Mr Ganger questioned the idea of toilets being approved to work as a buffer for noise which has been suggested in the proposal for new residents as, in his opinion, the toilets in a nightclub can often have cases of screaming, shouting, singing, crying and vomiting. He referred to the 1973 document which shows the change of use for the restaurant, club and offices but has no mention of a nightclub and he explained that when he received notification of the application, he was advised that there was no subsequent supporting evidence with the application in 1973. He was advised that neighbours have direct contact with the Planning Officer and there has been no mention of the other paperwork being available.

Mr Ganger stated that Mendi's has previously been a member only club due to its location within a Conservation Area and the previous owners have stated that the premises was not a nightclub and was a dance floor with bar and restaurant which they had owned since 1976. He added that the officer's report fails to mention the address on the 1973 document is incorrect as it shows part of his address which he feels raises questions over General Data Protection Regulations and he questioned its validity.

Mr Ganger explained that there are two addresses on the report, one of which is his address with the other address belonging to the proposed applicant and he made the point that it is important for the Council to be aware of how the buildings are situated in order to understand the severity of the nightclub next door. He added that having spoken to some elected members, they seem to be under the impression that because he has lived next to Mendis for the last 21 years, the planning application would have little impact on him and his family.

Mr Ganger stated that the dance area is currently situated at the back of the building in Exchange Square which is detached from his home with a private car park in between and, therefore, music noise has never been a problem for him, although the entrance is from the front of the Old Market and the doors were closed at 10.30pm which he added does not resemble the actions of a nightclub. He expressed the view that the new proposal converts the old dance floor into dwellings that rest on the building solely as a nightclub and bar area immediately adjacent to his living area and the nightclub will be situated on the other side of his bedroom wall.

Mr Ganger explained that the Environmental Health Team have advised him that no amount of sound proofing will reduce the vibrations that will be felt throughout his home and that although an insulated party wall has been proposed, there has been no details provided with regards to what materials will be used, and whether its going to be a stud wall, breeze block or brick wall and there is no sound proofing included within the plan. He stated that there will still be significant vibrations felt throughout his home on top of little or no effort to soundproof the party wall and there has been no provision made for the flat roof that his bedroom joins for noise reduction.

Mr Ganger stated that the data from the Crime Prevention Design Team concerning the application was inaccurate in the representation over the last two years which was during lockdown. He referred to LP16 of the Local Plan which states does not adversely impact on amenity of neighbours use such as noise, light pollution and privacy and he explained that noise is his biggest concern followed by anti-social behaviour as three of the windows are present and will overlook his

private garden space.

Mr Ganger stated that the report does not make reference to noise from any clubbers entering and exiting the premises which he has already encountered when the ownership of the premises changed last year and there were logs made and passed to Environmental Health. He stated that he lives in a Conservation Area with large single panel windows and noise echoes through the Old Market Square upwards in a chamber, with there being a young family who reside on the other side of Mendis who are also concerned on the impact of the proposal.

Mr Ganger stated that there have been recent sightings of bats and at 11.1 of the officer's report it is stated that the proposal will not cause significant adverse harm to the street scene or the character of the Conservation Area, however, in his opinion, when the premises was open for three months last year his experience was somewhat different, with broken bottles found at the front of his property, windowsills left covered in vomit and rubbish left and he questioned how it can be considered to be in character within a Conservation Area just around the corner from North Brink. He explained that he also had to ensure the slamming of doors until 2am in the morning which caused vibration through his home and, in his view, that demonstrates how close they are to him in his home.

Mr Ganger expressed the opinion that Mendi's has been a great asset to many locals of Wisbech making many memories from evenings out, but the proposal will not be the same Mendis in his view. He added that the supporting comments are from people who remember Mendis for what it was and from their experience, although it has the same name and location it will be very different and without the restaurant it will lose the family appeal that it has always attracted, with people of all ages having been there.

Mr Ganger questioned whether the proposal is actually providing a sustainable mode when it is only proposed to be open for one night a week on a Saturday. He stated that the impact of noise will have a huge impact on his health and mental well-being, and he asked the committee to consider whether the proposal is acceptable in having a nightclub a brick away from his bedroom when he has resided there for 20 years, and it will mean that the business that he has operated for 21 years will be lost.

Members asked Mr Ganger the following questions:

- Councillor Gerstner stated that in 1973 the application site had planning permission for a nightclub, restaurant and bar and he asked Mr Ganger whether he was aware of the business that was operating at the site when he moved to his address? Mr Ganger confirmed that he was.
- Councillor Hicks asked Mr Ganger whether he would be happy if a noise limiter was installed to assist with the noise levels omitting from the dance floor? Mr Ganger responded that he would be happy but only if it does not disturb his peace but if he can hear it in his bedroom while they are sleeping then no. Councillor Hicks stated that the way a noise limiter works is when there is an unacceptable level of decibels then the music cuts out and resets but it would work permanently so that as soon as a certain level of noise is reached then it would automatically cut out. Councillor Hicks explained that Environmental Health will assess what is an acceptable level of noise within the nightclub. Mr Ganger stated that what is to say that what they consider to be acceptable may not be considered as acceptable to him and his family. Councillor Hicks explained that the Environmental Health Team will work with both parties to reach a satisfactory resolution. Mr Ganger reiterated that his concern is that it is right near his bedroom, and it will disturb his peace.
- Councillor Connor stated that the Environmental Health Team will come to his home to discuss noise levels.
- Councillor Marks asked Mr Ganger to clarify that he has lived there for 21 years, and he asked how many days a week was the previous Mendis open for as a nightclub? Mr Ganger stated that it was open for 6 days a week and closed on a Monday. Councillor Marks asked

Mr Ganger to clarify what his concern is, and Mr Ganger stated that it is the level of noise and also the customers creating anti-social behaviour when they exit the club as that will mean engines running and cars hooting at 2.00am in the morning. He added that he had to endure that for the three months that the current owner operated the premises a short while ago.

Members received a presentation, in accordance with the public participation procedure, from Chris Walford, the agent. Mr Walford stated that Mendis has been a landmark in Wisbech for many years and it has planning consent and a license granted, held and maintained since the 1970's for a range of activities on both floors including recorded and live music, dancing and the sale of alcohol. He expressed the view that Mendis closure after the Covid lockdown was a significant loss to the town of Wisbech and the applicant purchased it with the aim to refurbish and reopen it, but due to the running costs and the amount of footfall, it will no longer be viable to open every day of the week and, therefore, it will be operating on a reduced schedule.

Mr Walford added that although permission is in place to do more it was felt that it was good gesture to reduce those hours to the more key hours and ultimately not every night of the week. He stated that in order to sustain the business the venue has been condensed down to a more realistic and appropriate size which has allowed for four townhouses and a flat to be added at the back within the redesign, which will assist the business with an additional income stream and assist with sustaining the business.

Mr Walford explained that within the officer's report it explains that in terms of the club and the venue it is not a change of use as they have permission to run it and the change of use is aimed at the residential part towards the rear. He stated that the rest of the operation is all lawful and there is a dance floor upstairs at the front, along with a DJ booth and a bar all on the same party walls and the main change will be the dance floor on the ground floor which will be brought forward.

Mr Walford explained that the internal alterations will include a reconfigured staircase, a larger core which adds an acoustic barrier to one of the party walls, and following guidance from the Environmental Health Officer an additional internal acoustic party wall upgrade detail which has been included on both sides of the entire length of both side walls and on both floors to aid the neighbouring properties. He made the point that he is happy for a condition to be added for the detail of that to be agreed with a specialist such as an acoustic specialist.

Mr Walford added that with regards to the noise limiter as long as it was within a level decided by a specialist then he would be in agreement for that to be put in place. He explained that he has worked closely with officers, including Conservation, Housing and Environmental Health, as well as Crime Prevention and the Environment Agency who are all in support of the proposal.

Members asked Mr Walford the following questions:

- Councillor Benney asked Mr Walford to clarify that he is willing to fund an accepted condition for sound proofing and acoustic barriers? Mr Walford confirmed that is correct and made the point that currently there is a free-standing wall with a 100ml clear cavity against the current wall and then a free-standing wall. He added that because it is on both floors and due to the length, it probably would be a timber detail and whilst it could be masonry, it adds another level of structural support issue. Mr Walford stated that he has used timber party walls and separating walls to Building Regulation standards before and if the committee agree there is the space, and it can be done on both sides.
- Councillor Connor asked Mr Walford to confirm that he would be happy to work with Mr Ganger if the committee approve the proposal? Mr Walford stated that he would be happy for Mr Ganger to attend the meetings with the acoustic specialists to agree the levels of noise. Councillor Connor stated that should the proposal be approved all parties need to be happy and he asked whether there will be doorman on duty for the nightclub? Mr Walford made the point that it is a club and has been for many years and the entrance has not and

will not be moving and, therefore, people will congregate at the front. He explained that there was also a rear entrance which was the smoking area and was on the road in Exchange Square and, in his opinion, the fact that was moving away meant that the anti-social behaviour which used to take place at the back of the property would cease as it is a residential area, and the road is quiet. He added that he has noticed that noise levels reduce significantly since the closure of the club as his office is nearby and, in his opinion, the proposal of the houses will bring the area back up as a level of surveillance and it removes the smoking area and the congregation that used to take place. Mr Walford stated that with regards to the front of the property it has always been and will be the entrance of the club and he made the point that a management plan could be put in place and then there could be doorman who could control that door. He added that the noise from car doors cannot be stopped as it is a public road but as much mitigation will be included within the remit of door staff. Councillor Connor added that he would like to see a management plan included and appropriate signage erected to advise those attending the club to respect the neighbours.

- Councillor Marks asked where the new smoking area will be? Mr Walford stated that that will now be at the front of the club which is similar to the Kings Head Public House which is opposite the club. He made the point that there is still a rear entrance and if the decision was made then a rear entrance is still in place, which is a fire escape exit, and an area could be put in place for smokers. Mr Walford explained that the nature and characteristics of the application mean that certain aspects, such as a bin collection point, has to be located within what is already on the site as it is bookended and shoehorned in, and it is a very old building. He expressed the opinion that the logical place would be out the front of the premises, which is under the surveillance of the doorman, whereas previously it was an unmanned area.
- Councillor Hicks asked whether provision for ashtrays has been considered at the front of the premises? Mr Walford stated that there is not provision now for ashtrays but there could be as there is a wall where one could be situated.
- Councillor Mrs French asked whether the side arched door as shown on the presentation belongs to the application site or another premises? Mr Walford explained that it belongs to the flat next door.
- Councillor Gerstner stated that the objector has made reference to the antisocial behaviour which takes place outside of the premises and he asked Mr Walford makes attempts to clear up any mess which is left within the curtilage of the premises. Mr Walford explained that he is the agent, but he added that it would be fair to say that anything within the realms of the applicant's frontage would be something that the applicant would want to keep tidy, however, it is a town centre location.

Members asked officer's the following questions:

- Councillor Benney stated that the noise is obviously a concern, and the applicant has stated that they will make acoustic changes to make it better and he asked whether that can be conditioned? Nick Harding confirmed that a condition is detailed within the officer's recommendation.
- Councillor Mrs French stated that if the condition can be imposed, she will fully support the proposal. She added that she would hope that the acoustic noise barriers will assist the noise so that the residents do not suffer.
- Councillor Hicks stated that he will be happy to support the proposal as long as there is a condition to state that there are 2 reasonable sized ashtrays placed outside the frontage along with the acoustic changes and a noise limiter. Nick Harding stated that with regard to the ashtrays it would not be appropriate to bring that under planning control. He added that with regards to the noise limiter, consideration does needs to be given to the fact that the nightclub is an existing business and the reason for looking at noise mitigation is because a new development is being introduced into the same physical building that contains the nightclub, which is going to be of benefit to a third-party occupiers and owners. Nick Harding explained that the proposed condition requires details of noise mitigation to be provided and

he expressed the opinion that he would not wish to be specific with regards to a noise limiter being utilised due to the fact that it may not actually be necessary in order for the appropriate noise and vibration levels to be achieved. He explained that when the details are submitted, they will be assessed by the Environmental Health Team, and they will assess the balance between the acoustic mitigation against the amount of noise that is likely to be generated which may well require the noise to be controlled from the disco or the live music, which is a matter to be addressed through the discharge of condition process.

- Councillor Connor stated that he is pleased that the agent and applicant have stated that they will liaise with Mr Ganger to reach a satisfactory resolution.
- Councillor Marks asked Nick Harding to clarify whether the noise mitigation has to be undertaken for the new premises and not for existing tenants? Nick Harding stated that as a consequence of the noise mitigation being put in that will not only be to the benefit of the occupiers of the proposed units but also the third parties as well.

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

- Councillor Benney stated that there is an established building in place, and he made the point that planning is about land use, with a great deal of what has been discussed being to do with licensing and the management of the premises and the Licensing Manager at the Council will deal with any issues. He expressed the view that with regards to the structure in terms of putting the soundproofing in, is not something for the committee to consider. Councillor Benney made the point that whether or not the proposal will add to the anti-social behaviour falls to speculation, because until the premises is operating it is not known what issues will arise and that should the proposal be approved, any issues will be dealt with by the appropriate teams such as Licensing or Environmental Health. He expressed the view that the proposal is policy compliant, and the officer's recommendation is to approve and providing the sound proofing is introduced and the agent fulfils his promise to work with the objector to reach a satisfactory resolution, in his opinion, the application cannot be refused. He made the point that no restriction should be placed on the business owner and any consequences on what he does or does not do will be picked up by the relevant teams.
- Councillor Marks stated that he agrees with Councillor Benney, and added that more housing in Wisbech is also being gained, with this being, in his view, a good application. He added that those purchasing the houses will know that there is a nightclub in the vicinity, and it is their choice whether they choose to buy there or not. Councillor Marks stated that it is a good application and whilst a lot has been said about anti-social behaviour that does not fall under the remit of the Planning Committee and he will fully support the proposal.
- Councillor Mrs French stated that there is a shortage of flats, this proposal will include a flat in the town centre and she will support it.
- Councillor Gerstner stated that he thinks it is a very good planning application which opens up space for housing and whilst there is a question over amenity space those purchasers will know that when they choose to live there. He stated that Wisbech Town Council have made a comment over parking spaces, however, that is not material consideration in a town centre location, and he will support the proposal.

F/YR23/0415/F

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

F/YR23/0413/A

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

(Councillor Imafidon left the Council Chamber for the entirety of this item due to having a previous vested interest in the premises)

Nick Harding presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Matthew Hall, a supporter. Mr Hall stated that the applicant has asked him to speak in support of the application and he has read the officers report and visited the application site. He made the point that there is only one reason for the recommendation of refusal which is a concern highlighted by the Conservation Officer regarding a perceived harm to the Listed Building, however, the application site is 25 metres away from the listed building and maintains all the trees and extends the existing driveway.

Mr Hall stated that there are no other reasons for refusal in terms of flood risk damage, overlooking, overshadowing, over development or amenity. He added that some of the objectors have raised concern with regards to access, however, the access is existing and there have been no concerns raised by the highways department and there is adequate parking and turning on site.

Mr Hall expressed the view that the key point with the application is that there are numerous other sites in Fenland where planning approval has been allowed by officers and members in the grounds of Grade 2 Listed Building within the centre of settlements. He provided examples including Chatteris House, High Street, Chatteris which is a Grade 2* Listed Building and had a lot of land at rear which has all been built on, which was approved as part of listed building consent.

Mr Hall explained that Park House, Gorefield Road, Leverington was approved by the committee in 2021, which was for a builder's yard with various buildings and sheds adjacent to a Grade 2 Listed Building, approved by members even though it had four reasons for refusal. He referred to 133 High Street in Chatteris which is also a Grade 2 Listed Building was also approved by members for a number of properties along with Minstrels Nightclub in March which is a Grade 2 Listed Building, and a large amount of development has been permitted at the rear as part of a consent under the current Local Plan.

Mr Hall expressed the view that there are no technical objections to the current application, which would allow three small scale units to add a variety of housing in Doddington which do not obstruct the façade of the Listed Building and respect the trees and hedgerows on the site.

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

- Councillor Connor stated that he is not enamoured with the proposal but there are no technical reasons why it should not be approved. He added that it is a piece of pastureland, and the exit comes out onto Ingles Lane, which is very narrow, and the Bevills Place development will be built out going forwards. Councillor Connor made the point that there is not a path in place on Ingles Lane and the majority of the children attending the school will use Ingles Lane which is narrow with cars parked on one side and, therefore, is a single track. He stated that it is the only little piece of pastureland in the middle of Doddington and he can support the application.
- Councillor Mrs French agreed with Councillor Connor's comments.
- Councillor Imafidon questioned that if other Grade 2 Listed Buildings with developments to the rear of them have previously been approved and the only reason for the recommended reason for refusal with the current application is due to the Grade 2 Listed nature of the building then could the applicant take the application to appeal. Nick Harding stated that Mr Hall gave the committee examples of development which have been permitted and whilst he was not familiar with all those that were mentioned, he is aware that some of those decisions were against the officers recommendation, however, just because you have

allowed it in one instance does not mean that you should continue to determine that it is appropriate to grant planning permission for development within the curtilage or within the setting of listed buildings and each case should be looked at individually. He added that consideration needs to be given to whether or not the development proposal harms the setting, appearance and appreciation of the listed building and, if so, to what extent. Nick Harding confirmed that the Council would have a good case, should the matter be taken to appeal.

- Councillor Mrs French stated that the proposal is in the middle of a village and that is why it should be considered on its own merits, with the others that were referred to by Mr Hall actually blending into the surroundings.

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

(Councillor Marks declared that the applicant for this application is known to him and, therefore, took no part and removed himself to the public gallery for the duration of this item)

(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)

**P79/23 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)**

This item was withdrawn.

**P80/23 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**

Nick Harding presented the report.

Members received a presentation, in accordance with the public participation procedure from Councillor Bob Wicks, a Whittlesey Town Councillor who spoke in objection to the proposal. Councillor Wicks explained that he is a long-standing resident of Coates and that his prime concern relates to the comments which were made by the Police Officer with regards to anti-social activities. He made the point that the Police Officer failed to mention the issue of speeding in the village, which, in his view, is the biggest anti-social behaviour problem the village has and has been a problem for many years.

Councillor Wicks expressed the view that the problem is so severe Whittlesey Town Council have purchased 12 motor vehicle recording systems to monitor the speeds initially within Coates and Eastrea, with some of the statistics that have been gathered are quite extreme with one recorded speed of 107 being captured on the entrance to Coates. He added that the speed of that vehicle was captured in the vicinity of this proposed development and his concern is also for the village school whose entrance is virtually opposite the proposal site, with there having been a number of incidents on the level crossing which may have been very serious.

Councillor Wicks stated that there is also the potential that the community asset of the village post office may also be affected by the proposed development which could have serious implications for

those elderly residents who live in the village. He stated that the actual fence to the south of the site is missing and has been for a period of time, which has never been reinstated and he is also aware that there is a retrospective planning application for the industrial unit next door which will include extra access to be required on the whole site.

Members asked Councillor Wicks the following questions:

- Councillor Mrs French asked for clarification concerning what has not been re-erected? Councillor Wicks confirmed that it was a fence.
- Councillor Mrs French stated that Whittlesey Town Council recommends the refusal of the proposal as it is a detrimental impact of the surrounding area and concerns regarding speeding. She made the point that speeding is a matter for the Police, and it is not a material planning consideration, and, in her opinion, she would have thought that the store would be a welcome addition to the village for the people who live there, and she asked Councillor Wicks to explain why the proposal will be detrimental to the village post office. Councillor Wicks explained that at the present time the village shop contains the Post Office which is part and parcel of the business and there is the possibility of the income for that business decreasing because of this development.

Members received a presentation, in accordance with the public participation procedure, from Mr Matthew Wilkinson, the applicant. Mr Wilkinson explained that he is the Capital Projects Manager for Lincolnshire Cooperative. He made the point that the site is a brownfield site located just east of 6 to 8 March Road in Coates and the site has been unused for over ten years and the proposal is to create a new convenience store for the residents of Coates.

Mr Wilkinson explained that the applicant is Lincolnshire Cooperative which is a successful regional cooperative society that operates food stores, pharmacies, funeral homes, florists, travel agencies and post offices in Lincolnshire and the surrounding areas. He added that the Coop has been in existence for over 160 years and the aim is to provide a food store to serve the community of Coates and he explained that it does not form part of the larger Cooperative Group who operate the larger store in Whittlesey, however, the recently developed West End Cooperative in Whittlesey, which opened in 2021, and this proposal are similar types of scheme.

Mr Wilkinson explained that the purpose is to bring ideas together, energy and resources to make life better in communities and this is undertaken cooperatively with their members, customers, colleagues and suppliers as well as organisations, businesses, charities and good causes that they work with. He added that by providing the proposed new local convenience store, it will fulfil all of these priorities and in recent years they have developed many schemes throughout Lincolnshire and surrounding areas and the stores were vital and traded throughout the whole of the pandemic and making the point that it is vital that the 4683 residents of Coates, Benwick and Eastrea have the benefit of a new convenience store to provide for their day to day shopping needs. He added that there will not be a post office operating from the site and it is not the intention to operate one either.

Mr Wilkinson explained that they currently operate 48 local post offices, and they are at a significant cost to the business and for the past 15 years they have been campaigning to the Government for a fair deal for rural communities. He stated that it is his intention to develop the site to encourage more shoppers to stay and use local services and, therefore, in turn helping local businesses such as the Post Office rather than people having to use their car to drive for essential items.

Mr Wilkinson stated that there have been several concerns raised about the proposal throughout the planning process and the applicant has provided thorough and substantial reasons why this sustainable development should be granted to bring this vacant site back into use. He stated that the site is well located directly off the A605 and in the historic geographical centre of the village of Coates, with it expected that the convenience store will serve the village of Coates and

surrounding villages.

Mr Wilkinson explained that with regards to the impact on the character of the area, the building has been individually designed to be in keeping with surrounding historic architecture of the village of Coates and will be built of traditional materials in line with predominant buildings of the area including buff coloured brick and grey slate tiles for the roof. He added that the Planning Officer has stated that the development will make a positive contribution towards the character of the area through the development of the site.

Mr Wilkinson stated that with regards to highways and transport, the proposal includes suitable parking provision for the store and the ability to turn HGV service vehicles on the site so that they can enter and exit the site in forward gear and the County Council Highway Authority support the scheme. He added that with regards to noise and lighting, the application included a full noise impact assessment and a detailed lighting plan which outlined the scheme is in accordance with all current policies with the opening hours of the store to be 7am to 10pm.

Mr Wilkinson explained that with regards to anti-social behaviour, it is not unusual for a retail premises to often act as a location where people want to go and visit and, therefore, there will be a minimum of 16 camera CCTV system and there will be an active dialogue with the local Police and the ASB Officer at the Council. He added that the company operates 98 similar premises in similar rural towns and villages and generally there is no issue with ASB.

Mr Wilkinson explained that the proposal creates a convenience store and essential services, which is much needed, and the development will make a positive contribution and will not be out of character with the area. He added that it will not give rise to adverse impacts in terms of neighbourhood amenity, highways safety, noise and lighting and the proposal will result in the redevelopment of a vacant site by investing in the area for local trades people and contractors which will create up to 20 jobs for the local community.

Mr Wilkinson made the point that the proposal is acceptable in planning terms and is recommended for approval and he asked the committee to support the proposal.

Members asked Mr Wilkinson the following questions:

- Councillor Gerstner stated that is familiar with the area and he is concerned that there does not appear to have been a public consultation undertaken with the Town Council or the local residents which he finds disappointing as when the West End store was built there was a great deal of engagement undertaken with the Lincolnshire Coop Group and the Town Council. Mr Wilkinson explained that he did attend a Whittlesey Town Council meeting prior to the plans being submitted in February or March 2023. Councillor Gerstner apologised as he was not in attendance at that time, and he added that the residents of Benwick do not tend to shop in Whittlesey.
- Councillor Gerstner asked whether there is a Net Zero policy in place with regards to the carbon emissions for the proposal as it is adjacent to the Conservation Area? Mr Wilkinson explained that there is not a Net Zero policy but there is a detailed environmental strategy which can be discussed at the outline stage. He added that in terms of the proposal the operational costs in terms of scope 1 and 2 emissions will be extremely low and there will be a significant number of environmental initiatives built in, most notably the insulation and the actual U values of the building will be extremely high to make it as efficient as possible. Mr Wilkinson explained that the refrigeration systems will take up between 55% to 60% of the energy use of the store and a carbon dioxide system will be in place which uses high pressures and uses carbon dioxide as its refrigerant rather than HCFC gases which are harmful to the environment. He stated that there is no Net Zero, due to the fact that there is the will to use traditional materials and Net Zero cannot be achieved without offsetting. Mr Wilkinson made the point that he wants the building to look attractive and is in keeping with the area.

- Councillor Gerstner stated that it is a historic site and there used to be a mill and a pub at that location and he would like to see a plaque on the side of the store which gives a small piece of historic knowledge. He added that he would hope that the Lincolnshire Coop will be a good neighbour to those residents who live in the vicinity of the store and that appropriate noise mitigation measures will be incorporated so that the refrigeration units do not cause a nuisance to those living nearby. Mr Wilkinson explained that the scheme has been designed deliberately so that the massing of the building is such that they are minimising the impact of the movement of the vehicles to as many neighbours as possible. He added that the massing of the building and the store warehouse has been planned so that the neighbours are protected on one side of the site and the service yard compound is a solid brick wall and as part of the noise impact assessment it also has mitigation materials to be lined all the way on the inside. Mr Wilkinson made reference to the CO2 noise units and added that they are incredibly quiet, and steps are in place to mask noise as much as possible for the residential property and amenity and it has been a very well thought out process. He stated that there will be a new fence erected all the way as well around the site and, in his opinion, the proposal is a significant improvement on what has been a derelict site for many years.
- Councillor Marks stated that he has concerns over the transport movements at the site and he asked whether there is the intention to have deliveries to the shop through the night? Mr Wilkinson explained that there will be no deliveries taking place through the night. Councillor Marks asked how a lorry will be able to turn around when there are people on site? Mr Wilkinson stated that has been considered and there is the possibility of turning an HGV whilst cars are parked in each of the car parking spaces. He added that with regards to the supply chain the premises will be part of the Cooperative supply chain and, therefore, the shop will receive a delivery daily containing chilled, frozen and ambient products. Mr Wilkinson explained that in addition there is likely to be an additional 2 or 3 HGV deliveries a day to include bread and he made the point that he is confident that lorries will always be able to exit and enter the site in forward gear. Councillor Marks asked whether he would accept a curfew to be added on HGV movements? Mr Wilkinson made the point that there is a noise planning condition for a noise management plan which will contain the details including no HGV deliveries before 7am and they can stop delivering between 4 and 5 pm. Councillor Marks asked Mr Wilkinson whether he would be happy to accept a condition to stipulate deliveries between 7am and 5pm? Mr Wilkinson responded in the affirmative and it can be included as part of the noise management plan.
- Councillor Hicks asked how many staff will be employed at the store? Mr Wilkinson stated that he would expect between 15 and 20 staff and the hours can be flexible to suit the needs of the staff and would include 2 to 3 full time members of staff as well as part time staff members.
- Councillor Marks referred to the information circulated by officers with regards to vehicle movement and he asked whether there is an intention to use urban articulated lorries as a 13.6 metre vehicle is a standard trailer without the unit on the front which he finds concerning. Mr Wilkinson stated that it is his understanding that there are a number of different vehicles which can be used. Councillor Marks stated that the handout shows the trailer going into the compound by reversing in and he asked how the trailer is unloaded at the rear of that? Mr Wilkinson explained that there is sufficient clearance at the back of the vehicle and there is a tail lift which will come down and then the stock can be decanted off the side. He added that the Cooperative retail logistics network supply 3500 food stores and, therefore, they do have a range of different vehicles which can be used. Mr Wilkinson stated that the site surveyor has reviewed the site, and they will be able to specify the vehicles that are used, and the site does have 19 car parking spaces which is a good size for a convenience store. Councillor Marks made the point that he is concerned that a turning circle for a proper articulated lorry would mean that car parking spaces would be used, and his worry is that may mean that there are vehicles reversing out into the road which is a real concern. Mr Wilkinson stated that the site has been

tracked with a vehicle which can service the site. Councillor Marks explained that the other lorries may not be able to be accommodated. Mr Wilkinson stated that the bread delivery lorries are fixed wheelbase lorries and are, therefore, smaller and he added that he can stipulate to the third-party suppliers that the vehicles that they use to service the store cannot be any larger than the size of the vehicle which has been used to track the site. Councillor Marks made the point that you can request that, but there can be no guarantees given.

- Councillor Connor added that he does feel that the concerns that Councillor Marks has raised are legitimate and any lorries cannot be reversing out onto the A605 and further consideration does need to be given. He added that Councillor Marks has concerns with regards to the access and lorries being able to enter the site without causing any health and safety issues.

Members asked officers the following questions:

- Councillor Mrs French referred to condition 10 which relates to the noise management plan, and that there does not appear to be any times associated with the condition and she asked whether the times could be added should the application be approved? Nick Harding stated that with regards to deliveries and collection of waste from the site, the intention is for that to be considered under the noise mitigation plan, however, if members would prefer bringing that forward the Environmental Health Team identified a 7am to 7pm delivery times and, therefore, that can be added as a condition should the application be approved.
- Councillor Hicks asked whether there was the possibility of timed deliveries? Councillor Connor stated that is not an option.
- Nick Harding advised members that the update report which had been circulated to members had contained three further letters of objection.

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

- Councillor Benney stated that he used to be a shopkeeper for many years and the company he worked with when considering deliveries were excellent as they would undertake risk assessments and take into account times for deliveries along with any restrictions with regards to road types, widths and heights. He added that they then consider the types of lorries which are suitable to service the businesses. Councillor Benney expressed the opinion that if various products are being delivered in one vehicle in his experience it is highly unlikely that there would be late deliveries due to the way that the distribution system operates because if you have an evening delivery then one day's life is lost on the products being delivered.
- Councillor Benney expressed the view that when considering third party suppliers in his experience a risk assessment is also undertaken to ascertain the various aspects of delivering to a new store to ensure the health, safety and wellbeing of their drivers. He added that consideration may also be given to having somebody on site acting as a banksman to ensure that the lorry has a safe entry and exit from the site, and he would anticipate that the type of action he has described will also be operated at this site as it is quite a regulated industry.
- Councillor Benney stated that in the 2021 census it was registered that Coates has 2315 people residing there and he made the point that the shop will have a great deal of passing trade on the A605 and a positive aspect is when cars turn into to use the shop it will mean that other traffic will need to slow down. He stated that whether the local Post Office is able to sustain its business is not a material planning consideration and if the local residents of Coates support the proposal, then they will use the shop, however, if they do not use it then the business will close. Councillor Benney expressed the view that it will be a nice-looking store, on a busy road, with parking outside. He added that it is a good use of a brownfield site, and he can only see the proposal as a benefit to the community and whilst there maybe 50 letters of complaint that can only be seen as a very small percentage of the people that live there. Councillor Benney made the point that it is a brownfield site, and it will bring community value and by having this store on the doorstep will benefit the residents of

Coates.

- Councillor Gerstner stated that it is a brownfield site which has been derelict and an eyesore for 10 to 15 years. He added that he takes on board the comments of those people who have made objections to the proposal, however, a number of those objections are not materialistic in planning terms. Councillor Gerstner stated that Whittlesey Town Council have recommended the proposal for refusal as it will be detrimental to the surrounding area in their opinion, however, they have not substantiated that view and whilst they also refer to road safety issues due to the close proximity of the school, they have not quantified what the issues are. He stated that he would provide further information with regards to the motor vehicle activated signs which Whittlesey Town Council have purchased, with the equipment providing unequivocal hard data, and he explained that one of the recording devices on the A605 going towards March, being sited 100 metres from the application site, had captured data over a one-month period and had recorded 64,000 vehicles with the lowest speed being 33mph and the highest speed being 94mph, all within a 30mph speed limit, with the average number of vehicles which would have been prosecuted was 28% of the 64,000 vehicles which were recorded. Councillor Gersner explained that another set of data captured showed that 86,000 vehicles which had passed and 33mph was the lowest recorded speed and 97mph was the highest speed recorded with 27% of the vehicles being over the speed limit. He explained that another set of data highlighted that 94,000 vehicles passed the recording equipment with the lowest being 33mph with 93mph being the highest figure, meaning that 30% of the vehicles would have found themselves liable to prosecution and in conclusion it would mean that 4,000 vehicles would be prosecuted. Councillor Gerstner expressed the opinion that whilst it is a lovely store, in his opinion, the comments of the Highway Officer and the Police are incorrect and the figures that he has collated can evidence that.
- Councillor Gerstner stated that there has been no major accident there and nobody has been killed, however, Mr Wilkinson has stated that the Lincolnshire Coop intends to be a good neighbour and, therefore, he would like them to help to introduce a speed reduction mitigation measure and not chicanes or speed humps but something visual such as rumble strips. He added that the close proximity of the school to the shop does not assist with the speeding issue and whilst he welcomes the store, he does think that there are issues surrounding speeding.
- Councillor Marks stated that he does have issues concerning HGVs, however, in his opinion, anybody who wishes to introduce a shop in the present climate in any of town location should be supported. He added that whilst there maybe issues with road safety, if the applicant can work with officers then there could be some mitigation introduced to assist with that issue. Councillor Marks added that he will support the application because the proposal will bring benefit to the local area which far outweigh the safety concerns at the current time until safety measures can be implemented.
- Councillor Mrs French stated that she would suggest that Whittlesey Town Council submit an application to the Cambridgeshire County Council Highway Team for funding under the Highway Improvement Scheme or the applicant could submit a third-party application to the Highway Authority.
- Councillor Gerstner stated that Whittlesey Town Council have already taken steps with regards to a highway improvement submission. He added that Coates is now a growing medium size village with the potential of another 400 houses and the store would be a welcome asset for the residents and if the current residents have concerns over the loss of their village shop then they should use it or risk losing it. Councillor Gerstner stated that he fully understands some of the objections raised against the application, however, the residents of Coates do not have to use the new shop and can continue to use the existing shop, it is down to personal choice, but, in his opinion, it is a very bold financial move by the Lincolnshire Cooperative who have been very engaging and community spirited at their other store by having a community fund which many of the local community groups have benefited from. Councillor Gerstner stated that he fully supports the application with a caveat of the road safety aspect.

- Councillor Marks stated that he fully supports those views and he asked whether there is anything that the Coop can do to assist with the road safety concerns should be considered and he asked whether it is something that the applicant can be consulted on to see what they would be prepared to do.
- Nick Harding explained that there has been no objection received from the Highway Authority and, therefore, consideration needs to be given with regards to on what basis is the application going to be refused on highway safety grounds or alternatively look for a contribution towards a traffic calming scheme which has not been defined. He added that given that situation committee would be acting outside of the CIL regulations in terms of developer contributions because there is not the evidence to support the request. Nick Harding stated that if members are concerned and they are agreeable to his suggestion then a discussion could take place with the applicant outside of the planning regime.
- Councillor Hicks stated he fully agrees with the safety concerns which have been highlighted and added that he is sure that as the Coop is such a big organisation. He expressed the opinion that as a goodwill gesture they should contribute to some traffic calming measures. Councillor Hicks added that consideration needs to be given to the amount of employment the proposal will bring to the village, making the point that 15 to 20 jobs will be provided to local people including parents of the children who attend the local school.
- Councillor Connor stated that Nick Harding has advise the committee that consideration cannot be given with regards to the road safety improvements until the application has been determined.
- Councillor Benney stated that he agrees with the advice provided by Nick Harding with regards to road safety improvements. He added that it is something that cannot be defined, would not be in the remit of the committee and would be unreasonable. Councillor Benney made the point that all traffic calming measures are data based and unfortunately the data does not evidence that there have been road traffic collisions or fatalities. He stated that the application is policy compliant which brings good community benefit, and it will either fail or succeed and it is a brownfield site which is totally compliant. Councillor Benney stated that any issues encountered with regards to the deliveries to the shop are something that the Coop need to address themselves and it is not a consideration for the committee and the proposal should be approved.
- Councillor Connor agreed that the proposal should be approved.

Proposed by Councillor Mrs French, seconded by Councillor Marks and agreed that the application be GRANTED as per the officer's recommendation with conditions to be added concerning the operating hours of the premises and also the hours of when deliveries can be made.

(Councillor Imafidon left the meeting following the determination of this item and for the remainder of the items on the agenda)

**P81/23 F/YR23/0228/F
LAND NORTH OF 3 GORE VILLAS, MILL ROAD, MURROW
ERECT 1 X DWELLING (2-STOREY 5-BED)**

This application was withdrawn.

**P82/23 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**

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 the proposal is in outline form and is for three dwellings on a site in Christchurch village and is positioned in a gap between the existing dwellings at 52 Church Road and number 3 Shrubbery Close and, therefore, the proposal would represent infill development which is supported in principle under Policy LP3 of the Local Plan. She added that the indicative drawings show that there is sufficient space within the site to accommodate the three dwellings, including appropriate amenities, parking and turning.

Mrs Jackson explained that the existing site access will be upgraded and used to serve plot one and a new access has been proposed to be to the immediate northeast of this which will serve plots 2 and 3 and the existing dwelling at number 52, which have all been agreed by the Highways Team. She added that she has noted the comments made by the Parish Council and she explained that she has an in-principal approval from the Middle Level Commissioners for the necessary works.

Mrs Jackson explained that the proposal is compliant with the policies of the development plan as set out in the committee report. She requested that planning permission is granted.

Members asked questions of Mrs Jackson as follows:

- Councillor Mrs French asked for clarification with regards to the distance for the Middle Level maintenance access? Mrs Jackson confirmed that the distance is 9 metres.
- Councillor Marks referred to the presentation screen which showed a hatched area but it appears that one of the porches was within the 9 metres. Mrs Jackson clarified that it is an outline application and, therefore, the design can be tweaked in order to move the porch slightly or remove it in order to keep the 9-metre access strip.

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

- Councillor Benney stated that he can see nothing wrong with the application and the extra houses will add to the sustainability of the village. He added that the officer's recommendation is to approve, and he cannot see anything wrong with the outline application. Councillor Benney stated that the access strip issue will be resolved at the reserved matters stage.
- Councillor Connor stated that he also agrees with the views of Councillor Benney, and he added that as long as the 9-metre access strip is protected he cannot see any issue with the proposal.

Proposed by Councillor Benney, seconded by Councillor Hicks and agreed that the application be GRANTED as per officers' recommendation.

P83/23

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

Nick Harding presented the report to members.

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

- Councillor Benney expressed the opinion that the officer's recommendation is correct as the proposal will change the street scene, it will have a detriment impact on and not blend into the area and the application should be refused.

- Councillor Mrs French questioned whether the previous application F/YR21/0496 went to appeal? Nick Harding confirmed that it did not. Councillor Mrs French asked what was different with that application which was refused and the application before the committee today? Nick Harding explained that the flood risk issue has been resolved now but otherwise it is the same scheme.
- Councillor Connor stated that he refused the application previously under his powers of delegation as he thought it was disjointed at that time. He added that he has no reason to change his mind this time and thinks it should be refused again.

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

**P84/23 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)**

Nick Harding presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Mr Donald Smithers, an objector. Mr Smithers stated that he opposes the application on two factors which are both connected to a 30-metre stretch of unadopted road that runs from Ingham Hall Gardens to the farmland at the rear. He added that the applicant seeks to join up the road to service the nine dwellings and he explained that the section of road according to Land Registry is registered to Mr Boston who was the developer of the Ingham Hall site and three months ago he offered to give that stretch of road to the Ingham Hall Residents Association, which would have been gratefully received, however, when the process commenced for the change of ownership, it was discovered that Mr Boston was not in fact the owner and it was owned by the Crown under the watchful eye of the Crown Agents.

Mr Smithers stated that he lives at 22 and along with the residents of numbers 39 and 41 Ingham Hall they have an obligation to maintain that stretch of road along with a further obligation to allow unrestricted access to farm traffic which will also include the applicant, because the applicant owns farmland at the rear. He has been advised by his legal adviser that the applicant cannot allow others to use that same right of access and, therefore, if there were people residing in the nine dwellings they would not have access to that piece of road.

Mr Smithers expressed the view that it may seem childish to deny those residents access to that piece of road but the issue which arises is that if the parish line is breached which is what would happen the number of properties on the site could significantly increase and the piece of road would become very difficult to maintain.

Members received a presentation, in accordance with the public participation procedure, from Shanna Jackson, the agent. Mrs Jackson stated that there have been previous applications for housing on the site and she has worked very hard to overcome the previous reasons for refusal. She added that the most significant piece of work which has been carried out includes a community consultation exercise which was undertaken to meet the requirements of the Parson Drove Neighbourhood Plan.

Mrs Jackson explained that she is aware that the Parish Council do not support the scheme, however, as a result of the exhibition and completed forms, 68.7% of those that responded were in favour of a development for nine dwellings which shows that there is a community desire for the dwellings, despite the Parish Council documents. She made the point that the site has been recommended for housing under the emerging Local Plan under Policy LP57.01 and whilst she recognises that only limited weight can be given to the plan, it highlights the direction of travel in

terms of spatial planning for the area, which is a change from the previous decisions and allows the committee to consider the application differently.

Mrs Jackson made the point that the principle of development is acceptable, and it is acknowledged within 10.11 of the officer's report and she explained that she has demonstrated that the scheme is a comprehensive form of development to address policy LP12 and it actively seeks to avoid linear features and ribbon development. She explained that concerns have been raised with regards to the noise impact on neighbouring residents due to the additional vehicle movements, however, as there are only up to nine dwellings proposed these movements are relatively small scale given the context of the wider housing area and this issue must have been considered by officers when they proposed the allocation of the land.

Mrs Jackson stated that the road leading up to the site is a sealed surface and the noise generated by a vehicle on a sealed surface is minimal and, in her opinion, there is no harm caused in terms of existing residential amenities in accordance with policies LP2 and LP16. She stated that there has been concerns raised concerning the distance for the bins to be wheeled in order to be collected, however, she is aware of an appeal decision elsewhere in the district which states that an objection on these grounds cannot be upheld and to her knowledge such an objection no longer forms a reason for refusal.

Mrs Jackson advised members that the internal roadway will be constructed to an adoptable standard, including a turning head and future residents can benefit from roadside collections if arrangements are made and she would also be happy to accept a condition to this effect. She made the point that whilst there are concerns over access and rights of way, however, they are legal issues and do not fall under the remit of the planning application.

Mrs Jackson explained that she understands the position of the Parish Council, but she highlighted that there is overwhelming community support for the proposal, with the site being available, can be built out as soon as is practicable and will contribute to the housing numbers for the parish and the district as a whole. She asked the committee to support the application.

Members asked Mrs Jackson the following questions:

- Councillor Mrs French asked what details are in place for the drainage and sewage as she presumes that there are no main sewers in Parson Drove?. Mrs Jackson explained that the information would form part of the technical design.
- Mrs French made the point that the committee gives very little weight to the emerging Local Plan.
- Councillor Gerstner clarified with Mrs Jackson that she is aware of the comments provided by Mr Smithers with regards to the road access and the legalities. Mrs Jackson stated that she is aware that access could be denied but this is a legal matter. Councillor Gerstner asked whether access could be achieved elsewhere? Mrs Jackson explained that access could be achieved elsewhere, however, it would be a different red line and, therefore, a different application.
- Councillor Gerstner stated that there is no legal formal agreement for a contribution at the current time and Mrs Jackson stated that there is no formal contribution agreement and as Nick Harding had mentioned as it is nine dwellings it would not trigger anything in accordance with the CIL. He asked Mrs Jackson whether, in her opinion, the contribution influenced people at the consultation stage? Mrs Jackson explained that she does not know, however, in her opinion, people only respond to issues when they have concerns with them and, therefore, the fact that they are responding to something because they are happy with it would suggest that they are supportive of it.
- Councillor Marks asked how the poll was undertaken and questioned whether it was the whole village, leaflet drop or Facebook? Mrs Jackson explained that there was an exhibition held and at that the scheme was explained and various options for the site were given. She added that the local residents were provided with leaflets who either took them

away or responded at the time. Mrs Jackson expressed the view that the consultation is something where you cannot insist that people attend or send responses, but it is her understanding that the attendance was pretty good. Councillor Marks asked whether there was any other way that people got to find out about the poll, other than turning up on the day? Mrs Jackson explained that there were adverts in the press and, therefore, it was not just a singular approach. Councillor Marks asked whether there was a local free paper which is distributed? Nick Harding explained that site notices were put up along with a Village Voices magazine which gets circulated locally. Mrs Jackson added that it was also advertised in the village shop, post office and village hall.

- Councillor Hicks asked as a result of the open day were the results signed on the day and then collated there? Mrs Jackson explained that the residents took the leaflets away with them and sent them back. She added that there are copies online which can be reviewed. Councillor Hicks made the point as to whether there was an element of pressure inflicted on the responders and Mrs Jackson stated that was not the case.

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

- Councillor Marks stated that he is not content with the poll which was undertaken as, in his opinion, he finds it a strange way of undertaking such things and does not seem to be a formal procedure. He added that the responses could have been photocopied or doubled up and the application does not appear to be significantly different from when it was brought before the committee previously.
- Councillor Mrs French asked what is different between the current proposal and the previous two applications? Nick Harding explained that the only difference is that the community consultation exercise has been undertaken.
- Councillor Gerstner stated he has reviewed the Parson Drove Parish Council Neighbourhood Plan, and the proposal does not comply with it and the development encroaches on open land and he is not content with the poll that was undertaken and the contribution which is not legally binding. He made the point that he has never seen anything undertaken in that format before as it is outside of Section 106 contributions and CIL, and he cannot support the proposal.
- Councillor Mrs French stated that she has never seen anything undertaken in this format in the 24 years she has been an elected member.

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

**P85/23 TPO/04/2023
GRANARY BARN, MAIN ROAD, ELM
TREE PRESERVATION ORDER.**

Nick Harding presented the report to members, which they had been provided with an updated copy of prior to the commencement of the meeting. He explained that the report seeks to set out clearly the issues in relation to this application, including looking at the reasons why the objector does support the Tree Preservation Order (TPO) Report being confirmed.

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

- Councillor Hicks asked that if the tree is felled could it be insisted that two or more new trees are planted? Nick Harding explained that if the Tree Preservation Order is confirmed and subsequently for whatever reason, such as disease in a few years, the tree has to be removed then it can be required that a replacement tree is planted.
- Councillor Mrs French asked whether the age of the tree is known, and Nick Harding explained that did not form part of the assessment undertaken. Councillor Mrs French stated that the point she was trying to make was whether the tree was there before the residents purchased the property and if it needs maintenance then they can apply to have the works undertaken properly rather than not have a TPO placed on it. Nick Harding

explained that the application that was received was for complete removal rather than for any tree works and members can see from the photographs that they have been provided, the nature of the species of the tree is such that there is not always a lot to cut back.

- Councillor Marks stated that the tree looks quite scrawny and if somebody undertakes works to it again there will be little of the tree left. He added that the neighbouring tree gives the shadow and he questioned whether the residents can still maintain it if they choose to do so. Nick Harding stated that the residents need to apply to the Council should they wish to undertake any tree works. He added if the tree is seen to be dead, dying or dangerous then there are emergency provisions available.
- Councillor Connor stated that the Tree Officer went and looked at the tree and has advised that the tree must be kept. He added should the condition change then it can be reviewed again, however, the expert opinion of the Tree Officer should be considered, and he feels that the TPO should be approved.
- Councillor Mrs French stated that she agrees with Councillor Connor.
- Councillor Marks stated that the Tree Officer's expert knowledge and opinion must be considered.

Proposed by Councillor Mrs French, seconded by Councillor Marks and agreed that the Tree Preservation Order be CONFIRMED.

4.30 pm

Chairman

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PLANNING COMMITTEE



WEDNESDAY, 10 JANUARY 2024 - 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), David Rowen (Development Manager), Stephen Turnbull (Legal Officer), Jo Goodrum (Member Services & Governance Officer) and Danielle Brooke (Senior Development Officer)

P86/23

F/YR23/0201/F

LAND WEST OF 43-69 WIMBLINGTON ROAD, MARCH

ERECT 48 X DWELLINGS (2 X SINGLE-STOREY 2-BED, 16 X 2-STOREY 2-BED, 24 X 2-STOREY 3-BED AND 6 X 2-STOREY 4-BED) WITH ASSOCIATED PARKING, LANDSCAPING, AND THE FORMATION OF AN ATTENUATION BASIN AND A NEW ACCESS

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

Members received a presentation, in accordance with the public participation procedure, from Andy Brand and Azhar Ahmed, the applicants. Mr Brand stated that he is the Planning Director of Abbey Properties Cambridgeshire Ltd and he is accompanied by Azhar Ahmed who is the Assistant Development Director of their delivery partner Accent Group. He explained that Accent are currently delivering new affordable homes across Fenland, and he has been working with them with regards to the proposed site and this full planning application includes their proposed house types, making the point that the officer's report identifies a scale of affordable housing deficit within Fenland and there are over 800 households on the Council's waiting list for housing with a preference to live in March alone and the need across Fenland is for over 1,800 households.

Mr Brand explained that the proposal can provide an affordable home for forty-eight of those households and, should planning permission be granted, Accent would commence work on site within the first half of the year. He expressed the opinion that the officer's recommendation for refusal had come as surprise as he had been working for some time with officers to successfully address matters in respect of drainage and highway matters.

