

AGENDA

PLANNING COMMITTEE

WEDNESDAY, 6 MARCH 2024

1.00 PM

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

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

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

To confirm and sign the minutes from the previous meeting of 7 February 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/YR23/0206/F
Land North Of Stoneleigh 22A, Eaton Estate, Wimblington
Erect 48 dwellings involving demolition of existing dwelling and outbuildings (Pages 23 - 66)

To determine the application.
- 6 F/YR22/1084/F
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

(Pages 67 - 96)

To determine the application.

- 7 F/YR23/0241/O
Land South Of 2B And 2C, Bridge Lane, Wimblington
Erect up to 9 x dwellings (outline application with all matters reserved) (Pages 97 - 110)

To determine the application.

- 8 F/YR23/0517/O
Land East Of 13B, Bridge Street, Chatteris
Erect up to 9 x dwellings (outline application with matters committed in respect of access) (Pages 111 - 136)

To determine the application.

- 9 F/YR23/0881/O
Land West Of 78-88, Station Road, Manea
Erect up to 4no dwellings (outline application with all matters reserved)

(Pages 137 - 150)

To determine the application.

- 10 F/YR23/0935/O
Land North Of Greenacres, Hannath Road, Tydd Gote
Erect 1 x dwelling (outline application with matters committed in respect of access) and the formation of an access (Pages 151 - 162)

To determine the application.

- 11 F/YR23/0948/F
Bramley House Hotel, High Street, Chatteris
Erect a detached annexe block (2-storey 10-bed) involving demolition of existing outbuilding, and alterations to external staircase and door and window arrangement at ground floor level at rear (Pages 163 - 182)

To determine the application.

- 12 F/YR23/0987/O
Land East Of, Bramley Court, Coldham
Erect up to 6no dwellings (outline application with all matters reserved) (Pages 183 - 198)

To determine the application.

- 13 F/YR23/0990/PIP
Land West Of 37, Mill Road, Murrow

Residential development of up to 3 x dwellings involving the formation of 2 x new accesses (application for Permission in Principle) (Pages 199 - 212)

To determine the application.

14 F/YR23/0995/O

Land East Of 1, Wimblington Road, Doddington

Erect up to 3 x dwellings involving the formation of an access (Outline application with all matters reserved) (Pages 213 - 230)

To determine the application.

15 Items which the Chairman has under item 3 deemed urgent

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

This page is intentionally left blank

PLANNING COMMITTEE



WEDNESDAY, 7 FEBRUARY 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: Nikki Carter (Senior Development Officer), Nick Harding (Head of Planning), David Rowen (Development Manager), Stephen Turnbull (Legal Officer) and Jo Goodrum (Member Services & Governance Officer)

P96/23 PREVIOUS MINUTES

The minutes of the previous meetings of 13 December 2023 and 10 January 2024 were signed and agreed as an accurate record.

P97/23 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

Nikki Carter 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 Lee Bevens, the agent. Mr Bevens stated that he had originally planned to provide justification for the scheme for up to 12 persons to include the associated works for a House of Multiple Occupancy (HMO) at 7 Station Road Manea and had written a long statement in support of the proposal as members may or not be aware that the former Classics restaurant with the associated bed and breakfast business had accommodation for up to 9 people on the first floor. He stated that he had a detailed discussion earlier that day with Councillor Charlie Marks to discuss the concerns that he still feels exist with the proposal and following positive discussions to find a common ground that would suit both Councillor Marks and the applicant, which included the sensitive nature of the site and its location in a residential area.

Mr Bevens explained that the suggestion reached is to agree to a maximum of nine persons in the HMO for the first 12 months and after that time the Housing Compliance Manager, Jo Evans, would review the project to assess how the HMO is being operated and then hopefully grant the additional 3 persons which would still mean a maximum of 12 residents in the HMO. He thanked Jo Evans, the Housing Compliance Manager, and Nikki Carter, the Planning Officer, for the support and input with the scheme to date and he asked the committee to support the amendment to the scheme and grant approval for a 9 person HMO with a review in 12 months to increase it to a 12 person HMO.

Members received a presentation, in accordance with the public participation procedure, from Councillor Charlie Marks, the ward councillor. Councillor Marks confirmed that he has been in

discussion with Mr Bevens earlier that day and, in his opinion, the outcome that has been reached is a compromise. He explained that the residents of Manea are not happy with a 12 person HMO, but as there are 9 already in place, in his opinion, he can see no reason why this cannot be considered as a good way forward and will give the HMO Officer the opportunity to review the premises over the next 12 months and work with the owner.

Councillor Marks stated that, therefore, at the current time he will support this.

Members asked Councillor Marks the following questions:

- Councillor Hicks asked whether Councillor Marks has engaged with any of the local residents with regards to the proposal? Councillor Marks stated that he has had various communication with various residents and all of the residents have been very aware of the number of occupiers proposed in the application for the HMO as 12. He added that there has been 8 or 9 letters of support and also 27 letters of objection with regards to the property, however, the issue is that there is already planning consent in place for 9 people and that number of persons was resident on site when the premises was a bed and breakfast and, therefore, the 9 makes no difference.

Members asked officers the following questions:

- Councillor Hicks stated that he notes that the applicant has offered to introduce an acoustic fence and he asked whether there is any evidence as to how much noise reduction the acoustic fence will prevent? Nikki Carter stated that information was not available, however, Environmental Health colleagues have been consulted and they have indicated that the acoustic fence is typical of one which would be requested by them or incorporated by developers as a means of noise mitigation. She explained that full details of the acoustic fence have not been received at this stage as there would need to be conditions included prior to the occupation of the HMO.
- Nick Harding stated that it appears that the agent and applicant now appear to wish to reduce the number of occupants of the HMO to 9 and then subject to that operating in a satisfactory manner for a period of time then the number of occupants would increase to 12. He made the point that as it stands the way that the application has been described within the application process may cause an issue to facilitate this proposal being put forward today by the agent. Nick Harding explained that it can be facilitated if the applicant is going to operate the HMO and then if it operates successfully then apply for 12 through the HMO licensing process, however, the control of that option would fall outside of the control of planning. He stated that whilst he is sure that Mr Bevens and his client would remain true to their word, it would have to be on trust because it would not be controlled under the planning permission which may be granted by the committee. Nick Harding stated that should the committee want to control the suggestion put forward by Mr Bevens through the planning process then the description of the development would need to be changed and that would then have to go out to public consultation where they may be representations which would mean the proposal coming back before the committee, however, if there were no further representations made, following the consultation, then the condition would be that it can only be occupied by 9 and then the applicant would have to reapply after the satisfactory period in order to increase the numbers up to 12 and, in his opinion, that will be difficult and awkward. He added that the agent may feel that is not the best option for him and his client and the best way would be to follow the HMO Licensing process. Nick Harding reiterated that as it stands, the application cannot be controlled through the granting of planning permission due to the way that the application has been described.
- Councillor Connor expressed the view that the long-winded option would not be the best course of action.

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

- Councillor Mrs French expressed the view that she is pleased that the Mr Bevens and

Councillor Marks have been in discussion regarding the proposal as the application has been considered over several years and also lost at an appeal hearing. She added that she is delighted to hear the suggested reduction to the proposal being for 9 persons and added that she understands what Nick Harding has advised the committee, however, she does not wish to see the proposal being brought back to the committee again. Councillor Mrs French stated that she understands that if the application were approved it would be for 12 residents and if approved it will give the Council's Licensing Team the authority to license and monitor the site which she feels is the correct thing to do. She explained that she attended a Community Safety Partnership meeting recently and one topic which was heavily discussed with the Police was HMO properties and the fact that the Police along with Council officers will now be strictly monitoring properties of this type. Councillor Mrs French made the point that her only concern is with regards to noise but as long as the noise levels can be contained in order that the residents are not suffering under the Human Rights Act, Article 8, as they are entitled to the enjoyment of their home, and she would hope that the dwelling is monitored appropriately.

- Councillor Benney stated that the application has a recommendation for approval, and he cannot see any reasons why the application should be refused. He made the point that he does welcome the idea of the reduction of residents to 9, however, when considering the officer's advice, where members have been advised that the reduction in numbers cannot be achieved through planning conditions, the recommendation is one of approval. Councillor Benney made the point that the application has been before the committee on numerous occasions and whilst the premises suffered from problems in the past due to the fact that it was not regulated, should the application be approved, it will fall under the proper licensing regime and the premises will be monitored by the HMO team. He expressed the view that if the application is refused it will come before the committee again in one form or another and whilst he would have liked to see it reduced to 9 residents, if that cannot be done, then 12 is a better solution than the previous application which was for 18. Councillor Benney added that the committee have a steer from the Inspectors report which was provided and he cannot see any other option than to approve the application as the officer's report details the fact that the application is policy compliant and can be closely monitored. He added that whilst he has considered the concerns of Councillor Marks who has represented his residents very well, there is a point which comes down to planning policy, if the policy will not permit 9 residents then the application must be approved for 12.
- Councillor Hicks stated that he would be more than happy to support the proposal for 9 with a view to increase it to 12 at a later stage.

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

(The Chairman agreed to change the order of speakers to allow the Agent to present to the committee first)

(Councillor Marks spoke as the Ward Member for Manea in his capacity as a District Councillor and took no part in the discussion or voting on this item)

P98/23

F/YR23/0904/O

LAND NORTH OF ANTWERP HOUSE, GOSMOOR LANE, ELM

ERECT UP TO 5NO DWELLINGS (OUTLINE APPLICATION WITH ALL MATTERS RESERVED)

Nikki Carter 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 Peter Bryant, an objector to the proposal. Mr Bryant stated that he is attending the meeting to

represent the hamlet of Colletts Bridge but stressed that his comments are not nimbyism, however, the community is asking the Council to uphold the Local Plan, and care about highway and flooding safety. He added that the emerging Local Plan has no bearing, but that a small village has a target of 9% growth within it and LP65.01 is for a 37% growth in the new plan which is clearly unsuitable and disproportionate.

Mr Bryant stated that with regard to the current Local Plan the proposal fails all elements of LP3 as it is for 5 properties, not a single dwelling, and it is a mini estate, not an infill, and it is not part of an otherwise built-up frontage. He made the point that over many applications and 3 appeals (most recently last November) both the Council and Planning Inspectorate officers have described the western side of Colletts Bridge Lane to be predominantly open to the surrounding countryside with a handful of sporadic dwellings, with the latest appeal ruling that development on the west side of Colletts Bridge must be in keeping with this and not cause harm and, in his view, a mini estate would do dramatic harm to both character and appearance.

Mr Bryant referred to the presentation screen and stated that it shows the level of opposition to the application from local residents, both Ward Councillors and the Parish Council. He made the point that the community wants to protect the character and appearance, and flood and highway safety and, in his view, their opinions should be heard.

Mr Bryant explained that the previous slide showed a map which covered an area that is only a few hundred metres wide, and the map highlights the 5 distant residential supporters who mostly failed to address planning policy and issued generic expressions of support. He stated that when considering flooding, the site floods all year round and local knowledge asserts the site is semi-permanently flooded and waterlogged which is supported by the Middle Level Commissioners report where it mentions high water-table and low infiltration rate.

Mr Bryant explained that the area is covered in reeds, which by definition are wetland plants and it is the natural water run off for the roads on two sides, with the closest property having flooding problems to the point where their ground floor bathroom becomes unusable, and the application would seriously worsen these conditions and the submitted drawing indicates that over half the surface of the site would be built on. He explained that when considering highway safety, the opposite highway splay is incorrect on the diagram as it goes through a hedge which is over 1m, and the hedge is not in the control of the applicant as far as he is aware and by correcting this it would reduce the splay distance even further from just under 40% of a standard 215 metres to just over one third.

Mr Bryant referred to the first response from the Highway Authority of 2 January which stated that both splays should be 2.4x215m in either direction for 60mph roads, or that the applicant should present a traffic speed survey to show speeds are low enough, but the applicant did neither. He added that a 69-metre splay is only good for speeds of about 40mph for light vehicles, and the road is the only approved route for HGV's attending Fenmarc 24 hours a day, 365 days a year.

Mr Bryant referred to the second response from Highways on the 17 January which, in his view, rests entirely on the phrase "...would be unable to build up speed..." for it to be acceptable but feels that is incorrect and an evidence free assertion. He referred to the presentation screen which displayed the actual speeds reached in a 16-year-old car in slightly damp conditions, daylight and without taking any risks, with the vehicle being driven north on the A1101 and turning left whilst the passenger noted the speeds.

Mr Bryant added that when cars exit Colletts Bridge Lane vehicles from the left may be at or over 30mph before they become visible and drivers have less than 2 seconds of clear road which is not safe and it is only mitigated because there is ¼ mile of clear road to the right without junctions and the clear road gives the driver 15 seconds of time so that if clear drivers can completely focus on avoiding traffic from the left. He expressed the view that the proposed development would destroy

that mitigation meaning that those 15 seconds would drop to 1 or 2 and the danger would now be in both directions, with all of this safe time being about narrowly avoiding a crash and there are no safety margins and no consideration of close shaves.

Mr Bryant explained that he cannot count the number of times one of them has shouted "STOP!!!" just as they move into Gosmoor Lane and it should also be remembered that the majority population of Colletts Bridge is (and has historically been) elderly, whose reaction times are slower. He made the point that HGV's cut the A1101 corner from both directions using the full width of the road, referring to the presentation screen to show the view and the speeds of the cars when they are travelling towards vehicles when they exit Colletts Bridge.

Mr Bryant concluded by stating that there is no local support for the proposal, it fails to meet Local Plan policies, it increases and introduces new highways danger, and it increases flooding/drainage issues. He provided copies of documentation for members to demonstrate the speeding of vehicles on the road.

Members received a presentation, in accordance with the public participation procedure, from Liam Lunn-Towler, the agent. Mr Lunn-Towler referred to the presentation screen and highlighted to members of the committee the blue areas which are identifiable as existing dwellings, yellow which is a dwelling approved by the Planning Committee in 2021 which is south of the proposed site, which is referred to in the officer's report at 10.29, and green which identifies a recently approved barn conversion for two dwellings. He expressed the opinion that when considering the plan being presented to the committee, the application site sits within the built form of Colletts Bridge and the site is strongly related to the core built form of the settlement and the development would add positively to the street scene.

Mr Lunn-Towler added that under the draft Local Plan, the proposed development is allocated under LP65.01 and although this plan holds limited weight at the current time, policy consideration has been undertaken to warrant its allocation. He added that since the site is in a Flood Zone One area, great weight has been attached to its allocation and whilst flooding concerns have been raised by the Parish Council and neighbours the site currently experiences very small forms of localised puddles and not flooding, and this is due to the fact that the site has not been harvested since before 2010 and the applicant has cut the land where it was required in order to prevent it from overgrowing and becoming a nuisance, which has resulted in the land from becoming compacted and preventing natural drainage.

Mr Lunn-Towler stated that the reason for the applicant not harvesting the site is due to its small awkward shape which makes it difficult to farm and that such concerns over drainage mean that discussions with Middle Level can take place in order to promote designed drainage of the land at reserved matters stage of the application. He explained that the applicant owns the land which is west of the application site which is shown as grey on the presentation screen and then north of that and west of that are land drains which could potentially support the proposal or there could be consideration given to similar drainage designs, with an Anglian Water foul main running through the east side of the site for foul water removal.

Mr Lunn-Towler explained that the committee could add a drainage condition to any permission today if they are minded to approve the proposal and the officer's report supports this as drainage can be added and is detailed at 10.19 where it states that officers have no concerns with regards to flooding or drainage. He made the point that he has listened to the neighbours' concerns with regards to having an access point onto Colletts Bridge Lane and this has been removed in order to have only one access point onto Gosmoor Lane and subsequently the Highway Authority have no objection to the current proposal.

Mr Lunn-Towler made the point that the application does not commit any matters and the only issue for members to consider is the principle of development as the access can be moved and the

presentation slide is only for illustrative purposes. He expressed the view that the application site can be considered within the built form of the settlement as support is evident in the allocation contained in the draft Local Plan, the site falls within the lowest flood risk zone and matters of drainage can be committed and designed at a later date and he, therefore, asked the committee to support the application.

Members asked Mr Lunn-Towler the following questions:

- Councillor Mrs French asked for confirmation as to how the sewage from the site will be managed? Mr Lunn-Towler responded that there is an Anglian Water asset that runs through the east of the site, which runs north from plot 4. Councillor Mrs French asked for details with regards to how the surface water on the site is going to be managed? Mr Lunn-Towler explained that will be dealt with by means of a specialist design and that the illustrative drawing shows a mixture of grass land, but it can be achieved through a soak away although Middle Level have stated that may not be achievable, however, that is subject to infiltration tests and a specialist recommendation. He added that there are land drains further to the north and west in the applicant's ownership and if need be, a SUDs design could be considered. Mr Lunn-Towler expressed the view that currently the water puddles due to the fact that there is nowhere for the water to go, and the land is compacted and the only way to resolve that issue is for something to be designed in order for the site to be able to drain properly. Councillor Mrs French stated that she is the County Councillor for that area, and explained that she does recall that area flooding in 2020/21. She added that she is also a member of drainage boards, and she will not be supporting the application as it stands in its present form until a proper flooding scheme is set out.
- Councillor Hicks referred to the officer's report and stated that at 5.3 Middle Level have stated that although the site is in Flood Zone 1, this particular area of land is in a high water level which would not lend itself to SUDs and because of the nature of the soil being clay a soakaway system would not be suitable either. He added that at 5.4 it refers to the site being a marshy area and highlighted that Anglian Water have stated that connection to the local sewerage system is not achievable as the system is already overwhelmed. Councillor Hicks asked for clarity on what are the possible other options? Mr Lunn-Towler stated that he would not be able to comment on drainage design but added that it is the principle of development which is being considered. He explained that a drainage specialist would compile a drainage scheme once the specific data is collated and that could be conditioned. Councillor Hicks stated that he cannot see what other option can be considered. Mr Lunn-Towler made the point that the Middle Level had suggested that a land drain could be an option which would continue from the most eastern end to cross the applicants land so that other land drains could be connected to the rest of the network.

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

- Councillor Mrs French expressed the opinion that the officer's recommendation is correct and that the emerging Local Plan is not advanced far enough to be able to give any consideration to it when determining applications. She expressed the view that the drainage issues and system for the site must be resolved.
- Councillor Hicks expressed the opinion that the report speaks for itself, and he cannot support the application without more details concerning the drainage for the site.
- Councillor Benney stated that drainage is not cited as a reason for refusal and made the point that officers have listed LP3, building in the open countryside, LP12 and LP16(d) which, in his view, are subjective. He stated that applications have been passed before with conditions for a drainage scheme coming forward and this proposal would have to have a approved drainage scheme to prove that there was a scheme that would work. Councillor Benney reiterated that drainage is not a reason for refusal, and he stated that building in the open countryside is very subjective and specific to the site and consideration need to be given as to whether it give a positive or negative outlook interpretation of the site.
- Councillor Mrs French stated that she has to disagree with the comments of Councillor Benney as, in her view, flooding is an issue, and it is only going to get worse due to the

number of developments across Fenland. She added that she will not support the application and if it comes back to the committee with the emerging plan and all the drainage schemes being properly in place. Councillor Mrs French made the point that she does not think that the applicant would be able to introduce SUDs through the County Council.

- Councillor Connor stated that he agrees with Councillor Mrs French with regards to concerns over flooding especially as it has been so prevalent over the last few weeks. He stated that if the application came back with a proper drainage plan in the future then it could be considered but he cannot support it in its current form.
- Councillor Benney stated that the point that he was trying to make is that flooding is not listed as one of the reasons listed for refusal and should the application come back again with a drainage scheme that members do find acceptable should members choose to refuse the application today on what reasons would the proposal be refused and would it be on all three reasons. He added that to refuse an application on reasons which are not within the report, in his view, means that policies are not being considered appropriately.
- Councillor Marks stated that like most villages flooding is such a major issue at present and when you look at the other reasons, in his view, it is not in an elsewhere location as he has visited the site. He made the point that the application will come back before the committee and as there is a large field beside the application site, this may also be considered for future development. Councillor Marks added that consideration does need to be given with regards to members views concerning the three reasons listed for refusal.
- Councillor Benney stated that the application cannot be turned down on flooding grounds as it does not state that in the report although it highlights the potential risk of flooding, however, a drainage scheme which is a technical solution could be brought forward to solve the issue. He added that if the committee are going to refuse the application, flooding is not one of the reasons for refusal, it is LP3, LP12 and LP16(d). Councillor Benney made the point that there have been times where the committee have gone against those reasons and members need to be consistent with their decision making. He questioned whether the application should be refused on all cited reasons listed and, in his opinion, he could support a refusal of the application but more from a policy perspective as he is sure the application will come before the committee again.
- Councillor Mrs French stated that Middle Level have provided an in-depth response to the application and she asked whether a condition can be added to show that there are concerns with regards to flooding in this area.
- Nick Harding stated that officers are not saying that it is an elsewhere location, but there are a set of rules which need to be followed in order to determine whether a development is acceptable or not and for this settlement the development proposed has to be an infill proposal which it is evidently not and, therefore, it is a clear failure against the policy test. He added that it is quite an expansive area and there is the appeal decision which was referred to in the officer's presentation and nothing has changed since the appeal decision and, therefore, it is logical to arrive at the same conclusion as the appeal Inspector did in respect to the nature of character of this particular location. Nick Harding made the point that the application does not fill the criteria for infill development and as determined by an independent person the location has a countryside character to it. He made reference to the point made by Councillor Mrs French and should the application be approved then a drainage scheme could be conditioned to any consent and if members wished to add their concerns with regards to drainage to the reasons for refusal that is also an option. Nick Harding explained that he would suggest that members refer to the comments made by the IDB in respect of drainage as they have advised that draining the site is not without its challenges, would be costly and there is the possibility that third party land maybe involved.
- Councillor Mrs French stated that it is Middle Level who have actually made comments and its opinion to be taken into high consideration as it would normally be an engineer or Chairman or an Internal Drainage Board. She expressed the view that she would hope that the application is refused, and she would like the condition added as a matter of refusal.
- Councillor Connor asked for the date of the appeal to be provided to the committee and it

was confirmed that the date was 28 November 2023.

- Councillor Marks referred to F/YR21/1494/F and asked what drainage mitigation that application had in place.
- David Rowen explained that the two application sites are distinctly different and the site to the south of Gosmoor Lane was that it was essentially domestic garden rather than uncultivated land to the north.
- Councillor Mrs French referred to the comments listed at 10.17, 10.18 and 10.19 of the report and explained that those points are to be included along with the reason for refusal.

Proposed by Councillor Benney, seconded by Councillor Mrs French and agreed that the application be REFUSED as per the officer's recommendation, with an additional reason to include concerns over drainage.

**P99/23 F/YR23/0981/O
LAND NORTH OF 59 STOW ROAD, WISBECH
ERECT 1 X DWELLING (OUTLINE APPLICATION WITH MATTERS COMMITTED
IN RESPECT OF ACCESS)**

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 Matthew Hall, the agent. Mr Hall stated that the officer's report states that the principle of residential development of the site is acceptable subject to other details and added that the site history within the officer's report shows a previous refusal on the site in 1987, and the other application site referred to in the history is on the other side of the road and was 16 years ago and, therefore, since 1987 there have been no other refusals or applications on the site. He explained that within the officer's report it states that there have been two applications withdrawn at the site, with one of those being due to biodiversity, and he has commissioned an ecology report which was by a different company, however, that company did not respond to any of the questions and has now ceased trading.

Mr Hall explained that a second ecology report has been submitted and when reviewing the comments from the County Council's Ecology Department, they have recommended conditions, which he has spoken to the applicant regarding these, and he is happy to agree to those and they can be accommodated on the site. He referred to the presentation screen and he highlighted the red line which identifies the site, explaining that directly to the north of the site within the last two years there has been a planning in principle application for up to nine dwellings which has been approved but has not yet been built out and it is clear to see that it is clearly in the built-up form of Wisbech.

Mr Hall stated that the application has the support of Wisbech Town Council, is sited within Flood Zone 1 and the Highway Authority have made no objection to the proposal, with the entrance to the site being tarmacked which will benefit not only the site but also other users of the site as there are two further dwellings beyond this site off the access along with a former nursery. He explained that he also proposes to widen the access in front of the site to a width of 5.5 metres which would then provide a passing place which would benefit the site along with the other users of the access.

Mr Hall referred to the photos and highlighted that the car shown in the photographs should not be parked there and the access according to Land Registry is for the full width and the trees shown in the first photo all form part of the access which is approximately 6 metres wide although it does narrow down as David Rowen explained.

Members asked Mr Hall the following questions:

- Councillor Marks asked whether some of the trees are going to be removed as he has

stated that the access is going to be 6 metres wide? Mr Hall stated that when looking at the first photo shown on the presentation screen, the car parked to one side is parked on the access and it should not be. He added that the trees on the right-hand side are within the access according to Land Registry records and, therefore, they would need to be removed.

- Councillor Marks made reference to the Google map, where it looks as though the red line goes straight through the property by the road. Mr Hall explained that is the boundary of the property and the thin line shown is grassland which is just below the red line. Councillor Marks asked whether the garage shown in one of the slides is being removed? Mr Hall explained that it is not as it is further round the corner.
- Councillor Imafidon stated that the officer's report refers to a 90-degree bend asking whether there is anyway the visibility can be improved? He stated that it would appear that on bin collection day it would mean that the residents are going to have to wheel out their bins at a distance of 60 metres for collection and he questioned the access as it is very overgrown. Mr Hall stated that he is currently trying to improve the access where it abuts Stow Road and also further round in land which is in the applicant's ownership. He added that the 90-degree bend has been in existence for many years and that cannot be improved and the two other properties along with the nursery which are around the corner have a collection from a smaller bin lorry although he is not certain on that but should that not be the case then the residents would need to wheel their bins out to the top.
- Councillor Imafidon stated that although the bend may have been there, the property has not and he has never seen a smaller bin lorry accessing the track. Mr Hall stated that he cannot confirm the bin lorry collection arrangements.
- Councillor Benney asked whether the residents would be prepared to arrange a private bin collection to collect their waste? Mr Hall confirmed that they would be in agreement to that.
- Councillor Marks asked how a car would be able to turn around in the site? Mr Hall explained that the site layout is indicative, and he added that the parking point can be altered on the indicative plan although he stated that it is tight, but it can be widened.

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

- Councillor Marks expressed the view that it is a very narrow site, and he does have concerns with the proposal. He added that with regards to biodiversity, there could be some cutting back of the weeds which are overgrown, and, in his view, it is not the nicest of sites. Councillor Marks made the point that access is a big concern and residents will have to pull their bins for 60 metres which they will be aware of when they purchase a property, or they can introduce a private bin company for their collections. He expressed the opinion that it is a very tight site, however, the buyer will be aware.
- Councillor Benney stated that the proposal is an outline application, and the design of the bungalow is just indicative so the turning space could be improved in the reserved matters application or full application. He added that there is improvement to the site as if the trees are removed then there will be a passing place introduced and the concerns regarding bin collection can be overcome by the introduction of a private collector. Councillor Benney made the point that with regards to the outlook at the site not being very good that is down to whoever buys the property. He expressed the view that he does not see much wrong with the proposal and whilst the access maybe tight, there have been other applications approved previously where the access points have been tight. Councillor Benney stated that he does not think that there are going to be large volumes of traffic using the track and he does not anticipate that there will be any speeding either.
- Councillor Hicks stated that the access does seem to be very tight and previously the committee have allowed applicants to make improvements to the access and to remain consistent could this not be considered with this proposal.
- Councillor Connor stated that the Mr Hall has also advised the committee that he is looking at the access point by removing some or all of the trees and including the removal of the car.
- David Rowen stated that the agent is looking to make improvements to the access at the junction with Stow Road which is acknowledged in the report and also by the highway

comments, however, it is the part between Stow Road and the application site, the 90-degree blind bend and the 2.5 metre access track which is essentially an unmade carriage way. He made the point that, with regards to buyer beware, the aims of the planning system are to create high quality living environments for people and if members feel that a property accessed via a track with a 60 metre drag distance for their bins with a limited outlook, light ingress is seen as a high quality living environment then it is within the gift of members to go against the officer's recommendation.

- David Rowen referred to the comment made by Councillor Benney with regards to the introduction of a private bin collection being conditioned and he explained that it is not something that can be stipulated. He stated that the condition that could be added would be that the details of a refuse collection strategy are to be agreed which would then be down to the applicant to consider.

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

Members do not support the officer's recommendation of refusal of planning permission as they feel that the agent has stated that the access is going to be improved, it is not down to the committee to consider what a potential residents outlook will be, once completed it will be a positive contribution to the street scene and there is still a large amount of ecology on the site as there are fields and land around it and the loss of the ecology on the site is outweighed by the benefit of the dwelling.

(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)

P100/23

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

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 Alan Bedford, the applicant. Mr Bedford stated that he is sure that members are aware of the current difficulties that small businesses are suffering, explaining that he has 40 years in the construction industry mainly in the Fenland area working for a variety of companies. He explained that the one thing that the companies all had in common is that they needed to grow and diversify and unfortunately some businesses were unsuccessful and ceased to trade.

Mr Bedford stated that based on this knowledge it has become clear that Fen Plant requires the opportunity to explore all possible revenue streams as potential ways to expand and diversify the business and in order to achieve this, the first thing that is required is for the business to be able to expand the project range due to the fact that he has reached full capacity at the current rented location he occupies, with the proposed site being the only financially viable location in the local Whittlesey area. He added that he is proposing to reuse and repurpose existing local infrastructure which would otherwise become a derelict eyesore.

Mr Bedford expressed the view that the proposal is an environmentally friendly solution, and the proposed location offers his business the best possible chance to achieve its goals in the medium

to long term which would include the potential to generate additional employment whilst maintaining all of the services in the local area, with an additional benefit being due to the fact that the site is available to purchase and in turn will give him increased financial stability. He stated that he is aware of the fact that the officer's recommendation is one of refusal partially due to the earth bund which has been proposed to surround three sides of the location, but the reasons for the earth bund is threefold with the first reason being that it will be used for security purposes and, in his opinion, the earth bund will offer a suitable security method and be in keeping with the local area, with it being planted with locally sourced plants on completion and has been chosen over unsightly security fencing which is the only other alternative.

Mr Bedford explained that the second reason for the bund is that it will encourage the creation of additional habitats to flourish and lastly, he stated that all levels of industrial operations do generate a certain level of noise and dust and, therefore, the bund will go some way to reduce any possible impact on the surrounding area, with his business operation having less impact or no more than the current or original agricultural use. He stated that the only other reason for refusal that he is aware of is the road junction which the Highway Authority has recommended small alterations to which he has agreed to and the Highway Team did advise that a small amount of land would be needed, however, that is not in their ownership, but the landowner of the field is also the owner of the land which highways referred to and he has agreed that the land in question would be included in the sale of the yard.

Mr Bedford explained that the land referred to by highways equates to approximately 10 metres of additional access. He stressed that the business that he owns is not a factory related industrial business with noise and dust and the yard would be relatively quiet and dust free and the dwelling adjacent to the yard will also form part of the sale agreement and will potentially be used as an office, rented out or even as a home for him and his family.

Members asked Mr Bedford the following questions:

- Councillor Hicks asked whether the land at the top of the road will be included as part of the sale? Mr Bedford confirmed it would form part of the purchase.
- Councillor Imafidon asked for clarity with regards to the purchase of the house? Mr Bedford explained that the house is owned by the same person that owns the farmyard and the whole thing is being sold in its entirety. He added that his agent has advised him not to include the house in his planning application as the initial intention will not to use it at first as part of the yard but in time it could be used as office space if the office facilities needed to expand. Mr Bedford confirmed that the property will definitely be in his ownership if the deal goes through, but the advice given to him by his agent was not to include it with the application as it will not be associated with the development and it will remain a dwelling for the foreseeable future.
- Councillor Connor asked for clarity over the house and asked whether it is just an option to purchase it? Mr Bedford clarified that the house is included in the entire purchase and the sale of it all is dependent on him receiving planning approval in order for his business to be able to move to this new location. He added that if planning approval is refused then he will not be purchasing any of it.
- Councillor Marks stated that he welcomes the fact that the business will be operating in a remote location which is ideal for any aggregate business with plant machinery. He added that with regards to the bunding is it unlikely to be any taller than most raised reservoirs in the area. Mr Bedford explained that it has been limited to three metres.
- Councillor Marks stated that the possibility of living and working on the site is obviously a means of security when working with plant machinery and he asked Mr Bedford whether that is the reason he wants to live on the same site? Mr Bedford stated that he was born and bred in Coates and has lived in Whittlesey but now lives in Eastrea. He explained that it will down to his family wishes whether or not they choose to live on site, or another family member may live there, with consideration also being given to renting out the dwelling as a means of further income.

- Councillor Marks asked Mr Bedford to provide details on vehicle movements and asked what plant equipment he owns? Mr Bedford explained that as the current moment in time, he has a couple of transit vans, 2 transit size tipper vehicles, 7.5 tonne HGV tipper for small aggregate sales and one 8 wheel roll on roll off lorry which is used for moving the large items of plant equipment such as forklift and eight tonne diggers and dumpers along with a tipper body which is used to import the bulk amounts of aggregates into the proposed bays.
- Councillor Marks asked whether the site in Whittlesey is to close totally? Mr Bedford explained that is the intention due to the fact that the site in Whittlesey is only a rented property and due to a significant rent increase it is no longer feasible to remain at that location.
- Councillor Marks asked Mr Bedford whether most of the work that he has is within the Whittlesey area as he is interested to know where the vehicle movements will be? He asked whether vehicles will be driving through Benwick regularly as opposed to Whittlesey as the highways team have made that conclusion regarding the entrance to Marriots Drove? Mr Bedford stated that Whittlesey is straight on at that junction and there will be the potential for small amounts of traffic to have to turn right but the large majority of his work will be in Whittlesey and Thorney with occasional work being undertaken in Ramsey.
- Councillor Connor thanked Mr Bedford for his honesty and made the point that it is helpful for one of his vehicles to be used for a variety of purposes. Councillor Connor welcomed the fact that Mr Bedford is talking to the owner of the land in order to improve the junction.
- Councillor Mrs French stated that it does say in the report that the applicant has failed to demonstrate that the highway works required to the ditch on the eastern side are deliverable and she asked Mr Bedford whether it is his intention to fill the ditch in? Mr Bedford explained that he has spoken to the current owner of the land and yard and the remaining land has been rented out to a third party and the proposal would be that a couple of metres of the ditch would be filled in to generate the works and part of his business is to undertake work on the highways. He explained that he holds a works supervisors' qualification and, therefore, the work could be carried out to the required standard. Councillor Mrs French asked, if part of it is going to be filled in, will it be piped in the proper manner? Mr Bedford stated that it is his understanding that it is the last 2.5 metres of a run and there is no pipe running underneath the road. He added that if there is a pipe which runs underneath Marriots Drove from that dyke then the pipe will continue, and a new headwall will be implemented.
- Councillor Connor asked Mr Bedford whether he is happy to undertake any work to that junction as is appropriate? Mr Bedford stated that his agent has informed the planning officers that he is more than happy to undertake any works that are required to make it safe. He made the point that when he was at the site there were already articulated lorries coming from the direct of Benwick that were already turning in there and that has been the case for many years, with there never having been any need to alter that entrance.

Members asked officers the following questions:

- Councillor Benney stated that in the report it states that the land ownership question has arisen with regards to improvements to the junction and from what has been heard today it appears that the land ownership will probably be put right, however, on previous occasions there have been situations which have arisen where the land is in a third-party ownership and the land ownership over that land has to be resolved. He asked could the application be approved and then for some reason the applicant is not able to obtain access or ownership of the piece of land required the proposal cannot be built anyway? Nick Harding stated that the officer's recommendation is that any approval at committee today is subject to a revised red line being submitted which will go out to consultation and then the application would be brought back to the committee should there be any adverse response to it. Councillor Benney stated that the applicant needs the committee to approve the proposal in order for him to be able to purchase the site.
- Councillor Hicks stated that if the applicant owns the deeds as part of the sale to the top of the road then that resolves the issue.

- Nick Harding made the point that the Council are in not in control of the buying and selling of land and he added that given that physical works are required which go beyond what was included within the red line of the application it is much cleaner and more secure for the red line to be amended and to undergo a 14 day consultation but given that the land is all within the ownership of the current owner it is unlikely to come back with any negative feedback. He made the point that it is a much more secure and appropriate approach given the circumstances of the application.
- Councillor Marks stated that if the applicant can demonstrate to the Highway Authority that the junction is already being used by HGV vehicles, will he still need to do the upgrades. Nick Harding stated that it is an option for the application to be deferred in order to obtain additional information from the highways officer to enable a decision to be made or the application could be approved subject to the revised red line to facilitate the junction improvements. He added that there is a third option which would be to ignore the advice of the Highway Officer and approve the application as it stands but he would not recommend that option.
- Councillor Mrs French stated that should the application be approved then she would not support a deferral and she would not support going against the advice of the Highway Authority as they give their advice for good reason and if ignored it could result in a detrimental impact.
- Councillor Benney stated that if the application is approved subject to the red line revision, it is his understanding that the applicant needs to know whether the committee are going to approve the change of status of the land from agricultural land to an area to be used as a builders yard and if he does not receive approval for that then the purchase he wishes to make fails. He stated that if the application is approved, the committee accept that there is going to be a change in the legal status of the land from agricultural to building and then the applicant can proceed. Councillor Benney made the point that the applicant has already advised members that it is intention to buy the land, the house and the additional 10 square metres of land and, therefore, he has the agreement for the change in status of the land. He asked officers to clarify whether the change in red line would necessitate the need for a further application or could it be done as an amendment and in relation to the additional 14-day consultation period, whether it would be unfair to the applicant for him to suffer a delay. Nick Harding stated that it would necessitate in a new application as the committee's resolution would be an approval subject to an amended red line that accommodates junction improvements that have been sought by the County Council.
- Councillor Connor asked whether that could be undertaken by officer delegation? Nick Harding explained that the normal arrangement is that if there are no representations received that raise new issues that have not been before committee then it would be a delegated officer's decision.
- Councillor Connor stated that if the application were approved today with the only stipulation being to move the red line to get the works undertaken, how long could the process take as he would like to see it actioned in a timely manner. Nick Harding made the point that he is not in control of other people outside of Fenland undertaking those tasks that they have been commissioned to do promptly and, therefore, a consultation cannot be started until officers receive the information from the applicant's agent. He added that the committee should consider the appropriateness of the development that is before them and not the process regarding the buying and selling of the land. Nick Harding expressed the opinion that the committee need to put aside and ignore the statements made with regards to the potential purchase of the dwelling as it does not form part of the proposal before the committee and, therefore, a decision should not be made on the assumption that the purchase is going to happen or has happened.
- Councillor Benney stated that the access appears to be the sticking point and officers have provided the committee with the way forward for the applicant to proceed without the need for a new application.
- Stephen Turnbull, the Legal Officer, advised the committee that it is not the members responsibility to assess and take into consideration the private transactional arrangements

and that should not be seen to drive the timetable. He added that he along with members of the committee have not seen any documentation concerning the sale and purchase of the application site which is correct and that should not form part of any planning considerations as it is not relevant.

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

- Councillor Benney expressed the view that it is a good application and this type of business cannot operate in the centre of a town and the application site is very well suited for the business. He made the point that there are four reservoirs around Chatteris which are of a similar height to that of the proposed bund. Councillor Benney added that with regards to the change of use on the site, farm buildings are not used as much as they used to be, and the proposal blends itself to helping support a local business. He made the point that everything that is built affects the countryside and the bund will change the view, however, it does not mean it is wrong, it just means that it is different. Councillor Benney stated with regards to security in a rural area, he feels a bund is necessary for the type of business which is going to be operating. He expressed the view that he has no issues at all with regards to the change of use from agricultural to a builder's yard as it is a common-sense location for the business to operate from and if the application is approved it will allow the applicant to be able to move forwards. Councillor Benney stated that with a change on the red line, which will resolve the issues concerning access, he can see nothing wrong with the application.
- Councillor Marks stated that he agrees with the points made by Councillor Benney, and he added that the noise, dust and muddy conditions caused by builders' yards can cause issues which in this case will be removed from Whittlesey and also benefit the other businesses which are adjacent to the current site. He made reference to the point concerning the view and, in his opinion, nobody has any type of view in that part of the Fens, and expressed the opinion that when considering lorry movements, he feels that the site is the ideal location. Councillor Marks explained that he knows of a local resident who lives near the application site who has mentioned that there are lorries accessing another business in Marriots Drove almost 24 hours a day. He expressed the view that by undertaking the work to the access point it will also benefit other residents who live in Marriots Drove and he will look to support the application.
- Councillor Connor stated that he agrees with the points made by Councillor Benney and Marks, and he will also be supporting the application with the condition of the red line being moved.
- Nick Harding stated that Councillor Marks has referred to others builders' yards that he is aware of in towns which cause noise disturbance, dust and muddy conditions and all of those aspects are going to be at the proposal site which is next door to a dwelling and there can be no guarantee that the applicant will acquire that property and he questioned whether the committee are comfortable with the stated implications with the dwelling adjacent to the site which were identified by Councillor Marks.
- Councillor Hicks stated that he knows that the committee need to consider what is in front of them but as he understands it from the applicant all aspects of what is on the site currently will be included in the sale. He added that with respect to the proposed bund, in his opinion, it will be better than a fence as the bund will have flora and fauna on it and assist with biodiversity. Councillor Hicks added that he can see the theory with regards to installing a bund rather than a fence due to the fact that a fence can be driven through.
- Councillor Imafidon stated that he is in support of the application as the Council states that it is open for business and there is an applicant before the committee who is trying to grow his business due to the fact that the current location will not enable him to do that any further as well as the landlord looking to increase the rent. He referred to a photo on the presentations screen and stated that the existing access will allow for HGV vehicles to enter as there has been existing vehicles visiting the farmyard for many years. Councillor Imafidon made the point that he is not saying that the recommendations of the highway's officers should not be followed, however, he does not see how an aggregate site will be detrimental as the plant

equipment on site is likely to be smaller than what is currently using the road. He added that the applicant is not building a new site he is only going to make use of what is already on a derelict site in its current form, and he will support the application.

- Councillor Marks stated that he agrees with the point made by Nick Harding with regards to his statement concerning people living on site, however, the applicant has confirmed that it is a family business and it is likely that either the gentleman's wife or his family may live there or there is also the possibility of it being used as office space which possibly takes away the issue of the dust affecting his family living there. He made the point that it comes down to the buyer being aware or if somebody chooses to rent they are going to see what is there and by having somebody living on site it is also a good security deterrent for the business.
- Councillor Connor reminded members of the committee that there are four reasons for refusal associated with the application.
- Councillor Benney stated that anybody who has lived on a farm or near a farm will be aware that you cannot open your windows in the Summer due to the dust and if you live in the country you have to deal with mud or dust and, therefore, anybody considering moving into the dwelling on the site would need to take that fact into consideration.

Proposed by Councillor Benney, seconded by Councillor Mrs French and agreed that the application should be GRANTED against the officer's recommendation, subject to the amendment of the red line in respect of the highway improvements which have been requested by the Highways Authority and authority delegated to officers in respect to conditions should there be no matters raised in the consultation.

Members do not support the officer's recommendation of refusal as they feel that the location is the perfect place to build a builder's yard, is a good use of land, the introduction of the proposal will not be detrimental to the area and the access to the site can be achieved by an amendment to the planning application with regards to the red line.

(Councillor Marks stated that the owner of the road in connection with this application may be known to him but he will approach the application with an open mind)

**P101/23 F/YR23/0460/FDC
LAND AT INHAMS CLOSE MURROW
ERECT 2 DWELLINGS (2-STOREY 3-BED)**

Nick Harding presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Matthew Hall, the agent. Mr Hall stated that the committee will remember the application when it came before them in October and was deferred. He added that there is one reason for refusal and that is that the site is located in Flood Zone 3 but expressed the view that there have been numerous sites in Fenland which have been approved previously in Flood Zone 3 providing that the Environment Agency raise no objections and they have not raised any with this application.

Mr Hall expressed the opinion that the objection in the officer's report already confirms that the principle of residential development of this site is acceptable, that the site is infill development and is within the continuous built-up form of Murrow and would not have an adverse impact on the visual amenity. He made the point that there have been no objections to the application from any consultees, neighbours or any persons in Murrow and the application has the support of the Parish Council, Environment Agency, Tree Officer and Highways Officer.

Mr Hall referred to the presentation screen and stated that on the map the red line identifies that the proposed site falls within the built up form of Murrow as the officer has stated, with to the northwest of the site there is a thin strip of land on which a dwelling was approved in 2016 and

2019 under the current Local Plan and the site falls within Flood Zone 3. He stated that, at the meeting in October 2023, members of the committee requested further information with regards to the surrounding properties, making the point that the applicant was Fenland District Council for the dwellings in Inhams Close and Pentelow Close and those buildings were built out with a few only being in private ownership and others owned by Clarion Housing.

Mr Hall explained that all of those properties are located in Flood Zone 3 and discussions have taken place with Anglian Water who have an asset to the west of the site, and they are happy with the proposal. He expressed the view that the site should be approved against the recommendation of the officer as there have been no objections from the Environment Agency and the principle of development is policy compliant, it is infill development and the other sites on adjacent roads in Murrow in Flood Zone 3 have also been approved under the current Local Plan, with an independent Flood Risk Assessment being approved by the Environment Agency. He made the point that the proposal will provide ideal starter homes within the built-up form of Murrow.

Members asked Mr Hall the following questions:

- Councillor Marks asked that as the proposal is in Flood Zone 3 could Mr Hall provide the details with regards to what mitigation can be put in place as there have been dwellings in Manea which have been raised two metres out off the ground and now the dwelling looks like a tower standing on its own and appears to look very out of place. Mr Hall explained that the properties next to the site have a floor level of 150ml above the ground which is the minimum, with the Flood Risk Assessment for the current proposal asking for the floor level to be 0.3 metres. He added that there are other mitigation measures such as they are masonry built, not timber framed, and other measures inside where you can introduce plaster board horizontally, plastic sockets, plastic vents over any beam block floor vents and all of that is within the Flood Risk Assessment and the Environment Agency have approved those mitigation measures.
- Councillor Connor asked for confirmation of what objections have been received against the proposal? Mr Hall stated that there has been no objection from any consultees, no neighbours and nobody from Murrow.
- Councillor Marks referred to the presentation screen and asked for clarification as to when the dwellings shown were constructed? Mr Hall referred to the presentation screen and pointed that in the northwest corner there are other dwellings which have been approved under the current Local Plan which have received approval in 2016 and 2019.

Members asked officers the following questions:

- Councillor Marks referred to the officer's report where it states that there are currently five sites and seven dwellings within the submitted sequential test area and asked what area that is referring to? Nick Harding stated that it is within Murrow. Councillor Marks asked how many dwellings are located in Murrow? Nick Harding stated that he does not know the number of dwellings which are in the settlement of Murrow, however, that figure is irrelevant when applying the sequential test along with considering past development within the village as the sequential test considers whether there are locations in the settlement which are consented, are allocated in the Local Plan which can go ahead of this proposal and the applicant has submitted several planning permissions which have not been implemented and, therefore, they need to be used up before the current site can be considered. Councillor Marks asked whether it is not undertaken on a percentage basis, and he questioned how the number of seven dwellings has been reached before the current proposal can be taken into consideration? Nick Harding explained that they are the sites which have planning permission. Councillor Marks questioned whether the permissions would go down on a one to one basis? Nick Harding stated that effectively that could happen due to the fact that there could be a settlement which does not have a specific settlement target and there are no issues with regards to the five-year land supply or housing delivery. David Rowen added that some of the properties do not fall within Flood Zone 3 and they will be in Flood Zone 1 and are at a lower risk of flooding. Nick Harding

stated that because of decisions made on planning applications that are at a lower flood risk than the current proposal, that is why they have been granted planning consent and at the time of considering those applications, there were no sites at lesser flood risk or were in Flood Zone 1 and did not need to pass the sequential test.

- Councillor Hicks asked how many of those seven applications fell within Flood Zone 3? David Rowen explained that the sites were in Flood Zones 1 and 2 and one site did not have a flood zone attributed to it.
- Councillor Mrs French made the point that regardless as to whether it is 5 or 7, there are no guarantees as to whether they are going to be delivered and she asked officers to confirm how long has it been since those sites received planning permission? David Rowen referred to the sequential test and explained that they received permission in 2022 and 2023.

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

- Councillor Hicks stated that, when reviewing the map, all of the other properties sit within Flood Zone 3 and he questioned what sets that site out from the rest when it appears to be exactly the same as all of the others which have already been built.
- Councillor Mrs French stated that she recalls visiting the site, expressing the view that it is a good standalone development as it is a brownfield site and it would make good use of the land, with there being no guarantee that the other dwellings referred to earlier will be built out.
- Councillor Marks stated that the committee have heard that the issue of the site being in Flood Zone 3 can be mitigated against and the development will not encroach into any open countryside. He made the point that Murrow needs properties and there may be other reasons why builders have not built in other areas, and he is considering supporting the application.
- Councillor Connor stated that it is his true belief that the sequential test is a lottery and, in his opinion, the site has an awful lot of positives and it will bring a plot of land into life and the site is crying out for some sort of development so he will support the application.
- Nick Harding stated that the sequential test is about using the sites which are best in terms of flood risk.
- Councillor Marks stated that whilst some sites may not be quite right, they should not be overlooked either and the application site can provide two homes for two families. He added that whilst there are seven sites in Murrow there is no knowledge of what is behind them and whilst they maybe in lower flood zones, people do not wish to build on them and they may have brought the land for other purposes such as land banking and the committee may be holding up family type homes. Nick Harding stated that the sequential test considers choosing the sites that have the least flood risk first and if there are a number of sites which are at lesser flood risk and have a planning consent then they should be used up first and if those with planning permission lapse then they fall off the list of available sites that are at lesser flood risk.
- Councillor Mrs French stated that it is a good standalone development and is a brownfield site and is ideal for development. She made the point that risk of flooding can be mitigated against, and she will support the application.
- Councillor Connor asked for confirmation that it is a brownfield site. David Rowen stated that the officers report states that the site is flat grassland occupied by two trees. Councillor Mrs French stated that it is an old waterworks and is, therefore, a brownfield site.
- Councillor Connor expressed the opinion that it is a brownfield site and within the National Planning Policy Framework it states that that brownfield sites should be built out prior to greenfield and, therefore, this site should take preference from the others.
- Nick Harding stated that as far as he can tell the waterworks are to the left of the application site and the area contained within the red line does not appear to be brownfield in nature.
- Councillor Mrs French expressed the opinion that it is a brownfield site and if the application is not approved then it will be another piece of land which will end up a dump or left to grow wild and, in her view, it is an ideal place to build on.

- Stephen Turnbull, the Legal Officer, reminded the committee that the application site is owned by the Council and the committee need to be scrupulous when dealing with the application and it should be treated in the same way as they would with any application. He added that Nick Harding has mentioned that the sequential test policy is embedded in the Council's own Local Plan but also in the National Planning Policy Framework and to move away from that planning policy needs good planning reason.
- Councillor Connor expressed the view that the committee are impartial and always is. He added that the Fenland District Council application before the committee is being treated like any other application would be considered.

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

Members do not support the officer's recommendation of refusal of planning permission as they believe the site is a brownfield site, which they feel according to the sequential test should take priority over other sites, that mitigation steps can be taken in order to overcome the fact that the site falls within Flood Zone 3 and the site will provide two family homes in the village of Murrow.

Nick Harding made the point that he does not feel that the reason provided with regards to the sequential test is adequate. Councillor Marks added that there are other sites in Flood Zone 1 and 2 which appear to have been there for a period of time and it is believed that they are in greenfield sites as opposed to the brownfield site which according to national policy takes precedence. Councillor Marks reiterated that the proposal brings much needed properties to Murrow. Councillor Mrs French added that because it is a brownfield site the site is considered to be more sequentially preferable.

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

(Councillor Mrs French declared in accordance with Paragraph 14 of the Code of Conduct on Planning Matters that she is a member of the Cabinet, but this matter has never been discussed)

4.03 pm

Chairman

F/YR23/0206/F

**Applicant: Mr L Russell
Seagate Homes**

Land North Of Stoneleigh 22A, Eaton Estate, Wimblington, Cambridgeshire

Erect 48 dwellings involving demolition of existing dwelling and outbuildings.

Officer recommendation: Grant subject to conditions and completion of S106 agreement

Reason for Committee: Parish Council comments and number of representations contrary to Officer recommendation.

1 EXECUTIVE SUMMARY

- 1.1 Application in Wimblington, a 'Growth Village' where development and new service provision can be appropriate. Previously an outline permission for 30 dwellings was permitted June 2020.
- 1.2 The proposal abuts existing housing on 3 sides. It is considered similar in character and in separation distances to existing neighbouring housing.
- 1.3 Objections received from residents and the Parish Council.
- 1.4 The proposal provides 20% affordable and infrastructure contributions in accordance with Fenland's current position.
- 1.5 The proposal is considered to accord with relevant planning policies and is recommended for approval subject to conditions and signing of a Section 106 Agreement.

2 SITE DESCRIPTION

- 2.1 The application site is situated within the settlement of Wimblington and comprises approximately 1.46ha of agricultural/paddock land directly adjacent to the north side of the Eaton Estate. Public Footpath 5(Wimblington) runs to the east of the site. However, a former route crosses the southern section of the site. As this route was built over by the development of Hassock Way and Eaton Estate, the current actual line of the footpath lies outside the site and the proposal will not impact on the route of the existing footpath which links to existing footways, in particular the footway running across the northern boundary of the site connecting to Lily Way.
- 2.2 The application site comprises an L-shaped parcel of land situated to the north of Eaton Estate. Access to the main body of the site is via an existing access, between Nos. 22 and 23 Eaton Estate. This access presently serves a bungalow property (Stoneleigh), and the site comprises land historically associated with that property. The dwelling is incorporated into the application site (the outline planning

permission excluded it) and is proposed for demolition as part of the development. Set to the east of the site, and enclosed by the two arms of the site is Hassock Way, a relatively recent development of semi-detached and terraced dwellings and bungalows served from Eaton Estate. To the west the site is Lily Avenue, a recently developed estate of approximately 70 dwellings served from March Road to the west.

2.3 The site is situated within Flood Risk Zone 1.

3 PROPOSAL

3.1 This application seeks full planning permission for the erection of 48 dwellings involving demolition of the existing dwelling and outbuildings.

3.2 This application was revised and reduced in scale from 54 units. The changes to the scheme also include amendments to the access, road and building layout and provision of more garden and open space.

3.3 The access arrangement provides a 5m wide vehicular access with a 1.8m wide footpath along its western side leading into the site and linking with the existing highway, Eaton Estate. Tactile paving provides pedestrian crossing points across the access.

3.4 The application proposals an estate-road northward from Eaton Estate, running centrally through the south-north running arm of the site, and then turning eastwards to run through the centre of the west-east running arm. Dwellings are set alongside the estate road. At the northeastern section between plots 25 and 26/27, a footpath link will connect to Footpath No 5 which continues to the north to Bridge Lane. At the junction of the two arms of the site, an open space area is proposed, incorporating a SUDS drainage area. To the south of the open space area a spur runs eastwards, with dwellings set on the south side of the spur, overlooking the open space area. Further to the south, a second spur is proposed serving further properties, on that portion of the site that did not form part of the original consent, and which is presently occupied by Stoneleigh.

3.5 The development would provide affordable housing that accords with the Council's current position constituting 20% of the new homes. This comprises 7 affordable rented homes and 3 affordable ownership properties which are to be located in the north-eastern section of the site.

4 SITE PLANNING HISTORY

4.1 F/YR19/0945/O – Erect up to 30 dwellings (outline application with matters committed in respect of access) –Granted 15/6/2020.

5 CONSULTATIONS

5.1 Anglian Water

Several responses have been provided during the course of the application essentially repeating the same comments. The most recent response is included below:

19/09/2023

Section 1 - Assets Affected

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

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

WASTEWATER SERVICES Section 2 - Wastewater Treatment

The foul drainage from this development is in the catchment of Doddington Water Recycling Centre that will have available capacity for these flows.

Section 3 - Used Water Network

This response has been based on the following submitted documents: Preliminary Drainage Strategy DR-REP-0249 date 20/09/2022, Drainage plan reference 0249-JCE-00-SI-SK-C-9030, and 0249-JCE-00-SI-SK-C-9010 and 0249-JCE-00-SI-SK-C-9000 Based upon the above reference documents, the proposed connection is acceptable. We do not require a condition in planning for foul water. If the developer wishes to connect to our sewerage network, they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection. INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. INFORMATIVE - Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water. INFORMATIVE - Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087. INFORMATIVE: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with sewer sector guidance, design, and construction guidance for developers, as supplemented by Anglian Water's requirements.

Section 4 - Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building

Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. The applicant has indicated on their application form that their method of surface water drainage is via SuDS. If the developer wishes Anglian Water to be the adopting body for all or part of the proposed SuDS scheme the Design and Construction Guidance must be followed. We would recommend the applicant contact us at the earliest opportunity to discuss their SuDS design via a Pre-Design Strategic Assessment (PDSA). The Lead Local Flood Authority (LLFA) are a statutory consultee for all major development and should be consulted as early as possible to ensure the proposed drainage system meets with minimum operational standards and is beneficial for all concerned organisations and individuals. We promote the use of SuDS as a sustainable and natural way of controlling surface water run-off. We please find below our SuDS website link for further information.
<https://www.anglianwater.co.uk/developers/drainage-services/sustainable-drainage-systems>

5.2 Definitive Map Team

05/04/2023

The legal line of Public Footpath 5, Wimblington runs through the Stoneleigh site, which also has a Definitive Map Modification order against it (M072). To view the location of the public footpath, and Definitive Map Modification Order, please view our interactive map online which can be found at
<http://my.cambridgeshire.gov.uk/myCambridgeshire.aspx>.

Until such a time that the Definitive Map Modification Order to delete the affected part of the public right of way has been completed, the legal route of Wimblington Footpath 5 would be permanently obstructed by the new development. The definitive Map Team therefore objects to the planning application.

24/08/2023

We have no further comments beyond our previous response.

The applicant amended the proposal to exclude a footpath link in the north-east corner. The Definitive Map Team have been reconsulted having the following comments:

12/01/2024

I wish to Withdraw our objection for the proposed site.

Whilst the Definitive Map Team has no objection to this proposal, the footpath must remain open and unobstructed at all times. Please note, that Wimblington, Public Footpath 5 has no legally defined width. 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.

Informatives

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

Public Footpath 5, Wimblintgon must remain open and unobstructed at all times. Building materials must not be stored on Public Rights of Way and contractors' vehicles must not be parked on it (it is an offence under s 137 of the Highways Act 1980 to obstruct a public Highway).

The Public Footpath must not be used to access the development site unless the applicant is sure they have lawful authority to do so (it is an offence under S34 of the Road Traffic Act 1988 to drive on a Public Footpath without lawful authority) No alteration to the Footpath's surface is permitted without our consent (it is an offence to damage the surface of a public footpath under s 1 of the Criminal Damage Act 1971).

Landowners are reminded that it is their responsibility to maintain boundaries, including trees, hedges, and fences adjacent to Public Rights of way, and that any transfer of land should account for any such boundaries (s154 Highways Act 1980).

The granting of planning permission does not entitle a developer to obstruct a Public Right of Way (Circular 1/09 para 7.1).

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

5.3 Designing Out Crime Team

05/04/2023

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

The proposed layout appears to be acceptable in relation to crime prevention and the fear of crime providing reasonable levels of natural surveillance from neighbouring properties with many of the homes facing each other along with defensible space to the front. Pedestrian and vehicle routes are aligned together, is well overlooked and pedestrian safety has been considered. This should encourage some level of territoriality amongst residents.

I have read the documents and have the following comments for your consideration.

** External lighting – Our recommendation for external lighting is that all adopted and un-adopted roads, private roads, shared drives, footpaths, and parking areas/courts, should be lit with columns to BS5489:1 2020. Care should be taken in relation to the location of lighting columns with the entry method for most dwelling burglary being via rear gardens, especially where there is little surveillance from neighbouring properties as they can be used as a climbing aid if positioned too close to the fence/wall. Home security lights to the front and rear of the properties should be dusk to dawn LED bulkhead lights, including car ports & FOG. Please note: Bollard lighting should be used as wayfinding only and not as a*

main source of lighting. I would like to see the lighting plan, including lux levels and calculations when available please.

** Boundary Treatment – Rear Garden access footpaths – Shared gate for plots, 17/18/19 - (shared gate 17 to serve 18 & 19), 38/39 - (shared gate between 40 & 41 to serve 38 & 39) 46/47 - (shared gate between 44 & 45 to serve 46 & 47). A private gate should be positioned between 10 & 11 & 51 & 54 – as close to the front building line as possible. All private gates should have a self-closer and be lockable from both sides and shared gates should have a self-closer.*

** Cycle storage - Will there be any cycle storage provisions in place, such as a shed in the rear garden? Our recommendation for cycle storage sheds within accessible locations in rear gardens are provided with a ground anchor fixed to a concrete sub-base to allow the resident to secure their bike/s. We also recommend a solid secure, gold rated hasp and lock for the door.*

** Parking – There are many parking bays that have good natural surveillance from active windows. However, there are plots that do not allow some residents to see their own vehicles – for example, plots that are allocated bays within parking courts (plots 16 – 19). See above advice regarding external lighting for parking courts.*

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

** Link to existing footpath (east of the site) - I believe this link is to allow movement to the other proposed developments in the area. However, by opening the link, it doesn't allow access to all the community facilities, such as bus stops, shops and schools which are at the southern end of the village. This is only a small village and there are other current routes available, I'm concerned that this link will only increase the opportunity for crime leaving the properties / residents vulnerable.*

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

21/09/2023

Thank you for the opportunity to comment on this application. I have viewed the documents in relation to crime, disorder, and the fear of crime. I note the amendments to the design and layout. All previous comments provided still stand and I have nothing further to add at this stage. If I can be of further assistance, please do not hesitate to contact me.

5.4 Environmental Health Team (FDC)

28/03/2023

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

In the event that planning permission is granted, it is recommended that the following matters are addressed by way of condition.

NOISE/DUST/VIBRATION IMPACT

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

UNSUSPECTED CONTAMINATION

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

23/08/2023

The Environmental Health Team note and accept the information submitted in respect of the above re-consultation and have 'No Objections' to the latest content. Previous comments from this service on 28.03.23 therefore still apply.

19/09/2023

The Environmental Health Team note and accept the latest revisions to the above application and have 'No Objections' to the proposals. Previous comments from this service on 28.03.23 are therefore still relevant.

5.5 Environmental Services Operations Management (FDC)

19/09/2023

- With the change in the site layout an updated version of the access arrangements (drawing SHL-1671-01-GA-001 P1) to demonstrate access in the northwest corner of the site (plots 26 - 31) will be required.*
- Should the main estate roads not be adopted (appears some indication from highways) then indemnity would be required from landowners or future management company against any potential damage to the road surface etc. which may be caused during vehicle operations.*
- Shared bin collection point for plots 40-45 suitable, new residents will require notification of collection and storage details by the developer before moving in and the first collection takes place.*
- Refuse and recycling bins will be required to be provided as an integral part of the development.*

5.6 Fire Authority

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

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

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

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

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

I trust you feel this is reasonable and apply our request to any consent given.

Should you require any further information or assistance I will be pleased to advise.

5.7 Highway Development Management (CCC)

20/04/2023

In order to make an informed decision in respect of the submitted application, further information is required. For ease of review my response has been divided into key headings.

Access

The access onto Eaton Estate is broadly consistent with that approved under F/YR19/0945/O with the key difference being the swapping of the footway from the eastern to western side of the carriageway. While this change reduces impacts on the neighbouring driveway, it results in the carriageway moving further east, which in turn impacts upon the inter-vehicular visibility splays.

The splay to the east is now offset from the carriageway edge where it previously was not and the splay to the west crosses over the opposing recreation grounds land, which is not part of the public highway. While it may be unlikely that the splay will be obstructed given the current use of the land, the applicant is unable to guarantee that the splay can be kept free from obstruction in perpetuity. The access needs to be amended so that the necessary inter-vehicular visibility splays are fully contained within the application boundary and / or the public highway.

The drawing SHL-1671-01-GA-001 has multiple different lines overlaid on top of each other which could lead to ambiguity. I would like to request the applicant provide greater distinction between the existing base mapping and proposals. I would also like to request the drawing be suitably dimensioned.

Due to the restricted width within the application boundary, it may not be possible to construct the access without impacting on neighbouring properties. For this reason, I recommend the access be design upon a topographical base map to ensure the proposals are in fact feasible.

Layout

It is strongly recommended that new residential roads be designed so that they are self-enforcing of a 20mph limit, and it is a CCC adoption requirement that a 20mph enforceable limit be put in place prior to any adoption taking place. To achieve a self-enforcing 20mph design speed, a traffic calming feature¹ is needed at least every 80m length. The layout is not in keeping with this requirement so should it be approved; it would fall short of CCC's adoption criteria and would therefore need to remain private. If the internal roads are to remain private, you will need to consult FDC's waste team regarding refuse collection arrangements from the private streets.

Footways must be provided on both sides of the carriageway throughout. A continuous footway is needed between plots 36 and 42, including around the perimeter of the turning head.

Shared private drives and access to parking courts must be at least 5m wide to accommodate two cars passing.

Three parking spaces are provided for the house type C400. While this aligns with FDC parking standards, I recommend that three spaces not be placed in tandem as it will result in excessive manoeuvring of vehicles, the impracticalities of which are likely to discourage use of the off-street parking and instead increase the quantum of vehicles parked on-street where they are at greater risk of obstructing other road users.

Parking for Plots 26, 34, 45 & 46 are unacceptable as they require vehicles to manoeuvre linearly across a footway to gain access where they are at increased risk of colliding with pedestrians. As with the site access, a dimensioned plan would help expediate further reviews.

Visibility

The applicant has not demonstrated that the internal layout can achieve appropriate levels of visibility. Additional information is required to demonstrate the following:

- 2.4m x 25m inter-vehicular visibility splays at all internal priority junctions, including shared private drives.*
- 2m x 2m pedestrian visibility splays, measured to the back of footway, for each drive which fronts onto a road proposed for adoption.*

Visibility splays must be free from obstruction from a height of at least 600mm above carriageway or footway surface level.

Vehicle Tracking

The applicant has only provided vehicle tracking for the site access. Tracking for a refuse vehicle and fire tender is needed to demonstrate the internal roads and turning areas are suitably sized. In absence of this information, I cannot provide certainty the site is safely laid out.

Vehicle tracking is also needed to demonstrate space for turning for a modestly sized delivery vehicle (e.g., panel or box van) for the shared private drive serving Plots 37- 41. Absence of suitable turning may result in excessive reversing distances.

Drainage

The attenuation basin must be lined to prevent infiltration into the sub-soils due to the proximity of the basin to the internal roads.

The LHA does not accept permeable paving as a suitable means of surface water drainage in isolation. The maintenance requirements are onerous and practical experience has demonstrated that there is a tendency for such surfacing to quickly fail. Where permeable paving is proposed for private drives, they must be graded to fall away from the roads proposed for adoption. If this cannot be achieved, a secondary means of surface water interception is needed e.g., a channel drain.

Conclusion

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

29/08/2023

The revised submission has suitably addressed my previous comments, so I do not object to this application.

However, I would advise that the raised table between Plots 43 and 52 be extended fully to the end of the road where it transitions to a shared private parking court. Extending the raised table will aid driver comfort, but the current proposal is not unsafe.

I would like to reiterate the following advisory comments to the applicant as they may impact upon adoption and construction:

- Due to the restricted width within the application boundary, it may not be possible to easily construct the access without impacting on neighbouring properties. The applicant will need to take extreme care to avoid impacting upon no. 23 Eaton Estate which sits outside of the application boundary.*
- The LHA does not accept permeable paving as a suitable means of surface water drainage in isolation. The maintenance requirements are onerous and practical experience has demonstrated that there is a tendency for such surfacing to quickly fail. Where permeable paving is proposed for private drives, they must be graded to fall away from the roads proposed for adoption. If this cannot be achieved, a secondary means of surface water interception is needed e.g., a channel drain. Failure to comply will prohibit the LHA's ability to adopt internal roads.*

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

Conditions

Binder Course: Prior to the first occupation of any dwelling the road(s), footway(s) and cycleway(s) required to access that dwelling shall be constructed to at least binder course surfacing level from the dwelling to the adjoining County Road in accordance with the details approved on EEW-SH-PD-SL-1001 D.

Management of Estate Roads: Prior to the occupation of the first dwelling/use hereby approved, full details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be

submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an Agreement has been entered into under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established.

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

Non-standard condition: Prior to occupation of a dwelling, the pedestrian visibility splay pertaining to its access, as shown on the drawing SHL-1871-01-GA-001 P1, shall be maintained free from obstruction from a height of 600mm above the adjoining footway surface.

30/09/2023

The changes made to the site layout in the latest submission are all acceptable in principle bar two exceptions.

- The raised table located in front of Plots 24 and 25 needs to be placed further west away from the turning head so that vehicles hit the ramp in a perpendicular direction rather than when they are still turning.*
- The driveway for Plot 25 needs to be amended so that it is not accessed across the corner radius of the turning head (a location where pedestrians are expected to cross the road).*

The previously submitted drawing SHL-1671-01-GA-001 P1 will need to be updated to reflect the latest arrangement to evidence that acceptable visibility and vehicle turning is achievable.

Officer Note.

The further layout accords with the above request and the LHA confirms the proposal to be acceptable.

5.8 Historic Environment Team (Archaeology)

Comments received on 22/09/2023, 20/03/2023 and 18/08/2023 stating the following:

Thank you for the re-consultation with regards to the archaeological implications of the above reference planning application. We have reviewed the amended plans, but the changes to the scheme do not alter our previously issued advice, due to the archaeological potential of the site although we do not object to development proceeding at the location, we consider that the site should be subject to a programme of archaeological investigation secured through the inclusion of a negative condition, such as the example condition approved by DCLG.

Archaeology Condition

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

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

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

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

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

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

5.9 Housing Strategy (FDC)

12/09/2023

Please find my consultation comments below for F/YR23/0206/F for 48 dwellings at Land North of Stoneleigh 22A Eaton Estate Wimblington Cambridgeshire.

I note that the earlier Design and Access/ Planning Statement stated, “The proposed development comprises an affordable housing scheme, with all units falling within relevant definition of affordable housing” has been superseded with a revised statement that reads “The proposed development incorporates policy compliant affordable housing”. Therefore, please find below the requirement for affordable housing within the development.

Fenland Local Plan

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

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

The Fenland Viability Report (March 2020) To inform the preparation of Fenland's emerging Local Plan, a Viability Assessment was undertaken which looked at the cost of building new homes and the costs associated with the policies in this Local Plan.

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

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

Since this planning application proposes the provision of 48 number of dwellings, our policy seeks to secure a contribution of 25% affordable housing which equates to 12 affordable dwellings in this instance.

Based on the provision of 20% affordable housing 10 affordable dwellings would be required in this instance.

The current tenure split we would expect to see delivered for affordable housing in Fenland is 70% affordable rented tenure and 30% affordable ownership. This would equate to the delivery of 8 affordable rented homes and 4 affordable ownership based on the provision of 25% affordable housing or 7 affordable rented homes and 3 affordable ownership based on the provision of 20% affordable housing.

We ask that Strategic Housing is included in early discussions regarding the house types and sizes by tenure for the affordable provision at the next stage of this application.

5.10 Lead Local Flood Authority (CCC)

12/04/2023

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

1. Water Quality Issue

The applicant has stated that pollution mitigation for the adopted road will be provided by the attenuation basin. However, in the drainage plan the attenuation basin appears to be offline, meaning that low level flows will bypass the attenuation basin and flow straight into the water course via the flow

control. Only when this section of pipe backs up will the water flow into the attenuation basin. This can be rectified by changing the attenuation basin to an online system or providing other means of surface water treatment for runoff from the access road.

2. Climate Change Allowances

The applicant has not included climate change allowances for the 3.3% annual exceedance rainfall event. As the site lies in the Old Bedford and Middle Level Management Catchment the 1 in 30-year storm event calculations should include a 35% climate change allowance.

23/08/2023

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

1. Water Quality The applicant has stated that pollution mitigation for the adopted road will be provided by the attenuation basin. However, in the drainage plan the attenuation basin appears to be offline, meaning that low level flows will bypass the attenuation basin and flow straight into the water course via the flow control. Only when this section of pipe backs up will the water flow into the attenuation basin. This can be rectified by changing the attenuation basin to an online system or providing other means of surface water treatment for runoff from the access road.

2. Climate Change Allowances The applicant has not included climate change allowances for the 3.3% annual exceedance rainfall event. As the site lies in the Old Bedford and Middle Level Management Catchment the 1 in 30-year storm event calculations should include a 35% climate change allowance.

26/09/2023

We have reviewed the following documents:

- Preliminary Drainage Strategy, Jackson Consulting Engineers, Ref: DR-REP-0249, Rev: 01, Dated: 20th September 2022*
- Proposed Drainage Strategy, Jackson Consulting Engineers, Ref: 0249-JCE-00-SI-SK-C-9000, Rev: P01, Dated: 1st September 2023*
- Proposed Flood Exceedance Routes, Jackson Consulting Engineers, Ref: 0249-JCE-00-SI-SK-C-9020, Rev: P01, Dated: 1st September 2022*
- Proposed Map of Drainage Maintenance Details, Jackson Consulting Engineers, Ref: 0249-JCE-00-SI-SK-C-9030, Rev: P01, Dated: 1st September 2022*

Based on these, as Lead Local Flood Authority (LLFA) we have no objection in principle to the proposed development.

The above documents demonstrate that surface water from the proposed development can be managed through the use of permeable paving and attenuation basin discharging into the existing watercourse via flow control, restricting surface water discharge to greenfield equivalents. Maintenance and adoption of these drainage features have been outlined in a maintenance plan.

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

We request the following conditions are imposed:

Condition 1

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

The scheme shall be based upon the principles within the agreed Preliminary Drainage Strategy, Jackson Consulting Engineers, Ref: DR-REP-0249, Rev: 01, Dated: 20th September 2022 and shall also include:

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

Reason

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

Condition 2

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

Reason

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

Informatives - IDB Consent

Part or all of your proposed development area falls within the Middle Level Commissioners (MLC) catchment and that of the March East IDB whose consents are managed by the MLC. All increased discharges proposed to enter watercourses directly or indirectly or any works affecting watercourses or access to or along them for maintenance if the site is within the Board's district will require MLC/IDB consent. It is therefore recommended that you contact the IDB/MLC to discuss their requirements. Further information is available at:

<https://middlelevel.gov.uk/>

Pollution Control

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

Riparian Ownership

A considerable number of houses border the existing water course to the west of the site. It appears that there has been a strip of land left for maintenance of the water course, however it may be necessary to confirm the size of this buffer strip to ensure there is sufficient access. The site layout should account for the existing drainage infrastructure, ensuring clear access for maintenance of the ditches by a management body. This should include a suitable easement for any maintenance equipment that may be required for future maintenance works on the ditch.

5.11 NHS (East of England Ambulance Service)

Further to a review of the application details the following comments are made in regard to the provision of ambulance services and are in addition to the request from Cambridgeshire and Peterborough ICS.

Existing Healthcare including Emergency Ambulance Service Provision Proximate to the Planning Application Site

As an essential social infrastructure provider EEAST has an important role to play in contributing to the achievement of sustainable new places (and along with its health and blue light partners) creating the conditions for healthy, safe, and cohesive communities.

EEAST are in a unique position that intersects health, transport and community safety and does not have capacity to accommodate the additional growth resulting from the proposed developments combined with other developments in the vicinity. This development is likely to increase demand upon existing constrained emergency ambulance services and blue light response times (Table 1).

Table 1 AmbSYS 2021-22 data shows EEAST response times outside the quality indicator response times:*

Response Category	Mean Average (Minutes)	Actual 2021-22 (Minutes)	90th centile (Minutes)	Actual 2021-22 (Minutes)	AmbSYS indicator
C1 Life-threatening	< 7	9:50	≤ 15	18:01	A25, A26

The proposed development will have an impact on the March Ambulance Station which no longer fit for modern ambulance facilities/Make Ready Services as defined under the Lord Carter Report (2018) and requires modernisation or relocation to a more suitable site.

The proposed development will have an impact on the March Ambulance Station Response Post: at least one additional ambulance response post is required in the vicinity of the application site in order to achieve the Category 1 (life-threatening) call 7-minute mean time taken for an ambulance to arrive. Using the Shape Atlas, the rush hour drive time is around 15 minutes from the March ambulance station to the development site (NB this is a standard reference point and does not mean ambulances come from this location in order to respond to calls or under blue light conditions).

The age profile is important for EEAST as people at both ends of the age spectrum consume a disproportionately large quantity of healthcare services and resource. Over 75s are most likely to have multiple long-term conditions and complex care needs. Analysis of EEAST activity from 2019/20 indicates residents aged 65 years and over account for over 1/3 (35%) of Category 1 ambulance activity and 52% of all activity. Those aged 2-18 years account for 15% of Category 1 activity and 8% of all activity.

Assessment of Development Impact on Existing Healthcare and Ambulance Service Provision

The capital required through s106/CIL would provide financial resources for EEAST to absorb the additional patient growth and demand generated by this development on emergency ambulance health services. Funding, in agreement with the local council would be used to support one or more of the following:

- Redevelopment or relocation of existing ambulance stations to a more suitable location to meet the increased local demand arising from housing development.*
- Increasing the number of ambulances required to meet the expanded demand in order to maintain contractual response times to prevent the application of contractual fines.*
- Provision of additional medical, pharmacy & IT equipment/digital software to manage the increased number of incidents arising from the growing population in order to maintain mandated ambulance response times and treatment outcomes. The range of equipment includes stretchers, carry chair, tracks, power chair, scoop, spine board, power load, wheelchair, Corpuls (patient monitoring units with integrated defibrillator/pacemaker, ECG etc)*
- Recruiting, training, and providing new equipment for additional Community First Responders (CFRs) to support the proposed development and the community as a whole.*

Table 1 shows the population likely to be generated from the proposed development. The capital required to create additional ambulance services to

support the population arising from the proposed development is calculated to be £15,360.

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

Additional Dwellings	Ambulance Cost ¹	Total
48	£320	£15,360

¹ Calculated pro-rata assuming 2.4 persons for each dwelling average - EEAST ambulance callout 'discounted' cost as per IDP Submission of £300 per 2.2 persons per dwelling (2022)

EEAST notes the Health Impact Assessment, but this does not take into consideration the impact of the development on emergency ambulance services.

EEAST notes the development site is fully in Flood Zone 1, at low risk of flooding.

EEAST notes Transport Statement CrashMap data for the latest available five-year period (2017-2021) indicates that there has been a total of nine collisions in the study area three slight accidents and one serious were recorded and no road modifications are suggested.

Conclusion

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

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

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

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

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

5.12 NHS (Integrated Care System)

06/04/2023

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

The proposed development is likely to have an impact on the services of the nearest GP Practice operating within the vicinity of the application: Fenland Group Wimblington Surgery. This Practice does not have any capacity to take on additional patients, and this development of 54 dwellings would see an increase patient pressure of circa 124 new residents (calculated using the average population per household figure for Fenland of 2.3 (based on 2011 ONS Household data). This would require additional whole time equivalent GP / Nurse / Admin workforce to support increase in appointments as follows: GP = 0.06 / Nurse = 0.04 and Admin = 0.12 with a resulting increase on estate demand of 8.52 sqm net internal area.

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

A developer contribution will therefore be required to mitigate the impacts of this proposal. CAPICS calculates the level of contribution required, in this instance to be £44,508.48 (8.52sqm at £5224 per sqm). Payment should be made before the development commences. CAPICS therefore requests that this sum be secured through a planning obligation linked to any grant of planning permission - in the form of a Section 106 planning obligation – with the proposal that the sum be used to fund a project which increases clinical capacity at one of the GP Practices in the vicinity of the development.

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

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

26/09/2023

Further to the revision of 48 dwellings, our revised mitigation is as follows:

The development of 48 dwellings would see an increase patient pressure circa 110 new residents.

CAPICS calculates the level of contribution required, in this instance to be £39,547.17 (7.57sqm at £5224 per sqm).

5.13 Minerals and Waste Planning Authority (CCC)

Thank you for consulting Cambridgeshire County Council, in its role as the Minerals and Waste Planning Authority (MWPA), on the above application.

Having reviewed the available documentation, the MWPA wishes to make the following comments:

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

The MWPA notes that this is an application for the development of 51 dwellings and the Site Layout includes a SUDS pond. The site is 1.69 hectares in area and is bounded by existing dwelling to the west, south and east. Consequently, there is only a small proportion of the site that is more than 50 metres from a sensitive receptor. In this context, the MWPA is satisfied that prior extraction is unlikely to be practical but given the likelihood of sand and gravel within the site, that there may be potential for incidental extraction.

Should the Planning Authority be of the view that there is an overriding need for the development, the MWPA will be content that Policy 5 has been addressed, subject to the following informative being included in any permission:

“The site lies within a Sand and Gravel Mineral Safeguarding Area, which indicates that there may be an underlying sand and gravel resource. In this instance, the Planning Authority considers that prior extraction is unlikely to be feasible and that there is an overriding need for the development. Prior extraction of the resource has, therefore, not been required in this instance. However, the applicant is encouraged to make best use of any sand and gravel that may be incidentally extracted as part of the development.”

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

<https://www.cambridgeshire.gov.uk/business/planning-and-development/planning-policy/adopted-minerals-and-waste-plan>. If you have any questions regarding this response, please contact me on the details above.

5.14 Wildlife Officer (PCC)

22/03/2023

Recommendation:

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

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

The documents provided within F/YR23/0211/F do not provide sufficient information to ensure that all biodiversity material concerns for the Local Planning Authority can be safely discounted.

Following issues require resolution before determination can be provided.

- 1. The Ecological Impact Assessment (Seagate Homes, September 2022) does not recommend adequate mitigation and compensation for the scale of biodiversity loss present. No attempt to quantify the scale of loss using the Biodiversity Metric 3.1 (soon to be Biodiversity Metric 4.0 on the 24th) has been made. Due to the quality and variety of habitats I recommend that this is completed before granting permission, as I currently cannot see how onsite net gain is possible and no offsite solutions have been suggested.*
- 2. The EclA states that “there is little chance of bats roosting due to inappropriate materials and lack of roosting facilities on site.” I would like to confirm that the walkover in August of 2022 included a new evaluation of the buildings not previously within the development footprint. The survey data for these buildings (and associated surrounding habitats) should be included within the survey report, as they would not have previously been included.*

At this stage without further information on the habitats and species potentially using the site the Local Planning Authority cannot make a decision on the application without risking contravening the NPPF, Local Plan and the Wildlife and Countryside Act 1989.

Please note the presence of a protected species is a material consideration when a planning authority is considering a development proposal (para 98, ODPM circular 06/2005). It is essential that the presence or otherwise of a protected species, and the extent that they may be affected by the proposed development is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.

Required amendments/information:

I would therefore recommend that:

- A Biodiversity Metric (possibly 4.0) is completed detailing the net biodiversity loss of the site and a plan is created demonstrating at least no net loss of biodiversity though either on site or off-site contributions.*
- The EclA is updated to include missing data within the newly surveyed area. This EclA should then be reassessed by the Local Planning Authority to ensure that all protected species protections are maintained.*

Recommendations for mitigation and compensation of the negative impacts of the proposal should then be incorporated into the application documents as described within the ecologist’s reports. All recommended site licenses should be applied for.

Assessment/Comment:

Incorporation of recommendations from survey reports into the proposal will significantly reduce the requirement for pre and post commencement conditions on the granted application. It is possible that these recommendations may have to

be included within a Construction and Environment Management Plan (CEMP) this possibility should be discussed with your ecologist. It is highly likely that a CEMP will be requested as a pre-commencement condition in relation to this development. The creation of this document and submission to the proposal will significantly reduce proposal conditions further down the line.

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

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

5.15 CCC Ecology

The Applicant submitted a Biodiversity Metric calculation which was forwarded to the CCC Ecology Officer for assessment. However, CCC Ecology has made no comment to date.

5.16 Wimblington Parish Council

12/04/2023

Further to last night's Parish Council meeting, Councillors wish to object to the above application as follows:

Object – The initial planning application F/YR19/0945/0 was for 30 dwellings on 1.39 Hectares, which Parish Council supported.

The original agreement from Parish Council and conclusion from Cambs ACRE housing needs survey (which identified that 27 affordable houses was appropriate for Wimblington) was to erect 30 affordable houses. There is now another smaller application for 14 affordable houses on Doddington Rd Wimblington which would bring the total of affordable houses in Wimblington, including the 22 to be built on the Bellway's site, to 91, way in excess of identified needs. The above application is for 54 dwellings on 1.69 Hectares which Parish Council object to. Is there a strong, acceptable reason to demolish Stoneleigh Cottage?

An increase of 0.3 of a hectare for an additional 24 dwellings is not acceptable, this is an over development of the site. Dwellings will be too close, resident's amenities will be limited, noise, light and visual effects will be detrimental to those living on and around the estate. (LP7, LP16, promote high levels of residential amenity) The UK Land Directory's comments on building plots: The average estate house these days is built on approximately 1/12th - 1/10th of an acre about 38ft x 95ft (11.5m x 29m). This size plot may not allow for a very large garden or very good access around the house.

Calculation: 1.69 hectares = 4.18 acres x 12 plots per acre = maximum of 50 plots. What isn't included in this equation is the roads, green space, parking facilities etc therefore this application far outreaches the acceptable number of dwellings within the site area. (LP3, LP4, LP5, creating sufficient and the right mix of homes to meet people's needs) Three of the proposed dwelling have an immediate effect on one of the properties in Eaton Estate, light, noise, and privacy, LP16 (e).

Other issues:

The public footpath is there for local residents' safety, the increase in vehicle movement from the proposed development will pose possible congestion around the Eaton Estate where there is a central child's playing area. This playing area, which is used regularly, means that children inevitably have to cross the road, increased traffic will be a hazard. (LP16 avoiding adverse impact)

The probability of flooding associated with blockages in the IDB drainage system is low due to the maintenance standards already achieved and managed by the IDB.

This statement is flawed because Eaton Estate have already had flooding associated with blockages and drainage. There are serious concerns about drainage/sewage as many parts of Wimblington has seen flooding in recent years and it is well known that the Doddington sewage treatment plant is beyond breaking point, with several lorries moving raw sewage every day from that site.

The eastern part of the site is at risk of surface water flooding with depths up to 0.3m during the 1% annual probability (1 in 100 chance each year) event with climate change. The proposed development increases the impermeable area and therefore there is an increased volume of surface water that has the potential to increase flood risk.

The developers plan to raise the dwelling 0.3m in order to avoid flooding, (of that site only) the increase of impermeable areas will impact other residential properties not just the new development. (LP14B)

22/09/2023

The initial planning application F/YR19/0945/0 was for 30 dwellings on 1.39 Hectares, which Parish Council supported. The above application is for 48 dwellings on 1.69 Hectares to which Parish Council object.

An increase of less 0.3 of a hectare to accommodate a further 18 dwellings is not acceptable, the density of dwellings means close, small residential homes and amenities. The overpopulated area could emit excessive, noise, light and the visual effects will be detrimental to those living on and around the estate. (LP7, LP16, promote high levels of residential amenity)

The UK Land Directory's comments on building plots:

The average estate house these days is built on approximately 1/12th - 1/10th of an acre about 38ft x 95ft (11.5m x 29m - this represents approximately 333.5 sq m).

This size plot may not allow for a very large garden or very good access around the house.

Calculation: 1.69 hectares = 4.18 acres x 12 plots per acre = maximum of 50 plots. What isn't included in this equation is the acreage taken up by the attenuation pond, the small play area, roads, green space, parking facilities etc therefore this application far outreaches the acceptable number of dwellings within the site area. Taking away the possible 30% of acreage required for the above this would represent an average square meter of 230 sq. m per plot, as shown above the average estate house should be approximately 333.5 sq. m. (LP3, LP4, LP5, creating sufficient and the right mix of homes to meet people's needs)

The applicant has stated that the site density is not considered to represent the most efficient and effective use of the site. It is considered that a target density range for a site in this location and context is approximately 25-35 dw/ha, instead of the recommended 20.5 dw/ha.

What this doesn't represent is a healthy, wellbeing environment especially with the lack of open/green spaces to accommodate the local residents. Although the applicant states, the site incorporates sizeable open space areas, this is not supported on the site plan. (LP2 - Facilitating Health and Wellbeing of Fenland Residents)

Public spaces should support social interaction, be open and accessible to all, connected to the movement network and appeal to different groups. The proposed play area is not easily accessible, an attenuation pond to the west raises concern of safety both for residents, animals, and wildlife, it is also proposed that the area has hedging on the south edge.

this development is NOT positively contributing to creating a healthy, safe, and equitable living environment (built and social) in which communities can flourish - promoting high levels of residential amenity (LP7 and LP16)

Three of the proposed dwelling have an immediate effect on one of the properties in Eaton Estate, light, noise and privacy and the access road will also impact on two of the properties adjacent. LP16 (e).

Other issues:

The legal line of Public Footpath 5, Wimblington runs through the Stoneleigh site, which also has a Definitive Map Modification order against it (M072) Until such time that the Definitive Map Modification Order to delete the affected part of the public right of way has been completed, the legal route of Wimblington Footpath 5 would be permanently obstructed by the new development. The definitive Map Team therefore objects to the planning application.

The public footpath is there for local residents' safety, the increase in vehicle movement from the proposed development will pose possible congestion around Eaton Estate where there is a central child's playing area. This playing area, which is used regularly, means that children inevitably must cross the road, increased traffic will be a hazard. (LP16 avoiding adverse impact)

Flooding

The probability of flooding associated with blockages in the IDB drainage system is low due to the maintenance standards already achieved and managed by the IDB.

This statement is flawed because Eaton Estate have already experienced flooding associated with blockages and drainage, both water and sewerage. The field to the east of the proposed site also floods causing flooding in the two bungalows in Bridge Lane to the north. Anglian Water and the Highways have also expressed concerns regarding surface water and drainage to the attenuation pond. Highways have highlighted the fact that permeable paving has a tendency to quickly fail. The proposed site, as stated in the Design and Access Statement, has Hassock Way to the east, Eaton Estate to the south and Lily Avenue to the west, are these areas to be subjected to increased flooding? Additionally, a new development of 88 houses is presently being constructed to the northwest of the proposed site.

The eastern part of the site is at risk of surface water flooding with depths up to 0.3m during the 1% annual probability (1 in 100 chance each year) event with climate change. The proposed development increases the impermeable area and therefore there is an increased volume of surface water that has the potential to increase flood risk.

The developers plan to raise the dwelling 0.3m in order to avoid flooding, the increase of impermeable areas will impact other residential properties not just the new development. (LP14B). LLFA have made objections to this proposal and Anglian Water requested that the applicant liaise with LLFA. There are matters concerning the ditch to the west of the site and a buffer strip that needs to remain to assist in maintenance of the ditch, this lessens the acreage even more and impacts on the garden area of the dwelling west of the site and possible north of the site.

Highway issues:

The access point runs adjacent to two homes on the Eaton Estate and is to incorporate a pedestrian way to the west. The narrow access has been agreed by Highways but there seems to be little attention made to the visibility splays on all the access points at the entrance and within the site. There are limited parking spaces for each dwelling, 2 per household, and none for visitors, delivery vehicles, refuse collectors and more importantly emergency vehicles. All parking spaces require either reversing into or out of, this is a potentially hazard for other road users, pedestrians, and cyclists, more so in such a compact estate. The fact that other non-residents vehicles will inevitably be parked on the roadside also creates a hazard with the visibility splay from the access points. Free flow access for refuse and emergency vehicles could be seriously impeded due to parked vehicles. Narrow access points of 5 metre are a concern. Even on the Eaton Estate access there are vehicles parked on the roadside close to the access point, this is even more of a hazard due to the play park being circumnavigated by the Eaton Estate road. There is little to no public transport available in Wimblington and so most residents will use a vehicle regularly possibly twice a day therefore the traffic movement on a daily basis could reach 90/100 at peak times.

Sustainability

The healthcare agency CAPICS and East of England Ambulance Service NHS Trust raised concerns with the lack of medical care available for a further increase in population from this development, possibly 124 new patients. Both have requested a S106 contribution, would this go towards helping the situation within in Wimblington itself or be dispersed to other FD areas?

Compact, dense estates do not reflect high quality local design or make a valuable contribution to the RURAL character of the village.

5.17 Local Residents/Interested Parties

Objectors

21 responses were received in total from 16 objectors. The main summarised concerns were as follows:

- Overdevelopment of the site
- Out of keeping with the character of the area
- Impact on existing infrastructure, especially sewers and public services

- Construction disruptions such as odour, noise, dust, and safety from construction vehicles
- Loss of privacy and overlooking
- Proximity of houses to site boundaries and neighbours
- Access is not adequate for the number of homes.
- Exacerbation of traffic on local roads and road safety concerns
- Insufficient parking, especially for visitors that will cause parking stress on street and obstruct the free flow of traffic.
- Impact on flooding and drainage
- Lack of public open space for children
- Loss of PROW
- Environmental concerns including impact on ecology and biodiversity.
- Poor access for so many houses
- Air pollution
- Loss of trees
- Impact on property values
- The site is not well maintained.
- Unclear how access to future culverts around and in the site would be accessed for maintenance.
- Concern that the attenuation basin will not be delivered or maintained properly.
- The children's play space is located unsafely close to the attenuation basis.
- Already sufficient housing delivery in the area and district

6 STATUTORY DUTY

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

7 POLICY FRAMEWORK

National Planning Policy Framework (NPPF)

123. Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Achieving appropriate densities

128. Planning policies and decisions should support development that makes efficient use of land, taking into account:

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it.*
- b) local market conditions and viability.*
- c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use.*
- d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and*
- e) the importance of securing well-designed and beautiful, attractive and healthy places.*

National Planning Practice Guidance (NPPG)

National Design Guide 2021

Context

Identity - Where the scale or density of new development is very different to the existing place, it may be more appropriate to create a new identity rather than to scale up the character of an existing place in its context.

Built Form

Movement

Nature

Uses

Homes and Buildings

Resources

Lifespan

Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

LP5 – Meeting Housing Need

LP12 – Rural Areas Development Policy

LP13 – Supporting and Managing the Impact of a Growing District

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

LP17 – Community Safety

LP18 – The Historic Environment

LP19 – The Natural Environment

Emerging Local Plan

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

Policy LP1 – Settlement Hierarchy

Policy LP2 – Spatial Strategy for the Location of Residential Development

Policy LP4 – Securing Fenland's Future

Policy LP5 – Health and Wellbeing

Policy LP7 – Design

Policy LP8 – Amenity Provision

Policy LP11 – Community Safety

Policy LP12 – Meeting Housing Needs

Policy LP20 – Accessibility and Transport

Policy LP22 – Parking Provision

Policy LP24 – Natural Environment

Policy LP25 – Biodiversity Net Gain

Policy LP27 – Trees and Planting

Policy LP28 – Landscape

Policy LP29 – Green Infrastructure
Policy LP31 – Open Space and Recreational Facilities
Policy LP32 – Flood and Water Management
Policy LP50 – Residential site allocations in Wimblington – allocated for 30 homes.

Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021).

Policy 5 Mineral Safeguarding Areas

8 KEY ISSUES

- **Principle of Development**
- **Economic Growth**
- **Impact on the Character of the Area**
- **Residential Amenity for Future Occupiers**
- **Impact on Neighbours**
- **Air Quality**
- **Noise**
- **Contamination**
- **Flooding and Drainage**
- **Archaeology**
- **Biodiversity and Ecology**
- **Trees and Landscaping**
- **Transport**
- **Designing Out Crime**
- **S106/obligations**

9 BACKGROUND

- 9.1 This application follows approval of an outline planning application ref: F/YR19/0945/O for up to 30 new dwellings on this site. This previous application offered an affordable housing contribution of 25%. This latest proposal seeks an uplift of homes to a total of 48 (amended from the originally submitted 54) with a 20% affordable housing contribution.

10 ASSESSMENT

Principle of Development

- 10.1 Policy LP3 defines Wimblington as a 'Growth Village' where development and new service provision either within the existing urban area or as small village extensions will be appropriate albeit of a considerably more limited scale than that appropriate to the Market Towns. The site, although forming an undeveloped area of open countryside is considered to be within the existing built footprint of the village adjacent to both the established Eaton Estate and Hassock Way development as well as the new Matthew Homes development which has been completed recently and is situated to the West.
- 10.2 Policy LP12 (Part A) supports development which contributes to the sustainability of the settlement and does not harm the wide, open character of the countryside and satisfies all of criteria (a) to (k) covering matter such as; relationship and scale to the settlement and neighbouring settlements, retention and respect of; natural

boundaries, heritage assets, ecology and biodiversity features, loss of agricultural land, exposure to identified risk and infrastructure provision. These are considered below in greater detail and form the general assessment of policies. The site comprises open countryside and any development of this land will result in some landscape harm. This level of harm needs to be balanced with the public benefits of the scheme.

- 10.3 It is also appreciated that the site previously had outline planning permission for up to 30 dwellings (F/YR19/0945/O) on what was a slightly smaller site, and Policy LP 50 of the emerging Local Plan has identified the site for the provision of 30 new dwellings based on that decision. Therefore, it is accepted that the loss of the existing agricultural land had previously been established. However, the quantum and form of development is different. Therefore, although the general principle of developing this site for residential has been accepted, the delivery of 48 new homes needs to be considered.

Health and wellbeing

- 10.4 National Planning Practice Guidance (NPPG) further strengthens the relationship between health and planning and recommended the use of HIAs where there are expected to be significant impacts on an area. Emerging Local Plan Policy LP5 'Health and wellbeing' and Policy LP2 of the adopted Fenland Local Plan (2014), called Facilitating Health & Wellbeing of Fenland Residents, sets out a range of areas and actions where development proposals can contribute to health and wellbeing. It requires the submission of a Health Impact Assessment for development of this scale. This application is supported by a Health Impact Assessment (HIA) which sets out the potential health effects associated with this proposed development.
- 10.5 The proposal will provide the existing community with a new area of open space. The proposal also provides 9 affordable homes which is welcomed. The proposal is considered to accord with Policy LP2.

Economic Growth

- 10.6 The proposed development involves the construction of 48 dwellings with landscaping, access paths and open space. The construction phase of up to 2 years will create temporary employment in the construction sector and elsewhere through multiplier effects. The proposal will make a contribution to temporary and permanent employment in the village and district and the economic benefits should be welcomed.

Impact on the Character of the Area

- 10.7 The proposal amended from 54 to 48 units, results in gross density of 29 dwellings per hectare (site area 1.65 hectares). The neighbouring Hassock Way area has a gross density of approximately 30 dwellings per hectare. The site abuts suburban housing on 3 sides, some with large, detached housing on average to small plots, and some with semi-detached and some terraces. The proposal provides 19 pairs of semi-detached houses 3 detached and 7 terraced houses. The neighbouring developments on Hassock Way and Eaton Estate have similar properties, mainly semi-detached with occasional detached and terraced houses. The previous outline approval for up to 30 dwellings had an indicative layout which included 30 large, detached dwellings with larger built footprints. The two proposals have the same access and similar extent of open

space/attenuation areas. The additional parcel of land accommodates 11 dwellings. This application provides 3 detached, 38 semi semi-detached and 7 terraced houses. The current application has more space around the dwellings and provides 150 new trees (approximately 3 times that of the previous indicative scheme). Therefore, whilst the number of houses has increased, the impact on the character of the area is arguably an improvement in terms of spaciousness and landscaping. Therefore it is possible to have more houses, in this case smaller, but achieve acceptable impact on the character of the area.

- 10.8 The separation standards and space around the houses appear to mirror distances normally considered to be acceptable. Similar separation/rear gardens and parking provision exist on the neighbouring developments. As such the proposal is not considered to represent overdevelopment of the area. Proposed tree-planting and landscaping is similar to, or an improvement on, recent neighbouring sites. Therefore, it is considered the proposal accords with Policy LP16 (d) in that it will not result in adverse impact on the character of the area.

Residential Amenity

- 10.9 The proposed layout results in rear gardens of 10 metres or more in depth apart from plots 1, 46 and 47. Plot 1 has a substantial side garden area at the back of the parking area. Its western aspect does not face a neighbouring property. Its southern aspect has only a landing window at first floor level which will be required to be obscure glazed by an attached condition. The rear façade of the house to the south (No 22 Eaton Estate) is approximately 26 metres distant which far exceeds acceptable separation standards. Plots 46 and 47 fall slightly below 10 metre rear gardens but have a rear aspect which faces a car parking area having no overlooking impact. Plot 43 has a side gable that faces No 9 Hassock Way (9-15 Hassock Way have rear gardens around 9 metres long). The separation between the side gable of Plot 43 and the rear elevation of No 9 Hassock Way is approximately 14.3metres. Plot 43 (housetype C202) will have a blank side gable and therefore there are no overlooking issues resulting. The side gable is set back 4 metres from the rear garden boundary of No 9 Hassock Way. The relationship of the side gable and the rear aspect is not considered to result in overdominance. Similarly, No. 22 Hassock Way, on the north of the turning head of this road, has a separation of 13.5metres to a blank gable of Plot 31, again this housetype has no windows in the side gable and therefore no overlooking or overdominance is considered to occur.
- 10.10 It is noted that the previously permitted scheme (F/YR19/0945/O) the indicative layout for 30 larger detached dwellings had rear-to-side separations of 13.1 and 11.8 to No's 19 and 21 Hassock Way), i.e. slightly closer. Properties on Lily Way have rear to rear separation of 31 to 40 metres.
- 10.11 Finished floor levels are included on the Drainage Strategy drawing Rev P03. There are no proposed houses that exceed 0.35 metres above existing levels. Such raised levels are not considered likely to result in concerns of overdominance or overlooking.
- 10.12 It is considered that there are no instances where separation distances, and therefore loss of privacy /overlooking, could sustain a reason for refusal. Therefore, in this instance the proposal is considered to accord with Policy LP16(e).
- 10.13 The Parish Council comments reference the UK Land Directory and it's density guidance. It should be noted that the UK Land Directory is a private service given

to landowners. It does not provide guidance on planning applications, nor is its guidance considered to be consistent with the 'planning' consideration of development schemes.

Air Quality, Noise and Contamination

- 10.14 The application included Air Quality report. The Environmental health officer raises no concerns other than to request a Construction Management Plan (CEMP) condition to address possible nuisance during construction, which is attached. A precautionary condition is added regarding unexpected contamination. Therefore, the proposal is considered to accord with Policy LP16(I).

Flood Risk

- 10.15 The site is within Flood Zone 1 where the risk of flooding is considered to be minimal and development accords in principle with the NPPF and Policy LP14. As such no sequential test is necessary. The application included a Flood Risk Assessment and Drainage Strategy. The drainage strategy indicates surface water gravity system that flows to the central attenuation basin then will outflow to a headwall into the nearby drain to the west. The Foul drainage will link to an existing public sewer to the north of the site. No pumping stations are required. Anglian Water has no objection and requests no planning conditions. The Lead Local Flood Authority has no objection but requests conditions regarding detailed design and consideration of drainage during construction. These conditions are added. The Middle Level IDB was consulted but no comments have been received.
- 10.16 There is not considered to be any reason to sustain a refusal based on flood risk or drainage issues. Therefore, the proposal is considered to comply with policy LP14 in terms of flood Risk.

Archaeology

- 10.17 The County Archaeologist identifies potential for archaeological remains and requests a condition be imposed seeking a programme of works. The applicant accepts the requirement of the condition. The necessary condition is attached and therefore the proposal is considered to accord with Policy LP18 of the Local Plan.

Biodiversity and Ecology

- 10.18 The Wildlife Officer (Peterborough City Council) originally objected on grounds of insufficient information. However further data has been submitted including a Biodiversity Metric which indicates a Biodiversity Net Gain (BNG) of 3.07%. At the time of submission, the proposal was only required to prove no net harm (i.e. there was no requirement to achieve a 10% gain. A consultation to Cambridgeshire Ecology has been sent however at the time of writing no comments have been received. Nevertheless, as it appears the submission accords with the council's position on BNG at the time of submission and despite Officers best efforts to obtain Ecology advice, it is therefore considered to be acceptable and accord with Policy LP19.

Trees and Landscaping

- 10.19 There are 7 existing trees retained on the western boundary. The recent amended layout includes approximately 150 new trees and proposed shrubs/hedges. Planning conditions attached seeks the details of the landscaping

to be submitted, implemented, and managed and maintained. As such the proposal is considered to accord with policy LP16(i).

Highway impact.

- 10.20 The access is proposed between No's 23 and 24 Eaton Estate. This was amended to satisfy LHA requirements. The roads include raised tables providing traffic calming with detailed amendments to ensure access from car parking spaces are not compromised. Proposed parking accords with Local Plan requirements. The LHA has no objections to the amended layout.
- 10.21 The Definitive Map Team has withdrawn its objection which related to the historic line of Public Footpath 5. However, as this route was built over by Hassock Way and Eaton Estates the current actual line of the footpath lies outside the site and the proposal will not impact on the existing footpath. The Definitive Map Team requested informatives be attached to any grant of permission.
- 10.22 It is considered therefore that the proposal accords with Policy LP15.

Designing Out Crime

- 10.23 The Officer's comments are noted and a condition seeking detailed drawings to address concerns of boundary treatment, cycle storage, surveillance, and landscaping concerns in the interest of designing out crime is included along with informatives. However, the proposed pedestrian link to the north-east which will be overlooked by the occupiers of plots 27/27, is considered an important link in the interest of pedestrian permeability and will be retained.

Infrastructure contributions

- 10.24 The following contributions were requested:
- NHS (East of England Ambulance Service) request £15,360
 - NHS £39,547.17 sum be used to fund a project which increases clinical capacity at one of the GP Practices in the vicinity of the development.

The County Council was consulted but no request for contributions towards Education were received.

- 10.25 Due to The Council's own viability assessment in support of the Emerging Local Plan, the Council considers that as part of the evidence base weight be given to the results. Therefore, any scheme to the south of the A47 that accords with the provision of 20% affordable housing and provides infrastructure contributions to the value of £2000 per dwelling, will be acceptable. Therefore, in this instance the contribution towards the East of England Ambulance service of £15,360, together with NHS£39,547.17 to increase clinical capacity at one of the GP Practices in the vicinity of the development can be provided.

Affordable Housing

- 10.26 The application indicates 7 affordable rent properties and 3 shared ownerships constituting 20% which accords with the Housing Officer requirements and the Councils current position. These will be safeguarded by the Section 106 agreement.

Other Considerations

- 10.27 The Council's Environmental Services team have referred to the access arrangement drawings that demonstrate access to plots at the end of the cul-de-sac. A condition is attached requiring a refuse collection strategy be submitted.

10.28 The County council's Minerals and Waste Team (MWA) identify that the site lies within a Sand and Gravel Mineral Safeguarding Area. This policy seeks to prevent mineral resources of local and/or national importance being needlessly sterilised. No exemptions to the policy apply or have been demonstrated. However, the MWA point out that the site is relatively small in scale and is bounded by existing housing on 3 sides. Therefore, achieving a safeguard separation of 50 metres to nearby residential properties would leave very little area for extraction, and this would be impractical. Therefore, the MWA consider the requirements of the safeguarding policy have been addressed and there is no objection. The MWA requests information regarding the applicant being encouraged to make best use of any sand and gravel that may be incidentally extracted as part of the development. The proposal is therefore considered to accord with the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021).

10.29 Regarding other objections received there are the following comments:

- No objections were received from infrastructure providers including Anglian Water, there is not considered to be a reason on which to refuse the application.
- Regarding construction nuisance a CEMP condition is proposed.
- The LHA has no objection regarding the access. A similar access was previously permitted.
- Parking accords with current standards and is similar to neighbouring developments.
- The Drainage authorities do not object and therefore there are no grounds to refuse on flooding,
- An area of open space is provided.
- No objection is made regarding loss of public footpath.
- Significant tree planting is proposed.
- Management of the attenuation basin is addressed in attached condition. A safety fence alongside the attenuation area, is requested as part of the landscaping condition.
- There remains a need for housing, and affordable housing in Fenland.

11 CONCLUSIONS

11.1 It is considered that a development, which is in a Growth Village is a sustainable location, can be considered to be acceptable in principle with the adopted local plan subject to compliance with other relevant policies. The objections raised and summarised in this report, have been considered. The proposal of 48 dwellings will benefit housing supply, the continued provision helps Fenland retain an ongoing supply, and meet much needed affordable housing need. Matters of Flood Risk, Highway safety, impact on infrastructure provision, residential amenity, density, and character of the area have been considered in detail and it is concluded the application accords with policy requirements. Other issues regarding loss of trees and biodiversity are not considered to merit refusal of the application.

12 RECOMMENDATION

- 1 That the Committee delegates authority to finalise the planning conditions and terms of the S.106 unilateral agreement to the Head of Planning, and

- 2 Following completion of the S106 obligation to secure the necessary affordable housing and open space and infrastructure contributions as detailed in this report, F/YR22/0062/O application be granted.

Or

- 3 Refuse the application in the event that the S.106 unilateral agreement referred to above has not been completed within 4 months and that the applicant is unwilling to agree to an extended period of determination to accommodate this, or on the grounds that the applicant is unwilling to complete the obligation necessary to make the development acceptable.