Mr Brand stated that there are some inconsistencies and inaccuracies within the report, and he clarified that, with regards to the Section 106 Agreement, there would be 100% affordable housing as part of the agreement. He made the point that at 10.3 of the report it suggests that the site is not within the settlement boundary of the emerging Local Plan, however, that is incorrect as the site is within the settlement boundary and the report also refers to the two trees which do not warrant refusal.

Mr Brand explained that, with regards to the loss of the trees, the report does not confirm that as part of the development there will seventy new trees planted which includes new trees facing Wimblington Road. He advised the committee that the Highway Authority have required the removal of the trees due to highway safety factors and whilst he would have preferred to maintain

the trees that is not possible.

Mr Brand stated that the trees will require removal to facilitate further development through the broad location for growth for southwest March and he made the point that the delivery of forty-eight new homes accompanied by the planting of seventy trees should be given considerable weight. He added that he agrees with the conclusion at 10.24 of the report which states that the gap arising from the loss of the two trees is not much different to other existing large gaps along Wimblington Road.

Mr Brand referred to the first reason for refusal which relates to the requirement for a Broad Concept Plan (BCP) which was set out in the 2014 Local Plan and prior to submitting the planning application he did write to 14 other land owners to invite them to consolidate to form a BCP, however, there was insufficient interest to do so which, in his view, reflects the fact that since 2004 no BCP has been forthcoming. He explained that one of the major landowners, the Fisher Parks and Trust, who own the land to the immediate west of the application site benefit from access from Knights End Road, and they are also able to facilitate access to the south west March BCP to the west of their own site.

Mr Brand made the point that there are no objections to the proposal in respect of the BCP matters from other landowners or from March Town Council and, therefore, he is looking to deliver forty-eight new affordable homes to address an urgent need which creates a technical conflict with Policy LP7 of the Fenland Local Plan. He explained that he been unable to progress a BCP due to lack of interest from any other landowner and, therefore, that conflict, in his opinion, needs to be rationalized against several factors, with there remaining the ability if required to take access to the west from the application site where the layout includes a road along that boundary and the layout does not preclude access being taken to the west and it also includes pedestrian access through the site.

Mr Brand explained that the BCP requirement has not been taken up by the landowners in the south west March location for growth despite it being in the policy for 10 years and the emerging Local Plan seeks to remove that requirement which appears to recognize that the policy has been ineffective. He made the point that the Council has approved other schemes in the south west March BCP area without a BCP being in place.

Mr Brand stated that as a compromise he would be willing to accept a planning condition requiring the access to the west to be reviewed as the development progresses as this is a full application. He explained that, at the current point in time, he does not wish to amend the plan formally as it would require the formation of the access road which could lead to nowhere and he explained that Accent are very willing to work with the adjoining landowners to the west to enable access between the land parcels but their clear aim is to deliver 48 new affordable homes in the short term and the likelihood is that development of the application site would actually stimulate the activity within the local area whilst also providing 48 families with a new affordable home.

Mr Brand expressed the opinion that members are entitled to apply determinative weights to delivery of affordable housing which he feels significantly outweighs any suggested harm and he asked the committee to approve the proposal in order to enable the development to progress later in the year.

Mr Ahmed explained that Accent are the second largest stockholder in Fenland and are V1 and G1 rated. He added that he has increased his development programme for 890 new homes and at the current time in Fenland he has 230 new affordable homes under construction and is investing £49.4m into Fenland and £13.6m of grant funding.

Mr Ahmed explained that he has other pipeline schemes in Fenland which will bring a total of £94m and £30m of grant funding towards Fenland which will hopefully deliver 413 new homes.

Members asked Mr Brand and Mr Ahmed the following questions:

- Councillor Mrs French asked Mr Brand and Mr Ahmed whether the proposed homes will be for local people as it is local people who are on the housing register? Mr Ahmed explained that he will be signing a nomination agreement with the Council and the residents who occupy the new homes will be those that are on the Council's housing waiting list.
- Councillor Connor expressed the opinion it is not the Council's experience that housing associations do not wish to have 100% affordable schemes subject to Section 106 Agreements because it causes grants from being accessed and it is normally the case that Section 106 Agreements seek only to require the amount of affordable housing in line with policy no more and he asked whether that has changed. Mr Ahmed explained that Homes England are quite satisfied to provide grants on all homes on 100% affordable sites as long as there are no private sale units on the site to subsidize affordable housing. He added that has already been the case on two sites in Fenland and fifteen sites in Huntingdonshire and South Cambridgeshire where the Section 106 are 100% affordable.
- Councillor Mrs French stated that the NHS are seeking a £39,547 contribution and she notes that there is a contribution going towards education, however, should the application be approved, would they be content that the NHS can be included for a contribution within that amount. She clarified that she is not requesting an additional contribution but asking for some of the education contribution to be offered elsewhere. Mr Brand stated that the expectation was there would not be any financial contribution because the scheme is all affordable. Councillor Mrs French stated that she is not requesting an additional contribution. Mr Brand stated that he does not believe that there is any form of contribution in terms of any financial planning obligation and in the report it does state that the expectation is that for any affordable housing scheme there will not be any financial contribution in lieu of the benefit for delivering affordable housing itself. Councillor Mrs French expressed the opinion that she finds that disappointing as the proposal is for forty-eight homes which could equate to 150 or 200 additional residents and the doctors' surgeries are already at capacity and she asked Mr Brand how he expects those residents to be able to cope. Mr Brand explained that is a fair comment to make and should planning permission be granted subject to the Section 106 Agreement, if members insist that the contribution had to be included within that Section 106 Agreement then that would not be subject to any objection.
- Councillor Connor stated that he agrees with the comments made by Councillor Mrs French as trying to get any sort of doctors or dentist appointment is difficult and should the application be approved, he would definitely want to see a contribution made towards the NHS out of the Section 106 monies.

Members asked officers the following questions:

- Councillor Mrs French stated that Nick Harding has made the point that the application could stifle more affordable housing in that area, and she asked him to explain this in more detail. Nick Harding stated that there is a large area which is identified for development within the adopted Local Plan and that area has not been subject to any strategic analysis to identify where there are appropriate access points to serve all of that development area and there has been no analysis of any on site constraints such as archaeology or flooding. He explained that if the proposal is approved that may result in losing a key access point which could go on to serve the rest of the site and, therefore, that land cannot come forward for development and deliver any affordable housing. Councillor Mrs French stated that she is aware of the land in question and there has been a period of 25 years to develop it, but the twenty landowners will not join together. She expressed the view that because the proposal is for affordable housing, and it is something that is very much needed, it is down to the rest of the owners to join together to consider the BCP development.
- Councillor Hicks stated that there is another potential access point which is located just before you leave Mill Hill garage which can be considered for the future. Nick Harding added that is a correct, however, that is located at the bottom of the site and, therefore,

there is a piece of this wider development area who would all access Wimblington Road at the bottom whereas the ideal situation is to facilitate a more convenient route for traffic, pedestrians and cyclists so that they are using a more convenient route through the site and more directly towards the secondary school. He added that the loss of this as a potential access point would prevent that from being delivered. Councillor Hicks stated that he takes on board the explanation from Nick Harding, but he does not necessarily agree with it.

- Councillor Mrs French stated that there are new schools proposed through the County Council in March as there will be a shortage of school places and there is a planned school being considered in the March West Ward on land owned by the County Council and a Special Needs School planned for Burrowmoor Road in the next 18 months.
- Councillor Benney asked why the access road cannot be down the main road which could be extended into the site? Nick Harding stated that you could do that, however, it is not included within the proposal. Councillor Benney stated that what is proposed is not a BCP it is a standalone site and, therefore, there could potentially be an access through here into the BCP land. Nick Harding stated that is not the case due to the fact that it is not provided for in this planning proposal. Councillor Benney asked physically could it be built if negotiations took place with the landowners and Nick Harding expressed the opinion that the layout does not lend itself very well at all to that happening.
- Nick Harding stated that with regards to the questions made to the Mr Brand and Mr Ahmed in terms of wider contributions to health and education, the Council's adopted policy is that when a scheme is 100% affordable then those contributions are not asked for which is contained within the committee report.
- Councillor Connor expressed the view that the committee could make a strong recommendation which was agreed by the applicant that the committee has requested that aspect, even though we cannot condition it. Nick Harding made the point that the committee has to make a resolution on the application which has to identify the grounds on which they are making that decision. He added that if the committee resolve to grant planning permission it is going to be subject to Section 106 Agreement to secure 100% affordable housing, conditions which will be delegated to officers and the decision must include whether committee wishes to include within the Section 106 requirements the contributions to health and education. He explained that if that was not included in the decision then there is nothing in place to bind the applicant from moving forward and signing the agreement.
- Councillor Mrs French made the point that it is her understanding that the committee will make their decision on the Section 106 and that decision has to be made today prior to planning permission being given.
- Councillor Connor asked officers to clarify whether that is achievable, and Nick Harding explained that yes that can be done but an explanation would have to be given as to why the committee think that it is appropriate to move away from the usual approach as established in the planning policies to ask for a contribution. Councillor Connor stated that would be possible.

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

- Councillor Benney stated that he has read the report and who would want to reject 48 homes for people. He added that one of the primary jobs as Councillors is to provide homes for people and there is a waiting list of people who are living in bed and breakfast accommodation, squatting on people's floors waiting for a home to become available and there is the opportunity before the committee to provide 48 homes for people. Councillor Benney added that he is aware that the proposal is blocking the access off to the BCP, however, BCP's are being broken up within the emerging Local Plan, and with the exception of Whittlesey the BCPs are failing to deliver homes. He referred to a historic planning application in Stow Lane which formed part of the Wisbech East BCP and at that time the advice provided to the committee was that the proposal was recommended for refusal as it was imminent that a plan was being brought forwards for the East of Wisbech BCP and therefore the application would stifle that further development. Councillor Benney explained that the application was refused and unfortunately the twenty-eight dwellings did not go

ahead when they could have been built in the corner of the BCP and the argument before committee is as weak as it was for that proposal in Stow Lane. He stated that there is not an access there, however, if the whole of that area is going to be developed as a BCP there will be somebody along the Wimblington Road who will be willing to sell their house to create an access, adding that he disagrees with the point made to say that this is shut off and it closes the development off and there will be somebody who will sell a house to bring it back in if it needs that access. Councillor Benney stated that the BCPs are to be dismantled and will not be in the emerging Local Plan and the current 2014 Local Plan started its life in 2007 and it is well overdue for being reviewed and it has not brought any of the BCPs forward which were planned for Wisbech. He added that the only place where it has brought them forward is Whittlesey and in Chatteris the BCP has been broken up so that smaller piecemeal development has taken place. Councillor Benney added that he would like to see it come forward as a BCP but if it does not deliver houses there could be a considerable time frame which could elapse, and the landowners may still not have joined together. He added that as Councillors they want to see delivery of homes and to refuse the proposal before them on the promise that they may block it, the land owners have had enough time to join together and they do need to bring it forward because when the new Local Plan is introduced in whatever shape or form that may be, they may find out that missed out on an opportunity for the current value of their land. Councillor Benney stated that the proposal will provide forty-eight homes for 150 people and with regards to contributions if that can be addressed it is something that he would welcome but the first priority is the homes that are being brought forward. He made the point that with regards to the loss of two trees, in his view, it is a small price to pay when considering the delivery of homes for people.

- Councillor Mrs French stated that she agrees with the comments of Councillor Benney, and added that somebody could purchase a house for access and knock it down and the same thing has happened in Wisbech Road as there are currently 118 affordable homes being built at the present time. She expressed the view that she is disappointed about the loss of the trees, however, if there are seventy new trees which are to be planted then that more than compensates. Councillor Mrs French expressed the opinion that it is a golden opportunity for local people to obtain a home of their own.
- Councillor Connor expressed the view that it is a good proposal and is a prime opportunity for forty-eight families to have a home in March reducing the waiting list for a property. He expressed the view that the proposal should not be rejected, and it could be 20 years before landowners join together. Councillor Connor added that, as Councillors, it is their duty to provide houses for as many people as possible, making the point that the Agent has stated that the properties will be allocated to local people in Fenland and not to those people who live outside of the area.
- Councillor Mrs French referred to the March Neighbourhood Plan, she was one of the elected members who welcomed the plan, with it commencing in 2015 and was adopted in 2017 but it is out of date. She explained that the BCPs are included within it and officers are correct to advise that there is not a BCP, however, when Fenland brings in the new Local Plan then the March Neighbourhood Plan will need to be looked at again to bring it up to date. Councillor Mrs French made the point that this is the ideal time for new homes to be provided to those people on the waiting list and she will support the proposal providing there is a contribution to the NHS.
- Councillor Benney stated that he recently visited the Womb Farm development in Chatteris and was provided with some statistics concerning the houses that have been sold on the site. He explained that 60% of the people who have bought properties or moved into the homes have come from within six miles of Chatteris, 87% from within a Cambridgeshire postcode and 58% have been first time buyers, which demonstrates how much housing is needed and as a percentage of local people, it also demonstrates that there is local need and shows that there a large number of people who are waiting for a home. Councillor Benney stated that the BCPs have failed to deliver the housing that they should have done from 2014 and people need homes. He expressed the opinion that the figures demonstrate

the local need for homes in Fenland.

Proposed by Councillor Benney, seconded by Councillor Mrs French and agreed that the application be GRANTED against officer's recommendation, with authority delegated to officers to apply conditions and entering into a Section 106 Agreement to include contributions towards the NHS and Libraries.

Members do not support the officer's recommendation of refusal of planning permission as they feel that there could be another access point found for the BCP, they feel that the BCPs have failed to deliver homes, there is much need for the type of housing which the proposal will bring, the provision of homes for people far outweighs the loss of two trees and the March Neighbourhood Plan is out of date.

Nick Harding clarified that members have two requests with regards to the Section 106 contributions in addition to the 100% affordable. He made the point that firstly almost £500,000 being requested by the County Council towards education and libraries and secondly a health contribution of £39,547.

Councillor Mrs French stated that the applicant does not have to contribute at all as it is an application for 100% affordable homes but they are willing to provide £39,547 for the NHS and they could consider a contribution for the libraries as they do not have to contribute towards schools as it is the responsibility of the County Council to educate people and they can request funding from Central Government. She added that she would like to see an additional £10,000 for the library.

(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 Marks was not present at the meeting when this item was discussed or voted on)

**P87/23 F/YR23/0279/F
PROGRESS HOUSE, 256 STATION ROAD, WHITTLESEY
ERECT AN INDUSTRIAL BUILDING (B2/B8 USE), RAISE THE EAVES HEIGHT OF
EXISTING BUILDING AND THE DEMOLISH A FURTHER BUILDING ON SITE.**

This item was withdrawn.

**P88/23 F/YR23/0682/O
LAND EAST OF CHARDOR, NEEDHAM BANK, FRIDAY BRIDGE
ERECT UP TO 9.NO DWELLINGS (OUTLINE APPLICATION WITH ALL MATTERS
RESERVED)**

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

Members received a presentation, in accordance with the public participation procedure, from Peter Humphrey, the agent. Mr Humphrey referred the committee to the presentation screen and explained that the white arrows depict development and the white square next to the red site is an isolated dwelling. He explained that the centre of the village can be seen on the bottom left-hand side which is where the pub, school and church are located, and the proposal site is much closer to the centre of the village than most of Friday Bridge.

Mr Humphrey explained that the site which is edged in white is a site for six plots which was recommended for approval and was approved by the committee, referred to as the Maxey 6. He explained that the application is a resubmission of the previous planning in principle refusal, however, the current application has some differences, one of which being that it is an outline application, there is a single point of access not nine accesses, it has received highways support, the Planning Committee membership is different from the previous determination and the application has been encouraged following officer support for the Maxey 6 which is 220 metres away.

Mr Humphrey stated that the site is within Flood Zone 1 on flat agricultural land, Friday Bridge is a limited growth village and the Maxey 6 site was supported by officers which is also in accordance with LP12. He made the point that the application site is adjacent to development which is what is needed on LP12, and the site is on a straight road with one letter of objection whereas the Maxey 6 site had 22 letters of objection and is on a rather bad bend.

Mr Humphrey referred the committee to the Maxey 6 officer report which states that the site forms a gap in the existing frontage which, in his opinion, conforms to the core shape of the settlement. He explained that there are dwellings either side of the proposed site which has also been allocated in the emerging Local Plan.

Mr Humphrey explained that on the officer report for the Maxey 6, officers had stated that there was no distinctive character of the local area in terms of design and also that the gap would be a visual loss to the street scene but on balance is a suitable place for development. He stated that within his application, a proposal for a footpath extension has been included to make the application LP15 compliant and also similar to the Maxey 6 application.

Mr Humphrey explained that with regards to ecology he had requested that the application be deferred to a future meeting to allow his team and the planning officers time to assess the report and any implications, however, this request was refused, pointing out that there is no dyke fronting the application and the ecology report has now been submitted and an email from the ecologist which substantiates that the application can be supported. He explained that the ecologist has stated that the PEA report identifies that further surveys are recommended for water voles in relation to the drain at plot 1 and great crested newts in relation to the presence of the ponds but although there is no evidence of water voles noted during the survey, it is the wrong time of the year to survey which is what further requirements for further surveys have been outlined to take place in the Spring.

Mr Humphrey stated that the ecologist also stated that the section of the suitable drain relates to the garden adjacent to property 1 and if a minimum of a 5-metre standoff could be provided to the top of the drained bank this would mitigate any potential impact on water voles and then further surveys could be dispensed of. He explained that the ecologist had advised that with regards to great crested newts, there are two ponds within 250 metres and there was also a pond within 250 metres of the Maxey 6 application, but no ecology was requested.

Mr Humphrey made the point that the ecologist has stated that the ponds will require further investigation in the Spring and in section 7.7 where it refers to District Licensing the Ecologist explained that the site is in the Natural England Amber Zone showing that there is some considered potential for them to occur and access would need to be agreed in order to survey the ponds, however, the fallback position would be to put the site into a District Licensing scheme, where a fee is paid in relation to the potential scale on great crested newts and this approach has been used in Fenland and West Norfolk. He stated that he would request the application be considered in the interest of consistency with the Maxey 6 application and further ecology to be supported by the committee.

Members asked Mr Humphrey the following questions:

- Councillor Mrs French asked Mr Humphrey to clarify what type of sewerage system he intended to use and how was the issue of surface water going to be addressed? Mr Humphrey explained that there will be a connection to the main sewer and surface water will be attenuated within the red line.
- Councillor Connor asked whether Mr Humphrey would consider the inclusion of street lighting? Mr Humphrey responded that he would be more than happy to include streetlamps.

Members asked officers the following questions:

- Councillor Mrs French stated that during the officer's presentation there was a photograph displayed which showed a 40mph speed limit sign but in the report, it states there is a 60mph limit and she asked for clarification on the speeding limit. David Rowen stated that it is his understanding that adjacent to plot 1 is where the split for the 30mph to 40mph zone occurs. Councillor Mrs French stated but the report states 60mph. David Rowen stated that the evidence from the site is that it is a 30mph to 40mph dependent on direction of travel. Councillor Mrs French referred to a comment made by Elm Parish Council which states that the 60mph speed limit along Needham Bank causes a hazard for vehicles using the site access so it is maybe that the Parish Council that have made an error.

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

- Councillor Hicks stated that he cannot see anything wrong with the application and there has already been another application approved on the corner. He expressed the view that the application looks as though it is just a continuation of other properties around the area and, therefore, it will be an asset and he will support the application.
- Councillor Benney stated that he recalls the application being refused previously and if the current reasons for refusal are looked at, under LP12 there has to be reasonable support, however, there is only one letter of objection and the other site in Friday Bridge had 22. He expressed the view that the fact that there is only one objection gives an indication to him that there are no major objections to the site. Councillor Benney added that it is adjacent to the built form of Friday Bridge and everything that is built effects the character of the land wherever you are. He made the point that he does not know why it is only linear development as there is a big field behind there as the field appears to run to an estate and by only having a small number of houses, in his view, it lends itself to ongoing development which villages all need. Councillor Benney made the point that the village has a shop and a pub, and the businesses need people in them to spend their money. He added that under LP19, in his view, Mr Humphrey has covered the mitigation and the harm to the protected species can be mitigated against. Councillor Benney stated that when reviewing the reasons for refusal, LP12 is subjective and LP19 can be mitigated against. He added that the Maxey 6 outline application was approved and was only located 200 yards away and, therefore, adds to weight to the approval of the application before the committee.
- Councillor Mrs French stated that she is looking at policy LP12, Rural Area Development Policy and it states that new development in villages will be supported where it contributes to sustainability of the settlement and does not harm the wide-open character of the countryside. She expressed the opinion that she cannot see any harm and the proposal would not be against the policy and, in her view, actually complies with LP12.
- Nick Harding explained that members need to consider the previous refusal and understand what has changed in the material planning circumstances since the last refusal. He added that the Maxey 6 has been approved, however, the circumstances both physically and in planning terms are very different to the proposal before the committee now which was very clear from the presentation slide. Nick Harding added that members need to consider and provide reasons for looking at the current application differently from when the committee had considered it previously. He added that in his professional opinion there is no change and added that when considering applications which are identical in planning terms then the same conclusion should be reached irrespective of any changes in the membership of the Planning Committee.
- David Rowen stated that the requirement in law when considering the ecology is that the

committee need to be fully satisfied that there are no ecological implications when determining an application and the Government guidance on that is quite clear and a failure to do so maybe considered as a failure not to have adequately considered all of the material planning considerations of that case.

- Councillor Mrs French stated that as this is an outline application surely those matters can be resolved under a reserved matters or a full planning application. David Rowen stated that this is the point in time when the Council would be granting planning permission for development on the site and at this time the Council needs to be adequately assured that the appropriate survey work has been done in respect of ecology and that it is fully considering the implications of granting planning permission on the site in terms of ecology. Councillor Mrs French stated that if the application were to be approved then it could be conditioned at the outline stage.
- Councillor Connor expressed the view it is the same site but with only one entrance instead of several entrances and Mr Humphrey has indicated that he is going to introduce a pathway as well as lighting. He added that the proposal does have similarities, but it is a different application.
- Nick Harding stated that the previous application was not refused as it did not include the additional benefits, it was refused due to the fact that the principle was not acceptable because the application was a PIP application (Planning Permission in Principle) and members were deciding whether or not in planning terms it was fundamentally acceptable or not and the committee at that time decided that it was not acceptable and harmful. He added that on that basis members need to consider what has changed.
- Councillor Benney expressed the view that it is a totally different application and a different type of application. He added it has a different access and has the support of the Highway Authority and the previous application was refused by a different committee although he cannot recall which way he voted at that time and if he voted in support for it last time then why should he change his mind this time.
- Councillor Marks stated that he has looked at both application sites and it is an onwards build. He added that he cannot see that there are any issues, and he will support the proposal.
- Councillor Imafidon stated that when he looks at the Maxey 6 site and the new site, the Maxey 6 site had a highway objection due to access whereas the current application before the committee appears to be more straightforward in his opinion. He added that there is an isolated dwelling and he questioned whether the proposal would not be classed as an infill development, and he stated that he would be happy to support the proposal.
- Nick Harding clarified that the previous PIP application was not refused on highway grounds.
- David Rowen stated that a great deal of reference has been made to the Maxey 6 application and he highlighted the slide provided by the agent. He made the point that the current proposal is in very different context to the Maxey site and there is row of established development on the opposite side of the road and a consolidated row of development either side of the site whereas to the east of the proposal site there is one sporadic dwelling and a further gap and on the opposite side of the road there is a farm grouping and then an open space. David Rowen added that he is aware that Mr Humphrey made reference to the number of objections to the Maxey site, however, he expressed the view that the number of objections received maybe down to the number of houses in the vicinity of the application site. He referred to the PIP on the site which was refused due to character harm because the committee felt that it was unacceptable and the principle of developing the site would have an adverse impact on the character of the area and nothing has changed in respect of this individual application site in that regard and the applications are both equal.

The committee in reaching their decision received the following comments:

- The Legal Officer reminded members of the Council's Code of Conduct which states that where a similar development has been refused and members change their mind and want to approve it, that is classed as maladministration unless members can give reasons why

there has been a significant change in circumstances. He expressed the view that there has been no significant change and, therefore, members need to take that into consideration bearing the history of the site.

- Councillor Hicks asked if this applied to him as he is a new member of the committee and he never got to vote on this application previously so this is completely fresh and new to him. The Legal Officer responded that the significance is that the decisions made are made corporately by the Council and the Code of Practice does not state that a change in membership of a committee absolves those new members from being bound by the previous decisions of that same committee.
- Councillor Connor stated that the Legal Officer is giving advice as a solicitor but the ultimate decision lies with the committee.
- Councillor Hicks stated that it is like his hands are tied and this is a new application to him, although he is aware of the ramifications of it and questioned why it is before committee if members have to vote a certain way? Nick Harding explained that the application is a brand new outline application and the Scheme of Delegation requires the application to come before the committee. He stated that with regard to the point about not being a member of the committee at the time of the determination of the PIP and it is not felt reasonable for hands to be tied it is no different to the situation faced by the Council as a local authority whereby an outline application has been refused that has been appealed and granted by an Inspector and officers then have to go on and deal with a reserved matters application and officers cannot say they are not dealing with the reserved matters as they never liked the principle of development in the first place. Nick Harding made the point that when it comes to dealing with what decisions have been made on applications for the same parcel of land in the past, he reminded members of the training they had received that said there needs to be regard to past decisions which are relevant to the application that is before committee today so it does not matter when a councillor became a member of the committee or when officers started working for the Council, if a decision has been made in the past and it is not agreed with professionally or as a member if that decision is pertinent to the determination of the new application there must be regard to it. He referred to the reasons for refusal, the site is rural in character with open fields to the south, east and north and fulfils an important part in the character of area by providing open countryside between the southern and eastern parts of Friday Bridge and are those facts the same today and, in his view, the answer is yes as there are still open fields to the south, east and north and why is it no longer an important part of the character of the area, what has changed on this site since it was last refused which has changed the character of this parcel of land and, in his view, nothing has changed.
- Councillor Marks stated he understands the comments of Nick Harding, however, he did not do a site visit last time but he has now seen the site and believes that this is the right decision this time to approve the proposal and surely councillors can change their minds. He stated his reasoning is that his view is that he cannot see the proposal would be harmful, the application has changed slightly by accesses, lighting, etc, but the core factor is that he does not think it is outside the village.
- Councillor Benney made the point that the Council is further down the line with the emerging Local Plan since the last refusal and this site is allocated building land in this plan. He feels to say that a decision has been made that is cast in stone and cannot be changed is wrong as new things come to light and viewpoints change. Nick Harding stated that it is not allocated land within the emerging Local Plan. David Rowen added that the relevant policies of the application do not conform and, therefore, would be contrary to the emerging Local Plan as well as the adopted Local Plan.
- Councillor Connor asked when the Maxey 6 application was passed? David Rowen explained that the application was passed in earlier in 2023 and, therefore, postdated the decision on the PIP application. Councillor Connor stated that if the Maxey 6 application was passed after the failure of the first one, the 6 dwellings which were passed as per the officer's recommendation has already altered the street scene and set a precedent.
- Councillor Marks stated that the characteristics of a Fenland village are houses which are

built at the side of a road and not back infill. He added that looking forwards that sort of development should continue rather than building estates behind properties. Councillor Marks expressed the view that he sees the proposed development as infill.

Proposed by Councillor Marks, seconded by Councillor Hicks and agreed that the application be GRANTED against officer's recommendation with authority delegated to officers to apply conditions including matters pertaining to ecology being satisfactorily resolved, to include a full lighting scheme and pathway. Nick Harding added that should matters pertaining to ecology not be approved then the report will need to be brought before the committee.

Members do not support the officer's recommendation of refusal as they feel that it is a good application, the development will benefit the area, the new development will contribute to the sustainability of the settlement and does not harm the wide-open character of the countryside.

P89/23

F/YR23/0769/PIP

LAND SOUTH OF ILLIZAROV LODGE, PADGETTS ROAD, CHRISTCHURCH
RESIDENTIAL DEVELOPMENT OF UP TO 5 X DWELLINGS (APPLICATION FOR
PERMISSION IN PRINCIPLE)

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

Members received a presentation, in accordance with the public participation procedure, from Adam Sutton, the agent and Will Sutton, the applicant. Adam Sutton stated that the application is a PIP application which is limited to the consideration of location, use and amount, with the amount of development not being in question and is deemed as acceptable as is the use due to the nature of the land use surrounding the proposal. He stated that with regards to location, the Planning Officer is questioning compliance with LP3 and LP12 of the Local Plan but made the point that Christchurch is categorized as a small village within the settlement hierarchy of LP3 and the policy restricts development to residential infilling.

Adam Sutton stated that the Planning Officer has indicated that the Local Plan defines residential infilling as development of a site between existing buildings, however, the proposed site falls within the constraints of LP3 and does not limit the number of dwellings which are acceptable as infill development. He made the point that LP12 allows for development where the site is in or adjacent to the existing developed footprint of the village except for those villages listed as small or other where only infill sites will normally be considered favourably, which poses two questions, firstly is the site in or adjacent to the existing developed Christchurch, which, in his view, it is, as well as whether the site is in Christchurch, which he feels it is.

Adam Sutton added that the second reason for refusal is LP14 which requires sequential and exception tests to be completed where required and the application was accompanied by a Flood Risk Assessment and a sequential and exception test which identify that the development is acceptable compared against other sites in Christchurch. He stated that the Planning Officer has made the point that facilities in Christchurch are not under threat, however, this is incorrect as the number of pupils at the school in the village is falling and the addition of family dwellings in the village will go some way towards helping those numbers increase.

Adam Sutton made reference to the handout of a map which had been circulated and he explained that it was a 1993 development area boundary map for Christchurch, which whilst he acknowledged that the map is no longer used and has been replaced by the current Local Plan, it

gives a good indication of the built area of Christchurch. He explained that the map has been highlighted to show three areas of development which have been approved adjacent to the built area and all three extend the built form of Christchurch and, in his view, none of them can be considered as infill development in accordance with the definition set out in the Local Plan.

Adam Sutton stated that the proposed development shares similarities in respect of the location of the site in relation to the built form of the village as it is also between two existing dwellings and, therefore, policy compliant. He made the point that the proposal is in accordance with the Local Plan highlighting the policies which are cited as reasons for refusal and he added that additional dwellings are supported by the Parish Council.

Will Sutton stated that the officer's report questions the numbers of attendees at the village school and some of the objectors to the proposal have stated that the school is full, however, that is incorrect as the capacity of the school is 105 and the current number of attendees is 87. He added that the cohort that live in the area is 59 and the report that is within the emerging Local Plan states that the forecast is for that figure to fall to 21 which is really serious.

Will Sutton expressed the view that growth is needed in Christchurch as it is needed to keep the school operating and the pub, church and new community centre also needs to be supported. He made the point that there are also inaccuracies within the officer's report, making reference to the Grade 1 comment in the officer's report, however, he explained that he has a document which disputes that fact, which explains that a low risk of flooding from surface water which indicates that each year the area has a chance of flooding between 1 and 3.3% which is the same as the proposal site and as such the land can generally be assigned an ALC grade of no higher than 3a.

Members asked the following questions:

- Councillor Mrs French asked Will Sutton to advise her what the inaccuracies are within the officer's report? Will Sutton responded that the document he had referred to concerning the Grade 1 was on the Council's website. He added that the location of the proposal is adjacent to the built form and, therefore, he does not know how it can be considered to be in the open countryside. Will Sutton added that if members agree that the site is not in an elsewhere location then the Flood Risk Assessment and the sequential test is passed, however, if members are of the opinion that it is part of the bigger area and it is not an elsewhere location then the test cannot be passed, but, in his view, it is not in an elsewhere location. He referred to 5.6 where it details objectors' views, it makes reference to the increase in impermeable area and that fact that it may increase surface water flooding and the drain to the east side of Padgett's Road which is often full of water but he disputes that statement and added that it is incorrect due to the fact that on the Council's website it reads that the drain is mostly full of water in the winter months. Will Sutton added that another comment makes reference to a loss of field access, however, there is access down the side of his property and the report also makes reference to the site between buildings and the planning portal defines this as development in a relatively small gap, questioning what can be classed as relatively small.
- Councillor Mrs French asked for clarity over the concerns regarding access and she asked who owns the field? Will Sutton confirmed that he is the owner of the field, and he has no problem with people objecting to the proposal to express their opinion, however, in this case their opinion is wrong. He added that the person who made the comment has communicated with him previously in order to ask whether she can use the access into the field to maintain their hedge and, therefore, he is confused as to why that person believes that there is no access.
- Councillor Marks stated that there is the pub in the village which has received planning permission to site a caravan on its car park to assist with the rejuvenation of the business. He added that the village shop has ceased trading, and the local school has less children in attendance and a new pavilion which has been introduced so it could be said that Christchurch is an up-and-coming village without people moving into the village. Councillor

Marks asked Will Sutton whether it is his view that it is because there are not the properties to move into? Will Sutton confirmed that is his opinion and the pub has started selling essential day to day groceries to help the villagers.

- Councillor Imafidon asked for the access to be pointed out to him which has formed part of an objection? Will Sutton referred to the red line on the overhead presentation and identified that there is still an access point which leads down the side of the house and a gate into the back of the field.
- Will Sutton explained that within the officer's report it refers to a ditch which runs the length of Padgett Road and that is incorrect as it only stretches for half of the length of the site.
- Councillor Mrs French asked what steps are in place to deal with sewage and surface water? Will Sutton stated that surface water will be dealt with by soakaways and two of the properties can be run off of the main sewer which has improved matters considerable when they were installed.

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

- Councillor Benney stated that the proposal is in a village which is dying, and the school is undersubscribed. He added that it has been said many times that small villages need to be supported or otherwise they disappear, adding that when you approach a town or a village what you first see leaves you with an impression of how you view a town or a village. Councillor Benney added that the proposal is on the entrance to the village, and it will fit and set a tone on entry into the village rather than seeing falling down barns and waste ground which can be seen in other places. He expressed the view that it is a good application with good use of land albeit agricultural, but many hundreds of thousands of acres of agricultural land are taken out of food production every year. Councillor Benney stated that he considers the proposal to be infill and is part of Christchurch and the sequential test does not apply to the District and, therefore, in his opinion it shows need and a good solid development, and he will support the proposal.
- Councillor Connor expressed the view that it is a good application and he stated that he is an advocate of seeing nice properties when you enter a village as first impressions do count when you enter a settlement. He added that although it is only a PIP application and everything else has still to be decided, in his opinion, it is a plot of land that can be supported and will be good for the village of Christchurch. Councillor Connor stated that the school is in need of pupils, or it could be in the danger of closing and the pub has integrated a basic shop into its day-to-day function. He stated that there is the need for small villages to be supported otherwise they will die, and he will support the proposal.
- Councillor Marks stated that he drove past the application site earlier and the site is dry with no water retention and, in his opinion, the proposal will fit into the street scene, and it is a known fact that there are no houses to rent or to buy. He made reference to Aerotron who have recently moved their business into the area and are struggling to find properties for their employees to live and he added that not everybody wants to live in a town and would prefer to live in a Fenland village. Councillor Marks expressed the opinion the proposal is a good development and added that local people are finding it difficult to find properties for their families in order to try and keep families in the same local area all together. He added that the committee approved an application some months ago in the village which was in conjunction with the pub and the proposal appears to be a bolt on to that and he will support the application.
- Councillor Mrs French added that it is very sad that the shop in the village has closed and if Christchurch lost a school, it would be a disaster. She added that it is a good application, and she assumes it would be executive homes that would be built rather than small dwellings and she will support the proposal.
- Councillor Imafidon stated that he will be supporting the proposal due to the impact that it will have on the village. He added that the pub has invested into their business and the village needs additional residents to support it. Councillor Imafidon referred to LP12 of the Local Plan and although the proposal will be in Flood Zone 3, most of the Fens are in that flood zone anyway and he will support the proposal.

- Councillor Marks stated that he is aware that over the last 48 hours, the Manea and Welney IDB have pumped away thousands of tonnes of water. He added that most of the areas looked at in planning appear to be dry and are not under water and unless there is a major event like the one in 1950s, he does not focus too highly on flooding issues. Councillor Marks stated that last year the Manea IDB recorded 550ml of rain and to date this year there has been 850ml of rain recorded.

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

Members do not support officer's recommendation of refusal of planning permission as they feel that the proposal cannot be considered to be located in an elsewhere location, the community benefits in terms of bringing development to Christchurch to support the local community are good and as the proposal is part of Christchurch then it does not need an area wide sequential test and the land is suitable for development.

(Councillors Benney, Connor and Mrs French declared that they know the applicant from when he was an elected member of the District Council, however, they are not pre-determined and would approach the application with an open mind)

**P90/23 F/YR23/0807/O
LAND WEST OF 27 BENWICK ROAD, DODDINGTON
ERECT UP TO 4NO DWELLINGS (OUTLINE APPLICATION WITH ALL MATTERS
RESERVED)**

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

Members received a presentation, in accordance with the public participation procedure, from Mr Ian Gowler, the agent and Penny Lee, the applicant. Mr Gowler explained that there is one reason for refusal in terms of its impact and location on the surrounding countryside and referred to the presentation screen, which highlights where the proposal site falls in relation to Doddington and the slide also points out the various developments that have been approved under the current Local Plan. He explained that many of the developments that have been approved are very similar distance to the proposal from the core of the village with one exception being one development of three dwellings that was approved in December which is 500 metres further out of the village and, therefore, in his view, the site should be considered as suitable with regards to settlement hierarchy and not in the open countryside.

Mr Gowler made the point that the site is immediately adjacent to a row of bungalows which has been there for 70 years, and the site was also indicated in a draft policy map dated June 22 and states that it is suitable for frontage development as it is outlined in red and shaded in pink and was presented at a Cabinet meeting. He made the point that the emerging Local Plan has little weight, but it does highlight that there would be some development along this way.

Ms Lee explained to the committee that she has lived in Doddington for the last 45 years and she moved in order to find space for her hobby which is breeding of her horses. She added that due to ill health of her partner, they have decided to apply for planning permission in order to make life easier and build a bungalow along with continuing her hobby.

Ms Lee expressed the view that it appears to be very difficult to find a property in Doddington and she explained that her parents, brother, grandson and late partner are all buried in the graveyard in the village and Doddington is very much her home. She added that the site is on the edge of the village and the amenities are all very good, along with a footpath and a good road and, therefore, the access is good.

Ms Lee explained that she would have liked her granddaughter to live there with her family as she is also keen to assist with the horses. She referred to the comments made by the Parish Council concerning the ridge and furrows and the ancient wells and explained that the ridge and furrows are further down the field and will not be affected and with regards to the ancient wells, she is yet to find them, but she added that if they are there, they are right down the bottom of the land and will not be affected.

Mr Gowler stated that with regards to the technical reasons which were shown as reasons for refusal they have all been resolved which leaves only the location in terms of open countryside and how it fits into the local settlement hierarchy.

Members asked the following questions:

- Councillor Mrs French asked Mr Gowler to clarify what was considered at Cabinet. Mr Gowler clarified that it was a draft plan for the emerging Local Plan which was presented at a 2022 Cabinet meeting.

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

- Councillor Hicks stated that within the reasons for refusal it states that approval of the application would set a precedent, however, in his opinion that has already been done by approving other applications such as those down Hospital Road.
- Councillor Marks made the point that there is another application before members which although is on the same road, the officer's report is stating that the current proposal is not within the village. He stated that an application was approved previously under F/YR22/1149/F and he cannot see any significant differences between that application and the proposal before the committee today.
- Councillor Connor explained that he recalls previously applications which were approved in August 2023 in Benwick Road and, therefore, a precedent has been set as the application before members is nearer the village.
- Councillor Marks stated that he is unsure why the application has been brought before the committee when there have been other applications which have been approved and they are located further out of the village.
- Nick Harding explained that the British planning system dictates that planning applications are determined in accordance with both national and local planning policies. He added that Planning Officers consider those policies and recommend decisions and whilst the committee sometimes disagree with the professional opinion of officers, there is the requirement for officers to remain consistent. Nick Harding made the point that the whole thing about the planning system is for consistency and that is important as it assists developers and investors make decisions about whether or not to pursue an application based on whether or not on policy terms it appears that there is a good prospect in gaining planning permission. He stated that it is unfair to be critical to officers as to why they have recommended refusal of the application to committee given that the committee had previously refused it and when considering F/YR22/1149/F officers recommended refusal, but the committee did not accept that recommendation.
- Councillor Marks stated that members are frequently reminded about consistency and, in his opinion, consistency in this case is if the committee have gone against the officer's recommendation on two separate occasions which he feels the committee have on that road already then as a committee they need to be consistent with their decision making.
- Nick Harding stated that the committee need to be mindful that "two wrongs do not make a right" and officers are presenting to members their policies and whether or not members disagree with officers, it does not change the policies and how that decision should be made. He expressed the view that it is never too late to see the light.
- Councillor Mrs French stated that she did not think that Councillor Marks was being critical of officers and the reason the application is before the committee is because of the number of representations contrary to the officer's recommendation.

- Councillor Mrs French expressed the view that when considering applications, it comes down to how planning policies are interpreted and that is why a Planning Committee exists in order to look at different parts of the policies and because the committee sometimes choose to go against the officer recommendation it does not take anything away from the officer's professional opinion but it is within the committees right to overturn applications.
- Nick Harding stated that, with regards with F/YR22/1149/F, members on the committee should have had regard to the decision that they had previously made, however, for whatever reason the committee did not and, therefore, members should not be afraid of making a consistent decision as had been done before. He stated that similarly with another item earlier in the agenda, the reasons should be looked at as to why the application had been previously refused, putting aside the matters which had been resolved and question what is now different on the actual site now compared to what was there before and, in his opinion, that is key.
- Councillor Connor expressed the view that he can see that two reasons have changed, one of which is that highways are no longer objecting and he added that consideration needs to be given as to whether the site is outside of the village envelope or is it not and he feels that further applications have been approved outside of the village and further away from the village against the officer's recommendation and for that reason he will support the proposal.
- Councillor Marks referred to the officer's report where it states that development on the land would be to the detriment of the character and appearance of the rural area, and he added that members now know that further along there is going to be a change to the area with building work which is being undertaken and previous planning approval which has already been given. He expressed the view that is why he feels that the committee should be consistent, and the land should be given up for planning.
- Nick Harding stated that it appears that the committee are looking to approve the proposal on the grounds of the decision that was made on the F/YR22/1149/F application, however, if you are at the application site, the two dwellings to the left are not in the zone of visibility of the site and you would actually know that the development once implemented was ever there. Nick Harding stated that the reasons for refusal are the same as they were previously and that the position of the site is away from the main built form of Doddington adjacent to a small number of dwellings on the side of Benwick Road and the dwellings are detached from the built-up area of the settlement but do not form part of the continuous built form of Doddington. Nick Harding stated that nothing has changed, and the site is currently paddock and clearly relates more to surrounding countryside and nothing has changed from that perspective either. He stated that he struggles to see how the previous reasons for refusal all have disappeared this time and he made the point that the committee should be making consistent decisions on applications where there has been a previous refusal for in essence the same scheme and to do otherwise would be breach of their Code of Conduct.
- Councillor Imafidon stated that members keep being advised that their decision making should be consistent, and that each application should be looked at on its own merits and sometimes he struggles to marry the two pieces of advice. He added that the officer's recommendations for refusal cites that the site is outside of the built framework of Doddington which he agrees with. Councillor Imafidon added that he does not know the distance between the application site and the application that was approved in December 2022 but made the point that if you were driving down the road and where the built form ends there is nothing for a while until you reach the site for F/YR22/1149/F. He expressed the view that it does not appear to be infill and will affect the character of the rural area and he can see the point that the officers were making as nothing has changed.

Councillor Imafidon proposed to refuse the application as per the officer's recommendation but a seconder was not forthcoming.

Proposed by Councillor Connor, seconded by Councillor Hicks and agreed that the application be GRANTED against the 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 committee need to remain consistent due to previous applications which they have approved which are located further away from the village and the proposal will add character to the village.

Nick Harding stated that in the event of any challenge he is concerned that members have not outlined why the reasons for refusal now and previously are disregarded. Councillor Connor stated that for consistency reasons there has already been two dwellings approved in August 2023 which has set a precedent, and the application site is nearer the village. Nick Harding made the point that his concerns still remain.

(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.)

P91/23

F/YR23/0844/F

BUILDING NORTH OF 109 HIGH STREET, CHATTERIS

DEMOLITION OF A BUILDING WITHIN A CONSERVATION AREA

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

Members received a presentation, in accordance with the public participation procedure, from Mr Matthew Hall, the agent. Mr Hall stated that he has spoken to the applicant regarding the history of the site and when the applicant purchased the site many years ago along with the adjacent row of properties, they did not have internal toilets and two of the properties did not have electric and were in a poor condition and over time the properties now all have electricity, toilets, and new kitchens. He stated that this has all meant that this building to be demolished has no longer been required for the external toilets and washroom due to the improvements by the applicant and it has not been used for a number of years.

Mr Hall stated that the report makes reference to a planning approval for this building to be converted in 2016 into a dwelling, however, the report does not state that the conversion was to remove all of the internal walls which are all original, over double the size of the building, due to the fact that on its own it is not suitable for a residential dwelling and it would have had an extension which would be two storey which would change the appearance of the outbuilding. He explained that it is all to be built on the boundary which is only one metre from the neighbouring property to the south, with the neighbour immediately to the south raising concerns regarding the stability of the building due to slippage of roof tiles and sections of mortar appearing on his pathway and this building is on the boundary.

Mr Hall explained that in the officer's report under 1.3 it states that the building can be used in some form or another and he questioned what use could be made of it, it is too small for a garage and would also mean the removal of all the internal walls and when he walked up to one of the doorways he found it necessary to crouch down, making the point that if a floor was introduced even with minimal insulation then that would reduce the headroom. He expressed the opinion that it would be impractical to convert the site into a dwelling without substantial demolition works and the building has not been used for a number of years by the owner or tenants to his knowledge.

Mr Hall explained that as the officer has pointed out the demolition would allow for some additional parking on site for residents and there have been other buildings on the site located along the

southern boundary which have all been given approval to be demolished and that has taken place. He stated that under LP16 it states that the proposal should not have a detrimental effect on the street scene settlement pattern or landscape of the area and the building cannot be seen from the street scene and there will be no removal of any vegetation.

Mr Hall made reference to the map on the presentation screen and the settlement pattern immediately either side of the proposal site and even going further into Chatteris has all been developed from what it was originally. He explained that at the front of the site delegated approval was given within the last 12 months to demolish the property which is in a very poor condition, and he asked members to support the application.

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

- Councillor Hicks stated that the site is in a very poor state and even if it was repurposed it would not be the same as it was 200 years ago as it would not be the same building. He referred to the officer's report where it states that it would have a detrimental impact on the character and historic interest of the Chatteris Conservation area, but, in his opinion, the site cannot be seen from the road anyway and he does not see how it will impact on the street scene and, therefore, he will be in favour of the demolition of the building.
- Councillor Benney stated that the officer's report refers to 130 and 133 High Street and he explained that 130 High Street keeps falling down and there have been planning applications approved for that site as it is derelict and is falling down because the cost of conservation is greater than the cost of a finished site and, therefore, nothing happens to it. He made the point that 133 has been developed, however, only on the strength of the housing that was approved and passed at the back of it. Councillor Benney stated that when considering the current proposal, to the red line on the right-hand side of the plan there was a house with no roof, and it was a pebble dashed house with boards on it and was graffitied and had a tree growing within it. He made the point that the application was approved in a Conservation Area, and it was located on the street scene, however, the proposal before members which is a shed which serves no purpose and even if it was included in a development, he doubts whether you would want to subject anybody to live there. Councillor Benney expressed the view that the aim is to raise the standards of building and not revert back to the 18th or 19th Century and you cannot conserve everything. He stated that somebody has to live there, and he questioned how you can convert something to make it viable for someone to be able to reside there. Councillor Benney added that it is an absolute nonsense and whilst he appreciates the planning policies, in his view, the sooner the building is demolished the better it will be.
- David Rowen stated that with regards to the comments made concerning how can the building be incorporated into development, the presentation depicts how the site could be incorporated into what looks like a very nice dwelling whilst only being a very small part of a house. He added that with regards as to whether it can be seen from the wider street scene, that is not a determining factor in the significance from a historic environment perspective as to whether demolition should take place or not and the Conservation Officer along with the Conservation Team at County Council have both indicated that they have concerns over the loss of the building and he highlighted that the Council does have a legal duty to give due consideration to those issues.
- Councillor Hicks stated that if the building were demolished, something identical could be put in its place which would be a new build and there would be no difference aesthetically when looking at it.

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

Members do not support officer's recommendation of refusal of planning permission as they feel that officers have already permitted the demolition of another building which was in better condition and was also in a Conservation Area and not a Listed Building but has Listed Buildings around it, if

nothing happens then it will fall into further disrepair until it is no longer salvageable, by demolishing the building it will enhance the area as it is currently an eyesore in the setting, there is no benefit in keeping the building, there is not an application before the committee to consider anything to be built in its place, and the loss of this building will not be significant.

(Councillor Connor stated that he is perceived to be pre-determined on this application and he took no part in the discussion or voting thereon. Councillor Marks took the Chair.)