An initially proposed list of conditions is as follows:

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>No laying of services, creation of hard surfaces or erection of a building shall commence until a detailed design of the surface water drainage of the site has been submitted to and approved in writing by the Local Planning Authority. Those elements of the surface water drainage system not adopted by a statutory undertaker shall thereafter be maintained and managed in accordance with the approved management and maintenance plan.</p> <p>The scheme shall be based upon the principles within the agreed Preliminary Drainage Strategy, Jackson Consulting Engineers, Ref: DR-REP-0249, Rev: 01, Dated: 20th September 2022 and shall also include:</p> <ul style="list-style-type: none"> a) Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events; b) Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change), inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance; c) Detailed drawings of the entire proposed surface water drainage system, attenuation and flow control measures, including levels, gradients, dimensions and pipe reference numbers, designed to accord with the CIRIA C753 SuDS Manual (or any equivalent guidance that may supersede or replace it); d) Full detail on SuDS proposals (including location, type, size, depths, side slopes and cross sections); e) Site Investigation and test results to confirm infiltration rates. f) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants. g) Demonstration that the surface water drainage of the site is in accordance with DEFRA non-statutory technical standards for sustainable drainage systems;

	<p>h) Full details of the maintenance/adoption of the surface water drainage system; i) Permissions to connect to a receiving watercourse or sewer; j) Measures taken to prevent pollution of the receiving groundwater and/or surface water.</p> <p>The development shall take place in accordance with the approved details.</p> <p>Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no increased flood risk on or off site resulting from the proposed development and to ensure that the principles of sustainable drainage can be incorporated into the development, noting that initial preparatory and/or construction works may compromise the ability to mitigate harmful impacts.</p>
3	<p>No development, including preparatory works, shall commence until details of measures indicating how additional surface water run-off from the site will be avoided during the construction works have been submitted to and approved in writing by the Local Planning Authority. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved measures and systems shall be brought into operation before any works to create buildings or hard surfaces commence.</p> <p>Reason: To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development itself; recognising that initial works to prepare the site could bring about unacceptable impacts.</p>

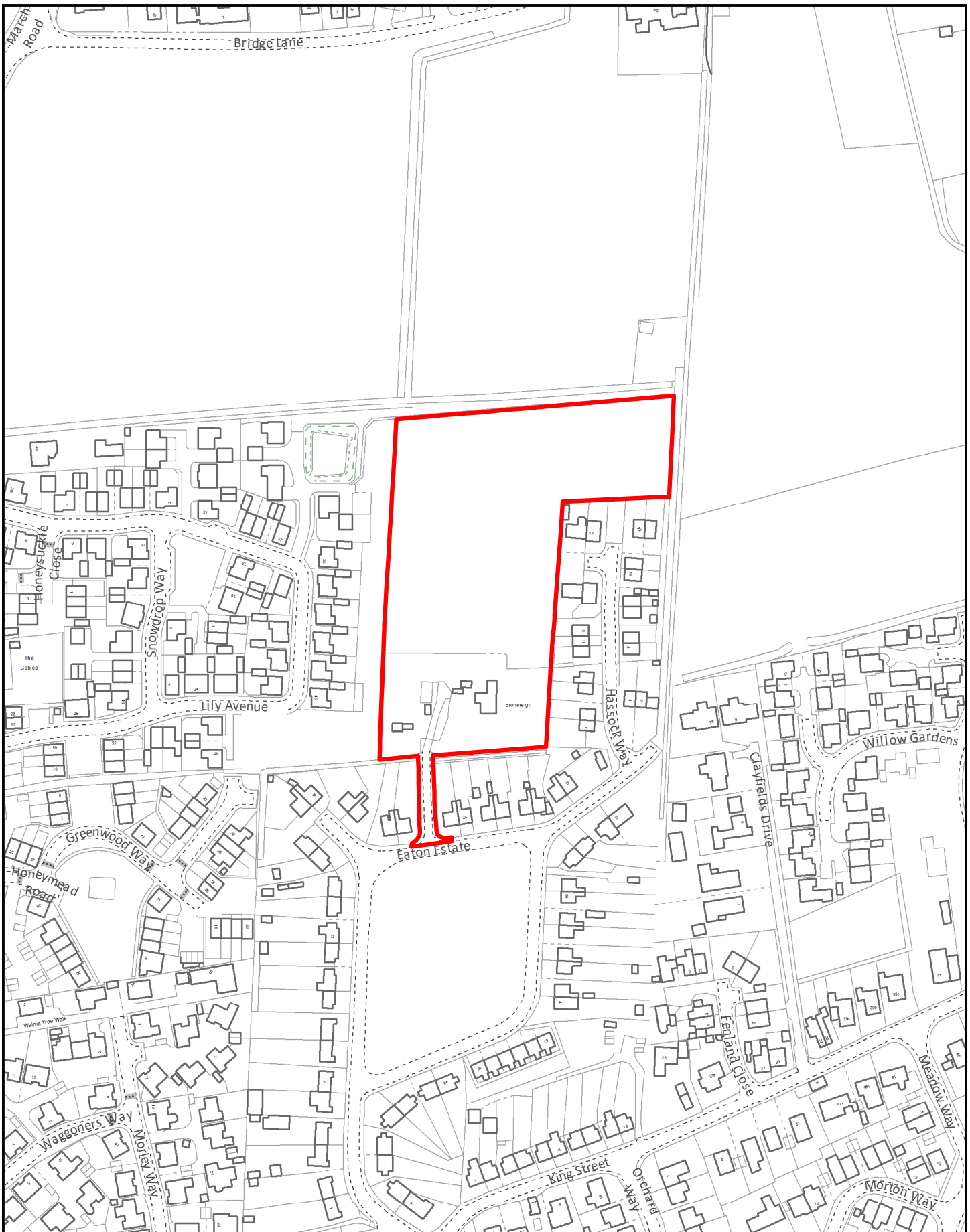
4	<p>Prior to the commencement of development, a Construction Environmental Management Plan (CMP), shall be submitted to and approved in writing by the Local Planning Authority. The CMP shall include the consideration of the following aspects of construction:</p> <ul style="list-style-type: none"> a) Site wide construction programme. b) Contractors' access arrangements for vehicles, plant and personnel including the location of construction traffic routes to, from and within the site, details of their signing, monitoring, and enforcement measures, along with location of parking for contractors and construction workers, c) Construction hours and delivery times for construction purposes d) Maximum noise mitigation levels for construction equipment, plant, and vehicles e) Dust suppression management including <ul style="list-style-type: none"> 1, identification of person responsible for air quality and dust issues, 2, the recording of dust and air quality complaints 3, to undertake appropriate measures to reduce emissions in a timely manner 4, An agreement for dust deposition, dust flux, or real-time particulate matter monitoring locations with the Local Authority including baseline monitoring before work commences, 5, machinery and dust causing activities to be located away from receptors 6, The provision of Wheel washing measures to prevent the deposition of debris on the highway and the general environment which shall be operated and retained for the duration of the development, and the use of road sweepers to clean highways that suffer from mud generated by the development. f) Site lighting g) Location of Contractors compound and method of moving materials, plant, and equipment around the site. h) Details and locations of hoardings <p>The Construction Environmental Management Plan shall be implemented in accordance with the agreed details unless minor variations are otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: In the interests of safe operation of the highway and protection of residential amenity in accordance with policy LP15 and LP16 and LP19 of the Fenland Local Plan, 2014.</p>
5	<p>If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority (LPA)) shall be carried out until the developer has submitted, and obtained written approval from the LPA, a Method Statement detailing how this unsuspected contamination shall be dealt with.</p> <p>Reason: In the interest of the protection of the amenity of future occupiers of the development in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>

6	<p>No demolition/development shall commence until the applicant, or their agents or successors in title, has implemented a programme of archaeological work, commencing with the evaluation of the application area, that has been secured in accordance with a Written Scheme of Investigation (WSI) that has been submitted to and approved by the Local Planning Authority in writing. For land that is included within the WSI, no demolition/development shall take place other than under the provisions of the agreed WSI, which shall include:</p> <ul style="list-style-type: none"> a) The statement of significance and research objectives. b) The programme and methodology of investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works. c) The timetable for the field investigation as part of the development programme. d) The programme and timetable for the analysis, publication & dissemination, and deposition of resulting material and digital archives. <p>Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any demolitions or groundworks associated with the development scheme and to ensure the proper and timely preservation and/or investigation, recording, reporting, archiving and presentation of archaeological assets affected by this development, in accordance with national policies contained in the National Planning Policy Framework (MHCLG 2019).</p>
7	<p>Prior to the commencement of the development hereby approved full details of the materials to be used for the external walls and roofs 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 particulars and retained in perpetuity thereafter.</p> <p>Reason: To safeguard the visual amenities of the area in accordance with Policy LP16 of the Fenland Local Plan, 2014.</p>
8	<p>Prior to the occupation of the first dwelling/use hereby approved, full details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an Agreement has been entered into unto Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established.</p> <p>Reason: In the interest of satisfactory development and highway safety in accordance with Policy LP15 of the Fenland Local Plan (2014).</p>

9	<p>Prior to commencement of development full details of both hard and soft landscape works, including the Public Open Space and the timing of the delivery of this, and details of future management and maintenance arrangements, shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:-</p> <ul style="list-style-type: none"> a) hard surfacing, other hard landscape features and materials b) existing trees, hedges or other soft features to be retained c) planting plans, including specifications of species, sizes, planting center's number and percentage mix d) railed safety fencing adjacent to the proposed attenuation area <p>Reason - The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts and for safety reasons of the development hereby permitted in accordance with Policy LP16 of the Fenland Local Plan, 2014.</p>
10	<p>All hard and soft landscape works including any management and maintenance plan details, shall be carried out in accordance with the approved details. All planting seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason - To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policy LP16 of the Fenland Local Plan, 2014.</p>
11	<p>Prior to the occupation of the development, a landscape management and maintenance plan, including details of measures to protect and enhance existing flora, fauna and habitats within the development site shall be submitted to and approved by the Local Planning Authority in writing. The landscape management and maintenance plan shall be carried out as approved in accordance with the specified schedule contained therein.</p> <p>Reason - To protect the visual amenity value of the landscaping, and the biodiversity value of the habitat within the site in accordance with policy LP16 of the Fenland Local Plan, 2014.</p>
12	<p>The first-floor landing window in the south; elevation of Plot 1 hereby approved shall be glazed with obscure glass and shall be top opening only, and so maintained in perpetuity thereafter.</p> <p>Reason - To safeguard the amenities currently enjoyed by the</p>

	occupants of adjoining dwellings.
13	<p>Prior to the commencement of any works or storage of materials on the site all trees that are to be retained shall be protected in accordance with British Standard 5837:2012. Moreover, measures for protection in accordance with that standard shall be implemented and shall be maintained to the Local Planning Authority's reasonable satisfaction until the completion of the development for Building Regulations purposes.</p> <p>Reason - To ensure that retained trees are adequately protected.</p>
14	<p>Prior to the commencement of the development hereby approved, details of the location and design of the refuse bin and recycling materials storage areas and collection points shall be submitted to and approved by the Local Planning Authority. This should include provision for the storage of three standard sized wheeled bins for each new property with a collection point no further than 25 metres from the public highway. Where the refuse collection vehicle is required to go onto any road that road shall be constructed to take a load of 26 tonnes. The refuse storage and collection facilities and vehicular access where required shall be provided prior to the first occupation of the units to which they relate and shall be retained in the approved form thereafter.</p> <p>Reason - To meet the District Council requirements for recycling, to prevent the unsightly storage of refuse containers and in the interests of amenity and sustainability.</p>
15	<p>Prior to the commencement of the development a scheme and timetable for the provision of fire hydrants shall be submitted to, and agreed in writing by, the Local Planning Authority in consultation with the Chief Fire Officer and provision of the fire hydrants shall be made in accordance with the scheme and timetable.</p> <p>Reason - To ensure a satisfactory form of development.</p>
16	<p>Prior to the first occupation of any dwelling the road(s), footway(s) and cycleway(s) required to access that dwelling shall be constructed to at least binder course surfacing level from the dwelling to the adjoining County Road in accordance with the details approved on EEW-SH-PD-SL-1001 J.</p> <p>Reason. In the Interest of highway safety and in accordance with Policy LP15 of the Fenland Local Plan (2014)</p>

17	<p>Before commencement of construction above slab level, details of measures for the safety and security of future residents of the development hereby permitted shall be submitted to and approved by the Local Planning Authority. The development shall be implemented in accordance with the approved plans.</p> <p>Reason: In the interest of designing out crime in accordance with policy LP 16(j).</p>
18	<p>All dwellings shall be built to the finished floor levels detailed in drawing ref 0249-JCE-00-SI-SK-C-9000 Rev P03 Proposed drainage strategy.</p> <p>Reason: To ensure the dwellings are constructed to acceptable levels in the interest of neighbouring amenity and for the avoidance of doubt.</p>
19	<p>The development hereby permitted shall be carried out in accordance with the following approved plans and documents:</p>



Created on: 20/03/2023

© Crown Copyright and database rights 2023 Ordnance Survey 10023778

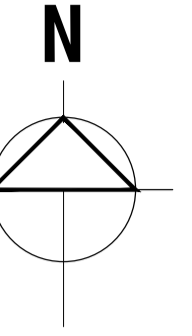
F/YR23/0206/F

Scale = 1:2,500



EATON ESTATE, WIMBLINGTON

NOTES:
The details depicted on this drawing are the copyright to Seagate Homes and may not be reproduced without permission. This drawing must not be re-issued, loaned or copied without the consent. Errors omissions and discrepancies should be reported to the originator immediately.
IF IN DOUBT ASK!



LEGEND

- Application Site Boundary
- Proposed Housing
- Existing Surrounding Buildings
- Private Rear Garden Area
- Private Front Garden Area
- Public Open / Green Space
- Private Drive
- Car Parking Spaces
- Block paving on adoptable road
- Adoptable road/ Footpaths
- Private Footpaths
- Proposed Tree Planting
- Proposed Hedge
- Proposed Shrubs
- Bin Collection points (SUDDS grey paving slabs to be used)
- Existing Trees / Hedges

House Type Schedule

Type	Beds	No	Plots
Type C200 (79.4m ²)	2	8	8, 9, 10, 32, 33, 34, 35, 47
Type C201 (79.4m ²)	2	1	46
Type C202 (70m ²)	2	16	2, 3, 15, 16, 20, 21, 26, 27, 28, 29, 30, 31, 40, 41, 42, 43
Type C203 (79.4m ²)	2	2	44, 45
Type C300 (85.5m ²)	3	15	4, 5, 6, 7, 11, 12, 13, 14, 17, 18, 22, 23, 24, 36, 39
Type C301 (87.8m ²)	3	4	1, 25, 37, 38
Type C400 (128m ²)	4	2	19, 48
Total = 48			

AFFORDABLE HOUSING PROVISION
 ● 50% AFFORDABLE RENT PLOT (7 No)
 ● 20% SHARED OWNERSHIP PLOT (2 No)

Rev	Notes	Date	By
J	Affordable housing provision identified	17.01.24	MD
H	House type change to plot 1. Existing right of way indicated on plan. Plot 48 moved back to enable additional tree planting to front. Hard and Soft landscaping updated to suit changes, along with house type legend.	20.11.23	MD
G	Tabletop repositioned south of plots 23/24, driveway to plot 25 adjusted, tabletop at 13/14 adjusted.	13.10.23	LR
F	Minor amendment to layout following highways comments. Hard and soft landscaping updated to suit.	30.08.2023	MD
E	Site density has been reduced, house type adjustments, open space area has been increased as well as the plot amenity areas also increased	22.08.23	AC
D	Layout amended following comments received from CCC Highways. Slight adjustment made to estate road into the site. Visibility splays added, parking spaces/drives updated, small turning areas added to private roadways, private drives to be 5.0m min width, adoptable footpath incorporated to south part of road between plots 36 & 42, adopted highway reduced in length adj plot 25, attenuation basin re-aligned to match drainage strategy, table top change in materials incorporated to adoptable highway to reduce traffic speed, house type substitution to plots 23 & 24. Existing buildings omitted from this plan and now indicated on separate plan (to avoid confusion). Hard and soft landscaping updated to suit changes. Legend updated.	26.06.23	MD
C	Demolished buildings indicated, Legend updated	28.09.22	MD
B	Existing Hedge retained on North East Boundary	16.09.22	MD
A	Layout Completed	13.09.22	MD



Project: **PROPOSED RESIDENTIAL DEVELOPMENT
EATON ESTATE, WIMBLINGTON, MARCH, CAMBS**

Drawing: **SITE LAYOUT**

Drawn: **MD** Date: **06.09.2022**

Status: **PLANNING** Scale: **1:500 @A1**

Drawing Number: **EEW-SH-PD-SL-1001 J**





A-A VIEW (1:200)



B-B VIEW (1:200)



SITE PLAN (1:1250)

This page is intentionally left blank

F/YR22/1084/F

Applicant: Mrs Theresa Steer

**Agent : Mr Ethan Giles
Green Planning Studio Ltd**

Land To The Land South West Of 92, High Street, Chatteris, Cambridgeshire

The siting of a mobile home for residential use and erection of an ancillary day room

Officer recommendation: REFUSE

Reason for Committee: Further deferral at its meeting in January 2024 to in order for the applicant to address highway issues.

1 EXECUTIVE SUMMARY

- 1.1 This application was referred back to committee on 10th January 2024 where it was agreed to further defer the application to seek to resolve highway issues.
- 1.2 Following deferral, the case officer was in further correspondence with the agent seeking confirmation as to how they were to address the highway issues. Correspondence from the agent concludes "*should the Council remain of the view that the vehicular activity associated with on-site parking could not be tolerated or accommodated, it would be possible to provide no parking within the site itself, given its location within the Market Town of Chatteris*". They state that application site is within a sustainable location with access to on-street parking and off-street parking at several car parks.
- 1.3 Further correspondence took place with County Highways where it has been confirmed *that should the site function as a car free development, there would be no objections, however, the site plan would need to be updated to show how this would function in practice.*
- 1.4 Consequently, the recommendation is to refuse the application, consistent with the previous recommendation.

2 UPDATE

- 2.1 This application was again presented at committee on 10th January 2024 where it was agreed, at the suggestion of the applicant's agent, that the application be further deferred to allow for the applicant to enter into a s278 agreement with County Highways to try to overcome highway concerns.
- 2.2 It is to be noted that the agent has decided not to pursue this route but, instead, has presented information where it is alluded to that the site is within a sustainable location with access to bus routes; on-street parking and off-street parking within several local car parks.

2.3 Contained within Appendix A is the previous update report presented at committee on 10th January 2024 and Appendix B, the Officer's original committee report.

3 CONSULTATIONS

County Highways (9/2/24)

If this were to be amended so that it functioned as a car free development, I would have no objection to the development. The site plan will need to be updated to show how this would function in practice.

4 ASSESSMENT AND CONCLUSIONS

Highway Safety

4.1 The deferral of the application at committee in January was to allow the applicant to enter into a s278 with County Highways to seek highway improvement works. It is to be noted that the agent decided not to pursue this as an option, instead, has opted to present the following:

Should the Council remain of the view that the vehicular activity associated with on-site parking could not be tolerated or accommodated, it would be possible to provide no parking within the site itself, given its location within the Market Town of Chatteris. In accordance with 'Appendix A – Parking Standards' of the Fenland Local Plan (Adopted 2014), "where a site has good public transport links, such as in a central area of a market town, a reduction in car parking provision may be negotiated and, in special circumstances, nil parking provision may be appropriate."

In line with The Hurlstone Partnership's Access Review, we are of the opinion that the application site meets the necessary circumstances for this to be applicable.

Firstly, as aforementioned, the application site is located within the Market Town of Chatteris with excellent access to public transport links, the nearest bus stop being located some 40m to the south of the site access on High Street. Ash Grove Bus Stop is served by a plethora of busses (e.g., 302 St. Ives, Ely Zipper 2, 8A Cottenham and 305 Chatteris) approximately every 30 minutes.

Secondly, a number of offsite parking options are available, all within 200m of the site access (200m amounts to a 2.5-minute walking time, which is the commonly acceptable walking time to and from the parked vehicle to the site). On-street parking areas are located opposite the site access, on the nearside of the southbound traffic lane of High Street, outside the Pecks Court apartments. The on-street parking extends approximately 23m, beyond which, at the southern end of the marked area, Ash Grove Bus Stop is located. Further parking is available at the Furrowfields Road North and South car parks. The Furrowfields Road car parks provide free parking for periods of up to 24 hours and are monitored by CCTV for added security. The northern car park provides 38 spaces + 1 disabled bay, whilst the southern car park has 70 spaces + 4 disabled bays. It is noted within the Access Review that both car parks were observed to have numerous spaces available during site visits.

Therefore, it is evident that offsite parking is available locally which could be utilised by residents of the proposed site, if necessary.

- 4.2 The agent makes reference to the fact that they consider that the application site meets the necessary circumstances to allow for negotiations surrounding a reduction in car parking or nil parking provision as set out in Appendix A of the Local Plan. This is intended for applications within town centre locations where no or limited parking can be accommodated within a site, for example, conversions of buildings. It is not intended to be used to address inadequate access arrangements for sites which clearly have the capability of accommodating adequate parking arrangements.
- 4.3 As part of the justification for this the applicant's agent references the availability of on-street car parking in the vicinity of the site. It should be noted that with the exception of an area on the opposite side of High Street which can accommodate approximately four or five vehicles, High Street is largely subject to on street parking restrictions. On-street parking is available and occurs along nearby side roads. Reference is also made to the availability of the Furrowfield Road car park which is approximately 250 metres from the site.
- 4.4 Unlike a situation where, for example, a building is being converted into flats the application site is served by an access which the occupiers of the site presumably have a legal right to use, and the site has adequate space to accommodate vehicles associated with the residential occupation. The practicality of the occupiers seeking to park elsewhere is therefore questionable. Additionally having no on-site car parking would not necessarily prevent vehicles such as those of tradespeople or deliveries from using the access track. While the site plan could be amended to denote no car parking, as requested by the Highway officer, it is not considered that such a limitation could be secured on a long-term basis by means of condition as Officers do not consider that any such condition would be reasonable or could be adequately enforced in the future.
- 4.5 Given the above, the further information is not considered to overcome the reason for refusal.

5. Conclusion

- 5.1 The additional information submitted in respect of the application is not considered to overcome refusal reason 1 in relation to highway/pedestrian safety issues and as such the conclusions and recommendations in the original report to committee, contained within Appendix A remain unchanged in this regard and the Officer recommendation for refusal on highway/pedestrian safety grounds remains.

6 RECOMMENDATION:

Refuse; for the following reason:

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 115) 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 shared driveway is considered to be inadequate to serve the proposed development by reason of its restricted width along its length which could result in conflict between pedestrians and vehicles together with the lack of passing places and restricted visibility at its
---	--

junction with High Street. As a result, safe and suitable access to the site for all people as required in the NPPF would not be achieved. Policy LP15 (c) is consistent with the NPPF in requiring well designed, convenient and safe access for all. The proposal would conflict with Policy LP15 (c) of the Fenland Local Plan 2014, and paragraph 115 of the NPPF.

Appendix A Report to committee on 10th January 2024

F/YR22/1084/F

Applicant: Mrs Theresa Steer

**Agent : Mr Ethan Giles
Green Planning Studio Ltd**

Land To The Land South West Of 92, High Street, Chatteris, Cambridgeshire

The siting of a mobile home for residential use and erection of an ancillary day room

Officer recommendation: REFUSE

Reason for Committee: Deferred by Committee at its meeting in August 2023 in order to obtain clarification regarding several matters including bin collection; legal opinion; whether there will be an intensification of the access and for an up to date site visit to be conducted.

2 EXECUTIVE SUMMARY

- 4.1 This application has previously been referred to the Planning Committee for determination on 23rd August 2023 where it was agreed to defer the application for members to receive the information on personal circumstances and the Barrister's opinion on gypsy status together with a report from the Council's Traveller and Diversity Manager- whether there is further evidence that substantiates the applicant's claim; to resolve the issue around the bins; whether there will be intensification of the access and how long the applicant has lived on site to assess potential risk and clarification on where the applicant is currently living on site.
- 4.2 Following deferral, the case officer has been in correspondence with the agent and a further site visit has been conducted. Further to this, amended plans were submitted updating the existing arrangement on site. In situ, currently, there is a mobile home; dayroom extension; utility/wash room and storeroom. The originally submitted proposed plan demonstrates that the existing structures on site will be removed and replaced by a single dayroom with the mobile home re-positioned.
- 4.3 With regards to the privileged Legal Opinion, a copy has been presented as a separate confidential paper to Members along with the comments of the Council's Traveller and Diversity Manager.
- 4.4 In respect of bin collection, Waste Management have confirmed that bins from 84a High Street are presented at the top of the driveway with the High Street. 84b appears only to use the green general waste, again it is brought to the top of the

driveway. They also state that 'from the application, there would be no additional properties and therefore no change to the current arrangements which appear to operate without issue for the residents and from a collection point of view'.

4.5 Further detailed correspondence took place with County Highways where it has been concluded that they are maintaining their objection

4.6 Consequently, the recommendation is to refuse the application, consistent with the previous recommendation.

5 UPDATE

5.1 This application has previously been referred to the Planning Committee for determination on 23rd August 2023 where it was agreed that the determination of the application be deferred for members to receive the information on personal circumstances and the Barrister's opinion on gypsy status together with a report from the Council's Traveller and Diversity Manager - whether there is further evidence that substantiates the applicant's claim; to resolve the issue around the bins; whether there will be intensification of the access and how long the applicant has lived on site to assess potential risk and clarification on where the applicant is currently living on site.

5.2 Contained within Appendix A is the original Officer's committee report.

6 CONSULTATIONS

Waste management

3.1 *Bins from 84a High Street are presented at the top of the driveway as per pic attached from today's collections. 84b appears only to use the green general waste bin which again this is brought up to the top of the driveway when it requires collection.*

From the application there would be no additional properties and therefore no change to the current arrangements which appear to operate without issue for the residents and from a collection point of view.

County Highways (14/11/23)

3.2 *Any new dwelling would typically result in an intensification when measured against a 'greenfield' baseline. A single dwelling (or mobile home in this case) would generally be expected to result in circa 2-3 two-way vehicle trips a day which is a relatively modest intensification but considering the limitations of the access onto High Street, it could still result in an adverse impact on pedestrian safety. For avoidance of doubt, the pertinent risks are:*

- *Exiting vehicles don't have visibility of passing pedestrians until they have already crossed into their path.*
- *By virtue of the limited access width, obstruction of the highway could occur, or vehicles could be required to exit the site in a reverse gear, which exacerbates the above issue relating to pedestrian visibility.*

That being said, while this is detrimental to highway safety, the magnitude of the adverse impact is limited by the scale of development.

Has the applicant provided details as to how the land is currently being used? If they can demonstrate that vehicular trip rates associated with the proposed use are no greater than those associated with the current permitted use of the land, then there would be no grounds for objection.

County Highways (20/11/23)

Up to date site photos were made available for the Highways Officer to review.

In consideration of the photos I think on balance I would maintain my objection as the development would intensify use of the sub-standard access by circa 25% (unless the applicant can demonstrate otherwise) thus introducing additional risk for road users along High Street. For avoidance of doubt, the pertinent risks are:

- *Due to the restrictive access width, two vehicles would be unable to pass, meaning that the development could lead to more frequent obstruction of the access which could result in vehicles reversing out of the site onto High Street where visibility is limited.*
- *The lack of pedestrian visibility, particularly from the south, means that exiting vehicles have no forewarning of passing pedestrians until they are already crossing their path. While the proposals will result in an increase in domestic traffic, the remote nature of the dwelling from the highway also makes it more likely for delivery vehicles (e.g., parcel / grocery delivery) to utilise the access.*

Agent direct Highways to the applications supplementary Access Review, whereby our stance on vehicle movements is stated.

I've had a read through the document, and it doesn't change my last response. My principal concern relates to the lack of pedestrian visibility, which hasn't been referred to in the document.

7 ASSESSMENT AND CONCLUSIONS

Legal opinion

7.1 Due to the sensitivity of the application, Members have been made aware of the privileged Legal Opinion as a separate confidential paper, as requested, along with comments from the Council's Traveller and Diversity Manager.

Land Use/Intended occupiers

4.2 An up-to-date site visit was carried out on 21st September 2023 where it was confirmed there are several structures on site. In correspondence from the agent on 6th November, an updated 'Existing Site Plan' was received that confirms the current layout. A copy of this has been provided in the updated presentation. This includes:

- Existing mobile home unit
- Dayroom extension
- Utility/wash room (containing washing machine and tumble dryer)
- Storeroom (shed like structure used for storage)

For clarity, the proposed site plan originally submitted depicts how the single residential pitch will be arranged. All existing structures on site, aside from the mobile home, will be removed and replaced with a single dayroom. The mobile home will simply be re-positioned. Dayroom details are provided in drawing no. 21_1189_005.

4.3 The agent has also clarified the occupation and use of the site in correspondence received on 6th November:

The application site was purchased by the applicant, Theresa Steer, on the 08th July 2019. From this date until August 2020 the site was used by the applicants son, Jack Steer, for storage; mainly of a vehicle and horses. In August 2020 (Bank Holiday weekend) a mobile home was brought onto site and positioned as shown on drawing no. 21_1189_002 P02. The intended occupants, Jack and his resident dependents, moved onto site and occupied the mobile home. In December 2020, the dayroom extension was erected.

The term "intended occupants" refers to those who will occupy the site should approval of this application be granted. In this situation, the intended occupants are already living on site and have done so since August 2020. They have lived on this site as a single family unit for the past 3 years and 2 months.

The application form submitted in respect of this application states the existing use being 'residential curtilage and allotted land' as well as answering 'No' to the question, "Has the work or change of use already started". Further to this, it is to be noted that there is no lawful residential use of application site with two previous applications being refused with the existing use of the site in both cases being stated as 'grassland'.

Waste Management

4.4 In correspondence received from Waste Management (2nd November 2023):

Bins from 84a High Street are presented at the top of the driveway as per pic attached from todays collections. 84b appears only to uses the green general waste bin which again this is brought up to the top of the driveway when it requires collection.

From the application there would be no additional properties and therefore no change to the current arrangements which appear to operate without issue for the residents and from a collection point of view.

4.5 As stated above, however, there is no consented residential use of the land. 84A lies to the immediate east of the site with no markings on the submitted 'Site Location Plan' referring to 84b, therefore it could be concluded that 84b relates to the application site. Given this, the Waste Management Team raise no issues in respect of this current arrangement and therefore the information is considered to address any potential reason for refusal in this regard.

Highway Safety

4.6 The deferral of the application at committee in August requested further details in respect of that whether there will be intensification of the access. Correspondence has taken place with both the agent and Highways officer with highways comments detailed within Consultee responses referenced above.

- 4.7 A mobile home was sited on the land in question in 2020 with no legal planning use of the land having since been obtained. Prior to the siting of the mobile home, application forms submitted for the new dwelling state the use of the land to be 'grassland'.
- 4.8 Whilst there is a dwelling sited to the rear of the built form, no84a High Street, the use of the site for residential purposes regardless of permanence, sees the Highways officer maintain their objection as the development would intensify use of the sub-standard access by circa 25% therefore introducing additional risk for road users along High Street. For avoidance of doubt, the pertinent risks are:
- Due to the restrictive access width, two vehicles would be unable to pass, meaning that the development could lead to more frequent obstruction of the access which could result in vehicles reversing out of the site onto High Street where visibility is limited.
 - The lack of pedestrian visibility, particularly from the south, means that exiting vehicles have no forewarning of passing pedestrians until they are already crossing their path. While the proposals will result in an increase in domestic traffic, the remote nature of the dwelling from the highway also makes it more likely for delivery vehicles (e.g., parcel / grocery delivery) to utilise the access.
- 4.9 Given the above, the information is not considered to overcome the first reason for refusal.

Heritage Assets

4.10 The original committee report referred to the proposal further eroding the legibility and significance of the mediaeval burgage feature and that consequently it would fail to meet the desirable outcome of preserving or enhancing the character or appearance of the Chatteris Conservation Area. A reason for refusal on heritage grounds was listed. However, it is noted that whilst two previous applications for a dwelling on the site were refused, there was no reason to refuse included on the grounds of impacting upon the character or appearance of the Conservation Area. Given the development in question is of a smaller scale and less permanent in nature than those refused, it is considered that this will not impact on the character or appearance of the Conservation Area and therefore recommends that reason for refusal 2 be removed due to the oversight by the case officer as referenced above.

5. Conclusion

5.1 The additional information submitted in respect of the application is not considered to overcome refusal reason 1 in relation to highway/pedestrian safety issues and as such the conclusions and recommendations in the original report to committee, contained within Appendix A remain unchanged in this regard and the Officer recommendation for refusal on highway/pedestrian safety grounds remains.

8 RECOMMENDATION:

Refuse; for the following reason:

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
---	--

	<p>NPPF states (at paragraph 111) 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 shared driveway is considered to be inadequate to serve the proposed development by reason of its restricted width along its length which could result in conflict between pedestrians and vehicles together with the lack of passing places and restricted visibility at its junction with High Street. As a result, safe and suitable access to the site for all people as required in the NPPF would not be achieved. Policy LP15 (c) is consistent with the NPPF in requiring well designed, convenient and safe access for all. The proposal would conflict with Policy LP15 (c) of the Fenland Local Plan 2014, and paragraph 111 of the NPPF.</p>
--	---

Appendix B Case Officer's report to committee on 23rd August 2023

F/YR22/1084/F

Applicant: Mrs Theresa Steer

**Agent : Mr Ethan Giles
Green Planning Studio Ltd**

Land South West Of 92, High Street, Chatteris, Cambridgeshire

The siting of a mobile home for residential use and erection of an ancillary day room

Officer recommendation: Refuse

Reason for Committee: Number of representations contrary to Officer recommendation

1 EXECUTIVE SUMMARY

- 1.1 The application proposes the siting of a mobile home for residential use and erection of an ancillary day room. It was confirmed by the agent in the early stages of the application through correspondence that the application was made on the basis to provide accommodation for a gypsy/traveller. This argument has been assessed and barrister opinion sought, with the conclusion being that the applicant is not considered to be a Gypsy Traveller for the purposes of the policy definition
- 1.2 The development would impact adversely on the character of the Conservation Area by further eroding the settlement morphology of the area and would be contrary to policy LP18 which seeks to protect, conserve and seek opportunities to enhance the historic environment.
- 1.3 The site is proposed to be served by an existing vehicular access from the High Street. The change of a permanent dwelling to a mobile home makes no difference in terms of highway impacts at the access. The existing access lacks sufficient visibility and whilst the intensification is modest, it will result in an increased risk of collision particularly with passing pedestrians and therefore contrary to policy LP and paragraph 111 of the NPPF
- 1.4 In summary, there is insufficient evidence to satisfy that the intended occupier meets the definition referenced above. Given this, any personal circumstances cannot be used to 'tip the balance' in favour. The application is therefore recommended for refusal.

2 SITE DESCRIPTION

- 2.1 The site lies within the settlement of Chatteris and within the Chatteris Conservation Area. The site is accessed via High Street, through a shared driveway positioned between 86 High Street and 84 High Street, a Grade II listed dwelling, leading to 84a High Street and beyond to the site itself. The access opens up beyond a 5-bar gate into an area of grassland and compacted gravel hardstanding. At the time of site inspection, there was evidence of a large area of scrap metal stockpiling near the eastern boundary, various rubble and refuse heaps, and vehicles parked in the area.
- 2.2 The site is bounded by a high brick wall to the south side, 1.8m high close boarded timber fencing to the west, panelled fencing to the east (which forms the boundary with the garden area of 84a), and is currently open to the north, adjacent on this side to an established yard area situated behind the dwellings of 86-92 High Street. The site is flat throughout and is within Flood Zone 1, area at lowest risk of flooding.

3 PROPOSAL

- 3.1 The application seeks full planning permission for the use of the land for residential use and ancillary day room. It was confirmed by the agent in the early stages of the application through correspondence that that application was made on the basis to provide accommodation for a gypsy/traveller.
- 3.2 The structures are to be located to the rear of 92 High Street with the mobile home lying parallel with boundary to no84A High Street and the day room offset to the south-west. The latter will house a day room, bathroom and kitchen facility and is to measure 3.4 x 6.5m with a shallow pitched roof. Timber cladding is proposed with a clay tiled roof.
- 3.3 The agents Planning Statement states that 'The proposed caravans will conform to the definition within Section 29(1) of the Caravan Sites and Control of Development Act 1960 and Section 13(1) of the Caravan Sites Act 1968 and therefore plans and elevations of individual units are not required.'
- 3.4 The submitted site plan also indicates provision for two vehicles with a turning area to the south-western corner of the site and the installation a bin store adjacent to the boundary with no84A High Street. An existing close boarded timber fence is in existence to the northern and southern boundaries with proposed root protection areas to the existing trees that are to be retained.
- 3.5 Full plans and associated documents for this application can be found at:

<https://www.publicaccess.fenland.gov.uk/publicaccess/applicationDetails.do?keyVal=RILTJKHE06P00&activeTab=summary>

4 SITE PLANNING HISTORY

- 4.1 F/YR20/0119/F | Erect single-storey 3-bed dwelling - Refused
- 4.2 F/YR20/0581/F | Erect single-storey 3-bed dwelling - Refused

5 CONSULTATIONS

- 5.1 **County Archaeology** – *No objections or requirements for the proposed development*
- 5.2 **Chatteris Town Council** – *Recommend refusal. Access is unsuitable. Poor visibility for vehicles leaving the site as opening is too narrow and is on a bend in the road*
- 5.3 **County Highways** - *There are two recently refused planning applications for a dwelling in the same location (ref: F/YR20/0119/F and F/YR20/0581/F). Both applications were refused on highway safety grounds, amongst other considerations.*

The change of a permanent dwelling to a mobile home makes no difference in terms of highways impacts at the access. As such, the previous comments remain valid. The existing access lacks sufficient visibility for use by a single access and if it were proposed today, it would be refused. The intensification, while modest, arising from an additional dwelling will result in increased risk of collision, particularly with passing pedestrians. As such, I object to the application.

For context, a shared use access should meet the following criteria: Standard requirement Proposed 5m wide for at least the first 8m to allow two domestic vehicles to pass and mitigate the risk of reversing onto the highway 3.3m at access. Note Building Regulations Part B5 state for fire tender access, a minimum of 3.1m at gates is permitted but 3.7m is the recommended minimum width of roads kerb to kerb (or in this case building to building). 2m x 2m pedestrian visibility splays, measured to the nearside footway edge. The splays must be kept clear from a height of at least 600mm and be contained within the application boundary and / or the highway boundary. There is zero pedestrian visibility, meaning there is a risk that exiting vehicle will collide with passing pedestrians. 2.4m x 4.3m inter-vehicular visibility splays, measured to the nearside carriageway edge. Visibility splays to the centreline (to the left on exit) are only accepted where vehicles cannot overtake. A reduction will be accepted proportional to the 85th percentile observed vehicle speeds. 2.4m x 4.5m / 2.4m x 4.3m. A reduction in the x-distance (2.4m) is not accepted as this is to account for vehicle bonnet length. To reduce this, risk clipping of the bonnet by passing vehicles. Within the site, parking and turning arrangements are acceptable, but I do note that the location of the proposed parking clashes with a tree protection fence. I recommend that you consult with FDC's waste collection team as I note the bin store is remote from the highway, presumably the collection point.

- 5.4 **Conservation Officer** - *This application concerns the siting of a mobile home for residential use and erection of an ancillary day room on land to the southwest of 92 High Street, Chatteris. The site lies within Chatteris Conservation Area and in close proximity to No. 84 High Street, Chatteris which is Grade II listed.*

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

Consideration is given to the impact of this proposal on the character and appearance of Chatteris Conservation Area with special attention paid to the desirability of preserving or enhancing the character or appearance of that area

according to the duty in law under S72 Planning (Listed Buildings and Conservation Areas) Act 1990.

Relevant planning history associated with the site is under planning ref: F/YR20/0119/F for the erection of a 3 bed dwelling bungalow which was refused on a number of grounds pertaining to access and occupier amenity. Also, an application for 2 bungalows on a site to the rear of No. 94 High Street has been previously refused (F/0834/88/O) on the grounds that piecemeal development on backland would be out of character with this part of the town, to the detriment of adjacent residents and that the access would have a detrimental impact upon the attractiveness and future well-being of the listed building at No. 94 High Street.

The proposal put forward is not acceptable. The following comments are made: Historically this area was dominated and characterised by mediaeval burgage plots. These are still readable in plan form and maps, though many buildings along the frontage have been altered, enlarged or rebuilt.

It lies immediately adjacent to a listed building, which turns its back on the plot and is bounded by a high garden wall. It is felt therefore that this proposal will not affect the setting of the listed building. Though some adjacent development has taken place nearby at Ash Grove and Quaker Way, a large number of plots remain recognisable as burgage plots. It is within this context that this proposal is considered.

Development in this area would impact on the character of the conservation area by further eroding the settlement morphology of the area. The refusal of this application would be consistent with the refusal of the application referenced above and in line with a recent appeal against refusal to grant planning permission at land to the rear of No. 107 High Street, Chatteris. The appeal was dismissed by the Inspector on grounds that “the proposal would further erode the legibility and significance of the mediaeval burgage feature” and that consequently it would fail to meet “desirable outcome of preserving or enhancing the character or appearance of a conservation area”. This accords with the NPPF paragraph 193, which states that when considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset’s conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss, or less than substantial harm to its significance (REF: APP/D0515/W/W19/3221692).

These comments apply equally to this case, despite the proposal changing from a bungalow to a mobile home the issues are the same and are in line with the comments made for the refused 3 bed bungalow that preceded this application (planning ref: F/YR20/0119/F). I therefore recommend that this application is refused.

5.5 Local Residents/Interested Parties

Objectors – 6no letters of objection from residents within Chatteris. Points summarised below:

- Access issues
- Antisocial behaviour
- Density/Overdevelopment
- Devalue property
- Not policy compliant

- Drainage issues
- Environmental concerns
- Flooding
- Loss of view/outlook
- Noise
- Parking arrangements
- Proximity to property
- Shadowing/loss of light
- Traffic impact
- Visual impact
- Waste/litter
- Wildlife concerns
- Question their gypsy status

Supporters – 34 letters of support from residents within Chatteris; 9 letters of support from residents outside the settlement of Chatteris (Sutton, March, Huntingdon, Ely)

- Add more to the High Street
- Great to see area being developed
- No detrimental issues
- Provides housing for a small family
- No concerns sharing an access
- Prefer the land to be used for residential than any other use
- Would support a young, hard working family
- Safe environment

6 STATUTORY DUTY

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014).
- 6.2 The Council has a duty Under the Equality Act 2010, Section 149, to have due regard to the need to:
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

7 POLICY FRAMEWORK

Planning Policy for Traveller Sites August 2015

Policy B – Planning for traveller sites

Policy H – Determine planning application for traveller sites

Policy I – Implementation

National Planning Policy Framework (NPPF)

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

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

Para 11: Presumption in favour of sustainable development

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

Para 119: Promote effective use of land

Para 123: Take a positive approach to alternative land uses

Para 124: Making efficient use of land (density - need & character)

Para 159: Development should be directed away from areas at highest risk of flooding.

Para 161: Need to apply the sequential and exceptions tests.

Para 193: Considering the impact of a proposed development on the significance of a heritage asset

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

LP5 – Meeting Housing Need

LP12 – Rural Areas Development Policy

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

Emerging Local Plan

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

LP1 – Settlement Hierarchy

LP4 – Securing Fenland's Future

LP7 – Design

LP14 – Gypsies and Travellers and Travelling Showpeople

LP20 – Accessibility and Transport

LP22 – Parking provision

LP23 – Historic Environment

LP24 – Natural Environment

LP25 – Biodiversity Net Gain

LP27 – Trees and Planting

LP28 – Landscape

LP32 – Flood and Water Management

8 KEY ISSUES

- Principle of Development
- PPTS
- Character and Appearance/Impact upon Heritage Assets
- Highway safety
- Other Issues

9 BACKGROUND

- 9.1 An initial application for the erection of a 3 bed detached dwelling was refused 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 paragraphs 108 and 110) 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 shared driveway is considered to be inadequate to serve the proposed development by reason of its restricted width along its length which could result in conflict between pedestrians and vehicles together with the lack of passing places and restricted visibility at its junction with High Street. As a result, safe and suitable access to the site for all people as required in the NPPF would not be achieved. Policy LP15 (c) is consistent with the NPPF in requiring well designed, convenient and safe access for all. The proposal would conflict with Policy LP15 (c) of the Fenland Local Plan 2014, and paragraphs 108 and 110 of NPPF.

2. The Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste and Management Design Guide SPD, Policy DM4 of the Delivering and Protecting High Quality Environments in Fenland - SPD - July 2014 and 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. In view of the site location and relationship with the adopted highway the proposal will result in bins being carried over 45m from the storage area to a required collection point within 10 metres (maximum) of the highway, which is in excess of the recommended distance of 30m, as such the development is considered to be contrary to Policy LP16 (f) of the Fenland Local Plan 2014 and Policy DM4 of the Delivering and Protecting High Quality Environments in Fenland - SPD - July 2014.

3. Policies LP2 and LP16 of the Fenland Local Plan 2014 seeks to achieve high quality environments for existing and future residents in Fenland with high standards of residential amenity. The position of the dwelling will result in a detrimental impact on neighbouring dwellings and their amenities, and due to the close proximity of the dwelling to the north and east boundary fences will also result in a poor form of habitable accommodation with low levels of amenity to the detriment of future occupiers. The proposal is therefore considered contrary to Policies LP2 and LP16 (d) and (e) of the Fenland Local Plan 2014 and C1 of the National Design Guide 2019.'

- 9.2 Subsequent application F/YR20/0581/F proposed a single storey, 3 bed detached dwelling. This was refused for the same reasons as those referenced above.

10 ASSESSMENT

Principle of Development

- 10.1 The proposal is for the provision of a mobile home and day room for residential use. The application site is located within the Market Town of Chatteris which is

one of four settlements within which the majority of the district's new housing, employment growth, retail, growth and wider service provision should take place.

- 10.2 Alongside LP3, Policy LP10 focuses on Chatteris as being an area for some growth, with development contributing to retaining its character. There are some examples of backland development in the vicinity of the site, in particular 82 and 84A High Street to the east. There are no specific policies that oppose the principle of backland development within the local plan.
- 10.2 Policy LP5 (Part D) relates to Gypsy and Travellers and advises on the criteria used to assess suitable new site and associated facilities, inter alia, (b) the site should provide a settled base and be located within reasonable travelling distance of a settlement which offers local services and community facilities, including a primary school.
- 10.3 Para 26 of the PTTS states that when considering applications, local planning authorities should attach weight to certain criteria, inter alia, (a) effective use of previously developed (brownfield), untidy or derelict land.
- 10.3 The site is located within the Market Town of Chatteris, as such, the overall principle of the provision of a Traveller site is supported subject to consideration of all other matters addressed below.

Planning Policy for Traveller Sites- Policies and criteria

- 10.4 Limited information was submitted with the application upfront with regards to intended occupier. In correspondence with the agent, it was subsequently confirmed that the application had been made to provide accommodation for a gypsy/traveller.

- 10.5 Annex 1 of the PPTS sets out the clear definition of "gypsies and travellers":

'Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such'.

- 10.6 It further states that:

'In determining whether persons are "gypsies and travellers" for the purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters: a) whether they previously led a nomadic habit of life b) the reasons for ceasing their nomadic habit of life c) whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances'.

- 10.7 The PPTS definition was successfully challenged in the Court of Appeal in October 2022 in respect of the removal of the phrase "or permanently" from the above definition in respect of persons who have ceased to travel when the definition was updated with the 2015 version.
- 10.8 The Council need to be satisfied that it is likely that the intended occupier meets the definition as referenced above. Given the complexities of such determination barrister opinion was sought in December 2022.

- 10.9 The status of the intended occupier is highly relevant to the determination of the application, and, in summary, the legal opinion concludes that there is insufficient evidence to satisfy the Council that the intended occupier meets the definition referenced above. Given this, any personal circumstances cannot be used to 'tip the balance' and therefore application of the PPTS and Policy LP5, Part D is not therefore required.

Character and Appearance/Impact upon Heritage Assets

- 10.10 Policy LP16 requires all new development to; (c) retain and incorporate natural and historic features of the site such as trees, hedgerows, field patterns, drains and water bodies (d) Make a positive contribution to local distinctiveness and character of the area, enhance its local setting, respond to and improve the character of the local built environment, provides resilience to climate change, reinforce local identity and does not adversely impact , either in design or scale terms, on the street scene, settlement pattern or landscape character of the surrounding area whilst Policy LP18 seeks to protect, conserve and seek opportunities to enhance the historic environment throughout the Authority.
- 10.11 The proposed mobile home and utility/day room are single storey in height and would be positioned approximately 61 metres away from the High Street and behind existing built form, therefore, in essence, is backland development. Given that caravans are nearly always white or cream in colour, it is quite difficult to ensure that they do not have an unacceptable impact on the appearance or character of an area.
- 10.12 It is proposed that the timber cladding, slate roof and timber window and door frame would be used in the construction of the utility room/day room. The external materials proposed are considered sympathetic and given that the site is enclosed by built form and would be tucked around the back of such, there will be minimal visual impact from a street scene perspective.
- 10.13 Notwithstanding the above, however, the site lies within the Chatteris Conservation Area and in close proximity to No. 84 High Street, Chatteris which is Grade II listed. Consideration is given to the impact of the proposal on the architectural and historic interests of an adjacent listed building with special regard paid to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses according to the duty in law under S66 Planning (Listed Buildings and Conservation Areas) Act 1990.
- 10.14 Consideration is given to the impact of this proposal on the character and appearance of Chatteris Conservation Area with special attention paid to the desirability of preserving or enhancing the character or appearance of that area according to the duty in law under S72 Planning (Listed Buildings and Conservation Areas) Act 1990.
- 10.15 Relevant planning history associated with the site is under planning ref: F/YR20/0119/F for the erection of a 3 bed dwelling bungalow which was refused on a number of grounds pertaining to access and occupier amenity. Also, an application for 2 bungalows on a site to the rear of No. 94 High Street has been previously refused (F/0834/88/O) on the grounds that piecemeal development on backland would be out of character with this part of the town, to the detriment of

adjacent residents and that the access would have a detrimental impact upon the attractiveness and future well-being of the listed building at No. 94 High Street.

- 10.16 Historically this area was dominated and characterised by mediaeval burgage plots. These are still readable in plan form and maps, though many buildings along the frontage have been altered, enlarged or rebuilt. It lies immediately adjacent to a listed building, which turns its back on the plot and is bounded by a high garden wall. It is felt therefore that this proposal will not affect the setting of the listed building. Though some adjacent development has taken place nearby at Ash Grove and Quaker Way, a large number of plots remain recognisable as burgage plots. It is within this context that this proposal is considered.
- 10.17 Development in this area would impact on the character of the conservation area by further eroding the settlement morphology of the area. The refusal of this application would be consistent with the refusal of the application referenced above and in line with a recent appeal against refusal to grant planning permission at land to the rear of No. 107 High Street, Chatteris. The appeal was dismissed by the Inspector on grounds that “the proposal would further erode the legibility and significance of the mediaeval burgage feature” and that consequently it would fail to meet “desirable outcome of preserving or enhancing the character or appearance of a conservation area”. This accords with the NPPF paragraph 193, which states that when considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset’s conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss, or less than substantial harm to its significance (REF: APP/D0515/W/W19/3221692).
- 10.18 The Councils Conservation Officer raises an objection and states that the comments within the appeal decision are given weight and apply equally to this case, despite the proposal changing from a bungalow to a mobile home. The issues are the same and are in line with the comments made for the refused 3 bed bungalow that preceded this applications (planning ref: F/YR20/0119/F and F/YR20/0581/F).

Highway Safety

- 10.19 The site is proposed to be served by the existing vehicular access from the High Street. The Local Highway Authority were consulted and cite the two recently refused planning applications for a permanent dwelling in the same location (ref: F/YR20/0119/F and F/YR20/0581/F). Both applications were refused on highway safety grounds, amongst other considerations.
- 10.20 From a Highways perspective, the change of a permanent dwelling to a mobile home makes no difference in terms of highways impacts at the access. As such, comments made for the previous applications remain valid. The existing access lacks sufficient visibility for use by a single access and, if this was proposed today, it would be refused. The intensification, while modest, arising from an additional dwelling will result in increased risk of collision, particularly with passing pedestrians.
- 10.21 For context, and as referenced in the Consultees section, Highways have stated the criteria that should be adhered to in respect of the width of the access and visibility splays.

- 10.22 Within the site, parking and turning arrangements are acceptable, but it is noted that the location of the proposed parking clashes with a tree protection fence. Further to this, it is to be noted that the bin store is remote from the highway, which presumably would be the collection point.
- 10.23 Given the comments from Highways, and the planning history to the site in this regard, an objection has been raised with the proposal failing to comply with LP15 of the Fenland Local Plan 2014.

Residential Amenity

- 10.24 As a backland development site, there is the potential for the proposal to adversely impact upon neighbouring residential amenity. The nearest properties to the development site are along Quaker Way to the west and 84A to the east.
- 10.25 The rear elevations on Quaker Way are set approximately 8m from the boundary with the development site. The limitation of the proposed mobile home as single storey does ensure that any significant overlooking is avoided due to the existing 1.8m fencing and brick wall around the site.
- 10.26 84A High Street lies to the east of the site. The site plan shows a distance of 3m will be retained to the common boundary and a distance of approximately 25m to the rear elevation of the dwelling. There is an intervening close boarded fence 1.8m in height.
- 10.27 Site history is such that two previous applications were refused for the erection of a bungalow on the site. Both these refusals included a residential amenity reason referring to the close relationship of the proposed dwelling with the boundaries which would lead to an adverse impact upon the amenity of residents adjacent. Further to this, and given the proximity to the boundaries, the plans failed to demonstrate sufficient private occupant amenity space. This application sees the provision of a mobile home set in 3m from both the north-west and north-eastern boundaries and proposes this to be reoriented from the previous refusals therefore alleviating the concerns raised previously in respect of impact upon the neighbours amenity. There also proposes the provision of a dayroom sited at right angles and to the south-west of the mobile home with occupants private amenity space provided to the rear of the dayroom which equates to approximately 65 sq m and considered sufficient in this regard factoring in the footprint of the mobile home and the requirement to provide sufficient parking and turning space within the site. Given the above, it is considered that these overcome the previous residential amenity concerns.

Bin Collection

- 10.28 The existing dwellings along High Street currently utilise the access road between 84 and 86 High Street to provide access and egress for their refuse collection bins from their rear gardens to kerbside along High Street. Any future development would be required to present their bins for collection kerbside on High Street, or have a bin collection point sited no further than 10m down a shared driveway with a drag distance of no more than 30m.
- 10.29 It is noted that a bin storage area is located adjacent to the access road on the eastern boundary of the site and that the proposed bin collection point is located along the access driveway. This bin collection point is shown positioned approximately 25m from kerbside on High Street, and approximately 30m from

the bin storage area at the development site. However, within the above guidelines, the collection point should be sited no more than 10m from the highway, yet repositioning of this collection point will mean the overall drag distance from the proposed development will be more than 30m, in excess of the recommended drag distance contained within the RECAP guidance. Therefore, the issue of refuse collection is unable to be reconciled as it presents an unacceptable solution outside reasonable guidelines, resulting in poor residential amenity for future occupiers of the proposed dwelling contrary to Policy DM4 of the SPD July 2014.

Personal Circumstances

- 10.30 Under Section 149 of the Equality Act 2010, local authorities must have due regard to their public sector duty to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between persons with protected characteristic and those that do not share them.
- 10.31 Certain groups of ethnic gypsies and travellers have protected characteristics.
- 10.32 The Human Rights Act 1998 sets out various articles which deal with a different right. Of particular relevance are Article 14: Protection from discrimination in respect of the rights and freedoms and Article 8: Respect for your private and family life, home and correspondence and Protocol 1: Article 1 Right to Peaceful enjoyment of your property and Protocol 1: Article 2 Right to an education.
- 10.33 These rights do not necessarily carry more weight than established planning policies and planning for the public interest. Each case needs to be assessed on its merits.
- 10.34 Section 11 of the Children's Act 2004 (which gives effect to Article 3 of the United Nations Convention on the Rights of the Child) requires that the Council, in the discharge of its functions, is required to have regard to the need to safeguard and promote the welfare of children. The Courts have set out a number of principles to be followed when Section 11 (and Article 8) are engaged in planning applications; in summary the decision maker must identify the child's best interests, and such interests must be a primary consideration in determining the planning application.
- 10.35 Information was provided during the course of the application and a legal opinion sought which concludes that there is insufficient evidence to satisfy the Council that the intended occupier meets the definition referenced above. Given this, any personal circumstances cannot be used to 'tip the balance' in favour.

11 CONCLUSIONS

- 11.1 The existing shared driveway is considered to be inadequate to serve the proposed development by reason of its restricted width along its length which could result in conflict between pedestrians and vehicles together with the lack of passing places and restricted visibility at its junction with High Street. As a result, safe and suitable access to the site for all people as required in the NPPF would not be achieved. Policy LP15 (c) is consistent with the NPPF in requiring well designed, convenient and safe access for all. The proposal would conflict with Policy LP15 (c) of the Fenland Local Plan 2014, and paragraph 111 of the NPPF.

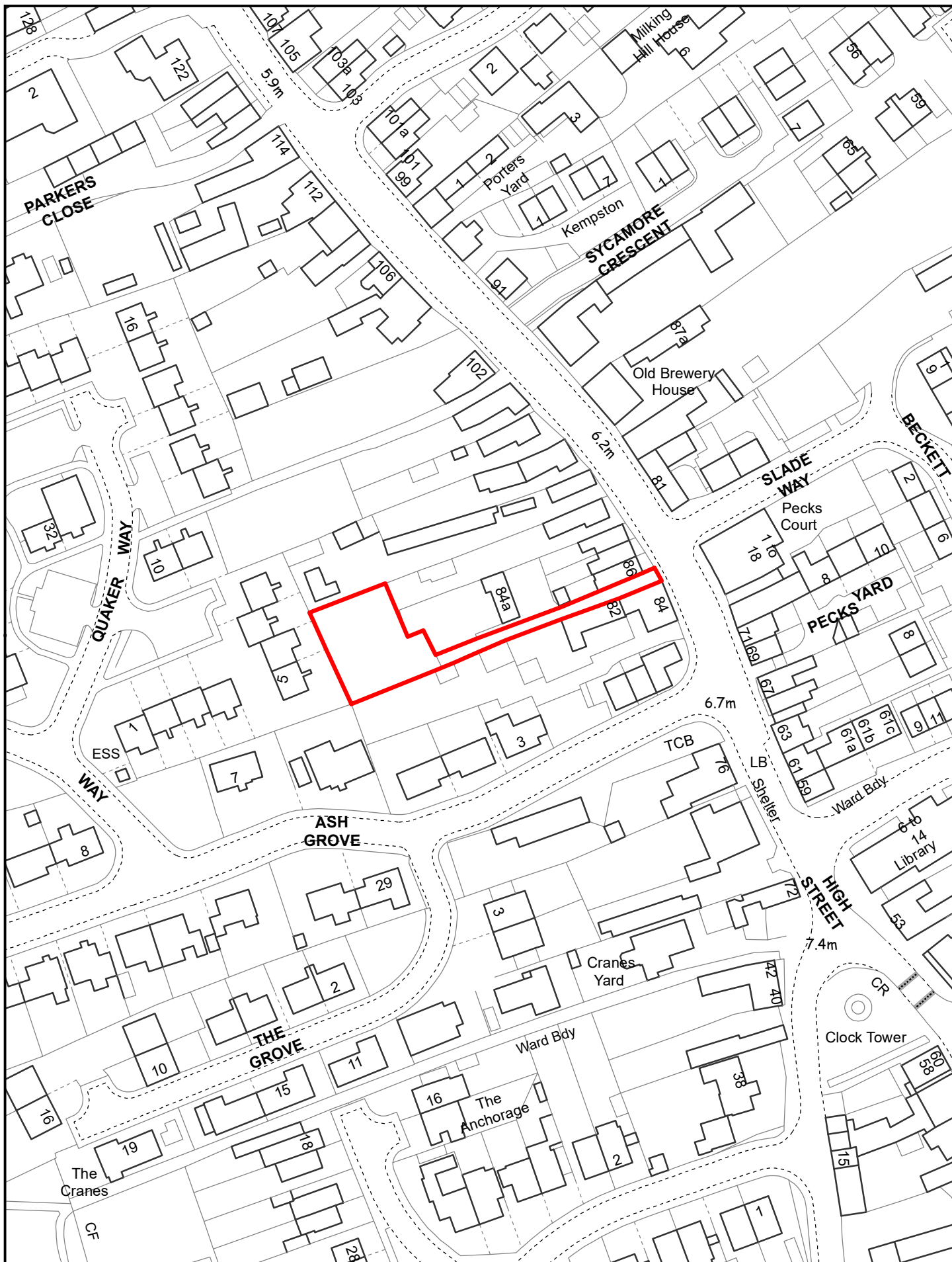
- 11.2 The proposal would further erode the legibility and significance of the mediaeval burgage feature and that consequently it would fail to meet the desirable outcome of preserving or enhancing the character or appearance of the Chatteris Conservation Area. The proposed development would therefore be contrary to Policies LP16 and LP18 of the Fenland Local Plan 2014, Sections 66 and 72 Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 16 of the NPPF.
- 11.3 In view of the site location and relationship with the adopted highway the proposal will result in bins being carried over 45m from the storage area to a required collection point within 10 metres (maximum) of the highway, which is in excess of the recommended distance of 30m, as such the development is considered to be contrary to Policy LP16 (f) of the Fenland Local Plan 2014 and Policy DM4 of the Delivering and Protecting High Quality Environments in Fenland - SPD - July 2014.
- 11.4 Personal information and evidence has been submitted with regards to the intended occupiers of the site. The case officer has carefully considered this evidence and sought a legal opinion which concludes there is insufficient evidence to satisfy the Council that the intended occupier meets the definition referenced above. Given this, any personal circumstances cannot be used to 'tip the balance' and therefore application of the PPTS and policy LP5, Part D is not therefore required.

11 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 111) 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 shared driveway is considered to be inadequate to serve the proposed development by reason of its restricted width along its length which could result in conflict between pedestrians and vehicles together with the lack of passing places and restricted visibility at its junction with High Street. As a result, safe and suitable access to the site for all people as required in the NPPF would not be achieved. Policy LP15 (c) is consistent with the NPPF in requiring well designed, convenient and safe access for all. The proposal would conflict with Policy LP15 (c) of the Fenland Local Plan 2014, and paragraph 111 of the NPPF.
2	Policy LP18 seeks to protect, conserve and seek opportunities to enhance the historic environment throughout the Authority. The proposal would further erode the legibility and significance of the mediaeval burgage feature and that consequently it would fail to meet the desirable outcome of preserving or enhancing the character or appearance of the Chatteris Conservation Area. The proposed development would therefore be contrary to Policies LP16 and LP18 of the Fenland Local Plan 2014, Sections 66 and 72 Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 16 of the NPPF.
3	The Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste and

	<p>Management Design Guide SPD, Policy DM4 of the Delivering and Protecting High Quality Environments in Fenland - SPD - July 2014 and 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. In view of the site location and relationship with the adopted highway the proposal will result in bins being carried over 45m from the storage area to a required collection point within 10 metres (maximum) of the highway, which is in excess of the recommended distance of 30m, as such the development is considered to be contrary to Policy LP16 (f) of the Fenland Local Plan 2014 and Policy DM4 of the Delivering and Protecting High Quality Environments in Fenland - SPD - July 2014.</p>
--	--



Created on: 28/09/2022

© Crown Copyright and database rights 2022 Ordnance Survey 10023778

F/YR22/1084/F

Scale = 1:1,250





Site Plan Key/Legend	
	Residential gardens
	Grassed area
	Existing buildings/structures
	Existing hardstanding
	Existing hedgerow
	Existing trees
	Existing post & rail timber fence
	Existing close boarded timber fence
	Proposed mobile home
	Proposed utility/day room
	Proposed loose bound permeable hardstanding
	Proposed native hedge & tree planting
	Proposed root protection area (RPA)
	Proposed protective barrier
	Proposed hardstanding to be lifted and replaced/top-dressed
	Existing Manhole
	Proposed Foul drainage
	Indicative turning head
	Indicative parking space
	Proposed bin storage

P02	Initial Transmittal	P02	EG	22/09/2022
P01	Initial Transmittal	P01	EG	15/09/2022
Issue ID	Issue Name	Current Revision	Initials	Date

Do not scale from this drawing except for planning application purposes. The contractor is to check all site dimensions, levels and sewer inverts before works commence. This drawing must be checked and read against any structural or specialist consultant drawings. The contractor is to comply in all respects with the current Building Regulations and BS Codes of Practice whether or not specifically stated on these drawings. This drawing is not intended to show details of foundations, ground conditions or ground contaminants and confirmation and/or investigation is to be carried out by suitable experts. This drawing and the building works/designs depicted are the copyright of Green Planning Studio Ltd and are not to be reproduced in any form or by any means without the written consent of Green Planning Studio Ltd.
© Copyright 2022 Green Planning Studio Ltd



Client
Theresa Steer

Project
21_1189 84B Highstreet - Single gypsy/traveler pitch with dayroom.
84B Highstreet, Chatteris, Cambridgeshire, PE16 6NN

Drawing Title
Proposed Site Plan

Scale @A3 1:200	Date 22/09/2022	Drawn EG
Case No 21_1189	Status Initial Status	
Dwg No 003	Rev P02	

ISO 19650 No:
21_1189-GPS-ZZ-GF-DR-A-003

Green Planning Studio Ltd
Unit D Limesdale Upton Magna Business Park, SY4 4TT
t: +44 (0) 1743 709364
e: applications@gpsstd.co.uk
www.greenplanningstudio.co.uk

RIBA Chartered Practice



Site Plan Key/Legend	
	Residential gardens
	Grassed area
	Existing buildings/structures
	Existing caravan
	Existing hardstanding
	Existing hedge/grow
	Existing trees
	Existing Watercourse
	Existing post & rail timber fence
	Existing close boarded timber fence
	Existing gate
	Existing overgrown hardstanding

Issue ID	Issue Name	Current Revision	Initials	Date
P03	Initial Transmittal	P03		02/11/2023
P02	Initial Transmittal	P02	EG	22/09/2022
P01	Initial Transmittal	P01	EG	15/09/2022

Do not scale from this drawing except for planning application purposes. The contractor is to check all site dimensions, levels and sewer inverts before works commence. This drawing must be checked and read against any structural or specialist consultant drawings. The contractor is to comply in all respects with the current Building Regulations and BS Codes of Practice whether or not specifically stated on these drawings. This drawing is not intended to show details of foundations, ground conditions or ground contaminants and confirmation and/or investigation is to be carried out by suitable experts. This drawing and the building works/designs depicted are the copyright of Green Planning Studio Ltd and are not to be reproduced in any form or by any means without the written consent of Green Planning Studio Ltd.
 © Copyright 2022 Green Planning Studio Ltd



Client
Theresa Steer

Project
21_1189 84B Highstreet - Single gypsy/traveler pitch with dayroom.
 84B, Highstreet, Chatteris, Cambridgeshire, PE16 6NN

Drawing Title
 Existing Site and Block Plan

Scale @A2 1:500	Date 02/11/2023	Drawn EG
--------------------	--------------------	-------------

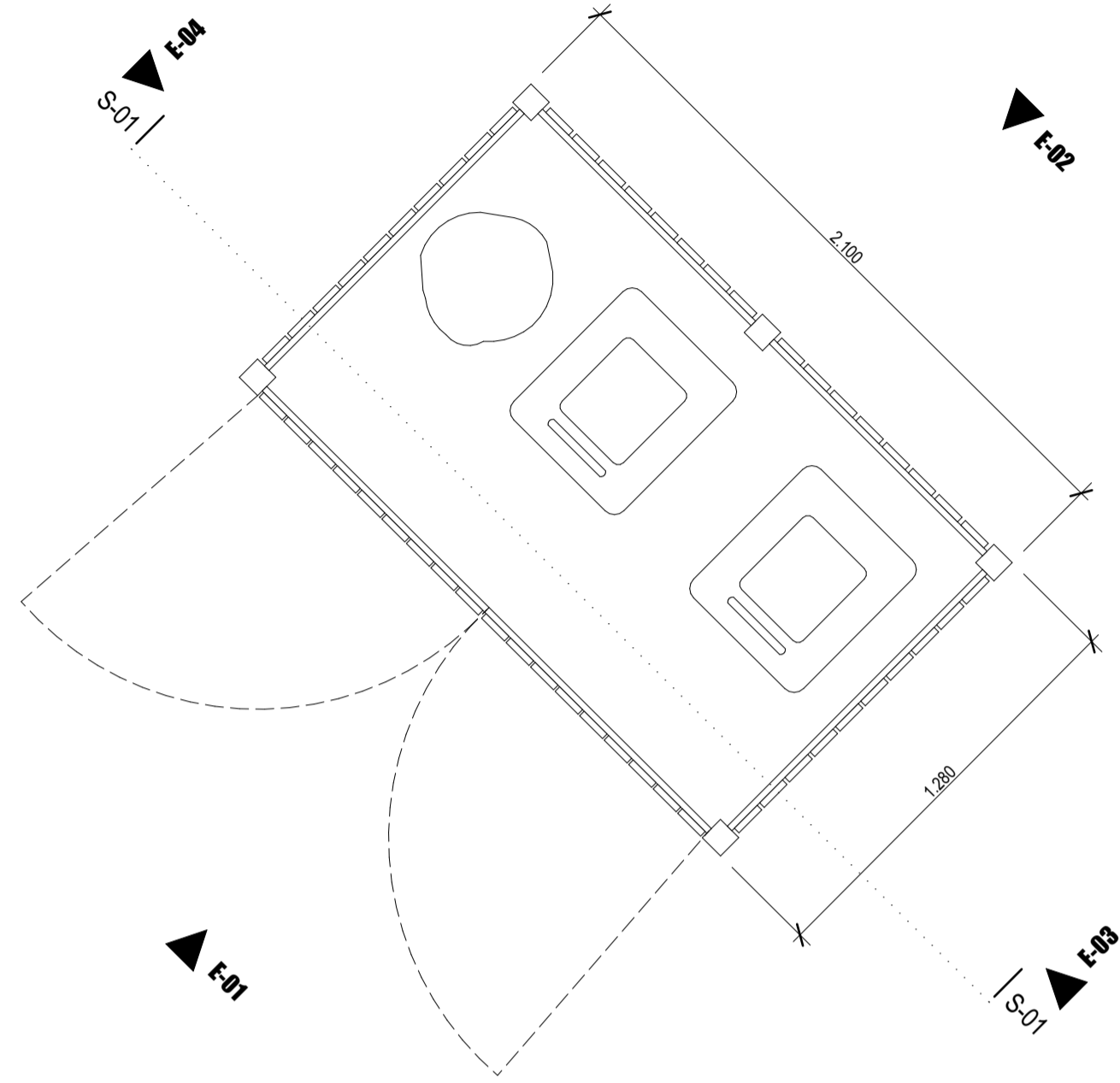
Case No 21_1189	Status Initial Status
---------------------------	--------------------------

Drg No 002	Rev P03
----------------------	-------------------

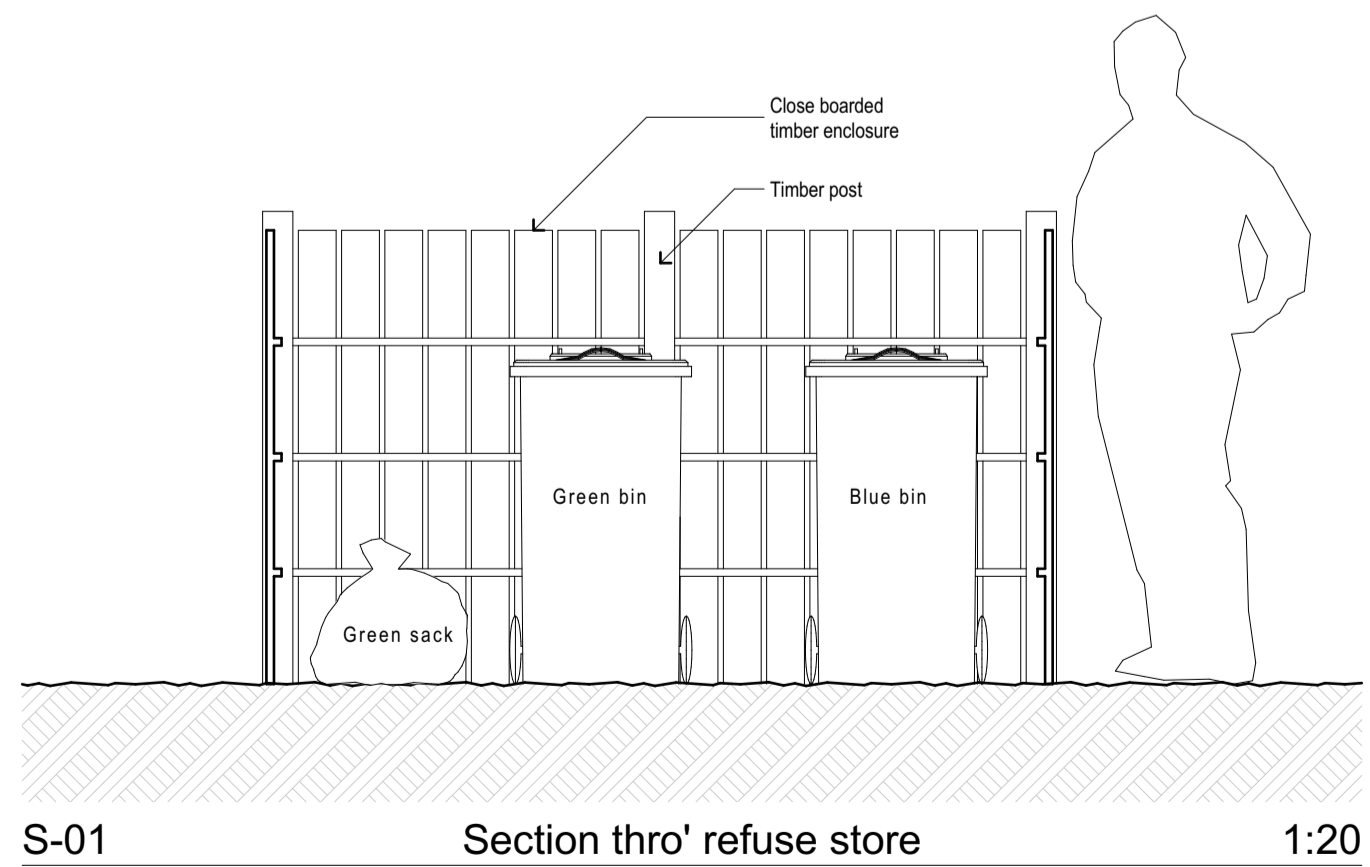
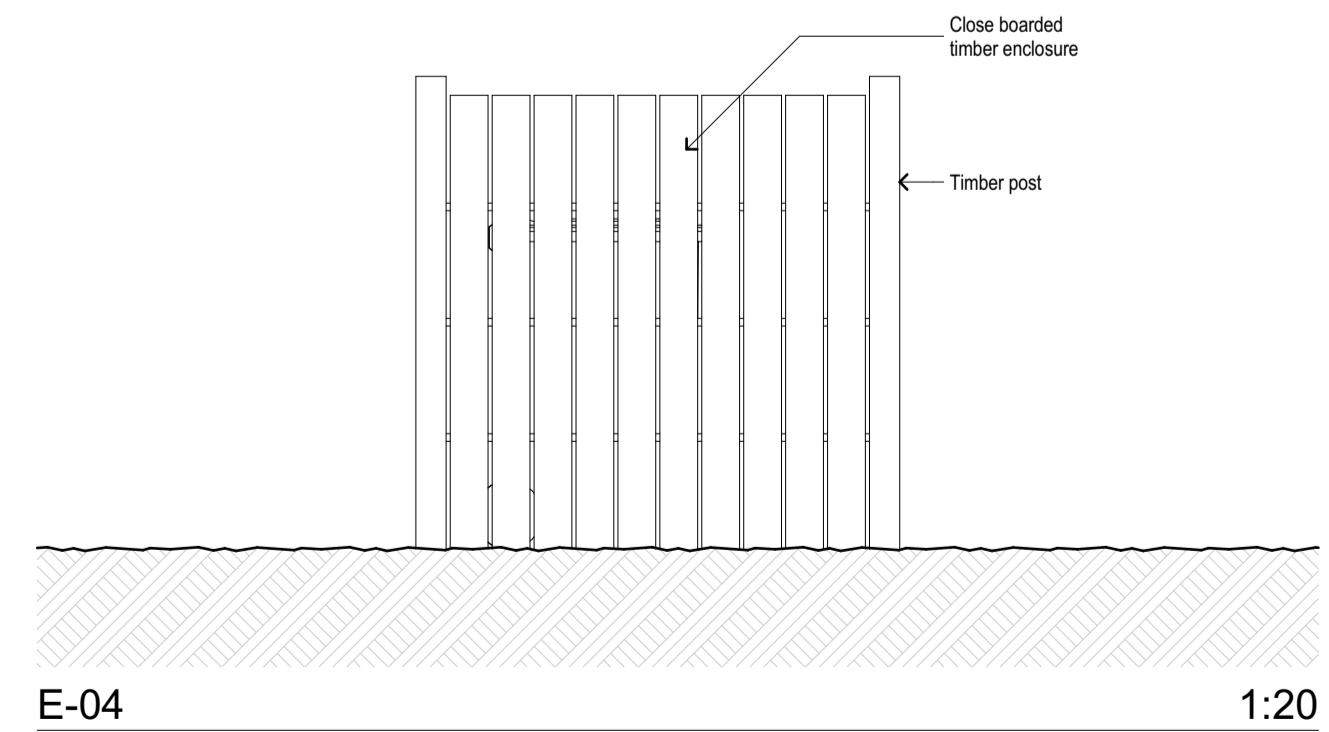
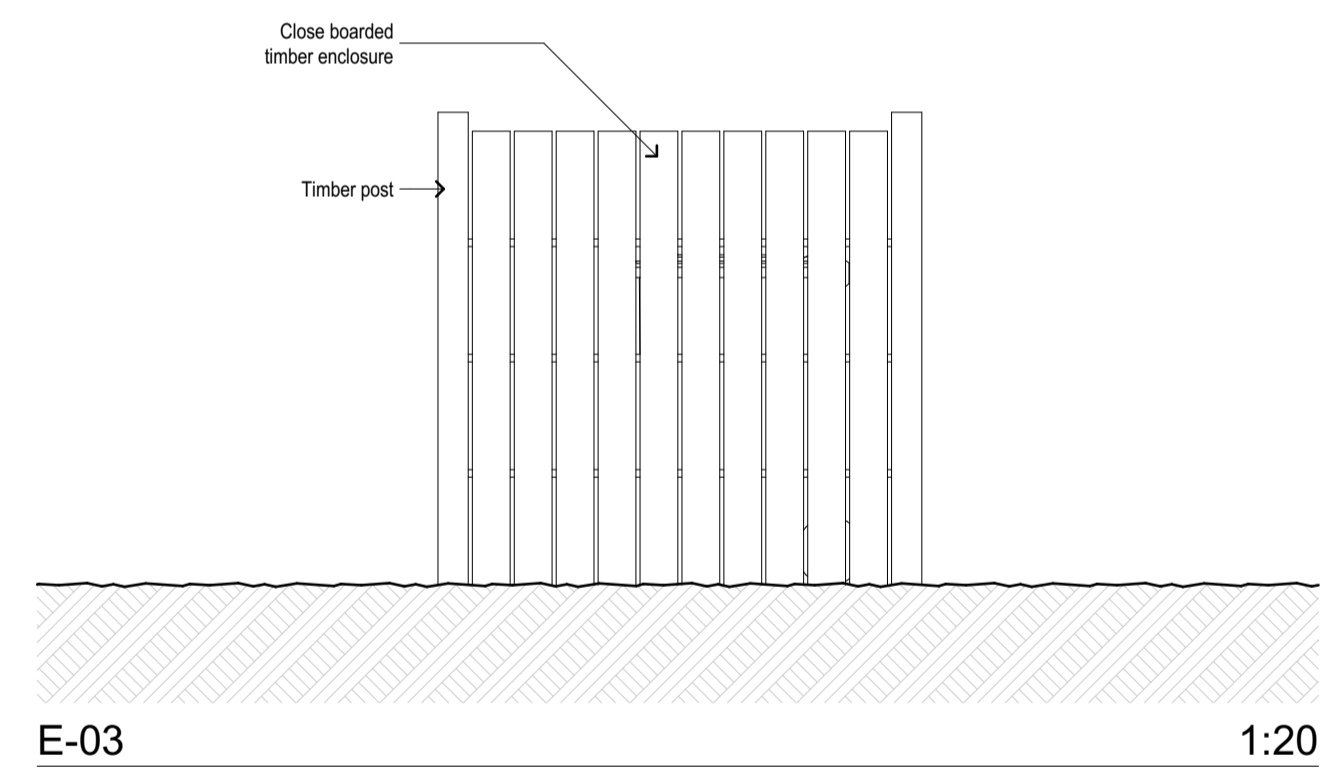
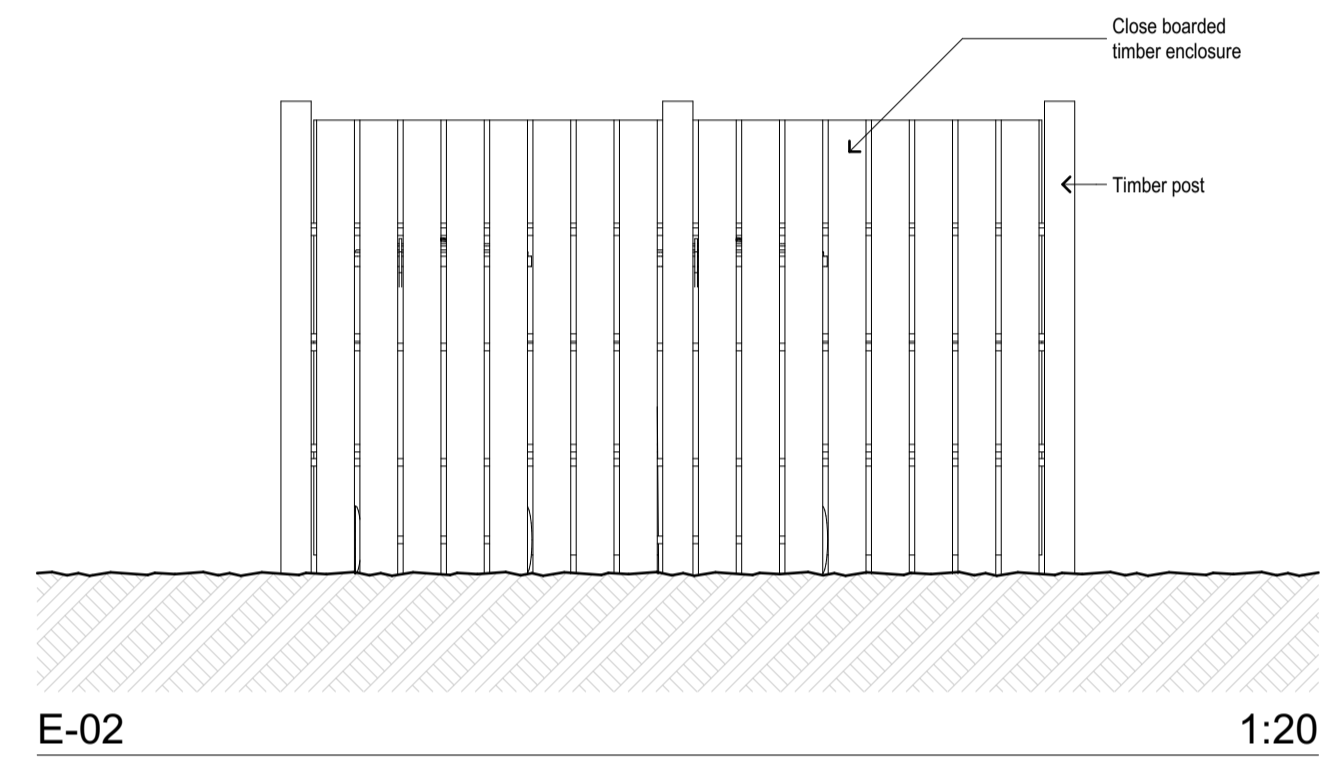
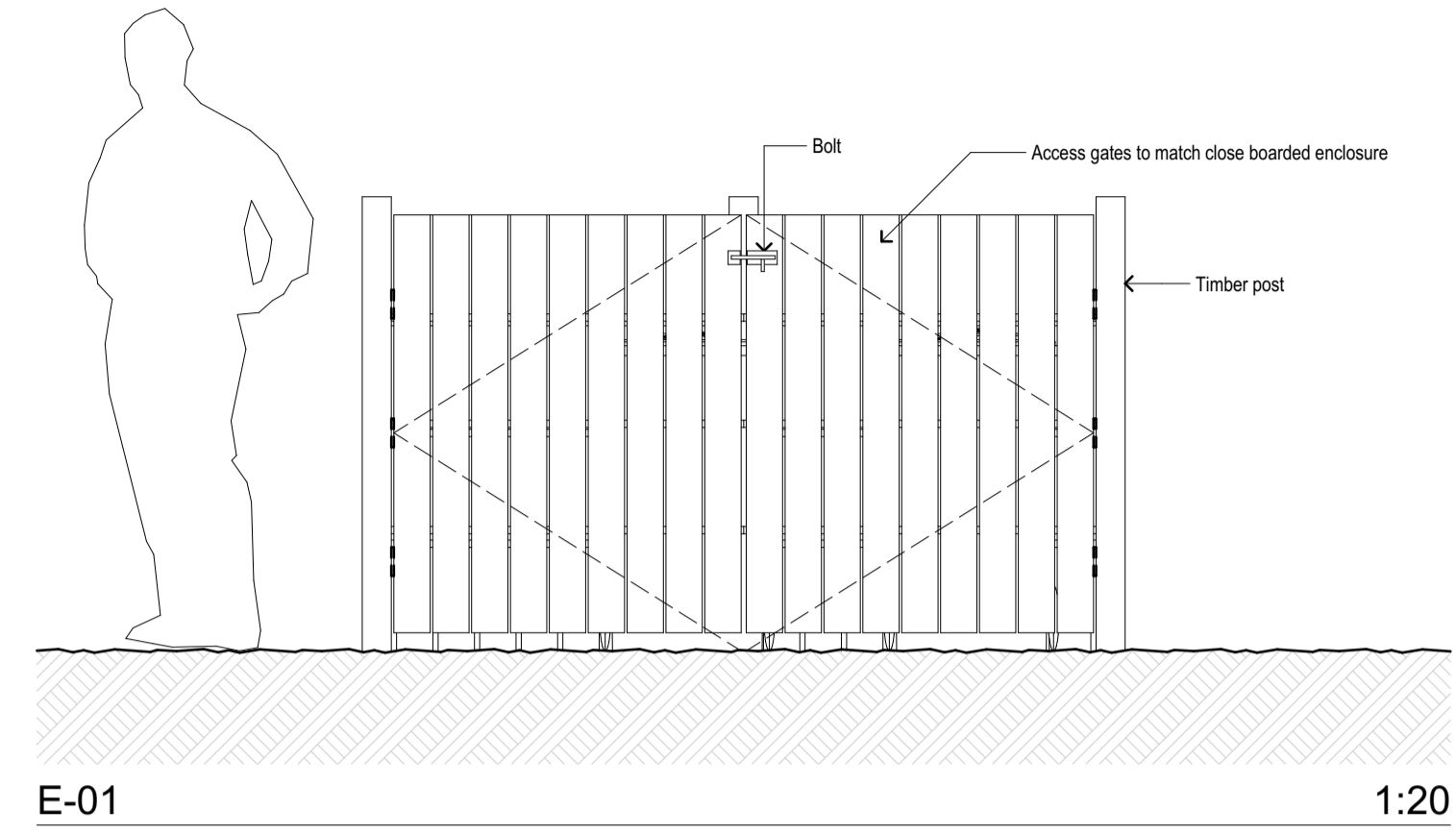
ISO 19650 No:
 21_1189-GPS-ZZ-GF-DR-A-002

Green Planning Studio Ltd
 Unit D Lunesdale, Upton Magna Business Park, SY4 4TT
 t: +44 (0) 1743 709364
 e: applications@gpsltd.co.uk
 www.greenplanningstudio.co.uk

RIBA
 Chartered Practice



0. Refuse store 1:20



Issue ID	Initial Transmittal Issue Name	Current Revision	Initials	Date
P02		P01	EG	22/09/2022

Do not scale from this drawing except for planning application purposes. The contractor is to check all site dimensions, levels and sewer inverts before works commence. This drawing must be checked and read against any structural or specialist consultant drawings. The contractor is to comply in all respects with the current Building Regulations and BS Codes of Practice whether or not specifically stated on these drawings. This drawing is not intended to show details of foundations, ground conditions or ground contaminants and confirmation and/or investigation is to be carried out by suitable experts. This drawing and the building works/designs depicted are the copyright of Green Planning Studio Ltd and are not to be reproduced in any form or by any means without the written consent of Green Planning Studio Ltd.
© Copyright 2022 Green Planning Studio Ltd

Green Planning Studio

Client
Theresa Steer

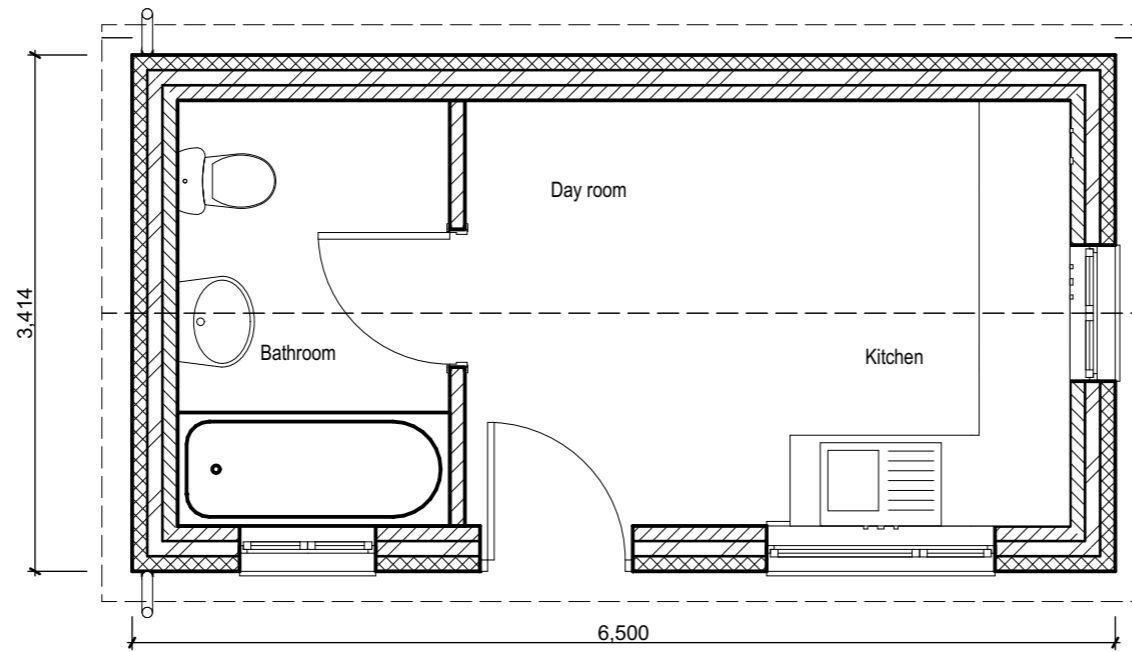
Project
21_1189 84B Highstreet - Single gypsy/traveler pitch with dayroom.
94S,
Highstreet,
Chatteris,
Cambridgeshire,
PE16 6NN

Scale	Date	Drawn
@A1 1:20	22/09/2022	EG
Case No	Status	Initial Status
21_1189		
Drng No	Rev	
007	P01	

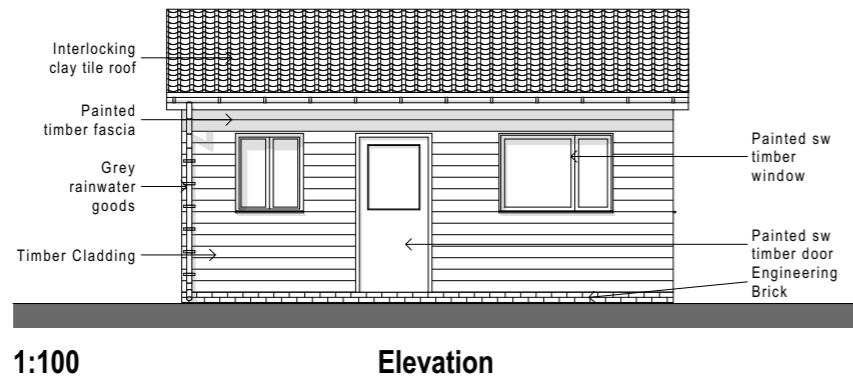
ISO 19650 No:
21_1189-GPS-ZZ-DR-A-007

Green Planning Studio Ltd
Unit D Limesdale, Upton Magna Business Park, SY4 4TT
t: +44 (0) 1743 705564
e: applications@gpsltd.co.uk
www.greenplanningstudio.co.uk

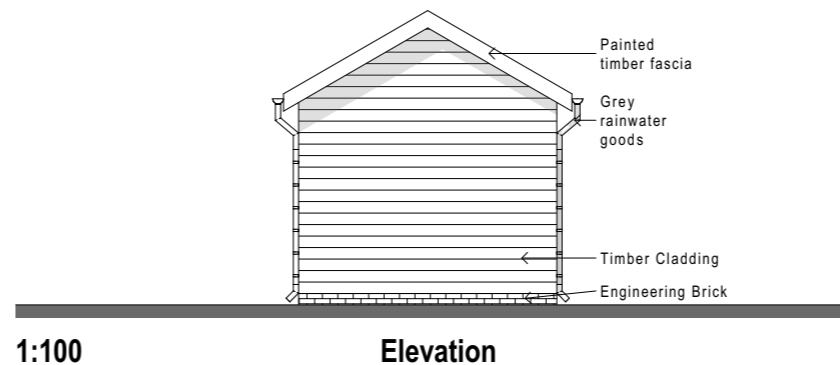
RIBA
Chartered Practice



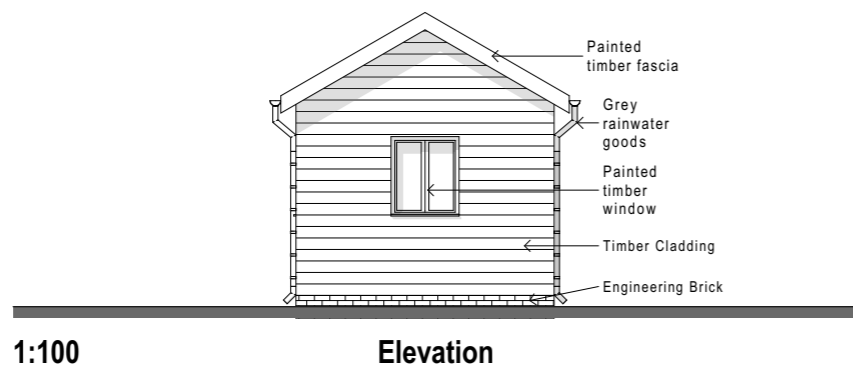
1:50 Utility/Day Room - Indicative layout



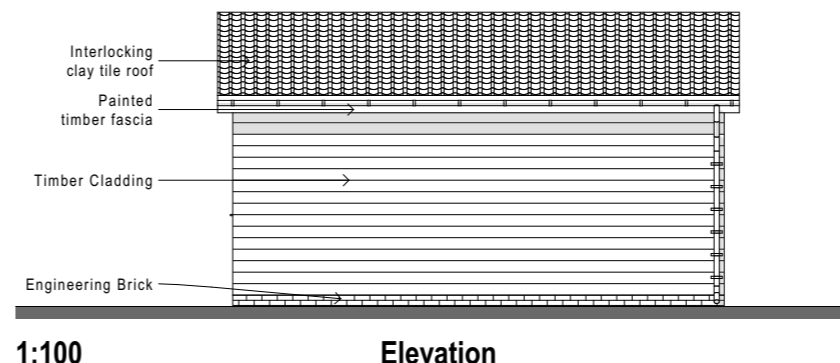
1:100 Elevation



1:100 Elevation



1:100 Elevation



1:100 Elevation

Issue ID	Issue Name	Current Revision	Initials	Date
P02	Initial Transmittal	P02	EG	22/09/2022
P01	Initial Transmittal	P01	EG	15/09/2022

Do not scale from this drawing except for planning application purposes. The contractor is to check all site dimensions, levels and sewer inverts before works commence. This drawing must be checked and read against any structural or specialist consultant drawings. The contractor is to comply in all respects with the current Building Regulations and BS Codes of Practice whether or not specifically stated on these drawings. This drawing is not intended to show details of foundations, ground conditions or ground contaminants and confirmation and/or investigation is to be carried out by suitable experts. This drawing and the building works/designs depicted are the copyright of Green Planning Studio Ltd and are not to be reproduced in any form or by any means without the written consent of Green Planning Studio Ltd.
© Copyright 2022 Green Planning Studio Ltd



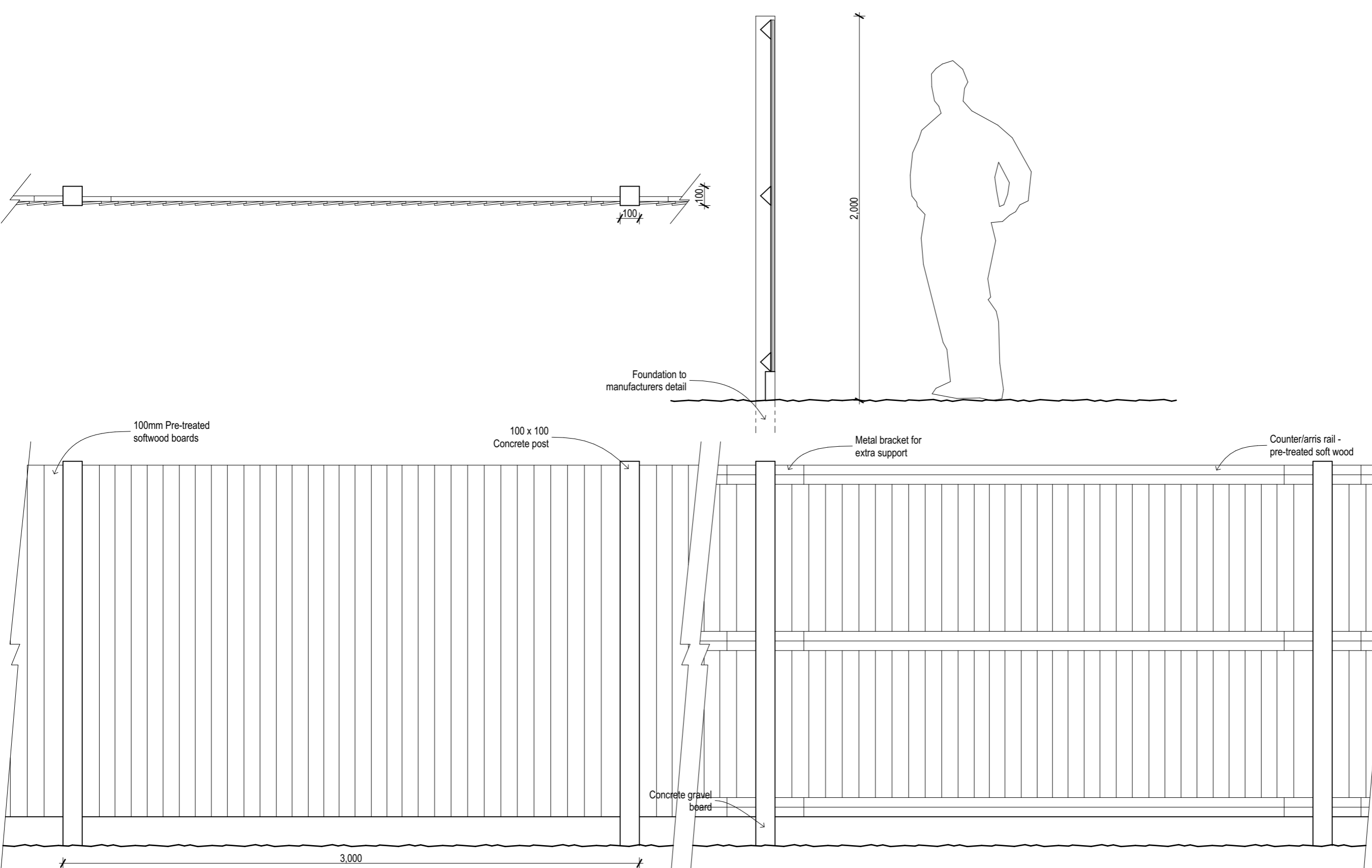
Client
Theresa Steer
Project
21_1189 84B Highstreet - Single gypsy/traveler pitch with dayroom.
84B Highstreet, Chatteris, Cambridgeshire, PE16 6NN

Drawing Title		
Scale @A3	Date	Drawn
1:50, 1:100	22/09/2022	EG
Case No	Status	
21_1189	Initial Status	
Dwg No	Rev	
005	P02	

ISO 19650 No:
21_1189-GPS-ZZ-ZZ-DR-A-005

Green Planning Studio Ltd
Unit D Lonsdale Upton Magna Business Park, SY4 4TT
t: +44 (0) 1743 709364
e: applications@gpsstd.co.uk
www.greenplanningstudio.co.uk

RIBA Chartered Practice



Typical close boarded fence panel details

Issue ID	Issue Name	Current Revision	Initials	Date
P02	Initial Transmittal	P01	EG	22/09/2022

Do not scale from this drawing except for planning application purposes. The contractor is to check all site dimensions, levels and sewer inverts before works commence. This drawing must be checked and read against any structural or specialist consultant drawings. The contractor is to comply in all respects with the current Building Regulations and BS Codes of Practice whether or not specifically stated on these drawings. This drawing is not intended to show details of foundations, ground conditions or ground contaminants and confirmation and/or investigation is to be carried out by suitable experts. This drawing and the building works/designs depicted are the copyright of Green Planning Studio Ltd and are not to be reproduced in any form or by any means without the written consent of Green Planning Studio Ltd.
© Copyright 2022 Green Planning Studio Ltd



Client
Theresa Steer

Project
21_1189 84B Highstreet - Single gypsy/traveler pitch with dayroom.
84B Highstreet, Chatteris, Cambridgeshire, PE16 6NN

Drawing Title
Proposed Fence Details

Scale @A3 1:20	Date 22/09/2022	Drawn EG
Case No 21_1189	Status Initial Status	
Dwg No 006	Rev P01	

ISO 19650 No:
21_1189-GPS-ZZ-ZZ-DR-A-006

Green Planning Studio Ltd
Unit D Limesdale Upton Magna Business Park, SY4 4TT
t: +44 (0) 1743 709364
e: applications@gpsstd.co.uk
www.greenplanningstudio.co.uk



This page is intentionally left blank

F/YR23/0241/O

Applicant: Mr P Gumbley

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

Land South Of 2B And 2C, Bridge Lane, Wimblington, Cambridgeshire

Erect up to 9 x dwellings (outline application with all matters reserved)

Officer recommendation: Refuse

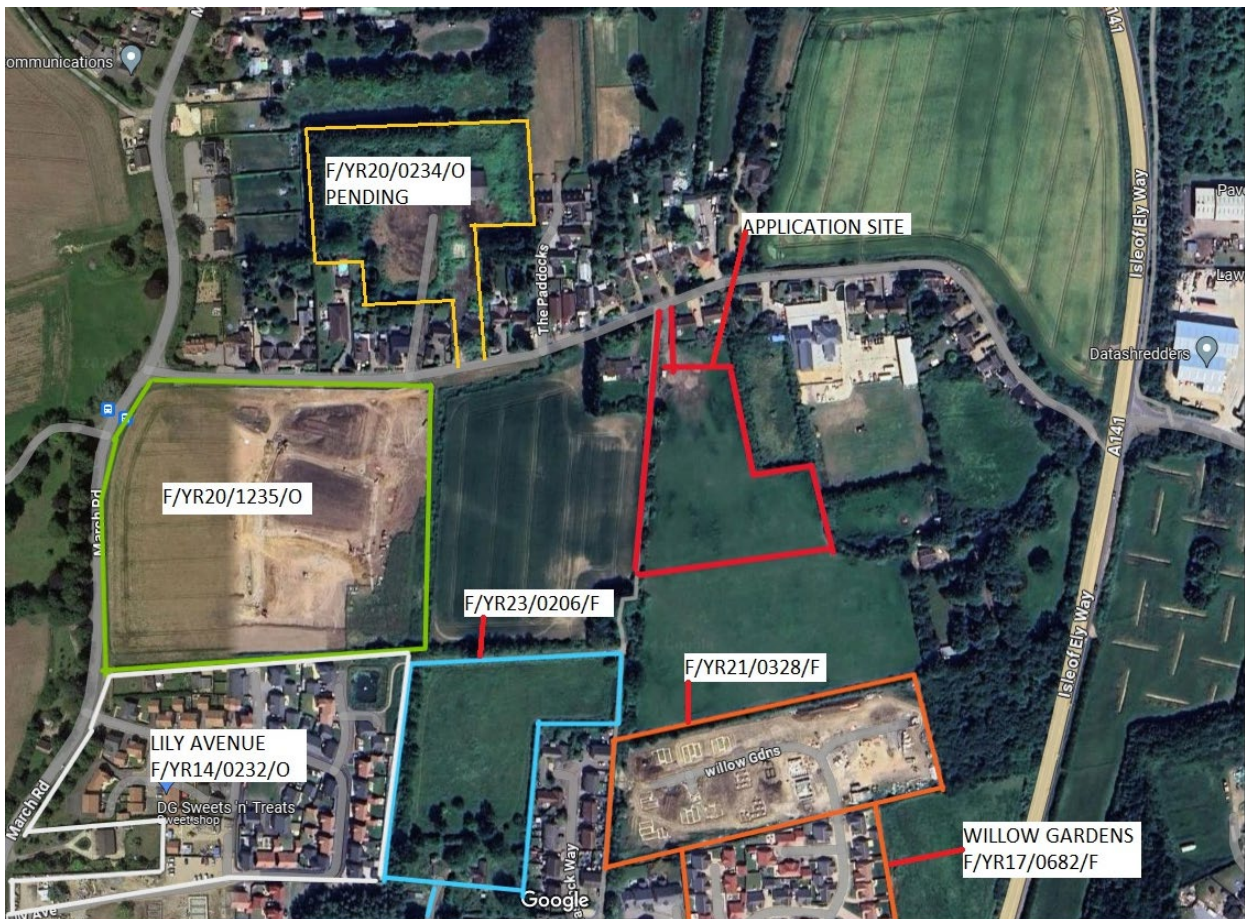
Reason for Committee: Number of representations contrary to Officer recommendation

1 EXECUTIVE SUMMARY

- 1.1 This application seeks outline planning permission for up to 9 dwellings with all matters reserved on an area of land covering some 1 ha to the rear of 2b and 2c Bridge Lane.
- 1.2 The proposal would result in large scale in-depth development in an area rural in character and characterised mainly by frontage development and would erode an important visual gap and area of separation between this part of Bridge Lane and the main built form of Wimblington. The proposal is therefore contrary to Policies LP3, LP12 and LP16 of the adopted Fenland Local Plan.
- 1.3 There is no expert evidence to support statements in the submitted biodiversity checklist that no protected species or habitats would be affected. Given that all matters are reserved in the application there is therefore little basis on which to state that development would minimise impacts on biodiversity and provide net gains as required by paragraph 186 of the NPPF. Policies LP12, LP16 and LP19 of the FLP are consistent with the Framework in seeking to conserve and enhance biodiversity.
- 1.4 The application site is identified as being in an area of high and medium risk of surface water flooding. The application is not accompanied by any assessments which provide an understanding of the severity of surface water flooding in the area and whether this can be mitigated. As such the application conflict with Policy LP129K) and LP14 (Part B) of the ,FLP and Section 6 of the Cambridgeshire Flood and Water SPD and paragraph 173 of the NPPF which requires that in determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere, and where appropriate applications should be accompanied by specific flood risk assessments.
- 1.5 It is recommended that the application is refused for the above reasons.

2 SITE DESCRIPTION

- 2.1 This section of Bridge Lane is a fringe rural location which is abutted by dwellings characteristic of roadside ribbon development. The lane is single track with some passing places, but no separate footway. Sporadic dwellings of various types, styles, and sizes line the road. In contrast the application site and the adjoining land to the west of 2a Bridge Lane is open and agricultural in character.
- 2.2 The site is located away from the established settlement of Wimblington and is currently in agricultural use. The site is situated behind two existing dwellings at 2b and 2c Bridge Lane and is roughly 'L' shaped covering about 1ha. The site will be served by an existing access to the west of 2b Bridge Lane. The site boundaries are defined by mature hedging/planting. A public footpath and watercourse run parallel with the western boundary of the site which is within Flood Zone 1 and within an area identified with groundwater vulnerability.
- 2.3 The aerial view of the site and surrounding area, included below, shows the application site in the context of the consented and pending applications in the surrounding area. To the south of the application past a belt of land some 90m in depth (also under the ownership of the applicant) is the northward expansion of Willow Gardens, marked by the orange outline. To its west is an area marked in blue where application F/YR23/0206/F is also before this committee with a recommendation to approve 48 dwellings. The substantially completed Lily Avenue development is sited to the west and marked in white. To its north the Bellway development currently under construction is shown in green. Finally, there is a pending application for 16 dwellings marked in yellow to the north of Bridge Lane where previously 7 dwellings were approved under F/YR18/0385/O.
- 2.4 The ariel view emphasizes that the gap between the settlement of Wimblington and Bridge Lane has closed in over the years to the point where the application site and adjoining land to the west (the appeal decision for which is described in detail under the background section below) remain the only remaining substantial parcels of open land.



3 PROPOSAL

- 3.1 This application seeks outline planning permission for up to 9 dwellings with all matters reserved.
- 3.2 An indicative plan accompanies the application. This shows a private drive running along the western site boundary to serve 4 dwellings before spurring off eastwards and then south to serve a further 5 plots. A passing bay, near the mouth of the access (Drawing No: SE-1896-PP1000 Rev C) is indicated to overcome highway concerns regarding intensified traffic flows along Wimblington Road. A public right of way runs along the western boundary of the site, a section of the right of way near the junction with Bridge Lane merges with the site access and is to be hard surfaced.
- 3.3 The indicated houses are large, detached dwellings set in sizable plots of a suburban nature.
- 3.4 A further strip of land to the south of the application and some 85m deep has been outlined in blue on the location plan, denoting that it is under the ownership of the applicant. Further to the south of this strip of land development of 21 dwellings at the northern end of Willow Gardens is currently taking place under permission F/YR21/0328/F.
- 3.5 Full plans and associated documents for this application can be found at:

[F/YR23/0241/O | Erect up to 9 x dwellings \(outline application with all matters reserved\) | Land South Of 2B And 2C Bridge Lane Wimblington Cambridgeshire \(fenland.gov.uk\)](#)

4 SITE PLANNING HISTORY

Application Site

F/0446/88/O – Outline application for Erection of a speedway museum Adj 2A Bridge Lane Wimblington – Refused.

F/0340/83/F - Erection of a stable block 2a Bridge Lane Wimblington – Granted.

5 CONSULTATIONS

5.1 County Archaeologist (27.03.2023)

States that as the site lies in an area of potential archaeological importance a programme of investigation and recording is required to provide more information regarding surviving archaeological remains in the area and establish the need for necessary mitigation. To this extent an archaeological condition/informative is recommended.

5.2 Definitive Map Team (13.04.2023)

Public footpath No 5, Wimblington, runs next to the access to the site and the applicant proceeds with any development that might affect public footpath 5 at own risk, any surface changes will require authorisation.

No objections, footpath No 5 must remain open and unobstructed at all times – informatives to this effect are recommended.

5.3 Environmental Heath Team (04.04.2023)

“No objections to the proposed scheme as it is unlikely to have a detrimental effect on local air quality and the noise climate or be affected by ground contamination.”

A Construction Environmental Management Plan (CEMP) is recommended due to the proximity of the proposed site to established residential properties.

5.4 Highway Authority (02.08.2023)

“The revised proposals as shown on the drawing PP1000 Revision C include a suitable passing place on Wimblington Road which will help offset the impact of intensified traffic flows along Bridge Lane. This is sufficient to overcome my previous objection and I consider the principle of development acceptable. While the layout submitted is indicative only, it is not to a standard which would be considered for adoption by the Local Highway Authority. The applicant appears accepting of this arrangement, but it may have implications for refuse collection from private streets. Please consult with FDC’s waste team on this matter.”

Conditions (access road details, construction facilities, management of estate roads, wheel wash facilities and off-site highway works) informative (works in the public highway) are recommended.

5.5 Wimblington Parish Council (17.04.2023)

Objections are summarised as follows:

- traffic and highway safety
- out of character with the surrounding countryside
- not within the developed footprint
- detached from the built-up area
- erode rural character and local distinctiveness.
- contrary to policy
- encroachment onto public footpath No 5.
- Flooding.

5.6 Representations

A total of 43 representations have been received, 4 of which are from the same source. There have been 24 letters of objections (15 from Bridge Lane, 4 from Lily Avenue, 2 from March and 1 each from Willow Gardens, Sutton Sandy and Levington), and 17 (11 from March, 3 from Doddington, 2 from Wimblington and 1 from Elm) in support.

The representations are summarised as follows:

Objections

- Bridge Lane is single track with no footpaths and only a couple of passing places. It was not built to take the current level of traffic, and the proposal will place further strain.
- The proposed entrance does not appear to be wide enough to accommodate a road and footpath and has poor visibility. The occupiers of the bungalow adjacent to the access will be adversely impacted by vehicular noise and disturbance especially during construction.
- Bridge Lane is too narrow to accommodate construction traffic and machinery.
- The local drainage system does not have the capacity to cope with further development.
- The 'countryside' walk afforded by the narrow footpath adjacent to the site would lose its attractiveness should housing be built next to it.
- All but two of the letters of support are from local residents.
- Loss of green open space.
- Infrastructure/local services cannot cope with more development.
- Flooding.
- Loss of wildlife.
- Merging of settlements through loss of open separation space.
- The proposal will not address the shortage of affordable housing.
- The proposal will add to noise pollution and disturbance.
- Inadequate capacity of the foul sewer.
- The bungalow is incorrectly shown on the submitted drawing.

Support

- Excellent scheme which will attract affluence to the area which in turn will support local businesses.
- Will bring in more people to the area which in turn will support local business.

- Attractive development.
- Development will support local businesses and construction firms.
- Attract people with a diverse range of skills which be utilised within the village.
- Good use of land providing much needed homes.
- Sustainable development of executive houses.
- Nice to see a few quality homes.
- Would benefit the village.
- Better to have 9 decent houses than an estate of poor-quality social housing.

5.7 The landowner has commented that:

- Encroaching hedging was cleared to facilitate use of the path.
- Drainage has been improved.
- Heavy vehicles have accessed the site before.
- The application site is an area of green space encircled by built form.
- Many supporters were born locally, and objectors are relatively new to the area.

6 STATUTORY DUTY

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

7 POLICY FRAMEWORK

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

National Design Guide 2021

Places great emphasis on well-designed places which are integrated into their surroundings, so they relate well to them. To this extent its Policy C1 requires development to relate well to existing built development and landscape character.

Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside.

LP4 – Housing.

LP5 – Meeting Housing Need

LP12 – Rural Area Development Policy

LP13 – Supporting and Mitigating the Impact of a Growing District

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

LP17 – Community Safety

LP19 – The Natural Environment

Emerging Local Plan

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

Policy LP1 – Settlement Hierarchy
Policy LP2 – Spatial Strategy for the Location of Residential Development
Policy LP7 – Design
Policy LP12 – Meeting Housing Needs
Policy LP19 – Strategic Infrastructure
Policy LP20 – Accessibility and Transport

Supplementary Planning Documents/ Guidance:

Delivering and Protecting High Quality Environments in Fenland SPD 2014

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

DM4 – Waste and Recycling Facilities

Developer Contributions SPD 2015

Fenland Infrastructure Delivery Plan 2016

Cambridgeshire Flood and Water SPD 2016

8 KEY ISSUES

- **Principle of Development**
- **Character and Appearance**
- **Residential Amenity**
- **Biodiversity/Trees**
- **Flood Risk**
- **Public Right of Way**

9 BACKGROUND

- 9.1 The application site has no planning history of relevance, the planning history of land to the west of 2a Bridge Lane however is pertinent given the similarities and proximity to the application site. A previous planning application for 3 dwellings was refused on land to the west of 2a Bridge Lane in 2015 and dismissed at appeal in January 2016 (F/YR15/0281/F).

- 9.2 The Planning Inspector noted that the appeal site is open and agricultural in character and the boundary of No.2A adjacent to the site acts as a “strong punctuation mark” separating the agricultural character of the site from the domestic character of the adjacent dwelling. Although the proposed dwellings were set in a line fronting Bridge Lane the Inspector took the view that the proposed dwellings would result in a form of development that would be intrusive and incongruous in the landscape and would introduce an intrusive domestic character to this otherwise rural feature.
- 9.3 The Inspector went on to state that the site and the wider fields of which it is part, contribute strongly to the rural character of the area and provide a visual break between the sporadic residential development on Bridge Lane and the developed core of Wimblington: The development of this land would result in a visually jarring form of development that would intrude into open countryside and would be harmful to the character of the area. In looking at policy concerns, the Inspector concluded that the development would be contrary to policies LP12 and LP16 of the Local Plan, due to the potential extension of ribbon development along Bridge Lane and the impact on the open character of the land.
- 9.4 The Inspector did not consider that the provision of additional executive housing would be of sufficient benefit to outweigh the significant harm to the character and appearance of the area.
- 9.5 The site north of 3A – 9 Bridge Lane (marked F/YR20/0234/O on the aerial view included at paragraph 2.4 above) is also relevant to this application. Although subsequently granted permission for redevelopment of a non-confirming use on a brownfield site it was originally refused (under Ref F/YR15/0798/O) on the grounds that the proposal would result in large scale in-depth development into an area that is currently rural in character and characterised by mainly frontage development. The Inspector in deciding the appeal (APP/D0515/W/16/3146008) against the refusal of F/YR15/0798/O referred to recent residential schemes that resulted in the continuity of frontage schemes along March Road and the north side of Bridge Lane. In particular, the Inspector remarked that Bridge Lane remains significantly separated by open agricultural fields from the main core of the village to the south. For this reason, the Inspector concluded that the appeal site was not adjacent to the development footprint of the village, and in an area strongly controlled where it did not comprise an appropriate form of development and would unacceptably consolidate ribbon development.
- 9.6 In summary, the appeal decision supports the position that the application site does not lie within or adjacent the developed core of Wimblington but in open countryside notwithstanding the recent Bellway development to the south of the junction of Bridge Lane and March Road.

10 ASSESSMENT

Principle of Development

- 10.1 Policy LP3 of the Fenland Local Plan identifies Wimblington as a growth village where small village extensions of a limited scale will be appropriate as part of the strategy for sustainable growth. Policy LP3 must be read in conjunction with other policies in the Local Plan which steer development to the most appropriate sites.

- 10.2 Policy LP12 seeks to protect the sustainability of settlements and the open character of the countryside. To this end, in this instance it requires that:
- a) The site is in or adjacent to the existing developed footprint of the village.
 - b) It would not result in coalescence.
 - c) It would not have an adverse impact on the character and appearance of the surrounding countryside and farmland.
 - d) It is in keeping with the core shape of the settlement, and not harm its character and appearance.
- 10.3 Policy LP12 sets out that the developed footprint is defined as the continuous built form of the village and excluding groups of dispersed or intermittent buildings that are clearly detached from the continuous built-up area.
- 10.4 The requirements of Policy LP12 are reinforced by Policy LP16 which stipulates that new development must make a positive contribution to the local distinctiveness and character of the area. The application site and the blue lined field beyond comprise an area of open land some 230m deep from the rear of 2b Bridge Lane to the northern boundary of the development currently being implemented at Willow Gardens. This part of Bridge Lane remains intrinsically rural in character, and the application site does not immediately adjoin the existing built-up form of the settlement, adding to its detachment from the built form of the village and relationship with the open countryside. Although there are established dwellings around the site it does not form part of the developed footprint.
- 10.5 Whilst Policy LP3 identifies Wimblington as a growth village, Bridge Lane and the application site are physically detached from the village. The proposal would result in the development of an existing agricultural field and would erode the space that separates Bridge Lane from the wider settlement. As such the development would have an unacceptably adverse impact on the character and local distinctiveness of the area and would be contrary to Policy LP12 and LP16 of the Fenland Local Plan. This assessment of the site is supported by the Inspector's appeal decision relating to F/YR15/0281/F and discussed above.
- 10.6 Whilst the policies of the emerging local plan carry extremely limited weight in decision making it should be noted that Policy LP1, Part A identifies the settlement boundary for Wimblington as a large village, the application site is not included within the settlement boundary or residential site allocations for Wimblington.