(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 take no part in Planning)

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

P92/23 **F/YR23/0856/O**
LAND SOUTH OF 129 KNIGHTS END ROAD, MARCH
ERECT UP TO 5 X DWELLINGS (OUTLINE APPLICATION WITH ALL MATTERS
RESERVED)

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

Members received a presentation, in accordance with the public participation procedure, from Ben Tickner, an objector. Mr Tickner explained that he has been a resident of 117 Knights End Road for 30 years and he was addressing the committee on behalf of other residents from 106, 119, 123 and 125 Knights End Road. He made the point that one of the main reasons for the objection is the unsatisfactory access which is proposed to be via the current residential driveway, with a road that would completely loop around the existing dwelling to the new properties behind, with the new access being just 50 metres from the existing junction between Knights End Road and the March bypass which is exceptionally busy, situated on a blind bend and would be dangerous.

Mr Tickner explained that the traffic congestion is apparent and has increased significantly at the junction in recent years and he does not support having an additional turning to more residential dwellings so close to the existing junction. He expressed the view that the proposal should be considered in terms of the current road layout not how it might look in 10–20 years and added that he does not feel that the current proposed access is sufficiently wide enough to accommodate two lanes of traffic, a footway and space for rubbish bin collection.

Mr Tickner stated that he does not think that it is sensible to grant the proposal as there is not sufficient infrastructure in terms of pedestrian access or drainage, with the current drains only extending as far as no 110 Knights End Road, and the property at 110 has particularly suffered from flooding in recent years and the proposed soakaway drainage falls far short as surrounding fields are currently waterlogged. He stated that there has also been concern raised as the location does not have any pedestrian access and there is no footpath on the south side of Knights End Road and that on the opposite north side it finishes at number 110.

Mr Tickner made the point that another major objection is that the development will not be in keeping with the local area, with Knights End Road consists of street-facing frontage housing and the proposal would be back land development and out of character with the area, with the existing residential garden being surrounded on two sides by agricultural land. He expressed the opinion that the proposal is overbearing with too many properties in too small a space which would significantly overlook existing dwellings leading to loss of privacy, light and irreversibly damaging the countryside feel of the road.

Mr Tickner added that the proposal would also involve significant loss of ecologically valuable

hedgerow vegetation and its removal would result in an increase in the amount of noise for existing residents as the vegetation currently shields the residents from increasing bypass dust and noise. He expressed the view that the proposed houses would be too close, one being just 50 metres from the bypass which would lead to unacceptable levels of noise and pollution for any future residents of these properties.

Mr Tickner made the point that all five boundary properties to the site have objected to the proposal and the four adjacent properties to the site on the south side of Knights End Road have also all objected to the proposal. He explained that most of the residents are long term occupiers with over 600 cumulative years of living on the street and his own family have lived there since the 1850's.

Mr Tickner stated that he is aware that there have been some letters of support to the proposal, although none from residents in the immediate vicinity and instead they come from distant addresses that will not be as affected by the increase in noise, traffic and loss of privacy. He added that some of the comments come from addresses which are not in March and not a single supporting comment has come from a resident of Knights End Road and, in his view, the strong opinion in objection of the most affected local residents should be given the most weight.

Mr Tickner made the point that the proposal is for outline planning with all matters reserved but the concerns reflect insurmountable challenges, which, in his view, should lead to its rejection. He stated that the site location is too close to the bypass which cannot be changed and, therefore, the site is fundamentally unsuitable for development, and he asked the committee to support the views and opinion of the residents and officers and refuse the application.

Members asked Mr Tickner the following questions:

- Councillor Marks stated that the officer's report states that 11 letters of support have been received for the scheme, with one of the reasons stating that there will be no loss of agricultural land and he asked for clarification as to what the land is currently used for? Mr Tickner explained that the land is currently used for grazing on the south side and the other land is used for paddock land which is cut and sold as hay.

Members received a presentation, in accordance with the public participation procedure, from Shanna Jackson, the agent. Mrs Jackson explained that the proposal is for up to five dwellings with all matters reserved and is supported by March Town Council and in their comments, they state that they recommend approval subject to recommendations from Highways and Anglian Water. She explained that, at the current time, the access relating to the proposal is still a reserved matter, however, in order to provide members assurance the necessary visibility splays of 2.4 by 43 metres can be achieved in either direction at the likely access point and this is all within the highway verge.

Mrs Jackson stated that the comments made by highways in the officer's report at 5.2, including the concerns raised by the neighbours, can be addressed and a drawing to depict this has been provided to officers. She explained that she is unaware of capacity issues raised by Anglian Water and, therefore, it is understood that issues in this regard are acceptable.

Mrs Jackson made the point that the site is allocated for development under LP9 of the Local Plan and, therefore, the principle of development is acceptable and is acknowledged in the officer's report at 10.6. She explained that the application site is a residential garden and is in effect a self-contained area and is a relatively small parcel of land which does not compromise the wider delivery of the Broad Concept Area, making the point that it is not within a key or a central location within the Broad Concept Area and it is functionally separate from the wider land allocation and can, therefore, be considered as an inconsequential minor development which complies with policies LP7 and LP9, given the fact that there is no Broad Concept Plan in place.

Mrs Jackson stated that members have already made the point that the requirement for a Broad Concept Plan to be in place is out of date and that concerns have been raised with regards to the development of the site which would result in an urbanising affect, however, in her view, the reason listed for refusal is unfounded given that the Council has already allocated the land for development and, therefore, the urbanising effect is inevitable. She reiterated that the application is in outline form and the drawings submitted are indicative and as the drawings demonstrate there is the opportunity for the buildings to be sited clear of the vegetation on the site.

Mrs Jackson stated that she would be happy to accept a condition in relation to the submission of a biodiversity report and mitigation measures should the committee wish and she would also be happy to accept a condition to secure noise mitigation measures within the build and on the site boundaries to address any potential disturbance caused by the A141. She noted the concerns made by neighbours relating to the footpath but made the point that there is a footpath over the road which can be used by future residents to walk into town.

Mrs Jackson stated that this is an acceptable form of development which is supported in principle under Policy LP3, is on land already allocated for development, would not harm the sustainable delivery of the wider area and it has been demonstrated that safe access can be achieved. She made the point that other objections can be addressed by conditions which will be duly accepted by the applicants, and she asked for permission to be granted.

Members asked Mrs Jackson the following questions:

- Councillor Mrs French asked why the amended plan for highways had only been submitted to officers today? Mrs Jackson stated that because the access was a reserved matter it was felt that the issue would be raised by the committee and, therefore, it was submitted as soon as was possible. Councillor Mrs French made the point that the Highway Authority have stated in the officer's report that they are not satisfied, and the report has been in the public domain for some time. Councillor Mrs French expressed the view that to expect Planning and Highway Officers to review the plan on the day of committee is unacceptable. Mrs Jackson stated that she appreciates that point and added that the Highways Authority stated that they were supportive of the scheme in principle.
- Councillor Connor stated that he agrees with Councillor Mrs French and stated that consideration needs to be given by the agent to be more proactive and reactive by submitting information to the officers in a timely manner so informed decisions can be made.
- Councillor Marks asked for clarification over the point that was made with regards to a likely access point, and he asked whether that was likely to change? Mrs Jackson stated that the access point was not confirmed because access is a reserved matter, and it is likely to be there as there are trees on the other side of where the access has been shown to be and that is the existing access to the site. She made the point that it makes sense for the access point to be there, however, it has been left open in case there is the requirement for an alteration either way in order to get the required visibility splays, but the splays can be achieved in either direction and in highway land so that it can remain unobstructive.
- Councillor Imafidon asked what noise mitigation measures could be introduced if needed? Mrs Jackson responded that it could be measures such as triple glazing or acoustic fencing, dependent on members views and that would form part of the reserved matters stage.

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

- Councillor Mrs French stated that she knows the area well and expressed the view that the officers have made the correct recommendation. She added that there is no footpath and it is back land development. Councillor Mrs French made the point that the supporters for the proposal appear to reside in Creek Road, Eastwood Avenue, Wherry Close, Elwyn Road, Plover Drive and Peterhouse Crescent, which are all roads within March East and March North Wards which are not located near the application site. She stated that she fully supports her residents, and it is a very dangerous road on a bend, and she will not support

an approval on the application and will support the officer's recommendation.

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

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

P93/23

F/YR23/0879/O

**LAND NORTH WEST OF THE FERNS, PADGETTS ROAD, CHRISTCHURCH
ERECT UP TO 6 X DWELLINGS (OUTLINE APPLICATION WITH MATTERS
COMMITTED IN RESPECT OF ACCESS) AND THE FORMATION OF 5 X
ACCESSES AND FOOTPATH**

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

Members received a presentation, in accordance with the public participation procedure, from Matthew Hall, the agent. Mr Hall explained that the site is wholly located in Flood Zone 1 and no concerns have been raised with regards to flooding. He stated that the proposal site abuts an established existing development in Christchurch, and the built-up form and follows a similar line to the adjacent development all of which is frontage linear established housing, and the proposed small village extension follows that pattern.

Mr Hall made the point that Policy LP12 states that the site must be in or adjacent to the developed footprint which the application is. He stated that the previous application which was seven years ago there were concerns raised with regards to biodiversity and a full ecology report has been included with the current application and Natural England have been consulted and have raised no objection.

Mr Hall confirmed that all of the trees at the front of the site are going to be retained and he made the point that the Parish Council give their full support to the proposal and welcome the footpath link that has been included and they have asked whether street lighting can be included which he explained is achievable as part of a condition. He stated that the previous application which officer's have referred to did not include footpath provision, did not have an ecology report and was only on part of the site for two dwellings whereas, in his opinion, the current proposal is materially different.

Mr Hall expressed the view that the additional dwellings will give support to the local school, pub and community centre and he added that the site has not been used for agricultural land to the best of his knowledge for the last ten years. He reiterated that the site is all located in Flood Zone 1 and the site has been identified within the emerging Local Plan as suitable for residential linear development which is what the application proposes.

Mr Hall explained that the footpath link also complies with Policy LP15 and is welcomed by the Parish Council and all of the consultees including Highways, Environmental Health, Natural England and County Council Archaeology all support the proposal which is ideal for development as it falls within Flood Zone 1, is in linear form and has a footpath as well as proposed lighting and will include a mixture of housing albeit in an indicative form, with the site abutting the established built up form of Christchurch.

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

- Councillor Benney stated that the application differs from an earlier application the committee determined and approved due to the fact that it has a footpath which means that it is connected to the village and brings benefit, and it will support the local school and pub.

He made the point that the application is in Flood Zone 1 with a footpath and brings community benefit and if the committee did not pass the application then members would be totally inconsistent as they have already passed the other application. Councillor Benney stated that the application should be approved, and he will support the proposal.

- Councillor Connor stated that he concurs with the views of Councillor Benney and everything that was stated with regards to the previous application in Christchurch and, in his view, this application is better than that due to the fact that there is a footpath in place and the agent has confirmed that there will be street lighting incorporated and it will have all the benefits of the earlier application by bringing benefits to the school, pub and community centre. He added that there is nothing to dislike about the application and he will support it.
- Councillor Mrs French stated that she does have concerns with regards to highways and she made the point that applications are approved with conditions added and developers and agents are not adhering to the conditions. She made the point that she does not have any problems with the application, however, the agent needs to work with the Highway Authority because it does state in the report that the proposal could have an impact on flooding issues and should the application be approved then that is a condition that would need to be addressed immediately.
- Nick Harding stated that Danielle Brooke has already made reference to an appeal decision for the smaller development and there needs to be some thought given with regards to what the Appeal Inspector said concerning the dismissal of the appeal which was that he felt that the development was wholly inappropriate. He stated that notwithstanding the decision that was made today with regards to Mr Sutton's application, the committee still need to be mindful of the Inspector's view in respect of two dwellings, adding that if there are now four dwellings being placed on the site, the impact on the countryside and its setting is going to be greater than it was when it was going to be two dwellings given that there has been no change in circumstances in this particular part of Christchurch. Nick Harding made the point that it has also been mentioned that it is a better scheme due to the fact that it has a footpath, however, that was not a reason for refusal on the application which was for two dwellings. He expressed the view that thought needs to be given as to why the impact on the countryside and its setting is acceptable now for a larger development when it was not for two dwellings which is what the corporate opinion as an authority was in 2017, which was confirmed by an Independent Planning Inspector.

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

Members do not support the officer's recommendation of refusal of planning permission as they have already made a decision today with another application which has been since the Inspector's appeal and that application was not considered to be in an elsewhere location because it was adjacent to the village, with this application being adjacent to the village, they feel that the proposal will not have an adverse effect on the open countryside and the proposal will go towards having a positive impact to the facilities in the village.

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

P94/23

F/YR23/0920/O

LAND EAST OF SHALLON, CATS LANE, TYDD ST GILES

ERECT UP TO 2 X DWELLINGS (SELF-BUILD) (OUTLINE APPLICATION WITH MATTERS COMMITTED IN RESPECT OF ACCESS)

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

Members received a written representation, in accordance with the public participation procedure from Jacqueline Kerr, an objector, read out by Member Services. Mrs Kerr stated that the land adjacent to the build site has been flooded since 10 December 2023 and Mr Grainger has been using a petrol pump, which she has heard daily, from morning until 6 in the evening, since 10 December 2023 up until 3 January 2024, which she confirmed to Planning on Wednesday 3 January and a conversation with the Planning Officer prior to Christmas, with the water having been moving towards the built plot and has also encroached onto her property. She added that Wave have also been pumping water out from her property towards the drain in Cats Lane so the water can then drain into the dyke opposite her property and initially tjeu used a petrol pump, however, that broke which resulted in them using an electric pump, which would not have been obvious to any neighbours as to what they were doing.

Mrs Kerr expressed the view that had it not been for Mr Grainger pumping the water into his dyke, east of the building plots and her husband doing the same thing daily for three weeks, the water would have gone onto the build plots, south of the water and from seen from the photos it would have been seen that the water was level to the Norway maple, protected under TPO04/2022. She expressed the opinion that the photos also show the water running parallel to the west boundary of the proposed site and the east boundary of Shallon, with this water being feet away from the building plots, and the photos were taken on 14 December around the time that Mr Grainger started to pump water from the top part of his land but also on 3 January 2024, with the photos of 3 January showing Shallons outbuilding which would be level and adjacent to the south boundary of the building plots east of Shallon.

Mrs Kerr stated that Mr Grainger states in his recent notes “has the water come uphill from our land”, which she feels indicates that the land slopes towards the building plot and is why the water was starting to encroach onto the building plot for the above application. She made the point that following three weeks of water being pumped, her land and the field south of the application site, still has water on it.

Mrs Kerr expressed the view that the applicant has already confirmed that the lie of the land slopes towards Cats Lane so after days of heavy rain, it would have been thought the water would have by now reached the building plots and they have not as the water has been pumped into the dyke east of the field and photos have then been taken on 3 January and sent to the planning Department to show a smaller area of flooding compared to if there was not any water being pumped at all. She feels to build on the site is absolutely ridiculous as any water from future heavy rainfall will have nowhere to run to.

Mrs Kerr expressed the opinion that the applicant has failed to provide evidence to demonstrate a sequential and exception test in accordance with the NPPF, Local Plan and SPD, which was the refusal of the previous application F/YR22/0935/O and remains outstanding, and, therefore, the proposal conflicts with Policy LP14 and the NPPF in terms of flood risk. She stated that although the Planning Officer has now uploaded her report to the Planning Portal and has recommended refusal, she fears history will repeat itself.

Mrs Kerr referred to F/YR23/0548/O whereby this application failed the sequential test and yet the Planning Committee passed it and feels it is essential that the above comments and photos were brought to the attention of the Planning Committee on 10 January 2024. She stressed that if the application is not refused, she will ensure that it will be put to the Secretary of State and she will also seek legal advice towards a Judicial Review against the Council and Planning Committee as this will be blatant disregard of the NPPF, local planning policies and will go against the committee’s own Code of Conduct. She cannot stress enough how important it is to refuse this application outright not just for her sake, her neighbours but also the Council.

Members received a presentation, in accordance with the public participation procedure from Chris Walford, the agent and Darron Grainger, the applicant. Mr Walford stated that the application seeks approval for two building plots for executive style dwellings on the front section of existing paddock fronting Cats Lane. He explained that the proposed area for development adjoins the built form of the village and there are also dwellings on both sides of the application site.

Mr Walford explained that the general character of this section of Cats Lane is large, detached properties, well spaced on large plots fronting the road and the revised proposal for two dwellings reflects the character profile and is considered to be a logical and contextual continuation of development on the edge of the settlement. He made the point that Tydd St Giles is defined as a small village within the Local Plan where residential infilling will be accepted and there is an ongoing debate as to whether the site is infill or not as there are houses on either side of the site and if members consider it as infill, then it is policy compliant, however, if it is not classed as infill, there are no other opportunities for infill in the village then the only opportunity for the village to grow will be for development to take place on the outskirts and on the edge of the village settlement.

Mr Walford stated that this appears to have been a thought process adopted by the Planning Committee on previous applications, such as one in Turves and Gorefield, both of which were on the outskirts of the settlement and, in his view, it is felt that the proposal meets both sides of the infill debate. He stated that because the site abuts the existing settlement it is considered to be part of the village and not open countryside and members of the committee made comments when considering the applications previously in Turves and Gorefield which included if a site abuts the village development then how can it be classed as an elsewhere location and he stated that he agrees with that viewpoint.

Mr Walford stated that as the site is classed as being part of the village, the sequential test is justified and acceptable and in terms of flooding he is aware of many surrounding Fenland fields which are currently suffering from standing water and as it stands the area for development does not have this issue which is in Flood Zone 2 and 3 but the proposal will be carried out with sustainable detailed drainage design to ensure that it will not increase flood risk and the flow can be attenuated and discharged into drainage systems around the site. He explained that in terms of benefits to the village, other settlements nearby such as Newton and others mentioned, have seen support for development that would sensibly grow the village in order to sustain and promote their facilities and amenities and he feels the same about Tydd St Giles and expressed the view that by delivering logical sites the application is the way forward.

Mr Walford explained that the application has no objection from the Highway Authority, Tree Officer, Environment Agency, Drainage Board, Wildlife Officer or Natural England.

Mr Grainger explained that there have been many comments over the last week with regards to the water on the application site, however, it is not the site and he has no control over the weather which has impacted the whole country or over the actions of others who take it upon themselves to fill in ditches and remove trees along his boundary. He stated that the Council and the North Level Drainage Board are aware of this new issue which will be resolved in the Spring when the ground can be worked on.

Mr Grainger stated that there is no flooding on the application site due to the fact that it can drain into the shire drain and it is the highest part of the land that he owns, making the point that he simply wishes to build homes for his family on land that he owns, and stated that he is not a builder but has the opportunity to provide homes for his family, without them needing deposits and mortgages. He explained that he has five children and two grandchildren, and he lives in Fenland and his job is to provide for his family which is his wish.

Mr Grainger stated that his land is in Tydd St Giles and is surrounded by houses as well as his own which was built in the 1700's and he sees the proposal as an infill site located between properties and the land is not being used for any purpose at the current time and has not been farmed in over 30 years.

Members asked the following questions:

- Councillor Mrs French asked for confirmation as to where the flooding was in the photographs that the objector had highlighted in her objection and also further detail as to where the pumping was from and where was it being pumped to. Mr Grainger explained that there has been a new build dwelling constructed and they have backfilled a ditch, removed the trees that were there and raised the land by a foot so the water can no longer get to where it was going and, therefore, it is his intention to install a pipe from that side to his side which will move the water. He added that the Council are aware of the issues that he is having but the issue has arisen only since the fence has been erected and it is not a historical problem. Councillor Mrs French stated so a new house has been built and the owner has taken it upon themselves to fill in a ditch. Mr Grainger stated that it is the large new build which has filled the ditch in and also at the back of Shallon, there was also a drain which led out to the front and historically the owners of that property have filled in the drain at the back and also one at the front of their property. He added that when he purchased the land because it was filled in it did cause issues, so he dug it out and North Level IDB have put a culvert under Cats Lane. Mr Grainger explained that he was there for three days and on 6 January he went back to the site and was able to drain the water in 7 hours. Mr Walford added that at any reserved matters application, a drain could be introduced down the side and along the back and then water could be carried back to where it should go. Mr Grainger stated that it just requires one perforated pipe to solve the problem of somebody else's water.
- Councillor Mrs French asked for clarification concerning the details of how surface water and sewage on the application site will be dealt with. Mr Walford stated that due to the location it will be a treatment plants and there is a drain there so it can be disposed of nicely and surface water will either go to the drain and then they will pay for discharge or they could attenuate into the drain which can be agreed via a drainage condition or through the reserved matters stage. Mr Grainger made the point that the water was pooling on a Flood Zone 1 site and there was nothing on 2 and 3 and the reason is why it is 2 and 3 is due to the close proximity to the shire drain which has been raised with the Environment Agency.
- Councillor Mrs French stated that it would appear that officers need to be reviewing the conditions associated with the new build property and take enforcement action to ensure the filled in ditch is dug back out.

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

- Councillor Marks expressed the view that he has concerns with regards to flooding and he questioned whether members are considering approval of planning permission on something where there already appears to be historic problems and what guarantees are in place that the pipe which will be going over somebody's land stays empty. He stated that the neighbours have already highlighted that they are already experiencing flooding issues and whilst the flooding episodes may not be down to the applicant there does appear to be instances of flooding which were not occurring previously, adding that the applicant has made the point that it took him 7 hours to pump away the water. Councillor Marks expressed the opinion that in addition to the concerns over flooding, the application was already refused previously, and he cannot see what the difference is with the current proposal apart from the number of dwellings.
- Councillor Benney stated that apart from the application being reduced down to two properties there are no other changes. He added that it has been eleven months since the application came before the committee and he has the same view as Councillor Marks, that there are flooding issues to consider, and the Parish Council did not support the previous or

current proposal.

- Councillor Connor stated that he agrees that there is not much change and only the number of dwellings which has reduced from three to two. He made the point that the issues concerning flooding need to be resolved in the first instance and he will support the officer's recommendation.
- Nick Harding stated that the reasons for refusal do not relate to the issue of the ponding of water and the action taken to deal with it and the third reason for refusal is with regards to the sequential and exceptions test.

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

(Councillor Benney left the meeting following the determination of this item and for the remainder of the items on the agenda)

P95/23

F/YR22/1084

LAND TO THE LAND SOUTH WEST OF 92 HIGH STREET, CHATTERIS
THE SITING OF A MOBILE HOME FOR RESIDENTIAL USE AND ERECTION OF
AN ANCILLARY DAY ROOM

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

Members received a written representation, in accordance with the public participation procedure from Jodie Chittock, a supporter read out by Member Services. Ms Chittock stated that she is a direct neighbour and only neighbour to 84b, residing at 84 and wrote a statement last time the application was considered back in August, so members can look back and see how this is impacting on her mental health, the not knowing if they have stability and could have to move if not given permission as she is worried who will buy this land after. She expressed the view that the only people who will buy it for sure will be undesirable to Chatteris and the area and will potentially turn it into a business or scrap yard.

Ms Chittock acknowledged that access is the committee's main concern, but made the point that they owners have lived here for 4 years this Summer so she does not see that the access could have a negative impact from one more family, with the access already being used which is rightfully their right of way as they are at the top. She feels if the neighbours have already been on the site for four years as this has been going on for some time now waiting to go to committee, she does not see why they would get refused when it has been left this long and, therefore, they are using the access already and it causes no issues.

Ms Chittock stated that the applicants are just a family with three children with one to be born in June wanting to start a life and secure a family property and asked members to consider allowing them to stay as the last 4 years they have been totally respectful and not at all negatively impacted the environment or access. She asked that consideration be made to worst outcome and that would be who buys it after and what they will do with it, with the impact on her family and her children whom play safely outside the gate as she worries about strangers and their safety with this. She stated that she completely supports the application.

Members received a presentation, in accordance with the public participation procedure, from Nathaniel Green, the agent. Mr Green explained that the plan on the previous presentation screen is a previous plan, however, it does not matter given that the only change that took place was that the turning area was moved from the tree protection area. David Rowen stated that the plan depicts the quantum of development which is proposed onsite subject to some minor tweaks and, therefore, he is satisfied with the plan shown.

Mr Green stated that two of the reasons for refusal have now been disregarded thankfully but the issue of highways still remains, making the point that he understands that Highways Officers have a job to be cautious, but he has formally submitted a highways report and that the problem, in his opinion, is the difference between percentages and real numbers, with Highways stating that there is going to be a 25% increase in vehicle movements and in practice that it is 2 to 3 vehicles a day which is a modest amount. He stated that when looking at the crash mat database for the High Street, when considering the records for 2015 to 2019 inclusive, there have been no accidents at all recorded in that area and in the four years that his client has lived on the site they have said that there have been no accidents whatsoever around the entrance way.

Mr Green made the point that although his clients have been living there unlawfully, in practice there has in effect been a test to see if there has been any accidents and members of the committee need to consider that there are only three vehicle movements a day. He stated that when considering the forward visibility it is apparent that the forward visibility splays within the near traffic lane exceeds the required safe stopping distances by at least 230% from the south and, therefore, any approaching driver from the south will have more than sufficient time to see a vehicle edging forward and either manoeuvre around it or stop safely if required in order to allow it to join or leave the High Street.

Mr Green explained that it should be noted that the forward visibility towards an emerging vehicle from the southbound traffic approaching from the north extends 87 metres which is more than double the 43 metres required under the Manual for Streets (MFS) parameters for a 30mph speed limit, explaining that MFS is the publication for all Traffic Officers and Traffic Consultants. He stated that while it may not be possible to provide the desirable unobstructed visibility provision when considering the guidance in MFS, together with its flexibility and guidance regarding local context and an evidence based approach, it can be concluded that the proposed access to the site would provide acceptable and safe visibility splays which are superior to many of the neighbouring existing accesses and junctions which have demonstrably operated safely for at least 5 years.

Mr Green stated that having taken that into consideration, unless the Highway Authority does not consider the guidance in MFS, he would find it surprising as it appears that MFS is applicable in this case, it can only be concluded that the proposed visibility splays provided are acceptable to maintain safe access in the context of the local highway network. He made the point that his client has been living on the site, and that after four years and whilst it has been unlawful, the information provided can assist members to make a balanced judgement on what is a gypsy site.

Mr Green added that he still strongly disagrees with the suggestion that his client does not have gypsy status as, in his opinion, they do, and he would be quite happy to see that pursued further. He stated that on the basis of the information that they have seen and heard and the fact that the argument has been put forward that the highways access is acceptable in practice he asked the committee to support the proposal.

Members asked Mr Green the following questions:

- Councillor Marks expressed the view it is irrelevant as to whether the site is a gypsy site as he has no issue with that whatsoever but he does have serious concern over the access point as he knows the junction where the cars come out of, and he questioned that fact that there is no recorded accident data and, therefore, takes exception to that point. He stated that there was a Freelander parked which had accident damage to it along with a Volvo which had a missing wing mirror and, therefore, he does not have confidence that the data is 100% correct. Councillor Marks added that his biggest concern is when driving out of town the access point is very hazardous especially where the wall is for pedestrians. Mr Green made the point that the driveway is active, with the entranceway is already in use and the only addition would be two or three additional vehicle movements a day onto that and pedestrians will already be aware that it is an access way in use because of existing usage by owners and also by Council vehicles. Councillor Marks made the point that he is

concerned for users of the pavement such as adults, children on bicycles and mobility scooters and made the point that it only takes one vehicle movement to have an accident.

Members asked officers the following comments:

- Councillor Mrs French stated that Member Services had read out the written representation in support of the proposal which stated that the application has been ongoing for 4 years and she added that she finds that interesting as the planning application was only applied for two years ago at the end of 2022, asking officers to clarify when the application was submitted. David Rowen confirmed that the application was submitted in 2022.

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

- Councillor Marks stated that he feels sorry for a very young family who want to live somewhere, and he has no issues regarding the application apart from the access as he has concerns that should the application be approved and then somebody gets hurt or injured going forward. He stated that the family need to live somewhere, and they have already started their home on the site, however, regardless of what is on the site, the same cause for concern would still exist. Councillor Marks questioned if there was anyway of the access being point being rectified than he would happily support the application.
- Councillor Connor stated that he has the same views as Councillor Marks. He added that Chatteris Town Council also recommend the application for refusal due to concerns over access, unsuitable and poor visibility for vehicles leaving the site as the opening is too narrow and at 5.3 of the officer's report the County Council have made reference to two recently refused planning applications where they were both refused on highway safety grounds. Councillor Connor expressed the view that if there could be another access point into the site without worrying about highway safety then he would support the proposal, however, he does need to consider the recommendation of the Highway Authority and that of Chatteris Town Council.
- Councillor Marks questioned whether there is anyway that officers can think of in order for the proposal to be supported whether that be to liaise with the Highway Authority or to consider deferring the application in order to try to overcome the one stumbling block to try and assist the applicant.
- Councillor Hicks asked whether a domed mirror could be considered, and Councillor Connor stated that the Highway Authority do not allow them.
- David Rowen referred to the two sets of comments made by the Highway Authority, one set on 14 November and then a further set which have been provided on the basis of additional information, with the Highway Authority not altering their view and, therefore, unfortunately the committee has either got to consider the officer's recommendation, course of action from the Highway Authority or go against their view.
- Councillor Marks stated that when looking at the officer's presentation it shows that the pavement narrows at the wrong point and if it was just one metre wider then anybody with a pushchair would be in a far better position. He expressed the view that there must be something that can be considered in order to help the family.
- Councillor Connor agreed that the agent, Mr Green, be given permission in order to readdress the committee. Mr Green stated that he suggests that a Section 278 Agreement be applied for in order to widen the pavement by the entrance to the site.
- Councillor Imafidon asked Mr Green to clarify that he had stated that the Council also use the roadway to service the properties and he questioned whether that was correct. Mr Green stated that the refuse lorry travels up and down the lane to collect waste.
- Councillor Mrs French stated that there is no way a Fenland refuse freighter can fit down there.
- Nick Harding stated that what has been suggested by the agent is that a 278 agreement to make some highway alterations to improve the visibility splay and, therefore, if committee wish to follow that course of action then they would need to agree to defer a decision and then obtain an indicative 278 drawing which would need to be consulted on and then consideration could be given as to whether it would work or not. He added that he will also

ascertain whether a refuse freighter uses the lane to service the properties as well.

- Councillor Mrs French stated that the 278 application process does have a cost implication. Mr Green stated that he is aware of the associated costs and the applicant has agreed to consider that course of action in order to see whether it is a viable option.
- Councillor Hicks expressed the opinion that he thinks a 278 Agreement should be applied for.
- Councillor Mrs French asked how wide the lane is and it was confirmed that it was 11ft.
- Councillor Marks expressed the view that it is incidental as to whether the refuse freighter uses the lane at all as the concern is for any vehicle using the lane. He stated that the best option is to defer the application and work with officers.
- Nick Harding explained that the agent will work with a Transport Engineer to design something which will then be passed to the Highway Engineers at the County Council for their consideration and views on the scheme.

Proposed by Councillor Marks, seconded by Councillor Hicks and decided that the application be DEFERRED to enable the applicant to submit a Section 278 Agreement to the Highway Authority for them to consider a different highway scheme which will work for the application.

(Councillor Connor declared, in accordance with Paragraph 2 of the Code of Conduct on Planning Matters, that he had received messages from a Third Party regarding the application, however, he advised those individuals to contact the Planning Officers and he stated that he will keep an open mind with regards to the application)

(Councillor Marks declared, in accordance with Paragraph 2 of the Code of Conduct on Planning Matters, that he had been lobbied on the proposal, however, he would keep an open mind when considering the application)

6.00 pm

Chairman

F/YR23/0875/F

**Applicant: Mr Simon Howard
Howard Renovations Ltd**

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

7 Station Road, Manea, March, Cambridgeshire PE15 0JL

Change of use of existing restaurant to a house of multiple of occupation (HMO) (Sui-Generis) for up to 12 persons, and associated works, retention of existing 2-bed dwelling, and outbuilding for storage

Officer recommendation: Grant

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

1 EXECUTIVE SUMMARY

- 1.1 This site has been the subject of 2 previous applications for planning permission (F/YR20/1257/F for up to 18 residents and F/YR22/0869/F for up to 11 residents) both of which were refused. The former was the subject of an appeal which was ultimately dismissed; however, the decision and its conclusions are a material consideration in the determination of the current application, and one which was not available at the time the 2022 application was determined.
- 1.2 The appeal was only dismissed on the basis of the identified harm to the living conditions of surrounding residents, with regards to noise and disturbance, in relation to the significant number of residents utilising the external amenity area. As such, the previously asserted overdevelopment of the site and impact of increased on-street parking demand on the amenity of surrounding residents can no longer be justified.
- 1.3 The current proposal incorporates acoustic fencing which is considered to mitigate potential noise and disturbance to surrounding dwellings, and when considered alongside the lower number of residents from the appeal scheme and absence of any additional identified harm, is not considered to result in a significant detrimental impact.
- 1.4 As such, the benefits of the scheme, namely the reuse of the existing building, effective use of land within a Growth Village and provision affordable accommodation, along with the contribution of the proposal to the sustainability of the village, is considered to outweigh the less than substantial harm now identified.
- 1.5 As such, the recommendation is the grant the application.

2 SITE DESCRIPTION

- 2.1 The application site is located on the western side of Station Road and comprises of the former 'Classics' restaurant with rooms above and the associated 2-bed dwelling attached. The building is 2-storey and 'L' shaped with a single-storey element to the rear.
- 2.2 There is a narrow tarmac access drive situated between 7 and 5 Station Road, leading to a small parking and garden area to the rear, there is also a part single-storey, part 2-storey height (there does not appear to be a first floor) brick-built outbuilding/store which forms the rear boundary of the site.

3 PROPOSAL

- 3.1 The application seeks full planning permission to change the use of the restaurant and rooms (5 rooms with shared bathroom and WCs) to a 6-bed HMO for accommodation of up to 12 residents with shared communal facilities and outside space, involving associated works.
- 3.2 Ground floor accommodation is to comprise of 1 bedroom with en-suite, communal kitchen, lounge and dining rooms, entrance hall/lobbies, stores, 2 WC's and shower room. The first floor comprises 5 bedrooms, 1 with en-suite, utility room, 2 shower rooms, 2 WC's and a bathroom. Internal alterations are proposed to facilitate this. Externally the building remains broadly the same aside from replacement windows of the same design, the removal of a high level first-floor window on the west elevation and insertion of a first-floor window in the south elevation.
- 3.3 The accommodation is required, according to the submitted information, to provide temporary, permanent and flexible living accommodation. An HMO is being applied for and as such would require a licence and be subject to the necessary legislative requirements.
- 3.4 The 2-bed dwelling is to be retained and will have a separate external area and 2 parking spaces which are to be surfaced in tarmac and demarcated, with a gravelled turning area behind.
- 3.5 The existing outbuilding is to be retained for storage for use by the landlord and the shed in the south western corner of the site has already been demolished. A bin storage area is proposed in the location of the former shed and 2m high acoustic fence proposed to enclose the western and southern boundaries and bin storage area. External cycle storage is also proposed.
- 3.6 It is understood that the building/site is currently being used in an unauthorised manner, however not for the development applied for, hence the application is not described as retrospective.
- 3.7 Full plans and associated documents for this application can be found at:

[F/YR23/0875/F | Change of use of existing restaurant to a house of multiple of occupation \(HMO\) \(Sui-Generis\) for up to 12 persons, and retention of existing 2-bed dwelling, and outbuilding for storage | 7 Station Road Manea March Cambridgeshire PE15 0JL \(fenland.gov.uk\)](#)

4 SITE PLANNING HISTORY

F/YR23/0561/PNC01	Change of use from ground floor restaurant to 3 x flats (2 x 1-bed and 1 x 2-bed) (Part 3, Class MA)	Refused 17/8/2023
F/YR22/0869/F	Change of use from restaurant and 2-bed dwelling to a house of multiple of occupation (HMO) (Sui-Generis) for up to 11 persons, and retention of existing 2-bed dwelling, outbuilding for storage and demolition of existing shed (part retrospective)	Refused 20/10/2022
F/YR20/1257/F	Change of use from restaurant and 2-bed dwelling to mixed use of 7-bed unit for accommodation of up to 18 residents with shared communal facilities and 2-bed dwelling involving retention of existing outbuilding for storage and demolition of existing shed (part retrospective)	Refused 20/08/2021 * Appeal dismissed 13/3/2023
F/0701/76/F	Use of premises as a guest house (retrospective)	Granted 22/11/1976

*Appeal Decision is provided at Appendix A

5 CONSULTATIONS

5.1 Parish Council (21/11/23)

Object.

- *Inadequate Parking*
- *Over Development*
- *Inadequate access and egress, reversing onto Station Road.*

5.2 Parish Council (30/1/24)

Object:

12 persons still too many, over crowding

Lack of parking

Rooms too small

5.3 Housing Compliance Manager (FDC) (16/11/23)

The proposed plans to convert this building into a HMO is acceptable, but would advise the owner to ensure the following aspects are addressed:

- 1. Mechanical extraction afforded to the en-suite in Bedroom 1, 1st floor lobby & ground floor shower rooms*
- 2. Consider installing an additional or larger window to bedroom 5, due to size of room*
- 3. Increase proposed washing up, cooking and cupboard facilities within the kitchen, in line with current HMO Regulations*
- 4. Whilst some rooms are of adequate size for more than 2 pers, bedrooms occupied for long term residential use should only be occupied by persons*

expected to live with each other. HMO's are unsuitable for children and therefore bedrooms should ideally be occupied by a maximum of 2 pers.

The team are confident that the above issues can be resolved informally with the owner, who has complied with all informal requests thus far. The team support the redevelopment of this building, which, otherwise would be left unoccupied and at risk of attracting vandalism and Anti-Social Behaviour, as is evidenced all too often throughout the district.

5.4 Housing Compliance Manager (FDC) (4/1/24)

Having reviewed this latest amendment (in relation to the revised arrangements to bed 5 and 6) I am satisfied that the alterations comply with HMO Regulations.

5.5 Housing Compliance Manager (FDC) (19/1/24)

Having reviewed the contents of the revised application which proposes a 12 person House in Multiple Occupation (HMO) at the above address, officers wish to make the following comments, which are made giving regard to the council's HMO Guidance & the HMO Regulations (Statutory Instruments: 2006 No 372/3 & 2018 No 616) and the Housing, Health & Safety Rating System (Housing Act 2004):

- 1. The revised application satisfies the consultation comment (point 2) submitted by this team on 16th November 2023*
- 2. The intention of the above recommendation was to increase the level of natural light into Bedroom 5. To install obscure glazing would partially reduce the impact of this additional window being installed. There are no additional hazards posed by installing clear glazing.*

Further information relating to HMO requirements can be found at [Houses in Multiple Occupation \(HMO\) Licensing - Fenland District Council](https://www.fenland.gov.uk/HMO) <https://www.fenland.gov.uk/HMO>

5.6 Environmental Health (FDC) (12/12/23)

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

It is acknowledged that Fenland District Council's Private Sector Housing Team have already commented on this application owing to the proposed change of use type.

5.7 Environmental Health (FDC) (4/1/24)

The acoustic fence inclusion would certainly be welcomed and is often typical of what is requested by this service and/or incorporated by developers as a means of noise mitigation to protect the external amenity of residents. This coupled with the reduction in number of proposed occupants would certainly aid to reducing the likelihood of being contrary to Policies LP2 and LP16 of the Fenland Local Plan as suggested by the Planning Inspectorate.

I have undertaken many inspections of Houses in Multiple Occupation (HMO) and from experience, I've found that the rear garden areas are typically used less than those providing accommodation for a family, due to their very nature of by definition not forming a single household.

5.8 Cambridgeshire County Council Highways

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

Whilst the lack of parking provision is undesirable and would likely lead to an increase in vehicles parking on the highway, if permitted. I do not believe that this would have a detrimental effect on highways safety in this location. However, Fenland District Council as the planning and parking authority should ensure that any permissions granted is inline with the relevant Parking Standards and Policies.

Recommended Conditions

HW11A – The access shall be laid-out as per the approved plans and be hardened for a min of 6m from the near edge of the highway carriageway and thereafter retained in perpetuity.

HW14A - Prior to first occupation or commencement of use of the development sufficient space shall be provided within the site to enable vehicles to enter, turn and leave the site in forward gear and to park clear of the public highway. The area shall be levelled, surfaced and drained and thereafter retained for that specific use.

5.9 Environmental Services Operations Manager (Refuse Team) received on previous application F/YR22/0869/F:

With the proposal for this property to changed to up to 11 person HMO and retention of the 2 bed dwelling the maximum number of bins that would be as per our waste service standards [Getting it Sorted Policies and Procedures \(fenland.gov.uk\)](https://fenland.gov.uk). For the 2-bed dwelling this would be 1 x 240 litre General Waste Bin and 1 x 240 Recycling bin, for the to 11 person HMO this would be 2 x 240 litre General Waste Bins and 2 x 240 Recycling Bins collected on a 2-weekly basis.

Any additional waste generated outside of these service standards are not domestic waste and collection via a licenced waste carrier would need to be put in place by the landlord or management company at their expense. With the number of proposed residents' alternative arrangements above the standard bin provision will be required. The design and access statement indicates that alternative arrangements via a licensed waste carrier will be put in place therefore we would have no objections to this application.

5.10 Designing Out Crime Officer (19/12/23)

Thank you for the opportunity to comment on this planning application. Having viewed the documents, my previous comments 2nd September 2022 still stand I have no further comments.

Comments from 2/9/2022 received on F/YR22/0869/F:

Thank you for the opportunity to comment on this revised planning 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 this location for the last 2 years a two-year period would usually provide sufficient information however, these figures also take account of Covid-19 lockdown and restrictions. I would consider this to be an area of low risk to the vulnerability to crime at present. We need to ensure that community safety and vulnerability to crime is addressed at an early stage with this application.

Please see my comments below as per previous comments 16th August 2022.

Crimes of note:

Crime Type	Total crimes for the ward = 228
Assault With Injury	4
Assault Without Injury	3
Burglary Residential	1
Public Order/Anti-Social Behaviour. Inc, Race and Religious offences	4
Criminal Damage Vehicle	2
Criminal Damage Other	1
Theft From Motor Vehicle	1

- Flats communal entrance's (front and rear) - Visitor Entry System (Audio Visual) & Access Control - it would be good to see what access control and visitor entry systems are being proposed – our recommendation is audio/visual visitor entry to allow the residents to see and speak to visitors prior to allowing access. There should be no trade buttons or other electronic release mechanisms.
- Post boxes - Ideally external wall mounted boxes TS009 standards fitted with restrictors.
- External lighting - please could you clarify what lighting there will be for the property, external lighting should be to BS5489:2020 standards. Home security lights to the front and rear of the properties should be dusk to dawn LED bulkhead lights (including ground floor flats) and the building line. Please note: Bollard lighting should be used as wayfinding only and should not be used as a primary lighting source for any roads or parking areas, where they are also prone to damage. (There are column lights that are sympathetic to the environment and work alongside wildlife ecology and light pollution!).
- Cycle Sheds – (I would like to see a design of the proposed shed once available) - door hinges should be coach-bolted through the shed structure or secured with security or non-return screws;
 - Two hasp and staples that meet 'Sold Secure' Silver should be used. One positioned 200mm - 300mm down from the top of the door, and one positioned 200mm - 300mm up from the bottom of the door. Additionally, hasp and staples should be coach bolted through the shed structure or secured with either security or non-return screws;
 - Both padlocks should meet 'Sold Secure' Gold or LPS 1654 Issue 1.1:2014 Security Rating 1 standard padlocks to be used;
 - Shall be securely fixed to a suitable substrate foundation.
<https://www.securedbydesign.com>
- Sheffield stands - the design problems that 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).
 - 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 this

area is a regularly targeted hotspot). They should be in view of windows, overlooked by CCTV with appropriate lighting and signage.

There doesn't appear to be a section in the Design and Access statement relating to security or crime prevention, 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 residents and visitors.

I am happy if these could be a Condition should planning approval be given, as I consider it is essential for community safety and to reduce risk for opportunistic crime and disorder.

5.11 Designing Out Crime Officer (19/1/24)

Thank you for the opportunity to comment on this revised proposal. Having viewed the documents and revisions. This office has no comment.

5.12 Local Residents/Interested Parties

Objectors

27 objections have been received (all from Manea), in relation to the following:

- HMO not suitable for the village/not practical location
- Parking – lack of and increased on street parking
- Transient nature of accommodation
- Already being used as an HMO/applicant has disregarded previous refusals
- Anti-social behaviour/crime
- Noise
- Light pollution
- Incidents occurred where police have attended
- Visibility and access problems due to location of site on a bend
- Proximity to school
- Concerns regarding an increase in residents over that applied for
- Application is now for additional resident (11 previously now 12)
- Farm workers could be accommodated in caravans on land on farm.
- Loss of residential amenity/privacy
- Concerns over safety, security and site management
- Concerns regarding the use and condition of the outbuilding
- The use of the restaurant was restricted by its licence
- Discrepancies with the details submitted
- Refuse collection arrangements
- Does not provide adequate external amenity
- Limited public transport and therefore reliance of private vehicles
- Further overlooking/impact from additional first-floor window – should be obscure glazed and non-opening
- Removal of shed not indicated

Supporters

9 supporting comments have been received (8 from Manea and 1 from Peterborough), in relation to the following:

- Needs to be approved so property can be renovated; has been ongoing for 3 years
- Application addresses concerns raised by FDC
- Acoustic fencing has been added to reduce sound

- Number of occupants reduced by 33% from original application
- Improved garden area for retained 2-bed dwelling
- Highways have no issues
- Property is perfect for HMO use
- No yellow line restriction on road to prevent parking
- HMO's needed

Comments, where they relate to planning matters, will be addressed in the sections below.

6 STATUTORY DUTY

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

7 POLICY FRAMEWORK

National Planning Policy Framework (NPPF)

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

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

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

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

Para. 60 – The needs of groups with specific housing needs are addressed.

Para. 83 – Promoting sustainable development of rural areas

Para. 88 and 89 – Supporting a prosperous rural economy

Para. 96 – Achieving healthy, inclusive and safe places

Para. 97 – Providing the social, recreational, cultural facilities and services the community needs

Para. 114 – Safe and suitable access to the site can be achieved for all users

Para. 115 – Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety

Para. 123 – Promoting effective use of land for housing and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions

Para. 124 d) – promote and support the development of under-utilised land and buildings

Para. 135 - Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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

Para. 191 a) – mitigate and reduce to a minimum potential adverse impacts resulting from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life

National Planning Practice Guidance (NPPG)

Determining a Planning Application

National Design Guide 2021

Context – C1

Identity – I1, I2

Movement – M3

Homes and Buildings – H1, H2, H3

Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

LP6 – Employment, Tourism, Community Facilities and Retail

LP12 – Rural Areas Development Policy

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

LP17 – Community Safety

LP19 – The Natural Environment

Emerging Local Plan

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

LP1 – Settlement Hierarchy

LP5 – Health and Wellbeing

LP7 – Design

LP8 – Amenity Provision

LP11 – Community Safety

LP17 – Culture, Leisure, Tourism and Community Facilities

LP20 – Accessibility and Transport
LP22 – Parking Provision
LP24 – Natural Environment
LP32 – Flood and Water Management

8 KEY ISSUES

- **Principle of Development and Economic Growth**
- **Design considerations and visual amenity of area**
- **Residential Amenity/Health and wellbeing**
- **Highways and parking**
- **Flood Risk**
- **Ecology**

9 BACKGROUND

- 9.1 The planning background to this site which is relevant to this proposal (noting that the most recent application F/YR23/0561/PNC01 was an application for prior approval, rather than an application for planning permission) is discussed here:
- 9.2 Planning application F/YR20/1257/F was submitted for the change of use from restaurant and 2-bed dwelling to mixed use of 7-bed unit for accommodation of up to 18 residents with shared communal facilities and 2-bed dwelling involving retention of existing outbuilding for storage and demolition of existing shed (part retrospective).
- 9.3 This proposal was considered to fall outside the scope of HMO legislation and more akin to a Hostel, which would not be subject to the same regulatory control in relation to safeguarding the well-being of occupants. This application was refused by Planning Committee in August 2021 for the following reason:

Policy LP2 of the Fenland Local Plan 2014 requires development proposals to promote high levels of residential amenity, promote health and wellbeing, reduce the fear of crime and anti-social behaviour and avoid adverse impacts. Policy LP16 seeks to create high quality living environments and ensure developments provide sufficient private amenity space and do not have adverse impacts on neighbouring users. Policy LP15 seeks to ensure developments provide well designed car parking appropriate to the amount of development proposed.

The proposal is considered to constitute an overdevelopment of this modest site. The number of residents, nature of the use, unacceptable waste collection arrangements and burden placed on the surrounding area to meet increased parking demand would result in a poor quality living environment for residents of the development and a significant detrimental impact on the residential amenity of neighbouring residents through noise and disturbance, contrary to the aforementioned policies.

- 9.4 The aforementioned refusal was appealed, however at the time of the submission and determination of subsequent application F/YR22/0869/F the appeal was still ongoing and therefore could not be considered in the assessment of the scheme:
- 9.5 Planning application F/YR22/0869/F was submitted for the Change of use from restaurant and 2-bed dwelling to a house of multiple of occupation (HMO) (Sui-Generis) for up to 11 persons, and retention of existing 2-bed dwelling, outbuilding

for storage, and demolition of existing shed (part retrospective). This application was refused by Planning Committee in October 2022 for the following reason:

Policy LP2 of the Fenland Local Plan 2014 requires development proposals to provide high levels of residential amenity, promote health and wellbeing and avoid adverse impacts. Policy LP16 seeks to create high quality living environments and ensure developments provide sufficient private amenity space and do not have adverse impacts on neighbouring users. Policy LP15 seeks to ensure developments provide well designed car parking, appropriate to the amount of development proposed.