Character and appearance

- 10.7 The proposal would result in large scale in-depth development, into an area that is currently rural in character and characterized mainly by frontage development. -At present the application site, and the wider fields of which it is a part, contribute strongly to the rural character of the area and provide a visual break between the sporadic residential development along Bridge Lane, and the developed core of Wimblington. Through the intensification of residential buildings and associated development the scheme would result in a visually jarring form of development that would intrude into the open countryside and would be harmful to the character of the area.
- 10.8 Far from being within the developed village of Wimblington as required by Policy LP12 the proposal would intrude into open countryside and be harmful to the character of the area, in conflict with the objectives of LP12 and LP16 of the Local Plan.

Residential Amenity

- 10.9 The layout shown on the indicative drawing suggests that adequate separation distances can be achieved between dwellings for the living conditions of the occupiers of the proposed and existing dwellings not to be adversely affected.

Biodiversity/Trees

- 10.10 Policy LP16 of the local plan requires all new development to retain and incorporate natural and historic features of a site, including features such as trees, hedgerows, field patterns, drains and water bodies. In addition, policy LP16 requires protection and enhancement of biodiversity on and surrounding the proposal site.
- 10.11 Policy LP19 states that planning permission will be refused for development that would cause demonstrable harm to a protected habitat or species unless the public benefits of the proposal clearly outweigh the harm and the mitigation and/or compensation measures are first secured to offset the harm and if possible secure a net gain in biodiversity. In addition, opportunities will be taken to incorporate beneficial features for biodiversity in new developments.
- 10.12 Paragraph 186(d) of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 10.13 The biodiversity checklist which accompanies the application states that protected species are not present or affected, and that surveys are not required. The submitted Design and Access Statement refers to retaining boundary landscaping and providing further trees to enhance and encourage flora and fauna.
- 10.14 Given the location of the site in open countryside with mature planting on boundaries and the presence of a watercourse on the western boundary the presence of protected species or habitats on or near the site would not be an unreasonable expectation. No expert evidence to support the statements in the biodiversity checklist that no protected species would be affected or are present have been presented. Therefore, an assessment on the impact of the proposal on biodiversity cannot be made.
- 10.15 The application fails therefore, to comply with policy LP16 (b) and (c), policy LP19 and paragraph 186(d) of the NPPF regarding a lack of information on potential protected species and habitat and a likely net loss in biodiversity with no proposals for achieving a net gain. These matters must be secured prior to any positive recommendation being made as such the application should be refused for these reasons.

Flood Risk

- 10.16 The Policy LP14 requires that a sequential approach to flood risk should be adopted from all forms of flooding, and that permission will only be granted if the sequential and exception (if necessary) tests are passed, these requirements are reflected in the NPPF.
- 10.17 The application form states that surface water will be drained by a soakaway, and

that the site is not within an area at risk of flooding or within 20m of a watercourse or will increase flooding elsewhere. The government's long term flood risk mapping system indicates that part of the front of the site is at high risk of surface water flooding, and the greater part of the southern part of the site at medium risk. A drain runs along the western boundary of the application site.

- 10.18 The application is not accompanied by any assessments which provide an understanding of the severity of surface water flooding in the area and whether (K) and LP14 (Part B) of the FLP and Section 6 of the Cambridgeshire Flood and Water SPD and paragraph 173 of the NPPF which requires that in determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere, and where appropriate applications should be accompanied by specific flood risk assessments.

Public Right of Way

- 10.19 A public right of way runs along the western boundary of the site, it would appear that a section of the right of way near the junction with Bridge Lane merges with the site access and is to be hard surfaced. The Definitive Map Officer has been reconsulted and has stated that surface change will require separate authorisation.
- 10.20 Policy LP2 and LP15 of the FLP and paragraph 114 of the NPPF seek to achieve safe and suitable access for all users. The legal width of the PROW is unknown and as such there is no guarantee that a well-designed, safe and sustainable access can be achieved. However, as the Definitive Map Officer has not objected to the scheme the matter has not been included as a reason for refusal.

11 CONCLUSIONS

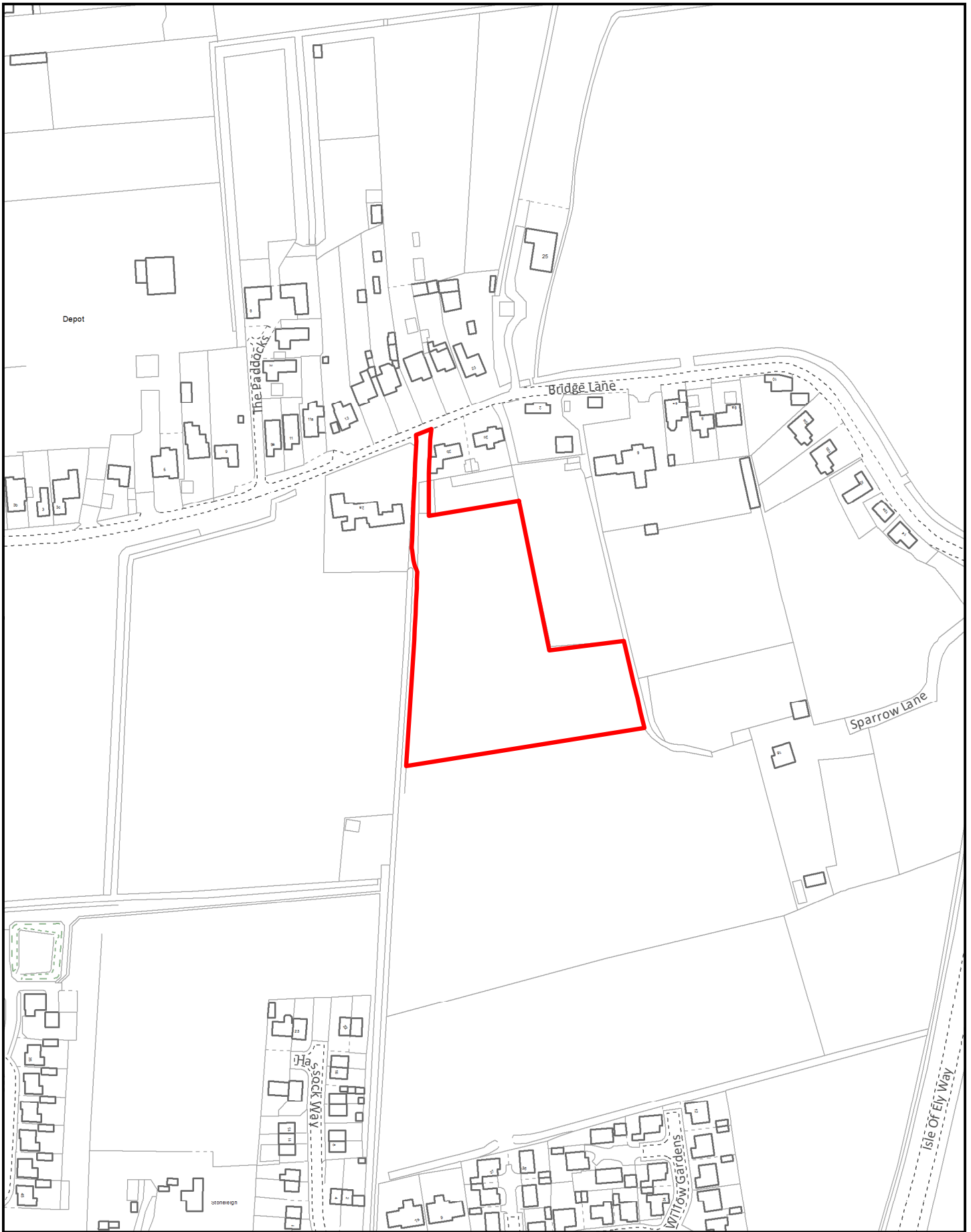
- 11.1 This application seeks to provide up to 9 dwellings in an area of open countryside away from the established settlement of Wimblington and at risk of surface water flooding. The application is not accompanied by supporting evidence in relation to flood risk and biodiversity. As such, the proposal contravenes national and local policy on development in the open countryside, areas of flood risk and the need of biodiversity conservation and enhancement.

12 RECOMMENDATION

Refuse; for the following reasons:

1	The proposal would result in large scale in-depth development in an area rural in character and characterised mainly by frontage development and would erode an important visual gap and area of separation between this part of Bridge Lane and the main built form of Wimblington. The proposal is therefore contrary to Policies LP3, LP12 and LP16 of the adopted Fenland Local Plan.
2	The application site is an open field site bordered by hedgerows, trees, and a ditch the western boundary. No ecological surveys of evaluation have been undertaken to accompany the application. As such the local planning authority is unable to undertake its duty to conserve biodiversity due to this lack of information. The application is therefore contrary to Policies LP16(b) and LP19 of the Fenland Local Plan (2014) and paragraph 186(d) of the NPPF which seeks to ensure that new development protects and enhances biodiversity including

	protected species and their habitats.
3	The application is not accompanied by any assessments which provide an understanding of the severity of surface water flooding in the area and whether this can be mitigated. As such the application conflict with Policy LP12 Part A(K) and LP14 (Part B) of the Fenland Local Plan (2014) and Section 6 of the Cambridgeshire Flood and Water SPD and paragraph 173 of the NPPF which requires that in determining planning applications local planning authorities should ensure that flood risk is increased elsewhere, and where appropriate applications should be accompanied by specific flood risk assessments.



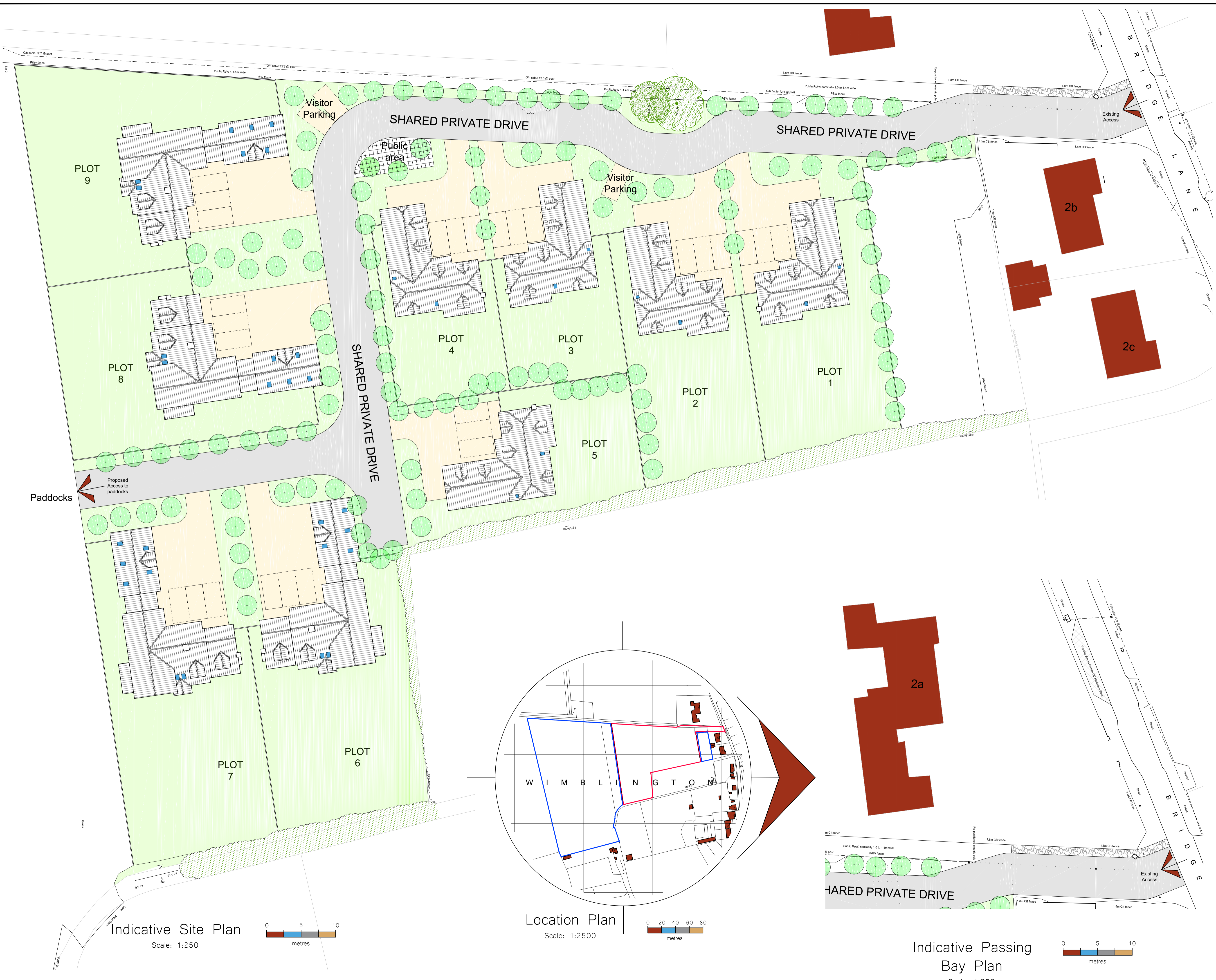
Created on: 27/03/2023

© Crown Copyright and database rights 2023 Ordnance Survey 10023778

F/YR23/0241/O

Scale = 1:2,500





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

Schedule
 9 No. 4 bed detached dwellings

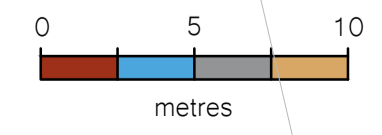
- SITE PLAN KEY**
- Indicates surrounding buildings - from OS Location Plan
 - Indicates existing trees to be protected and retained
 - Indicates site access to Cambs Highways specification
 - Indicates proposed new dwellings
 - Indicates proposed 1.8m high close boarded fence
 - Indicates position of proposed trees
 - Indicates proposed permeable block paving
 - Indicates proposed parking spaces
 - Indicates proposed grassed areas
 - Indicates visitor parking spaces
 - Indicates private access road built to adoptable standard, finished with permeable tarmac
 - Indicates public seating area
 - Indicates 1.2m tarmac plantings footpath adj. to shared access road

Status
FOR APPROVAL

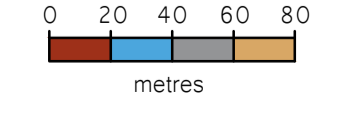
SWANN EDWARDS ARCHITECTURE
 Swann Edwards Architecture Limited, Swann Edwards Architecture, Black Barn, Fen Road, Guyhirn, Wisbech, Cambs. PE13 4AA
 t 01945 450694 e info@swannedwards.co.uk w www.swannedwards.co.uk

Job Title Proposed Residential Development Bridge Lane, Wimblington March, Cambs For: Mr P Gumbley	Date December 2022	Drawn by G.E. Checked by J.B.
Drawing Title Outline Planning Drawing Site and Location Plan	Job No. SE-1896	Sheet Size A1
	Dwg No. PP1000	Revision C

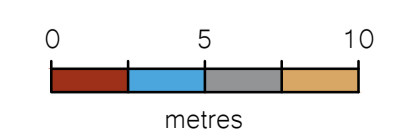
Indicative Site Plan
 Scale: 1:250



Location Plan
 Scale: 1:2500



Indicative Passing Bay Plan
 Scale: 1:250



F/YR23/0517/O

**Applicant: Mr J McGarvie
JMC Construction Ltd**

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

Land East Of 13B, Bridge Street, Chatteris, Cambridgeshire

Erect up to 9 x dwellings (outline application with matters committed in respect of access)

Officer recommendation: Refuse

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

1 EXECUTIVE SUMMARY

- 1.1. The application seeks is outline planning permission for the construction of up to 9 dwellings on the land with matters committed in respect of access.
- 1.2. The site lies within the settlement of Chatteris and abuts the Chatteris Conservation Area with a section of the site located within the conservation area. The site is also located within Flood Zones 1, 2 and 3.
- 1.3. The historic pastureland on which the proposal is situated is considered to be an important feature, contributing significantly to the setting of the associated listed building (Kent House) and the historic integrity, character and appearance of the conservation area. The proposed development by virtue of its siting would result in the loss of one of the last remaining parcels of open pastureland on the edge of the historic part of the settlement, thereby being significantly detrimental to the setting of the listed building and character and appearance of the conservation area. The proposals would result in a less than substantial level of harm, however this harm would not be outweighed by the public benefit of the provision of 9 additional houses. Overall, it is therefore considered that the proposed development would be contrary to Policies LP16 and LP18 of the Fenland Local Plan 2014, Sections 66 and 72 Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 16 of the NPPF.
- 1.4. The proposal includes a new access at the northeastern corner of the site off Lode Way, to facilitate the new access the existing dwelling at 32 Lode Way is to be demolished. Policy LP15 of the Fenland Local Plan 2014 seeks to ensure highway safety within the district. It is evident from the submitted plans, the applicant does control sufficient land to provide adequate visibility at the site access. The proposal therefore is of concern with regard to highway safety, which would be contrary to Policy LP15 of the Fenland Local Plan 2014.
- 1.5. Parts of the site are located within Flood Zone 2 and 3. Paragraph 159 of the NPPF (2021) states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk

elsewhere. Similarly, Local Plan Policy LP14 recommends the adoption of the sequential approach to flood risk from all forms of flooding and this is reinforced by the Cambridgeshire Flood and water SPD. For reasons set out within the report, the proposed development is considered to fail the Sequential Test and Exception Test which would be contrary to Local Plan Policy LP14, the SPD and the NPPF.

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

2 SITE DESCRIPTION

- 2.1. The site lies within the settlement of Chatteris, the site abuts the Chatteris Conservation Area with a section of the site located within the conservation area. The Grade II Listed Building Kent House is adjoins the site at the eastern boundary. The site is located to the east of Bridge Street and to the south of Lode Way. The application site is a paddock approx. 0.89 hectares in size, two existing stables at the southwestern corner. The site is bound by a mature hedgerow to the north, east and south sides.
- 2.2.
- 2.3. The area surrounding the site is mainly in residential use, with various architectural styles including terraced, semi-detached houses, detached houses and bungalows.
- 2.4. The site is located within Flood Zone 1, 2 and 3. Approximately 20% of the site is within flood zone 3 (east of site and access) and 10% within flood zone 2 with the remainder (the most westerly swathe of the site) falling within flood zone 1.

3 PROPOSAL

- 3.1. The proposal is an outline planning application for the construction of up to 9 dwellings on the land with matters committed in respect of access. A new 5m wide access is proposed at the northeastern corner of the site off Lode Way, to facilitate the new access the existing dwelling at 32 Lode Way is to be demolished. The access would lead to a 6m permeable block paved shared driveway that would run south and then southwest across the site leading to a turning area. A pedestrian crossing is to be constructed within the proposal set back from the highway at Lode Way.
- 3.2. The indicative site layout plan provided in support of the submission details a mix of single storey and two storey dwellings (5 single storey, 3 bed & 4 two storey, 4 bed) each with an accompanying garage and driveway for parking. (8 single garages & 1 double garage).
- 3.3. The existing stables located at the southwestern corner of the site are to be demolished.

Full plans and associated documents for this application can be found at: [F/YR23/0517/O | Erect up to 9 x dwellings \(outline application with matters committed in respect of access\) | Land East Of 13B Bridge Street Chatteris Cambridgeshire \(fenland.gov.uk\)](#)

4 SITE PLANNING HISTORY

- 4.1. No pertinent planning history.

5 CONSULTATIONS

5.1. Chatteris Town Council (05/07/2023)

Recommend Refusal, existing surface water drainage problems in the area will be exacerbated as a riparian drain has already been lost and caused problems when a development was built in the vicinity in 2004/5. In addition, development will lead to loss of biodiversity. Hedgerows have already been cut down.

5.2. CCC Archaeology (22/06/2023)

Our records indicate that the development sits in an area of archaeological potential, on the peripheries of the medieval to post-medieval core of Chatteris. The historic core to the adjacent west of the development features a number of listed buildings including the adjacent grade II listed Kent House (National Heritage List Entry Reference. 1126010) and the site of a former school house visible on 1st edition OS mapping (Cambridgeshire Historic Environment Record reference MCB22191). Archaeological investigations have been undertaken in the area which has revealed post-medieval buried soils (CHER ref. MCB20085) to the north, and deeply stratified medieval to post-medieval layers to the west (CHER ref. CB15741). To the south-west further medieval acidity was present, as well as post-medieval wall foundations and floors (CHER ref. MCB20072). Earlier activity is known to the north-west where Iron Age activity was overlain by later medieval to post-medieval cultivation (CHER ref. 11898).

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.

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

5.3. FDC Environmental Health (03/07/2023)

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

Should planning permission be granted, in the interests of protecting the amenity of existing nearby residencies, it is recommended that a number of issues are addressed from an environmental health standpoint by way of imposing conditions.

Given the nature and scale of the proposed development, the issues of primary concern to this service during the construction phase would be the potential for noise, dust and possible vibration to adversely impact on the amenity of the occupiers at the nearest residential properties.

Therefore, this service would welcome the submission of a robust Construction Environmental Management Plan (CEMP) that shall include working time restrictions in line with the template for developers, now available on Fenland District Council's website at: Construction Environmental Management Plan: A template for development sites (fenland.gov.uk)

Vibration impact assessment methodology, mitigation measures, monitoring and recording statements in accordance with the provisions of BS 5228-2:2009+A1:2014 Code of Practice for noise and vibration control on construction and open sites may also be relevant, as would details of any piling construction methods / options, as appropriate.

The aforementioned must also be applied to any proposed demolition works.

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

5.4. Environment Agency (05/07/2023)

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

Flood Risk

The site is located within the extent of the 'IDB Flood Risk Area', which forms part of our Local Flood Risk Standing Advice (LFRSA) for Fenland District Council. As such, this development falls within the scope of Advice Note 6 of the LFRSA and we have no objections to make on the application.

The Internal Drainage Board should be consulted with regard to flood risk associated with their watercourses and surface water drainage proposals.

In all circumstances where flood warning and evacuation are significant measures in contributing to managing flood risk, we expect local planning authorities to

formally consider the emergency planning and rescue implications of new development in making their decisions.

Sequential and Exception Tests

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

Our flood risk standing advice reminds you of this and provides advice on how to apply the test.

Advice for the Applicant

Any proposed flood resilient measures should follow current Government Guidance. For more information on flood resilient measures, please see the Department for Communities and Local Government (DCLG) guidance document "Improving the Flood Performance of New Buildings – Flood Resilient Construction, 2007", which is available on the following website: <https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings>

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

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

5.5. Historic England (12/07/2023)

Refer to need for views of the Council's conservation and archaeology expert to be sought.

5.6. CCC Highways (24/07/2023)

I note that this is an outline application for which person at this stage is sought for access alone.

The application is unacceptable to the Highway authority for the following reason:

Inadequate visibility.

HDMR 9 *As far as can be determined from the submitted plans, the applicant does not appear to control sufficient land to provide adequate visibility at the site access. The proposed development would therefore be detrimental to highway safety.*

Reasons for refusal: Highway safety - Para 111 of the NPPF.

Please note below additional observations with regard to this application:

- *While the proposed access would appear to achieve suitable visibility to the west for the posted speed limit, that shown to the east (2.4m by 14m) would not be acceptable. While a splay of 2.4m by 33m is also shown, this is across land outside of the applicant's control and is not therefore appropriate as it may not be conditioned with respect to this application. While visibility splays can potentially be reduced in line surveyed actual 85th percentile speeds, it appears unlikely that actual speed on this road will fall below that for which a 14m 'x' distance would be deemed appropriate. Short of obtaining additional land over which visibility could be controlled, it is unclear how the above objection can be overcome.*

- *It is not appropriate to serve a development of 9 dwellings from a shared private driveway crossing the footway, which may lead to unnecessary conflict between pedestrians and motor vehicles.*

This problem may be overcome by construction of an appropriate junction, ideally between 5 and 6m wide, with 6m radii kerbs and footway on either side to a suitable position to cross or transition to a shared surface. It is unclear however whether the applicant owns sufficient land within which to construct the necessary.

It should be noted that the Highway Authority would not normally require a junction to serve a development of 5 dwellings or less.

- *The offset distance between the proposed access and Grenadier Drive is approximately 10m centre to centre. This is likely to be insufficient to allow large vehicle such as a refuse freighter to turn between the two junctions without additional manoeuvring within the highway risking conflict with other road users. Such short distance may also create a risk of collision between opposing vehicles turning out of the junction where drivers may have difficulty determining priority and position of the opposing vehicle which is likely to create additional risk of conflict.*

While there may be some scope to relax the requirements for junction spacing described section 2.10 of Cambridgeshire Highways Development Management 'General Principle of Development' this problem should ideally be overcome by increasing the distance between junctions.

5.7. CCC Highways (02/02/2024)

Further to the LHA response and recommendation of refusal on highways safety grounds under NPPF 111 (dated 24th July 2023). The LHA's objections and the recommendation of refusal remains.

Whilst the LHA accepts the speed survey results and the junction layout (but not its location). Visibility splays to the East of the access with the highway still cannot be achieved in land under the control of the applicant or within the extent of the highway. Conditions attached to other parties planning permissions and / or land cannot be used to facilitate or secure the required measures for another development, as suggested by the agent. These measures / conditions could be removed, amended or not adhered to at any time, which in this instance would have a negative effect on highways safety. It would also require the LPA to enforce any related conditions as the LHA would have no legal enforceable powers to act to protect the visibility at this junction. Therefore the Inter-vehicle visibility at this junction is below the required standards and not acceptable to the LHA.

The proximity of Grenadier Drive and the proposed staggered junction arrangement has not been addressed. It has not been demonstrated either through

technical design and / or a Road Safety Audit that this would be acceptable to the LPA and LHA and safe for users of the highway and public at large.

Reasons for refusal: Highway safety - Para 111 of the NPPF.

Inadequate visibility

HDMR 9 - As far as can be determined from the submitted plans, the applicant does not appear to control sufficient land to provide adequate visibility at the site access. The proposed development would therefore be detrimental to highway safety.

5.8. FDC Conservation (23/01/2024)

1. The application seeks to erect up to 9 dwellings on a paddock located to the bottom of Black Horse Lane.

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

3. Consideration is given to the impact of this proposal on the character and appearance of Chatteris Conservation Area for which the development will form the backdrop of in views along Black Horse Lane. With special attention paid to the desirability of preserving or enhancing the character or appearance of that area according to the duty in law under S72 Planning (Listed Buildings and Conservation Areas) Act 1990.

4. The heritage statement submitted with the application is poor and inadequately assesses the setting and interest of the land in relation to the GII listed Kent House or the impact on the backdrop and views of an important historic lane that forms part of the Chatteris Conservation Area.

5. The existing site is a positive remnant of the agricultural rural character of the historic town of Chatteris, whereby many of the buildings along Bridge Street would have backed onto expanses of field and paddocks beyond.

6. Chatteris Conservation Area derives its character from its layout, originating from ancient routes and junctions, developing gradually over centuries with a rich mixture of mainly domestic buildings in local materials, with a linear street layout, with narrow alleys that run off these arteries, and a survival along the high street of readable mediaeval burgage plots, in which development has been largely resisted. Once a small market town, surrounded by open, agricultural countryside, it has increased in size, and unsympathetic development throughout the later 20th century and beginning of the 21st century has threatened this fragile authenticity.

7. Historic Maps including the Chatteris Enclosure Map of 1830 and from 1886 show that the plot of land has remained undeveloped for 190 years and therefore very probably for several hundred years before detailed maps were made of the area. The plot subject to the current proposal appears to form a narrow linear burgage plot and paddock to the rear of grade II listed Kent House. Sited at the far end of town, it reflects the agricultural setting of the settlement and together with the surviving field to the end of Black Horse Lane represents the transition between town and countryside. The fields to the rear have since been developed

with a series of modern and unsympathetic cul-de-sacs which now enclose both these paddocks. The site is therefore considered to contribute in a meaningful way to the significance of the listed building and the conservation area.

i. A number of previous permissions and refusals could be considered to have a bearing on this case.

ii. An application (F/YR18/0805/F) for the erection of a new dwelling to the rear of No. 107 High Street was refused on grounds that the impact on the character and appearance of the conservation area and on the setting of the listed building will be to further erode the significance of both. The previously approved developments in the surrounding area have already eroded the character of the burgage plots and obscured the traditional grain of development. New development continues to encroach upon the setting of the listed building. The proposal would have served to infill the remainder of the backland plot to No. 107 and due to the increased proximity to listed building at No. 105, impact upon its setting of an undeveloped narrow rear plot. The inspector upheld, and expanded on this decision and dismissed the appeal (REF: APP/D0515/W/19/3221692)

iii. An application for development on land to the rear (west) of 92 High Street was recommended for refusal on similar grounds and was refused on grounds of access and amenity (F/YR20/0119/F).

iv. Other developments along the High Street, although detrimental over all due to the cumulative erosion of character and settlement morphology, by and large follow a linear pattern and burgage plot lines.

v. Similar development to the rear of Black Horse Lane and 133 High Street, was recommended for refusal on grounds of impact on the character of the conservation area and setting of adjacent listed building.

8. It is considered that the modern developments to the rear of the Chatteris Conservation Area (such as Gull Way) has been detrimental both to the setting of the listed building and the character of the conservation area. The undeveloped plot therefore reflects and represents a last link to the agricultural landscape setting of Chatteris. Development here would represent a cumulative detrimental impact to the setting of the listed building and the character and appearance of the conservation area, the principal of which is considered harmful.

9. Modern development now flanks the host site by way of standard modern housing development of Gull Way and Lode Way, which has some impact on the setting and appreciation of both Kent House and the historic paddock.

10. Historic England guidance on setting states that you should consider the effect of cumulative impact on setting: "Cumulative change, where the significance of a heritage asset has been compromised in the past by unsympathetic development affecting its setting, to accord with NPPF policies consideration still needs to be given to whether additional change will further detract from, or can enhance, the significance of the asset. Negative change could include severing the last link between an asset and its original setting" (p4 of The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3 (Second Edition)).

The following takes the above policy and guidance into consideration

11. *Black Horse Lane has a positive character with the entrance benefitted by the presence of the historic 133 High Street located on the corner and its ancillary buildings and views towards the agricultural paddock in the backdrop. Progressing along Black Horse Lane, the character becomes more varied with a mixture of late C19 and mid C20 properties, most notably bungalows. Whilst these buildings do not particularly benefit the street with architectural or historic interest, they are indeed of a scale that respects the hierarchy of the streetscene and allow views of Kent House in the backdrop.*

12. *The site clearly has a historic relationship with the GII listed Kent House. With Kent House being listed in 1983, there are questions over whether the site is deemed to be listed curtilage of Kent House. With information provided in the Heritage Statement being so scant this has clearly not been considered within the proposal. Despite the above being raised in the earlier comments no further information has been provided and as a result this objection still stands.*

13. *With Kent House (former Parish work house) being listed in March 1983, the OS map 1949-72 below raises some interest as to the relationship of the land to Kent House at the time of listing. The heritage statement fails to make any reference to the curtilage or the relationship of the land to the development site. This concern remains unanswered and therefore there is insufficient information and as such the Heritage Statement does not accord with para 200 of the NPPF or LP18 of the Fenland Local Plan.*

14. *Owing to the Flood Zone delineation that runs across the site, all the dwellings have been pushed to the west of the site, closest to the rear of Kent House. There is approx. 25m gap between the rear elevation of Kent House and the closest proposed new builds. This is considered insufficient and undesirable in the realms of setting of the listed building.*

15. *Looking at the proposed site plan, there are 9 dwellings proposed and with no submitted elevations, it is unclear as to whether they are single storey or two storey.*

16. *For a listed building where its setting has historically been appreciated with an expanse of paddock and open countryside directly to the rear, there is strong concern as to the impact that this development will have upon its context and understanding, as well as simply crowding out.*

17. *Outline planning permission for developments that affect the setting of Listed Buildings is difficult to support, especially in instances where the plans and heritage assessments are so limited in scope and detail.*

18. *One might consider low density agriculturally inspired buildings most appropriate to the backdrop of the listed building as a positive approach to go some way to preserve the setting and context of the listed building and views out along Black Horse Lane, rather than uninspiring and run of the mill suburban cul de sac style development.*

19. *I am of the view that two storey dwellings for plots 4, 5 and 6 are inappropriate in terms of having the effect of completely hemming in Kent House with minimal breathing space. At least single storey dwellings with an agricultural would at least give the impression of separation from the surroundings.*

The concerns above have not been addressed in the revised site layout where the gap has been increased by approx. 2 metres to 26.6 metres. The marginal increase in separation is substantially insufficient to mitigate the concerns raised.

Conclusion:

I am of the view that the loss of one of the last remaining parcels of end of open land on the edge of the historic parts of the settlement will have a considerable impact on both the setting of the GII listed Kent House and the wider Chatteris Conservation Area. This is an in-principle objection to the proposal.

It was previously mentioned that development could be improved with greater separation from Kent House, as at present the separation is no greater than the meagre spacing of modern housing estates. This remains largely unaltered other than an increase in approx. 2m which is entirely insufficient. Furthermore, substantial improvements could be made with single storey building heights closer to Kent House. Finally, an agriculturally designed scheme, layout and materials would enable an improved context and setting over the poor layout and positioning shown at present.

The development results in less than substantial harm (medium) to the identified heritage assets for which national and local heritage policy and guidance points to a presumption against supporting such development, unless there are strong public benefits which outweigh the harm identified. Furthermore, the heritage statement that is a requirement of both the NPPF and the Local Plan is not fit for purpose and fails to assess the relationship and impacts of this development on designated and non-designated heritage assets.

RECOMMENDATION: Objection

5.9. Local Lead Flood Authority (18/10/2023)

*At present we **do not support** to the grant of planning permission for the following reasons:*

1. Hydraulic calculations As per the Cambridgeshire County Council Surface Water Planning Guidance (June 2021), all developments should use upper end climate change allowances.

In accordance with the latest climate change peak rainfall intensity allowances, a climate change allowance should be incorporated into the surface water management scheme for the 3.3% annual exceedance probability rainfall event. The allowance used should be based on the lifetime of the development and therefore should include a 35% climate change allowance on the 3.3% AEP hydraulic calculations and a 40% climate change allowance on the 1% AEP hydraulic calculations. The allowance for urban creep should be added to these calculations.

The applicant has provided hydraulic modelling for the proposed impermeable areas across the site. It is noted that the Cv values for the winter and summer storms have been input as 0.84 and 0.75 respectively. However, as the modelling is for the impermeable area, these values should be set to 1 to account for the total runoff during storm events.

The hydraulic calculations show negative outflow and velocity at Link 1.005 and could therefore indicate that flows are backing up into the system or instability in the hydraulic calculations.

2. SuDS in Flood Zone As per the Cambridgeshire Flood and Water Supplementary Planning Document, above ground SuDS that lie in flood zone 3 should not contribute towards storm water storage requirements. These features may fill during a flood event and would therefore not have capacity to hold the rainfall runoff from the site as originally intended.

3. Clarification on Highway Drainage It is not clear as to where the eastern part of the access road would drain. At present this area does not appear to be entering the proposed drainage system and surface water runoff would therefore, based on the topography, impact flood risk along the public highway as well as properties to the east.

5.10. Local Lead Flood Authority (05/02/2024)

We have reviewed the following documents:

- Flood Risk Assessment, Morton and Hall Consulting Limited, Dated: May 2023*
- Flood Zone Plan, Morton and Hall Consulting Limited, Ref: H8187/02, Dated: April 2023*
- Drainage Strategy, Morton and Hall Consulting Limited, Dated: January 2024*

Based on these, as Lead Local Flood Authority (LLFA) we have no objection in principle to the proposed development. The above documents demonstrate that surface water from the proposed development can be managed through the use of permeable paving and a swale, restricting surface water discharge to 2l/s.

The LLFA is supportive of the use of permeable paving as in addition to controlling the rate of surface water leaving the site it also provides water quality. The swale also provides biodiversity benefits.

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

We request the following conditions are imposed:

Condition

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

The scheme shall be based upon the principles within the agreed Drainage Strategy prepared by Morton and Hall Consulting Limited dated January 2024 and shall also include:

- a) Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events;*
- b) Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change), inclusive of all collection,*

conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;

c) Detailed drawings of the entire proposed surface water drainage system, attenuation and flow control measures, including levels, gradients, dimensions and pipe reference numbers, designed to accord with the CIRIA C753 SuDS Manual (or any equivalent guidance that may supersede or replace it);

d) Full detail on SuDS proposals (including location, type, size, depths, side slopes and cross sections);

e) Site Investigation and test results to confirm infiltration rates;

f) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;

g) Demonstration that the surface water drainage of the site is in accordance with DEFRA non-statutory technical standards for sustainable drainage systems;

h) Full details of the maintenance/adoption of the surface water drainage system;

i) Permissions to connect to a receiving watercourse or sewer;

j) Measures taken to prevent pollution of the receiving groundwater and/or surface water

Reason

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

Condition

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

Reason

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

Informatives

Infiltration

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

Pollution Control

Surface water and groundwater bodies are highly vulnerable to pollution and the impact of construction activities. It is essential that the risk of pollution (particularly

during the construction phase) is considered and mitigated appropriately. It is important to remember that flow within the watercourse is likely to vary by season and it could be dry at certain times throughout the year. Dry watercourses should not be overlooked as these watercourses may flow or even flood following heavy rainfall.

Local Residents/Interested Parties

Objectors

5.11. 31 letters of objection have been received from 28 addresses within Chatteris (x19), March (x3), Huntingdon x(2), Wisbech (x1), Harford (x1), St Neots (x1) and Stilton (x1) which make the following summarised comments:

- Need to keep all the green space we can in a crowded town
- Plenty of space outside of Chatteris that could be built on
- Impact on wildlife, the field in question is known to be home to a population of bats, a protected species under the Wildlife and Countryside Act 1981
- Noise and odour pollution from construction
- Flood risk to new houses and neighbouring properties, the proposed development site already experiences a notable flood risk. Introducing additional construction and alteration to the natural landscape could exacerbate the problem
- The houses being planned will likely be out of the price bracket of first time
- Increase in traffic on a busy residential road with difficult visibility
- Chatteris already has too many houses and not enough access to doctors and other local amenities
- Increase in on street parking
- Parts of the hedge at the site have already been removed without permission
- The speed survey conducted was done so on a corner where there are often parked cars. As a result, the outcome is skewed as drivers often need to slow down and doesn't truly reflect the speed at which many cars travel past the proposed new entrance.
- Many comments in support refer to the land as 'waste land'. This is inaccurate as it is used as grazing land and is largely well looked after
- Two-storey dwellings will block much needed afternoon/early evening daylight to the gardens of properties in Gull Way
- Light pollution from street lighting, home lights, and any external security lighting which may be added by owners, will have a detrimental effect on wildlife as well as the lives of existing residents
- Adverse impacts on neighbouring amenity from proposed dwellings
- More housing is not needed in Chatteris

Supporters

5.12. 13 letters of support have been received from 10 addresses within Chatteris (x9) and March (x1) which make the following summarised comments:

- Will improve the area, good use of an unsightly wasteland
- More houses are needed and the location of this project is good as its close to local shops and schools
- The roads accessible and as well as providing more housing it will create more jobs
- Great opportunity for a first-time buyer offering a location close to town and schools

- As Chatteris is growing we need more affordable houses

6 STATUTORY DUTY

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

7 POLICY FRAMEWORK

7.1. National Planning Policy Framework (NPPF)

Para. 2 - 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.

7.2. National Planning Practice Guidance (NPPG)

Determining a Planning Application

7.3. National Design Guide 2021

Context

Identity

Built Form

Homes and Buildings

7.4. Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP10 – Chatteris

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
- LP2: Spatial Strategy for the Location of Residential Development
- LP5: Health and Wellbeing
- LP7: Design
- LP8: Amenity Provision
- LP12: Meeting Housing Needs
- LP20: Accessibility and Transport
- LP21: Public Rights of Way
- LP22: Parking Provision
- LP23: Historic Environment
- LP24: Natural Environment
- LP30: Local Green Spaces and Other Existing Open Spaces
- LP31: Open Space and Recreational Facilities
- LP32: Flood and Water Management

- 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

- 7.7. **Cambridgeshire Flood and Water SPD 2016**

8 KEY ISSUES

- **Principle of Development**
- **Heritage and Visual Amenity of the Area**
- **Residential Amenity**
- **Access and Highway Safety**
- **Ecology**
- **Flood Risk**

9 ASSESSMENT

Principle of Development

- 9.1. The application site is located within the settlement of Chatteris which is identified within the Settlement Hierarchy as an Other Market Town; Market Towns are identified within Policy LP3 as the focus for where new housing, employment growth, retail growth and wider service provision should take place, accordingly there is a presumption in favour of development within this location. The broad principle of development is therefore acceptable subject to further policy considerations set out below.

Heritage and Visual Amenity of the Area

- 9.2. Policies LP18 of the Fenland Local Plan 2014 and DM2 and DM3 of Delivering and Protecting High Quality Environments in Fenland SPD 2014 seek to protect and conserve historic environment, protect open spaces where they are an important part of the character of a settlement and ensure that any existing views, vistas and focal points are incorporated within developments. Policy LP16 of the Fenland Local Plan 2014 and DM3 of Delivering and Protecting High Quality Environments in Fenland SPD 2014 also seek to ensure developments have a positive contribution to the local distinctiveness and character of the area and do not adversely impact on the streetscene or landscape character.

- 9.3. Due regard is given to the impact of this proposal on the architectural and historic interests of the listed building, setting of adjacent listed buildings and on the character and appearance of the conservation area with due regard to the duty in law under S66 and S72 Planning (Listed Buildings and Conservation Areas) Act 1990.
- 9.4. The plot appears to form a narrow linear burgage plot and paddock to the rear of Grade II listed Kent House. Sited at the far end of town, it reflects the historic agricultural setting of the settlement and together with the surviving field to the end of Black Horse Lane represents the transition between town and countryside. The fields to the rear have since been developed with a series of modern and unsympathetic cul-de-sacs which now enclose both these paddocks. The site is therefore considered to contribute in a meaningful way to the significance of the listed building and the conservation area.
- 9.5. Owing to the Flood Zone delineation that runs across the site, all the dwellings have been pushed to the west of the site, closest to the rear of Kent House. There is a approx. 25m gap between the rear elevation of Kent House and the closest proposed new builds.
- 9.6. The Heritage statement that has been submitted by the applicant in support of the application has been reviewed by the Conservation Officer who has stated that it 'is poor and inadequately assesses the setting and interest of the land in relation to the Grade II listed Kent House or the impact on the backdrop and views of an important historic lane that forms part of the Chatteris Conservation Area. The site clearly has a historic relationship with the Grade II listed Kent House. With Kent House being listed in 1983, there are questions over whether the site is deemed to be listed curtilage of Kent House. With information provided in the Heritage Statement being so scant this has clearly not been considered within the proposal.'
- 9.7. Initially the closest dwelling to Kent House (Plot 5) was located approx. 23.6m to the east, the Conservation Officer in initial comments stated 'there is approx. 25m gap between the rear elevation of Kent House and the closest proposed new builds. This is considered insufficient and undesirable in the realms of setting of the listed building. Development could be improved with greater separation from Kent House, as at present the separation is no greater than the meagre spacing of modern housing estates'.
- 9.8. The applicant following initial comments from the Conservation Officer did submit revised plans for the development at the site, increasing the separation distance of Plot 5 to Kent House by 3m to approx. 26.6m. The Conservation Officer reviewed these amendments to the proposed development at the site detailing within their revised comments that 'the gap between the rear elevation of Kent House and the closest proposed new builds is still considered insufficient and undesirable in the realms of setting of the listed building. The concerns above have not been addressed in the revised site layout where the gap has been increased by approx. 3 metres to 26.6 metres. The marginal increase in separation is substantially insufficient to mitigate the concerns raised.'
- 9.9. The Conservation Officer has maintained an objection to the development throughout the lifetime of the application. Within their concluding comments throughout the consultation process the Conservation Officer has stated that 'I am of the view that the loss off one of the last remaining parcels of end of open land on the edge of the historic parts of the settlement will have a considerable impact

on both the setting of the Grade II listed Kent House and the wider Chatteris Conservation Area. This is an in-principle objection to the proposal.'

- 9.10. Additionally, the Conservation Officer has detailed 'development could be improved with greater separation from Kent House, as at present the separation is no greater than the meagre spacing of modern housing estates. This remains largely unaltered other than an increase in approx. 2m which is entirely insufficient. Furthermore, substantial improvements could be made with single storey building heights closer to Kent House. Finally, an agriculturally designed scheme, layout and materials would enable an improved context and setting over the poor layout and positioning shown at present. Furthermore, the heritage statement that is a requirement of both the NPPF and the Local Plan is not fit for purpose and fails to assess the relationship and impacts of this development on designated and non-designated heritage assets.'
- 9.11. It is therefore evident that the proposed development would have an adverse impact on the Conservation area and the setting of a Grade II Listed building. The proposals would result in less than substantial level of harm, however this harm would not be outweighed by the public benefit of the provision of 9 additional houses. Overall, it is therefore considered that the proposed development would be contrary to Policies LP16 and LP18 of the Fenland Local Plan 2014, Sections 66 and 72 Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 16 of the NPPF.

Residential Amenity

- 9.12. The submitted application is for Outline Planning permission with matters committed in respect of access, hence the impact on the residential amenity of adjoining properties cannot be fully assessed, however an indicative site layout has been submitted within the proposal.
- 9.13. The site is relatively large and as such there is scope to provide acceptable relationships between the proposal and surrounding dwellings and to provide a minimum of a third of the plot for private amenity space, as required by Policy LP16 (h) of the Local Plan.

Access and Highway Safety

- 9.14. Policy LP15 aims to ensure that new development provides a well designed, safe and convenient access. Access is committed as part of this application and the submitted plan details a new 5m wide access is proposed at the northeastern corner of the site off Lode Way, to facilitate the new access the existing dwelling at 32 Lode Way is to be demolished. The access would lead to a 6m permeable block paved shared driveway that would run south and then southwest across the site leading to a turning area. A pedestrian crossing is to be constructed within the proposal set back from the highway at Lode Way.
- 9.15. The applicant has submitted a speed survey and amended plans throughout the lifetime of the application to address concerns from CCC Highways in relation to providing adequate visibility splays for the proposed development.
- 9.16. The Highways officer has maintained a recommendation for refusal of the application despite the submission of amended and additional information from the applicant. The Highways Officer has commented stating that the 'the LHA accepts the speed survey results and the junction layout (but not its location). Visibility splays to the East of the access with the highway cannot be achieved in land under the control of the applicant or within the extent of the highway. Conditions attached

to other parties planning permissions and / or land cannot be used to facilitate or secure the required measures for another development, as suggested by the agent. These measures/conditions could be removed, amended or not adhered to at any time, which in this instance would have a negative effect on highways safety. It would also require the LPA to enforce any related conditions as the LHA would have no legally enforceable powers to act to protect the visibility at this junction. Therefore, the Inter-vehicle visibility at this junction is below the required standards and not acceptable to the LHA.'

- 9.17. The Highway officer also added comments detailing that the offset between the proposed access and Grenadier Drive is approximately 10m centre to centre, which is likely to be insufficient to allow large vehicles such as a refuse freighter to turn between the two junctions without additional manoeuvring within the highway risking conflict with other road users. Such short distance may also create a risk of collision between opposing vehicles turning out of the junction where drivers may have difficulty determining priority and position of the opposing vehicle which is likely to creating additional risk of conflict. The Highways Officer outlined that the issue may be overcome by increasing the distance between the junctions, however, the applicant has not addressed the above issue. The Highways Officer commented that 'it has not been demonstrated either through technical design and / or a Road Safety Audit that this would be acceptable to the LPA and LHA and safe for users of the highway and public at large.'
- 9.18. Overall, it is therefore considered that from the submitted plans, the applicant does not appear to control sufficient land to provide adequate visibility at the site access. Furthermore, due to the location of the access and close proximity of the access to Grenadier Drive, the proposed development is considered to be insufficient to allow large vehicles such as a refuse freighter to turn between the two junctions without additional manoeuvring within the highway risking conflict with other road users. The proposal therefore is of concern with regard to highway safety, which would be contrary to Policy LP15 of the Fenland Local Plan 2014.

Ecology

- 9.19. Policy LP16 (b) requires proposals for new development to protect and enhance biodiversity on and surrounding the proposal site, taking into account locally designated sites and the special protection given to internationally and nationally designated sites in accordance with Policy LP19. Criteria (c) requires the retention and incorporation of natural and historic features of the site such as trees, hedgerows, field patterns, drains and water bodies.
- 9.20. The application site is a paddock approx. 0.89 hectares in size, two existing stables at the southwestern corner. The site is bound by a mature hedgerow to the north, east and south sides.
- 9.21. Ecological surveys and if necessary, species surveys, are required to be carried out pre-determination. Section 40 of the Natural Environment and Rural Communities Act 2006 places a public sector duty upon local planning authorities to conserve biodiversity. Section 180 of the NPPF states that when determining planning applications local planning authorities should refuse planning permission if significant harm to biodiversity resulting from development cannot be avoided (through locating on an alternative site with less impact), adequately mitigated or as a last resort, compensated for. Such consideration requires sufficient ecological investigation to assess if there are any particular protected species present so that they can be taken into account in the consideration of the proposals.

9.22. Policy LP19 of the Local Plan states that planning permission should be refused for development that would cause a demonstrable harm to a protected species or habitat unless the need for and public benefits of the development clearly outweigh the harm and mitigation, or compensation measures can be secured to offset the harm.

9.23. A Preliminary Ecological Impact Assessment has been submitted and if the application was acceptable in all other matters it would be suggested that a planning condition be attached requiring a further Ecological Impact Assessment to be submitted at the reserved matters stage to ensure no protected species or habitats were impacted by the proposed development.

Flood Risk

9.24. The site is located within Flood Zone 1, 2 and 3. Approximately 20% of the site is within flood zone 3 (east of site and access) and 10% within flood zone 2 with the remainder (the most westerly swathe of the site) falling within flood zone 1 where the proposed dwellings are to be located. As the access and private access road is located within Flood Zone 2 and 3 and due to the length and creation of additionally hardstanding within these flood zones it is considered this could lead to adverse impacts on flooding within this area and also the dwellings located at the west of the site.

9.25. Paragraph 159 of the NPPF (2021) states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. Similarly, Local Plan Policy LP14 recommends the adoption of the sequential approach to flood risk from all forms of flooding and this is reinforced by the Cambridgeshire Flood and water SPD.

9.26. A Flood Risk Assessment (FRA) has been submitted with the application. It concludes:

- The proposed development consists of nine single storey and 2 storey residential dwellings on land east of 13B Bridge Street, Chatteris;
- The site is located within an Internal Drainage Board catchment and through the operation and maintenance of the pumping stations and the channel system the Board seek to maintain a general standard capable to providing flood protection to agricultural land and developed areas of 1 in 20 and 1 in 100 years, respectively;
- The proposed dwellings are located within Flood Zone 1;
- There are no specific recommendations regarding the design of the dwellings to mitigate the risk of flooding;
- The development passes the Sequential Test and is therefore suitable for the proposed location.

9.27. In addition, the FRA considers the development passes the Sequential Test and Exception Test because:

- The proposed dwellings are situated within Flood Zone 1. Dwellings proposed at alternative sites could therefore not be at a lower risk of flooding. The development is considered to pass the Sequential Test;
- The Fenland Local Plan defines the housing distribution for new dwellings across the District. Within the district there is a target of 11,000 new

dwellings over the period from 2011 to 2031. The proposed development will contribute to this target;

- Section 5 of this Flood Risk Assessment describes the flood mitigation measures and the management of the residual risks, demonstrating that this development will be safe and not increase flood risk elsewhere. The development is considered to pass the Exception Test.

- 9.28. The Environment Agency has no objection to the proposal. However, their comments do set out that 'in accordance with the National Planning Policy Framework (paragraph 162), development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. It is for the Local Planning Authority to determine if the sequential test has to be applied and whether or not there are other sites available at lower flood risk.'
- 9.29. In accordance with Section 14 of the NPPF (2019), Policy LP14 of the Fenland Local Plan 2014, the requirements of the Cambridgeshire Flood and Water Supplementary Planning Document (2016) and Policy LP32 of the Emerging Local Plan, it is for the applicant to demonstrate through an assessment that the Sequential Test has been met.
- 9.30. On 25.08.2022 the government published further guidance and clarification with regard to: The sequential approach to the location of development
<https://www.gov.uk/guidance/flood-risk-and-coastal-change>
- 9.31. The approach is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. This means avoiding, so far as possible, development in current and future medium and high flood risk areas considering all sources of flooding including areas at risk of surface water flooding. Avoiding flood risk through the sequential test is the most effective way of addressing flood risk because it places the least reliance on measures like flood defences, flood warnings and property level resilience features. Even where a flood risk assessment shows the development can be made safe throughout its lifetime without increasing risk elsewhere, the sequential test still needs to be satisfied.
- 9.32. The Sequential Test ensures that a sequential, risk-based approach is followed to steer new development to areas with the lowest risk of flooding, taking all sources of flood risk and climate change into account. Where it is not possible to locate development in low-risk areas, the Sequential Test should go on to compare reasonably available sites within a defined area set by local circumstances relating to the catchment area for the type of development proposed. In this instance the search area is the settlement of Chatteris.
- 9.33. It is the applicant's responsibility to provide evidence that there are no other development sites in Flood Zone 1 within Chatteris which are reasonably available and appropriate for the proposed development. Reasonably available sites' are those in a suitable location for the type of development with a reasonable prospect that the site is available to be developed at the point in time envisaged for the development.
- 9.34. These could include a series of smaller sites and/or part of a larger site if these would be capable of accommodating the proposed development. Such lower-risk sites do not need to be owned by the applicant to be considered 'reasonably available'.

9.35. The applicant has not submitted an assessment of such sites and the Sequential Test provided makes reference to factors such as access to flood warnings, flood defences, sufficient time to take precautionary actions to limit the potential impact of flooding, use of temporary pumping equipment if Nightlayers Pumping Station were to breakdown or the power supply disrupted and helping to meet housing targets. However, as set out in paragraph 9.17 above, avoiding flood risk through the sequential test is the most effective way of addressing flood risk because it places the least reliance on measures like flood defences, flood warnings and property level resilience features. Even where a flood risk assessment shows the development can be made safe throughout its lifetime without increasing risk elsewhere, the sequential test still needs to be satisfied.

9.36. There are a large number of sites available within Chatteris that could accommodate the proposed 9 dwellings (either singularly or in a group) whereby no part of the site would fall within Flood Zone 2 or 3. For this reason the proposed development is considered to fail the Sequential Test.

9.37. For the above reasons, this part of the application is contrary to Local Plan Policy LP14, the adopted SPD and the NPPF.

10 CONCLUSIONS

10.1. The historic pastureland on which the proposal is situated is considered to be an important feature, contributing significantly to the setting of the associated listed building (Kent House) and the historic integrity, character and appearance of the conservation area. The proposed development by virtue of its siting would result in the loss of one of the last remaining parcels of open pastureland on the edge of the historic part of the settlement, thereby being significantly detrimental to the setting of the listed building and character and appearance of the conservation area. The proposals would result in a less than substantial level of harm, however this harm would not be outweighed by the public benefit of the provision of a net of 8 additional houses. Overall, it is therefore considered that the proposed development would be contrary to Policies LP16 and LP18 of the Fenland Local Plan 2014, Sections 66 and 72 Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 16 of the NPPF.

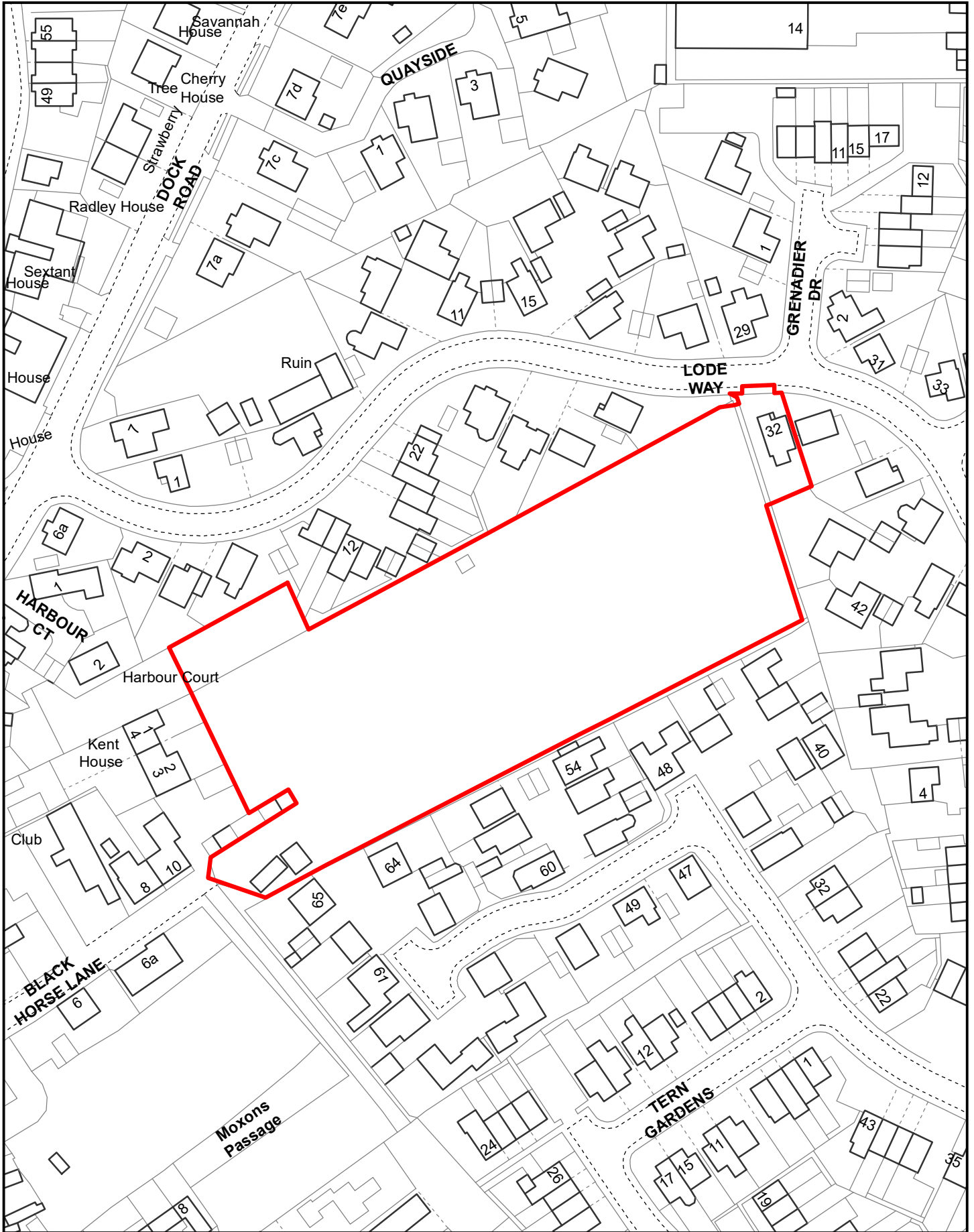
10.2. The proposal includes a new access at the northeastern corner of the site off Lode Way, to facilitate the new access the existing dwelling at 32 Lode Way is to be demolished. Policy LP15 of the Fenland Local Plan 2014 seeks to ensure highways safety within the district. It is evident from the submitted plans, the applicant does control sufficient land to provide adequate visibility at the site access. The proposal therefore is of concern with regard to highway safety, which would be contrary to Policy LP15 of the Fenland Local Plan 2014.