The proposal is considered to constitute an overdevelopment of this modest site. The number of residents, nature of the use and burden placed on the surrounding area to meet increased parking demand would result in a poor quality living environment for residents of the development and a significant detrimental impact on the residential amenity of neighbouring residents contrary to the aforementioned policies.

- 9.6 The appeal (APP/D0515/W/21/3283272) in relation to F/YR20/1257/F was dismissed in March 2023:

The Inspector considered ‘the contribution the proposal would make to the provision of affordable rural workers accommodation and supporting the rural economy’ and concluded these benefits attracted limited weight. Moderate weight was given to ‘the re-use of an existing building and the benefits to local services and trades’.

It was considered that ‘the proposal would provide satisfactory living conditions for future occupants but the lack of harm in this regard and to other identified matters are neutral considerations’.

The inspector concluded that ‘the proposed development would be harmful to the living conditions of surrounding residential occupiers with regard to noise and disturbance’ that ‘this harm would be permanent’ and as such was ascribed ‘substantial weight which would not be outweighed by the positive benefits of the scheme’.

- 9.7 Whilst the appeal was ultimately dismissed, the decision and its conclusions (which will be considered in further detail in the following sections), are a material consideration in the determination of the current application, and one which was not available at the time application F/YR22/0869/F was determined.

10 ASSESSMENT

Principle of Development and Economic Growth

- 10.1 The application site is located within the settlement of Manea which is identified within the Settlement Hierarchy as a Growth Village; Policy LP3 of the Fenland Local Plan 2014 advises that development and new service provision either within the existing settlement (such as this site) or as small village extensions will be appropriate. Policy LP12 of the Fenland Local Plan 2014 (Part A) advises that for villages, new development will be supported where it contributes to the sustainability of the settlement.

- 10.2 LP6 of the Fenland Local Plan 2014 seeks to retain community facilities unless there is adequate justification, this would be applicable to the loss of the restaurant as it provides a service to the village. The current application provides no evidence to justify the loss, relying on the fact the Council have accepted this under the previous application (F/YR20/1257/F), which acknowledged the following:

A statement has been provided by the previous owners, advising that the building was put on the market with a specialist commercial agent in March 2018 and then with a local agent. There were no viewings from the commercial agent from March 2018 until the sale of the building to the applicant who bought the building not the business, there were only 2 other viewings, and neither were to purchase as a restaurant. The former owners had tested the market 12-13 years ago with 3 national hospitality agents, however there was no interest. The supporting statement advises that the pre-existing business was no longer viable, and it is understood this closed in 2019. Case law has established that the loss an existing use can be a material consideration where there is a likelihood that the use would resume if permission for an alternative use is refused, in this case it is considered unlikely as the business was not bought with the building, and given the backdrop of the Covid 19 pandemic and impact on hospitality.

In light of the above, the principle of the loss of the community facility is accepted.

- 10.3 The proposal would reuse an existing building, make effective use of land within a Growth Village and provide affordable accommodation. It is likely that residents would utilise shops and facilities within the village contributing to its sustainability, and the proposal would provide employment during the construction works.
- 10.4 Previous submissions have indicated that the proposal could serve the needs of farms in the wider region by providing accommodation for agricultural workers, however this has not been asserted for the current application.
- 10.5 Whilst the policies of the emerging local plan carry extremely limited weight in decision making:

Policy LP1, Part A identifies Manea as a large village; Part B advises that proposals within the settlement boundary (such as this site) will be supported in principle (subject to all other policy considerations).

Design considerations and visual amenity of area

- 10.6 Internal alterations are proposed to facilitate the change of use, externally the building remains broadly the same aside from replacement windows of the same design, the removal of a high level first-floor window on the west elevation and insertion of a first-floor window in the south elevation. The building and location are not considered to be sensitive, hence the replacement of some timber windows with UPVC, and the blocking up and insertion of windows to the rear, are not considered to create a significant adverse impact on visual amenity or the character of the area.
- 10.7 Previous objectors to the development proposals in relation to this site have raised concerns regarding the appearance of the site and it is accepted that the scale and nature of the occupancy could result in an untidy appearance. However, this is dependent upon the behaviour of residents (for example putting rubbish bags in bins rather than leaving them out for collection) and also the owners of the property to ensure it is managed properly. Furthermore, as the

proposal is for an HMO it would be subject to relevant legislation including in relation to management and waste disposal.

- 10.8 The bin storage area would be visible from the street due to the open nature of the drive/parking and turning area, however this is proposed to be partially enclosed by 2m high acoustic fence which would mitigate its impact.
- 10.9 There is an opportunity to improve the area to the rear of the site in relation to appearance and amenity and whilst some indication of landscaping has been provided, given the current condition of the site it could be considered reasonable to condition full details of hard and soft landscaping along with timescales for implementation.

Residential Amenity/Health and wellbeing

- 10.10 The accommodation is required, according to the submitted information, to provide temporary, permanent and flexible living accommodation. An HMO is being applied for and as such would require a licence and be subject to the necessary legislative requirements, including minimum room sizes. This restriction on the room size/number of people per room, the fact it would be their only or main residence and that rooms could not be shared by unrelated individuals (along with the maximum stated in the description of development) would limit residents. The Housing Compliance Manager put forward some recommendations in respect of the scheme which have been brought forward in terms of the number of occupants per room and the provision of additional light to Bed 5, other recommendations are matters of internal detail which could be secured under HMO regulations and/or Building Regulations as necessary. Overall, the Private Sector Housing Team support the redevelopment of this site.
- 10.11 Concerns were previously raised by the Council that the attached 2-bed dwelling could also be occupied intensively by several additional residents over and above those applied for in the HMO. However, in determining the aforementioned appeal, the Inspector considered that whilst located within the site, no changes were proposed to the modest 2-bed existing dwelling and therefore it was not considered harm would be caused.
- 10.12 In assessing the impact of the appeal scheme on the living conditions of surrounding residents the Inspector considered that *'Although activity within the building would not likely be noticeable to surrounding residential occupiers, the proposal could result in a significant number of residents utilising the external amenity area to the rear of the site. Whilst the proposed residential use lies within a predominantly residential area and there have been no objections from the Council's Environmental Health Team, the level of activity from this number of people, in terms of talking and other usage of this space, would be greater than that of a typical family dwelling such as those around the appeal site. The shared accommodation would be occupied by a group of unconnected people, so the external amenity space would likely be used for greater lengths of time than a garden used by a family. Given the proximity of the appeal site to neighbouring properties on Station Road, and to those on Orchard Way to the rear, this element of the proposal would likely cause an unacceptable level of noise and disturbance to neighbouring occupiers, including to the occupants of the retained dwelling on the appeal site. The previous use of the building as a restaurant and associated accommodation was considered and afforded limited weight, as 'the restaurant fallback position, despite its unrestricted occupancy and late night opening, would not be as or more harmful than the appeal scheme....'*

- 10.13 The Inspector did however consider that the *'proposal would provide satisfactory living conditions for its future occupants with regards to amenity space provision'* and that the *'loss of privacy to the rear amenity space of the existing dwelling on the appeal site could be overcome by imposing a planning condition to secure a taller fence'* (a 0.9m high picket fence was proposed).
- 10.14 The appeal scheme was for up to 18 residents and the current scheme is for up to 12 residents, a reduction of 6 (or 33%). The number of residents and intensification of use is still considered to give rise to concerns of noise and disturbance to surrounding dwellings (including the retained dwelling within the site) which was reflected in the refusal of application F/YR22/0869/F for up to 11 residents. However, it is now proposed to install 2m high acoustic fencing to the western and southern boundaries of the site and bin store and retain and make good the existing 2m high boundary wall to the north to mitigate this impact, in addition to providing a slightly larger amenity space for the retained dwelling which is to be enclosed by 1.5m close boarded fencing (a condition can be imposed to secure this with the addition of 0.3 trellis to provide adequate privacy while retaining surveillance of the parking area).
- 10.15 The Council's Environmental Health team have advised that the inclusion of the acoustic fence would be welcomed and is typical of that which is requested by them and/or incorporated by developers as a means of noise mitigation to protect the external amenity of residents, and that, coupled with the lower number of residents would aid in reducing the likelihood of unacceptable impacts on surrounding residents in relation to noise and disturbance. A condition can be imposed to secure full details of the acoustic fence and its provision prior to the occupation of the HMO. It is acknowledged that the acoustic fence would not provide mitigation to the existing dwelling within the site, however, the integrated relationship of the wider planning unit is such that a level of noise and disturbance would be expected, and to some extent would be for future occupants to be aware of potential impacts. The issue of noise and disturbance from the proposed development would need to be weighed in the planning balance against the backdrop of the previous reason for refusal and the more recent appeal decision.
- 10.16 The application proposes an additional first-floor window to the south elevation serving Bed 5 (at the request of the Housing Compliance Manager, to provide additional light due to the size of the room). The window is located approximately 13m from the rear boundary and 19m to the southern boundary, it would have a view towards the dwellings on Orchard Way (mitigated to some degree by the existing outbuilding) and 5 Station Road to the south which would lead to a degree of overlooking, as such, should the application be successful it is considered reasonable to impose a condition to ensure this is obscure glazed and fixed shut below 1.7m to avoid additional overlooking impacts, noting that this is additional to provide light and the existing window would provide an acceptable outlook from this room.
- 10.17 Concerns have been raised by local residents in relation to anti-social behaviour (which is understood to have already occurred on site) and the management of the site. The Designing Out Crime Team consider that measures should be conditioned to ensure community safety and reduce risk for opportunistic crime and disorder. It is understood that the management of the site would fall within HMO legislation however security measures and lighting (to ensure community safety and no unacceptable impacts on surrounding residents or ecology) could be secured by way of a condition).

- 10.18 The Council's Refuse Team have advised that the bin requirements for the site would be 1 x 240 litre General Waste Bin and 1 x 240 Recycling bin for the 2-bed dwelling and for the HMO, 2 x 240 litre General Waste Bins and 2 x 240 Recycling Bins, all collected on a 2-weekly basis. Any additional waste generated outside of these service standards is not considered domestic waste, collection via a licenced waste carrier would need to be put in place by the landlord or management company, and with the number of proposed residents alternative arrangements above the standard bin provision will be required. The proposed site plan indicates a bin storage area in the southwestern corner of the site containing 2 x 1100 litre bins (1 General Waste Bin and 1 Recycling) which would be subject to private refuse collection arrangements. On this basis the Refuse Team have no objections to the scheme, and adequate waste collection facilities would also fall under the HMO legislation. However, full details of the collection arrangement (will bins be collected from within the site or roadside and how often, for example) have not been submitted and as such a condition would be required in this regard to ensure a suitable arrangement is achieved.
- 10.19 Local residents have previously advised that the existing outbuilding is in poor repair and contains asbestos, however no works are proposed to this as part of the application and the management of asbestos is subject to relevant legislation outside of planning control.
- 10.20 Cambridgeshire Fire and Rescue Service have been consulted on this application; however no comments have been forthcoming. Nevertheless, a Fire Risk Assessment is required to be undertaken and forms part of the HMO licence conditions.

Highways and parking

- 10.21 The application site is located in a central location which would enable access to shops and services within the village by walking and cycling (cycle storage is indicated, however full details are required to be secured by condition). Modes of public transport are available, though it is acknowledged that the railway station is approximately 1 mile from the site and options may be limited due to the rural nature of the area.
- 10.22 It is acknowledged that occupiers of HMOs generally have a lower level of car ownership (as indicated by appeal decisions¹) and there are no parking standards for HMOs, as such it would be reasonable to adopt the policy standard for hotels and hostels, which is 1 space per bedroom. On this basis the required on-site parking provision would be 6 spaces for the HMO and 2 for the 2-bed dwelling, a total of 8.
- 10.23 The submitted site plan details 2 parking spaces on site, serving the existing 2-bed dwelling only, these are of adequate dimensions to be considered usable and turning is indicated enable vehicles to enter and exit in forward gear. This is a policy compliant level of parking for the existing dwelling however no on-site parking spaces are provided on site to serve the proposed HMO, therefore there is a shortfall of 6 spaces.
- 10.24 The Local Highways Authority (LHA) acknowledge that the lack of parking provision is undesirable and will likely lead to vehicles parking on the highway, however they do not consider that this would have a detrimental effect on highway safety. In determining the appeal for the 18 resident proposal (F/YR20/1257/F) the Inspector did not consider that the lack of on-site parking,

which would likely lead to vehicles parking *‘in front of the appeal property or elsewhere along Station Road’* would *‘give rise to undue noise and disturbance to surrounding residential occupiers’*, and as such this element of the previous reasons for refusal falls away.

- 10.25 Should the application be successful, the LHA request conditions in respect of the access to the site and the provision and retention of the parking and turning; given that the access is existing and there are no proposals to alter its surface the former is not considered necessary.

¹ APP/D0515/W/17/3176139, APP/T3725/A/14/2226824 and APP/P2365/W/16/3162936

Flood Risk

- 10.26 The application site falls within Flood Zone 1 (low risk) and as such the proposal is considered to be appropriate development and does not require the submission of a flood risk assessment or inclusion of mitigation measures.

Ecology

- 10.27 The application site falls on the outskirts of an Amber Great Crested Newt (GCN) Zone, these are areas where there are GCN populations, habitats and dispersal routes. There are known ponds/water bodies within 250m of the site, however, due to the built-up nature of the area and the presence of the main road through the village, which are likely to be a barrier to dispersal, and given that the application is predominantly for a change of use, in this case, it is not considered necessary to request further information in this regard.
- 10.28 The original scheme (F/YR20/1257/F) proposed the demolition of the existing outbuilding/store, and a preliminary roost assessment was undertaken at that time. The assessment concluded that there was no evidence of bat usage or suitable roosting features and no evidence of nesting birds. That the site is of low ecological value and would benefit from enhancement; bat and bird boxes were recommended in addition to bat friendly lighting.
- 10.29 The aforementioned assessment has not been submitted with this current application as there are no works proposed to the retained outbuilding. However, a range of bat and bird boxes have been incorporated, in accordance with the recommendations of the assessment, and given the proposed loss of existing vegetation it is considered reasonable to condition their installation and retention.

11 PLANING BALANCE AND CONCLUSIONS

- 11.1 As with the previous applications, the principle of development is accepted and the loss of the restaurant with rooms is considered to be justified; there are no issues to address with regards to the visual amenity and character of the area, highway safety, flood risk or ecology.
- 11.2 Application F/YR22/0869/F, in relation to a similar scheme for up to 11 residents was refused for the following reason:

‘The proposal is considered to constitute an overdevelopment of this modest site. The number of residents, nature of the use and burden placed on the surrounding area to meet increased parking demand would result in a poor quality living environment for residents of the development and a significant detrimental impact on the residential amenity of neighbouring residents’

- 11.3 Whilst the subsequent appeal in relation to F/YR20/1257/F for up to 18 residents was ultimately dismissed, the decision and its conclusions are a material consideration in the determination of the current application, and one which was not available at the time application aforementioned application was determined.
- 11.4 The appeal was only dismissed on the basis of the identified harm to the living conditions of surrounding residents, with regards to noise and disturbance, in relation to the significant number of residents utilising the external amenity area. As such, the previously asserted overdevelopment of the site and impact of increased on street parking demand on the amenity of surrounding residents can no longer be justified.
- 11.5 The current proposal incorporates acoustic fencing which is considered to mitigate potential noise and disturbance to surrounding dwellings, and when considered alongside the lower number of residents from the appeal scheme and absence of any additional identified harm, is not considered to result in a significant detrimental impact.
- 11.6 In conclusion, the benefits of the scheme, namely the reuse of the existing building, effective use of land within a Growth Village and provision affordable accommodation, along with the contribution of the proposal to the sustainability of the village is considered to outweigh the less than substantial harm now identified.

12 RECOMMENDATION

Grant; subject to the following conditions:

1.	<p>The development permitted shall be begun before the expiration of 3 years from the date of this permission.</p> <p>Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2.	<p>The HMO hereby permitted shall only be occupied by a maximum of 12 residents at any one time.</p> <p>Reason: To ensure that any increase in occupancy of the property is subject to appropriate consideration of the impacts on residential amenity in accordance with policy LP16 of the Fenland Local Plan 2014.</p>

3.	<p>Prior to the first occupation of the HMO hereby permitted full details of the acoustic fence shall be submitted to and approved in writing by the Local Planning Authority. The approved acoustic fence shall then be installed in the locations indicated on drawing FP-1-100, along with a 1.5m high close boarded fence with 0.3m high trellis on top to the external amenity area serving the 2-bed dwelling, prior to the first occupation of the HMO hereby permitted. The fences shall be retained as such thereafter (notwithstanding the provisions of Schedule 2, Part 2, Class A of The Town and Country Planning (General Permitted Development (England) Order 2015, or any instrument revoking or re-enacting that Order).</p> <p>Reason: To safeguard the noise environment of the surrounding locality and amenity of the 2-bed dwelling, in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
4.	<p>Prior to the first occupation of the HMO hereby permitted, a scheme detailing security measures and external lighting (including a timetable for implementation) shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be undertaken in accordance with the approved details.</p> <p>Reason: In order to ensure adequate safety and security on site and in the interests of residential amenity, in accordance with Policies LP16 and LP17 of the Fenland Local Plan 2014.</p>
5.	<p>Prior to the first occupation of the HMO hereby permitted a refuse collection strategy (including a timetable for implementation) shall be submitted to and approved in writing by the Local Planning Authority. The approved refuse collection strategy shall be implemented in accordance with the agreed details in full and thereafter be retained in perpetuity.</p> <p>Reason: To ensure a satisfactory form of refuse collection and compliance with Policy LP16 of the Fenland Local Plan 2014.</p>
6.	<p>Prior to the first occupation of the HMO hereby permitted full details of the cycle parking shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to the first occupation of the HMO and thereafter retained in perpetuity.</p> <p>Reason In the interests of security, the convenience of cyclists, and to encourage sustainable forms of transport in accordance with Policies LP15 and LP16 of the Fenland Local Plan 2014.</p>
7.	<p>Prior to the first occupation of the HMO hereby permitted, full details of a hard and soft landscaping scheme (including timescales for implementation) shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details retained thereafter in perpetuity.</p> <p>Reason: To ensure proper implementation of landscaping in the interest of the amenity value of the development in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>

8.	<p>Prior to the first occupation of the HMO hereby permitted, the proposed on-site parking/turning area shall be laid out in accordance with the approved plan and drained within the site. The parking/turning area shall thereafter be retained as such in perpetuity.</p> <p>Reason - To ensure adequate on site parking and turning is retained for the existing 2-bed dwelling, in accordance with Policy LP15 of the Fenland Local Plan 20143</p>
9.	<p>Before the first occupation of bedroom 5 in the HMO hereby permitted, the proposed window serving this room shall be glazed with obscure glass and fixed shut to a height of no less than 1.7 metres above the floor level of the room within which it is installed and so maintained in perpetuity thereafter.</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 2014.</p>
10.	<p>The proposed bat and bird boxes indicated on drawing FP-1-100 shall be installed prior to the first occupation of the HMO hereby permitted and thereafter retained in perpetuity.</p> <p>Reason - To protect and enhance the habitats of protected species in accordance with Policy LP19 of the Fenland Local Plan 2014.</p>
11.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans and documents</p>

Appendix A

Appeal Decision APP/D0515/W/21/3283272 in relation to F/YR20/1257/F



Appeal Decision

Hearing held on 24 January 2023

Site visit made on 24 January 2023

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 March 2023

Appeal Ref: APP/D0515/W/21/3283272

7 Station Road, Manea, Cambridgeshire PE15 0JL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Simon Howard (Howard Renovations Ltd) against the decision of Fenland District Council.
 - The application Ref F/YR20/1257/F, dated 9 December 2020, was refused by notice dated 20 August 2021.
 - The development proposed is the change of use from restaurant and 2-bed dwelling to mixed use of 7-bed unit for accommodation of up to 18 residents with shared communal facilities and 2-bed dwelling involving retention of existing outbuilding for storage and demolition of existing shed.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development was revised during consideration of the planning application subject of this appeal. The revised scheme reduced the number of occupants from a maximum of 30 to 18, and also included the removal of the proposed flats whilst retaining an existing outbuilding. It is clear from the evidence before me that the interested parties to this appeal are aware of the changes and have had the opportunity to make representations on the revised scheme.
3. The revised description of development also includes reference to 'part retrospective', but it was confirmed at the Hearing that the change of use as applied for had not commenced. For clarity, I have considered this appeal based on the revised description of development as a proposal, and on the basis of the plans submitted to and considered by the Council.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the living conditions of surrounding residential occupiers with regard to noise and disturbance and privacy;
 - whether the proposal would provide satisfactory living conditions for future occupants with regards to amenity space provision; and,
 - the need for agricultural workers accommodation.

Reasons

Living conditions of surrounding residential occupiers

5. The proposed change of use would provide shared residential accommodation for up to 18 residents. Although activity within the building would not likely be noticeable to surrounding residential occupiers, the proposal could result in a significant number of residents utilising the external amenity area to the rear of the site. Whilst the proposed residential use lies within a predominantly residential area and there have been no objections from the Council's Environmental Health Team, the level of activity from this number of people, in terms of talking and other usage of this space, would be greater than that of a typical family dwelling such as those around the appeal site. The shared accommodation would be occupied by a group of unconnected people, so the external amenity space would likely be used for greater lengths of time than a garden used by a family. Given the proximity of the appeal site to neighbouring properties on Station Road, and to those on Orchard Way to the rear, this element of the proposal would likely cause an unacceptable level of noise and disturbance to neighbouring occupiers, including to the occupants of the retained dwelling on the appeal site.
6. The Council has raised concern that the existing dwelling on the appeal site could be occupied intensively by several addition residents to those that would occupy the proposed 7-bedroom shared accommodation. Although this dwelling sits within the appeal site, no changes are proposed to the modest two-bedroom existing property. Therefore, I do not consider harm would be caused.
7. There would be frequent comings and goings to and from the appeal property due to the number of occupants, but other than the small number of parking spaces within the appeal site, vehicles would park on-street. The proposal would accommodate up to 18 occupants, and it was confirmed that around half the number of occupants would have vehicles. As such, the parking of around 6-7 vehicles that could not be accommodated within the site, would likely take place to the front of the appeal property or elsewhere along Station Road. Although some of these vehicle movements may be at 'unsociable' hours, given the expected number of vehicles and the likelihood that vehicles parking would be dispersed in different locations, I do not consider that this would give rise to undue noise and disturbance to surrounding residential occupiers. The appellant also confirmed that the minibus, referenced in written submissions, was not likely to be used, but even if it was, it would also be likely to lead to a reduction in private vehicle usage. Either way, I do not consider the proposal would be harmful to surrounding residential occupiers.
8. Concerns about a loss of privacy to the rear amenity space of the existing dwelling on the appeal site could be overcome by imposing a planning condition to secure a taller fence around the existing dwelling's amenity space than the 0.9m high picket fence which is shown on the proposed site plan.
9. Reference has been made to anti-social behaviour at the appeal property. The appeal scheme before me is however for a proposed use and there is no evidence, despite the potential level of occupancy, that this would necessarily give rise to anti-social behaviour.

10. Nevertheless, I conclude that the proposal would result in unacceptable harm to the living conditions of surrounding residential occupiers with regard to noise and disturbance. As such, the proposal would be contrary to Policies LP2 and LP16 of the Fenland Local Plan (Local Plan), which seek, amongst other matters, to promote high levels of residential amenity. It would also conflict with paragraph 130 of the National Planning Policy Framework (the Framework), which seeks a high standard of amenity for existing and future users.
11. Reference has been made to Local Plan Policy LP15, but this is not relevant to living condition matters.

Living conditions of future occupants

12. The proposal would provide sufficient sleeping, washing and communal kitchen and living facilities to enable future occupants to have satisfactory living conditions. The Council's main area of concern relates to the limited outdoor space proposed. However, there are no local standards governing how much external amenity space should be provided.
13. From the information before me, and my site observations, the rear private amenity space would be compact, but it nevertheless would provide a usable outdoor space. The appellant has stated that the shared accommodation would not be occupied by families with children. I consider that the shared accommodation proposed would not be suitable for occupation by families due to its size and the reliance on shared facilities. There is no evidence before me that given the nature of the accommodation, with occupants not forming a single household, that the use of the communal amenity space could not be reasonably managed to meet their requirements.
14. The layout of the external area also provides for refuse and cycle storage, which would be of sufficient size to accommodate the required number of bins. Although concern has been raised by the Council on the practicalities of up to 8 bins being presented near the site's boundary with the road on collection day each week and the proximity of the window and door in the side elevation of the existing dwelling on the appeal site, the width of the drive and walkway mean that the practicality and usability of this servicing arrangement would not be harmful.
15. I therefore conclude that the proposal would provide satisfactory living conditions for its future occupants with regards to amenity space provision. As such, it would accord with Local Plan Policies LP2 and LP16 or Paragraph 130 of the Framework, which seek, amongst other matters, to provide sufficient private amenity space, suitable to the type and amount of development proposed. Local Plan Policy LP15, which relates to the creation of a more sustainable transport network is not relevant to living condition matters.

Need for agricultural workers accommodation

16. It is common ground between the main parties that there is a need for affordable, rural workers accommodation in Manea, where the main economic activities relate to agriculture. Despite the undisputed need for this type of accommodation, there wasn't any evidence provided to support its provision at this location, such as the lack of alternative sites in Manea or other areas that are accessible to agricultural enterprises in the surrounding rural area.

17. There may be advantages of housing 18 workers in one location, which is accessible to local services and public transport, but the appellant was not able to provide further details on where such workers would be employed, and whether their work would be co-located with one employer. As a result, there is no evidence that the provision of accommodation to meet the need for rural workers, could not be provided for at different locations, particularly as the submissions before me indicate that the occupants would be working in shifts and therefore could be living in different location.
18. The appellant has referenced problems faced by workers when they reside on an agricultural unit itself from noise and odour by general farming activity. However, I am not persuaded that alternative accommodation, such as mobile homes would necessarily provide unsatisfactory conditions as the appellant has set out.
19. To conclude therefore, there would undoubtedly be benefits arising from the provision of the accommodation that this appeal scheme proposes. It would comply with Local Plan Policy LP3 and paragraph's 60 and 84 of the Framework which set out the need to provide for groups with specific housing requirements and the support for a prosperous rural economy. I attach some weight to these benefits, but this is limited by the lack of justification for such accommodation to be at this specific site. The appellant confirmed that as well as workers in the agricultural sector, the proposed accommodation would be available to other occupants not working in this sector. This tempers the weight that I am able to afford these benefits.

Other matters

20. A comparison was made by the appellant to the Friday Bridge Camp¹ which provided accommodation to overseas contract farm workers. The Friday Bridge Camp is much larger than the proposal, which is said to have housed around 350 workers, in addition to providing a wide range of other on-site facilities such as a tennis court and football pitch. Its location and surroundings in a rural area also differs from the appeal proposal which is situated in a predominantly residential area. As such, the proposal is not directly comparable to the Friday Bridge Camp site.
21. I acknowledge that the Council sought to control the use of the occupation of the Friday Bridge Camp through planning conditions, including limiting the occupation through the peak season. However, limiting the occupancy levels to a number of months through the year at the appeal site would not address the harm that I have identified in relation to the first main issue and nor would a temporary permission be suitable for the same reasons given the impact the development would have on the living conditions of surrounding residential occupiers.
22. The use of the appeal property previously as a restaurant and associated accommodation has been referenced as a fallback position by the appellant. This was a long-standing use that would have generated vehicle parking and movements and associated noise and disturbance. The appellant has stated, with reference to a letter from the previous owners, that the restaurant was not viable and there is no evidence that this position has changed and that the site would be used again as such should this appeal be dismissed. Even if it

¹ Also referenced as Friday Bridge International Camp

was, unlike the appeal proposal, the rear outdoor area was not used by patrons or occupants and there is nothing before me that suggests it would in the future. As such, the restaurant fallback position, despite its unrestricted occupancy and late-night opening, would not be as or more harmful than the appeal scheme which would, due to the level of activity in the outdoor amenity space, give rise to harmful noise and disturbance to surrounding residential occupiers. I therefore attach limited weight to this consideration.

23. Reference was made to permitted development rights that could be exercised, including Class MA in Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) which grants permission for a change of use from Class E to Class C3 (dwellinghouses). Although an interested party has referenced the potential for 2 or 3 homes, limited further information has been provided on this alternative scheme which would be subject to the prior approval process. If I were to consider that there was a real prospect of the fallback position advanced taking place, the use of external amenity areas serving up to three dwellings would be less harmful than the external amenity space to the proposal as they would not be used by a large group of unconnected people. As such, the fallback position does not justify the appeal proposal.
24. The proposal would reuse an existing building and make effective use of land in a 'Growth Village' as defined by the Local Plan. It will support local services and provide employment during the construction works. These matters weigh in favour of the proposal, albeit these matters carry moderate weight given the size of the appeal building.
25. The proposal would not give rise to any harmful impacts on highway safety and there have been no objections from a number of consultees, including the local highway authority and Cambridgeshire Fire and Rescue Service. There would also be no impact arising on the built and natural environment or on infrastructure. These are neutral matters and not ones which weigh in favour of or against the development.
26. The appellant has set out that pre-application advice was sought, and this informed the appeal application. However, I have considered the proposal on its planning merits having regard to the evidence before me.

Conclusion

27. I have considered the contribution this proposal would make to the provision of affordable rural workers accommodation and supporting a prosperous rural economy. However, such benefits attract limited weight for the reasons set out. I have attached moderate weight to the reuse of an existing building and the benefits to local services and trades.
28. The proposal would provide satisfactory living conditions for future occupants but a lack of harm in this regard and to other identified matters are neutral considerations.
29. I have found that the proposed development would be harmful to the living conditions of surrounding residential occupiers with regard to noise and disturbance. This harm would be permanent and I ascribe this substantial weight which would not be outweighed by the positive benefits of the scheme.

30. The proposed development would not accord with the development plan as a whole and there are no other considerations, including the Framework, that indicate that I should take a different decision other than in accordance with this. I conclude that the appeal is dismissed.

F Rafiq

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Adam Tuck	Cheffins
Simon Howard	Howard Renovations Ltd
Ian Howard	Howard Renovations Ltd

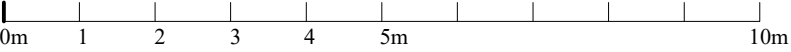
FOR THE LOCAL PLANNING AUTHORITY:

David Rowen	Fenland District Council
-------------	--------------------------

INTERESTED PARTIES:

Gerald Carey	Local Resident
Charlie Marks	Councillor, Fenland District Council

Scale: 1:100



BIO-DIVERSITY ENHANCEMENTS

1. Bird boxes

A variety of nest boxes catering for House Sparrow, House Martin and Swift will be installed on the existing outbuilding facing between north and east and at heights of two to four metres; two House Sparrow nest box, two House Martin nest and two Swift nests are suitable for the proposals. To be installed prior to completion of the change of use to HMO.
2. Bat boxes

The Eco Kent Bat Box (2 No.) provides a weatherproof outer shell for a more cosy and longer-lasting roost site for a range of bat species. It has two 18mm crevices and is made from rough-sawn FSC-certified UK-grown timber, with a 100% recycled plastic outer covering. It is self-cleaning. 3 concealed keyhole fixings at top of box. 23(W) x 16(D) x 52cm(H). Position the box at least 3m above ground level away from artificial light sources.

Bat boxes should be installed, on the existing out-building and these will be best located in a south facing position.



House Sparrow bird box (SP) x 2



House Martin bird box (HM) x 2



Swift bird box (S) x 2



Eco Kent Bat Box (BB) x 2



Image of proposed 2m high acoustic fence

Existing out-building to be retained. All doors to be secured and retained as storage for applicant. Not to be used by occupants of HMO.

9 No. Cycle Parking racks

Existing oil tank to be replaced with modern compliant tank

Existing boundary wall to be retained at 2m high and finishes made good.

Existing mono-pitched roof

Existing duo-pitched roof

Existing mono-pitched roof

Area laid to lawn

Existing shrub/tree to be removed shown dotted

Existing hedge removed (shown dotted)

2.9m x 5m parking space

2.9m x 5m parking space

2 bedroom dwelling private amenity

2 No. parking spaces for retained 2 bedroom dwelling ONLY and turning improved to allow ingress and egress in forward gear. Surface to be tarmac and marked out as spaces.

1.5m close boarded fence

Area laid to gravel

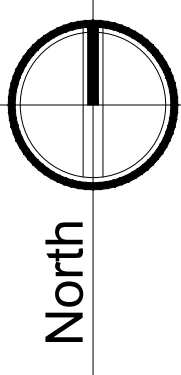
New 2m high acoustic fence erected to boundary (see detail)

New bin enclosure to house 2 x 1100 litre bins (1 x general waste and 1 x recycling)

Existing overgrown hedge trimmed back to boundary to allow for new fence.

New 2m high acoustic fence provided to boundary (see detail)

Existing shed to be demolished shown dotted and for clarity



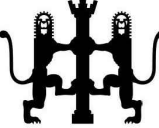
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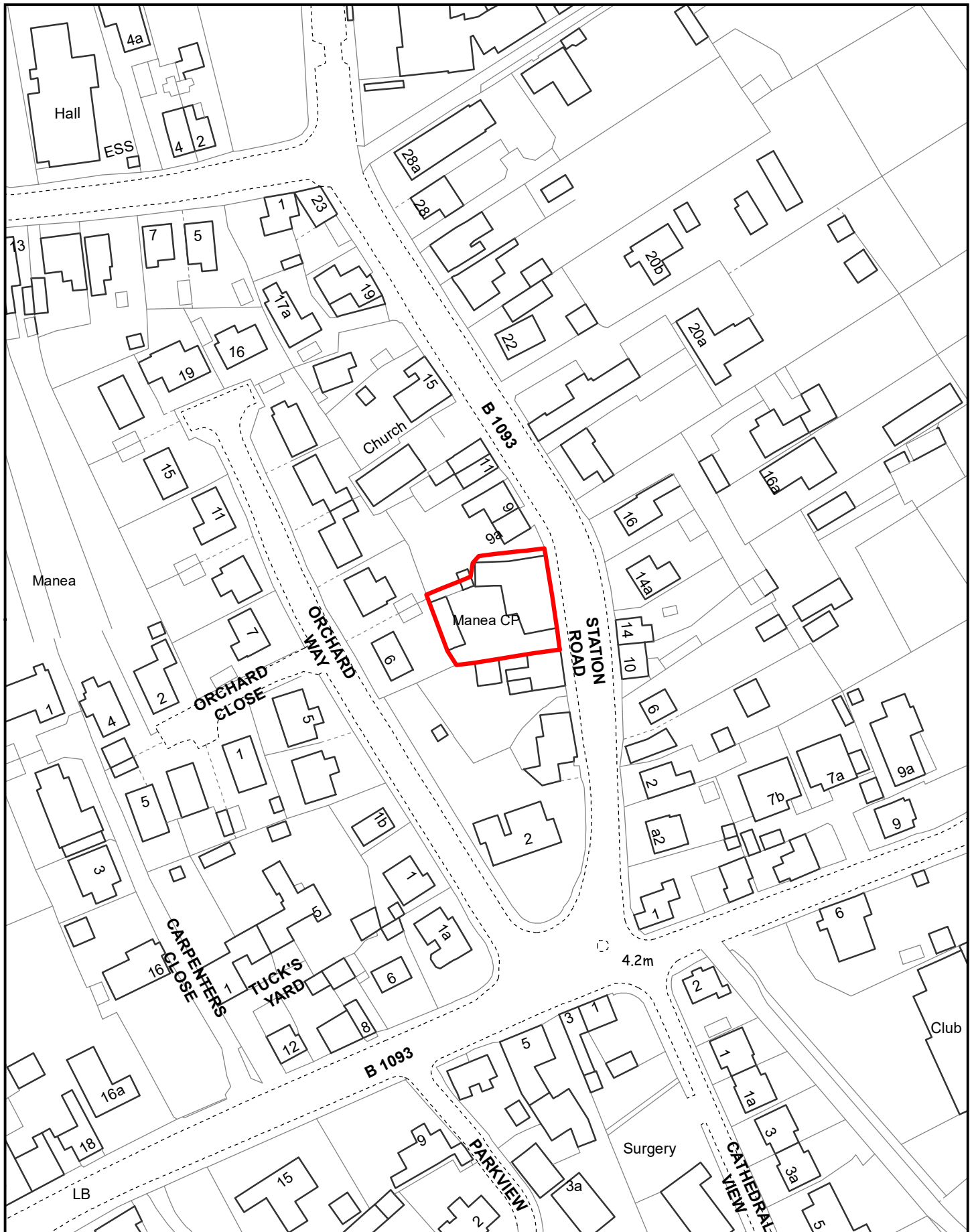
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CLIENT
Howard Renovations Ltd

PROJECT
Former Classics Restaurant, 7 Station Road, Manea, Cambridgeshire.

DRAWING TITLE
Proposed Site Plan

SCALE	DATE	DRAWN	CHECKED
1:100 @ A2	September 2023	LB	
DRAWING NUMBER	REVISION		
CH23/LBA/646/FP-1-100			



Created on: 09/11/2023

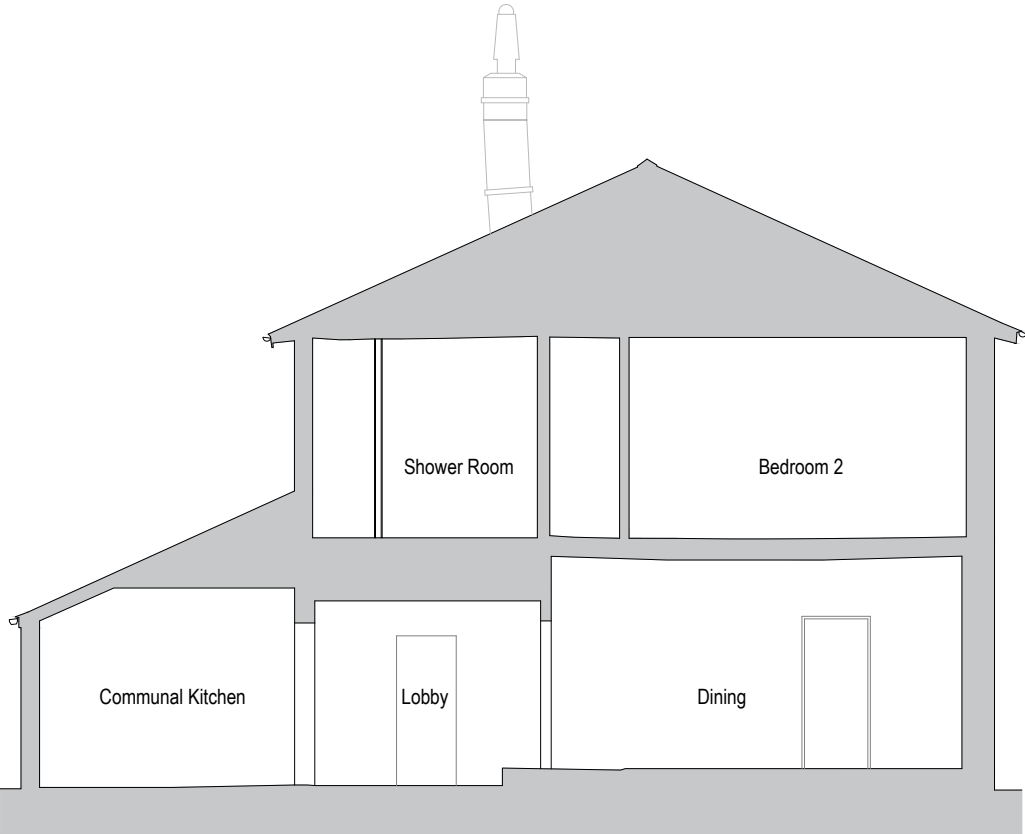
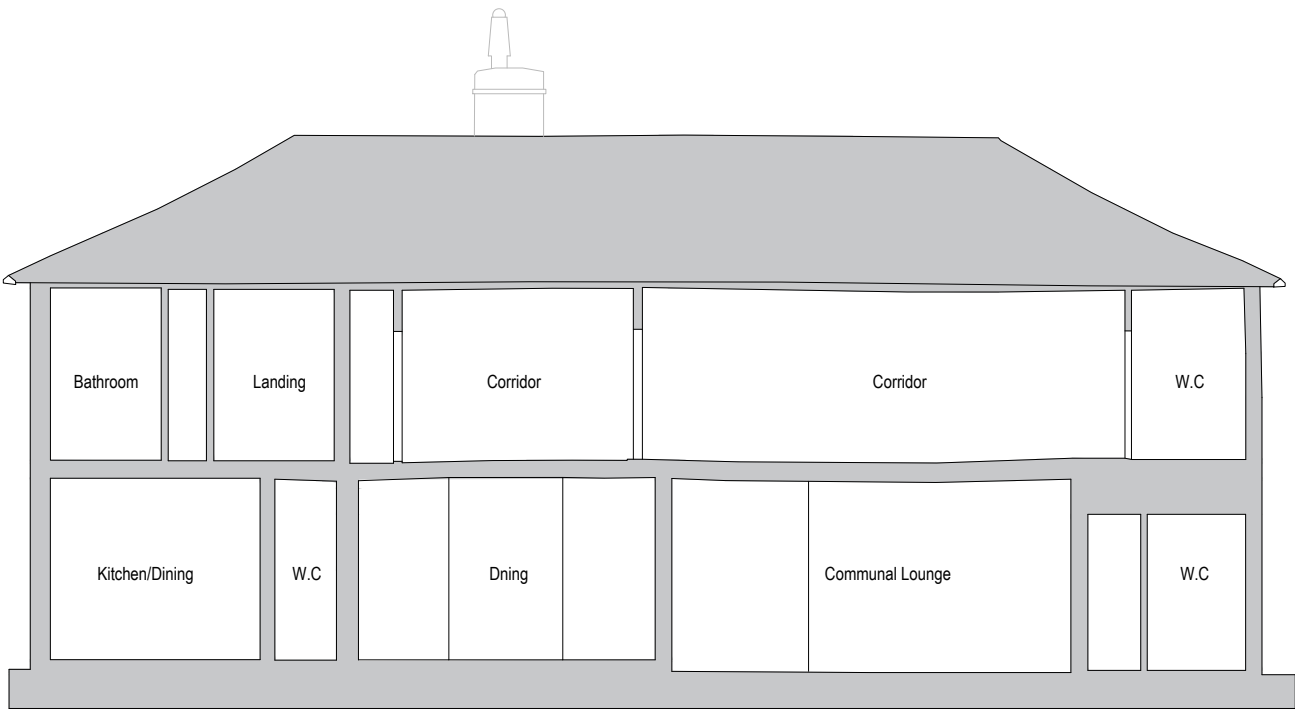
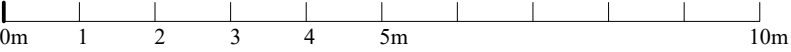
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F/YR23/0875/F

Scale = 1:1,250



Scale: 1:100



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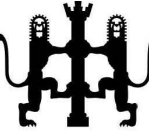
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Rev B Jan. 24. Additional window added to Bedroom 5 (South Elevation) and high level window removed from West Elevation.



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

CLIENT
Howard Renovations Ltd

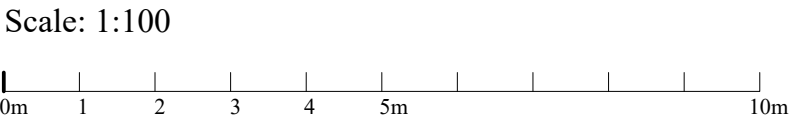
PROJECT
Former Classic Restaurant, 7 Station Road, Manea, Cambridgeshire.

DRAWING TITLE

Proposed Elevations

Proposed Sections

SCALE	DATE	DRAWN	CHECKED
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DRAWING NUMBER	REVISION		
CH23/LBA/646/FP-1-102	A		



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Bedroom Schedule

Bedroom 1	32 sq.m	2 Persons
Bedroom 2	21 sq.m	2 Persons
Bedroom 3	19.5 sq.m	2 Persons
Bedroom 4	18.5 sq.m	2 Persons
Bedroom 5	32 sq.m	2 Persons
Bedroom 6	10.7 sq.m	2 Persons
TOTAL = 12 Persons		

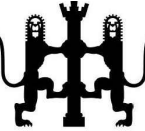


Proposed Ground Floor Plan



Proposed First Floor Plan

- Rev BJan. 24. Additional window added to Bedroom 5
- Rev AJan. 24. Bedroom 6 increased to 2 persons and Bedroom 5 reduced to 2 persons.



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Web: www.lbevens-associatesltd.co.uk

DRAWING STATUS	PRELIMINARY	PLANNING	CONSTRUCTION

CLIENT
Howard Renovations Ltd

PROJECT
Former Classics Restaurant, 7 Station Road, Manea, Cambridgeshire.

DRAWING TITLE
Proposed Ground and First Floor Plan

SCALE	DATE	DRAWN	CHECKED
1:100 @ A2	October 2023	LB	
DRAWING NUMBER	REVISION		
CH23/LBA/646/FP-1-101	B		

F/YR23/0904/O

Applicant: Mr R Crofts

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

Land North Of Antwerp House, Gosmoor Lane, Elm

Erect up to 5no dwellings (outline application with all matters reserved)

Officer recommendation: Refuse

Reason for Committee: Number of representations contrary to Officer recommendation

1 EXECUTIVE SUMMARY

- 1.1. The application seeks outline planning approval with all matters reserved for the erection of up to five dwellings on a triangular area of undeveloped scrubland located on the corner of the western side of Colletts Bridge Lane and the northern side of Gosmoor Lane at Colletts Bridge.
- 1.2. Colletts Bridge is identified in Policy LP3 as an 'Other Village' where residential development will be considered on its merits and will normally be restricted to single dwelling infill sites situated within an otherwise built up frontage. Policy LP12 defines the developed footprint of a village as the continuous built form of the settlement and excludes:
 - (a) individual buildings and groups of dispersed, or intermittent buildings, that are clearly detached from the continuous built-up area of the settlement; and
 - (b) gardens, paddocks, and other undeveloped land within the curtilage of buildings on the edge of the settlement where the land relates more to the surrounding countryside than to the built-up area of the settlement.
- 1.3. It is considered that the principle of development of this parcel of land would be in contravention of Policy LP12 (a) and (b). In addition, it could not be argued that the development represents an infill proposal and accordingly the scheme would fail to comply with the specific requirements of LP3 in so far as they relate to the form of development.
- 1.4. Furthermore, the development proposed would result in an enclosure and urbanisation of an area of open countryside to the detriment of the character and appearance of the area. The development would arguably create a precedent for further development on the both the western side of Colletts Bridge Lane and northern side of Gosmoor Lane that would erode the existing open rural character both sides. As such, the proposal would be contrary to the requirements of Policies LP12 and LP16 (d).
- 1.5. On the basis of the consideration of the issues of this application and previous relevant planning history, conflict arises through the principle of the development of the site and the impact on the character of the area rather

than as a result of matters that could be addressed at the design stage, and as such it is concluded that the application is contrary to the relevant planning policies of the development plan, LP3, LP12 and LP16.

- 1.6. As such the proposed development is contrary to local planning policy and should be refused.

2 SITE DESCRIPTION

- 2.1. The application site is a triangular area of undeveloped scrubland located on the corner of the western side of Colletts Bridge Lane and the northern side of Gosmoor Lane at Colletts Bridge; both lanes are single track, unclassified roads.
- 2.2. Residential development is situated to the opposite sides of the respective Lanes to the east and south. Adjacent to the site to the north is Iris Cottage, a replacement dwelling (F/YR03/0602/F). Further to the west is open agricultural land.
- 2.3. The site is located in Flood Zone 1.

3 PROPOSAL

- 3.1. The application seeks outline planning approval with all matters reserved for the erection of up to five dwellings. The submitted indicative site plan depicts five detached dwellings, denoted as 3-bed bungalows, with detached garages. Three accesses are indicated off Gosmoor Lane, one for each of the plots denoted as 2 & 3 to the south of the site, with another leading to a private roadway providing access to Plots, 1 to the east and 4 & 5 to the north of the site.
- 3.2. Full plans and associated documents for this application can be found at: [F/YR23/0904/O | Erect up to 5no dwellings \(outline application with all matters reserved\) | Land North Of Antwerp House Gosmoor Lane Elm \(fenland.gov.uk\)](https://www.fenland.gov.uk/F/YR23/0904/O%20Erect%20up%20to%205no%20dwellings%20(outline%20application%20with%20all%20matters%20reserved)%20Land%20North%20Of%20Antwerp%20House%20Gosmoor%20Lane%20Elm)

4 SITE PLANNING HISTORY

19/0129/PREAPP	Erect 3 dwellings Land West Of Gaudino, Colletts Bridge Lane, Elm	Not Favourable 04.09.2019
F/YR03/0602/F	Erection of 4-bed detached house involving demolition of existing dwelling Iris Cottage Colletts Bridge Lane, Elm	Granted 02.07.2003

5 CONSULTATIONS

- 5.1. **Cambridgeshire County Council Highways Authority – original comments received 02.01.2024**
This application is not supported by sufficient information in order for the highways authority to make an informed decision on the safety of the vehicle access points with the highway.

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

- *Available Inter-vehicle visibility splays at the vehicle access points with the highway. These should be 2.4m x 215m in either direction for roads with a posted speed limit of 60mph. These must be entirely within the highway or over land under the control of the applicant.*

OR

- *a Traffic speed survey information demonstrating that the 85 percentile speeds are low enough to reduce the required visibility splays.*

Whilst the LHA has reservations in respect of the proposed development, in relation to the nature of the single track approach road and the intensification of Collett's Bridge Lane. Given the proposed access point location i.e. close vicinity to the junction where passing is possible and there being only two proposed, it is considered that a recommendation of refusal could not be substantiated regarded with due regard to Para 111 of the NPPF, where "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

5.2. Cambridgeshire County Council Highways Authority – revised comments received 17.01.2024

Revised plan 6837 PLO1a, shows the achievable inter-vehicle visibility splay to the west is 2.4m x 215m (over land under the control of the applicant) and 2.4m x 69m to the east (within the highway). Whilst the east splay is below the recommended standard this would be acceptable to the LHA in this specific instance only. As the junction with Outwell Road is not much further from this point and the road layout is such that vehicles would be unable to build up speed leading up to this tangent point.

Therefore, if the visibility splay to the west over the land highlighted in blue and in the ownership of the applicant can be conditioned in perpetuity I would have no further objection this application.

Recommended Conditions

Visibility Splays:

Prior to commencement of the use/or first occupation of the development hereby approved, visibility splays shall be provided on both sides of the new vehicular access and shall be maintained free from any obstruction over a height of 600 mm within an area of 2.4 metres x 215 metres to the west and 2.4 metres x 69 metres measured along respectively the edge of the carriageway and over the land as shown on Drawing Number 6837 PLO1a.

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

Parking/Turning Area:

Prior to the first occupation of the development the proposed on-site parking/turning area shall be laid out in accordance with the approved plans, surfaced in a bound material and drained within the site. The parking/turning area, surfacing and drainage shall thereafter be retained as such in perpetuity (notwithstanding the provisions of Schedule 2, Part 1, Class F of The Town

and Country Planning (General Permitted Development) (England) Order 2015, or any instrument revoking or re-enacting that Order).

5.3. **Middle Level Commissioners**

Further to previous correspondence with your authority and in view of the continuing and increasing problems in its District the Board has requested that the Commissioners write to your authority and advise that for the reasons listed below it wishes to express concern about both this planning application and others within the drainage sub-catchment until a suitable situation, that meets the Boards requirements, has been reached.

Having briefly reviewed the submission documents the Boards initial comments include but are not limited to the following:

A. General

The site is adjacent to Collett's Bridge a small settlement which is:

- 1. On the route of the former River Ouse and Nene channels and thus the ground conditions are extremely poor.*
- 2. In close proximity to the route of the former Wisbech Canal which following its abandonment was used as a landfill site during the early 1960's/1970's. The county boundary follows its route.*
- 3. Within a primarily agricultural rural area with little urban development. ... the immediate area primarily consisted of several orchards which benefit from a higher ground water table. Further urban development has occurred within this small settlement in subsequent years.*

B. Known Problem Areas

Following the high rainfall and flooding incidents experienced during December 2020 the Board undertook a review of the known drainage problem areas within its District and applied several designations according to the perceived risk involved.

Due to the absence of suitable long term evidence and that the Collett's Bridge area is not a recognised area of "growth" it is not currently within either an "Area of concern" or an "Acute Drainage Area". However, this could be the subject of a review.

C. Responses to Strategic Planning Documents

Collett's Bridge has limited development opportunities and because of this specific and relevant responses have not been included when providing responses to strategic planning documents.

D. Flooding in the vicinity of the site

There appears to be a history of poor drainage and localised flooding in the area most of which is unsubstantiated or has not been formally reported. However, your Council will have noted several of the Public Comments specifically referring to this issue.

A recent inspection of the site identified that the site was poorly drained and, as can be seen in the photographs below, included several areas of ponded water particularly adjacent to Gosmoor Lane.



General views of the site looking toward Colletts Bridge Lane (left)



General views of the site looking along Gosmoor Lane towards Elm

E. Current Drainage Arrangements and proposed improvements

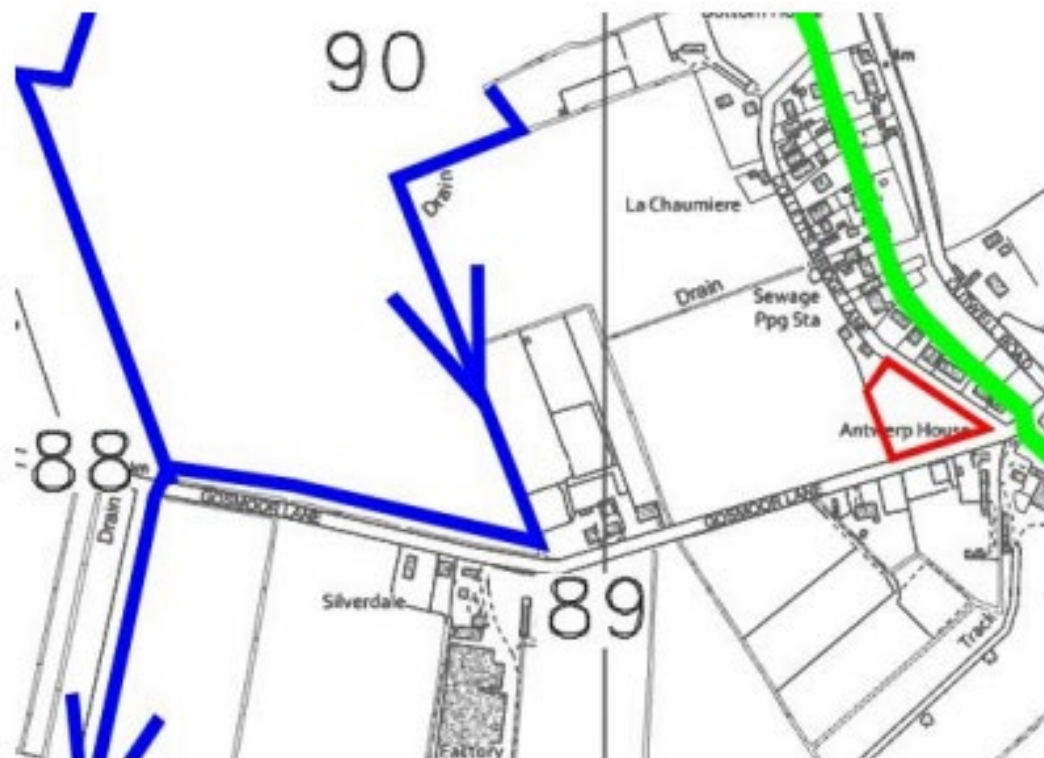
Being at the upstream end of a gravity system that discharges into the neighbouring Waldersey IDB system in excess of 6.0km to the south west, the site is within the sub-catchment served by but not directly connected to the watercourse that serves the Collett's Bridge area which discharges into the Boards District Drain between Points 89-90.

These watercourses were primarily designed to provide a Standard of Protection (SoP) to serve the needs of agriculture and not meet the requirements of the increased urban development within the sub-catchment.

Therefore, it is considered that if development of both this and other sites within the sub-catchment are permitted significant improvements, such as the provision of a new and/or enlargement and realignment of existing watercourses, pipelines and road culverts, will be required to accept the increased flows and provide a suitable SoP, to accommodate the change of the site to a more vulnerable use, and ensure that an adequate freeboard is available to prevent the surcharging of the on-site systems.

These improvement works will be at the developer's expense and this may challenge the viability of the site.

The failure to undertake these improvements will increase the risk of flooding in the area endangering local residents particularly if they are vulnerable, including adverse impacts on peoples well-being and mental health; damage to property and infrastructure; wasteful expenditure at the public's expense to undertake remedial works and/or cause unacceptable detriment to the environment.



Extract from the Boards District Plan showing the location of the site, edged red, and its proximity to the Boards System, shown blue.

F. Infiltration Devices

The local superficial geology consists predominantly of soft clay, peat and silt deposits typical of a fluvial channel, which features a high water table and a low infiltration rate, particularly during the winter or after high rainfall events such as those being experienced at the moment. The presence of a nearby land fill site may also be contributing to the problem.

Therefore, whilst the Commissioners and associated Boards generally promote the use of the drainage hierarchy, there is substantial evidence to

prove that during such events the local ground water table can rise close to the ground surface thus precluding the use of infiltration devices including soakaway based systems.

Infiltration devices can be time consuming; difficult and expensive to install correctly; require a significant footprint, thus affecting the density of the site; and may restrict further extensions or other on site development. There are also long term maintenance issues.

The Board is concerned to note the use of infiltration devices as past experience has proven it is extremely unlikely that infiltration systems will provide a viable solution for appropriate water level and flood risk management that meets current design standards or the Boards requirements; could be constructed and maintained for the lifetime of the development, with no material prejudice to the Board's operations or the local water level management system, water or built environment.

The Board also considers that the approval of poorly designed and installed devices and their subsequent failure is contributing to the increased flooding being experienced in its District.

If such devices are used it is considered that traditional systems are unlikely to meet current design and the Boards minimum standards i.e. the worst case 1% AEP (1 in 100 year) event plus an allowance for climate change.

Your Council is referred to the County Councils guidance on the use of infiltration devices which includes the requirement for the provision of suitable evidence that the infiltration rate that is better than the minimum coefficient of permeability of $5 \times 10^{-5} \text{m/s}$ and seasonally high ground water levels are 1.2m below the base of the infiltration structure. These will both be difficult to achieve at this location.

In view of the above it is considered that an alternative means of surface water disposal is utilised at this site.

G. Maintenance and Management

- 1. There is an expectation that maintenance arrangements for SuDS are secured through the use of planning conditions and may be subject to the SuDS Approval Body (SAB) when they are introduced.*
- 2. The Board require further detail on how both the on and off site water level and flood risk management systems serving the site will be maintained.*
- 3. In view of the importance to these systems it is considered appropriate to recommend that appropriate access is provided and measures undertaken to ensure that unhindered entry is readily available to carry out both routine maintenance and in case of emergency.*
- 4. In order to alleviate any adverse impact upon the respective systems; the Boards; the Councils' ratepayers and the natural, built and aquatic environment; it is considered appropriate that the Board ensures that*

adequate arrangements are made for the long-term ownership, funding, management and maintenance arrangements for the upkeep of any environmental, water level and flood risk management systems, whether on or off site, in perpetuity. These requirements may be in addition to those imposed by planning conditions or required by the LLFA and that details of the works to be carried out by the occupier/land owner, adopting authority, the “Management Company” or other responsible person/authority, together with the costs attached, are included in the “Owners/Residents Pack” and any Deed of Sale.

5. *This will be required as part of any consenting/approval process.*

H. General Comment

Increasing concern is being raised about the piecemeal development being proposed in the local area which is resulting in many small and isolated systems which will be difficult to maintain and will be a future liability for the parties concerned, the failure of which could potentially increase flood risk. Both the Commissioners and the Hundred of Wisbech IDB prefer and encourage more holistic solutions which could enable further development in the area.

In view of the above, the applicant is urged to discuss the relevant issues via the post-application consultation procedure. Upon the receipt of a formal application further discussion can commence.

5.4. Elm Parish Council

Elm Parish Council strongly objects to proposals submitted under planning application ref. F/YR23/0904/O on the grounds that they are;

Contrary to Fenland Local Plan (FLP) (2014) Policy LP3 which states that in 'other villages' (Collett's Bridge is classed as such), growth should normally be restricted to single dwelling infill sites.

Contrary to FLP Policy LP5 which states that for sites of five dwellings, one should be affordable.

Contrary to FLP Policy 12(d) which states that development should be in-keeping with the core shape of the existing pattern of settlement.

Contrary to FLP Policy 12(k) which states that development should be served by sustainable infrastructure provision for example;

- (i) Surface and waste water drainage - the site is a marshy area, largely covered in reeds and neighbouring properties already suffer from sewage 'back-up' into their properties during periods of wet weather. Anglian Water states that drainage systems cannot cope with the volume of surface water in Autumn and Winter.*
- (ii) Highways - the exit from Colletts Bridge Lane into Gosmoor Lane is extremely hazardous. Heavy Goods Vehicles entering Gosmoor Lane from the A1101 in order to access the Fenmarc site often cut the corner; increasing vehicle movements in close proximity to this junction would*

increase the hazard. Gosmoor Lane is single track with no central white line or passing places.

Cambridgeshire Highways has already set precedent relating to its view on safety issues at this location; please refer to Highways' response to the refused (appeal subsequently dismissed) planning application reference F/YR22/1239/O.

Contrary to FLP Policy 16(d) which states that developments are required to make a positive contribution to the character of the street scene development pattern and landscape of the area.

Contrary to Policy DM3 of the Delivery and Protection of High Quality Environments in Fenland and Supplementary Planning Document (2014) which requires the character of landscape, local built environment and settlement pattern to be considered in order to reinforce positive features of local identity.

Finally, the site is located some distance from services and facilities and it is not accessible via public transport. There are no pavements, streetlights or cycle lanes and Gosmoor Lane is primarily subject to the national 60mph speed limit. In addition, the presence of numerous potholes and undefined edge to the highway further exacerbate the danger presented to pedestrians and cyclists.

5.5. Ward Councillor D Roy

Having examined the application I note that there is no affordable housing made available in this application. I also note that no reference has been made to make a contribution to the community (section 106).

There are currently no amenities available in this location, an essential part of the Local Plan. I would also like to add that in a recent meeting of the IDB that the current drainage system is already strained and may cause further issues should this go ahead.

I would also like to add that the access road near to this planned development is in a dangerous position and I would advise a site visit.

As there are a number of issues here that do not meet the Local Plan, I would object to this application.

5.6. Ward Councillor M Summers

I object to the above for the following reasons:

LP2 - Proposal does not promote high levels of residential amenity

LP3 - Although the address is given as Elm, this would be in Collett's Bridge which is a small village where growth would "normally be restricted to single dwelling infill sites".

LP5 - Sites with 5 dwellings should include 1 affordable but this is proposed as all market.

LP12d - Not in keeping with core shape of existing settlement

LP12i - Would result in loss of high grade agricultural land

LP12k - Neighbour evidences suggests that it would strain existing drainage provisions. Please consult the relevant IDB.

LP13b - No contributions to community proposed.

5.7. Environment & Health Services (FDC)

The Environmental Health Team have 'No Objections' to the proposed development although it is noted that the development lies within 250m of the site of the former canal, but not on the canal itself. The former Wisbech Canal is a closed landfill site and was infilled in the 1960's with a mix of agricultural and domestic wastes. The site is monitored for landfill gases in a number of locations by Kings Lynn and West Norfolk Council and has been investigated under Part IIA of the Environmental Protection Act 1990 and found not to be of concern. The results showed that although there were some chemicals present these were only found in low levels and buried deep in the waste and not outside of the canal area. Tests showed that they are not travelling out of the waste. This means that there is no evidence to show significant risk of harm to the environment, people, property, crops, or livestock. As long as the structure of the canal continues to contain the waste there is no evidence to demonstrate that there will be a pathway to receptors beyond the boundary of the landfill site. No further investigation is proposed for the canal area.

Notwithstanding the above findings and given close proximity to noise sensitive dwellings, the following conditions should be imposed in the event that planning permission is granted;

UNSUSPECTED CONTAMINATION

CONDITION: 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.

REASON: To ensure that the development complies with approved details in the interests of the protection of human health and the environment.

NOISE CONSTRUCTION HOURS

CONDITION: 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.

REASON: To protect the amenities of the nearby residential properties.

5.8. Local Residents/Interested Parties

Objectors

The Council has received 13 letters of objection to the scheme, from 11 address points including eight addresses on Colletts Bridge Lane, two addresses on Gosmoor Lane, and one from Henry Warby Avenue, Elm.

Reasons for objection to the scheme can be summarised as:

- Concerns over highway safety;

- Development would restrict potential for future road widening;
- Concerns over flooding/drainage;
- The site is not infill;
- Concerns of the impact of development to the countryside character;
- Wildlife impacts;
- Lack of justification for proposal;
- Unsustainable location, lack of services, facilities etc;
- Residential amenity impacts – light and noise pollution;
- Would set precedent for additional development;
- Recent appeal decision on Colletts Bridge Lane.

Supporters

Six letters of support have been received via the agent for the application, from six address points including two from Fridaybridge Road (Elm), two from Main Road (Elm), one from Colletts Bridge Farm (Gosmoor Lane), and one from The Wroe (Emneth).

Reasons for supporting the scheme can be summarised as:

- Improvement of unkempt land;
- Would not spoil the countryside character;
- No concerns over wildlife;
- A lack of services and facilities would be accepted by any future occupier;
- Other planning approvals along Gosmoor Lane;
- Sustainable development;
- Development of bungalows welcomed;
- Would address housing need;
- Would increase natural surveillance and deter anti-social behaviour.

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) Dec 2023

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

Para. 11 - Presumption in favour of sustainable development.

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

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

Para. 83 - In rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

Para 115 - Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Para. 135 - Planning policies and decisions should ensure high quality development.

Para. 180 - Planning policies and decisions should contribute to and enhance the natural and local environment.

7.2. National Planning Practice Guidance (NPPG)

Determining a Planning Application

7.3. National Design Guide 2021

Context

Identity

Built Form

Movement

Nature

Homes and Buildings

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

LP12 – Rural Areas Development Policy

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

LP15 – Facilitating the Creation of a More Sustainable Transport Network

LP16 – Delivering and Protecting High Quality Environments

LP19 – The Natural Environment

7.5. Emerging Local Plan

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

LP1 – Settlement Hierarchy

LP2 – Spatial Strategy for the Location of Residential Development

LP7 – Design

LP8 – Amenity Provision

LP18 – Development in the Countryside

LP20 – Accessibility and Transport

LP22 – Parking Provision

LP24 – Natural Environment

LP28 – Landscape

LP59 – Residential site allocations in Christchurch

7.6. Delivering and Protecting High Quality Environments in Fenland SPD 2014

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

8 KEY ISSUES

- **Principle of Development**
- **Impact on the Character and Appearance of the area**
- **Access and Highway Safety**
- **Flooding and Drainage**
- **Residential Amenity**
- **Sustainability**
- **Biodiversity**
- **Other Considerations**

9 BACKGROUND

- 9.1. In 2019, the applicant sought pre-application advice for the erection of 3 dwellings, two situated on the current application site fronting Gosmoor Lane, with a third proposed to the north of Iris Cottage fronting Colletts Bridge Lane. The officer returned a non-favourable response, outlining that the proposed development would likely be considered unacceptable in respect of the principle of development (LP3) and rural area character and appearance impact (LP12).

10 ASSESSMENT

Principle of Development

- 10.1. Notwithstanding the site address of Gosmoor Lane, the site is located on the junction of Gosmoor Lane and Colletts Bridge Lane, is divorced from the main settlement of Elm and accordingly relates more to Colletts Bridge than Elm.
- 10.2. Colletts Bridge is identified in Policy LP3 as an 'Other Village' where residential development will be considered on its merits and will normally be restricted to single dwelling infill sites situated within an otherwise built up frontage. Policy LP12 defines the developed footprint of a village as the continuous built form of the settlement and excludes:
- (c) individual buildings and groups of dispersed, or intermittent buildings, that are clearly detached from the continuous built-up area of the settlement; and
 - (d) gardens, paddocks, and other undeveloped land within the curtilage of buildings on the edge of the settlement where the land relates more to the surrounding countryside than to the built-up area of the settlement.
- 10.3. Earlier Appeal decisions relating to development in the locality, F/YR14/0616/F and F/YR22/1239/, and the Committee decision relating to F/YR21/1494/F are considered particularly relevant in this case. The committee decision F/YR21/1494/F is discussed in more detail in 'Other Considerations' below. Notwithstanding, in the first instance, it is noted that the planning Appeal decisions clearly identify that:

The eastern side of the road [Colletts Bridge Lane] constitutes a built up frontage, with continuous development located on it. On the western side, development is more sporadic; there is one property, Iris Cottage, at the southern end and two more properties towards the northern end, La Chaumiere, and The Hazels. (Para 6, Appeal Decision, F/YR14/0616/F)

While the east side of CBL (Colletts Bridge Lane) has a continuous built frontage, the west side is predominantly open to the surrounding countryside with a handful of sporadic dwellings. Open fields run directly up to the highway for much of its length. (Para 5, Appeal Decision, F/YR22/1239/O).

- 10.4. There are only 3 dwellings on the west side of Colletts Bridge Lane and it is not considered that these dwellings in isolation form part of a continuous built form on this side of the lane, as any dwellings are separated by large swathes of undeveloped and/or agricultural land, of which the application site is part.
- 10.5. Similarly, development on the north side of Gosmoor Lane is also sporadic in nature. With the nearest dwelling on the northern side of Gosmoor Lane being approximately 260m to the west separated by a significant track of agricultural land. Accordingly, the application site forms a soft frontage to the existing development along both rural lanes.
- 10.6. Thus, having due regard to the descriptions of the area within the aforementioned Appeal decisions, it is considered that the principle of development of this parcel of land would be in contravention of Policy LP12 (a) and (b) above. In addition, it could not be argued that the development represents an infill proposal and as such even if the earlier appeal decisions were not in place the scheme would fail to comply with the specific requirements of LP3 in so far as they relate to the form of development.

Impact on the Character and Appearance of the area

- 10.7. There were no indicative elevations provided with this outline application, with matters relating to the specific appearance, layout and scale to be committed at Reserved Matters stage.
- 10.8. Notwithstanding, the development proposed would encroach into undeveloped land that is characteristic of the intermittent nature of development in the area and contributes the openness to the west of Colletts Bridge Lane and north of Gosmoor Lane.
- 10.9. In addition, whilst it is acknowledged that details of access and layout are not committed within this outline application, the revised indicative site plan indicates three access points from Gosmoor Lane leading to a private roadway serving three of the proposed plots (discussed in more detail below). It can therefore be reasonably assumed that any development of the site would have to be laid out in such a form which would result in the development appearing similar to a small 'estate' type development that is entirely alien to the nature of the frontage built form in the vicinity.
- 10.10. Accordingly, the development proposed would result in an enclosure and urbanisation of an area of open countryside to the detriment of the character and appearance of the area. The indicated layout utilising a private roadway

would appear distinctly uncharacteristic of the local development pattern. In addition, the development would arguably create a precedent for further development on the both the western side of Colletts Bridge Lane and northern side of Gosmoor Lane that would further erode the existing open rural character both sides. As such, the proposal is contrary to the requirements of Policies LP12 and LP16 (d).

Access and Highway Safety

- 10.11. Originally the indicative site plan included five separate accesses to serve each individual dwelling, three on Gosmoor Lane and two on Colletts Bridge Lane. Comments in respect of highway safety from representations received from members of the public and most notably from the initial comments by the Highways Authority were noted by the applicant. To address these concerns, the applicant submitted a revised indicative site plan, reducing the total number of accesses to three by utilising a private roadway to serve three of the intended plots. In addition, visibility splays were justified and confirmed on the revised site plan.
- 10.12. Revised comments from the Highways Authority were sought, and concluded that, given that the proposal was outline only with all matters reserved, the revised detail submitted satisfactorily addressed that the *principle* of the intended accesses off Gosmoor Lane were acceptable, subject to conditions.
- 10.13. Accordingly, any remaining concerns in respect of highway safety are not considered to result in an unacceptable impacts, nor are the residual cumulative impacts on the road network considered severe. Thus, refusal on the grounds of highway safety is not justified in this case (NPPF Para 115). Notwithstanding, this does not outweigh the character harm that the proposed development (and uncharacteristic access layout) would inflict on the area contrary to Policies LP12 and LP16 as considered above.

Flooding and Drainage

- 10.14. The application site falls within Flood Zone 1 (low risk) and as such the proposal is considered to be appropriate development and does not require the submission of a flood risk assessment or inclusion of flood mitigation measures.
- 10.15. However, concerns relating to the poor drainage potential of the site from representations received from the public along with, most notably, extensive comments received from the Middle Level Commissioners (MLC) in respect of the potential drainage concerns at the site that should be given weight.
- 10.16. The application form suggests that surface water drainage from the site will utilise soakaways as the intended means of surface water drainage. Comments from MLC outline that the site is poorly drained and includes a high water table. Accordingly, they consider that an alternative means of surface water disposal should be implemented, noting specifically that:

The Board is concerned to note the use of infiltration devices as past experience has proven it is extremely unlikely that infiltration systems will provide a viable solution for appropriate water level and flood risk management that meets current design standards or the Boards requirements; could be constructed and maintained for the lifetime of the development, with no material prejudice to the Board's operations

or the local water level management system, water or built environment.

- 10.17. MLC have also stipulated that significant improvement works within the sub-catchment will need to be implemented to accept the increased flows, to accommodate the change of the site to a more vulnerable use, and ensure that an adequate freeboard is available to prevent the surcharging of the on-site systems; these works would be at the developer's expense, potentially challenging the viability of the site.
- 10.18. It is noted that MLC suggest that localised flooding in the area may not have been formally reported and the Environment Agency's Flood Risk Maps do not depict any extent of known surface water flooding at the site. As such, the Council are unable to ascertain the level of risk from surface water flooding at the site (i.e. high – low) and are therefore unable to confirm if there are any sequentially preferable sites (with respect to surface water flooding) to justify a reason for refusal on the grounds of flood risk in this case. However, the concerns and evidence provided by MLC should be considered as pertinent to the acceptability of the site for residential development as a matter of principle.
- 10.19. Ultimately, matters of foul and surface water drainage could be conditioned to ensure details are appropriately addressed at Reserved Matters stage. In addition, in the event of any consent, the IDB may include additional stipulations to ensure that adequate arrangements are made for the long-term ownership, funding, management and maintenance arrangements for the upkeep of any environmental, water level and flood risk management systems, whether on or off site, in perpetuity. Accordingly, should outline consent be approved, the applicant is urged to discuss matters of drainage with MLC prior to submitting any Reserved Matters application.

Residential Amenity

- 10.20. It would appear from the indicative plans submitted that there would be limited impacts to neighbouring residential amenity as a result of the scheme by way of overlooking, overshadowing or overbearing, as such it is likely that the scheme could be compliant with Policy LP16 (e), subject to acceptable details of appearance, landscaping, layout, and scale to be submitted at Reserved Matters stage.
- 10.21. The Environmental Health team do not object to the development in principle, recommending that matters of amenity safeguarding are ensured through the imposition of conditions, should outline consent be approved.

Sustainability

- 10.22. A number of residents consider that the scheme should be resisted on the grounds of sustainability (owing to the lack of suitable footpaths and street lighting).
- 10.23. In terms of the site's sustainability credentials, the occupiers of the site would be wholly reliant on car-based transport for all services and facilities within the wider local area as there are no such facilities in the immediate area of the site. Accordingly, the development of the site for residential use would fail to meet with the Government's environmental and sustainability objectives.

Biodiversity

- 10.24. Several resident representations raised concerns over implications for wildlife and biodiversity at the site being detrimentally impacted by the proposed development.
- 10.25. The site is a marshy area of scrubland, with no significant trees or hedgerow. In addition, there are no watercourses within the immediate vicinity of the site. Accordingly, the submitted Biodiversity Checklist, and subsequent on-site inspection by the Case Officer, did not highlight any areas of concern with respect to priority habitats or species. Thus, there was no requirement for an ecology survey to be undertaken in respect of the proposals.
- 10.26. Notwithstanding, should outline consent be approved, ecological enhancements could be conditioned to be included within the development to limit impacts to local wildlife.

Other Considerations

- 10.27. Comments from Elm Parish Council and Local Ward Councillors are noted. Where these comments have not been addressed above, the Council would respond as follows:
- *Contrary to FLP Policy LP5 which states that for sites of five dwellings, one should be affordable.* – Policy LP5 part a) has been superseded by a Ministerial Letter in recent years and the NPPF 2023 at Para. 65 sets out that affordable housing provision is only required for major developments i.e. 10 or more dwellings. Accordingly, a lack of provision of affordable housing is not contrary to policy in this case.
 - *No reference has been made to make a contribution to the community (section 106). & LP13b - No contributions to community proposed.* – The proposed development does not meet the required threshold to impose the requirement for community contributions.
 - *LP12i - Would result in loss of high grade agricultural land* – A large proportion of agricultural land in Fenland District is best and most versatile land. The development site, whilst part of a wider parcel of agricultural land, is not currently in use as arable farmland and is instead an area of disused scrubland. It is therefore considered unreasonable to justify a reason for refusal on this basis.
- 10.28. Two of the letters of support received made claims that the development site is “*unkempt*” and “*eye-sore derelict*”, further claiming that “*the proposed dwellings would increase natural surveillance of the area and would deter anti-social behaviour.*” The Environmental Health team made no mention of substantiated complaints received over the “*unkempt*” nature of this land and as such it can be concluded that there are no known environmental health concerns about the existing scrubland that this land currently comprises. Furthermore the case officer observed no evidence of fly-tipping or dereliction to substantiate these claims when visiting the site. Whilst it is acknowledged that additional properties may offer increased natural surveillance to the area, there is no evidence of anti-social behaviour concerns within the vicinity of the site. Notwithstanding, any potential benefit brought about by development of this land would not outweigh the fundamental locational issues and character harm that would result, as discussed above.

- 10.29. Local planning history, specifically, the Committee's approval of F/YR21/1494/F, may be considered as justification to approve of the current application as argued by the applicant. F/YR21/1494/F was for the erection of a 3/4-bed 2-storey dwelling with detached double garage on Land West Of Antwerp House, Gosmoor Lane, Elm (on the opposite side of Gosmoor Lane from the current application site). Officers recommended refusal of the application as the site was considered to be in an unsustainable location, concluding that the development would be considered unacceptable under Policies LP3 and LP12. On reviewing the minutes from the 9 March 2022 Committee meeting, Members considered that the application site could be considered infill as there was established development either side and that connectivity issues should not preclude rural area growth, as such the scheme was subsequently approved by Members contrary to Officer recommendation.
- 10.30. The current application site would result in similar connectivity issues. However, and most notably in this case, the application site cannot be considered infill development as its location relates more to open countryside. Accordingly it is in direct contravention of Policies LP3 and LP12 as discussed above. Thus, Officers do not consider the applicant's position that this application can be directly compared with F/YR21/1494/F is correct, as the scale, location, and characters of both schemes are notably different.
- 10.31. Therefore, notwithstanding decision reached by Members when considering F/YR21/1494/F, the current application should be considered on its own merits and there are no material considerations that justify a departure from applying the relevant local and national planning policies in determining the current application.

11 CONCLUSIONS

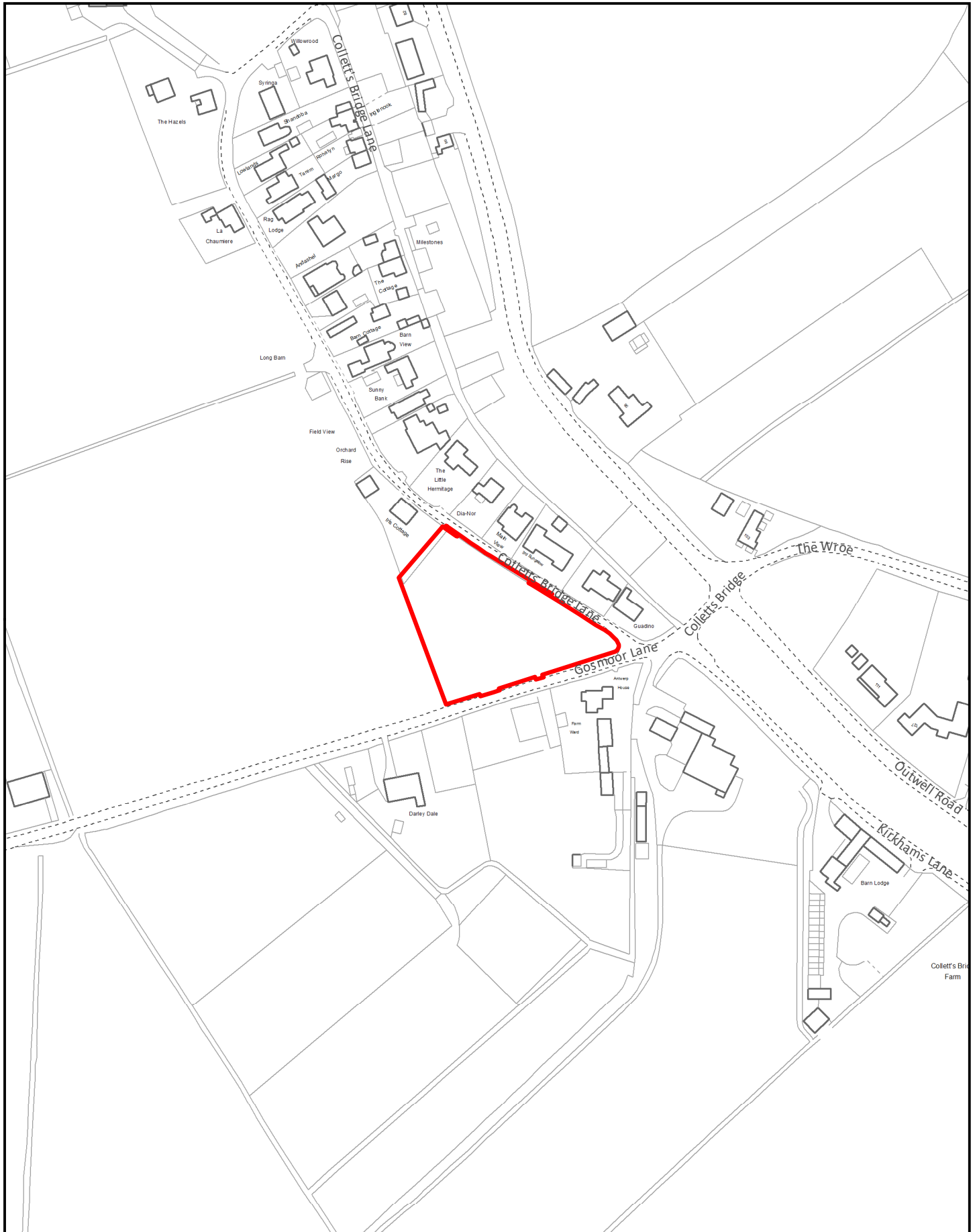
- 11.1. The application site was subject to an earlier pre-application enquiry for a similar scheme, which garnered a likely unfavourable response in respect of the possible contraventions of the current Fenland Local Plan.
- 11.2. On the basis of the consideration of the issues of this application and previous relevant planning history, conflict arises through the principle of the development of the site and the impact on the character of the area rather than as a result of matters that could be addressed at the design stage, and as such it is concluded that the application is contrary to the relevant planning policies of the development plan, LP3, LP12 and LP16.
- 11.3. As such the proposed development is contrary to local planning policy and should be refused.

12 RECOMMENDATION

Refuse, for the following reasons;

1	Policy LP3 of the Fenland Local Plan (2014) sets out the settlement hierarchy within the district, and Policy LP12 details a range of criteria against which development within the District will be assessed. Colletts Bridge site is categorised as an 'Other Village' where
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	<p>residential development will be considered on its merits and will normally be restricted to single dwelling infill sites situated within an otherwise built up frontage. Policy LP12 defines the developed footprint of a village as the continuous built form of the settlement and excludes:</p> <ul style="list-style-type: none"> (a) individual buildings and groups of dispersed, or intermittent buildings, that are clearly detached from the continuous built-up area of the settlement; and (b) gardens, paddocks, and other undeveloped land within the curtilage of buildings on the edge of the settlement where the land relates more to the surrounding countryside than to the built-up area of the settlement. <p>The existing dwellings along the western side of Colletts Bridge Lane and northern side of Gosmoor Lane do not form part of a continuous built frontage and as such the site cannot be considered as an infill site. The site relates more to the large swathes of undeveloped and/or agricultural land between sporadic residential development on both lanes and development of this parcel of land would be excluded by (a) and (b) above. The site is located within an unsustainable location where future occupants would be reliant on private motor vehicles to access services and facilities. Thus the proposal therefore fails to comply with Policies LP3 and LP12 of the Fenland Local Plan 2014.</p>
2	<p>Policy LP12 seeks to support development that does not harm the character of the countryside. Policy LP16 (d) of the Fenland Local Plan (2014) and Policy DM3 of Delivering and Protecting High Quality Environments in Fenland Supplementary Planning Document (2014) requires development to deliver and protect high quality environments through, amongst other things, making a positive contribution to the local distinctiveness and character of the area. The development proposed would result in an enclosure and urbanisation of an area of open countryside to the detriment of the character and appearance of the area. The development would arguably create a precedent for further development on the both the western side of Colletts Bridge Lane and northern side of Gosmoor Lane that would erode the existing open rural character both sides. As such, the proposal would be contrary to the requirements of the Policies LP12, LP16(d) and DM3 (2014).</p>



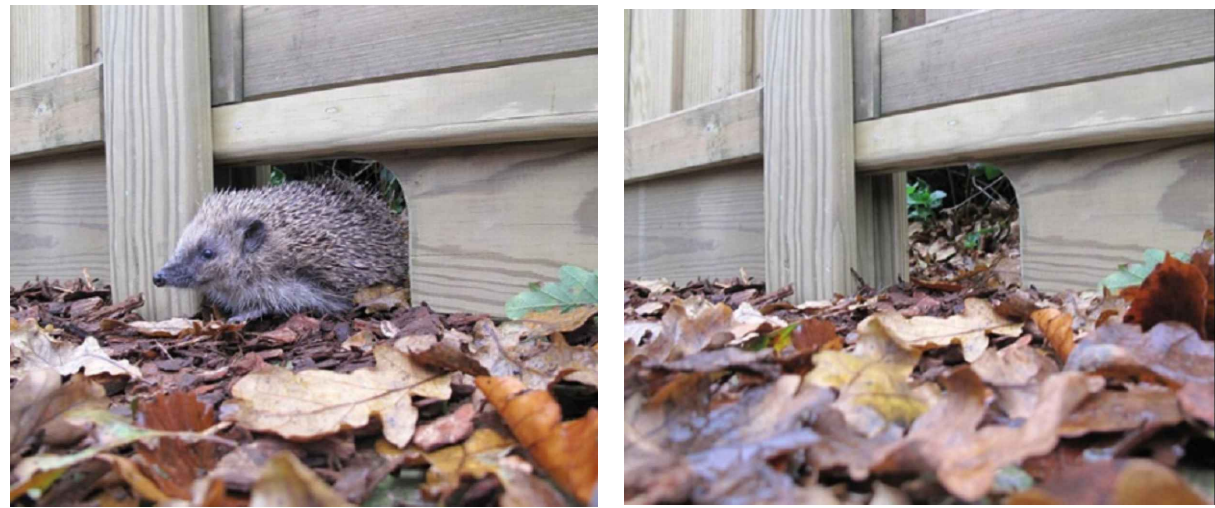
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F/YR23/0904/O

Scale = 1:2,500





Boundary fence to have 1 hedgehog gravel board to each boundary



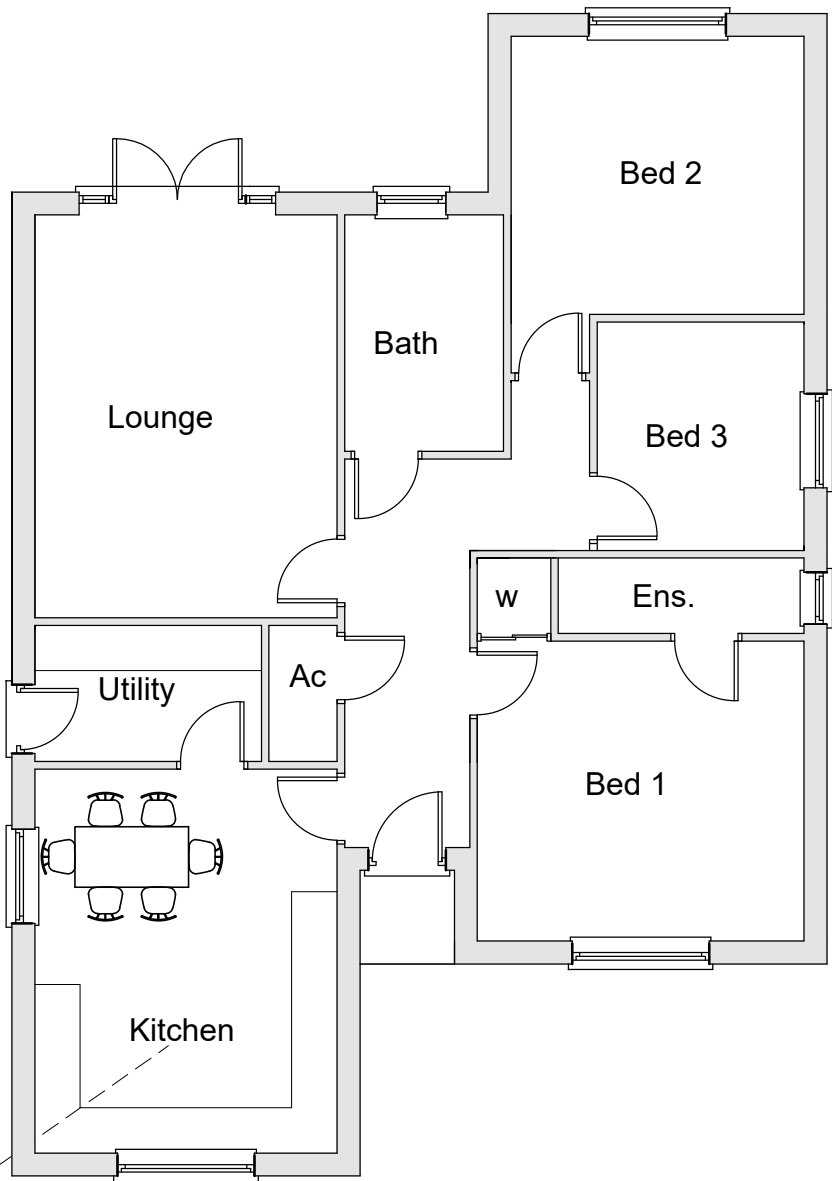
Schwegler triple cavity swift box
1 to each East elevation plots 1,2 and 3



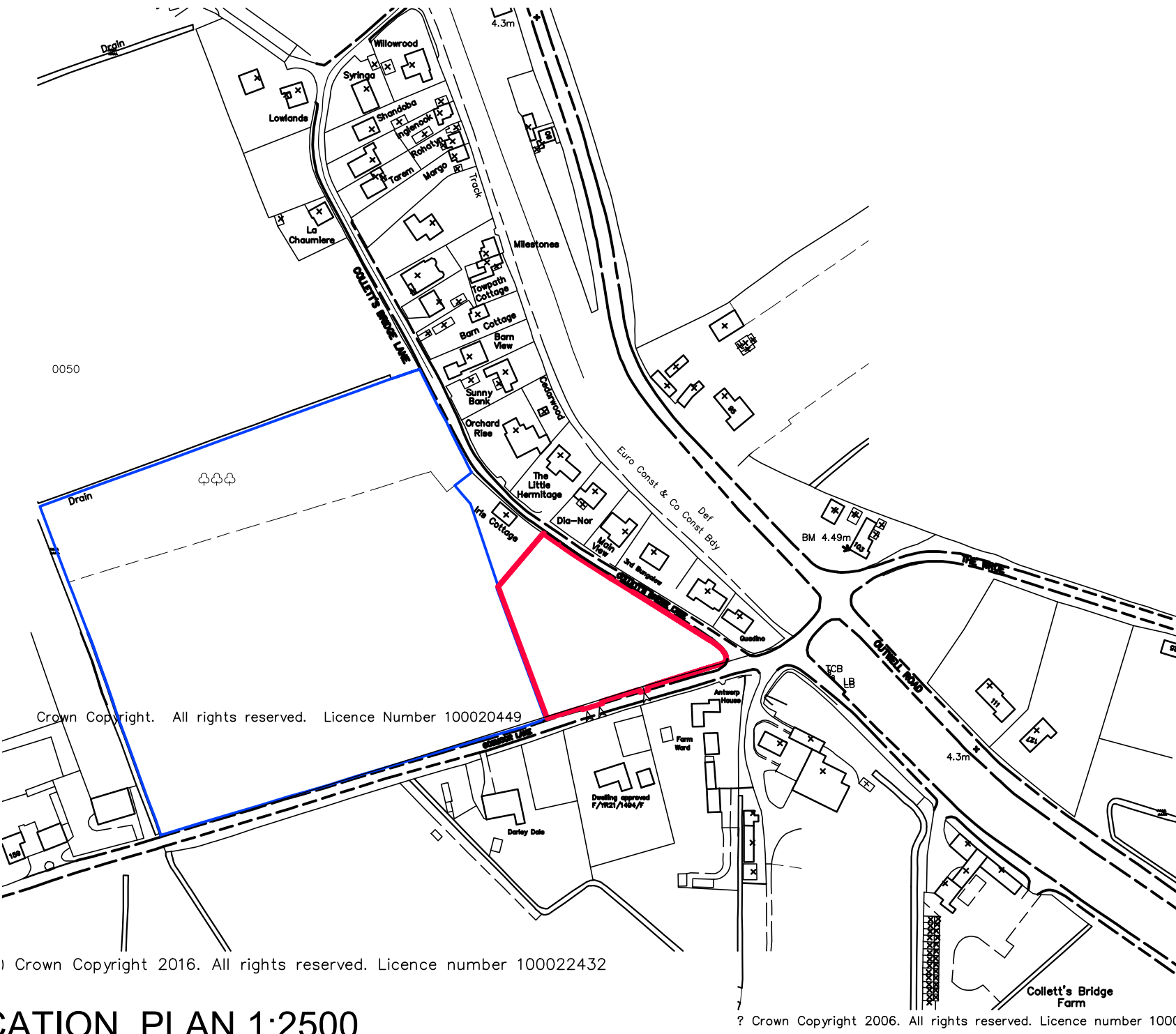
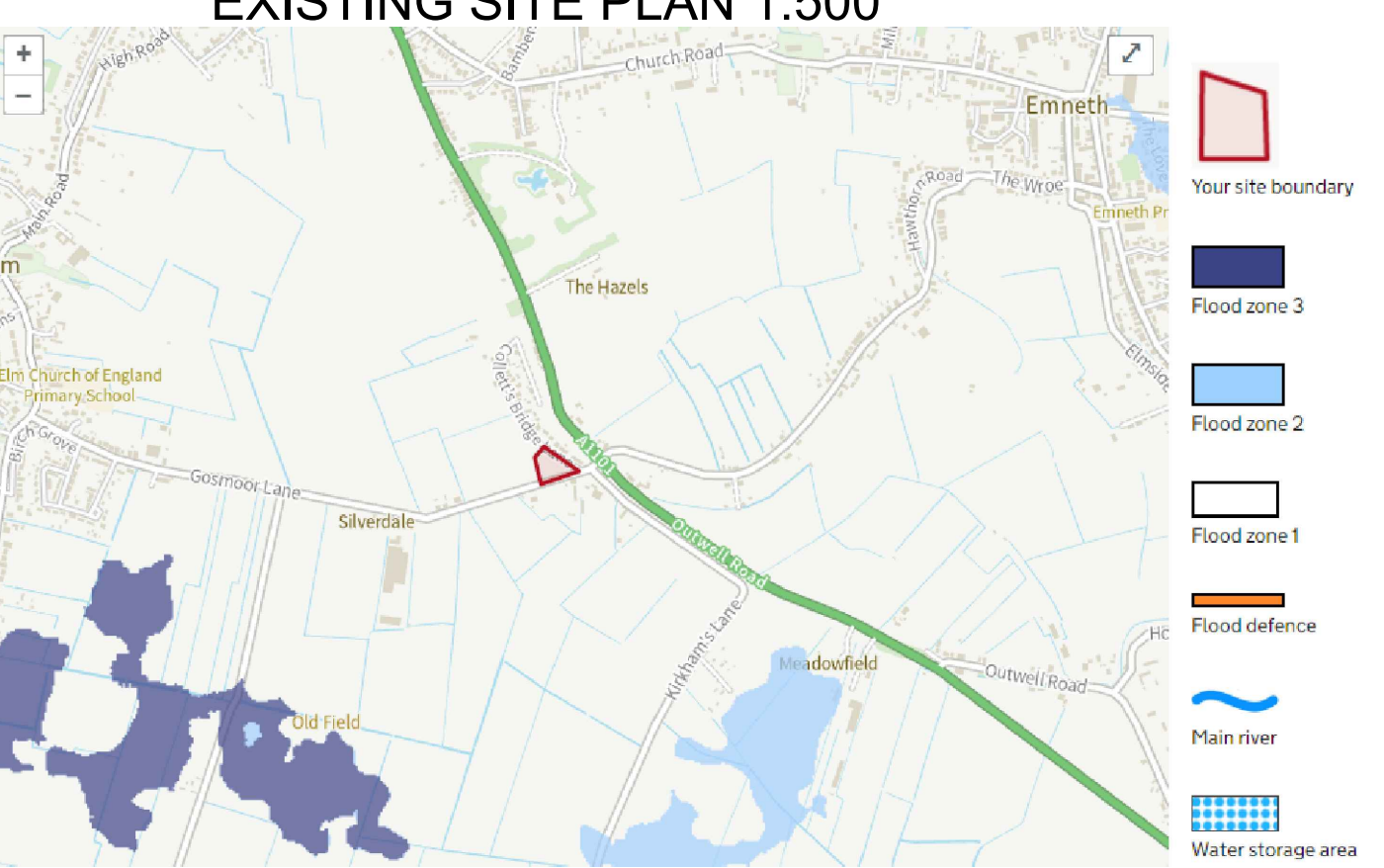
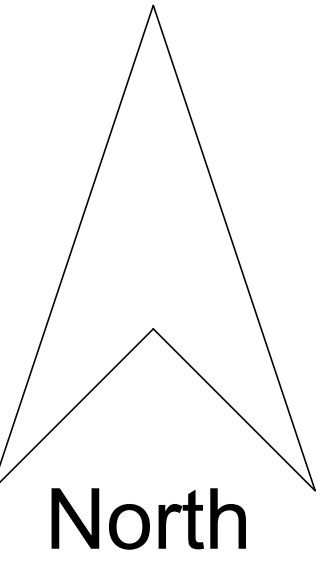
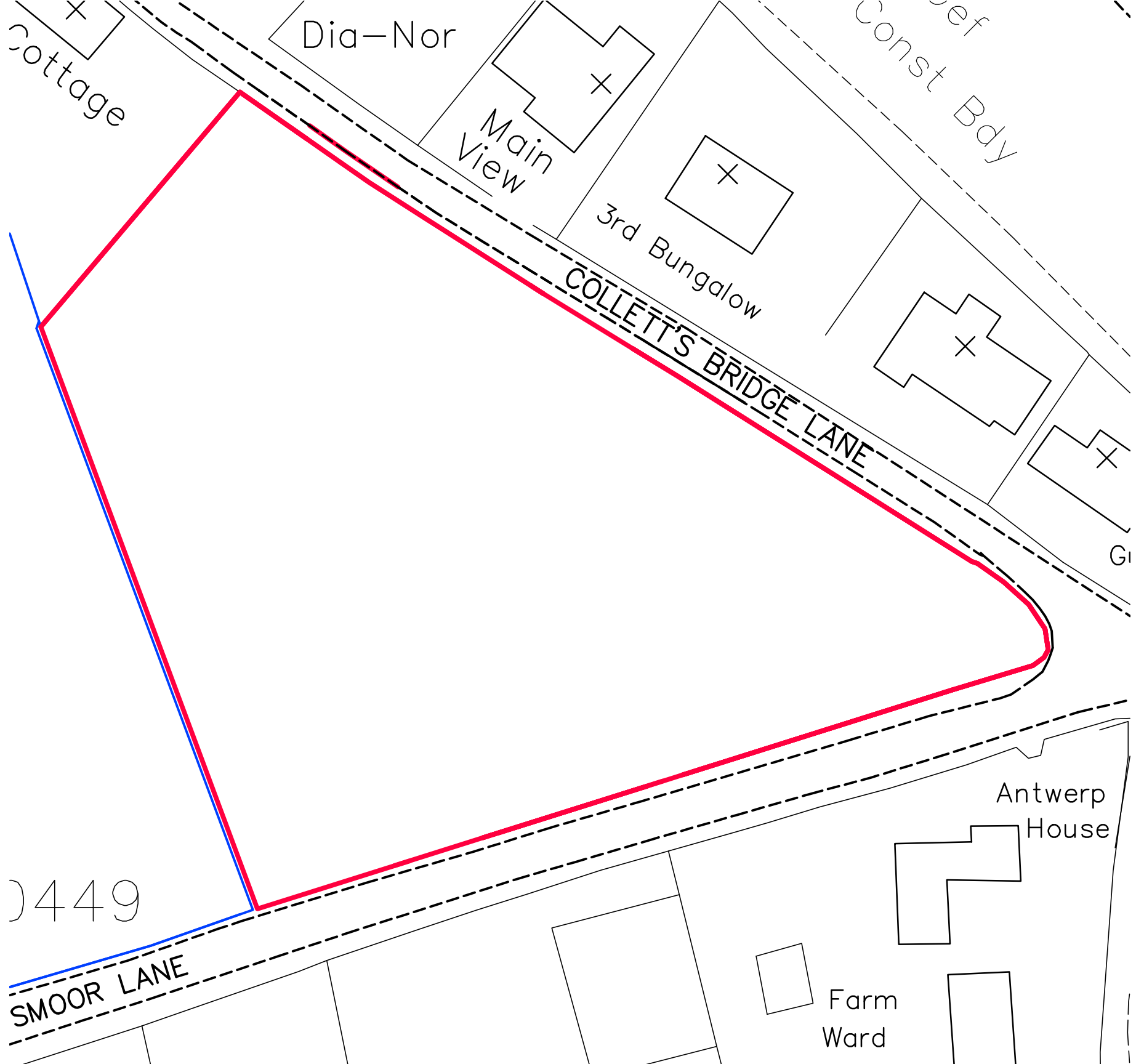
Eco House Martin nest
1 to each East elevation plots 4,5



NHBS Habitat bat box
One on each South
Elevation plots 4 and 5



Indicative bungalow layout only 1:100 10449



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CLIENT
MR CROFTS

PROJECT
RESIDENTIAL DEVELOPMENT

SITE
**PROPOSED DEVELOPMENT
COLLETT'S BRIDGE LANE
/GOSMOOR LANE
COLLETT'S BRIDGE
ELM,Nr WISBECH
PE14 0EE**

DRAWING
6857 PL01a

JOB NO. 6857	PAPER SIZE A1	DATE 27/09/2023
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All dimensions shown on the drawing are in millimeters unless stated otherwise. If the drawing is received electronically (PDF) it is the recipient's responsibility to ensure it is printed to the correct paper size. All dimensions to be checked on site prior to commencing work and any discrepancies to be highlighted immediately.
The Construction (Design and Management) Regulations 2015:
Peter Humphrey Associates' form of appointment with the client confirms whether the agent is appointed as 'Designer' or 'Principal Designer' under these regulations. Nevertheless, the design phase has been carried out with due consideration for the safety during construction, occupation and maintenance of the finished project. No extraordinary hazards or risks were identified outside of the routine construction operations that would not already been apparent to a competent contractor.