10.3. Parts of the site are located within Flood Zone 2 and 3. Paragraph 159 of the NPPF (2021) states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. Similarly, Local Plan Policy LP14 recommends the adoption of the sequential approach to flood risk from all forms of flooding and this is reinforced by the Cambridgeshire Flood and water SPD. For reasons set out within the report, the proposed development is considered to fail the Sequential Test and Exception Test which would be contrary to Local Plan Policy LP14, the SPD and the NPPF.

11 RECOMMENDATION

Refuse; for the following reasons:

1.	<p>Policies LP18 of the Fenland Local Plan 2014 and DM2 and DM3 of Delivering and Protecting High Quality Environments in Fenland SPD 2014 seek to protect and conserve the historic environment, protect open spaces where they are an important part of the character of a settlement and ensure that any existing views, vistas and focal points are incorporated within developments. Policy LP16 and DM3 also seek to ensure developments have a positive contribution to the local distinctiveness and character of the area and do not adversely impact on the streetscene or landscape character.</p> <p>The historic pastureland on which the proposal is situated is considered to be an important feature, contributing significantly to the setting of the associated listed building (Kent House) and the historic integrity, character and appearance of the conservation area. The proposed development by virtue of its siting would result in the loss of one of the last remaining parcels of open pastureland on the edge of the historic part of the settlement, thereby being significantly detrimental to the setting of the listed building and character and appearance of the conservation area. The proposals would result in a less than substantial level of harm, however this harm would not be outweighed by the public benefit of the provision of 9 additional houses. Overall, it is therefore considered that the proposed development would be contrary to Policies LP16 and LP18 of the Fenland Local Plan 2014, Sections 66 and 72 Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 16 of the NPPF.</p>
2.	<p>Policy LP15 of the Fenland Local Plan 2014 requires new development requires development to ensure safe and convenient access for all. In addition, Paragraph 111 of the NPPF (July 2021) states that development proposals should be refused if they result in detrimental impacts to highway safety. The applicant does not appear to control sufficient land to provide adequate visibility at the site access. The proposed development would therefore be detrimental to highway safety.</p>
3.	<p>Parts of the site, including the access to the development, are located within Flood Zone 2 and 3, where there is a high probability of flooding. The Sequential Test for flood risk has not been passed as there are likely to be available sites within Chatteris with a lower probability of flooding that could accommodate the nine plots. Allowing the proposed development could therefore place people and property at an increased risk, with no justification, contrary to Policy LP14 of the Fenland Local Plan (2014), NPPF and Section 4 of the Cambridgeshire Flood & Water SPD (2016).</p>



Created on: 22/06/2023

© Crown Copyright and database rights 2023 Ordnance Survey 10023778

F/YR23/0517/O

Scale = 1:1,250

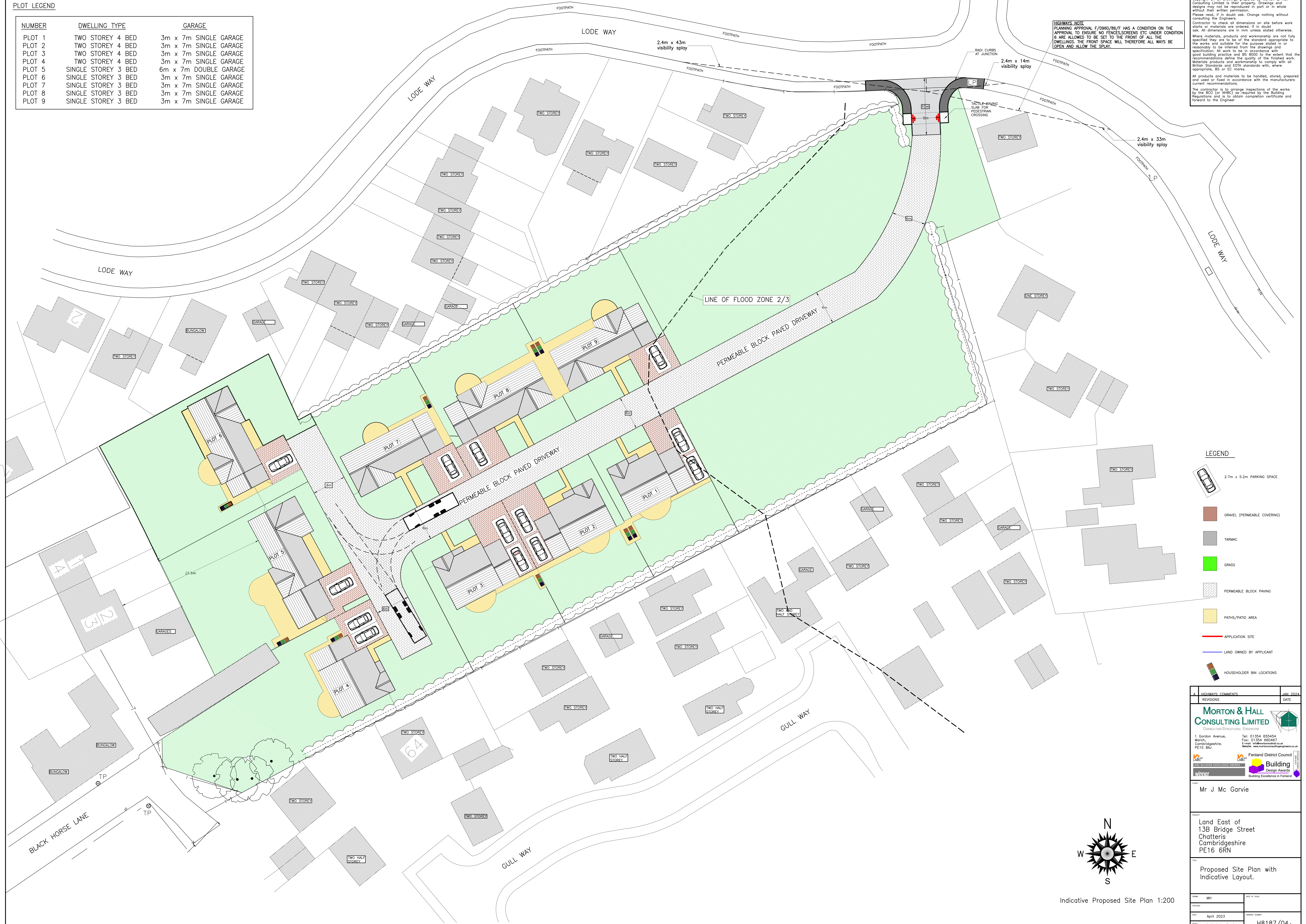


PLOT LEGEND

NUMBER	DWELLING TYPE	GARAGE
PLOT 1	TWO STOREY 4 BED	3m x 7m SINGLE GARAGE
PLOT 2	TWO STOREY 4 BED	3m x 7m SINGLE GARAGE
PLOT 3	TWO STOREY 4 BED	3m x 7m SINGLE GARAGE
PLOT 4	TWO STOREY 4 BED	3m x 7m SINGLE GARAGE
PLOT 5	SINGLE STOREY 3 BED	6m x 7m DOUBLE GARAGE
PLOT 6	SINGLE STOREY 3 BED	3m x 7m SINGLE GARAGE
PLOT 7	SINGLE STOREY 3 BED	3m x 7m SINGLE GARAGE
PLOT 8	SINGLE STOREY 3 BED	3m x 7m SINGLE GARAGE
PLOT 9	SINGLE STOREY 3 BED	3m x 7m SINGLE GARAGE

DISCLAIMER NOTE
 PLANNING APPROVAL F/0960/06/F HAS A CONDITION ON THE APPROVAL TO ENSURE NO FENCES, SCREENS ETC UNDER CONDITION 6 ARE ALLOWED TO BE SET TO THE FRONT OF ALL THE DWELLINGS. THE FRONT SPACE WILL THEREFORE ALL WAYS BE OPEN AND ALLOW THE SPILL.

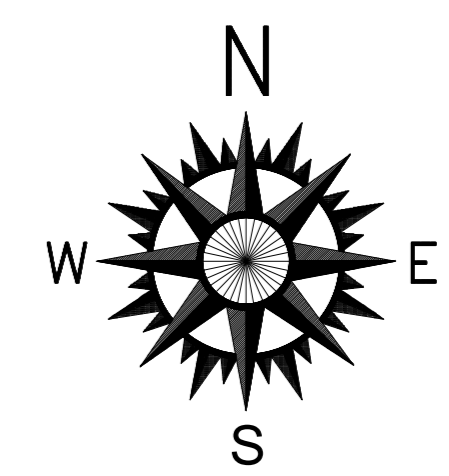
Copyright on all drawings prepared by Morton & Hall Consulting Limited is their property. Drawings and designs may not be reproduced in part or in whole without their written permission.
 Please read, if in doubt ask. Change nothing without consulting the Engineer.
 Contractor to check all dimensions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



LEGEND

- 2.7m x 5.2m PARKING SPACE
- GRAVEL (PERMEABLE COVERING)
- TARMAC
- GRASS
- PERMEABLE BLOCK PAVING
- PATHS/PATIO AREA
- APPLICATION SITE
- LAND OWNED BY APPLICANT
- HOUSEHOLDER BIN LOCATIONS

A REVISIONS / COMMENTS		DATE
MORTON & HALL CONSULTING LIMITED		
1 Gordon Avenue, March, Cambridgeshire, PE15 8AU		Tel: 01354 655454 Fax: 01354 660467 E-mail: info@mortonandhall.co.uk Website: www.mortonandhall.co.uk
Fenland District Council Building Design Awards Building Excellence in Fenland		Mr J Mc Garvie Land East of 13B Bridge Street Chatteris Cambridgeshire PE16 6RN
Proposed Site Plan with Indicative Layout.		
DATE	BY	CHECKED BY
04/04/2023	AS SHOWN AT AD	H8187/04_A



Indicative Proposed Site Plan 1:200

This page is intentionally left blank

F/YR23/0881/O

Applicant: Mr R Hirson

**Agent : Jordan Trundle
Peter Humphrey Associates Ltd**

Land West Of 78-88, Station Road, Manea, Cambridgeshire

Erect up to 4no 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 a determination of the principle of residential development for up to 4 dwellings (outline application) with all matters reserved for future consideration. The proposal site is located at the junction of Station and Wimblington Roads in Manea.

1.2 The application site is located within Flood Zone 3, an area at the highest risk of flooding but the applicant has not demonstrated conclusively that there are no other reasonably available sites appropriate for the proposed development in areas at a lower risk of flooding and therefore the development fails the Sequential.

1.3 An outline application for up to 4 dwellings has previously been refused on site. The current applications indicative plans are virtually identical with some alterations to tree placement. The reason for refusal previously given was also sequential test.

1.4 The recommendation is therefore for refusal of planning permission.

2 SITE DESCRIPTION

2.1 The proposal site consists of a 0.46ha parcel of land located at the corner of Station and Wimblington Roads in Manea. The site is currently agricultural land but has residential development to the North, East and to the South, with scattered agricultural buildings. The site is generally flat and has no trees. There are surface water drains located on the site.

2.2 The site is located within Flood Zones 2 and 3 as defined by the Environment Agency maps.

3 PROPOSAL

3.1 The application proposes the erection of up to 4no dwellings (outline application with all matters reserved)

Full plans and associated documents for this application can be found at:
<https://www.publicaccess.fenland.gov.uk/publicaccess/simpleSearchResults.do?action=firstPage>

4 SITE PLANNING HISTORY

Pertinent planning history:

Application	Description	Decision	Date
F/YR21/1439/O	Erect up to 4no dwellings (outline application with all matters reserved)	Refused	23 Nov 2022

5 CONSULTATIONS

5.1 Manea Parish Council

Object.

Lack of vision at the Wimblington Road Station Road Junction.

Inadequate lighting

Risk of flooding.

5.2 Environment & Health Services (FDC)

The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposal as it is unlikely to have a detrimental effect on local air quality or the noise climate. Our records indicate there is unlikely to be a presence of contamination at the application site, however I would recommend the following condition to be imposed in the event planning consent 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.

5.3 Environment Agency

Thank you for your consultation dated 01 November 2023. We have reviewed the documents as submitted and have no objection to the proposed development. We have provided further details below.

Flood Risk

National Planning Policy Framework Flood Risk Sequential Test

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

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

Review of Flood Risk Assessment (FRA)

We strongly recommend that the mitigation measures proposed in the submitted Flood Risk Assessment (FRA) (ECL0561a, September 2023) are adhered to. In particular, the FRA recommends that:

- O Finished floor levels will be set no lower than 0.8m above existing ground levels.*
- O Flood resilience measures will be incorporated up to 0.6m above finished floor levels.*

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

Safety of People

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

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

We strongly recommend that you consult your Emergency Planner on the above issues.

Further Advice

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

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

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

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

5.4 Cambridgeshire County Council Highways Authority (22/11/23)

This application seeks approval for outline permission with "ALL MATTERS RESERVEVED" including access. Whilst an indicative access location with the highway has been shown on the submitted drawings. This aspect of the propped development is outside of the remit of the permissions sort for this application site. Also there has been no relevant or acceptable information submitted to demonstrate that a safe and acceptable access with the highway can be achieved.

Whilst I have no objection to the development of this land, if safe access can be shown to be achieved. After a review of the information submitted, I do not believe it will be possible to achieve a safe access along boundary of this land with the highway. This is because the posted legal speed limit of the road is 40mph. Would require inter-junction spacing of 100m apart And/Or outside of the required inter-vehicle visibility splays. Which in this instance would be 2.4m x 120m either side of any proposed And/Or existing junction/s.

Please note I cannot recommend any highways related conditions at this time. As this is an all matters reserved application inclusive of any highways matters. However should a further application be submitted all highways aspects must be considered as standard. Please see the following highways design guidance for further information and reference Highways Development Management General Principles for Development- January 2023 - Amended (cambridgeshire.gov.uk)

5.5 Cambridgeshire County Council Highways Authority (18/01/24) Recommendation

I have reviewed the information in support of the above application and can confirm I have no objection to above application from the highways perspective.

Comments

In my view the proposed development is on balance acceptable, If the LPA are mindful to approve the application, please append the following conditions to any consent granted:

Conditions

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

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

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

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

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

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

Further comments would be provided should the above planning application progress to the full application stage.

5.6 Local Residents/Interested Parties

Objectors

Three representations have been received from residents of Short Drive and Station Road objecting to the application. Objectors have concerns regarding:

- Flood Risk
- Highways Safety
- Highways disruption
- Noise
- Construction management
- Disruption to electricity and broadband
- Result in loss of income/affect business
- Detrimental effect on the sewage plant
- Drainage ditch contamination
- Finished floor levels and flood risk

Supporters

Eight letters of support received, (two from Old Dairy Yard, and one each from High Stret, Cox Way, Williams Way and Westfield Road, Manea and two from residents of Chatteris). Letters of support mention:

- Beneficial to the Village,
- Family homes
- Infill development/good use of land
- Increase the appeal of the village,
- Would be in keeping with the residential character of the area,
- Access to the train station,
- Would bring more families to help sustain the village.

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. 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

National Planning Practice Guidance (NPPG)

Determining a Planning Application

National Design Guide 2021

C1 – Context – How well does the proposal relate to the site and its wider context
 I1, 2 & 3 – Identity – Well-designed, high-quality places that fit with local character
 H1 & H2 Homes and Buildings – healthy, comfortable and safe places well related to external amenity space

Fenland Local Plan 2014

- LP1 – A Presumption in Favour of Sustainable Development
- LP2 – Facilitating Health and Wellbeing of Fenland Residents
- LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside
- LP12 – Rural Areas Development Policy
- LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland
- LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland
- LP16 – Delivering and Protecting High Quality Environments across the District
- LP19 – The Natural Environment

Emerging Local Plan

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

- LP1: Settlement Hierarchy
- LP2: Spatial Strategy for the Location of Residential Development
- LP5: Health and Wellbeing
- LP7: Design
- LP8: Amenity Provision
- LP12: Meeting Housing Needs
- LP20: Accessibility and Transport
- LP22: Parking Provision
- LP24: Natural Environment

- LP25: Biodiversity Net Gain
- LP27: Trees and Planting
- LP32: Flood and Water Management
- LP49: Residential site allocations in Manea

Delivering and Protecting High Quality Environments in Fenland SPD 2014

DM2 – Natural Features and Landscaping Schemes

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

Cambridgeshire Flood and Water SPD 2016

8 KEY ISSUES

- **Principle of Development**
- **Visual Impact**
- **Residential Amenity**
- **Highway Safety**
- **Flood Risk**
- **Ecology**

9 BACKGROUND

- 9.1 As indicated in the planning history section above an outline application for up to 4 dwellings has previously been refused on site by Planning Committee on 16/11/22. The current applications indicative plans are virtually identical with some alterations to tree placement. The reason for refusal previously given was:

“The site is located within Flood Zone 3 where there is a high probability of flooding. The Sequential test for flood risk has not been adequately applied or met and consequently, the application fails to demonstrate that there are no other reasonably available sites with a lower probability of flooding that could accommodate the development. In addition, the Exception Test has also not been passed. Allowing the proposed development could therefore place people and property at an increased risk, with no justification, of flooding contrary to Policy LP14 of the Fenland Local Plan (2014), NPPF(2021) and Section 4 of the Cambridgeshire Flood & Water Supplementary Planning Document (2016).”

10 ASSESSMENT

Principle of Development

- 10.1 Policy LP3 of the Fenland Local Plan sets out the spatial Strategy for development and the settlement Hierarchy. Policy LP3 defines Manea as a Growth Village where development and new service provision either within the existing urban area or as a small village extension will be appropriate. Policy LP12 Part A sets out where development may be acceptable in or adjacent to the developed footprint of the settlement as long as it does not adversely impact the character of the countryside and is in keeping with the core shape of the settlement.
- 10.2 The application site forms part of an agricultural field at the entrance to the settlement, bounded to the north by the workplace home development of Charlemont Drive. To the south on the opposite side of Wimblington Road is a group of commercial buildings with further linear residential development to the south. On the opposite side of Station Road is loose knit linear residential development. Consequently, it is considered that while the site forms an attractive entrance to the village it would be difficult to argue that the principle of residential development was unacceptable, given these surroundings.

10.3 As such the principle of this development is considered to be supported by Policies LP3 and LP12 of the Fenland Local Plan (2014).

Visual Impact

10.4 Paragraph 131 of the National Planning Policy Framework 2021 states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. This is further reflected in Local Plan Policy LP16 (d) which seeks to deliver and protect a high-quality environment for those living and working within the district.

10.5 It is considered that the development of the site would visually read as part of the existing village and not appear incongruous or as an encroachment into the countryside. As described above the site is considered to form an attractive entrance to the village and as such a well-designed scheme incorporating sympathetic landscaping would be required to ensure the quality of this gateway is maintained.

10.6 Therefore, subject to appropriate design, layout, and landscaping which would be addressed at the Reserved Matters stage, the visual impact could be acceptable in accordance with Policy LP16 and the NPPF (2021).

Residential Amenity

10.7 Local Plan Policy LP16 (e) seeks to provide and protect comforts that the general environment provides and to this end ensures that development does not adversely impact on the amenity of neighbouring users owing to noise, light pollution, loss of privacy and loss of light.

10.8 The proposed development is in outline form, with all matters reserved. From the submitted indicative plan, it would appear that the development which details design and layout, would relate appropriately with the dwellings around it. The scale and external appearance of the scheme is subject to subsequent approval, but it is considered that there is sufficient distance from the neighbouring gardens to be able to accommodate this level of development in this location without compromising residential amenity.

10.9 The proposal allows for the provision of adequately sized garden areas to serve each dwelling unit in line with policy LP16 (h) together with some communal greenspaces at the front of the development to provide soft landscaping.

10.10 Therefore, subject to appropriate detailed design and layout, the scheme would provide adequate residential amenities for future occupiers and protect those enjoyed by existing neighbouring occupiers in accordance with Policy LP16 and

Highway Safety

10.11 Fenland Local Plan Policy LP15 states that new development will only be permitted if it can be demonstrated that safe and convenient pedestrian and vehicle access to and from the public highway as well as adequate space for vehicle parking, turning and servicing would be achieved.

10.12 The Highway Authority have no objection to the proposed scheme. Revisions have been made to the existing indicative plans to show that appropriate visibility

splays are achievable on site. Final details would be considered at reserved matters stage.

- 10.13 The application is an outline application with all other reserved. However the scheme is considered acceptable and complies with Policy LP15 in this regard.

Flood Risk

- 10.14 Paragraph 165 of the NPPF (2023) states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. In the same vein, Local Plan Policy LP14 recommends the adoption of sequential approach to flood risk from all forms of flooding and this is reinforced by the Cambridgeshire Flood and water SPD.

- 10.15 The Cambridgeshire Flood and Water Supplementary Planning Document states that the sequential test was developed to steer development to areas with the lowest probability of flooding. The SPD states that developers need to identify and list reasonably available sites identifying reasonably available sites as:

“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.”

The submitted Flood Risk Assessment undertaken by Ellingham Consulting Ltd is accompanied by a separate sequential test. The sequential test undertaken by the applicant's agents sets out the sites with planning permission within Manea, it states whether they as agents consider the sites are reasonably available and whether they are considered to be at a lower risk of flooding. The sequential test incorrectly states that sites for 1 dwelling or 7 or more are 'not comparable' to the proposal and are therefore rejected. This is clearly an incorrect approach to take and not consistent with policy and therefore, the sequential test is not considered to be passed. As the application does not pass the Sequential Test the Exception Test is not applicable.

- 10.16 The flood risk assessment undertaken by Ellingham Consulting Ltd in support of the development which was considered by the Environment Agency (EA). The EA recommends that the development be carried out in strict accordance with the submitted flood risk assessment undertaken by Ellingham Consulting Ltd, (ref: ECL0561a/Peter Humphrey Associates, dated September 2023). The EA also set out that it is for the Local Planning Authority to be satisfied by the Sequential and Exception Tests.

- 10.17 Based on the above assessment, the applicant has been unable to show that there are no other reasonably available sites appropriate for the proposed development in areas at a lower risk of flooding and has not demonstrated any wider community benefits of the development and therefore the development fails the Sequential Test and allowing the development would be contrary to Local Plan Policy LP14, the adopted SPD and paragraphs 159 and 162 of the NPPF(2021)

Ecology

- 10.18 Policy LP16 (b) requires proposals for new development to protect and enhance biodiversity on and surrounding the proposal site, taking into account locally designated sites and the special protection given to internationally and nationally designated sites in accordance with policy LP19. Criteria (c) requires the retention

and incorporation of natural and historic features of the site such as trees, hedgerows, field patterns, drains and water bodies.

10.19 The application site comprises an agricultural field bounded by a hedgerow to the north and ditches to three sides and the access to the development is indicated as being across one of these ditches.

10.20 An ecological survey and if necessary, a species survey, are required to be carried out pre-determination. Section 40 of the Natural Environment and Rural Communities Act 2006 places a public sector duty upon local planning authorities to conserve biodiversity. Section 186 of the NPPF states that when determining planning applications local planning authorities should refuse planning permission if significant harm to biodiversity resulting from development cannot be avoided (through locating on an alternative site with less impact), adequately mitigated or as a last resort, compensated for. Such consideration requires sufficient ecological investigation to assess if there are any particular protected species present so that they can be taken into account in the consideration of the proposals.

10.21 A Preliminary Ecological Report has been submitted with the application. The surveys were originally undertaken on the 3rd of August 2022 and updates were made on the 19th of September 2023. The report concludes that protected species may be present on site, Licences may need to be obtained and mitigation measures such as what season to conduct works, 5m stand off from the ditch, 9m buffer zone from IDB drain, bat boxes, limited external lighting, species specific planting would need to be implemented. The Ecology team and Natural England were consulted on the proposals however no response was received. A Construction Ecological Management Plan would need to be submitted at Reserved Matters stage.

10.22 The submitted Preliminary Ecological Report states any potential harm can be mitigated. Therefore, at Outline stage the detail submitted is considered sufficient to say the proposal is considered acceptable under policy LP15 of the Fenland Local Plan 2014 subject to an Construction Ecological Management Plan being submitted at Reserved Matters stage.

11 CONCLUSIONS

11.1 The proposed development would be of a scale that is in keeping with the area and, subject to layout, design and finishes, would not detract from the character of the site and the area. However, the site is located within Flood Zone 3 and the applicant has not shown that the development is Sequentially acceptable or of wider community benefit.

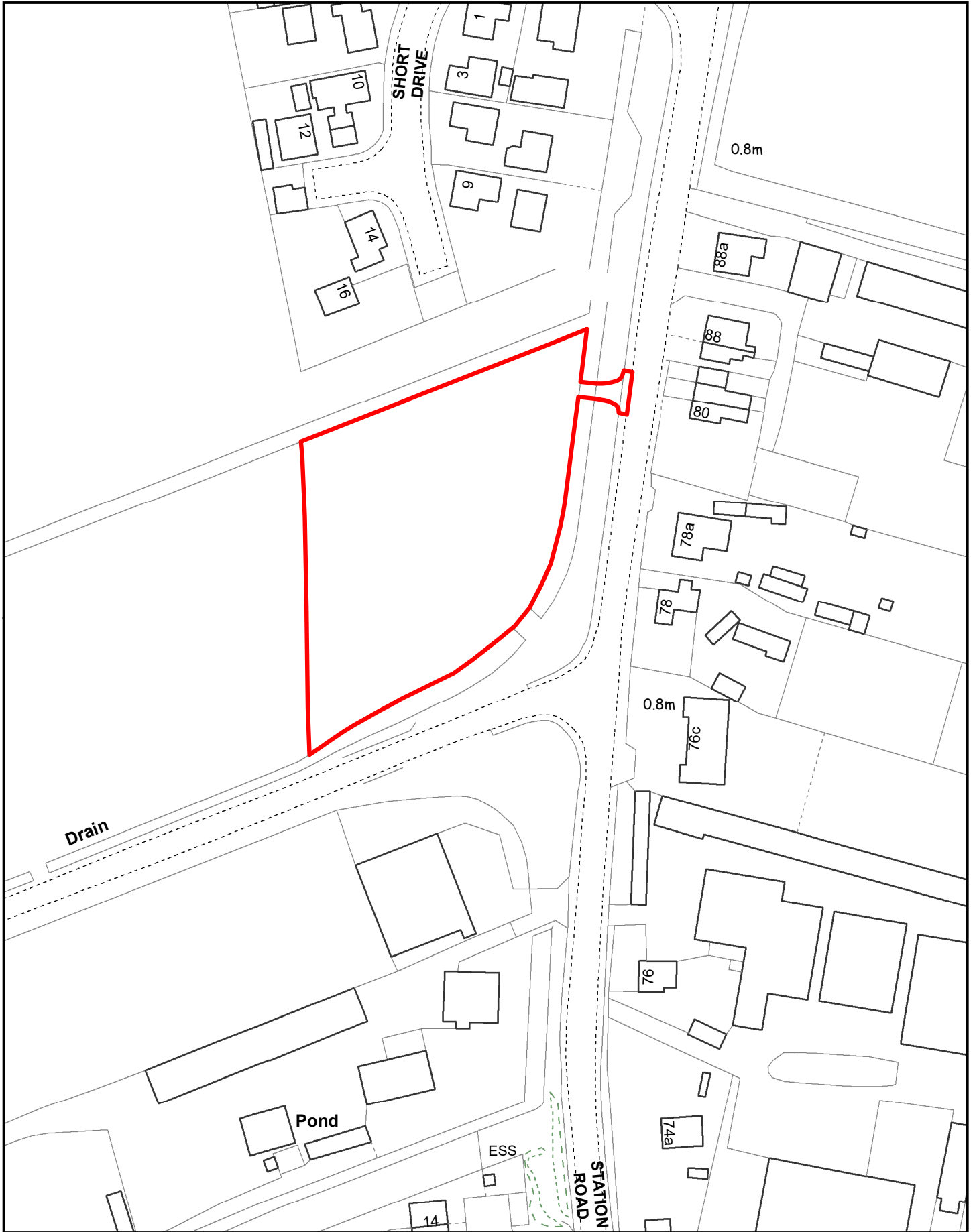
11.2 As such the application is considered to conflict with the NPPF, policies of the Local Plan and the Flood and Water SPD

12 RECOMMENDATION

Refuse; for the following reason:

1.	The site is located within Flood Zone 3 where there is a high probability of flooding. The Sequential Test for flood risk has not been adequately applied or met and consequently, the application fails to demonstrate that there are no other reasonably available sites with a lower probability of flooding that could accommodate the development. In addition, the Exception Test has
----	---

	<p>also not been passed. Allowing the proposed development could therefore place people and property at an increased risk, with no justification, of flooding contrary to Policy LP14 of the Fenland Local Plan (2014), NPPF(2021) and Section 4 of the Cambridgeshire Flood & Water Supplementary Planning Document (2016).</p>
--	--



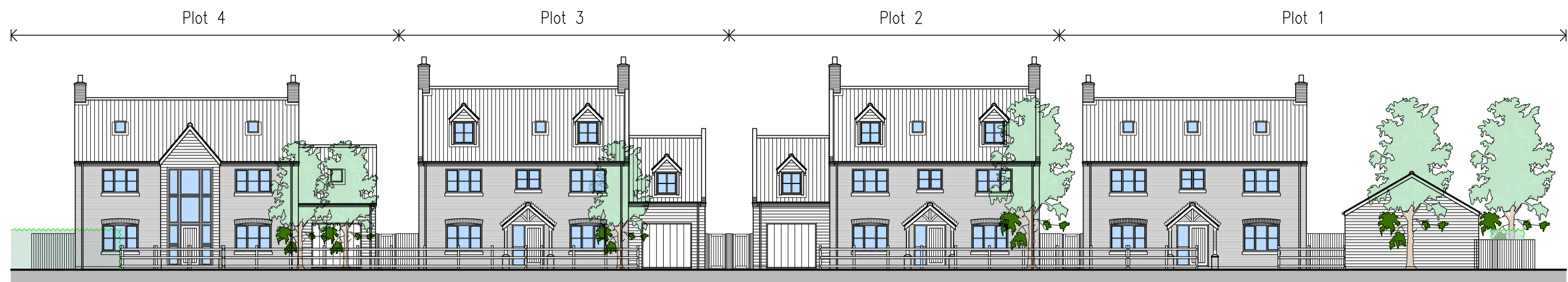
Created on: 26/02/2024

© Crown Copyright and database
rights 2024 Ordnance Survey 10023778

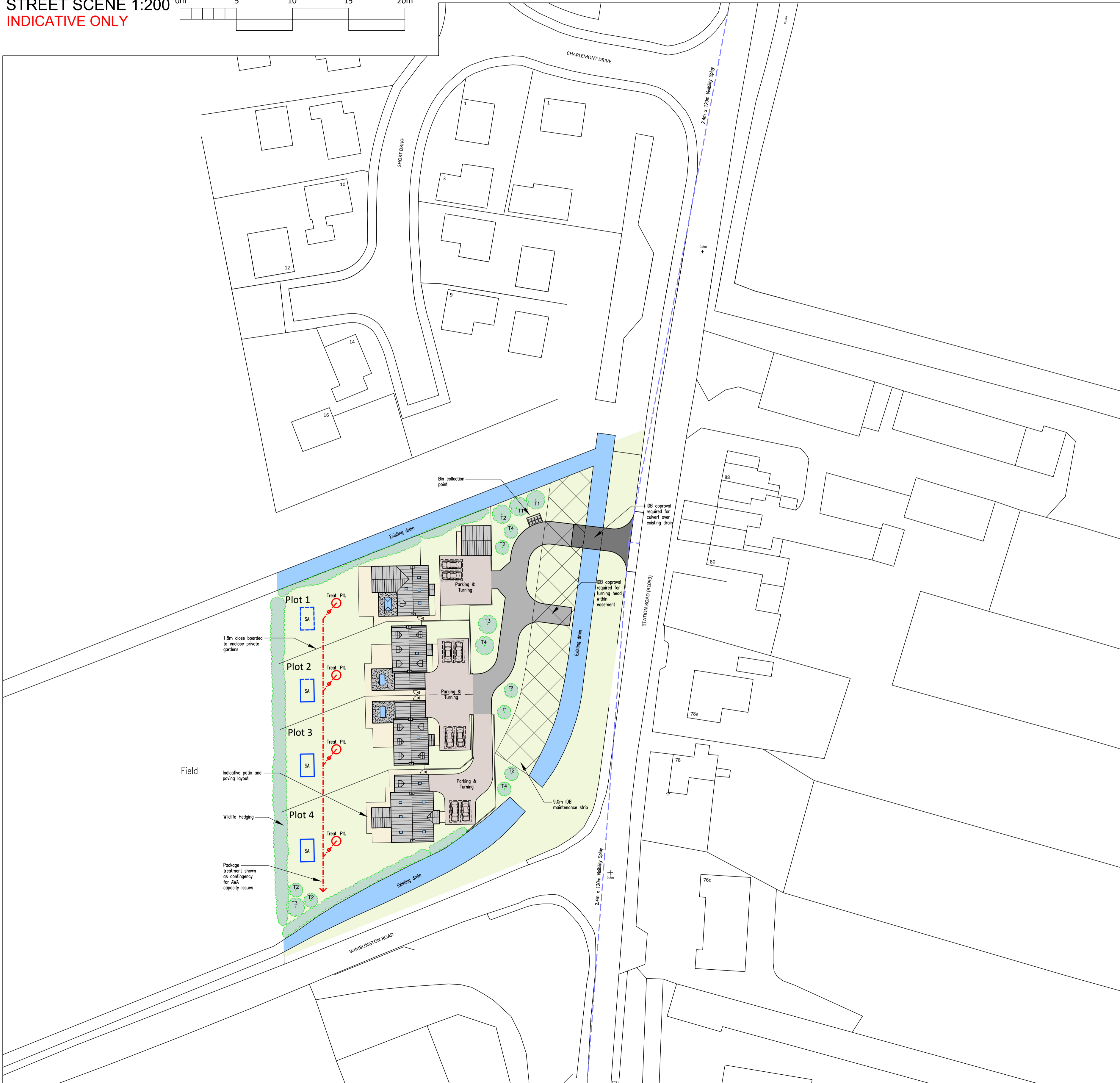
F/YR23/0881/O

Scale = 1:1,250

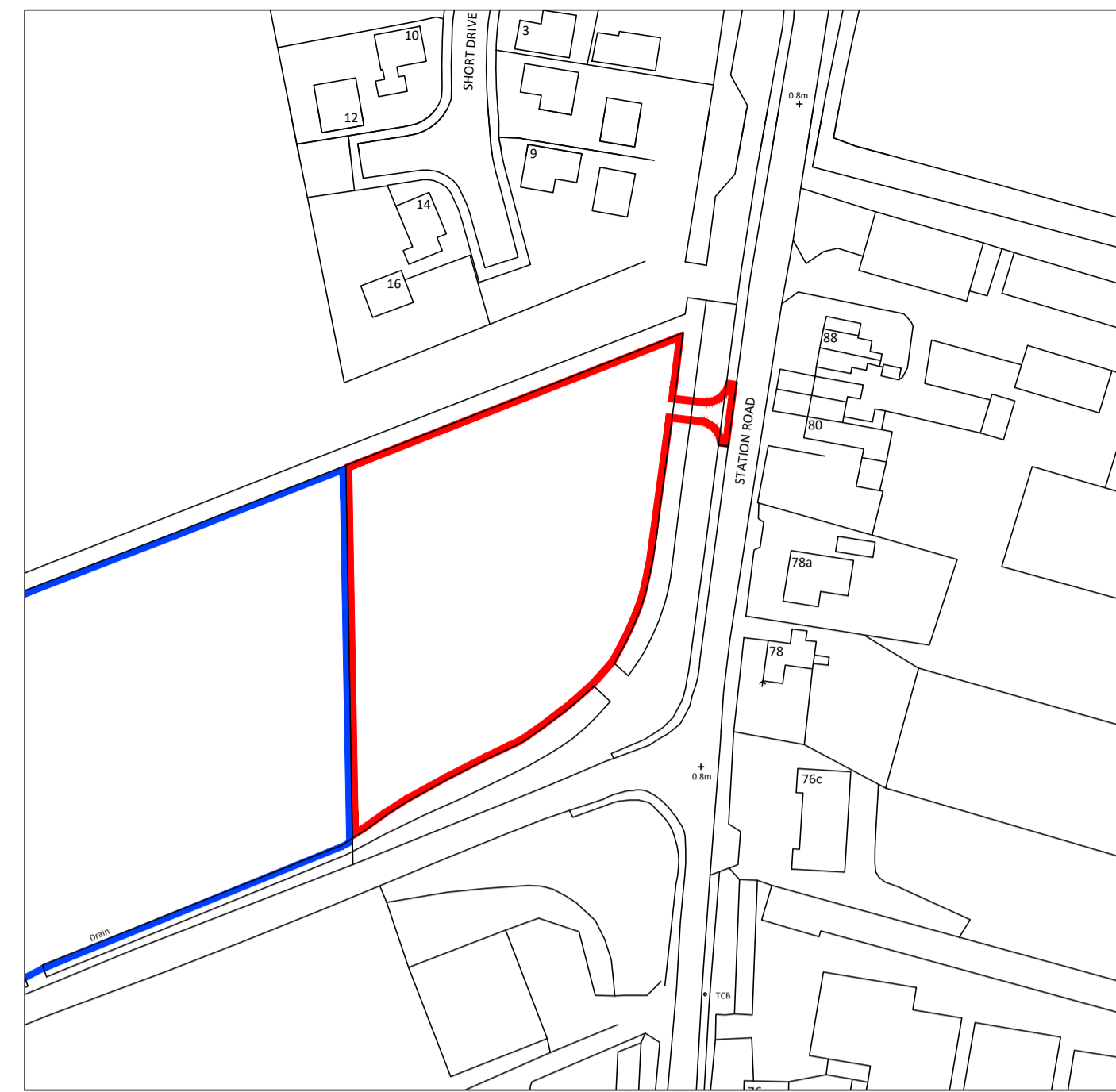




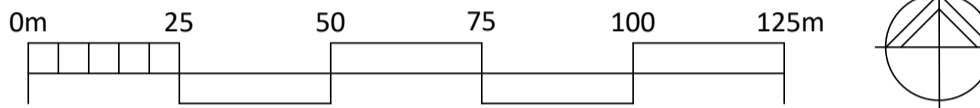
STREET SCENE 1:200
INDICATIVE ONLY



SITE PLAN 1:500
INDICATIVE ONLY



LOCATION PLAN 1:1250



SITE PLAN KEY

- 5.0m Access to CCC Specification
- Hard Surfacing
- Parking & Turning
- Paving (Indicative)
- Lawned Grass (Seeded or Turf)
- Trees
- T1 Tree Species
- Hedges
- 2.4m x 120m Visibility Splay
- Bin Collection Point
- ▼ 1.8m Gate

LANDSCAPING:

HEDGING:
All hedging plants are to be 60-80cm high bare-rooted stock from a reliable supplier (preferably local) and should comply with British Standard 3936. Plants should be 2 year old seedlings and must be healthy and vigorous. Upon delivery the plants should be checked, unpacked and watered immediately. They should be protected from frost and gently heeled in to a prepared trench until planted which should be as soon as practicable after delivery. This will ensure the plants do not dry out. Avoid planting in frosty conditions and keep roots covered during the planting operation (preferably in a light proof bag).

HEGE PLANTING:
Planting should be undertaken between November and March when the plants are dormant. Planting should be in two staggered rows 300mm apart with plants at approximately 600mm in each row allowing for 6 plants per metre. Other weed free ground using other cultivated strip planting (in a cultivated strip approximately 600mm wide by 250mm deep) or sill planting (cutting a sill in the ground and holding it open with a spade until the roots of the plants are carefully inserted and spread downwards). Plants should be set at the same root depth as they were at the nursery and should be well firmed in and gaps filled. Remove any damaged plants during planting. A 75mm layer of bark mulch (Landscape Bark Mulching Mulch or equivalent) should be applied over the planting bed to reduce weed competition.

HEGE PLANT PROTECTION:
400mm x 30mm spiral plant guards are to be used to protect plants from rabbits and should be secured with a suitable cone or stake. Ensure spiral guards are installed the correct way up to avoid tree strangulation.

- WILDLIFE FRIENDLY HEGE MIX:**
- 10% Hawthorn (*Crataegus monogyna*)
 - 10% Wild Cherry Plum (*Prunus cerasioides*)
 - 10% Wild Privet (*Ligustrum vulgare*)
 - 10% Hazel (*Corylus avellana*)
 - 10% Wild Dogwood (*Prunus domestica*)
 - 10% Quince Rose (*Viburnum opulus*)
 - 10% Blackthorn (*Prunus spinosa*)
 - 10% Dog Rose (*Rosa canina*) or 10% Sweet Briar (*Rosa rubiginosa*)
 - 10% Field Maple - Acer composite

TREES:
All trees (as marked on plan) should be 68-100cm girth Standard trees either rootballed or container grown and should be single staked with 75mm minimum diameter stakes free from bark with one end pointed.
Tree Pits to be 600x600mm depth of rootball or container (or 150mm wider than the rootball whichever is greater) do not plant deeper than the soil mark on the stem. Break up pit base to avoid compaction. Drive 1 stake upright/vertical into bottom of excavated planting pit before planting. Saturate root ball of container grown and rootballed plants before planting. Soak with excavated material incorporating compost at 1m³ per 3m³ of soil excavated.

Use Super Soft Tree Ties (J Toms 01233 770066) to fit tree to stake no spacer required. Water thoroughly immediately after planting and at intervals on necessary until trees are established. Apply 75mm bark mulch to planting surface. Fit spiral tree guard to tree base.

- TREES:**
- T1 Standard *Betula pendula*
 - T2 Standard - *Sorbus domestica*
 - T3 Standard *Prunus avium* Pleno?
 - T4 Standard *Malus sylvestris*

SCHEDULE OF SITE

Plot	Unit Type	Bedrooms	Floor Area	Rear Amenity	Notes
1	Market	4	260m ²	336m ²	Double Garage
2	Market	5	242m ²	347m ²	Single Garage
3	Market	5	242m ²	427m ²	Single Garage
4	Market	4	283m ²	590m ²	Single Garage

Floor areas exclude garages.

A-12-12-23 - Amendments following CCC Highway comments.
REVISIONS



PETER HUMPHREY ASSOCIATES

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

TELEPHONE: 01945 466966

E-MAIL: info@peterhumphrey.co.uk

WEB: www.peterhumphrey.co.uk

CLIENT

MR R HIRSON

PROJECT

RESIDENTIAL DEVELOPMENT

SITE

LAND WEST OF 78-88

STATION ROAD

MANEA

CAMBS

DRAWING

PLANNING DRAWING 1

JOB NO.

6017/PL02A

PAPER SIZE

A1

DATE

AUG 2023

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

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

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

This page is intentionally left blank

F/YR23/0935/O

Applicant: Mr & Mrs Griffin

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

Land North Of Greenacres, Hannath Road, Tydd Gote, Cambridgeshire

Erect 1 x dwelling (outline application with matters committed in respect of access) and the formation of an access

Officer recommendation: Refuse

Reason for Committee: Number of representations contrary to Officer recommendation

1 EXECUTIVE SUMMARY

- 1.1. The application seeks outline planning permission for the erection of 1 dwelling with matters committed in respect of access.
- 1.2. The application site comprises part of the residential garden land that serves the 'Chestnuts', a dwelling located at the south side of Hannath Road. The site is detached from the main part of the settlement of Tydd Gote, which is located to the east. The application site is lined to its northern boundary by tall mature trees, some of which have Tree Preservation Order's, some individual trees to its western boundary, large mature conifer trees to its eastern boundary and hedges to the southern boundary. There are several other residential properties located to the north, east and south of the site.
- 1.3. The application site is located within an 'Other Village' as set out in the settlement hierarchy in policy LP3 of the Fenland Local Plan (2014). Policy LP3 states that for such settlements, development will "normally be restricted to single dwelling infill sites situated within an otherwise built up frontage". The scheme proposes the construction of one dwelling that does not constitute infill development and is not located within an otherwise built up frontage. No evidence has been provided to justify why the site should be allowed as an exception to the policy and as such the scheme is contrary to policy LP3 of the Fenland Local Plan (2014).
- 1.4. The development proposed would see one dwelling positioned on land that currently forms a distinct and natural demarcation between the edge of the settlement to the east and the countryside. Furthermore, it is noted that within the indicative site plan the large mature conifer trees that front the site would be removed and replaced with a native hedge, affording increased views of the proposed dwelling. Overall, this would result in a significant detrimental impact on the character and visual amenity of the area and would fail to enhance the local setting, contrary to Policy LP16 (d) of the Fenland Local Plan 2014 and DM3 of the Delivering and Protecting High Quality Environments in Fenland 2014.

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

2 SITE DESCRIPTION

- 2.1. The application site comprises the south western part of the large area of residential garden land that serves the 'Chestnuts' dwelling located at the south side of Hannath Road. The site is detached from the main part of the settlement of Tydd Gote, which is located to the east. The application site is lined to its northern boundary by tall mature trees, some of which have TPO's, some individual trees to its western boundary, large mature conifer trees to its eastern boundary and hedges to the southern boundary. There are several other residential properties sporadically located to the north, east and south of the site. Greyfriars, a Grade II listed building is located approx. 80m from the application site but is buffered by the mature trees that line the northern boundary of the site.
- 2.2. The application site is located within Flood Zone 1.

3 PROPOSAL

- 3.1. The proposal is an outline planning application for the construction of 1 dwelling on the land with matters committed in respect of access. A new 3.5m wide access is proposed at the western boundary of the site directly off Hannath Road, with an associated area for parking and turning. An existing access to the north of the application site is to be closed off and set to grass verge.
- 3.2. Full plans and associated documents for this application can be found at: [F/YR23/0935/O | Erect 1 x dwelling \(outline application with matters committed in respect of access\) and the formation of an access | Land North Of Greenacres Hannath Road Tydd Gote Cambridgeshire \(fenland.gov.uk\)](https://fenland.gov.uk/F/YR23/0935/O)

4 SITE PLANNING HISTORY

- 4.1 No relevant history.

5 CONSULTATIONS

5.1. Tydd St Giles Parish Council (08/12/2023)

The Parish Council's Planning Committee considered this application at their recent meeting. Members agreed that the proposal represents unsustainable development in the open countryside, outside the core built form of the settlement of Tydd Gote, contrary to policies LP12 and LP3. The proposed dwelling would be out of keeping with surrounding properties contrary to policy LP16 making neither a positive contribution to the local distinctiveness and character of the area, nor enhancing its local setting or improving the character of the local built environment.

Members resolved not to support the application.

5.2. South Holland District Council (20/02/2024)

South Holland District Council (SHDC) have no comments to make on the above application. On this basis SHDC do not wish to make any comments in relation to the above proposed development.

5.3. CCC Highways (07/12/2023)

Upon reviewing the plans and information submitted for this application, I have no objection to the proposals in principle.

I note that visibility splays of 53m to the north and 120m to the south have been included on plan reference: Planning drawing 1. However, as this is de-restricted national speed limit road the required visibility is 2.4m x 215m. For these splays to be acceptable, a speed survey will need to be conducted to determine the 85th%ile speed along Hannath road. The visibility splays will also need to be drawn tangentially and to the nearside kerb line.

Please advise me if the applicant is unwilling or unable to address the above so I may consider making further recommendations, possibly of refusal.

5.4. CCC Highways (09/02/2024)

Upon reviewing the updated plans and information submitted for this application, I have no objections.

I note that a speed survey has been undertaken to determine the 85th%tile speed for Hannath road. As this speed survey indicates the 85 th%tile speed as 21mph, the visibility splays of 26m indicated on plan reference: 6861/01A Revision A are adequate.

Should this application gain benefit of planning permission, please append the following conditions and informatives.

Conditions

Gates: Prior to the first occupation of the development hereby approved any gate or gates to the vehicular access shall be set back 5 metres from the near edge of the highway carriageway, hung to open inwards, and retained in perpetuity thereafter.

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

Ecological Impacts of Highway Works

The proposed works to the public highway which are required as part of the highway mitigation, will result in a material loss of established vegetation and / or damage to existing ecosystems (including potentially both habitats and protected species) within existing highway or adjoining land. Notwithstanding any consent granted under the Town and Country Planning Act, it is the responsibility of the applicant to ensure that their works comply with relevant legislation and that any supplementary permits or permissions are secured prior to undertaking the highway works.

5.5. FDC Environmental Health (16/11/2023)

The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposed scheme as it is unlikely to have a detrimental

effect on local air quality or be affected by ground contamination. Due to the close proximity of noise sensitive receptors, it is recommended that the following condition is imposed in the event that planning permission is granted: 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.

5.6. North Level District I.B.D (20/11/2023)

No objections.

Local Residents/Interested Parties

Supporters

5.7. 8 letters of support have been received from 7 addresses within Tydd Gote and 1 from Foul Anchor which make the following summarised comments:

- Does not interfere or encroach on anyones privacy nor with the beauty of Hannath Road
- A single dwelling would not have a negative impact on the surrounding area
- Will not be detrimental to the area
- Will improve safety for both walkers and local car drivers by widening the verge and providing a pass by
- The added benefit of removing the conifers will also help by improving visibility and allowing more natural light through to the road
- Due to the lack of local housing we can only see this as another benefit in providing additional housing for the local community
- The proposed would not overlook onto existing dwellings surrounding the site

6 STATUTORY DUTY

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

7 POLICY FRAMEWORK

7.1. National Planning Policy Framework (NPPF)

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.

7.2. National Planning Practice Guidance (NPPG)

Determining a Planning Application

7.3. National Design Guide 2021

Context

Identity

7.4. **Fenland Local Plan 2014**

- LP1 – A Presumption in Favour of Sustainable Development
- LP2 – Facilitating Health and Wellbeing of Fenland Residents
- LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside
- LP4 – Housing
- LP12 – Rural Areas Development Policy
- LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland
- LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland
- LP16 – Delivering and Protecting High Quality Environments across the District
- LP18 – The Historic Environment
- LP19 – The Natural Environment

7.5. **Emerging Local Plan**

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

- LP1: Settlement Hierarchy
- LP2: Spatial Strategy for the Location of Residential Development
- LP7: Design
- LP8: Amenity Provision
- LP9: Residential Annexes
- LP18: Development in the Countryside
- LP20: Accessibility and Transport
- LP22: Parking Provision
- LP23: Historic Environment
- LP24: Natural Environment
- LP32: Flood and Water Management

8 **KEY ISSUES**

- **Principle of Development**
- **Design Consideration and Visual Amenity of the Area**
- **Residential Amenity**
- **Flood Risk**
- **Access and Parking**
- **Ecology**

9 **ASSESSMENT**

Principle of Development

- 9.1. The application site is most closely associated with the settlement of Tydd Gote. Tydd Gote is identified within the settlement hierarchy of the Development Plan as

being an 'Other Village'. Policy LP3 of the plan states that residential development in settlements within the 'Other Village' category will be considered on its own merits, but will "normally be restricted to single dwelling infill sites situated within an otherwise built up frontage." The Fenland Local Plan 2014 under its glossary defines residential infilling as "Development of a site between existing buildings". The Planning Portal Glossary defines this as "The development of a relatively small gap between existing buildings." It is clear the proposed development, of 1 dwelling, at the site in question cannot be deemed as 'infill within an otherwise built up frontage' as the site forms parts of a large undeveloped gap of approx. 93m (as the crow flies) between the existing dwellings 'Chestnuts' and 'Greenacres'.

- 9.2. Notwithstanding the above, Policy LP12 of the Fenland Local Plan (2014) states that new development will be supported where it contributes to the sustainability of the settlement and does not harm the wide-open character of the countryside, identifying a series of criteria that must be satisfied in order for proposals to be considered acceptable.
- 9.3. The first of these criteria is that the development must be located in or adjacent to the existing developed footprint of the village, however this criterion excludes small or other villages from this stating that only infill sites will normally be considered favourably. As Tydd Gote is classed as an 'Other' Village and the site is not considered to be an infill plot the proposal is contrary to the requirements of policy LP12 of the Fenland Local Plan (2014).
- 9.4. Overall, it is considered that the proposal fails to comply with Policies LP3 and LP12 of the Fenland Local Plan 2014, thus the principle of development cannot be supported.

Design Consideration and Visual Amenity of the Area

- 9.5. 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. Notwithstanding this, the site is detached from the main settlement of Tydd Gote and marks a transition point between the interspersed development along Hannath Road to the north and the open countryside to the west. The development proposed would see one dwelling positioned on land that currently forms a distinct and natural demarcation between the edge of the settlement to the east and the countryside. Furthermore, it is noted that within the indicative site plan the large mature conifer trees that front the site would be removed and replaced with a native hedge, affording increased views of the proposed dwelling. Overall, this would result in a significant detrimental impact on the character and visual amenity of the area and would fail to enhance the local setting, contrary to Policies LP12 and LP16 of the Fenland Local Plan 2014 and DM3 of the Delivering and Protecting High Quality Environments in Fenland 2014.

Residential Amenity

- 9.6. There were no indicative floor plans or elevations offered with the application and as such the LPA are unable to establish definitively if issues such as overlooking will need to be reconciled. However, owing to the relative position of the proposed dwelling, shown indicatively, it would appear that there may be negligible issues relating to impacts on residential amenity to reconcile from the scheme.
- 9.7. The illustrative site plan also indicates that suitable amenity space may be provided within the site to meet the requirements of Policy LP16 of the Local Plan.

Flood Risk

- 9.8. The application site is located within an area defined as Flood Zone 1, the zone of lowest flood risk. The site lies within the North Level Internal Drainage Board area, North Level Internal Drainage Board subsequently have confirmed they have 'no objections' to make on the submitted application.

Access and Parking

- 9.9. Policy LP15 aims to ensure that new development provides a good designed, safe and convenient access. Access is committed as part of this application and the submitted plan details a new 3.5-metre-wide access for 5m from the highways boundary and visibility splays of 2.4m by 26m in both directions along Hannath Road.
- 9.10. A bin collection point for the proposed dwelling has been provided to the south side of the proposed access along the highway at Hannath Road.
- 9.11. The Highways Officer has commented on the submitted application initially raising no objection in principle to the proposals, however, did request that a speed survey was conducted to determine the e 85th%ile speed along Hannath Road. Following these comments, the applicant conducted a speed survey and submitted the relevant information for review by the Highways Officer. Within revised comments the Highways Officer outlined no objection to the proposal at the site detailing 'I note that a speed survey has been undertaken to determine the 85th%tile speed for Hannath Road. As this speed survey indicates the 85 th%tile speed as 21mph, the visibility splays of 26m indicated on plan reference: 6861/01A Revision A are adequate.' The Highways Officer did request a series of conditions be applied to any approval; however the application is recommended for refusal.
- 9.12. Overall, the proposed development demonstrates a safe and convenient access and accordingly the proposal complies with Policy LP15 of the Fenland Local Plan 2015.

Ecology

- 9.13. Policy LP16 (b) requires proposals for new development to protect and enhance biodiversity on and surrounding the proposal site, taking into account locally designated sites and the special protection given to internationally and nationally designated sites in accordance with Policy LP19. Criteria (c) requires the retention and incorporation of natural and historic features of the site such as trees, hedgerows, field patterns, drains and water bodies.
- 9.14. The proposed works within the development required as part of the highway mitigation would result in the material loss of established vegetation and may result in the loss of habitats or impose adverse impacts on protected species. The application has been accompanied by an Arboricultural Impact Assessment that details that 'the proposal will see the removal of G2, Leyland Cypress, to the west boundary for access and improved visibility purposes. Of low quality the removal will have little impact on the arboricultural value of the site. Replacement planting can be accommodated to replace any loss and gives an opportunity to replace with more suitable and or native trees or hedgerow, all other trees will be retained.'

The supporting documentation that has been submitted with the application does not include any ecology report. The submission of a Preliminary Ecology Assessment is required due to the loss of trees on the site and potential impacts this may have on the existing onsite biodiversity; however, the applicant has not been requested to supply a PEA as the application is being recommended for refusal.

10 CONCLUSIONS

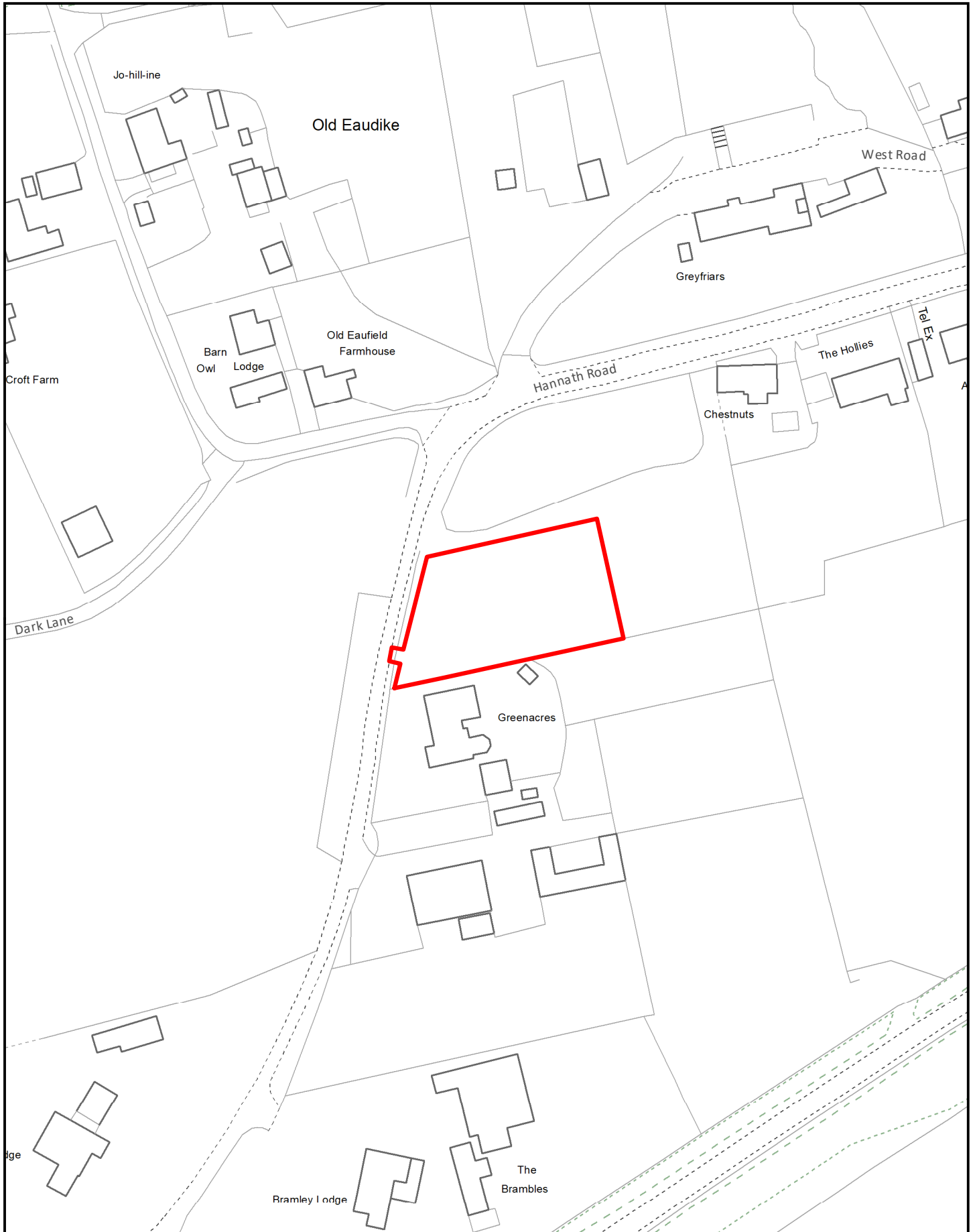
- 10.1. Notwithstanding any issues that could be resolved through the submission of a detailed Reserved Matters application, there are fundamental locational issues that would render the principle of development unacceptable, which is the main requirement for consideration in respect of this outline application.
- 10.2. The application site is most closely associated with the settlement of Tydd Gote. Tydd Gote is identified within the settlement hierarchy of the Development Plan as being an 'Other Village'. Policy LP3 of the plan states that residential development in settlements within the 'Other Village' category will be considered on its own merits, but will "normally be restricted to single dwelling infill sites situated within an otherwise built up frontage." The Fenland Local Plan 2014 under its glossary defines residential infilling as "Development of a site between existing buildings". The Planning Portal Glossary defines this as "The development of a relatively small gap between existing buildings." It is clear the proposed development, of 1 dwelling, at the site in question cannot be deemed as 'infill within an otherwise built up frontage' as the site forms parts of a large undeveloped gap of approx. 93m (as the crow flies) between the existing dwellings 'Chestnuts' and 'Greenacres'.
- 10.3. Policy LP12 of the Fenland Local Plan (2014) states that new development will be supported where it contributes to the sustainability of the settlement and does not harm the wide-open character of the countryside, identifying a series of criteria that must be satisfied in order for proposals to be considered acceptable. The first of these criteria is that the development must be located in or adjacent to the existing developed footprint of the village, however this criterion excludes small or other villages from this stating that only infill sites will normally be considered favourably. As Tydd Gote is classed as an 'Other' Village and the site is not considered to be an infill plot the proposal is contrary to the requirements of policy LP12 of the Fenland Local Plan (2014).
- 10.4. The development proposed would see one dwelling positioned on land that currently forms a distinct and natural demarcation between the edge of the settlement to the east and the countryside. Furthermore, it is noted that within the indicative site plan the large mature conifer trees that front the site would be removed and replaced with a native hedge, affording increased views of the proposed dwelling. Overall, this would result in a significant detrimental impact on the character and visual amenity of the area and would fail to enhance the local setting, contrary to Policies LP12 and LP16 of the Fenland Local Plan 2014 and Policy DM3 of the Delivering and Protecting High Quality Environments in Fenland 2014.
- 10.5. Overall, the proposed development is considered to be unacceptable, and the recommendation is one of refusal.

11 RECOMMENDATION

Refuse; for the following reasons:

1.	The application site is located within an 'Other Village' as set out in the settlement hierarchy in policy LP3 of the Fenland Local Plan 2014. Policy LP3 states that for such settlements, development will "normally be restricted to single dwelling infill sites situated within an otherwise built up frontage". Policy LP12 states that within those villages identified as 'Other' villages in the settlement hierarchy "only infill sites will
----	--

	<p>normally be considered favourably”. The scheme proposes the construction of one dwelling that does not constitute infill development and is not located within an otherwise built-up frontage. No evidence has been provided to justify why the site should be allowed as an exception to the policy and as such the scheme is contrary to Policy LP3 and LP12 of the Fenland Local Plan 2014.</p>
2.	<p>Policy LP12 of the Fenland Local Plan 2014 states that new development will be supported where it contributes to the sustainability of the settlement and does not harm the wide-open character of the countryside. Policy LP16 of the Fenland Local Plan 2014 and Policy DM3 of the Delivering and Protecting High Quality Environments in Fenland SPD 2014 seek to ensure that development makes a positive contribution to the local distinctiveness and character of the area, that the character of the landscape, local built environment and settlement pattern inform the layout and scale of development and that proposals do not adversely impact the streetscene or landscape character of the surrounding area.</p> <p>The development proposed would see one dwelling positioned on land that currently forms a distinct and natural demarcation between the edge of the settlement to the east and the countryside. Furthermore, it is noted that within the indicative site plan the large mature conifer trees that front the site would be removed and replaced with a native hedge, affording increased views of the proposed dwelling. Overall, this would result in a significant detrimental impact on the character and visual amenity of the area and would fail to enhance the local setting, contrary to Policies LP12 and LP16 of the Fenland Local Plan 2014 and Policy DM3 of the Delivering and Protecting High Quality Environments in Fenland 2014.</p>
3.	<p>Policies LP16 (b) and LP19 of the Fenland Local Plan 2014 and Paragraph 170 of the NPPF 2019 seek to conserve, enhance and promote biodiversity and Paragraph 177 advises that the presumption in favour of sustainable development does not apply where a project is likely to have a significant effect on a habitats site, unless an appropriate assessment has concluded that it will not adversely affect the integrity of the habitats site.</p> <p>The application site is considered to have potential to provide habitat for or support protected species. Insufficient assessment has been undertaken and inadequate information submitted to enable the Local Planning Authority to ascertain whether the proposal would impact protected species. As such the proposal is considered contrary to the aforementioned policies.</p>



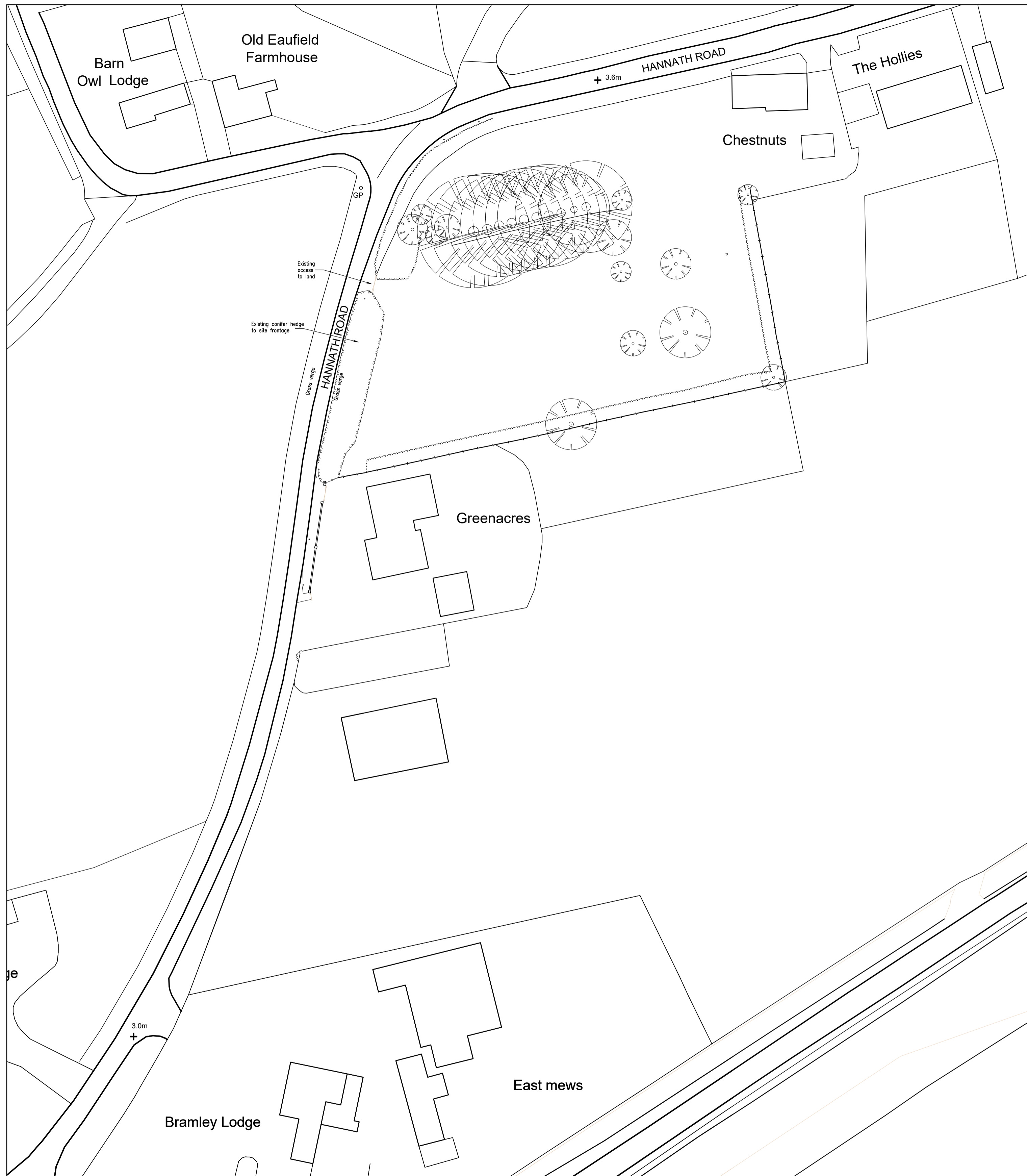
Created on: 15/11/2023

© Crown Copyright and database rights 2023 Ordnance Survey 10023778

F/YR23/0935/O

Scale = 1:1,250





Existing Site Plan 1:500



Proposed Site Plan 1:500 (Indicative layout shown)

A - REVISIONS

JOB NO.	PAPER SIZE	DATE
6861/01A	A1	OCT 2023

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

CLIENT
MR & MRS GRIFFIN

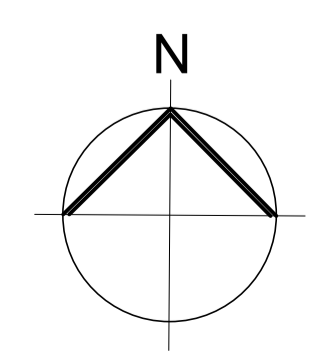
PROJECT
PROPOSED INFILL BUILDING PLOT

SITE
**LAND AT CHESTNUT COTTAGE
 HANNATH ROAD
 TYDD GOTE
 CAMBS
 PE13 5NA**

DRAWING
PLANNING DRAWING 1

PETER HUMPHREY ASSOCIATES

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



This page is intentionally left blank

F/YR23/0948/F

Applicant: Mr Payne

**Agent : Mr G Boreham
Morton & Hall Consulting Ltd**

Bramley House Hotel, High Street, Chatteris, Cambridgeshire PE16 6BE

Erect a detached annexe block (2-storey 10-bed) involving demolition of existing outbuilding, and alterations to external staircase and door and window arrangement at ground floor level at rear

Officer recommendation: Refuse

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

1 EXECUTIVE SUMMARY

- 1.1 This application seeks to erect a detached annexe block (2-storey, 10-bed), involving the demolition of an existing outbuilding, and alterations to external staircase and door and window arrangement at ground floor level of the existing building on site.
- 1.2 The application site is situated within Chatteris Conservation Area and within the setting of a Grade II Listed Building (Chatteris House).
- 1.3 The proposal as it currently stands is considered to be contrary to both Policy LP16 and LP18 given that the scale and design of the proposed building fails to reflect the existing architectural design present within the surrounding area. The design of the proposed building would conflict with the existing building on site and the adjacent Listed Building and thus would create a significant incongruous feature within the street scene.
- 1.4 The proposal is also considered to be contrary to both Policy LP6 and LP15 as proposed development fails to meet the parking standard requirements outlined in Appendix A of the Fenland Local Plan (2014), and as such there will be a burden placed on the surrounding area to meet both the existing use and increased demand.
- 1.5 Subsequently, this application is recommended for refusal.

2 SITE DESCRIPTION

- 2.1 The application site is situated on the eastern side of High Street and sits on a corner plot to the north of the High Street/Boadicea Court junction. The site is located within Chatteris Conservation Area and is located within the vicinity of numerous Grade II Listed Buildings, including Chatteris House which is situated immediately north-west of the site.

- 2.2 Bramley House is a three-storey building finished in a gault brick with a hipped slate roof. Bramley House is currently used as a hotel with restaurant and bar. To the east of the site is an existing outbuilding which is used to provide accommodation, which is to be demolished as part of this application. Parking space for 10 vehicles is also situated to the east of the building on site.
- 2.3 Neighbouring residential properties are situated to the north and east of the application site.

3 PROPOSAL

- 3.1 This application seeks to erect a detached annexe block (2-storey, 10-bed) involving the demolition of the existing outbuilding and alterations to the external staircase to bring the staircase further away from the proposed development, as well as door and window arrangement at ground floor level to the rear which include the removal of an existing window serving a bedroom and its replacement with a smaller window and door to match the existing.
- 3.2 The annexe block would be situated to the east of the existing building on site. The building would have a width of 17.4 metres approx and a depth of 6.1 metres approx. The building would have a dual-pitched roof with an eaves height of 4.3 metres approx and a ridge height of 6.8 metres approx.
- 3.3 Each unit will include a bedroom and en-suite, with 5 units situated upon each floor. The upper floor is accessed through a central staircase.
- 3.4 Externally, the fenestration proposed upon the principle elevation would include 6 doors and 5 windows at ground floor level with 5 dormer windows at first-floor. The fenestration proposed to the rear elevation includes 5 windows and 1 door at ground floor with 3 roof lights.
- 3.5 10 parking spaces are proposed to the front of the detached annexe block.
- 3.6 Full plans and associated documents for this application can be found at: [F/YR23/0948/F | Erect a detached annexe block \(2-storey 10-bed\) involving demolition of existing outbuilding, and alterations to external staircase and door and window arrangement at ground floor level at rear | Bramley House Hotel High Street Chatteris Cambridgeshire PE16 6BE \(fenland.gov.uk\)](https://fenland.gov.uk/F/YR23/0948/F)

4 SITE PLANNING HISTORY

Reference	Description	Decision
F/YR21/0296/F	Erect a wall with railings to front boundary and render to front porch of existing building	Granted 12/05/2021

5 CONSULTATIONS

5.1 Chatteris Town Council (06/12/2023)

Support

5.2 CCC Highways (11/12/2023)

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

The application site has an existing access with the highway that is not proposed to be altered and no additional parking spaces have been proposed. As such there would be no direct alteration to the current highways situation. I would note as such that the LPA should ensure that the proposed parking is sufficient for the use of the proposal.

The turning and parking area as shown appears to be sufficient and adequate for the number of vehicles to park and enter/turn and leave the premises in a forward gear..

Recommended Conditions

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 FDC Conservation (05/12/2023)

Proposal: Erect a detached ancillary block (2-storey 10-bed) involving demolition of existing outbuilding, and alterations to external staircase and door and window arrangement at ground floor level at rear.

Considerations:

1. Consideration is given to the impact of the proposal on the architectural and historic interests with special regard paid to the desirability of preserving listed buildings and their setting or any features of special architectural or historic interest which it possesses according to the duty in law under S16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. Consideration is given to the impact of the proposal on the architectural and historic interests of a Non-Designated Heritage Asset with special regard paid to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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

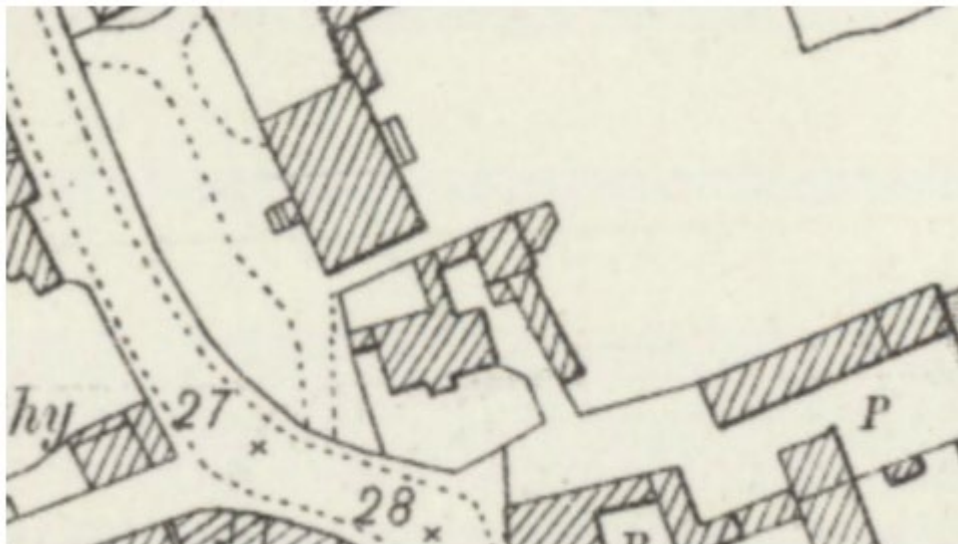
4. Comments are made with due regard to Section 16 of the National Planning Policy Framework, 2021, specifically, paragraphs 8, 195, 197, 199, 200, and 202

5. A heritage statement has been submitted with the application. The information limited but is considered insufficient in this instance to comply with paragraph 189 of the NPPF and policy LP18 of the 2014 local plan, especially in such close proximity to highly significant listed buildings.

6. Due regard is given to relevant planning history.

Comments:

The proposal is to demolish an historic outbuilding within the carpark area. The outbuilding is much altered in form and appearance which has had a substantial impact on its significance. It historically attached to a more substantial range of outbuildings and has since been truncated to become a standalone building. The less than sensitive alterations that have been made to create further bedrooms have in many ways sterilised its historic form and character, making it appear somewhat out of place in the position it holds. Whilst this might be the case, the building has evidential historic value of the former layout of the site and the Heritage Statement provides no justification for this.



The proposal is to erect a 10 bedroom standalone building within the car park that will back onto the boundary of the listed Chatteris House.

The building is considered too large for its position, especially in such close proximity to Bramley House and Chatteris House. Its form is also architecturally inconsistent with the host Bramley House and the Listed Chatteris House. The development within the curtilage of Chatteris House (Boxing Boys Mews) has been carried out rather sensitively with hipped roofs that maintain a subservient form and character with the two primary buildings in the vicinity, this development also has substantially greater separation than is shown on the proposed.

Unfortunately, it would appear that the form the proposed has been dictated by the wish to provide a certain level of floorspace, which has resulted in a rather oversized building that fails to pick up on the essential character of the site, most notably the characteristic hipped roofs.

Whilst the design picks up on a loose form of a coachhouse/stables, the elevations with a rhythm of doors and windows appears bland and confused.

The dormers are shown to be clad in timber shiplap. This is an incongruous material and is inappropriate. Elements such as this highlight the need for a thorough heritage impact assessment which has not been provided, whereby a simple area character appraisal would indicate that hung natural slate cheeks and leaded gables are far more appropriate for the area. Simplistic Heritage Statements that essentially regurgitate policy are not fit for purpose. Ill considered details only act to erode local character and quality of conservation areas.

Whilst there is no in principal objection to the creation of sensitive additions, this proposal as it stands is considered to harm the character and appearance of the conservation area and the setting of listed buildings, contrary to both local and national policy.

Recommendation: Objection

An amended heritage statement was received, to which the following amendment was made to the above comments:

5.4 FDC Conservation (22/01/2024)

5. Following my earlier comments a heritage statement has been submitted with the application. The information is largely limited to a running commentary of the wider area and the proposed design. It does little to outline the significance, justify the impacts or the earlier objections raised.

Recommendation: Objection

5.5 FDC Arboricultural Officer (19/02/2024)

The applicant has submitted an arboricultural impact assessment to support the proposed development.

The report categorises the off-site Silver Birch tree as category A for its contribution to amenity.

The proposed development is shown to encroach by 17% into the root protection area (RPA) and therefore there is potential for damage to the roots.

The actual root spread of a tree is unlikely to be uniform and I agree that a manual exploration of the root spread should be carried out to determine the actual presence of roots and their size/volume.

I recommend a test trench is carried out by air spade under the supervision of the developers arboricultural consultants (OMC Associates) to assess what roots are present and if special construction methods are required e.g., piling with ground beam set at existing ground level.

5.6 FDC Assets and Projects (16/11/2023)

I can confirm our team has no objection to this

'we have a strip of land opposite which shouldn't be impacted as they are within their boundary'

5.7 FDC Economic Growth Team (20/11/2023)

Economic Growth fully support this application

5.8 FDC Environmental Health (17/11/2023)

The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposed scheme as it is unlikely to have a detrimental effect on local air quality or be affected by ground contamination. Due to the close proximity of noise sensitive receptors, it is recommended that the following condition is imposed in the event that planning permission is granted:

WORKING TIMES

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

5.9 Designing Out Crime Officer (27/11/2023)

Thank you for the opportunity to comment on this outline planning application, I have viewed the design and access statement (DAS) and all other associated documents in relation to crime, disorder, and the fear of crime, I have searched the Constabulary crime and incident systems covering Birch Ward Chatteris for the last 2 years, I would consider this to be an area of low risk to the vulnerability for crime at present based on the figures below.

(...)

Please note we now input poaching within our crime responses, it is known that if poaching is a recorded crime within a location there is an increased risk of other criminal activity. There doesn't appear to be any specific crime prevention or security section in the Design and Access Statements (DAS). It is important that security and crime prevention are considered and discussed at the earliest opportunity to ensure that the security of buildings, amenity space and the environment provide a safe place for visitors and staff.

Lighting - For the safety of people and their property our recommendation is that all adopted and unadopted roads, including private driveways, shared drives and parking areas should all be lit by columns to BS5489:1 2020. Bollard lighting is only appropriate for wayfinding and should not be used as a primary lighting source for any roads or parking areas, where they are also prone to damage. There should be LED dusk to dawn wall mounted lights above each entrance/exit doors. (There are column lights fitted with a back shield that are sympathetic to the environment and work alongside wildlife ecology to reduce light pollution!).

Window and door standards and certification

- *Doors – all door sets allowing direct access, e.g., front, and rear entrance door sets will be certificated to one of the following standards: PAS 24 – 2022*

PAS 24 - 2016 or STS 201 Issue 4:2012 or LPS 1175 Issue 7.2 (2014) Security Rating 2+ or STS 202 Issue 3 (2011) Burglary Rating 2 or (Commercial door sets) LPS 2081 Issue 1 (2015) Security Rating B+ NB: The benefits of third-party certification are recognised within ADQ, Appendix A, Note 3.

- *Windows, roof windows and roof lights – all ground floor and easily accessible windows, shall be certificated to one of the following standards: PAS 24 – 2022 or PAS 24 - 2016 or STS 204 Issue 4:2012 or LPS 1175 Issue 7.2 (2014) Security Rating 1 or STS 202 Issue 3 (2011) Burglary Rating 1 or LPS 2081 Issue 1 (2015) Security Rating A NB: Easily accessible is defined within Approved Document Q Appendix A. Easily accessible is defined as: A window or doorset, any part of which is within 2 metres vertically of an accessible level surface such as a ground or basement level, or an access balcony, or a window within 2 metres vertically of a flat roof or sloping roof (with a pitch of less than 30°) that is within 3.5 metres of ground level.*

**PAS 24:2016 has been withdrawn by the British Standards Institute and replaced by PAS 24:2022, however PAS 24:2016 will continue to be an acceptable route to compliance until 31st December 2024.*

- *Drainpipes – should be square, flush to the wall and away from windows and balconies, to reduce risk of providing a climbing aide.*

I am happy for the above to be conditioned

5.10 Local Residents/Interested Parties

1 letter of objection was received with regard to this application from an address point at Boxing Boys Mews. The reasons for objection are summarised as follows:

- Appearance
- Noise levels when demolishing and rebuilding
- Noise levels from patrons arriving late/leaving early
- Overlooking
- Cigarette ends thrown out of windows by guests over the wall
- TPO Silver Birch tree
- Are there enough guests booking stays to warrant an extra 10 bedrooms

22 letters of support were received with regard to this application from various address points within Chatteris. An additional 3 letters of support were received however the address points within these letters were incomplete and therefore could not be counted. The reasons for support are as follows:

- Asset to the town
- Employment opportunities
- Travel and tourism to the area
- Design is in keeping with surroundings
- Enhance the area and the high street
- Parking
- Good to see local business expanding
- More overnight accommodation is needed in the expanding community
- Enhance appeal and capacity of our community
- Bramley House maintains high standards
- Help other businesses in the area

- Tidy up all of the 1960s cheap & cheerful additions

For the sake of completeness and transparency, allegations were received with regard to the neighbour letters of objection submitted in respect of this application not being legitimate in relation to the name and addresses given. 7 letters of objection were received, albeit one of these letters did not provide complete address details. Letters were sent to the 6 other objectors asking those to confirm in writing that they had either written to the LPA and that we should consider the submitted representation, or that they had not written to the LPA and that we should disregard the correspondence. 5 responses were received confirming that objections were not submitted and as such these responses have been disregarded. 1 response was received confirming the objection had been submitted and thus this has been detailed above.

6 STATUTORY DUTY

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

7 POLICY FRAMEWORK

7.1 National Planning Policy Framework (NPPF)

Para. 2 - 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. 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 16 – Conserving and enhancing the historic environment

7.2 National Planning Practice Guidance (NPPG)

Determining a Planning Application

7.3 National Design Guide 2021

Context

Identity

Built Form

7.4 Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP6 – Employment, Tourism, Community Facilities and Retail

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

LP18 – The Historic Environment

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:

LP7: Design

LP15: Employment

LP16: Town Centres

LP17: Culture, Leisure, Tourism and Community Facilities

LP20: Accessibility and Transport

LP22: Parking Provision

LP23: Historic Environment

LP27: Trees and Planting

LP32: Flood and Water Management

8 KEY ISSUES

- Principle of Development
- Tourism
- Design, Visual Amenity and Heritage
- Residential Amenity
- Parking and Highways

- **Trees**
- **Flood Risk**
- **Other Matters**

9 ASSESSMENT

Principle of Development

- 9.1 Policy LP3 identifies Chatteris as a sustainable place for growth and seeks to direct majority of growth towards Chatteris and the 3 other market towns. The development would support an existing business whereby policy LP6 seeks to support the growth and expansion of existing businesses subject to their suitability.
- 9.2 As such, the development plan supports the broad principle of the proposed development, subject to compliance with other relevant policies within the FLP.

Tourism

- 9.3 Policy LP6 of the Fenland Local Plan sets out the strategy in relation to employment, tourism, community facilities and retail.
- 9.4 The policy states that the tourism and visitor industry “*will be supported by welcoming new accommodation and attractions, and retaining hotels*”. Nine criteria are listed as being relevant to the consideration of tourism accommodation proposals. These criteria relate to the location of development, its sustainability credentials, and its impact on specific elements of the surrounding built environment. The proposal meets with the majority of requirements of these nine criteria given its location within a primary market town as an expansion of an existing tourist facility etc. Specific impacts on its surroundings in terms of heritage impact, visual impact etc are considered under separate headings below.

Design, Visual Amenity and Heritage

- 9.5 The proposal includes the demolition of a historic outbuilding within the existing carpark. Historically, the outbuilding was attached to a more substantial range of outbuildings and has since been truncated to become a standalone building, thus making the building appear somewhat out of place in the current position it holds. Notwithstanding this however, the building has evidential historic value of the former layout of the site. The Heritage Statement submitted as part of this application provides no justification for the removal of this building.
- 9.6 The proposed annexe block would be situated to the east of the existing building on site. The building would have a width of 17.4 metres approx and a depth of 6.1 metres approx. The building would have a dual-pitched roof with an eaves height of 4.3 metres approx and a ridge height of 6.8 metres approx.
- 9.7 The proposed building is considered too large for its position given its location in close proximity to both Bramley House and the Grade II Listed Building Chatteris House to the north-west, thus creating a dominant feature within the street scene and the wider conservation area. In addition to this, the proposed design of the building would be architecturally inconsistent with the surrounding buildings. Both Bramley House and Chatteris House feature characteristic hipped roofs and the development to the rear of the Chatteris House (Boxing Boys Mews) also reflects

this architectural style. The proposed building would introduce a dual-pitched style roof which does not reflect the prevailing character.

- 9.8 In addition to the above, whilst the design of the building picks up loosely on the form of a coachhouse/stables, the principal elevation with a rhythm of doors and windows appears bland and does not contribute to the character of the Conservation Area.
- 9.9 The dormer windows proposed would be clad in a timber shiplap. Upon consultation with the FDC Conservation Officer, this material was considered to be inappropriate and it was noted that hung natural slate cheeks and leaded gables are more appropriate given the surrounding area.
- 9.10 The FDC Conservation Officer noted that there is no in principle objection to the creation of sensitive additions within the site, however it is considered that the current proposal would harm the character and appearance of the Conservation Area and the setting of the adjacent Grade II Listed Building given that the proposed building would introduce an oversized, poorly designed and incongruous feature within the street scene that is out of character with the surrounding context. As such, the scheme is considered to be contrary to both LP16 and LP18 of the Fenland Local Plan.
- 9.11 The alterations to the existing building are unlikely to be highly visible from the street scene and are therefore unlikely to detrimentally impact upon the character of the surrounding area.

Residential Amenity

- 9.12 Neighbouring residential properties are situated to the north and east of the application site. A row of terraced dwellings is situated to the north-east of the site (Boxing Boys Mews). The proposed building would be situated approximately 12.4 metres from the end of the set of terraced dwellings (No. 6). The dwelling to the south-east of the proposed building would be situated approximately 5.4 metres away. The apartments at 17 High Street would be situated approximately 7.8 metres from the proposed building.
- 9.13 Given the close proximity of neighbouring residential properties, it is likely that the proposed building would be somewhat visible to all adjacent properties, however is unlikely to introduce significant overbearing impacts considering that the area immediately north of the building is utilised for car parking.
- 9.14 Similarly, given that the direction from sun travel is from east to west, it is unlikely that the proposed building would introduce any significant overshadowing impacts upon neighbouring property. Overshadowing will predominantly fall to the north of the building, which as aforementioned, is utilised for car parking and therefore would not detrimentally impact upon adjacent neighbouring amenity.
- 9.15 With regard to fenestration, the fenestration at ground floor level would be obscured by existing boundary treatments on site. First-floor fenestration includes windows upon the principal elevation. These windows would overlook the proposed car park area. The scheme includes the provision of 3 roof lights upon the north facing roof slope. These roof lights would face onto the parking area associated with Boxing Boys Mews to the north of the site and therefore would not

introduce any adverse overlooking impacts. As such, there are no overlooking issues to address.

Parking and Highways

- 9.16 The Highway Authority have raised no objection to the scheme given that there are no amendments proposed to the existing access to the site and they acknowledge that parking/turning on site appears to be sufficient. The comments provided did however note that the LPA should ensure that the proposed parking is sufficient for the use of the proposal.
- 9.17 The development would generate an extra 8 rooms for occupants (allowing for the two rooms in the existing outbuilding) which, in accordance with the parking standards set out in Appendix A of the FLP this would generate the need for 8 additional parking spaces (one per room). The existing site layout details the provision of 10 spaces and the proposed site layout also details 10 spaces. Therefore, no additional parking is proposed on site to accommodate the development. In terms of the current use of the site, there are 11 bedrooms which should require 11 spaces as per Appendix A as well as 1 space per 3/5sqm of public house/restaurant floorspace (approximately 60sqm). It can therefore be seen that there is an existing under provision of car parking at the site.
- 9.18 Whilst the town centre location of the site is acknowledged, the cumulative shortfall in parking requirement arising from the existing use combined with the development is considered to be significant. The shortfall in parking would result in traffic movements in the vicinity that would risk having adverse impacts on living conditions of residents within adjacent properties, but also the traffic touring round looking for a space to park would harm both the character and appearance of the area.
- 9.19 A similar application for additional accommodation was dismissed at appeal at The Falcon Hotel, Whittlesey, a site with significant similarities locationally too, due the adverse impacts which would result in a shortfall in parking – planning application reference F/YR17/1025/F, appeal reference APP/D0515/W/18/320449.
- 9.20 The Inspector acknowledged that the proposed parking for the development was significantly less than the maximum requirement set out under Appendix A. The inspector also acknowledged within their report the limited areas of on-street parking on nearby roads and the proximity to residential roads, similar to that of this application. The inspector concluded that “the shortfall in parking would result in traffic movements in the vicinity that would risk having an undue adverse effect on the living conditions of residents through noise and disturbance, and the likelihood of traffic touring round the area, contrary to the aims of Policies LP6 and LP15.
- 9.19 The proposed development therefore fails to meet the parking standard requirements outlined in Appendix A of the Fenland Local Plan (2014), and as such there will be a burden placed on the surrounding area to meet both the existing use and increased demand.

Trees

- 9.20 There is a Silver Birch tree situated to the north of the application site, adjacent to the wall dividing the site and Boxing Boys Mews. The Arboricultural Impact

Assessment accompanying the application notes that the Silver Birch tree is category A for its contribution to amenity. The proposed development is shown to encroach by 17% into the root protection area and therefore there is potential for damage to the roots.

- 9.21 Notwithstanding this however, the FDC Arboricultural Officer has raised no objections subject to manual exploration of the root spread to determine actual presence of roots and a test trench by air spade being undertaken. Such requirements could be secured by way of condition should permission be granted.

Flood Risk

- 9.22 The proposal is located within flood zone 1 and issues of surface water disposal will be considered under Building Regulations.

Other Matters

- 9.23 One letter of objection was received with regard to the proposed development. Whilst the majority of concerns raised have been addressed within the assessment above, the remainder will be addressed below.
- 9.24 Firstly, the objector raised concern regarding noise levels from both the demolition and construction works on site, as well as noise levels from patrons arriving late/leaving early. The FDC Environmental Health team raised no objections to the scheme, however, did request a condition restricting construction times. However, in this instance it is not considered reasonable to secure such a condition given that the proposed development is for one building and thus is unlikely to introduce significant noise impacts. Potential noise from patrons accessing the building is unlikely to be significant, especially considering the existing use of the Bramley House.
- 9.25 The letter of objection also raised concerns around the potential for cigarette ends to be thrown out of windows and whether there are enough guests booking stays to warrant an extra 10 bedrooms. These concerns are not material planning considerations and therefore cannot be used as reasons to refuse the application.

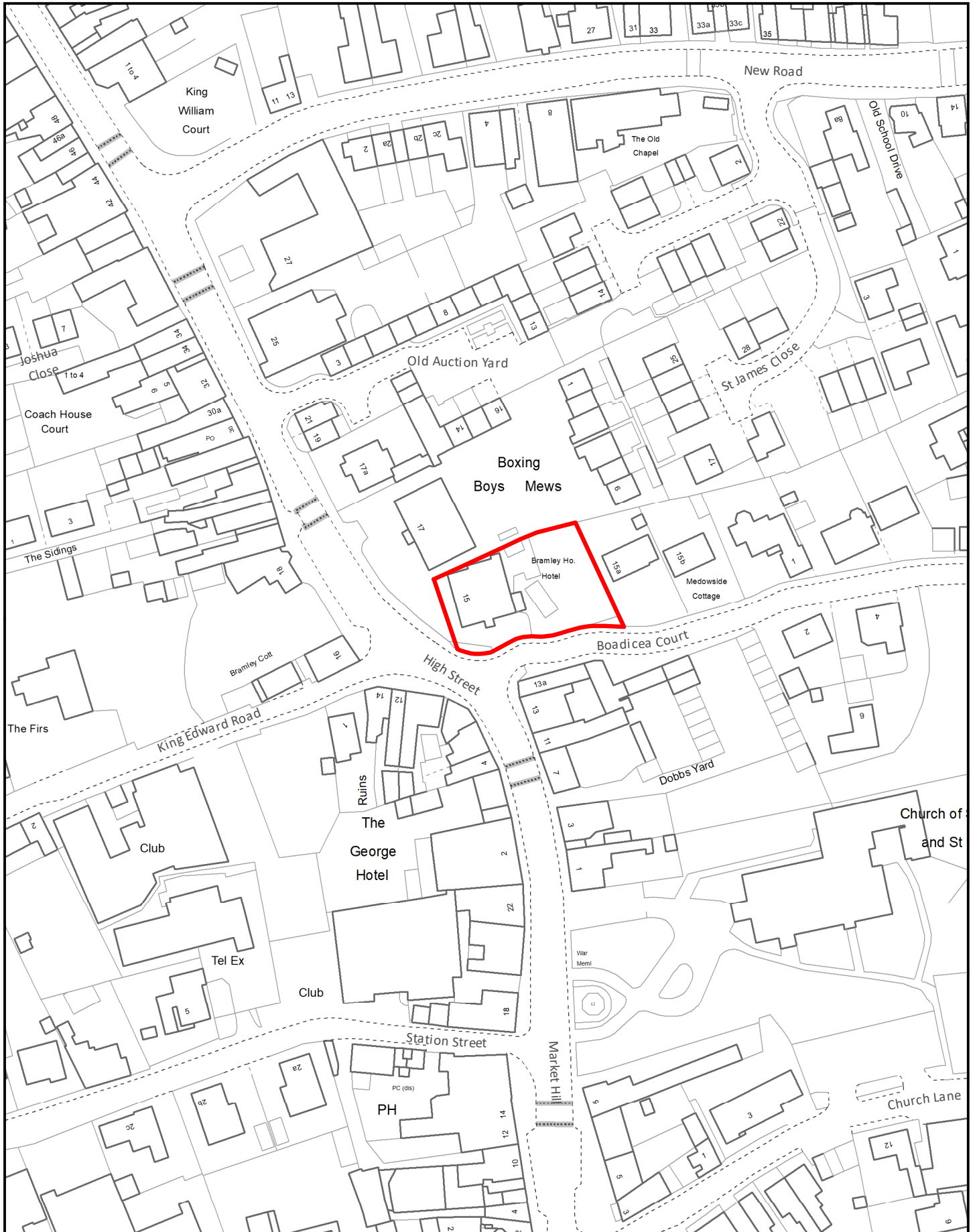
10 CONCLUSIONS

- 10.1 The development plan supports the principle of the proposed development on site, subject to compliance with other relevant policies within the FLP.
- 10.2 The application site is situated within Chatteris Conservation Area and within close proximity to a Grade II Listed Building (Chatteris House). The proposed development in its current form is considered to introduce a significant, incongruous feature within the street scene which does not reflect the surrounding character and is thus considered to be contrary to both Policy LP16 and LP18.
- 10.3 In addition to the above, the proposed development fails to meet the parking standard requirements outlined in Appendix A of the Fenland Local Plan (2014), and as such there will be a burden placed on the surrounding area to meet both the existing use and increased demand. The scheme is therefore also considered to be contrary to Policy LP15.

11 RECOMMENDATION

11.1 **Refuse;** for the following reasons:

1	<p>Policy LP16 and LP18 of the Fenland Local Plan 2014 seek to ensure that developments make a positive contribution to local distinctiveness and the character of the area, respect the local built environment and settlement pattern and achieve high quality environments by protecting and enhancing heritage assets and their settings.</p> <p>The current proposal would harm the character and appearance of the Conservation Area and the setting of the adjacent Grade II Listed Building given that the proposed building would introduce an incongruous feature within the street scene that is out of character with the existing surrounding context. The scheme is therefore considered to be contrary to both Policy LP16 and LP18.</p>
2	<p>Policies LP6 and LP15 of the Fenland Local Plan (2014) require that schemes duly consider infrastructure impacts and make sufficient provision for parking. The proposal would result in a parking provision shortfall, which would result in the development failing to meet the parking standard requirements outlined in Appendix A of the Fenland Local Plan (2014), and as such there will be a burden placed on the surrounding area to meet both the existing use and increased demand, which would result in adverse impacts on residential amenity and the character of the area. Such impacts are considered so significant as to warrant the refusal of the scheme in accordance with policies LP6 and LP15.</p>



Created on: 16/11/2023

© Crown Copyright and database rights 2023 Ordnance Survey 10023778

F/YR23/0948/F

Scale = 1:1,250



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

All products and materials to be handled, stored, prepared and used or fixed in accordance with the manufacturers current recommendations.

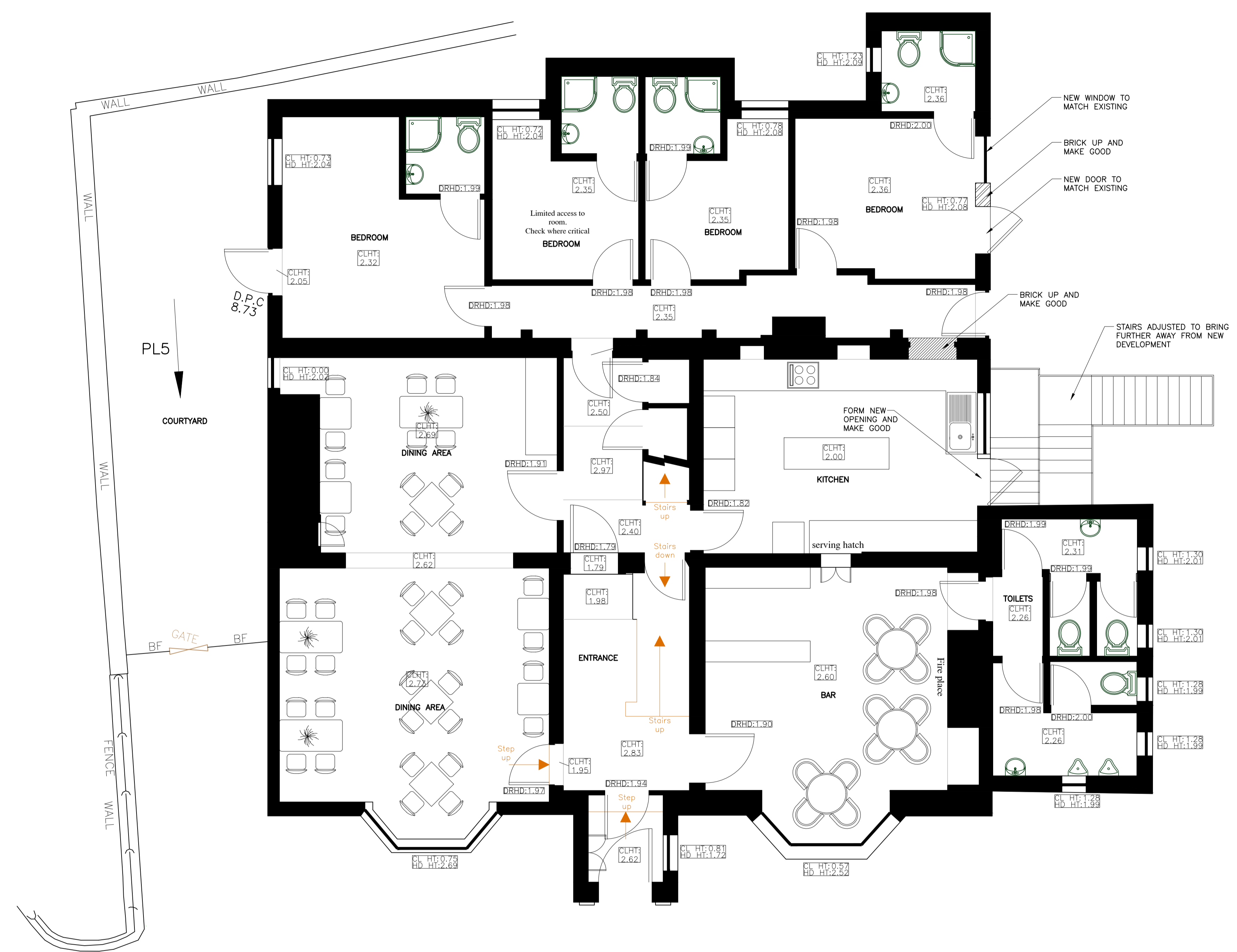
The contractor is to arrange inspections of the works by the BCO (or NHBC) as required by the Building Regulations and is to obtain completion certificate and forward to the Engineer

All finishes, insulation and damp-proofing to architect's details

Internal survey key

Items not always applicable to survey. Check pre-agreed survey requirements/specification

---	Line above text= service positioned at higher level height
---	Line above & below text= service positioned at mid level height
---	Line below text= service positioned at lower level height
LS	Light switches (with gangs)
IS	Isolation switch
PS	Plug sockets (with gangs)
AS	Aerial socket
BS	BT/comms socket
US	Unidentified service
SS	Shaver socket/point
LF	Light fittings
EF	Extractor fan
FB	Fuse board
TC	Thermostatic control
SD	Smoke detector
IAI	Intruder Alarm interface
FS	Fuse switch
AS	Aerial socket
BS	BT/comms socket
US	Unidentified service
SS	Shaver socket/point
FC	Floor to ceiling height
WC	Window sill & head height
FF	Finished floor level
SO	Underside of object height
DR	Door head height



PROPOSED GROUND FLOOR PLAN
(1:50)

C	DRAWINGS AMENDED	OCT 2023
B	FIRE ESCAPE AMENDED	OCT 2023
A	CLIENTS CHANGES	AUG 2023
	REVISIONS	DATE

MORTON & HALL CONSULTING LIMITED
 CONSULTING STRUCTURAL ENGINEERS

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

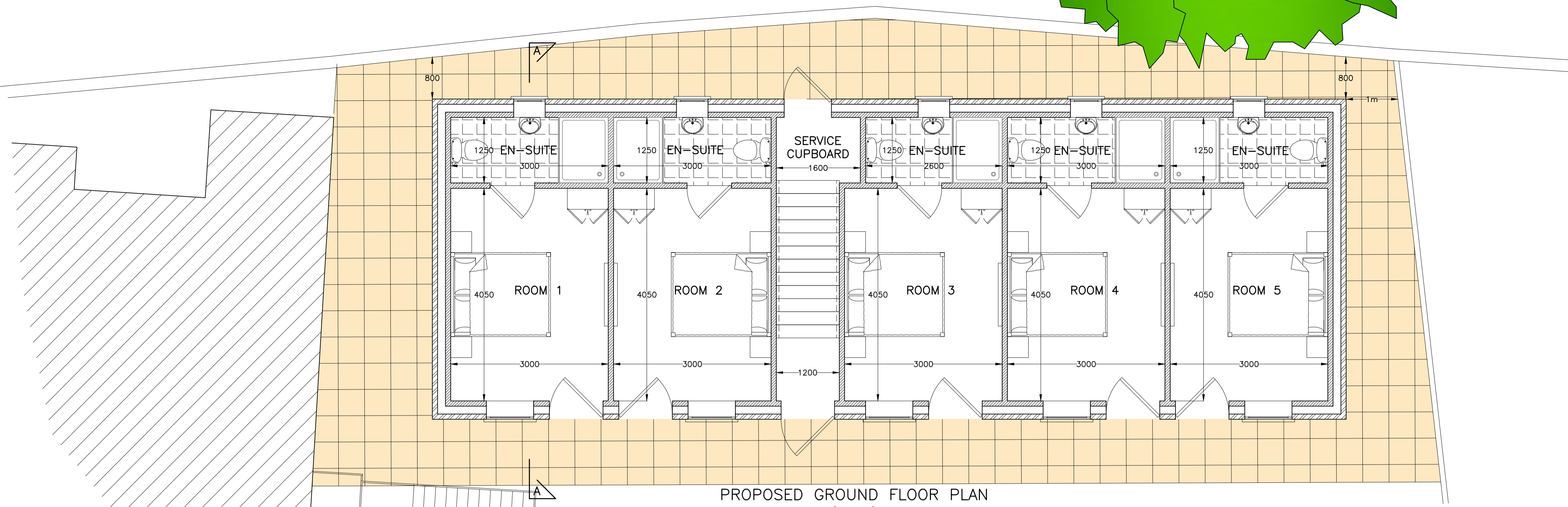
LABC Fenland District Council Building Design Awards winner Building Excellence in Fenland

CLIENT
 Mr T Payne

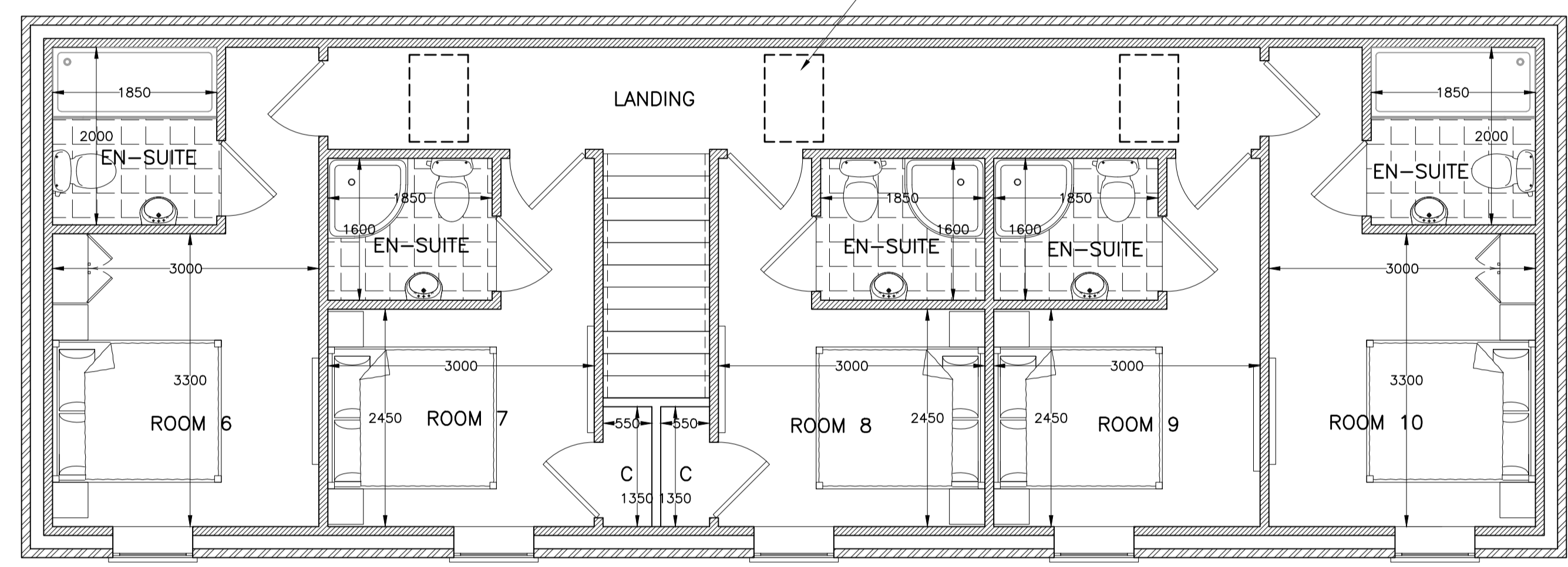
PROJECT
 The Bramley House
 15 High Street
 Chatteris, Cambs
 PE16 6BE

TITLE
 Proposed Ground floor plan
 Bramley House

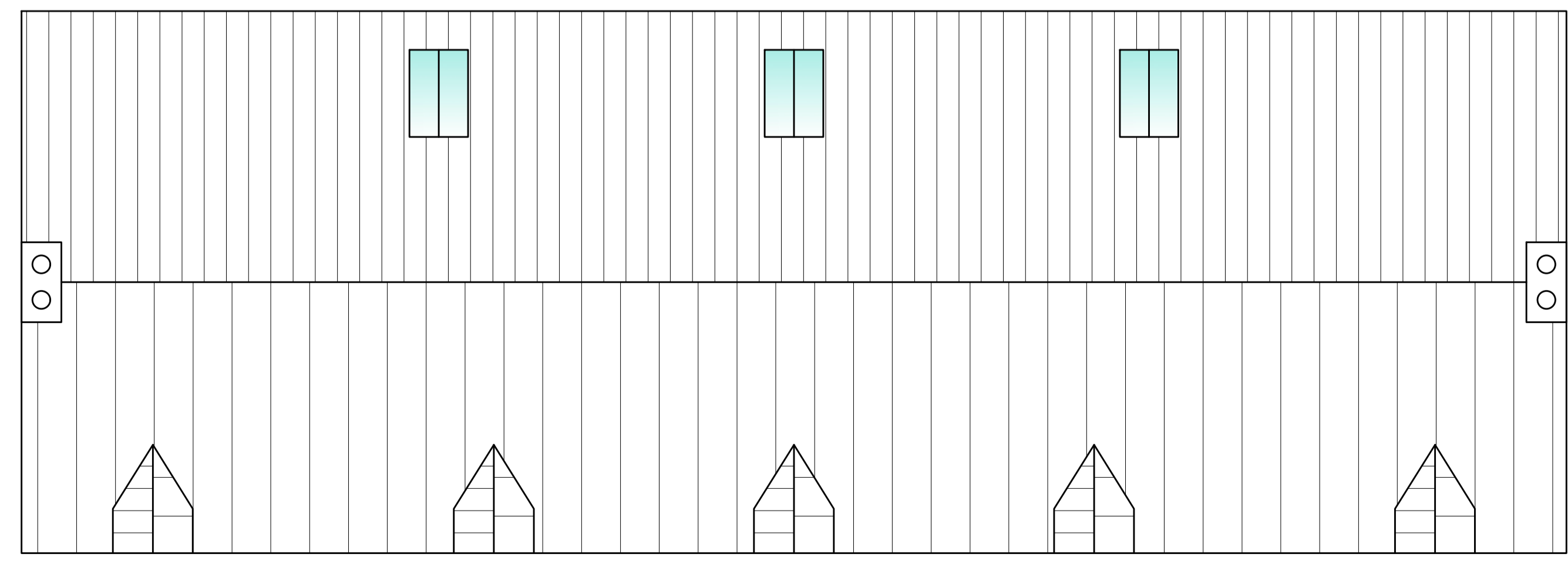
DRAWN	G.Bohram	DATE OF ISSUE	
CHECKED			
DATE	Aug 2023	DRAWING NUMBER	H9163/07 _c
SCALE	As Shown		



PROPOSED GROUND FLOOR PLAN
(1:50)



PROPOSED FIRST FLOOR PLAN
(1:50)



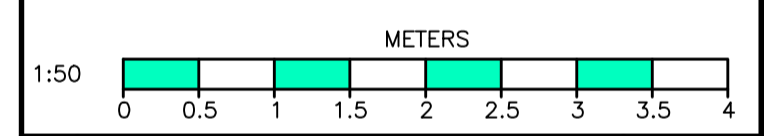
PROPOSED ROOF PLAN (1:50)