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F/YR23/0981/O

Applicant: Mr D Parsons

**Agent: Mr Jordan Scotcher
Morton & Hall Consulting Ltd**

Land North Of 59, Stow Road, Wisbech, Cambridgeshire

Erect 1 x dwelling (outline application with matters committed in respect of access)

Officer recommendation: Refuse

Reason for Committee: Number of representations contrary to officer recommendation

1 EXECUTIVE SUMMARY

- 1.1. This application seeks outline planning approval, with matters committed in terms of access only, for the development of 1 dwelling within an area of disused scrubland situated to north 59 Stow Road, Wisbech.
- 1.2. The application includes proposals to improve the access where it meets the public highway and localised widening of the access track immediately to the front of the site. Notwithstanding the Highways Authority comments, it is considered that the proposed improvements cannot overcome issues of highway safety of poor visibility and potential conflict. As such, the proposed access cannot be considered to offer safe and convenient access for all as required by the NPPF Para 114(b) and Policy LP15 of the Fenland Local Plan.
- 1.3. Given the constrained nature of the site, the development will likely result in issues of poor light ingress and a constrained outlook, which will offer poor quality occupier amenity and will not result in the delivery of a high quality living environment as required by Policies LP2 and LP16. In addition, the proposed 60m bin drag length across unmade (albeit level) ground, along a narrow access track with existing highway safety issues, will result in a poorly designed waste disposal scheme, contrary to Policy LP16 (f).
- 1.4. The scheme will see a 93% loss of Habitat Units which will likely impact nesting birds and some terrestrial Protected and Priority species; in addition there will be negligible public benefit through the development of the site for one dwelling, and any suggested mitigation measures will not result in a neutral impact nor net gain in biodiversity as some loss will remain. Therefore, the proposal does not accord with the aspirations of NPPF Section 15 and Policy LP19 of the Fenland Local Plan.
- 1.5. Accordingly, the below assessment establishes that application must be recommended for refusal on the grounds of highway safety, residential amenity and biodiversity.

2 SITE DESCRIPTION

- 2.1. The application site is an area of disused scrubland situated with significant areas of hedging and mature shrubs, situated to the east side of an access track that leads from Stow Road between Nos. 57 & 61 and provides informal access to No.59 (a dwelling positioned to the south of the application site) along with garages associated with No.51, 57, & 59 and a bungalow, known as The Bungalow, situated to the northeast.
- 2.2. The site is situated in Flood Zone 1.

3 PROPOSAL

- 3.1. This application seeks outline planning approval, with matters committed in terms of access only, for the development of 1 dwelling at the site. The indicative plans submitted depict a single bungalow, with an area of parking/turning to the front, with localised widening of the access track. The site is depicted to be bounded by 1.8m close boarded fencing, with garden space to the rear.
- 3.2. Full plans and associated documents for this application can be found at: [F/YR23/0981/O | Erect 1 x dwelling \(outline application with matters committed in respect of access\) | Land North Of 59 Stow Road Wisbech Cambridgeshire \(fenland.gov.uk\)](https://fenland.gov.uk/Planning/0981/O/Erect%201%20dwelling%20(outline%20application%20with%20matters%20committed%20in%20respect%20of%20access)/Land%20North%20Of%2059%20Stow%20Road%20Wisbech%20Cambridgeshire)

4 SITE PLANNING HISTORY

F/YR22/0831/O	Erect a dwelling (outline application with matters committed in respect of access)	Withdrawn 18.08.2023
F/YR19/0950/F	Erect 1 dwelling (2-storey, 4-bed)	Withdrawn 16.12.2019
18/0133/PREAPP	Erection of 1 dwelling	Not Favourable 30.11.2018
F/YR08/0559/F		Refused 20.08.2008
08/00077/REF	Erection of a 2-bed detached bungalow Land East Of 55 Stow Road, Wisbech	Appeal Dismissed 06.02.2009
F/0043/87/O	Residential development (one or two bungalows or houses) Land off Stow Road Wisbech	Refused 26.03.1987

5 CONSULTATIONS

5.1. Senior Archaeologist (CCC)

Thank you for the consultation with regards to the archaeological implications of above referenced planning application. The proposed development lies in an area of high archaeological potential to the west of the Historic Town of Wisbech. directly overlying the course of the Roman bank (Cambridge Historic Environment Record reference MCB19097). The bank was created in the Saxon period as a defence against the flooding of the historic core of

Wisbech. Where the bank is preserved, surviving to a height of 2.5m and breadth of 21m, it has been protected as a scheduled monument (CHER ref. MCB5384). Archaeological investigations 300m to the north-west (CHER ref. ECB3711) revealed the course of the Roman bank, as well as layers of dumped material within the landward side of the ditch.

Further excavations to the north-west have revealed the ditched element of the Roman bank to be of a minimum of 0.8m in depth (CHER ref. ECB3355). As only the edge of the ditch was revealed the full depth of the ditch in this area is unknown, however is likely to extend well over a meter in depth. First edition OS mapping also shows a 19th century sand extraction pit to the east of the development area. Both the extraction pit and bank would have been deep features in the landscape which have since been infilled with softer material, which may have implications for the structure and foundations of the proposed development.

We were previously consulted of the similar application F/YR22/0831/O and our advice would remain the same, whilst we do not object to development proceeding in this location however, due to the archaeological potential of the site, a further programme of investigation and recording is required in order to provide more information regarding the presence or absence, and condition, of surviving archaeological remains within the development area, and to establish the need for archaeological mitigation of the development as necessary. Usage of the following condition is recommended:

Archaeology Condition

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

other than under the provisions of the agreed WSI, which shall include:

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

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

Informatives:

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

5.2. Cambridgeshire County Council Highways Authority

This outline application seeks to erect a single storey 3-bedroom residential dwelling at the above site together with improvements to the Stow Road access junction and the approach road fronting the site.

Recommendation

I have reviewed the documents in support of the application and in principle have no objection to the above proposal from the highway's perspective.

Comments

The access onto Stow Road is acceptable in the form proposed and while there are issues associated with sharp bend and forward visibility, this won't impact upon the public highway. It is also noted the bin collection for the proposed dwelling is to take place from Stow Road, stated as the communal waste collection point.

As this is an outline application with matters committed in respect of access only, I have refrained from providing comments on the indicative layout, but the application should note that adequate provision for parking and vehicle turning will be needed. I also advise (should the application be permitted), the applicant should consult CCC's General Principles for Development when preparing any future reserve matters for the above application.

5.3. Wisbech Town Council

That the application be supported.

However, the members of the committee have concerns as to the adequacy of the proposed access to the site to accommodate Emergency Services' vehicles (such as a Fire Engine).

5.4. Environment & Health Services (FDC)

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

I note comments submitted by this service in response to previous applications for the site and would again request that an unsuspected contamination 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 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.

Due to the close proximity of noise sensitive receptors, it would also be prudent to include the following condition in the interests of amenity protection during the construction phase:

WORKING TIMES

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

5.5. CCC Ecology

The scheme will result in the loss of biodiversity value.

Developments should deliver no net loss in biodiversity value, and seek to deliver net gains, in accordance with National Planning Policy Framework 2023 (para 180) and Fenland Local Plan LP19, which states that the Council will:

- “Refuse permission for development that would cause demonstrable harm to a protected habitat or species, unless the need for and public benefits of the development clearly outweigh the harm and mitigation and/or compensation measures can be secured to offset the harm and achieve, where possible, a net gain for biodiversity;” and*
- “Ensure opportunities are taken to incorporate beneficial features for biodiversity in new developments...”*

We are satisfied that the mitigation measures set out in the Ecology Report will maximise the biodiversity value of the proposed development, including wildlife friendly planting and artificial refugia (bird / bat boxes). These measures should be secured through a suitably worded planning condition.

However, these mitigation measures will still result in a small loss in biodiversity value (0.3 BNG units), as identified within the Ecology report (Wild Frontier Ecology, 2023).

It is unlikely that redesign of the scheme will address these issues, given the change from scrub to a new dwelling. There is potential for off-site compensation to address the losses and would ask the Applicant to explore these possibilities. However, it is our understanding that there is limited availability for BNG credits within Fenland.

If permission is granted, we recommend that the following information to protect and enhance biodiversity is secured through suitably worded planning condition(s):

- 1. Hard and Soft Landscape Scheme*
- 2. Bird / Bat Boxes*
- 3. Lighting Design Strategy for Biodiversity*
- 4. Informative – Breeding Birds [...]*

5.6. Local Residents/Interested Parties

Objectors

The Council has received five letters of objection to the scheme from two address points within Wisbech, including a neighbouring dwelling on Stow Road, and a second address on Cocketts Drive, Wisbech.

The reasons for objection can be cited as:

- Highway safety concerns owing to width and visibility of access track; damage to property caused by vehicular traffic;
- Access unsuitable for emergency vehicles; and
- Impacts on wildlife

Supporters

The Council has received seven letters of support for the scheme, from six address points including Boyces Rd, Kingsway, Staithe Road and Wilberforce Road in Wisbech, Racey's Close, Emneth and Chapnall Road, Walsoken.

The reasons for support are summarised as:

- The land is neglected and overgrown; and often used for fly-tipping;
- Development would improve the area; and
- The development of one additional dwelling would not cause access 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

7.1. National Planning Policy Framework (NPPF) Dec 2023

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

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

Para 11: Presumption in favour of sustainable development

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

Para 114b: Safe and suitable access to the site should be achieved for all users

Para 123: Promote effective use of land, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Para 128: Supporting efficient use of land, taking into account the: (d) desirability of maintaining an areas prevailing character and setting; and (e) the importance of securing well-designed, attractive and healthy places.

Para 135: achieving well-designed places

Section 15: Conserving and enhancing the natural environment

7.2. National Planning Practice Guidance (NPPG)

Determining planning applications

7.3. **National Design Guide 2019**

Context
Identity
Built Form
Homes and Buildings

7.4. **Fenland Local Plan 2014**

LP1 – A Presumption in Favour of Sustainable Development
LP2 – Facilitating Health and Wellbeing of Fenland Residents
LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside
LP4 – Housing
LP7 – Urban Extensions
LP8 – Wisbech
LP15 – Facilitating the Creation of a More Sustainable Transport Network
LP16 – Delivering and Protecting High Quality Environments
LP19 – The Natural Environment

7.5. **Emerging Local Plan**

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

LP1 – Settlement Hierarchy
LP2 – Spatial Strategy for the Location of Residential Development
LP7 – Design
LP8 – Amenity Provision
LP20 – Accessibility and Transport
LP22 – Parking Provision
LP24 – Natural Environment

7.6. **Supplementary Planning Guidance**

RECAP Waste Management Design Guide SPD

8 **KEY ISSUES**

- **Principle of Development**
- **Impact on Character and Amenity**
- **Access and Parking**
- **Residential Amenity**
- **Natural Environment**
- **Flood Risk**
- **Other Matters**

9 **BACKGROUND**

- 9.1. This application has been preceded by two previous attempts by the applicant to obtain planning approval for the erection of a dwelling at the site, F/YR19/0950/F and F/YR22/0831/O. Each of these applications were withdrawn, the first due to unsuitability of the site in respect of access, and the

second owing to the access concerns and matters with respect to insufficient assessment of the ecological implications of the development. In addition, the applicant received pre-application advice in 2018, citing a likely unfavourable response by officers owing to concerns over access and biodiversity implications.

10 ASSESSMENT

Principle of Development

- 10.1. The application site is located within the built framework of Wisbech, which is identified within the Settlement Hierarchy as a 'Market Town' where, according to Policy LP3, the majority of the district's new housing should take place. Accordingly, there is a presumption in favour of development within this location. Notwithstanding, the point of general principle is subject to broader planning policy and other material considerations which are discussed in more detail below.
- 10.2. The application site is located on the eastern edge of the settlement of Wisbech, within the East Wisbech Strategic Allocation. It is noted that the Broad Concept Plan for this allocation identifies a 'town centre connection' route in the vicinity of the site, and accordingly may have consequences strategically in terms of achieving connectivity. Notwithstanding, from the evidence submitted to date, it is unlikely that the application site will cover any land that is essential for the delivery of the wider strategic allocation either in terms of access to the broader site or through provision of infrastructure on the land itself.
- 10.3. As such the broad principle of the proposed development may be accepted, subject to compliance with other relevant policies within the development plan in respect of the material planning considerations.

Impact on Character and Amenity

- 10.4. Details of appearance, layout and scale are to be submitted at Reserved Matters stage, however the submitted indicative plans suggests that the dwelling, indicated as a bungalow, will be similar in scale and footprint to the surrounding residential development.
- 10.5. The site is in a secondary location within the street scene and whilst the existing access does serve a number of dwellings/outbuildings, its character is largely that of sporadic development; nonetheless it is not considered that any harm arising from the proposal would be so significant as to render the scheme unacceptable, when considered in the context of Policy LP16 of the Fenland Local Plan and the character of the surrounding development, subject to detailed matters of design and layout at Reserved Matters stage.

Access and Parking

- 10.6. The current access is an informal track that joins Stow Road between Nos.57 and 61. From historical mapping, it appears that this access was utilised for access to allotment gardens situated to the north of the application site since around 1949 and subsequently provided access to a domestic garages associated with No.51 and No.59, and the informal parking area for No.57. These dwellings, according to mapping evidence, appear to have been built

during, or prior to, 1957. In more recent history, the track has also provided access to two additional dwellings, The Bungalow and Three Trees, located approximately 120m and 260m along the track respectively, and a, now derelict, plant nursery.

- 10.7. Former planning history at the site is relevant here, noting that the planning application F/0043/87/O, for the residential development of one or two bungalows or houses, was refused as the access was considered *“unsatisfactory to serve the proposed residential development.”*
- 10.8. The application commits matters of access, including proposals to improve the track where it meets the public highway at Stow Road with the first 10 metres being constructed to CCC Highways specification, along with a localised widening of the access track to 5.5m shown immediately to the front of the site, which is laudable. In addition, the submitted plans suggest the potential development will comprise a 3-bedroom dwelling, accordingly 2 parking spaces have been shown to be provided, which complies with the parking requirements of Policy LP15.
- 10.9. Whilst it is acknowledged that the track provides access to two existing dwellings (The Bungalow and Three Trees) along with domestic garages for a further two properties, these dwellings have been in-situ for circa 60+ years, with the allotments being implemented over 70+ years. In that time, this access track has not been adopted, and does not appear to have been formally maintained, comprising a single-track unmade carriageway, constrained on both sides by boundary treatments and vegetation, with blind bends at approximately 30m and 85m along the track, both to the south and north of the application site.
- 10.10. The track is considerably constrained in width to a minimum of around 3m in places up to the application site, and includes a 90-degree blind bend from an easterly to northerly direction approximately 37m south of the proposed dwelling access, with the dwelling at No.59 obscured immediately beyond this bend, where the track appears at its narrowest.
- 10.11. It is acknowledged that the Highways Authority has no objection in principle to the use of the access, as they consider that the limited safety concerns that may occur will not directly impact on the public highway. However, it should be noted that impact on the public highway only is a limitation of the remit for material considerations to be addressed by the Highways Authority. Nonetheless, their comments infer that potential vehicle conflicts and safety concerns may occur as a result of the sharp bend and poor forward visibility along the informal access track.
- 10.12. However, it is clear that the access will limit the potential for access for deliveries or emergency service vehicles, and the development will likely increase the potential for vehicle to vehicle or vehicle to pedestrian conflicts along the access, owing to the constrained width, blind bend and lack of pedestrian footway. The presence of existing vehicular access via the track to other older properties is acknowledged, however, when considering the requirements of *current* planning policy (which the existing dwellings precede), NPPF Para 114(b) and 116(c) and (d) require that for new developments:

114b) *safe and suitable access to the site can be achieved for all users;*

Within this context, applications should:

116c) *create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards; and*

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

10.13. Thus, acknowledging the site's planning history and notwithstanding the lack of a technical objection from the Highways Authority, it is considered that the proposed improvements to the access mouth and the provision of a passing place adjacent to the dwelling cannot overcome the issues relating to the bend and lack of suitable visibility, which will result in potentially unsafe conflicts and will not enable access for goods, servicing or emergency vehicles. As such, the proposed access cannot be considered to comply with the requirements of the NPPF Para 114(b), 116 (c) and (d) or Policy LP15 of the Fenland Local Plan.

Residential Amenity

10.14. The plot has the capacity, subject to reserved matters of detailed design and layout, to accommodate a dwelling with associated parking, turning and amenity space without detriment to adjoining occupiers. However, future occupier amenity must also be considered.

10.15. Given the constrained nature of the site surrounds adjoined to the north, south and east by mature scrubland/woodland, the development will likely result in issues of poor light ingress and a constrained outlook, which will offer poor quality occupier amenity and will not result in the delivery of a high quality living environment as required by Policies LP2 and LP16.

10.16. Furthermore, it is noted that a bin collection point is provided near the mouth of the access, presumably owing to the lack of access available for refuse lorries due to the constrained width of the access track.

10.17. Paragraph 5.7 of the RECAP Waste Management Design Guide Supplementary Planning Document (RECAP) states: "*Residents should not have to move waste more than 30m to any designated storage area within the boundary of the property...*"

10.18. The paragraph goes on to state: "*Any designated storage area within the boundary of the property should not be more than 25m from the collection point... For containers with two wheels the distance between the collection point and collection vehicle must not exceed 25m.... should avoid steps...; In all cases surfaces should be smooth and solid and gradients should not 1:12.*"

10.19. The position of the bin collection point is approximately 60m from the intended dwelling and the ground along the access road is relatively flat, but is unmade ground and is not proposed to be resurfaced to a smooth solid surface for its entire length as recommended by RECAP. Thus, given this drag length

across unmade (albeit level) ground, along a narrow access track with existing highway safety issues, the scheme's waste collection proposal is not considered to be well-designed or user-friendly as set out within Policy LP16 (f).

Natural Environment

- 10.20. Policy LP19 seeks to conserve, enhance and promote the biodiversity of the natural environment throughout Fenland.
- 10.21. The application site comprises an area of mixed scrub, with a narrow open area which has been cut back running through the centre of the site. Accounting for this small open area, the entire site is classified as mixed but scattered scrub. The site is bordered by further areas of scrub and trees.
- 10.22. Within the East Wisbech BCP, of which the site is part, the area in which the site is located is denoted as an area of Medium Retention Value Habitat Area, with the site's southern boundary denoted as a High Retention Linear Feature (Figure 8: Summary of ecological assessment); which, according to the corresponding BCP Preliminary Ecological Appraisal appendix denotes the Habitat Area as 'Semi-Improved Grassland' and the Linear Feature as a 'Dry Ditch' (Figure 1: Habitat Survey Map).
- 10.23. The application has been supported by an ecological report concluding that the clearance of scrub from the site will have a permanent minor negative impact on the local habitat. Some mitigation in the form of compensatory planting on the developed site is advised, but even accounting for this, a residual minor negative impact will occur. There were no signs of protected species at the site, but the habitat is suitable for nesting birds and possibly for infrequent use by some terrestrial Protected and Priority species.
- 10.24. Furthermore, a Biodiversity Net Gain calculation has been undertaken to help quantify any losses of habitats at the site. The calculation shows that the development would be expected to lead to a net loss of 0.3 Habitat Units, this reduction in Habitat Units equates to approximately 93% of the baseline Habitat Units being lost from the site.
- 10.25. The CCC Ecology team has reviewed the submitted ecology report findings and concludes that the loss of biodiversity value is regrettable and given the domestic nature of the proposed development, redesign of the scheme will not likely be able to fully address this loss notwithstanding mitigation measures being acceptable on balance.
- 10.26. Notwithstanding the suggested mitigation measures Policy LP19 clearly stipulates that the Council should refuse permission for development that would cause demonstrable harm to a protected habitat or species, unless the need for and public benefits of the development clearly outweigh the harm and mitigation and/or compensation measures can be secured to offset the harm and achieve, where possible, a net gain for biodiversity.
- 10.27. Accordingly, the ecological assessment above notes that the scheme will see a 93% loss of Habitat Units (which will likely impact nesting birds and some terrestrial Protected and Priority species). It is considered that there will be

negligible public benefit through the development of the site for one dwelling, and that the suggested mitigation measures will not result in a neutral impact or net gain in biodiversity as some loss will remain. Furthermore consideration of the higher level assessment undertaken within the BCP suggests that this site may be significant in achieving biodiversity net gain and habitat retention in respect of the wider development proposals within the BCP.

- 10.28. Therefore, the proposal is unacceptable in respect of the resultant harm of the biodiversity potential of the site and does not accord with the aspirations of NPPF Section 15 and Policy LP19 of the Fenland Local Plan and should be therefore refused on this basis.

Flood Risk

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

Other Matters

- 10.30. It is acknowledged that development of the site may reduce the possibility of fly tipping at the site and therefore may result in an improvement to the overall cleanliness of the area. However such matters were not noted within comments received from the Environmental Health team; accordingly, the claims of the use of the land for unauthorised waste disposal cannot be substantiated.
- 10.31. Notwithstanding, any benefits that development of the site may improve to cleanliness does not outweigh the concerns raised with respect to the material planning considerations discussed above.

11 CONCLUSIONS

- 11.1. The above assessment has established that the proposal cannot overcome the issues relating to the bend and lack of suitable visibility, which will result in potentially unsafe conflicts and will not enable access for goods, servicing or emergency vehicles. As such, the proposed access cannot be considered to comply with the requirements of the NPPF Para 114(b), 116 (c) and (d) or Policy LP15 of the Fenland Local Plan.
- 11.2. Given the constrained nature of the site surrounds adjoined to the north, south and east by mature scrubland/woodland, the development will likely result in issues of poor light ingress and a constrained outlook, which will offer poor quality occupier amenity and will not result in the delivery of a high quality living environment as required by Policies LP2 and LP16. Furthermore, given the potential circa 60m bin drag length across unmade (albeit level) ground, along a narrow access track with existing highway safety issues, the scheme's waste collection proposal is not considered to be well-designed or user-friendly as set out within Policy LP16 (f) and would result in unacceptable amenity impacts.

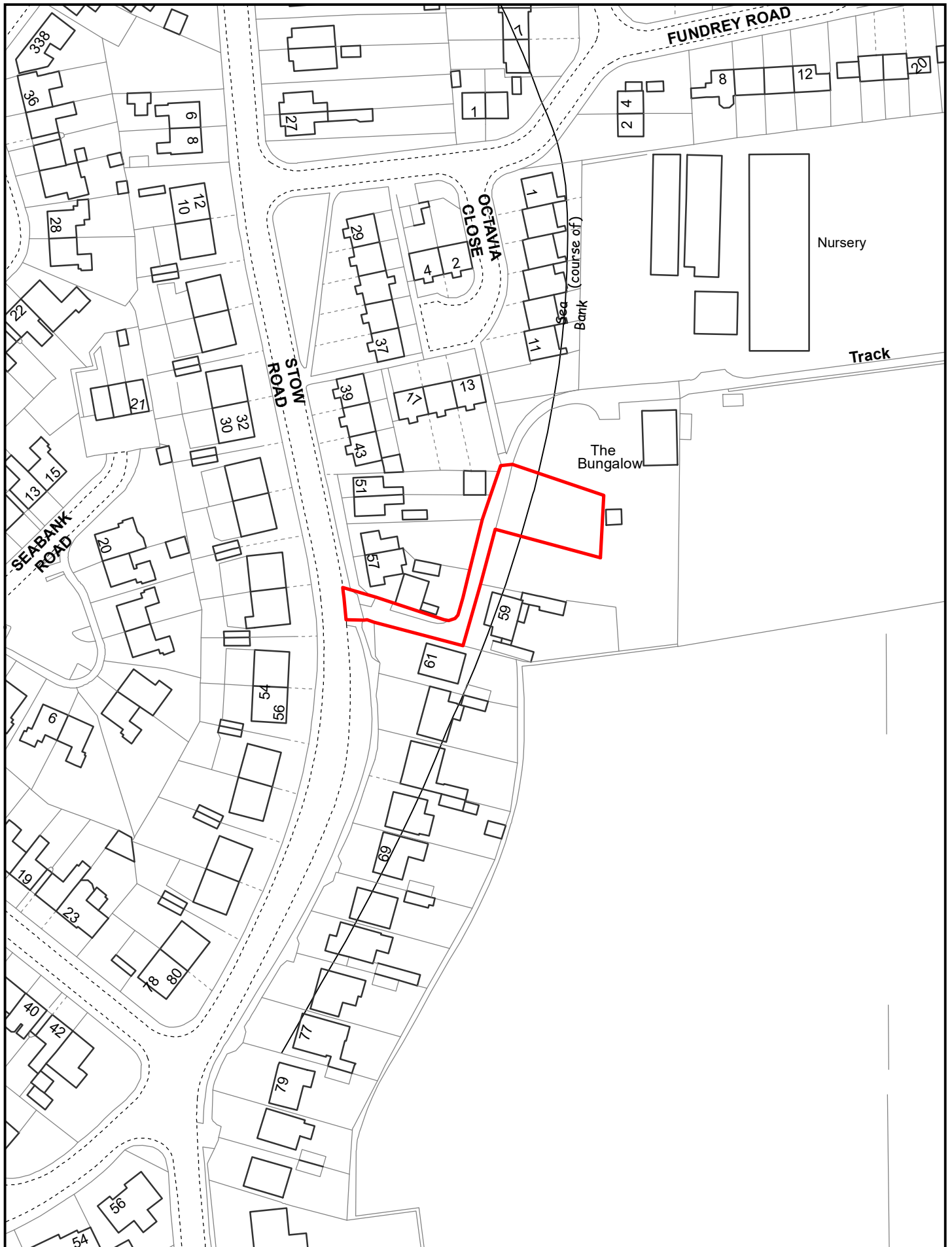
- 11.3. The scheme will see a 93% loss of Habitat Units which will likely impact nesting birds and some terrestrial Protected and Priority species; in addition there will be negligible public benefit through the development of the site for one dwelling, and any suggested mitigation measures will not result in a neutral impact or net gain in biodiversity as some loss will remain. Therefore, the proposal is unacceptable and does not accord with the aspirations of NPPF Section 15 and Policy LP19 of the Fenland Local Plan.
- 11.4. Thus, in accordance with the above assessment in respect of local and national planning policy, the application must be recommended for refusal.

12 RECOMMENDATION

Refuse; for the following reasons:

1	Policy LP15 of the Fenland Local Plan 2014 requires development schemes to demonstrate that they have had regard to several criteria, including providing a well-designed, safe and convenient access for all. The NPPF states (at paragraph 114) that developments should ensure that safe and suitable access to the site can be achieved for all users and development should create places that are safe, secure and attractive which minimise the scope for conflicts between pedestrians, cyclists, and vehicles. The existing access track is considered to be inadequate to serve the proposed development by reason of its restricted width and restricted visibility owing to a blind bend, which could result in conflict between pedestrians and vehicles. In addition, the constrained access will restrict access to the site from emergency vehicles. As such, the proposed access is considered to be in conflict with NPPF Para 114 (b), Para 116 (c) and (d) and Policy LP15 of the Fenland Local Plan as it does offer safe and convenient access for all.
2	Policy LP16 of the Fenland Local Plan 2014 seek to ensure that adequate, well designed bin facilities are conveniently located with easy access for users. By virtue that the proposal will result in bins being wheeled circa 60m from the storage area across unmade ground to the required collection point the scheme offers an inconvenient and inadequate waste collection scheme with poor levels of residential amenity, which is considered to be contrary to Policy LP16 (f) of the Fenland Local Plan 2014.
3	Policies LP2 and LP16 of the Fenland Local Plan and Paragraph 135 of the NPPF seek to ensure the health and wellbeing of occupiers through the creation of high quality residential accommodation. By virtue of the lack of natural light ingress and poor outlook owing to the constrained nature of the site and surrounds, in combination with the issues identified in Reasons 1 and 2 above, it is considered that the proposal for residential development of the site would result in poor levels of residential

	amenity for its occupant(s). As such, the proposal is contrary to the requirements of the aforementioned local and national planning policies and cannot be supported.
4	<p>Section 15 of the NPPF seeks to conserve and enhance the natural environment. Policy LP19 stipulates that the Council should refuse permission for development that would cause demonstrable harm to a protected habitat or species, unless the need for and public benefits of the development clearly outweigh the harm and mitigation and/or compensation measures can be secured to offset the harm and achieve, where possible, a net gain for biodiversity. The scheme will see a 93% loss of Habitat Units (which will likely impact nesting birds and some terrestrial Protected and Priority species); in addition there will be negligible public benefit through the development of the site for one dwelling, and any suggested mitigation measures will not result in a neutral impact or net gain in biodiversity as some loss will remain. Therefore, the proposal is unacceptable and does not accord with the aspirations of NPPF Section 15 and Policy LP19 of the Fenland Local Plan.</p>



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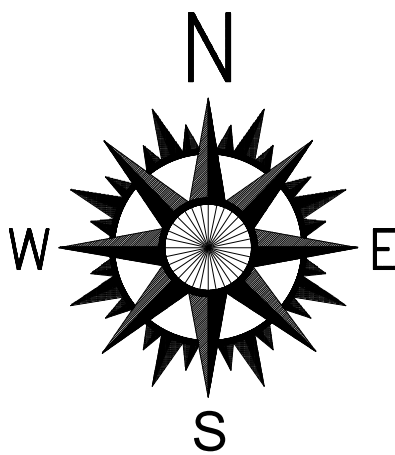


INDICATIVE LAYOUT

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The contractor is to arrange inspections of the works by the BCO (or NHBC) as required by the Building Regulations and is to obtain completion certificate and forward to the Engineer

LEGEND

- GRAVEL (PERMEABLE COVERING)
- TARMAC
- GRASS
- BLOCK PAVING
- SLAB PAVING



B A	PLANNERS AMENDMENTS PLANNERS AMENDMENTS	JUL 22 JUL 22
REVISIONS		DATE

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CONSULTING LIMITED
CONSULTING STRUCTURAL ENGINEERS

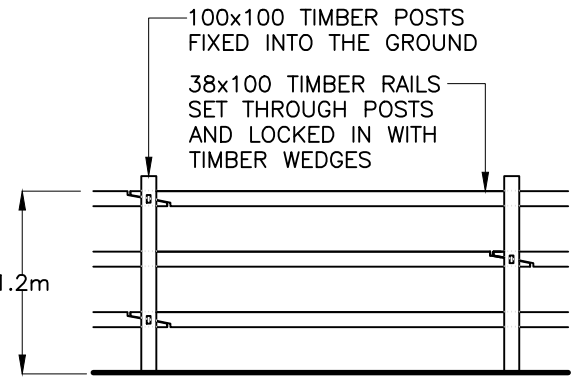
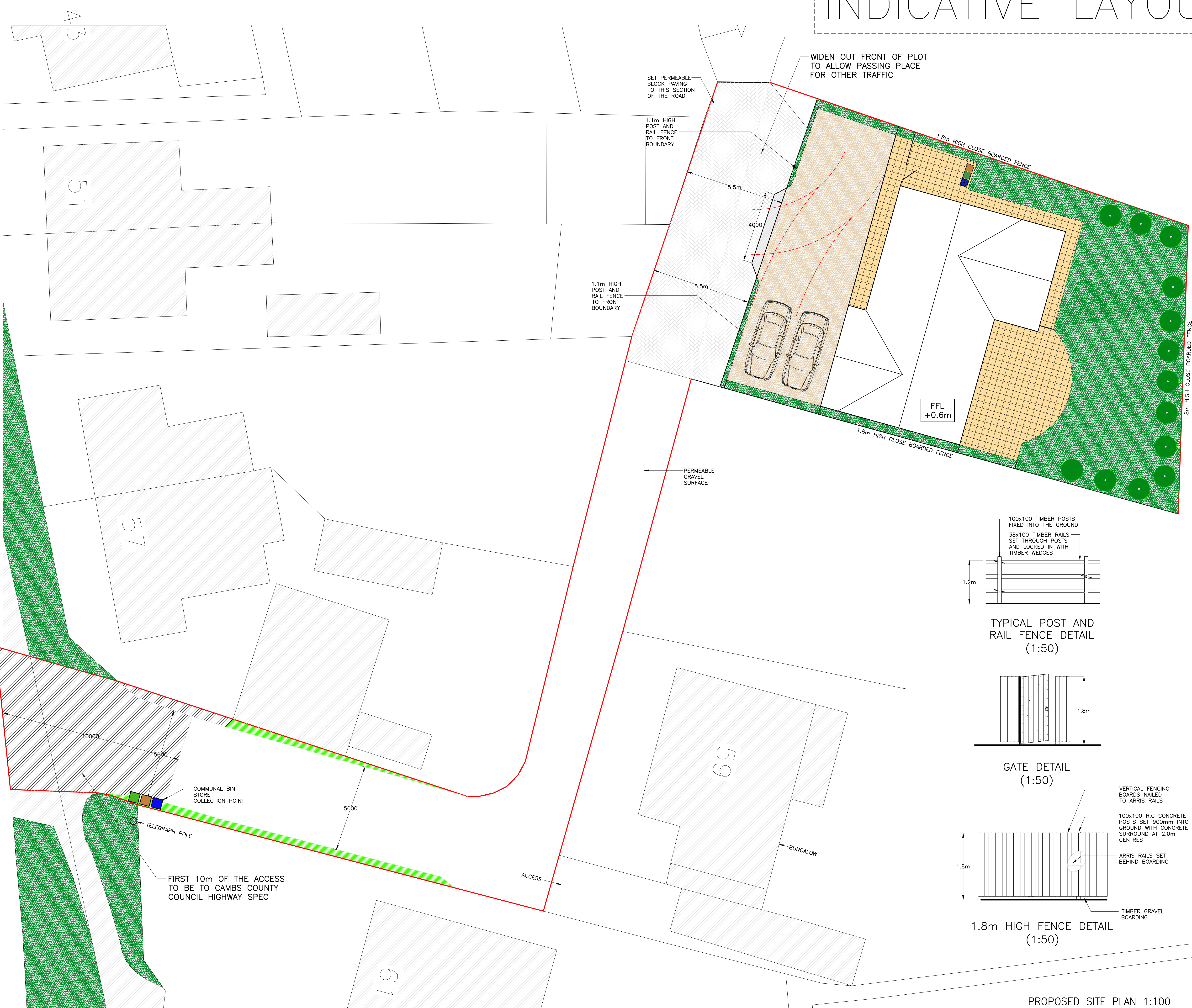
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PE15 8AJ

Tel: 01354 655454
E-mail: info@mortonandhall.co.uk
Website: www.mortonandhall.co.uk

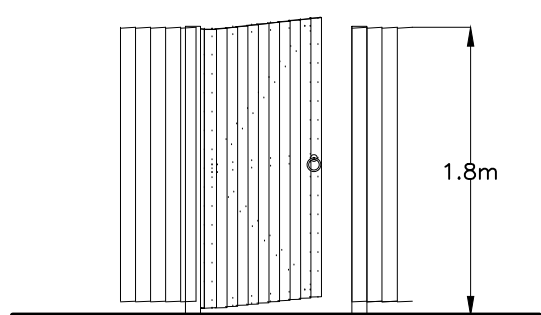
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LABC Building Excellence Award
winner

Building Design Awards
Building Excellence in Fenland

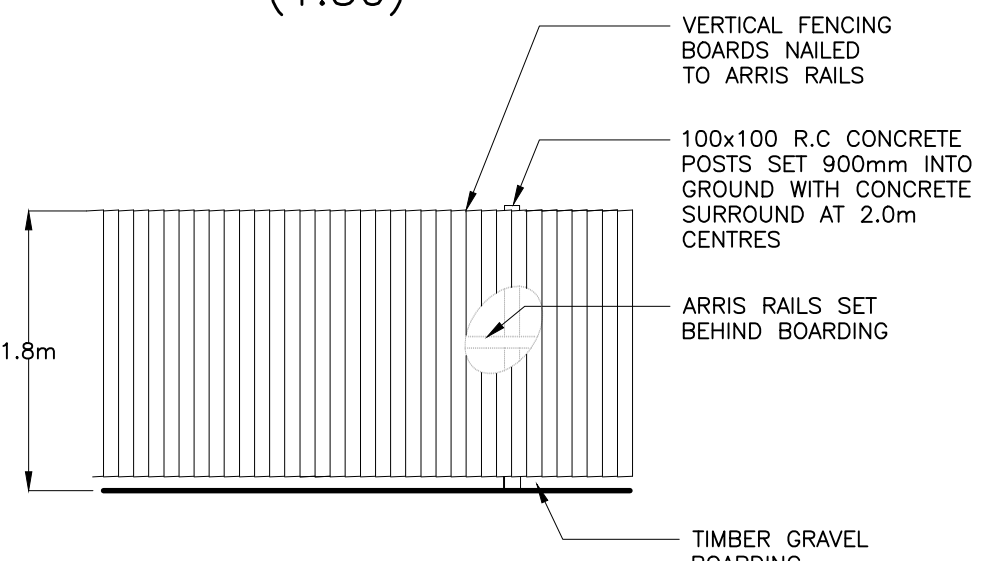
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PROJECT Land Lying East of Stow Road Wisbech Cambs PE13 3TH	
TITLE Proposed Site Plan	
DRAWN R.Papworth	DATE OF ISSUE
CHECKED	
DATE Oct 18	DRAWING NUMBER H6010/02B
SCALE AS SHOWN	



TYPICAL POST AND
RAIL FENCE DETAIL
(1:50)



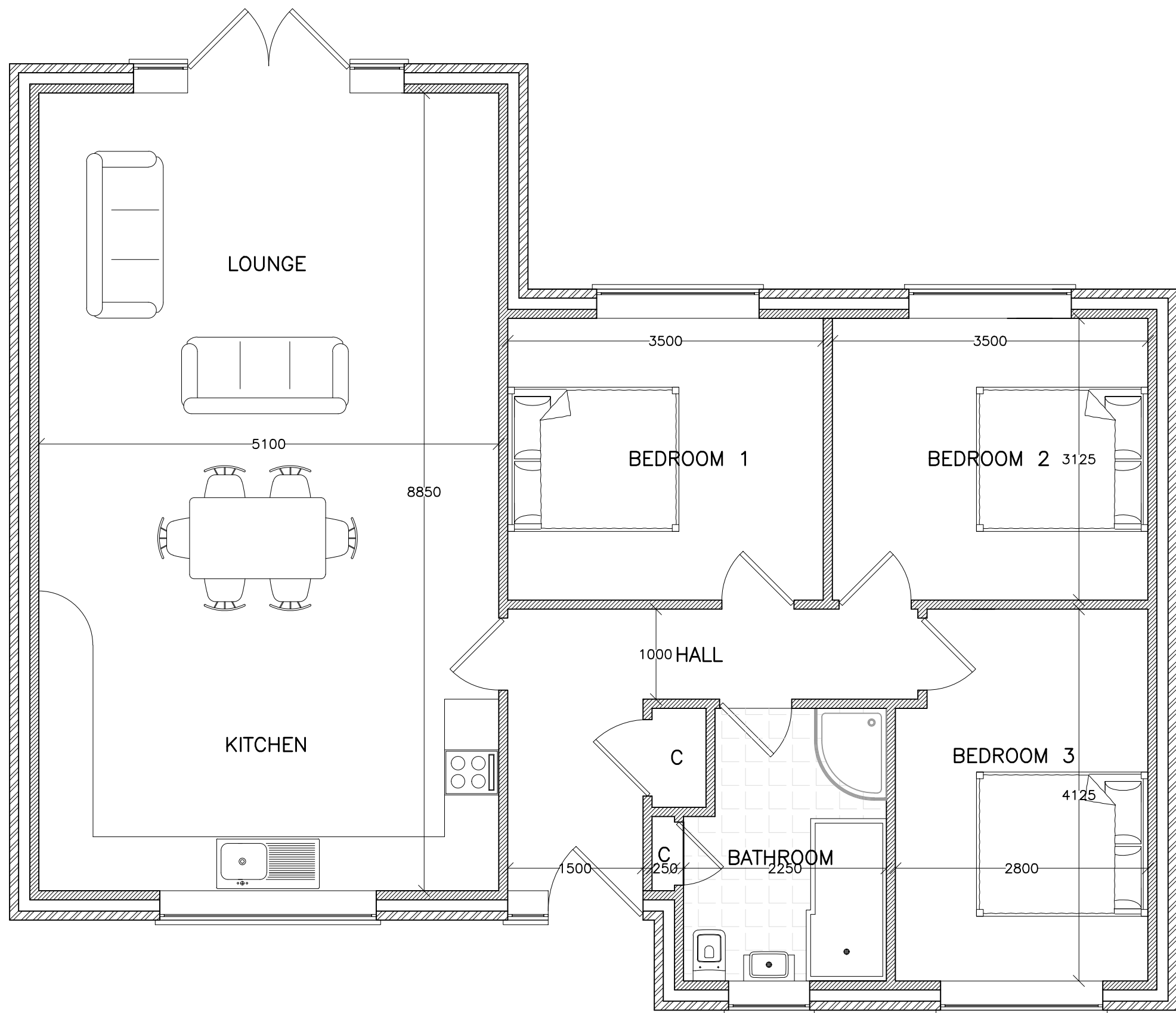
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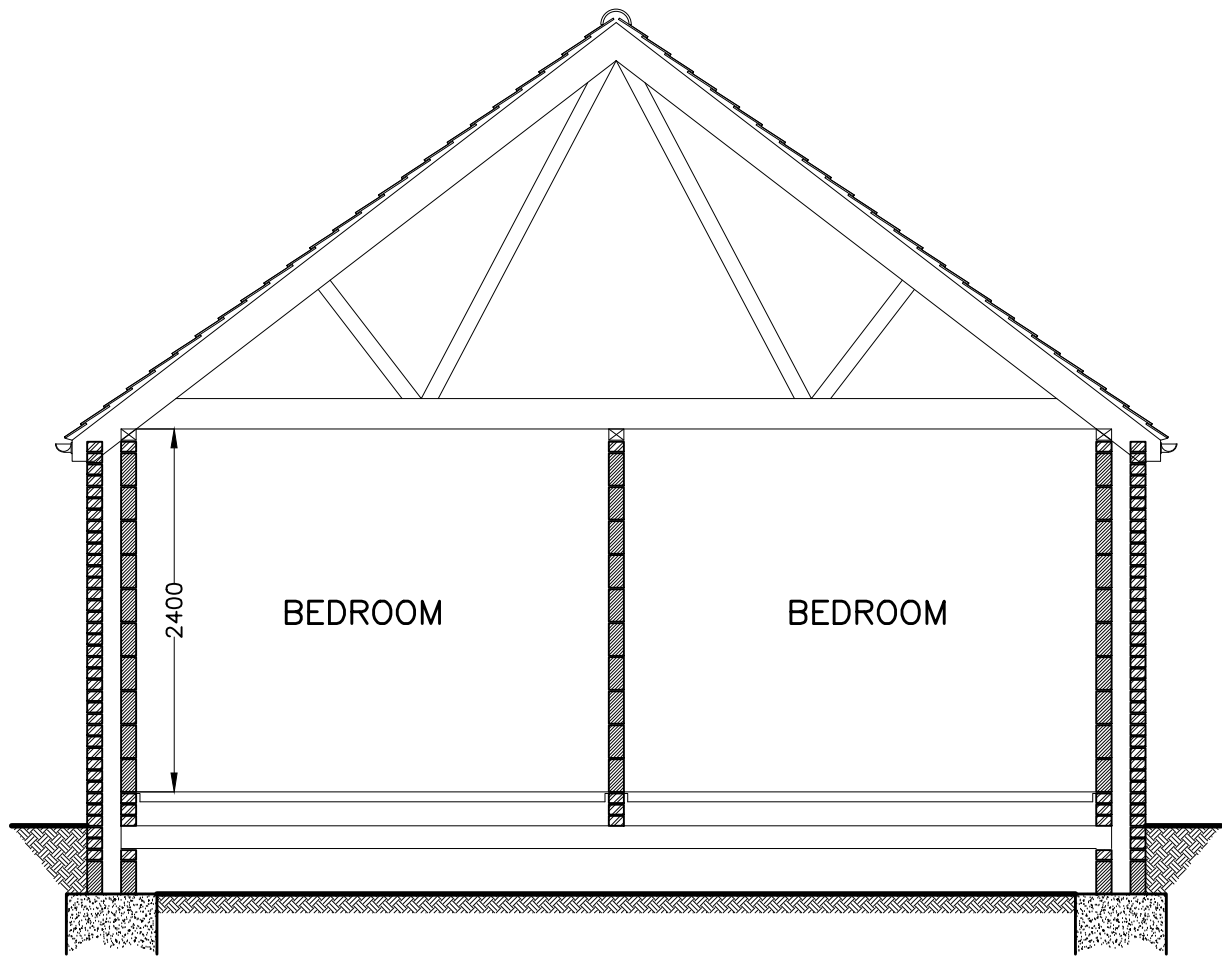
1.8m HIGH FENCE DETAIL
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PROPOSED SITE PLAN 1:100

INDICATIVE DRAWINGS



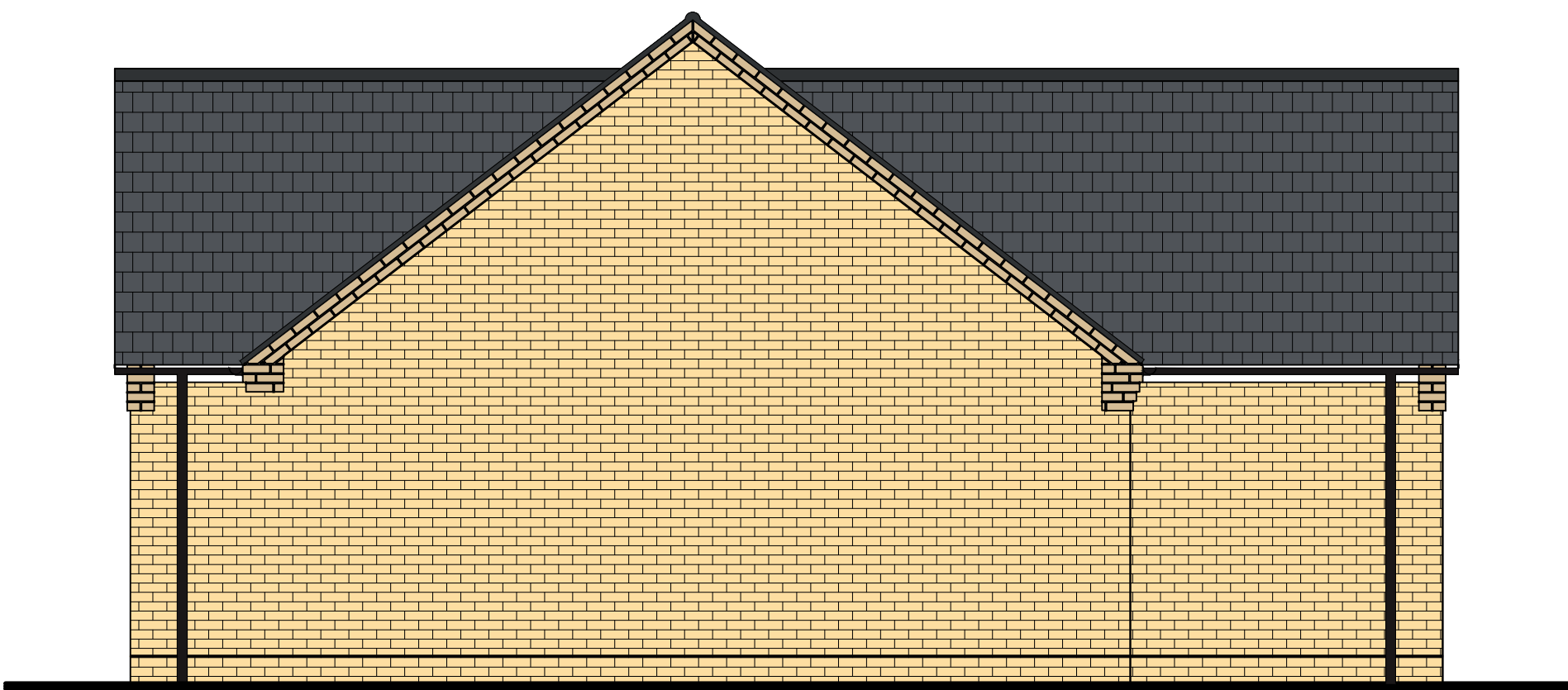
PROPOSED FLOOR PLAN
(1:50)



PROPOSED SECTION
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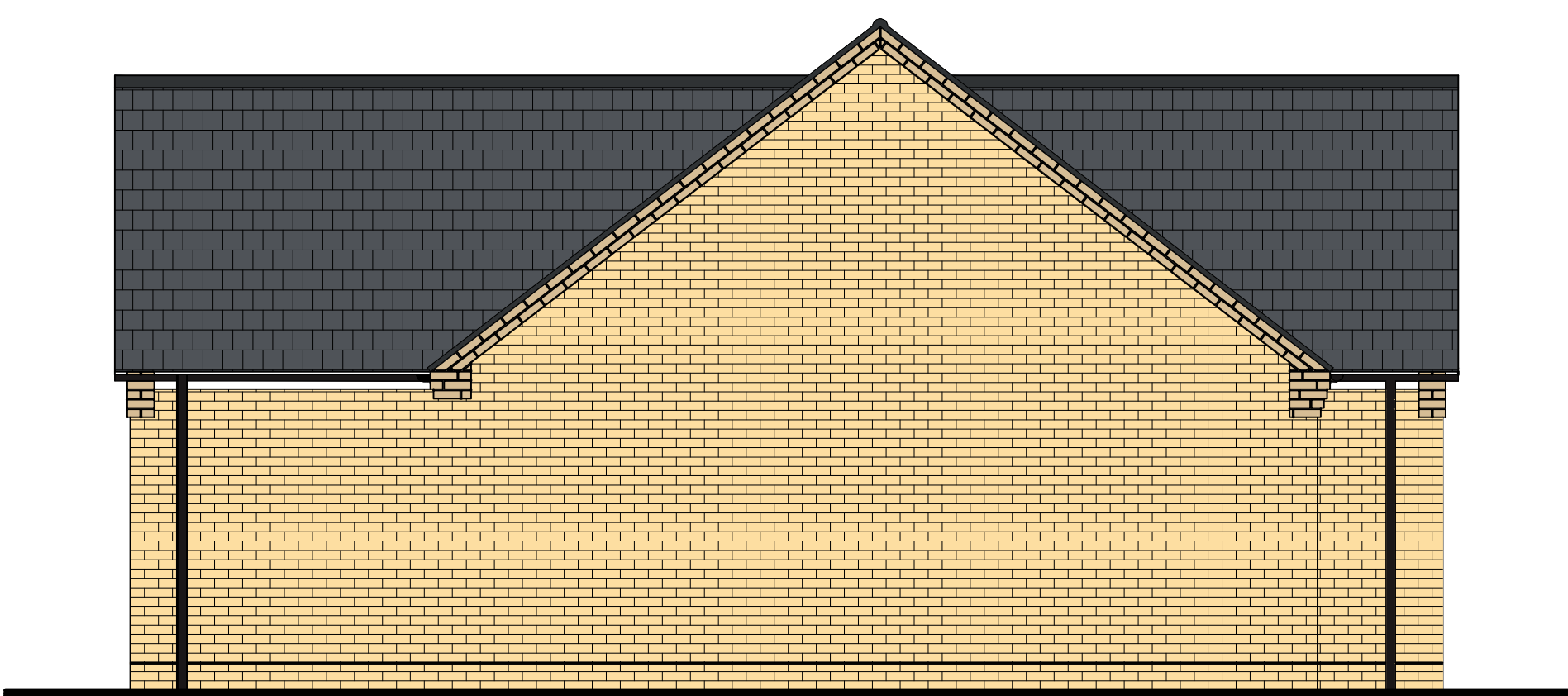
PROPOSED FRONT ELEVATION
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PROPOSED RHS ELEVATION
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PROPOSED REAR ELEVATION
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PROPOSED LHS ELEVATION
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The contractor is to arrange inspections of the works by the BCO (or NHBC) as required by the Building Regulations and is to obtain completion certificate and forward to the Engineer

A		PLANNERS AMENDMENTS	JUL 22
		REVISIONS	DATE
<div><div><div><div>MORTON & HALL</div><div>CONSULTING LIMITED</div><div>CONSULTING STRUCTURAL ENGINEERS</div></div><div>1 Gordon Avenue, March, Cambridgeshire, PE15 8AU</div><div>Tel: 01354 655454 E-mail: info@mortonandhall.co.uk Website: www.mortonandhall.co.uk</div></div><div><div><div>LABC</div><div>LABC</div><div>LABC</div></div><div>Fenland District Council</div><div>Building Design Awards winner</div><div>Building Excellence in Fenland</div></div></div>			
CLIENT			
Mr D Parsons			
PROJECT			
Land Lying East of Stow Road Wisbech Cambs PE13 3TH			
TITLE			
Proposed Plans & Elevations			
DRAWN R.Papworth		DATE OF ISSUE	
CHECKED			
DATE Aug 2019		DRAWING NUMBER	
SCALE 1:50		H6010/03A	

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F/YR23/0438/F

**Applicant: Mr A Bedford
Fen Plant**

**Agent : Mr David Broker
David Broker Design Services**

Pidcock Farm, 20 Marriots Drove, Whittlesey, Peterborough Cambridgeshire PE7 2NE

Change of use of land and agricultural buildings to builder's yard and plant hire depot, including the erection of a 3.0m high palisade fence and gates, and the formation of a 3.0m high earth bund and a new access, involving partial demolition of existing building

Officer recommendation: Refuse

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

1 EXECUTIVE SUMMARY

- 1.1 The application site is situated on Marriots Drove, accessed via the B1093. There are existing agricultural buildings, greenhouses, and a silo on site. Access is situated to the south of the site.
- 1.2 This application seeks full planning permission for the change of use from agricultural to a builder's yard (B2) and plant hire depot, including the erection of a 3.0m high palisade fence and gates, and the formation of a 3.0m high earth bund and new access. This would include the partial demolition of an existing building to the rear of the site.
- 1.3 The proposal will introduce development into an area that currently has a strong relationship with the adjoining countryside. Furthermore, the site by virtue of its 'functional' isolation limits the scope for sustainable development given the lack of pedestrian connectivity to the settlement. Therefore the proposal therefore fails to comply with Policies LP3 and LP12 of the Fenland Local Plan 2014 and Paragraph 89 of the NPPF.
- 1.4 The proposal would result in the introduction of a 3-metre-high earth bund would introduce a significant incongruous feature within the area. This would have a detrimental impact on the natural character and countryside appearance of the existing site and the proposal is therefore considered to be contrary to LP12 of the Local Plan.
- 1.5 The application in its current form is therefore also considered to be contrary to Policy LP2 and LP16. These details were requested, however no further details have been forthcoming.
- 1.6 The application has also failed to demonstrate that the highway works required are deliverable within the application site boundary and as a consequence s also considered to be contrary to Policy LP15 in this regard.

1.7 Taking this all together the scheme is therefore recommended for refusal.

2 SITE DESCRIPTION

- 2.1 The application site, Pidcock Farm, is situated along Marriots Drove a track accessed from the B1093 Benwick Road.
- 2.2 There are existing agricultural buildings, greenhouses, and a silo on site. Access is situated to the south of the site.
- 2.3 A residential property is situated immediately to the south of the application site.
- 2.4 The application site is also situated within Flood Zone 3.

3 PROPOSAL

- 3.1 This application seeks full planning permission for the change of use of land and agricultural buildings to a builder's yard and plant hire depot. A new access is proposed to the north of the site, 3m high palisade fences and gates are proposed adjacent to the accesses. A 3m high earth bund is proposed on the north and west boundary of the site, with a smaller area of earth bund between the two accesses which would be made up of soil from the applicants work sites.
- 3.2 The existing building to the west of the site is to be partially demolished and will form a store and office building. The building to the front of the site will be used as materials and plant machinery storage.
- 3.3 Aggregate storage bays and a wash down bay are proposed to the west of the site.
- 3.4 The agent has confirmed that the use of the site is a relocation for an existing business, Fen Plant.
- 3.5 Full plans and associated documents for this application can be found at:
[F/YR23/0438/F | Change of use of land and agricultural buildings to builder's yard and plant hire depot, including the erection of a 3.0m high palisade fence and gates, and the formation of a 3.0m high earth bund and a new access, involving partial demolition of existing building | Pidcock Farm 20 Marriots Drove Whittlesey Peterborough Cambridgeshire PE7 2NE \(fenland.gov.uk\)](#)

4 SITE PLANNING HISTORY

Reference	Description	Decision
F/YR05/1276/F	Erection of conservatory to rear of existing dwelling	Granted 12/12/2005

5 CONSULTATIONS

5.1 Whittlesey Town Council

The Town Council recommend approval of this application, on condition that satisfied highways and archaeological reports are received.

5.2 FDC Environmental Health

The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposed development. However given the previous land use, the demolition of former buildings / Out Buildings / Garages and additional land uses the following conditions should be imposed.

Asbestos management

Prior to demolition of the existing buildings an Asbestos Risk Assessment should be undertaken. Existing structure(s), which is(are) formed of asbestos containing materials, should be removed by a licensed asbestos removal contractor. However, if the amount of asbestos is such that a licensed waste removal facility is prepared to receive a minimal amount of such material without the need for a contractor to remove it, then this requirement can be waived.

If a Licensed Asbestos Removal Contractor is required to be engaged, then an Asbestos Removal Work Plan should be submitted to and approved by Fenland District Council before any work on the removal of the structure commences. The applicant is to advise Fenland District Council which course of action is to be taken in either event.

Land affected by contamination - Reporting of Unexpected Contamination In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition (SPECIFY) and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition (SPECIFY), which is to be submitted to and be approved in writing by the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition (SPECIFY).

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Imported Soils

Further details are required specifying where the material to create the bunded area will be sourced. If material is to be imported please apply the following conditions.

Imported Recycled and Topsoil Materials

Details on the supplier and confirmation on the source(s) of soil material should be supplied to the Local Authority (LA). The soil should be free from metals, plastic, wood, glass, tarmac, paper and odours associated with contaminated soils as specified in BS 3882:1994 – Specification for Topsoil. A description of the soil materials should be forwarded to the LA based on BS5930 Code of Practice of Site Investigations.

Materials should be brought onto the development site and stockpiled until its use has been approved by the LA. For LA approval, independent sampling and analysis of the stockpile shall take place by a suitably qualified person. If the site has insufficient space for stockpiling, sampling may have to be undertaken following emplacement.

Please note that sampling and analysis certificates submitted by the supplier of the soil material will not be accepted. i.e. independent sampling and analysis should be carried out.

Sampling should comprise 2 random samples for every 15m³ of soil from a single source (see soil source definition below) for residential gardens. For larger amounts of soil from a single source and for soft landscaping areas the sampling frequency can be reduced with agreement of the LA.

Soil Source - the location at which the soil was loaded onto the truck prior to delivery at the development site.

The samples shall be sent to an independent accredited laboratory on a quick turnaround for an analytical suite which should include as a minimum Metals, PAH (speciated), TPH (Total) and pH. Additional parameters such as asbestos maybe required if deemed necessary by the LA.

The results should to be forwarded to the LA for approval before the soil can be placed (unless agreement has already been given by the LA for emplacement). The results will be compared to CLEA Soil Guideline Values (SGV) or levels which have been previously agreed in the remediation strategy. If the results of the analytical testing show concentrations of contaminants which may be a risk, then the soil must be removed off site or remediated with the approval of the LA.

Please note - the Environment Agency will be notified if suspected controlled waste is being deposited in contravention of the Waste Management Licensing Regulations 1994.

Imported Naturally Sourced Quarried Materials

Materials derived from quarries may be deemed suitable for use as subsoil if they are certified clean. This does not include naturally sourced topsoils which shall be treated as recycled soils.

In order to satisfy the LA, details on the supplier, confirmation on the source(s) material, a certificate that the material is naturally sourced from a quarry and a description of the soil based on BS5953 Code of Practice of Site Investigations shall be forwarded to the LA.

Dust management of banded materials

It is noted that the site will house aggregate in bunded areas. To protect from air borne particulate matter and dust, material should be piled no more than 1 meter below the height of the bunded area.

A dust suppression system, such as water bowser or spray system should be available to abate any fugitive dust emissions that could leave the boundary of the site.

To legally comply with the Environmental Permitting Regulations the site is not permitted to undertake any screening and crushing of aggregates without an Environmental Permit and relevant planning permissions in place.

5.3 FDC Housing Strategy

As this application does not affect affordable housing, we have no comment to make.

5.4 CCC Highways (14/06/2023)

Marriots Drove is a narrow and unmade private track which is coincident with a public right of way (Whittlesey Byway no. 28). Please consult with CCC's Definitive Map officer regarding impacts upon the right of way.

In highway safety terms, the junction with Benwick Road is unsuited for intensification of use, noting there have been two recorded loss of control type accidents at the junction (associated with the sharp change in horizontal alignment) within the last five years. While the applicant has not quantified the forecast change in trip generation associated with the proposed development, I anticipate that a commercial builder's yard would result in a material increase in traffic compared to the current agricultural buildings.

In order to make the access with Benwick Road suitable for additional traffic flows, it will need to be widened to a minimum width of 6m for at least the first 20m from the existing carriageway edge with corner radii of no less than 10m. The first 10m length will need to be hard surfaced and drained away from Benwick Road to avoid water ponding on the bend. As the right of way does not have a defined width, it's uncertain if such enhancements are deliverable.

The applicant should also demonstrate that the access can achieve the necessary visibility within the extent of public highway and / or application boundary. In this case, the necessary visibility is:

- 2.4m x 215m inter-vehicular visibility, measured to the nearside carriageway edge.*
- 215m forward visibility to the rear of a vehicle stopped on Benwick Road while waiting for a gap to turn right onto Marriots Drove.*

A reduction in necessary visibility will be accepted based upon the observed 85th percentile vehicle speeds, should the applicant wish to procure appropriate speed surveys.

In conclusion, I object to the application which is unacceptable to the Local Highway Authority due to the unacceptable adverse highway safety implications which would arise from the proposals. It is therefore contrary to NPPF paragraph 111.

5.5 CCC Highways (26/06/2023)

The highway widening works at the B1093 Benwick Road junction are broadly acceptable in principle, but they are not contained within the highway boundary. To consider the works as being deliverable the LPA will need to be satisfied that they are fully contained within the application redline boundary with appropriate notice served on any freeholder. I would note that the extent of works will include some accommodating earthworks beyond the carriageway (east side) which have not been shown.

In order to mitigate against fall risks for turning vehicles, the existing ditch on the east side of Marriots Drove will need to be shortened so that there is a level verge of 2m between ditch and carriageway edge.

The applicant has demonstrated that appropriate inter-vehicular visibility splays of 2.4m x 215m are achievable but they are yet to demonstrate 215m forward visibility to the rear of a vehicle stopped on Benwick Road while waiting for a gap to turn right onto Marriots Drove.

If the applicant is unable or unwilling to address the above comments, please let me know so that I can provide further commentary.

5.6 CCC Highways (12/09/2023)

The proposed works to the B1093 Benwick Road junction are acceptable in principle. In response to my previous comments the ditch on the eastern side of the widened access is to be shortened to mitigate against fall risks from turning vehicles. While welcome, the shortened ditch is outside of the highway boundary and outside of the application boundary. For the works to be deliverable, they need to be contained within the application boundary and notice served on the owner.

Additional information was submitted by the agent regarding traffic flows accessing the site. The following comments were provided:

5.7 CCC Highways (26/01/2024)

I'm content with the scale of proposed development and corresponding forecast traffic flows. But as you say, while the B1093 junction as proposed is acceptable, it's reliant upon third party land so it is undeliverable.

5.8 CCC Archaeology

Our records indicate that the western group of agricultural buildings proposed for demolition/conversion under the submitted scheme are represented on Ordnance Survey mapping dating to the late 19th century, where they appear as an L-shaped range with stockyards within the enclosed angle. The northern arm has subsequently been partly reduced in length but the eastern arm (that which is labelled 'grain dryer to be demolished' on the proposed plans) appears complete. It is noted that the farmhouse itself is excluded from the development redline area. Post-medieval farmsteads are explicitly identified within the East of England regional research framework as requiring further study.

Insufficient information is presently contained within the application to confirm the nature and age of the structures identified for demolition/alteration and whether and to what extent they represent those which are illustrated on the historic mapping, or later replacements. The applicant should therefore be asked to submit further information, including site photographs of all internal and external elevations of the buildings to be demolished/altered. This information is required prior to determination of the present application, in order for an informed judgement to be made as to the extent of impact to historic built fabric, and the need for any formal recording in mitigation of the impacts of the proposed scheme (NPPF para 194 and 205).

5.9 CCC Definitive Map Team

Thank you for consulting with the Definitive Map team at the County Council on the above planning application.

Public Byway 28, Whittlesey, is to be used to access the development site. To view the location of the Byway please view our interactive map online which can be found at <http://my.cambridgeshire.gov.uk/myCambridgeshire.aspx>.

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

There is no legally defined and recorded width for Public Footpath Public Byway 28, Whittlesey. Where there is no legally defined width for a public right of way, we are not able to advise what the width would be. As the dimensions are not known, we cannot guarantee that the applicant would not be encroaching upon the highway. The applicant therefore would proceed with any development that might affect the highway at their own risk

The proposed site plan drawing shows new planting to be implemented next to the Public Byway, in accordance with our guidance for developers, found here: Public Rights of Way - Guidance for Planners and Developers v4 (cambridgeshire.gov.uk) we ask that any new planting is off-set from the Public Byway by at least two metres (page 5).

5.10 Cambridge Constabulary

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 (Table can be found within Cambridge Constabulary comments on public access).

As you are aware, it is important that security and crime prevention are considered and discussed at the earliest opportunity. As you will see above, there have been 18 business burglaries and 70 poaching incidents within the ward and given its isolated location security measures should be considered. Whilst these measures will not remove the risk of the crime it will provide some delay to would-be offenders. This is in mind; I have the following comments for your consideration.

- *Lighting - Our recommendation is that access roads, footpaths, car parking, cycle storage and loading areas/service yards should be lit by columns*

designed to BS5489-1:2020 or BS EN 12464-2:2014. There should be LED dusk to dawn wall mounted lights above each entrance/exit doors. I would like to see a lighting plan, including lux and calculation levels when available please.

- *Roller Shutters (Machine and Plant Machinery Store) – Our recommendation is that a security enhanced roller shutter equivalent to LPS1175 SR2 is considered for this proposed development.*
- *All doors – Should be security enhanced door set, equivalent to PAS24:2016, PAS24:2022 or LPS1175 to reduce the vulnerability of crime.*
- *Boundary Treatment – I note that a 3m palisade fence with gates are to be installed. Our recommendation is that a security enhanced 358 weldmesh fence & gate equivalent to LPS1175 SR2 should be installed due to its isolated location.*
- *Landscaping - Landscaping within the boundary should be maintained, low hedging or planting kept to 1m – 1.2m and any tree crowns raised to 2m to allow good views and surveillance across the site.*
- *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 produces evidential images at all times (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. If there is to be a security guard on site, signage should also be placed at the entrance.*
- *Alarm - Our recommendation is that a monitored alarm system is installed. Visit the National Security Inspectorate (NSI), or the Security Systems and Alarms Inspection Board (SSAIB) for more information.*

5.11 Local Residents/Interested Parties

No comments received.

6 STATUTORY DUTY

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

for the purposes of this application comprises the adopted Fenland Local Plan (2014).

7 POLICY FRAMEWORK

7.1 National Planning Policy Framework (NPPF)

7.2 National Planning Practice Guidance (NPPG)

7.3 National Design Guide 2021

7.4 Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP6 – Employment, Tourism, Community Facilities and Retail

LP12 – Rural Areas Development Policy

LP13 – Supporting and Managing the Impact of a Growing District

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

LP17 – Community Safety

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

LP11 – Community Safety

LP15 – Employment

LP18 – Development in the Countryside

LP20 – Accessibility and Transport

LP21 – Public Rights of Way

LP22 – Parking Provision

LP23 – Historic Environment

LP24 – Natural Environment

LP28 – Landscape

LP32 – Flood and Water Management

7.6 Whittlesey Neighbourhood Plan 2021-2040

Policy 7 – Design Quality

Policy 10 – Delivering Sustainable Transport

8 KEY ISSUES

- **Principle of Development**
- **Design and Visual Amenity**
- **Residential Amenity**
- **Highways and Parking**
- **Flood Risk**
- **Natural Environment and Ecology**
- **Archaeological Implications**

9 ASSESSMENT

Principle of Development

- 9.1 The application site is situated on the western side of Marriotts Drove, which is situated approximately 5.7 miles to the south-east of the market town of Whittlesey and is therefore considered an Elsewhere location, as designated under LP3. Development in such locations will be restricted to that which is demonstrably essential to the effective use of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services and to minerals and waste development.
- 9.2 The submitted business statement notes that the current location of Fen Plant is insufficient in size to contain current business operations and cannot be expanded and therefore Fen Plant would relocate to the subject site should planning permission be granted. Fen Plant is currently located at 15 Aaron Road Industrial Estate, Whittlesey. The applicant's business could not reasonably be described as being an 'agricultural' operation or any of those identified with LP3 as above.
- 9.3 Policy LP6 seeks to encourage employment opportunities and economic growth and lists 9 criteria for business proposals to be assessed against. These assessment criteria consist of: the Council's spatial strategy (see LP3 above); availability of and accessibility to public transport services; site suitability in terms of physical constraints; infrastructure capacity and impact in terms of landscape character. LP6 requires businesses in rural areas to also comply with the criteria as set out within Policy LP12.
- 9.4 Paragraph 89 of the NPPF states that planning decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable. The application site is located approximately 5 miles to the south-west of Whittlesey. The site is accessed via a byway off the B1093.
- 9.5 The proposed development is contrary to Policy LP3 due to the site being situated within an 'Elsewhere' location. However, as stated in paragraph 85 above, the NPPF sets out that planning policies should support economic growth in rural areas and should support the sustainable growth and expansion of all

types of business and enterprise in rural areas. This is caveated by the need for developments to be sustainable.

- 9.6 The proposed development is considered to be located in an unsustainable location outside of the settlement limits of Whittlesey. The proposal will introduce development into an area that currently has a strong relationship with the adjoining countryside and the proposed business does not constitute an 'agricultural' operation, which is specifically set out in the Elsewhere section of LP3.
- 9.7 The subject site is currently used for agricultural purposes and there is a residential property directly adjacent to the site. Given the existing property this in the ordinary course of events cannot be reasonably described as being 'physically' isolated. However, the lack of nearby services and facilities does however, render the location 'functionally' isolated. By virtue of the site's 'functional' isolation, there are limits to the scope for sustainable development given the lack of pedestrian connectivity to the settlement. It is therefore considered on balance taking this into account that the proposal would fail to comply with Policies LP3 and LP12 of the Fenland Local Plan and paragraph 85 of the NPPF. Notwithstanding this, the following assessment has been provided for completeness.

Design and Visual Amenity

- 9.8 Both Policy LP12 and LP16 seek to ensure that new development does not have an adverse impact upon the character and appearance of the surrounding countryside area.
- 9.9 The change of use will utilise the existing buildings and would not include the erection of any new buildings on site. The existing materials to the buildings are to be retained. The proposed store/office building includes the provision of 2 additional windows and a door. The proposed buildings on site and the change of use of the land is therefore unlikely to introduce any additional impacts upon the character of the surrounding area given that the amendments proposed are minor.
- 9.10 The site is already predominantly finished in hard standing, therefore the additional parking areas proposed the gravelled access are unlikely to introduce any visual impacts upon the character of the surrounding area.
- 9.11 3-metre-high palisade fencing and gates are proposed to both accesses into the site. A 3-metre-high earth bund will be situated along the northern and western boundary of the site and between the 2 accesses. The application site is situated in a countryside location, surrounded by open agricultural land. Neither palisade fencing nor an earth bund are common features within the surrounding area. The proposed earth bund would introduce a significant prominent feature within the countryside, which would be at odds with and detrimental to the surrounding character of the area and is therefore considered to be contrary to Policy LP12 and LP16 in this regard.

Residential Amenity

- 9.12 A neighbouring residential property is situated immediately south of the application site, approximately 18.5 metres from the side elevation of the

materials and machinery store and approximately 11 metres from the existing access. As no additional buildings are proposed under this scheme, it is unlikely that the change of use would adversely impact upon the neighbouring property by way of appearing overbearing or overshadowing. The proposed earth bund would introduce a significant visual change on the site, although this is situated to the north and western boundary of the site and between the 2 accesses and therefore will not significantly impact upon the residential property.

- 9.13 A Transport Assessment was requested detailing the existing trips to the site and proposed/likely trips to the site as a result of the change of use, including the number of employees and whether visitors and members of the public would be visiting the site. No such assessment has been forthcoming and as such an assessment cannot be made as to whether the use of the site would adversely impact upon neighbouring amenity by way of noise pollution with regard to a potential increase in vehicle traffic accessing the site.

Highways and Parking

- 9.14 The application site will be accessed via Marriotts Drove, including the provision of a new vehicular access to the north of the site and improvements to the B1093 Benwick Road junction.
- 9.15 Upon consultation with CCC Highways, the scheme was considered to be acceptable in principle. However, the works required to the ditch on the eastern side of the widened access to mitigate against fall risk are outside of the highway boundary and the application boundary. For these works to be deliverable, they need to be contained within the application boundary. The scheme is considered to be contrary to Policy LP15 due to the required highway works being undeliverable within the application site.
- 9.16 The agent has submitted details regarding proposed traffic accessing the site. CCC Highways has raised no objection to these details.

Flood Risk

- 9.17 The application site is situated within Flood Zone 3, the zone of highest flood risk. This application seeks a change of use and does not propose any additional buildings on site. Changes of use (except for changes of use to caravan, camping or chalet sites) do not require the sequential or exception test to be completed.
- 9.18 The submitted FRA does not propose any additional flood risk mitigation measures on site however does recommend that the user of the site registers to receive flood warnings.
- 9.19 The use of the site as a builder's yard is not considered to introduce any additional flood risk on site, especially considering that there are no additional buildings proposed. As such, the scheme is considered to be acceptable with regards to Policy LP14.

Natural Environment and Ecology

- 9.20 The submitted biodiversity checklist notes that the application includes the demolition of agricultural buildings and therefore the application has been accompanied by a preliminary ecological appraisal and preliminary roost

assessment. This assessment recommends that a bat emergence or re-entry survey is completed during the active bat season to confirm presence or likely-absence of a bat roost within the building.

Archaeological Implications

- 9.21 The western group of agricultural buildings proposed for demolition/conversion are represented on Ordnance Survey mapping dating back to the late 19th century, where they appear as an L-shaped range with stockyards within the enclosed angle. Upon consultation with CCC Archaeology, it was acknowledged that insufficient information is contained within the application to confirm the nature and age of the structures identified for demolition/alteration and whether and to what extent they represent those which are illustrated within historic mapping, or later replacements. Further information was requested which includes site photographs or all internal/external elevations of the buildings to be demolished/altered.
- 9.22 The agent confirmed that only part of the “L” shaped range of buildings remains at present. The stock yard has long since disappeared without trace. The eastern arm which is to be removed comprises a corrugated steel structure (the grain dryer) and utilises the west side brick wall only of the original structure. The northern arm (original structure) is to be retained, repaired as necessary and converted internally for inclusion with the proposed use.
- 9.23 Re-consultations were undertaken with CCC Archaeology however no additional comments were forthcoming.

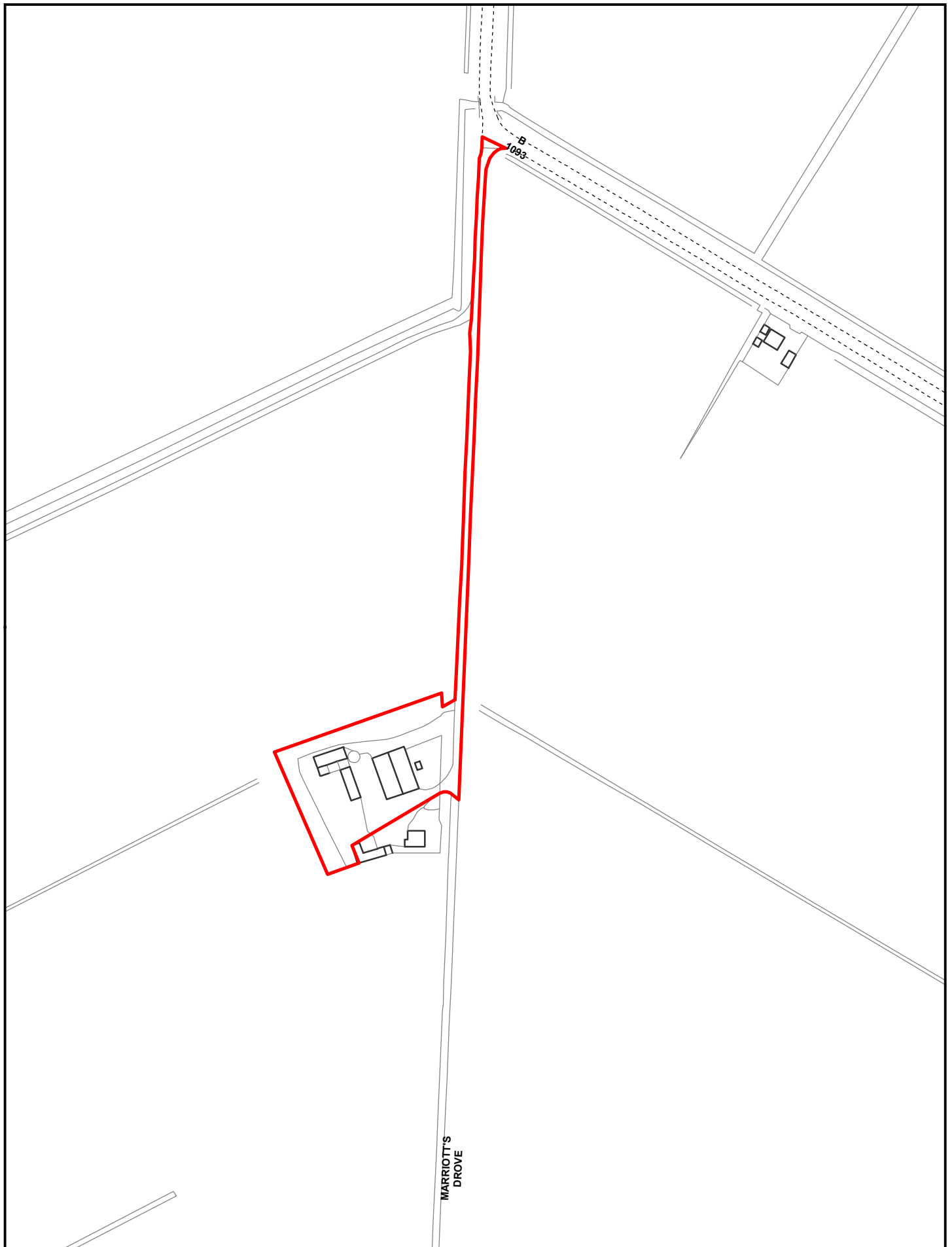
10 CONCLUSIONS

- 10.1 The introduction of a B2 use within this area would detrimentally change the character of the land from an agricultural to an industrial setting. The application also includes the provision of a 3-metre high palisade fence and gates to both accesses into the site and a 3-metre-high earth bund along the north and west boundary of the site. Given the sites countryside location, which is surrounded by open agricultural land, the provision of such is considered to introduce a prominent feature within the countryside, which is at odds with the existing character given that palisade fencing or earth bunds are not common features within the surrounding area. This would have a detrimental impact on the natural character and countryside appearance of the existing site and the proposal is therefore considered to be contrary to LP12 of the Local Plan.
- 10.2 In addition to this, insufficient information has been submitted with the application with regard to the proposed earth bund and likely levels of traffic accessing the site and thus the scheme as it stands is also considered to be contrary to Policies LP2, LP15 and LP16.
- 10.3 It is also acknowledged that the works required to the ditch on the eastern side of the widened access to mitigate against fall risk are outside of the highway boundary and the application boundary. For these works to be deliverable, they need to be contained within the application boundary. No amendments to the red line of the site have been forthcoming and therefore the scheme is considered to be contrary to Policy LP15 due to the required highway works being undeliverable within the application site.

11 RECOMMENDATION

11.1 Refuse; for the following reasons:

1	Policy LP3 of the Fenland Local Plan (2014) sets out the settlement hierarchy within the district, and Policy LP12 details a range of criteria against which development within the District will be assessed. The site is considered an 'elsewhere' location where development should be restricted to that which is essential for agriculture, horticulture, forestry, outdoor recreation, transport or utility services and to minerals or waste development. The proposed development is located in an unsustainable location outside the settlement limits of Whittlesey and does not constitute an 'agricultural' operation or any of those identified with LP3. The proposal will introduce development into an area that currently has a strong relationship with the adjoining countryside. Furthermore, the site by virtue of its 'functional' isolation limits the scope for sustainable development given the lack of pedestrian connectivity to the settlement. Thus the proposal therefore fails to comply with Policies LP3 and LP12 of the Fenland Local Plan 2014 and Paragraph 89 of the NPPF.
2	Policy LP12 and LP16 of the Local Plan seeks to ensure that development contributes to the sustainability of that settlement and does not harm the wide-open character of the countryside. The introduction of a 3-metre-high earth bund within this area would introduce a significant prominent feature within the countryside, to the detriment of the surrounding character of the area. This would have a detrimental impact on the natural character and countryside appearance of the existing site and the proposal is therefore considered to be contrary to LP12 and LP16 of the Local Plan.
3	The application has failed to demonstrate that the highway works required to the ditch on the eastern side of the widened access are deliverable within the highway and application boundary. For these works to be deliverable they need to be contained within the application boundary. The application is therefore considered to be contrary to Policy LP15.
4	The application site is situated in close proximity to a residential property. The application has failed to demonstrate that there will be no adverse noise impacts upon residential amenity due to potential increase in vehicle traffic accessing the site and therefore the application is considered to be contrary to Policy LP2 and LP16.



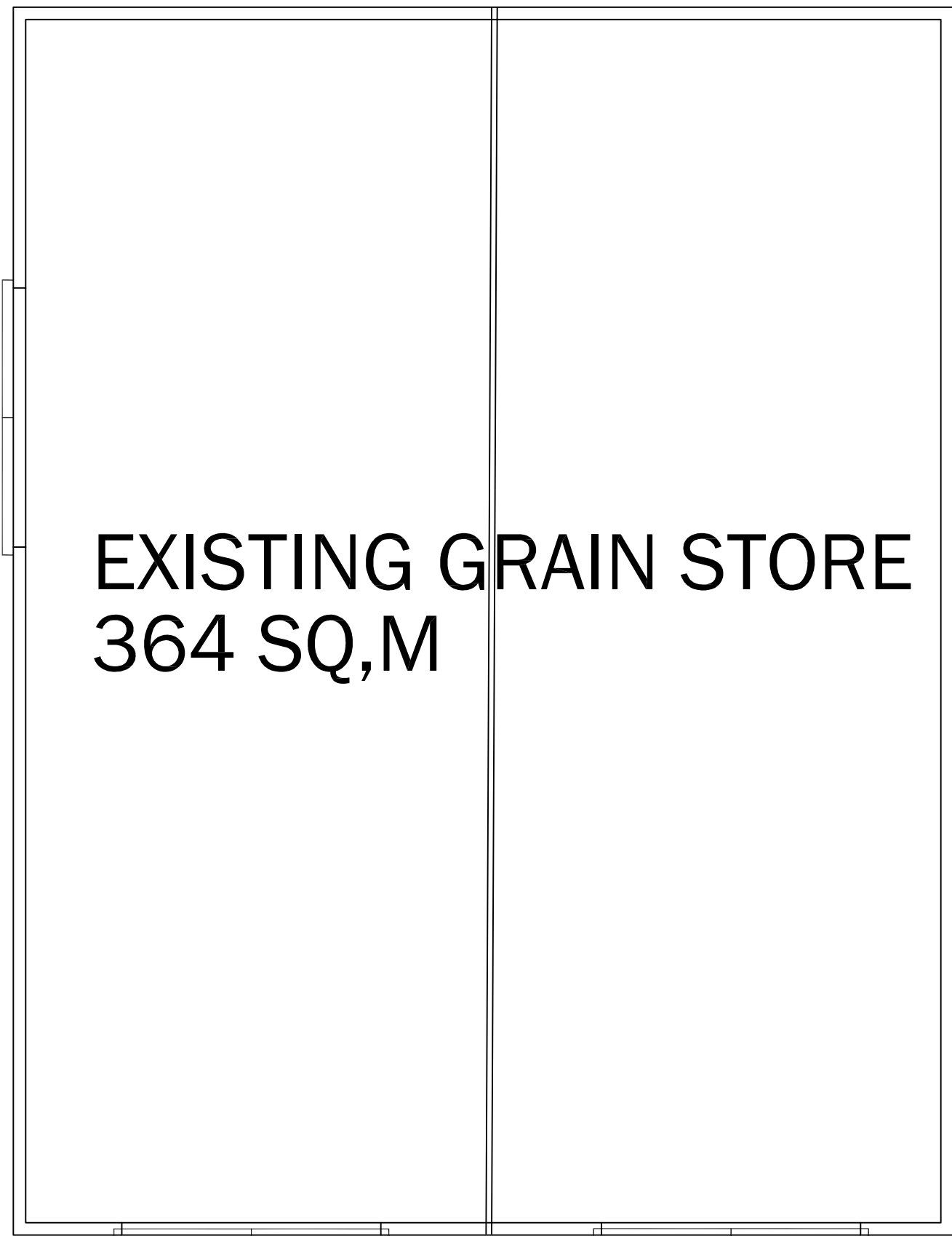
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F/YR23/0438/F

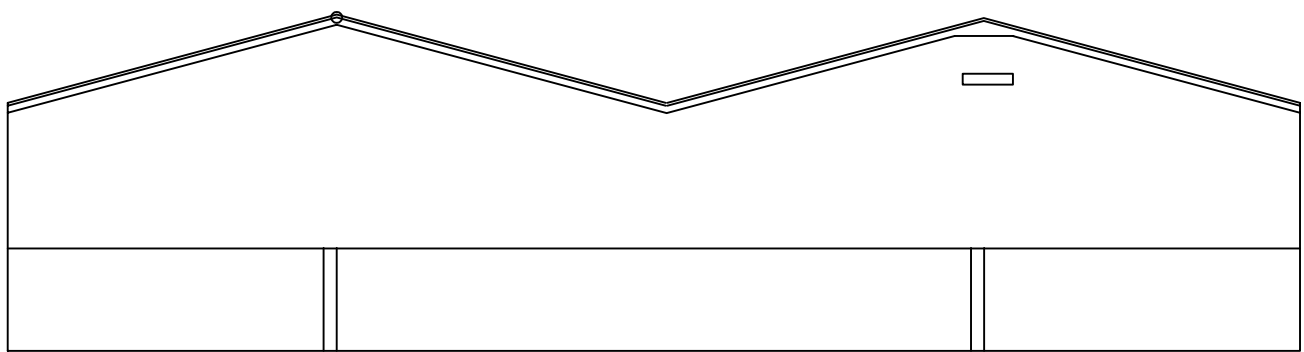
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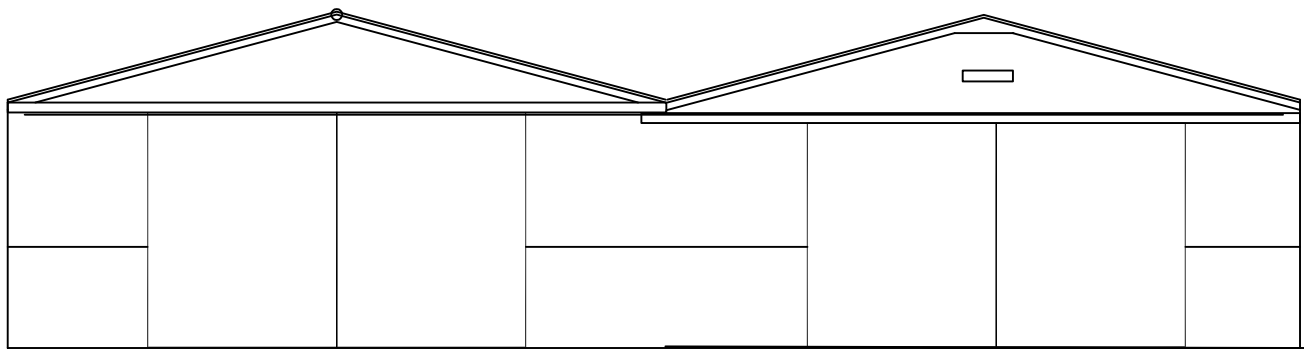


EXISTING GRAIN STORE
364 SQ,M

FLOOR PLAN

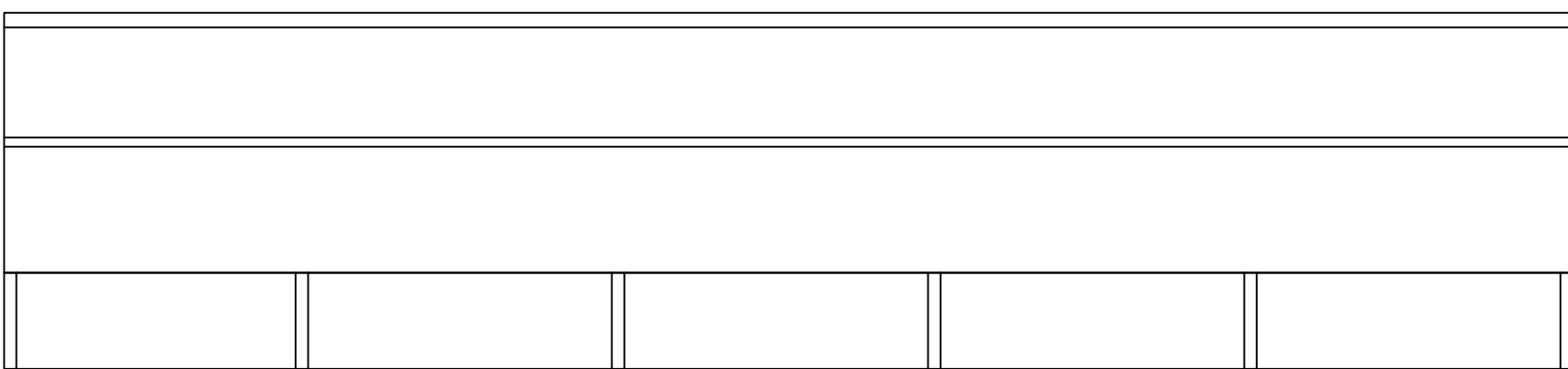


NORTH ELEVATION

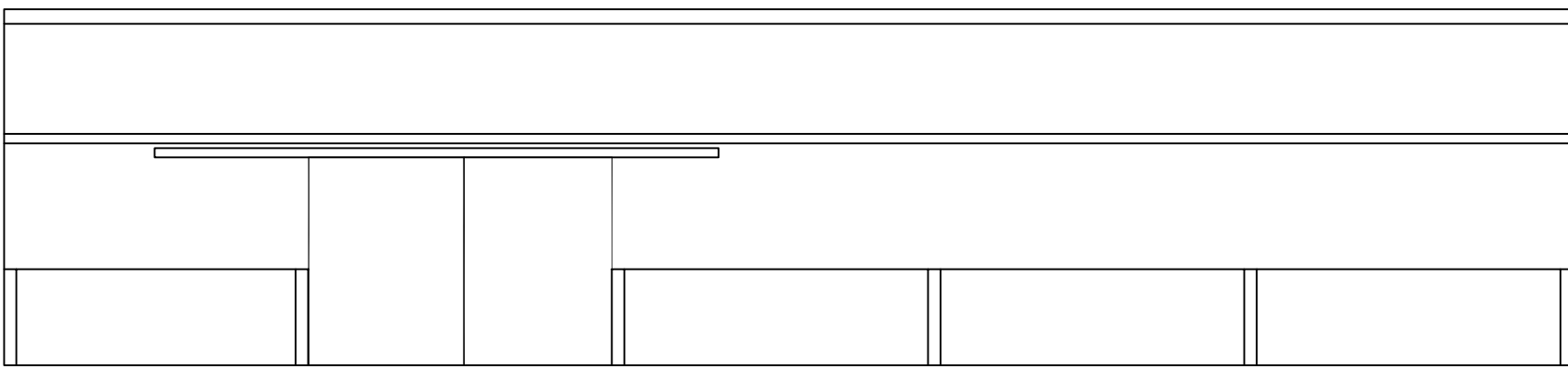


SOUTH ELEVATION

NO MATERIAL CHANGES TO THIS BUILDING



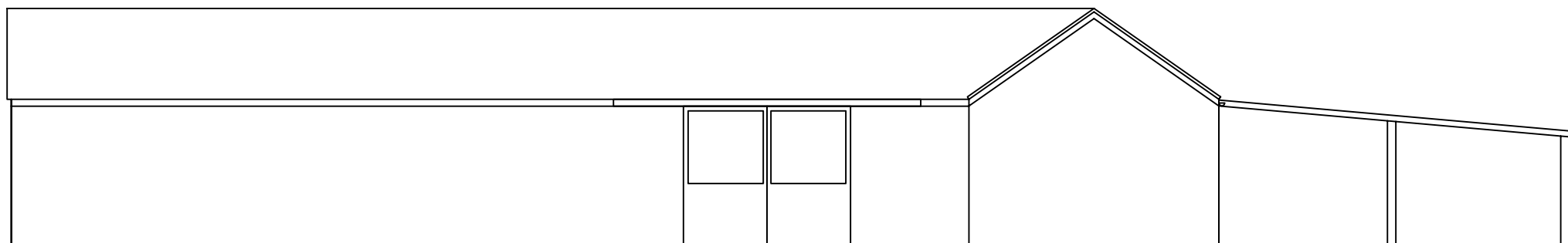
EAST ELEVATION



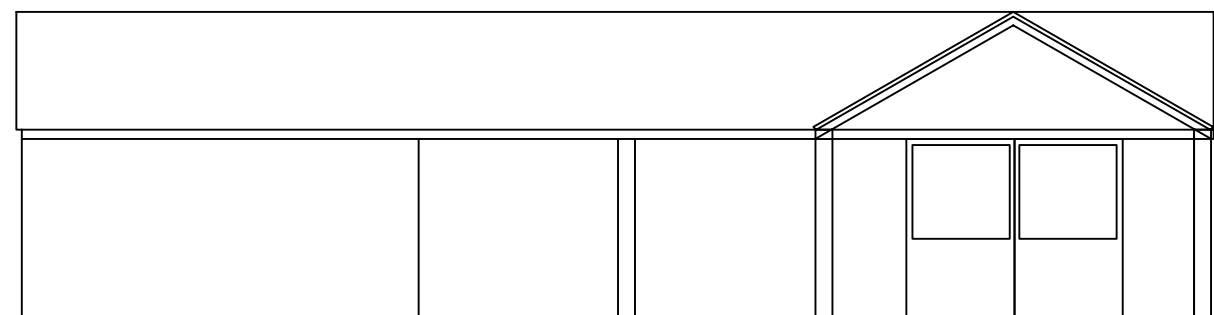
WEST ELEVATION



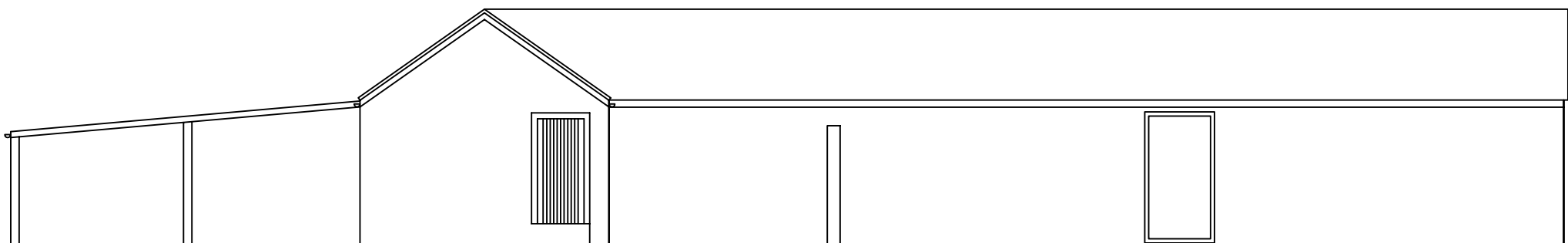
NORTH ELEVATION



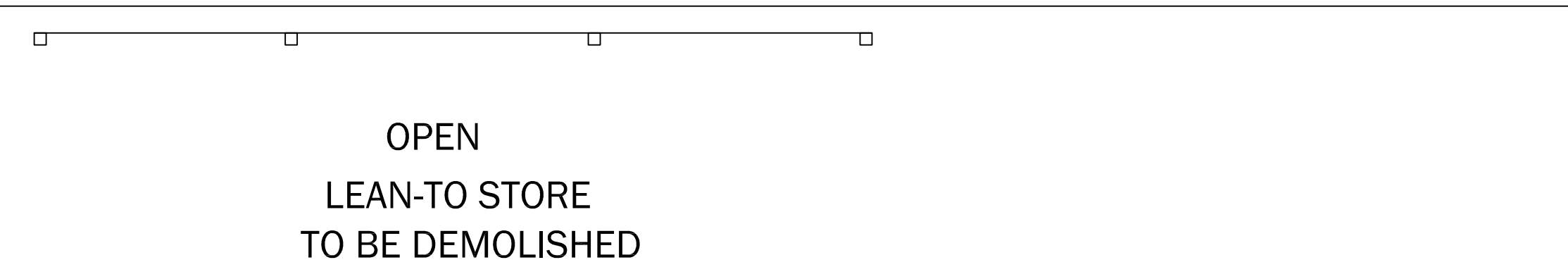
EAST ELEVATION



SOUTH ELEVATION



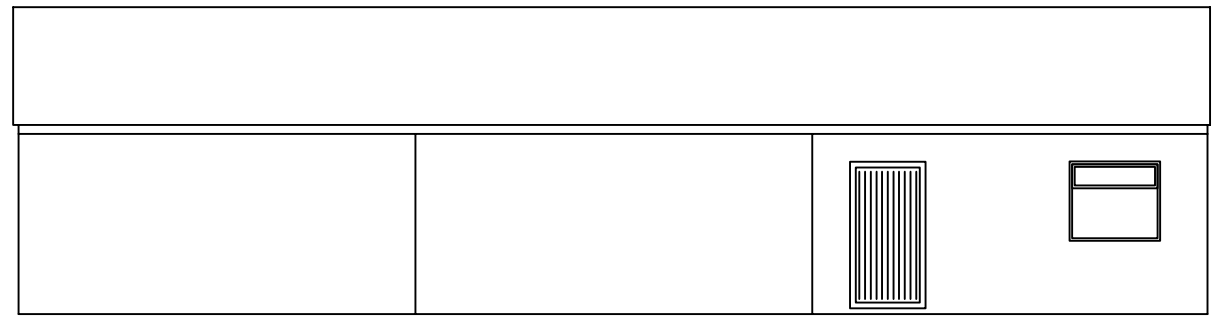
WEST ELEVATION



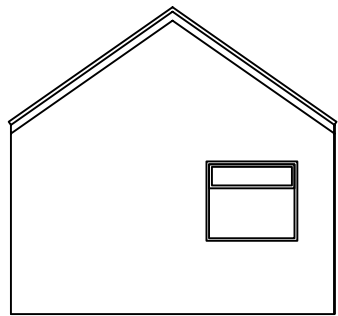
OPEN
LEAN-TO STORE
TO BE DEMOLISHED

NO CHANGE TO EXTERNAL MATERIALS

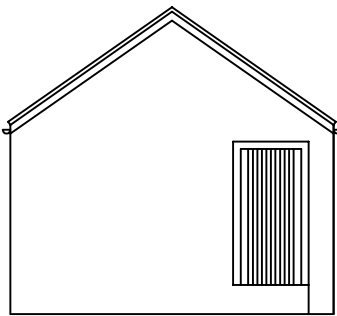
NORTH ELEVATION



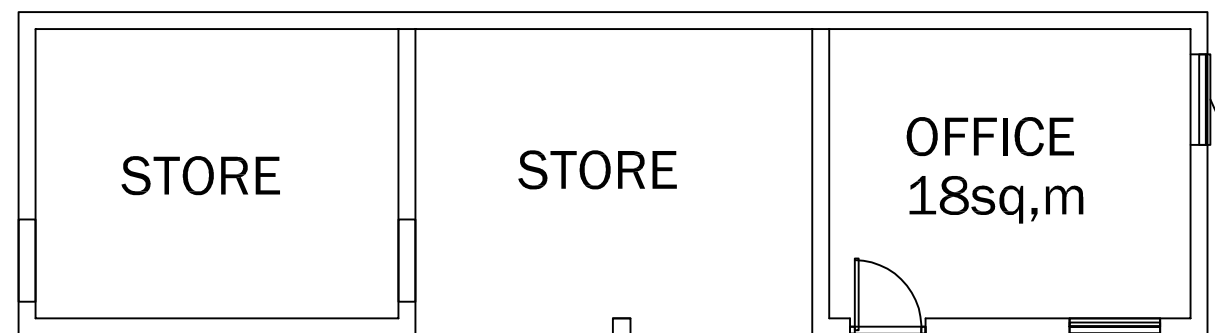
SOUTH ELEVATION



EAST ELEVATION



WEST ELEVATION



FLOOR PLAN

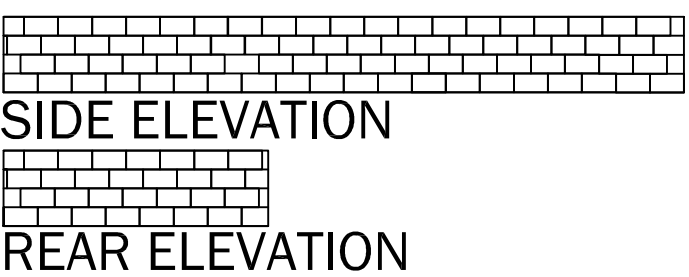
Proposed Door

Proposed Windows

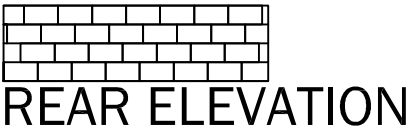
STORES AND PROPOSED OFFICE FLOOR PLANS
WITH GRAIN DRYER AND LAEN-TO BUILDING REMOVED



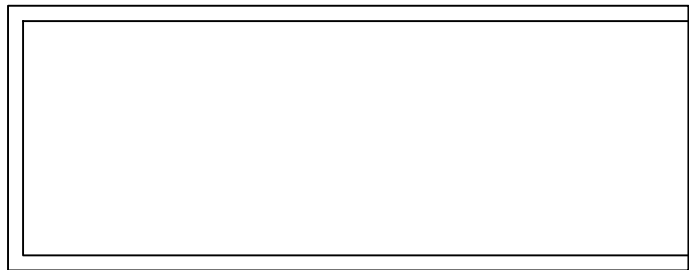
EXISTING STORES AND GRAIN DRYER BUILDINGS



SIDE ELEVATION



REAR ELEVATION

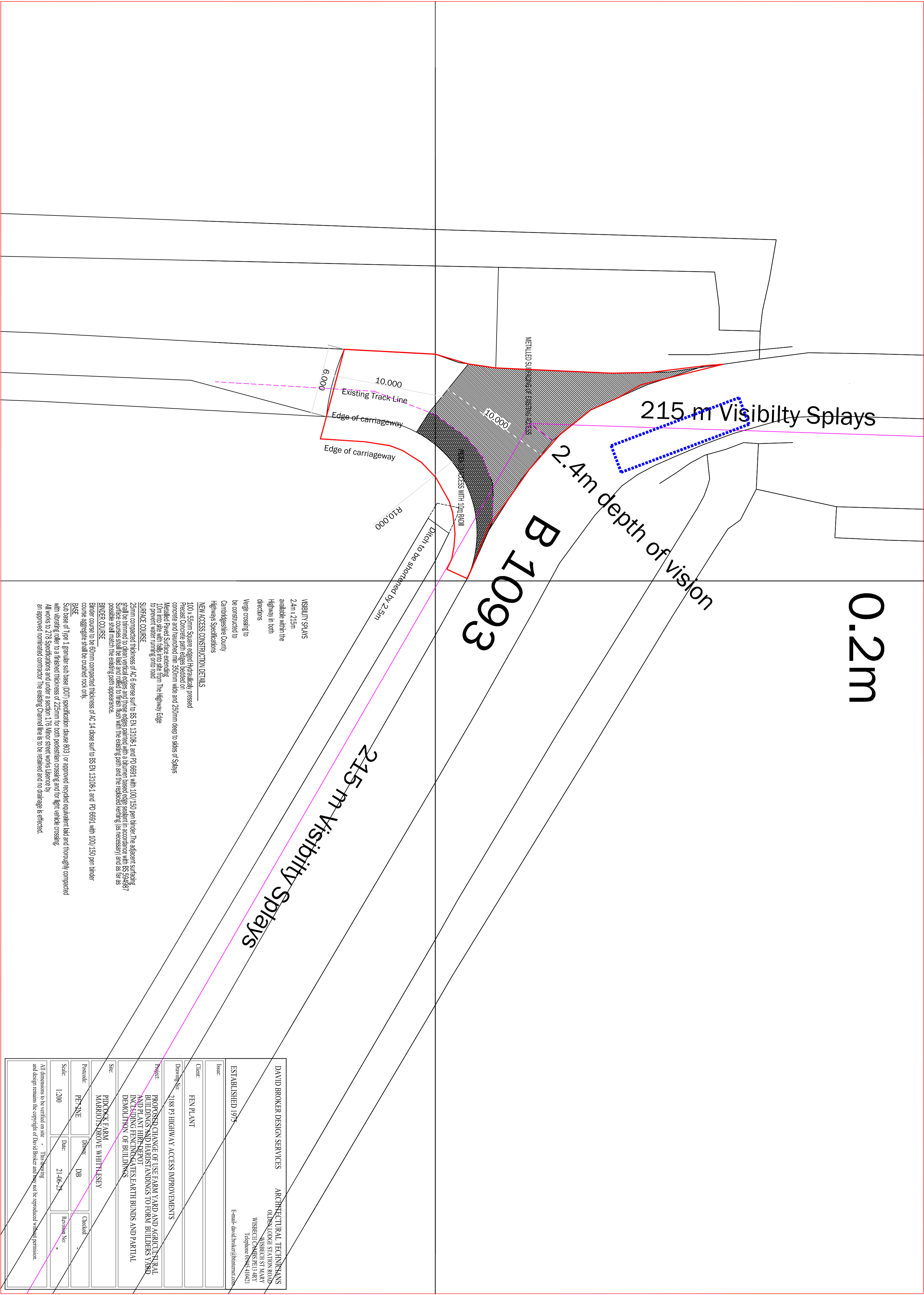


AGGREGATE STORE BAY
INDIVIDUAL FLOOR PLAN
CONSTRUCTED OF CONCRETE BLOCKS
OFF OF A CONCRETE BASE

GRAIN
DRYER
TO BE DEMOLISHED

FLOOR PLAN

DAVID BROKER DESIGN SERVICES		ARCHITECTURAL TECHNICIANS	
ESTABLISHED 1975		OLDEN LODGE STATION ROAD	
		WISBECH ST MARY	
		WISBECH CAMBS PE13 4RY	
		Telephone 01945 410421	
		E-mail: david.broker@btinternet.com	
Issue:			
Client:			
FEN PLANT			
Drawing No:			
2188 P4 EXISTING AND PROPOSED BUILDINGS			
Project:			
PROPOSED CHANGE OF USE FARM YARD AND AGRICULTURAL BUILDINGS AND HARDSTANDINGS TO FORM BUILDERS YARD AND PLANT HIRE DEPOT INCLUDING FENCING,GATES,EARTH BUNDS AND PARTIAL DEMOLITION OF BUILDINGS			
Site:			
PIDCOCK FARM MARRIOTS DROVE WHITTLESEY			
Postcode:		Drawn:	Checked:
PE7 2NE		DB	-
Scale:		Date:	Revision No:
1:100		14-03-23	
All dimensions to be verified on site - This drawing and design remains the copyright of David Broker and may not be reproduced without permission.			



F/YR23/0460/FDC

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

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

Land At Inhams Close Murrow, Cambridgeshire

Erect 2 dwellings (2-storey 3-bed)

Officer recommendation: REFUSE.

Reason for Committee: FDC is the landowner.

1 EXECUTIVE SUMMARY

- 1.1 This application has previously been referred to the Planning Committee for determination on the 18th of October 2023 where it was agreed that the determination of the application be deferred to allow the original Sequential Test to be amended, identify which sites are deemed available and provide a clear statement on what constitutes `reasonable available` sites.
- 1.2 Following deferral, the case officer has been in correspondence with the agent and a revised Sequential Test was submitted (Morton & Hall Consulting Ltd ref: H8909/MH/mh).
- 1.3 The additional information submitted is not considered to overcome the refusal reason in relation to the Sequential Test and flood risk.
- 1.4 Consequently, the recommendation is to refuse the application, consistent with the previous recommendation.

2 UPDATE

- 2.1 This application has previously been referred to the Planning Committee for determination on the 18th of October 2023 where it was agreed that the determination of the application be deferred, to allow the original Sequential Test to be amended, identify which sites are reasonable available and a clear statement on what constitutes `reasonable available` sites.
- 2.2 Contained within Appendix A is the original Officer's committee report along with the 'Update Report'.

3 ASSESSMENT

Sequential Test:

- 3.1 Following deferral of the planning application at Committee in October, the agent was sent a list of the approved dwellings in Murrow that should be included as part of the Sequential Test. It was clear on the original Sequential Test that sites F/YR22/1286/F (1 dwelling), F/YR22/0871/F (1 dwelling) & F/YR22/1085/O (2 dwellings) benefit from planning permission for dwellings and are at lesser risk of

flooding (located in Flood Zone 2/Flood Zone 1). The revised Sequential Test identifies additional sites F/YR22/0125/O (1 dwelling) and F/YR23/0122/F (2 dwellings) which benefit from planning permission for dwellings and are also at a lesser risk of flooding (located in Flood Zone 1).

3.2 The agent suggests the list of approved sites for dwellings within their Sequential Test should be discounted as they are not 'reasonable available' as they are 'not comparable' to the proposal which is for a pair of semi-detached dwellings (i.e. because of their sale price and/or they are a larger/smaller site etc). However, as per the Cambridgeshire Flood and Water SPD (stage b), *'reasonably available sites will include a site or a combination of sites capable of accommodating the proposed development. These may be larger, similarly sized or a combination of smaller sites that fall within the agreed area of search'*. Therefore, there are at least seven dwellings within the revised Sequential Test which are reasonably available by virtue of having planning permission and could accommodate the proposed two dwellings.

3.3 Notwithstanding the revision, the Sequential Test is considered to be failed as there are clearly sites available which would be sequentially preferable.

Exception Test:

3.4 No additional information has been submitted in respect of the Exceptions Test

4 CONCLUSION

4.1 There are five sites (seven dwellings) identified within the submitted Sequential Test which are considered sequentially preferable as they could accommodate the proposed pair of semi-detached dwellings within areas of lesser risk of flooding. Further, the proposed development does not provide any wider sustainability benefits. Both the Sequential and Exception Tests fail.

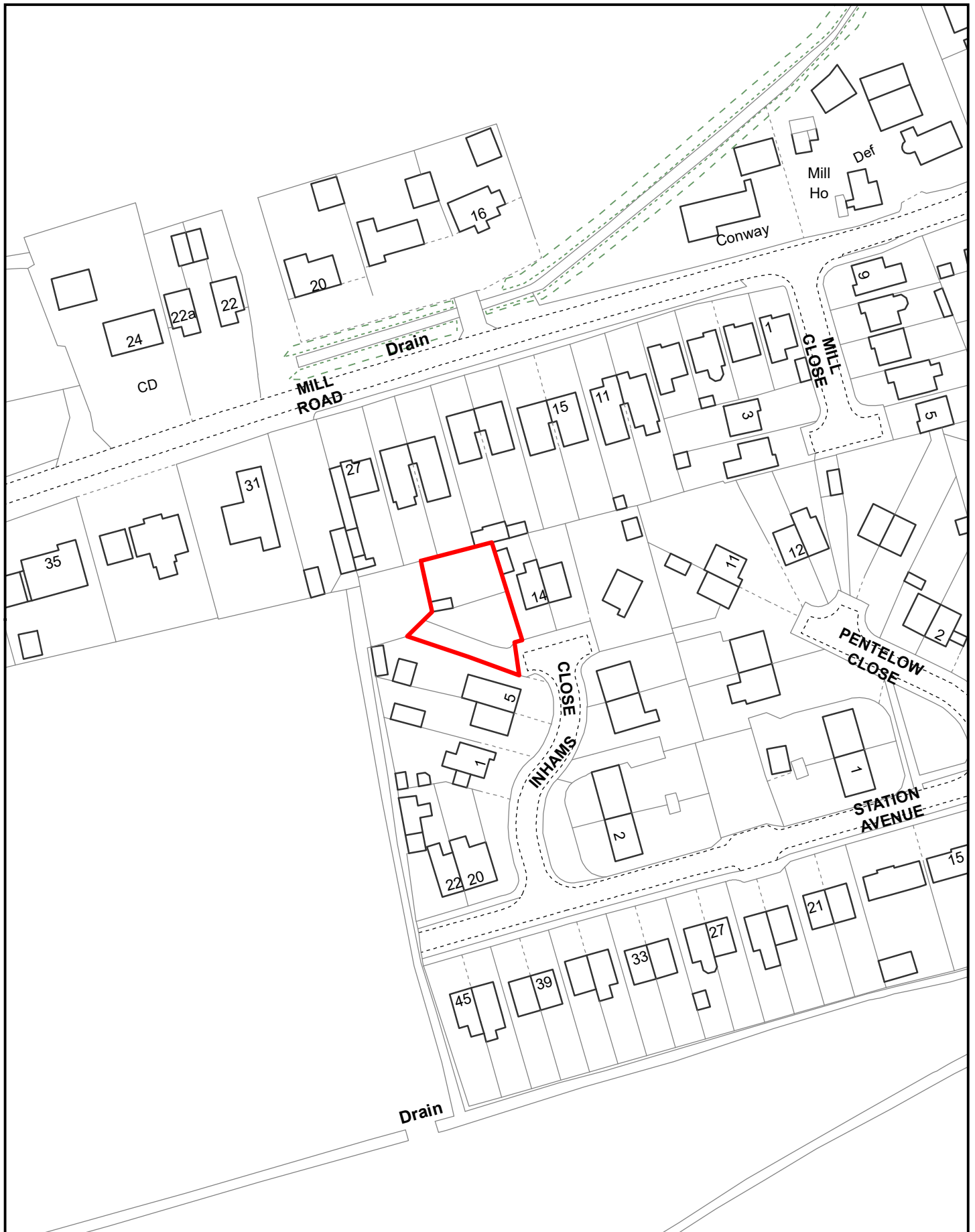
4.2 The Sequential Test has not overcome the previously asserted failure to comply with the relevant policies in relation to refusal reason 1. As such, the conclusions and recommendations in Appendix A remain unchanged in this regard and, notwithstanding the view expressed by Members previously, the Officer recommendation for refusal remains.

5 RECOMMENDATION

Refuse; for the following reason:

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

	<p>accommodate the proposed pair of semi-detached dwellings within an area of lesser risk of flooding. Further, the proposed development does not provide any wider sustainability benefits. Therefore, both the Sequential and Exception Tests fail. As such, the proposal would conflict with Chapter 14 of the National Planning Policy Framework 2023, Policies LP12 & LP14 of the Fenland Local Plan 2014 and The Cambridgeshire Flood and Water Supplementary Planning Document.</p>
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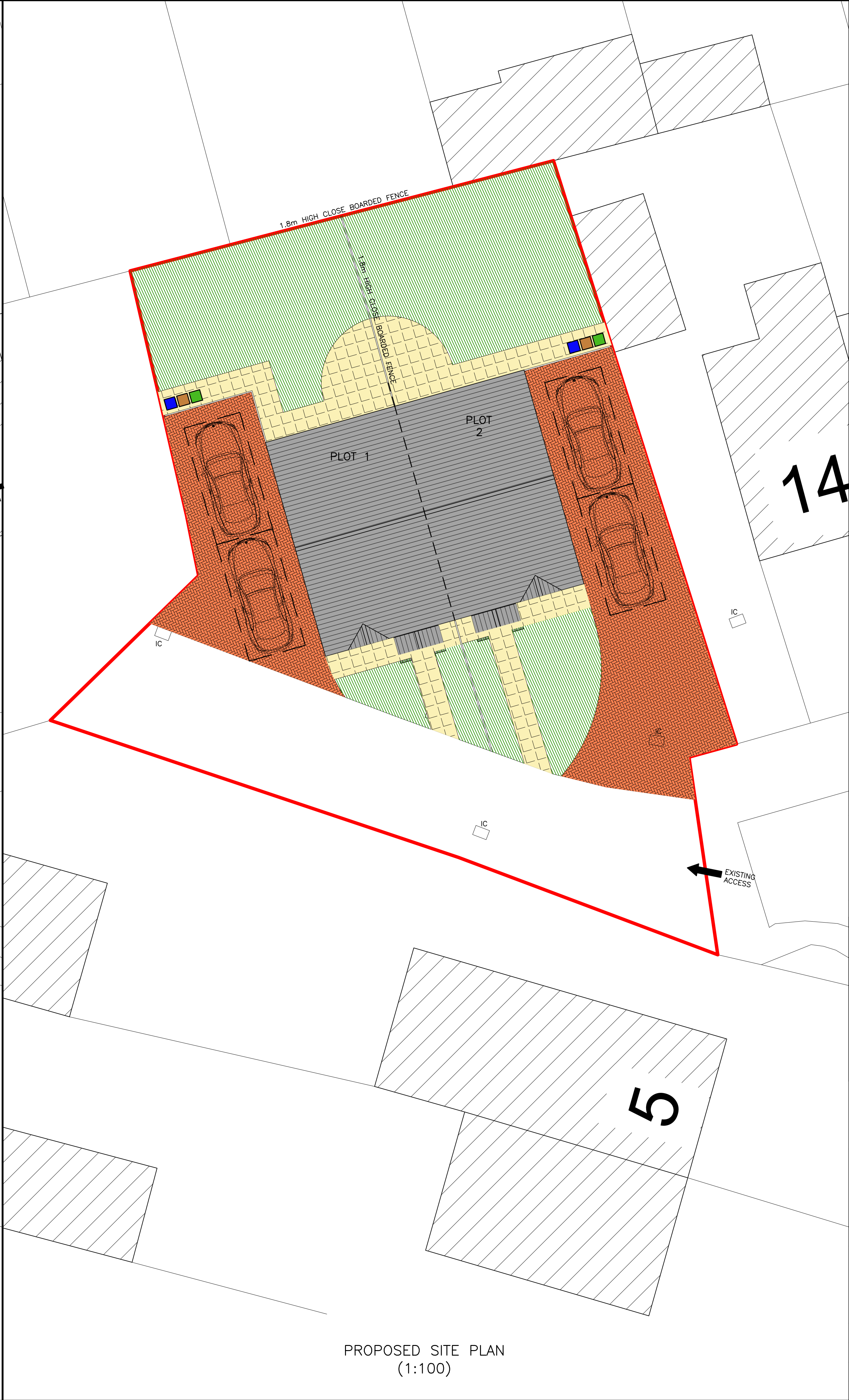
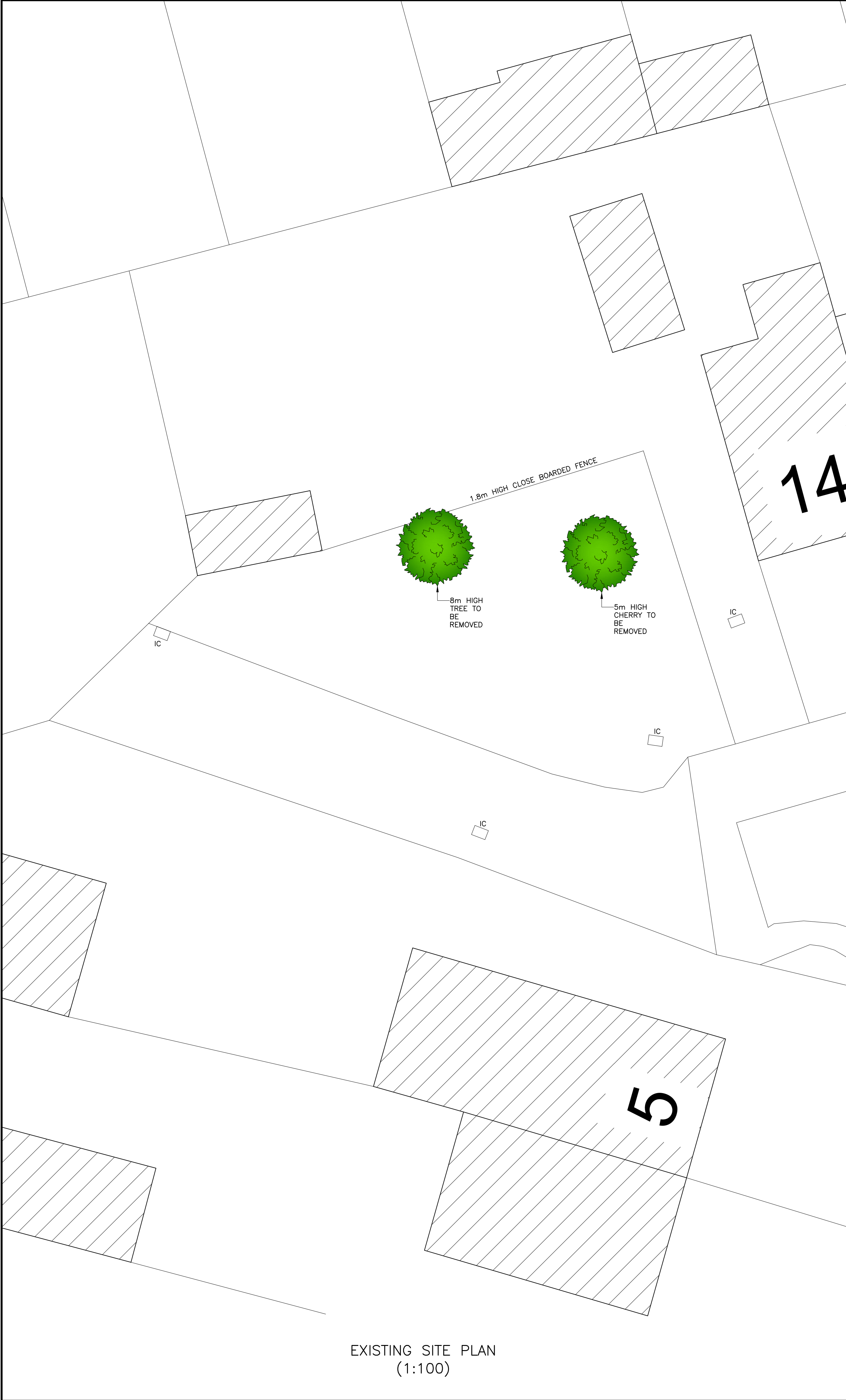
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F/YR23/0460/FDC

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The contractor is to arrange inspections of the works by the BCO (or NHBC) as required by the Building Regulations and is to obtain completion certificate and forward to the Engineer

MILL ROAD

INHAMS CLOSE

LOCATION PLAN
(1:1250)
LICENCE NUMBER 100022432

N
W E
S

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

MORTON & HALL
CONSULTING LIMITED
CONSULTING STRUCTURAL ENGINEERS

1 Gordon Avenue,
March,
Cambridgeshire.
PE15 8AJ

Tel: 01354 655454.
Fax: 01354 660467
E-mail: info@mortonandhall.co.uk
Website: www.mortonconsultingengineers.co.uk

LABC Fenland District Council
Building Excellence Award
winner

CLIENT
Fenland District Council

PROJECT
14 Inhams Close
Murrow
Wisbech
PE13 4HS

TITLE
Existing & Proposed
Site Plans

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



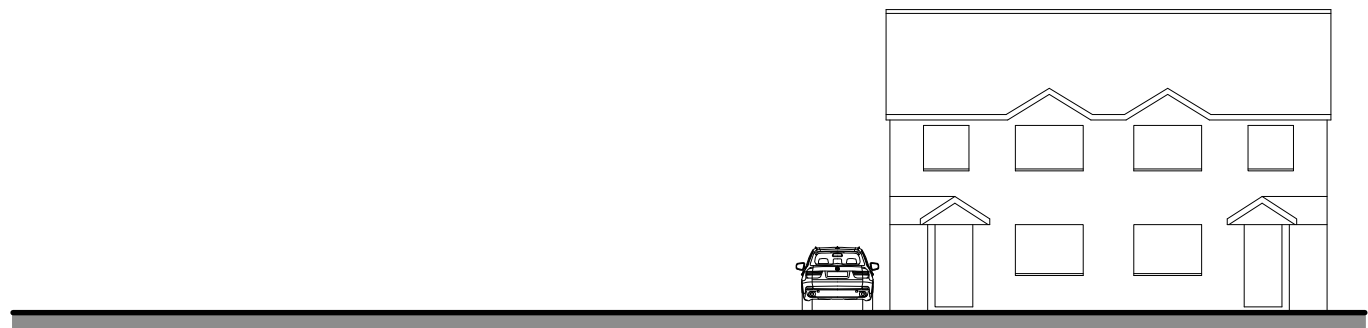
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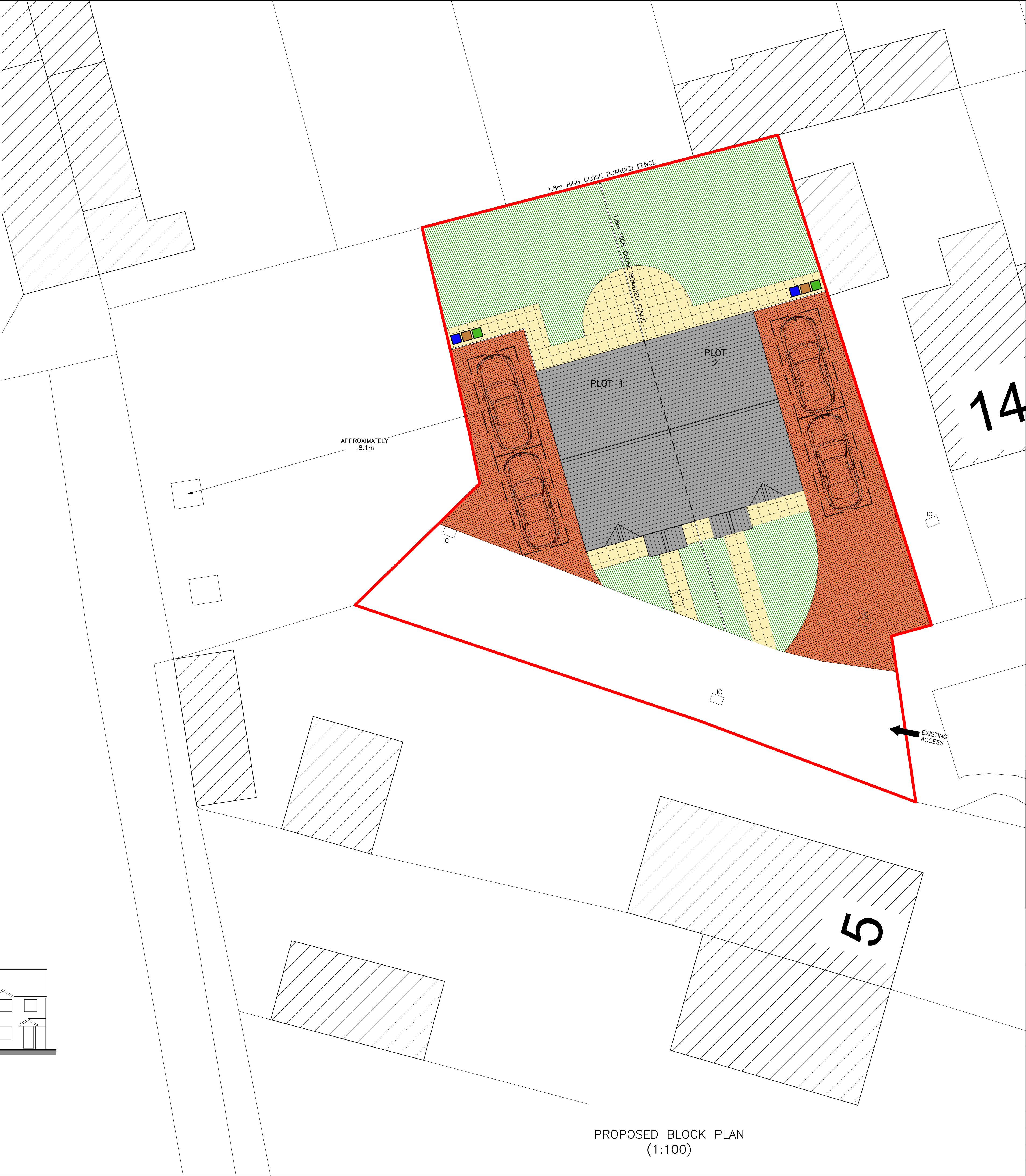
EXISTING SITE PHOTO



EXISTING SITE PHOTO



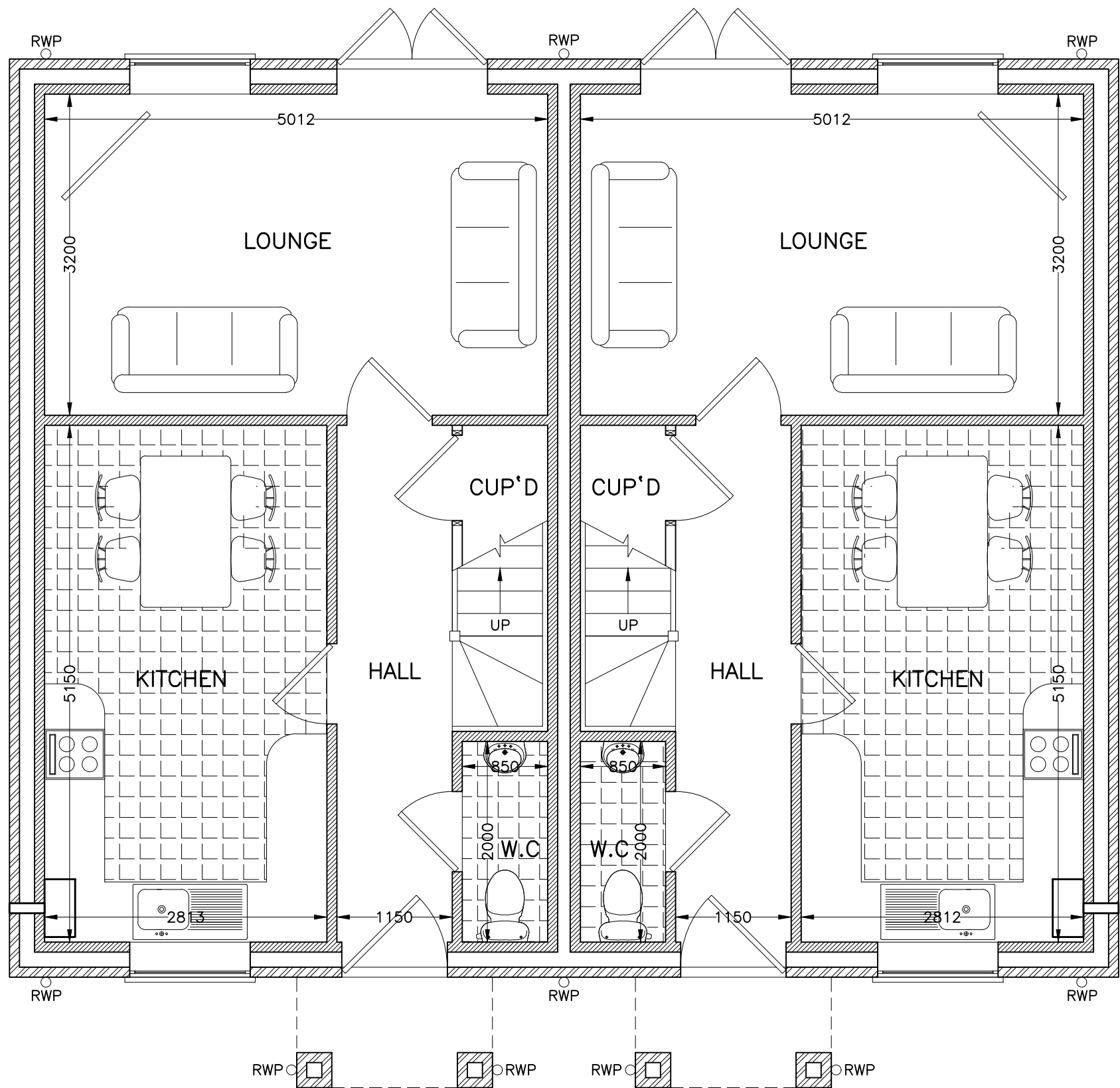
EXISTING STREET SCENE
(1:200)



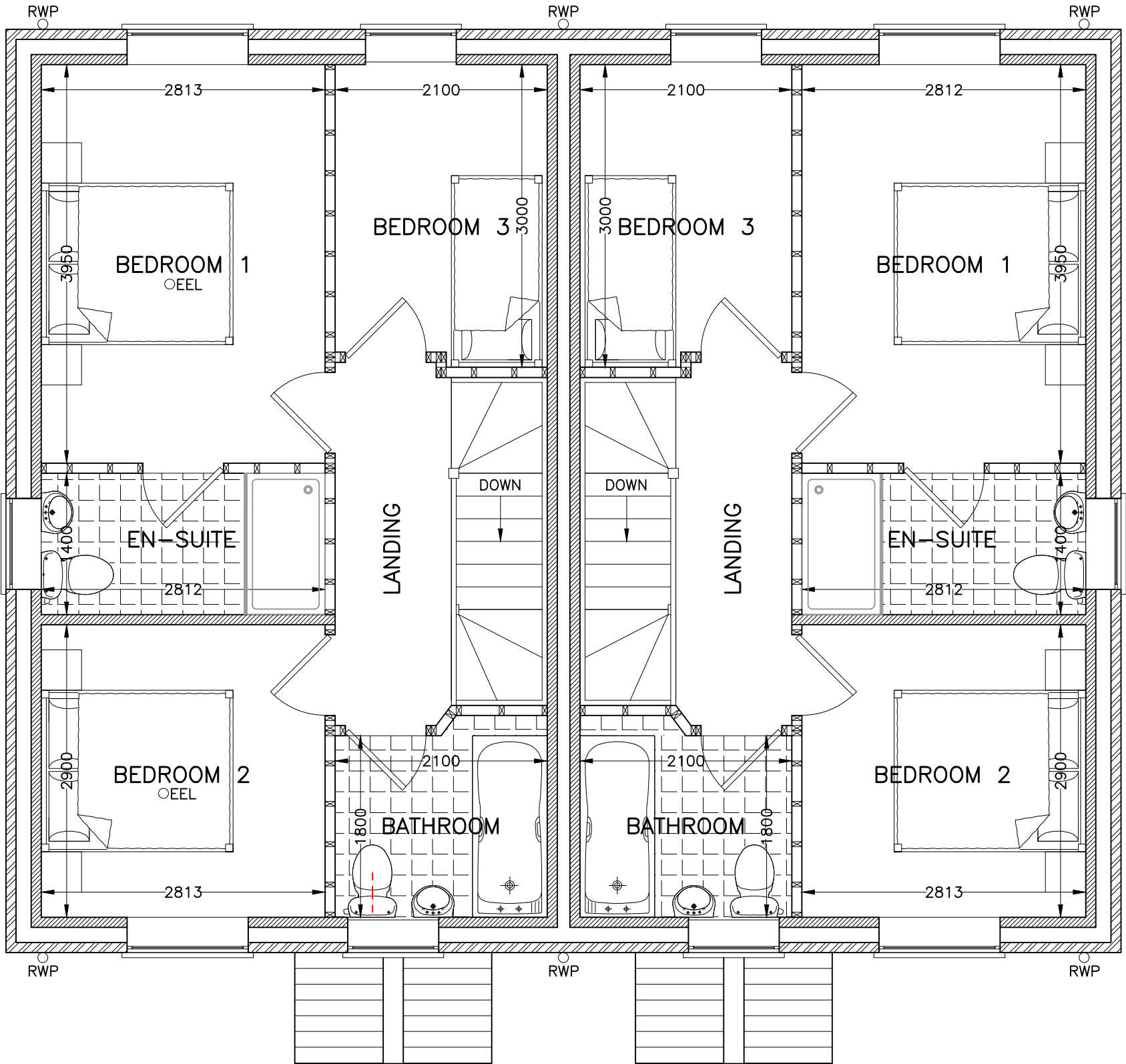
PROPOSED BLOCK PLAN
(1:100)

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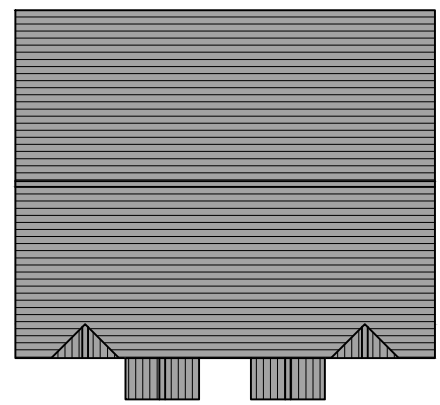
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	REVISIONS	DATE
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PROPOSED GROUND FLOOR PLAN
(1:50)



PROPOSED FIRST FLOOR PLAN
(1:50)



PROPOSED ROOF PLAN
(1:200)



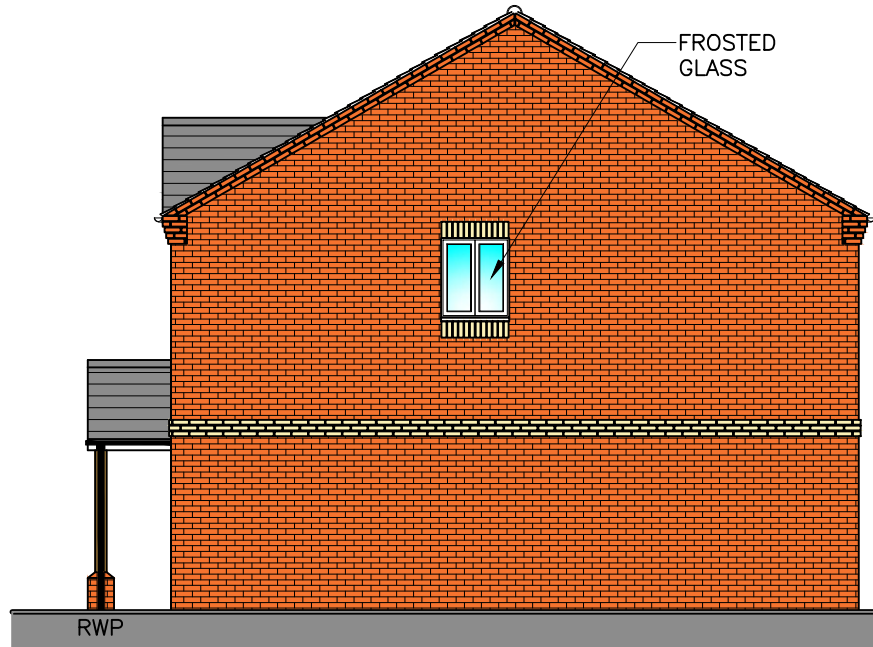
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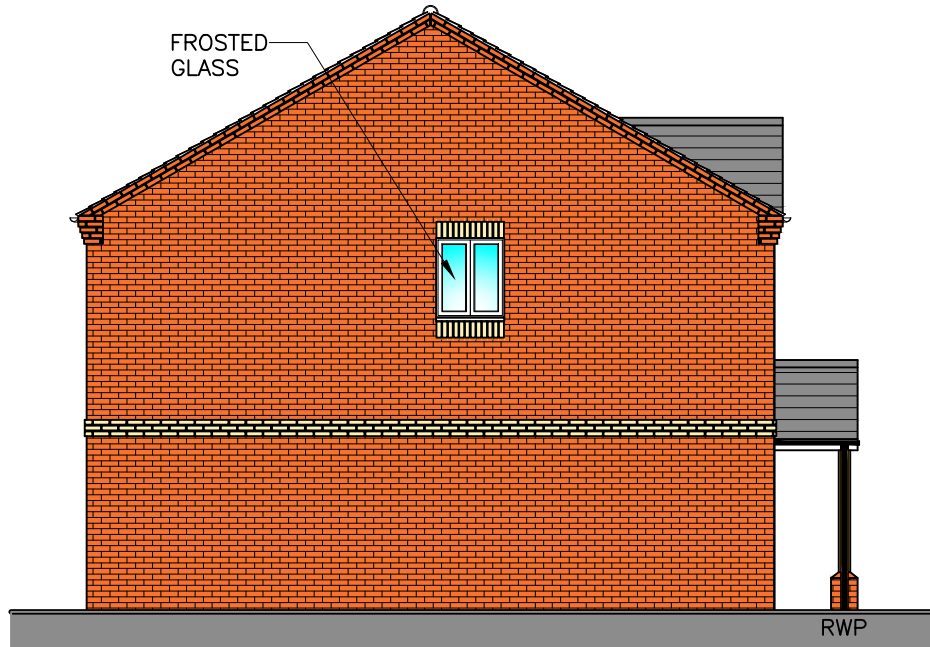
PROPOSED REAR ELEVATION
(1:100)



PROPOSED STREET SCENE
(1:200)



PROPOSED RHS ELEVATION
(1:100)



PROPOSED LHS ELEVATION
(1:100)

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A PLANNERS COMMENTS MAY 23
REVISIONS DATE

MORTON & HALL CONSULTING LIMITED
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Tel: 01354 655454, Fax: 01354 660467, E-mail: info@mortonandhall.co.uk, Website: www.mortonconsultingengineers.co.uk
LABC LABC LABC
BENEFIT BUILDING EXCELLENCE AWARD
winner
Fenland District Council
Building Design Awards
Building Excellence in Fenland

CLIENT		Fenland District Council	
PROJECT		14 Inhams Close Murrow Wisbech PE13 4HS	
TITLE		Proposed Plans & Elevations	
DRAWN	R.Papworth	DATE OF ISSUE	
CHECKED		DRAWING NUMBER	H8909/03A
DATE	March 2023		
SCALE	As Shown		

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