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



PHOTO OF CONSERVATION ROOF LIGHT

3No 660x980 CONSERVATION ROOF LIGHTS



REVISIONS	DATE
B	OCT 2023
A	OCT 2023

MORTON & HALL CONSULTING LIMITED
CONSULTING STRUCTURAL ENGINEERS

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

Fenland District Council Building Design Awards winner

CLIENT
Mr T Payne

PROJECT
The Bramley House
15 High Street
Chatteris, Cambs
PE16 6BE

TITLE
Proposed Floor Plans

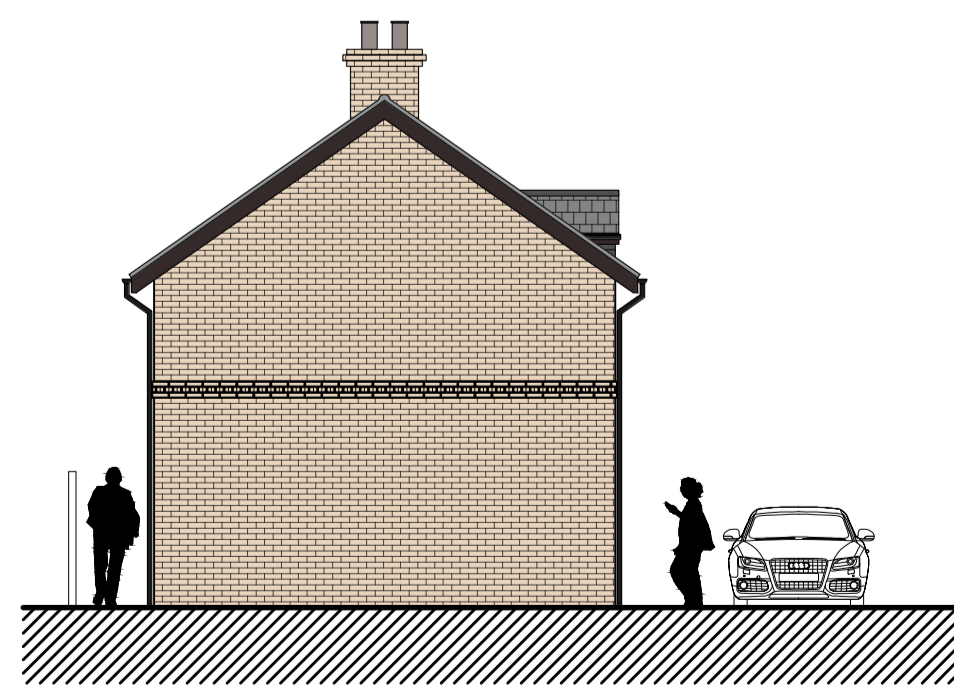
DRAWN G.Bohram	DATE OF ISSUE
CHECKED	
DATE Aug 2023	DRAWING NUMBER H9163/02
SCALE As Shown	



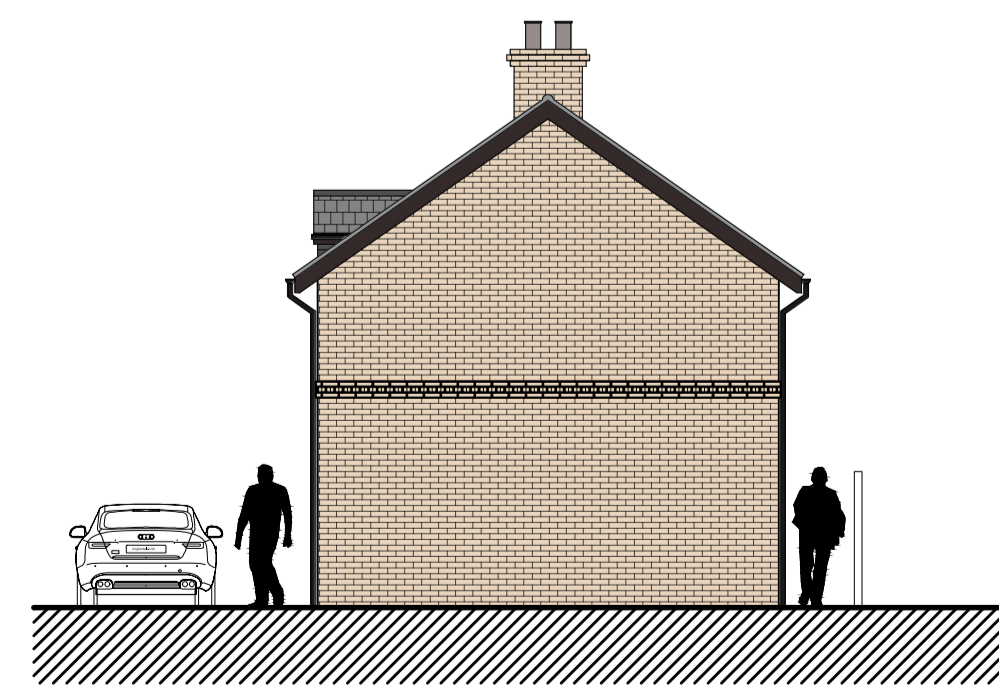
PROPOSED FRONT ELEVATION
(1:50)



PROPOSED REAR ELEVATION
(1:50)



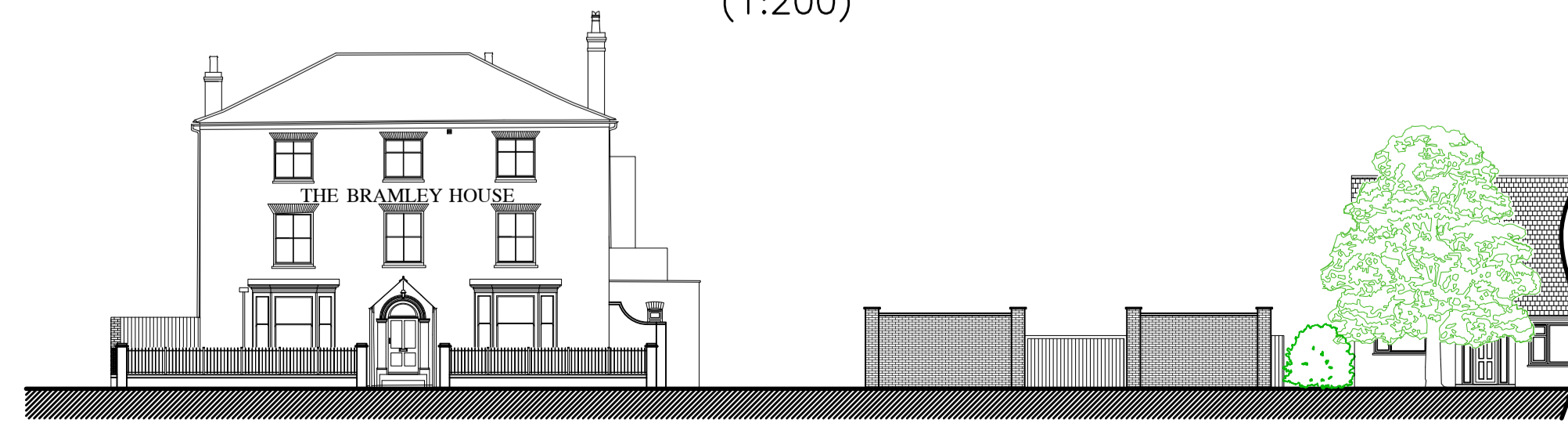
PROPOSED LHS ELEVATION
(1:100)



PROPOSED RHS ELEVATION
(1:100)

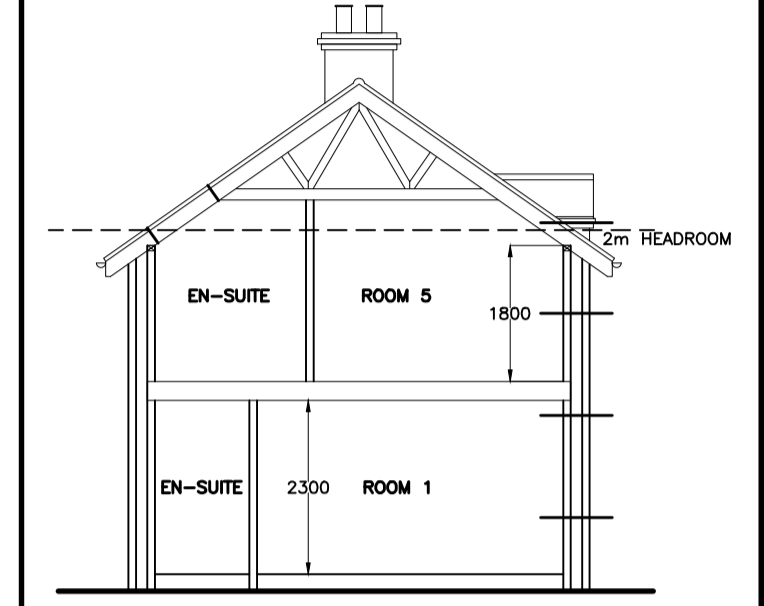


PROPOSED STREET SCENE
(1:200)



EXISTING STREET SCENE
(1:200)

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



SECTION A-A
(1:100)

A	EN-SUITE WINDOWS	OCT 2023
	REVISIONS	DATE

MORTON & HALL CONSULTING LIMITED
CONSULTING STRUCTURAL ENGINEERS

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

LABC Fenland District Council Building Design Awards winner

CLIENT
Mr T Payne

PROJECT
The Bramley House
15 High Street
Chatteris, Cambs
PE16 6BE

TITLE
Proposed Elevations & Section

DRAWN G. Boreham	DATE OF ISSUE
CHECKED	
DATE Aug 2023	DRAWING NUMBER H9163/03_A
SCALE As Shown	

This page is intentionally left blank

F/YR23/0987/O

Applicant: Mr R Smith

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

Land East Of, Bramley Court, Coldham, Cambridgeshire

Erect up to 6no 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 six dwellings on an area of agricultural land outside the built form of Coldham. The application site is an area of undeveloped agricultural land to the east of Bramley Court. The development at Bramley Court forms a clear edge to end of the built form of Coldham.
- 1.2. It could not be argued that the development represents a single dwelling 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 for this settlement.
- 1.3. The application site forms a distinct and natural demarcation between the developed built form of Coldham and the countryside beyond. Development encroaching into this land would be to the detriment of the character and appearance of the area contrary to Policy LP12 and Policy LP16 (d).
- 1.4. Given the constraints created by the highway geometry, the principle of providing safe and convenient highway access is unlikely to be achievable at the site, and thus, the scheme in its current guise cannot be considered to conform with Policy LP15.
- 1.5. The application site falls entirely in Flood Zone 2, and the application included insufficient evidence in respect of the Sequential or Exception tests and is therefore contrary to Policy LP14 and the adopted Cambridgeshire Flood and Water SPD or Section 14 of the NPPF.
- 1.6. As such the proposed development is contrary to local planning policy and should be refused.

2 SITE DESCRIPTION

- 2.1. The application site is an area of agricultural land to the north side of March Road (B1101) to the east of a residential development of 6 dwellings known as Bramley Court. To the southwestern corner of the site stands a modest agricultural Nissen-style hut.
- 2.2. The site is bounded to the west by hedging associated with the residential curtilage boundaries of dwellings within Bramley Court. A significant conifer hedge forms the eastern boundary along with a drainage ditch, and the site is open to further agricultural land to the north. To the south side of March Road opposite the site is open agricultural land.
- 2.3. A group of agricultural buildings along with a dwelling known as Asholt Corner, stands approximately 55m (as the crow flies) to the northeastern most corner of the site. To the west, the main built form of Coldham includes both frontage and in-depth residential development.

3 PROPOSAL

- 3.1. This application seeks outline planning approval with all matters reserved for the development of up to six dwellings at the site.
- 3.2. The indicative plans submitted indicate the potential layout, with six dwellings and detached garages flanking the east and west sides of a central access road with turning head and retention of a field access to the north.
- 3.3. Full plans and associated documents for this application can be found at: [F/YR23/0987/O | Erect up to 6no dwellings \(outline application with all matters reserved\) | Land East Of Bramley Court Coldham Cambridgeshire \(fenland.gov.uk\)](https://fenland.gov.uk/F/YR23/0987/O)

4 SITE PLANNING HISTORY

F/YR06/0126/F	Variation of Condition 7 of planning permissions F/YR02/1092/F, F/YR02/1093/F, F/YR02/1094/F (Erection of dwellings) to provide a 0.95m wide footpath instead of a 1.8m wide footpath. Land East Of Chapel House, March Road, Coldham (Bramley Court)	Granted 17.08.2006
F/YR02/0166/F	Erection of 4 x 5-bed and 2 x 4-bed detached houses with garages Land East Of Chapel House, March Road, Coldham (Bramley Court)	Granted 21.05.2002

5 CONSULTATIONS

- 5.1. **Cambridgeshire County Council Highways Authority – initial comments received 10.01.2024**

This is an "all matters reserved application" therefore I am unable to provide comments on any specific aspect, as there is no approval sort on any detail relating to the highway. I do however have the following comments for the LPA:

- *There would need to be a footway provided to the site from the village for residents to access local facilities.*
- *The B1101 has a posted speed limit of 40mph therefore inter-vehicle visibility splays should be 2.4 x 120m either side of the access (to the back of the highway verge/footway) and entirely within the highway and / or over land under the control of the applicant. From an indicative review I do not believe this to be possible in this location with the site frontage with the highway as shown.*

5.2. Cambridgeshire County Council Highways Authority – further comments received 22.01.24 in response to applicant’s contact to HA & revised indicative site plan received

I have checked our mapping system and I don't think there has been any encroachment. However for a definitive answer the applicant would need to check with our Searches Team. But I don't think the visibility splays can be achieved and there isn't enough room in the verge for a footway, which should be a min of 1.8m wide. As such I do not believe safe pedestrian or vehicle access can be achieved at this location with the highway frontage marked on the plan.

If the LPA are minded to approve this application I would recommend the following conditions:

Prior to first occupation a footway of 1.8m shall be constructed from Bramley Court to the junction of the new development.

Visibility splays of 2.4m x 120m must be provided either side of the junction.

5.3. Senior Archaeologist (CCC)

I am writing regarding the archaeological implications of the above reference planning application. The proposed development is located in the small settlement of Coldham within the Parish of Elm, to the north of March and east of Guyhirn. This part of fenland is characterised by deeper fenland through which run a number of Roddons or ancient silted river channels. These features leave areas of firmer ground that is exploited for settlement in the prehistoric and roman period as well as my more recent settlement. Coldham is situated on a couple of major roddons running roughly north south between March and Wisbech. There are a large number of cropmarks surrounding Coldham indicating Roman Settlement and Saltern, or Salt making, activity (Cambridgeshire Historic Environment Record 04188, 04146, 04196, 04192, 04190, 04193, 04160). There are also a large number of finds associated with the Roman settlement and in particular salt making found in very close proximity to the site, (CHER 04184, 04186, 04185). To the southwest are a number of circular features of unproven date although they are likely to be late medieval hay ricks or fen circles (CHER 08878, MCB29243, 09432).

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

Archaeology Condition

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

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

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

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

5.4. Environment & Health Services (FDC)

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

Due to the size and location of the proposed development in relation to existing noise sensitive receptors, in the event that planning permission is granted, it is recommended that the following condition is imposed in the interests of amenity protection.

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. Elm Parish Council

Elm Parish Council strongly objects to proposals submitted under planning application ref. F/YR23/0987/O on the following grounds;

The Fenland Local Plan (2014) (FLP) classes Coldham as an 'other village' where development is normally restricted to single dwelling infill sites situated in an otherwise built up frontage. Policy LP3 also steers new development to larger places that offer best access to services and facilities thereby reducing the need to travel and making best use of existing infrastructure. The proposals are contrary to these policy statements.

The proposals are also contrary to FLP Policy LP12(c) as they would have an impact on the character and appearance of the surrounding countryside and farmland.

In respect of highway safety issues, access to the proposed site is in close proximity to an extremely dangerous bend and the development would cause an increased and unacceptable risk to road users.

5.6. Councillor D Roy

I have examined this application in some detail. I have the following concerns:

- 1. The archeology report suggests a full investigation before any works, which clearly has not yet been carried out by the applicant or their agent,*
- 2. There is no footpath to access the dwellings therefore it would endanger life to any residents in that area,*
- 3. I also have safety concerns of the location and access to this site which also need to be addressed first.*
- 4. There are also issues with speed along this section of road, which would further create a dangerous junction possibly increasing the possibility of emerging vehicles from the site.*

The application has not been fully thought through and needs further investigation. On these grounds I would recommend refusal and object to it on those items mentioned above.

5.7. Councillor M Summers

I object to the above application for the following reasons:

- 1. It does not accord with LP3 and LP12 of the currently adopted local plan*
- 2. The proposed entrance is too close to the blind bend and will give rise to danger*

The local plan and the adoption process for new plans exists for a reason and therefore new developments must be considered in line with the adopted plan.

That said, if it wasn't for the above two points, I would be in support of this proposal and there is clear community support for it based on the responses I have read. In my opinion, this development would be appropriate for inclusion in the emerging local plan.

5.8. Local Residents/Interested Parties

Objectors

The LPA have received 3 letters of objection to the scheme from two address points within Bramley Court, Coldham and a further letter from an address on

Wales Bank, Elm – all within the Elm & Christchurch Ward, within which the site is situated.

Reasons for objection can be summarised as:

- Owing to instance of large windows and balcony within an existing property of Bramley Court there is potential for overlooking to and from the proposed dwellings/gardens;
- Access location on dangerous bend is unsuitable and is subject to accidents already;
- No footpath provision nor room to provide one; and
- Concerns over drainage.

Supporters

The Council has received 13 letters of support for the scheme from 13 address points including:

- Fridaybridge Road, Elm – 2 letters (including 1 from the Applicant themselves)
- Overstone Road, Coldham – 6 letters
- Station Road, Coldham – 1 letter
- Nettle Bank, Elm – 1 letter

The above address points are from within the Elm & Christchurch Ward.

Two further letters were received from address points in Upwell and Outwell, both within an adjacent ward, but outside the FDC District boundary.

A final letter was received from an address within Wisbech, which is not within Elm & Christchurch or an adjacent ward.

Reasons for support for the scheme from the letters received can be summarised as:

- A small development site of quality homes is welcomed;
- Proposal reflects the form and character of Bramley Court;
- The development is well considered;
- The development is sustainable;
- There are no drainage issues;
- The development will offer an ideal opportunity to justify the need for traffic calming or speed reduction;
- The scheme will address the housing shortage;
- The scheme will offer local employment in construction;
- The site is allocated within the emerging plan;
- Archaeology will be considered;
- Highways safety will be considered;

Five letters of support received stated no reasons for support.

In the interests of transparency, Members should note that the Council have received allegations to suggest that some supporters may have been solicited to offer their public support for the scheme in exchange for remuneration. The Council cannot substantiate which, if any, of the letters of support received

were as a result of any alleged solicitation. Accordingly, the Council must treat the letters received as genuine.

Representations

One representation was received from an address in Overstone Road; although indicating support, this was with the caveat "*I would be happy to support the application with the inclusion of traffic calming...*"

Material matters within the above representations will be discussed in more detail in the below assessment.

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. 48 – Weight to be attributed to relevant policies in emerging plans

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.

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
- LP64 – Residential site allocations in Coldham (LP64.01)

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

7.7. **Cambridgeshire Flood and Water SPD 2016**

8 **KEY ISSUES**

- **Emerging Local Plan**
- **Principle of Development**
- **Character and Appearance**
- **Residential Amenity**
- **Highway Safety**
- **Flood Risk and Drainage**
- **Other Matters**

9 ASSESSMENT

Emerging Local Plan

- 9.1. The application site forms allocation LP64.01 for 11 dwellings within the Emerging Local Plan. However, given the very early stage which the Emerging Plan is at, it is considered, in accordance with Paragraph 48 of the NPPF, that the policies of this should carry extremely limited weight in decision making. Paragraph 47 of the NPPF states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. As such, the below assessment must be on the basis of the policies of the current adopted development plan, the Fenland Local Plan (2014).

Principle of Development

- 9.2. Coldham is identified as an 'other village' in the settlement hierarchy contained within Policy LP3, within such locations development will be considered on its merits and will normally be restricted to single dwelling infill sites situated within otherwise built-up frontages. The proposal seeks to erect up to six dwellings in a small estate-type development and is flanked on one side only by existing development, with the opposite side open and sparsely developed land. Accordingly, the proposal cannot be considered as residential infill, and thus the scheme is contrary to Policy LP3.
- 9.3. 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.
- 9.4. The application site is an area of undeveloped agricultural land to the east of Bramley Court. The development at Bramley Court forms a clear edge to end of the built form of Coldham to the west from the agricultural land to the east and south, beyond which only very sporadic residential development occurs; the next isolated residential dwelling Asholt Corner is located approximately 333m along March Road to the northeast of the site, and thus would be excluded by (a) above.
- 9.5. This area of agricultural land at the site is mirrored by agricultural land opposite, and forms a distinct and natural demarcation between the developed built form of Coldham and the countryside beyond. Development encroaching into this land would be to the detriment of the character and appearance of the area and would arguably create a precedent for further ribbon development. As such, the proposal would be contrary to the requirements of policy LP12.
- 9.6. Given the above, there are fundamental locational issues that result in the scheme being contrary to Policies LP3 and LP12. Therefore the principle of development cannot be supported.

Character and Appearance

- 9.7. 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.
- 9.8. It is acknowledged that the indicative site plan suggests that the scheme may likely reflect the development of Bramley Court to the west. Notwithstanding, the development proposed would encroach into agricultural land beyond the built form of Coldham. This area of land, coupled with the agricultural land opposite, forms distinct and natural demarcation between the clear edge of the built form of Coldham to the west and the countryside beyond. Development encroaching into this land would be to the detriment of the character and appearance of the area and would arguably create a precedent for further development within the countryside. As such, the proposal would be contrary to the requirements of Policies LP12 and LP16 (d).

Residential Amenity

- 9.9. There were no indicative floor plans or elevations offered with the application and as such the LPA are unable to establish definitively if issues such as overlooking will need to be reconciled. However, owing to the relative position of the proposed dwellings, shown indicatively, it would appear that there may be negligible issues relating to impacts on residential amenity to reconcile from the scheme.
- 9.10. The illustrative site plan also indicates that suitable amenity space may be provided within the site to meet the requirements of Policy LP16 of the Local Plan.

Highway Safety

- 9.11. Policy LP15 of the Fenland Local Plan 2014 seeks to ensure safe and convenient access for all within the district. It is noted and accepted that the specific details of the access are to be considered later as part of a reserved matters submission, however it is appropriate to consider at this stage the indicated point of access to the highway and whether or not the principle of such an access is acceptable.
- 9.12. Initial comments received from the Highway Authority (HA) specified that a footway would need to be provided to link to the development to the existing footpath network west of Bramley Court. Furthermore, the HA indicated that given the 40mph limit along the B1101, visibility splays of 2.4 x 120m would need to be required either side of the proposed access entirely within the highway verge or within land controlled by the applicant. The HA concluded that they did not believe provision of suitable visibility splays would be possible from the indicative site plan provided.
- 9.13. To address the HA concerns, the applicant provided a revised indicative site plan, noting that they could achieve the full 2.4 x 120m splay to the east, but only a 2.4 x 55m splay to the west owing to the boundary treatments of the dwelling at No.2 Bramley Court appearing to encroach into the highway verge. Furthermore the applicant acknowledged that there may not be sufficient width along the highway adjacent to No.2 to facilitate a footway.

- 9.14. In response, the HA concluded that, on further review, there did not appear to be any highway encroachment at No.2, but definitive mapping would need to be explored to fully confirm. Notwithstanding, it was the opinion of the HA Officer that there did not appear to be enough room within the verge for a footway, and reiterated the need for 2.4m x 120m visibility splays *both* sides of the intended access onto the B1101. Accordingly, they concluded “*I do not believe safe pedestrian or vehicle access can be achieved at this location with the highway frontage marked on the plan.*”
- 9.15. The HA did offer that if the LPA were minded to grant the application, that conditions relating to the need for a 1.8m wide footway and 2.4m x 120m visibility splays either side of the junction should be imposed. However, given the evidence submitted within the application and the constraints of the highway verge and position of the proposed access (albeit not committed at this time) it follows that these conditions would be unreasonable to impose as they could not be appropriately complied with.
- 9.16. Accordingly, it is considered that given the constraints created by the highway geometry, the principle of providing safe and convenient highway access is unlikely to be achievable at the site, and thus, the scheme in its current guise cannot be considered to conform with Policy LP15, and the imposition of conditions to achieve safe access would not be achievable in this case.

Flood Risk and Drainage

- 9.17. Policy LP14 of the Fenland Local Plan and section 14 of the National Planning Policy Framework deal with the matter of flooding and flood risk, and the siting of dwellings on land at the risk of flooding. The site falls in Flood Zone 2. Matters of foul and surface water drainage, as noted within received representations opposing the development, would be considered at Reserved Matters stage.
- 9.18. Notwithstanding, Policy LP14 requires development proposals to adopt a sequential approach to flood risk from all forms of flooding, and states that development in an area known to be at risk will only be permitted following the successful completion of a Sequential Test, an Exception Test (where necessary), and the demonstration that the proposal meets an identified need and appropriate flood risk management.
- 9.19. The application is accompanied by a Flood Risk Assessment that does not include consideration of the Sequential and Exception Tests, incorrectly asserting that as the site is within a defended area it should be classified as low risk. The Flood and Water SPD is explicit in setting out that the existence of defences should be disregarded in undertaking the sequential test.
- 9.20. Noting the adopted and indeed consistent stance of the LPA when applying the sequential test on sites which do not comply with the settlement hierarchy it is asserted that the scheme has no potential to satisfy the sequential test, as this would require the application of the Sequential test on a district wide scale, given that the scale of development exceeds that identified for Coldham as a settlement. It is further identified in the updated NPPG (August 2022) that even where a flood risk assessment shows that development can be made

safe for its lifetime the sequential test still needs to be satisfied, i.e. flood risk safety measures do not overcome locational issues.

- 9.21. As such, the proposal fails to accord with the necessary requirements of Policy LP14, the SPD and the NPPF, and as such, should be refused on the basis of a lack of demonstrable evidence that the scheme would be acceptable in respect of flood risk.

Other Matters

Sustainability

- 9.22. 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.

Traffic Calming

- 9.23. A number of representations received in support of the scheme intimated that the proposal may see the introduction of traffic calming measures within Coldham. There is no evidence within the submitted application to suggest that proposals to improve highway safety through the introduction of traffic calming measures are intended. Notwithstanding, this possible eventuality would not outweigh the clear policy contraventions in respect of the location of the proposed development site as discussed above, which is a material planning consideration in respect of this type of application. Given the evidence submitted within the application, the development will see up to six additional dwellings requiring access onto the B1101, which may give rise to unacceptable highway safety concerns (a matter highlighted in the Highway Authority response above). Accordingly, consideration of this application must solely be based on the status quo situation, and the approval of development cannot be considered on the basis of supposition.

10 CONCLUSIONS

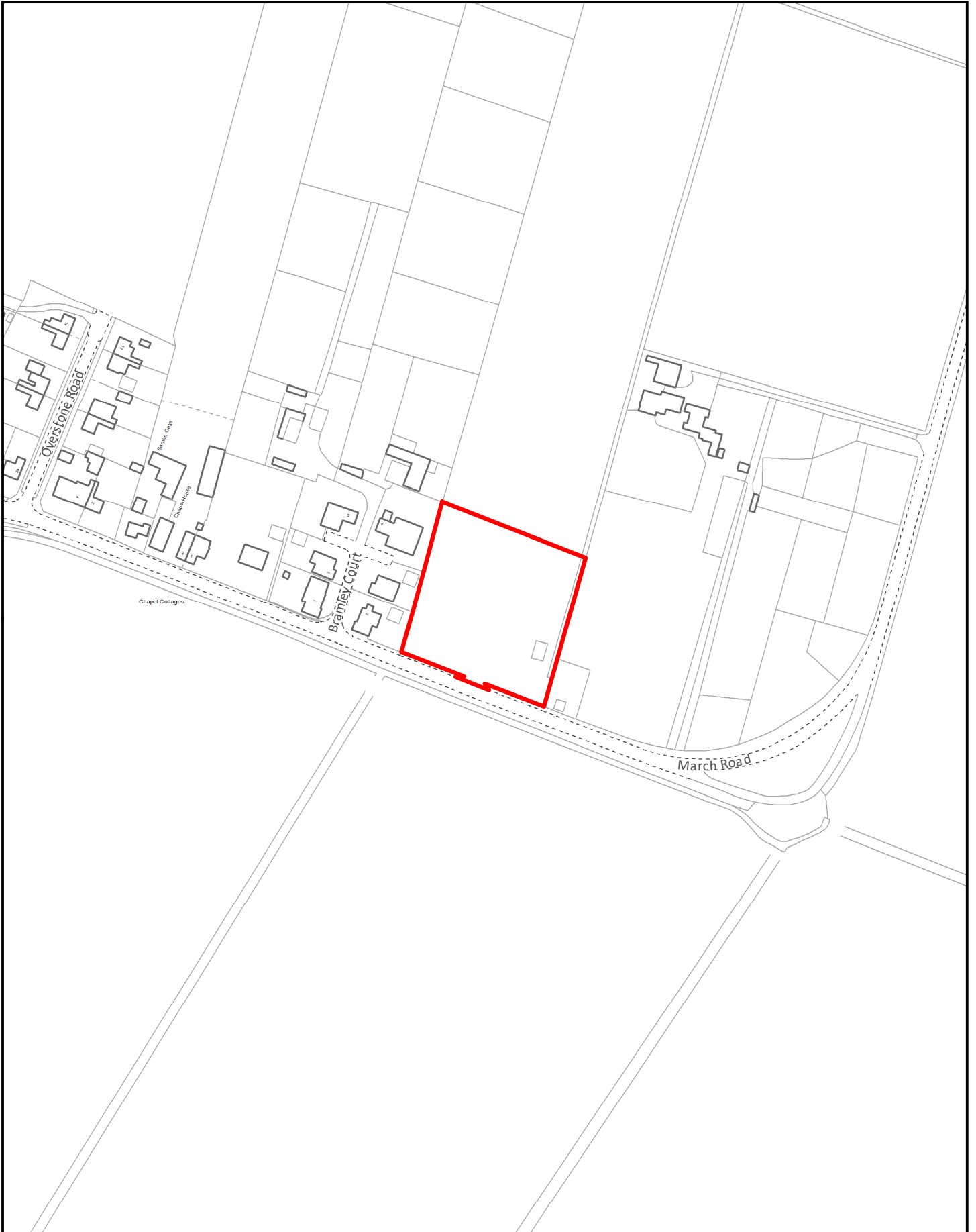
- 10.1. On the basis of the consideration of the issues of this application, conflict arises through the principle of the development of the site rather than as a result of matters that could be addressed at the design stage, and as such it is concluded that the application is contrary to the relevant planning policies of the development plan in respect of the settlement hierarchy and rural areas development, LP3 and LP12. Furthermore, development at this site would be an unacceptable encroachment into the countryside at detriment to the rural character of the area in contravention of Policy LP12 and Policy LP16(d). In addition, owing to the lack of evidence to the contrary, it is considered that the principle of providing safe and convenient access for may be unachievable at the site and sufficient parking has not been provided in accordance with the relevant guidelines, thus the proposal does not comply with Policy LP15. Finally, the application included insufficient evidence in respect of the Sequential or Exception tests and is therefore contrary to Policy LP14 and the adopted Cambridgeshire Flood and Water SPD or Section 14 of the NPPF.
- 10.2. Therefore, given the above assessment, the application is recommended for refusal.

11 RECOMMENDATION

Refuse, for the following reasons;

1	<p>Policy LP3 of the Fenland Local Plan (2014) sets out the settlement hierarchy within the district and defines Coldham 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 seeks to support development that complies with the necessary criteria with respect to rural area development. The application site constitutes an area of land located outside the clearly demarcated developed footprint of the settlement of Coldham. The development proposal cannot be considered as small-scale residential infilling given the sporadic form of development to the east. The proposal is therefore considered to be contrary to Policies LP3 and LP12 of the adopted 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 encroach into currently undeveloped agricultural land which forms a distinct and natural demarcation between the built form to the west and the countryside beyond. Development encroaching into this land would therefore be to the detriment of the character and appearance of the area. As such, the proposal would be contrary to the requirements of the Policies LP12, LP16(d) and DM3 (2014).</p>
3	<p>Policy LP15 seeks to support proposals that provide safe and convenient access for all. In the absence of evidence to the contrary, it is considered that the necessary visibility splays relative to the speed of the road cannot be achieved within the highway boundary and / or application site boundary to ensure safe vehicular access to the site, and that the required 1.8m wide footway link can also not be provided to serve the development. The application, if approved, would therefore be to the detriment of the safety of vehicular and pedestrian users of the highway and contrary to Policy LP15 of the adopted Fenland Local Plan 2014.</p>
4	<p>Policy LP14 of the Fenland Local Plan, Section 14 of the National Planning Policy Framework (2019) and Cambridgeshire Flood and Water Supplementary Planning Document (2016) require development proposals to adopt a sequential approach to flood risk from all forms of flooding, and Policy LP14 states that development in an area known to be at risk will only be permitted following the successful completion of a Sequential Test, and</p>

	<p>Exception Test (where appropriate), and the demonstration that the proposal meets an identified need and appropriate flood risk management. The application does not include any evidence in respect of the sequential or exception tests and therefore fails to provide demonstrable evidence that the scheme would be acceptable in respect of flood risk. The proposal is therefore contrary to policy LP14 of the Fenland Local Plan (2014), Section 14 of the National Planning Policy Framework (2019) and Cambridgeshire Flood and Water Supplementary Planning Document (2016).</p>
--	--



Created on: 04/12/2023

© Crown Copyright and database
rights 2023 Ordnance Survey 10023778

F/YR23/0987/O

Scale = 1:2,500



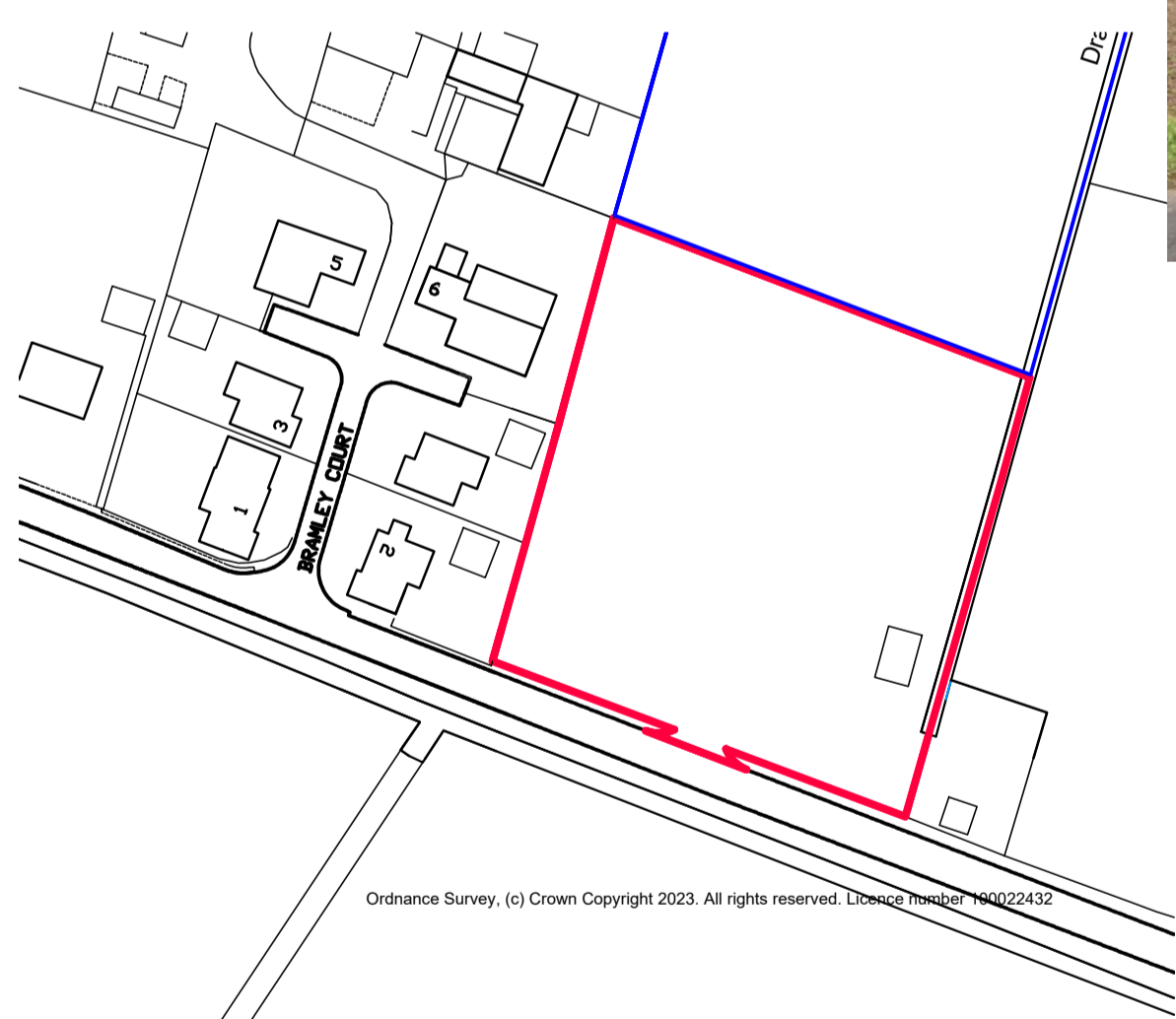


**SITE PLAN 1:500
INDICATIVE ONLY**

Ordnance Survey, (c) Crown Copyright 2023. All rights reserved. Licence number 100022432



NHBS Habitat bat box
One on each South
Elevation plots
2,3,4



Ordnance Survey, (c) Crown Copyright 2023. All rights reserved. Licence number 100022432

EXISTING SITE PLAN 1:1250



Eco House Martin nest
1 to each East elevation plots 4,5,6



Schwegler triple cavity swift box
1 to each East elevation plots 4,5 and 6



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

CLIENT
MR R SMITH

PROJECT
RESIDENTIAL DEVELOPMENT

SITE
**LAND ADJ BRAMLEY COURT
MARCH ROAD
COLDHAM
CAMBS
PE14 0LD**

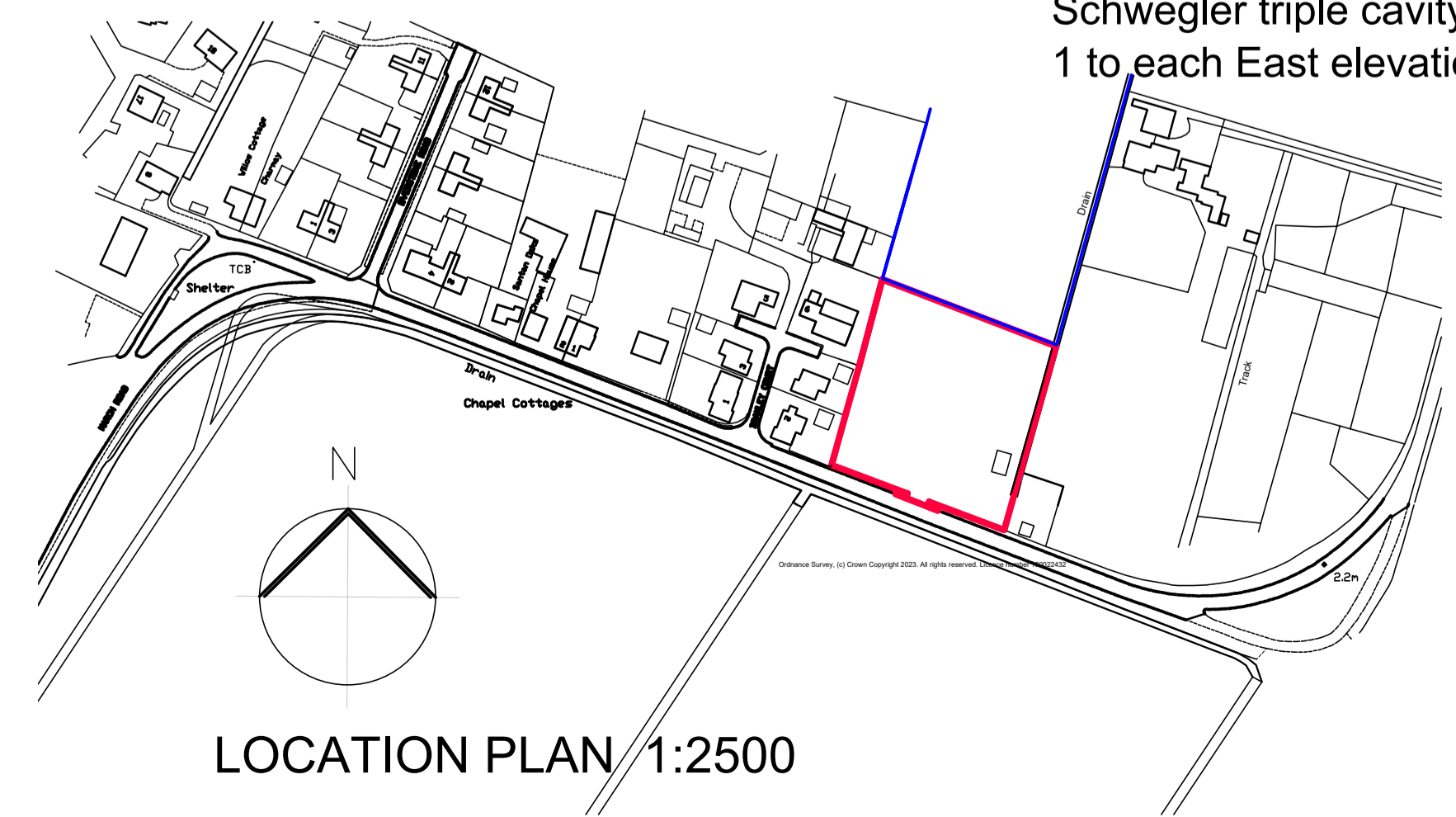
DRAWING
PROPOSED SITE PLAN

JOB NO.	PAPER SIZE	DATE
6859 PL01a	A2	OCT 2023

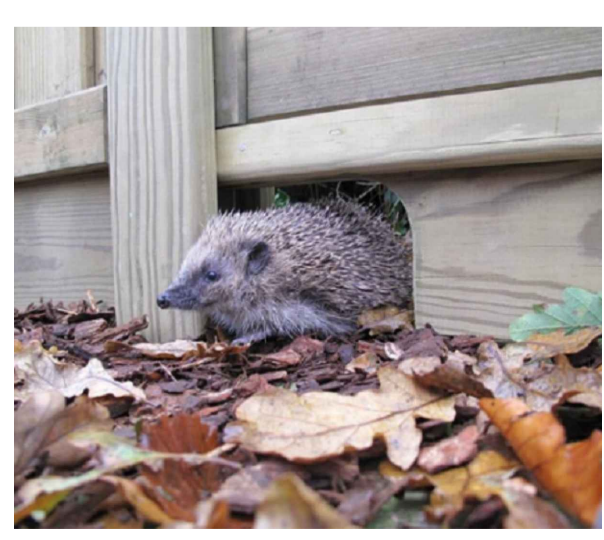
Notes:
This drawing is the permission of Peter Humphrey Associates Ltd. and may not be reissued, loaned or copied in whole or part without written consent.

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

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



LOCATION PLAN 1:2500



**Boundary fence to have 1 hedgehog
gravel board to each boundary**

F/YR23/0990/PIP

Applicant: Mr Patrick

**Agent : Mrs Alexandra Patrick
Alexandra Design**

Land West Of 37, Mill Road, Murrow, Cambridgeshire

Residential development of up to 3 x dwellings involving the formation of 2 x new accesses (application for Permission in Principle)

Officer recommendation: Refuse

Reason for Committee: Number of representations contrary to Officer recommendation

1 EXECUTIVE SUMMARY

1.1. The proposal is an application for Permission in Principle to develop the site for up to 3 dwellings. The Permission in Principle route has 2 stages: the first stage (or Permission in Principle Stage) establishes whether the site is suitable in principle and assesses the principle issues namely:

- (1) Location
- (2) Use, and
- (3) Amount of development proposed

And the second (Technical Details Consent) stage is when the detailed development proposals are assessed. Technical details consent would need to be applied for should this application be granted.

- 1.2. Evaluation of a PIP must be restricted to the issues highlighted above; even if technical issues are apparent from the outset there can form no part of the determination of Stage 1 of the process, Accordingly, matters raised via statutory bodies may not be addressed at this time.
- 1.3. The site lies to the west of the existing linear form of residential development that is part of the settlement of Murrow located along the south side of Mill Road. The application site forms part of an existing agricultural field, the site is relatively open in nature to the west side and bounded along the southern boundary by mature hedges and trees with agricultural fields beyond.
- 1.4. Policy LP3 clearly indicates that Murrow is a small village which is suitable for residential infilling. The Fenland Local Plan 2014 under its glossary defines residential infilling as "Development of a site between existing buildings". The Planning Portal Glossary defines this as "The development of a relatively small gap between existing buildings." It is clear the proposed development, of up to 3 dwellings, at the site in question is not deemed as residential infill as the site presents a large undeveloped gap of approx. 270m between the existing dwellings no. 37 and The Signal Box and would not represent development of a limited nature.

- 1.5. The site is rural in character with open fields to the rear and beyond. It is contended that real and actual character harm would arise through the consolidation of the built form and the extension of existing linear features within an area which currently serves to mark the gentle transition between the open countryside and the built form of the village e this being clearly at odds with Policy LP12 of the Fenland Local Plan (2014) and contrary to the aims of Policy LP16 (d) which focuses on the need for development to enhance its setting and respond to the character of the local built environment.
- 1.6. The site lies in Flood Zone 3, the highest risk of flooding and has failed to demonstrate that it is not possible for the development to be located on a site with a lower risk of flooding and the development does not provide any wider sustainability benefits, as such both the sequential and exception tests fail.
- 1.7. Overall, the proposed development is considered to be unacceptable, and the recommendation is one of refusal.

2 SITE DESCRIPTION

- 2.1. The site lies to the west of the existing linear form of residential development that is part of the settlement of Murrow located along the south side of Mill Road. The application site forms part of an existing agricultural field, the Agricultural Land Classification Map shows the land to be Grade 1 which is classed as 'excellent'.
- 2.2. Existing residential dwellings run along the north side of Mill Road opposite the site which are both two storey and single storey, immediately adjacent the site to the east is 37 Mill Road, a two-storey residential dwelling. The site is relatively open in nature to the west side and bounded along the southern boundary by mature hedges and trees with agricultural fields beyond.
- 2.3. The site lies within Flood Zone 3.

3 PROPOSAL

- 3.1. The 'Planning in Principle' (PiP) application is for residential development of up to 3 dwellings at the site. The current proposal is the first part of the permission in principle application; which only assesses the principle issues namely:
 - (1) location,
 - (2) use, and
 - (3) amount of development proposed
- 3.2. Should this application be successful the applicant would have to submit a Technical Details application covering all the other detailed material planning considerations. The approval of Permission in Principle does not constitute the grant of planning permission.
- 3.3. The applicant is only required to submit minimum information to accompany the application. However, an indicative site plan detailing how the development could be laid out has been submitted showing 3 detached dwellings each with a garage and two access points off Mill Road, one serving Plot 1 and the other serving Pots 2 & 3, this is indicative only and the application is solely for the erection of up to 3 dwellings in principle within the red lined site.

- 3.4. Full plans and associated documents for this application can be found at: [F/YR23/0990/PIP | Residential development of up to 3 x dwellings involving the formation of 2 x new accesses \(application for Permission in Principle\) | Land West Of 37 Mill Road Murrow Cambridgeshire \(fenland.gov.uk\)](https://fenland.gov.uk/F/YR23/0990/PIP)

4 SITE PLANNING HISTORY

Reference	Description	Decision	Date
F/YR23/0796/PIP	Residential development of up to 9 x dwellings involving the formation of 5 x new accesses and extension of path (application for Permission in Principle)	Withdrawn	03/11/2023

5 CONSULTATIONS

5.1. Wisbech St Mary Parish Council (12/12/2023)

Recommend REFUSAL based on the following discussion: The Council noted the reduction in properties from that of application F/YR23/0796/PIP but still considered that any development in this location would go against LP3, LP12 and LP16 of the Fenland Local Plan; in that the development would be outside the main settlement of Murrow and would set a precedent of extending the boundary based on a similar dismissed appeal decision at Sandbank, Wisbech St Mary (F/YR22/0706/O). Councillors also noted concern that no further development should be undertaken on Mill Road which would result in more traffic until a footpath is installed. If Officers are minded to approve the PIP then the Parish Council recommend that a footpath is installed prior to commencement of development. They also noted concern regarding drainage and flooding.

5.2. CCC Highways (06/02/2024)

Recommendation

I have no objection in principle to the above from the highways perspective.

Comments Though the visibility of the proposed access appears to be acceptable, both the vehicle inter visibility and pedestrian visibility splays for the proposed accesses would need to be submitted for future reserve matters assessment.

As a core requirement for the above proposed development, I would need to be satisfied the proposed access is feasible. Reference to the submitted site boundary plan shows the proposed application access may be difficult to achieve given the strip of land (possibly third party) between highway boundary and depicted title limit (red line) for the development. Clarification of the site boundary limit in relation to proposed access and location, together with access dimension details must be submitted to facilitate the appropriate consideration for the development.

To address this issue, a verified copy of the highway boundary record can be procured from CCC's Searches team by following the instructions in the link below. If there is any third-party ownership between the applicant's landownership and the highway, the LPA should be satisfied that appropriate notice is served.

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

It noted that the Parish Council has recommended that If Officers are minded to approving the PIP, then a footway should be installed prior to commencement of development. I would also expect the Applicant to extend the footway to the existing infrastructure which is due to be provided along the frontage of the (relatively) newly built four dwellings to the east.

5.3. CCC Highways (06/02/2024)

The revised indicative drawing number no. 147/PIP/A showing a vehicle intervisibility splay for the proposed accesses is acceptable, however no details of adjoining footways expected to be constructed with the site accesses are shown on the drawing.

As a result of this, the required pedestrian visibility splay of 2m measured from the back of the footway and along the proposed accesses have not been presented on the drawing. The pedestrian splays should be 2m x 2m, measured to the rear of the proposed footway and not 1.5m as shown. It is preferable that the footways are shown now, but if the LPA prefers, it can be conditioned; or incorporated into a future reserve matter application.

Regarding the clarification on the possibility of third-party land between highway boundary and the depicted title limit (red line) for the development required to determine the feasibility for the provision of the proposed accesses; I am now content that this point has been addressed.

I have no further highway comments to make at this stage of the planning process.

5.4. Environment Agency (14/12/2023)

No objection to the proposed development. We have provided further details below.

Flood Risk

The development should be carried out in accordance with the submitted flood risk assessment (ref Ellingham Consulting Ltd. ECL1154/ALEXANDRA DESIGN dated November 2023) and the following mitigation measures it details:

- The finished floor level of the dwellings should be a minimum 0.3m above existing ground level*
- A minimum of 0.3m of flood resilient construction above finished floor level.*

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

5.5. North Level District I.D.B (07/12/2023)

No objection in principle.

5.6. FDC Environmental Health (06/12/2023)

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

In the event that Permission in Principle (PIP) is approved and a further application for the site is submitted, this service may recommend a condition on working time restrictions due to the close proximity to existing noise sensitive receptors.

Local Residents/Interested Parties

5.7. Objectors

5 letters of objection have been received from residents of Mill Road, Murrow which have raised the following summarised concerns:

- This strip of land is now the only main source of natural drainage for Mill Road
- There has been so much building that the road is now constantly flooded when it rains as drainage issues have not been addressed
- Mill Road is not suitable for any more housing
- There is no adequate street lighting, foot paths or drainage for such construction
- The 4.5 metre road is not wide enough to accommodate more dwellings & the traffic to come with it
- Increase in traffic as there is no public transport in Murrow
- The proposed dwellings would overshadow neighbouring properties
- Siting of proposed garages would restrict visibility at accesses
- Bats are present flying around the sit at nighttime
- Lorries delivering materials will increase the traffic within the surrounding area
- Loss of the field and hedgerow and views of this
- Lack of pedestrian footways

5.8. Supporters

33 letters of support have been received from residents of Murrow (5 from Back Road, and 1 each from Seadyke Bank, Front Road, Hooks Drove and The Pigeons), Wisbech (5 from 3 addresses), Wisbech St Mary (x2), Gorefield (10 from 3 addresses), Gedney Hill (x1), Parson Drove (x2), Tydd St Giles (x1), Elm (x1), Peterborough (x1) and Spalding (x1) which made the following summarised comments:

- Good for the village and elderly people wishing to down size
- Will make way for our local future residents and growing families in the houses that become available
- Would support the local businesses
- Would create affordable bungalow dwellings
- Good growth for the village, offering more residential opportunities
- This type of property is needed in the village
- Need for smaller 2-bedroom type properties within the local area. A number of larger properties have been built in the local villages, but they do not help people starting out on the property ladder who need affordable homes

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**

Context

Identity

Built Form

7.4. **Fenland Local Plan 2014**

LP1: A Presumption in Favour of Sustainable Development

LP2: Facilitating Health and Wellbeing of Fenland Residents

LP3: Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4: Housing

LP12: Rural development

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

LP15: Facilitating a More Sustainable Transport Network in Fenland

LP16: Delivering and Protecting High Quality Environments Across the District

LP19: The Natural Environment

7.5. **Emerging Local Plan**

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

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

LP1: Settlement Hierarchy

LP2: Spatial Strategy for the location of residential development

LP4: Securing Fenland's Future

LP5: Health and Wellbeing

LP7: Design

LP8: Amenity Provision

LP12: Meeting Housing Needs

LP18: Development in the Countryside

LP20: Accessibility and Transport

LP22: Parking Provision

LP24: Natural Environment

LP25: Biodiversity Net Gain

LP27: Trees and Planting

LP28: Landscape

LP32: Flood and Water Management

7.6. **Supplementary Planning Documents/Guidance**

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

Cambridgeshire Flood & Water SPD (2016)

8 **KEY ISSUES**

- **Location**
- **Use**
- **Amount of Development Proposed**

- **Matters Raised During Consultation**

9 BACKGROUND

- 9.1. Prior to the submission of this application, planning application F/YR23/0796/PIP was submitted to the council in September 2023, this application sought planning permission in principle for the 'Residential development of up to 9 x dwellings involving the formation of 5 x new accesses and extension of path'. The application was subsequently withdrawn in November 2023.

10 ASSESSMENT

- 10.1. Noting the guidance in place regarding Permission in Principle submissions assessment must be restricted to (a) location, (b) use and (c) amount of development and these items are considered in turn below:

Location

- 10.2. Policy LP3 clearly indicates that Murrow is a small village which is suitable for residential infilling. The Fenland Local Plan 2014 under its glossary defines residential infilling as "Development of a site between existing buildings". The Planning Portal Glossary defines this as "The development of a relatively small gap between existing buildings." It is clear the proposed development, of up to 3 dwellings, at the site in question is not deemed as residential infill as the site presents a large undeveloped gap of approx. 270m between the existing dwellings no. 37 and The Signal Box.
- 10.3. Part A of Policy LP12 states that proposals should not have an adverse impact on the on the character and appearance of the surrounding countryside and farmland (part c) and that proposals would not extend existing linear features of the settlement (part e). Policy LP16 (part d) requires proposals to make a positive contribution to the local distinctiveness and character of the area and not to have an adverse impact on the settlement pattern or the landscape character of the surrounding area. The site is rural in character with open fields to the rear and beyond. It is contended that real and actual character harm would arise through the consolidation of the built form and the extension of existing linear features within an area which currently serves to mark the gentle transition between the open countryside and the built form of the village. As such any residential development on this site would be contrary to the above policy considerations and thus, in terms of location, the Planning in Principle application fails.
- 10.4. Whilst the policies of the emerging local plan carry extremely limited weight in decision making the following are relevant to this application:

Policy LP1, Part A identifies Murrow as a small village; Part B advises that land outside settlement boundaries is defined as countryside where development is restricted (as set out in LP18), this site is outside of the defined settlement and Part C recognises frontage infill development, however in relation to this application would not be applicable as the development of the site would not respect the existing character and pattern of development and the site is at risk from flooding being located in Flood Zone 3. LP62 defines residential site allocations in Murrow and this site does not have such an allocation. As such the proposal is also considered contrary to the aforementioned policies of the emerging local plan.

Flood Risk and Drainage

- 10.5. The site lies in Flood Zone 3 and therefore at a high risk of flooding; Policy LP12 Part A (j) seeks to ensure that developments would not put people or property in dangers from identified risks, such as flooding. Policy LP14 of the Fenland Local Plan and Chapter 14 of the NPPF seek to steer developments to the areas with the least probability of flooding and development will not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. If it is evidenced by an adequate sequential test that it is not possible for development to be located in areas with a lower risk of flooding the exception test will then apply.
- 10.6. Section 4.4 of the adopted Cambridgeshire Flood and Water SPD sets out that the initial approach to carrying out a sequential test should be to agree the scope of the test with the LPA i.e. agree the geographical area for the search which should be justified in the sequential test report. Given that the site is considered outside the built form of the settlement and proposes a scale and form of development beyond that envisaged under the settlement hierarchy, the scope for the sequential test would need to be the whole of the rural area (villages and open countryside), as set out in the Flood Risk Sequential Test Methodology 2018.
- 10.7. The application has been accompanied by a Flood Risk Assessment which states 'the proposed development benefits from defences on the tidal River Nene that protect against the 0.5% annual probability (1 in 200 chance each year) event including climate change and that the development passes the Sequential and Exception Test'. This is insufficient as both the National Planning Practice guidance and the SPD stipulate that existing defences should not be taken into account. Section 4.4 of the adopted Cambridgeshire Flood and Water SPD clearly sets out the stages that are required; the developer should identify and list reasonably available sites irrespective of land ownership within the search area which could accommodate the proposal, obtain flood risk information for all sites and apply the sequential test by comparing the flood risk from all sources on the sites identified, this has not been completed.
- 10.8. The application is accompanied by a Sequential Test which advises that the area of search is Murrow rather than the whole rural area, Officers disagree with this as the site is considered to be outside the settlement of Murrow and as such the Sequential Test is considered to fail. However even if the settlement of Murrow was accepted as the area of search it is clear from a search of planning permissions which have yet to be implemented that there are sequentially preferable sites available which could accommodate the development proposed.
- 10.9. Even if the Sequential Test could be passed the Exception Test would also need to be passed. For the Exception Test to be passed it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk and a site-specific flood risk assessment must demonstrate that the development will be safe from all sources of flooding and will not increase flood risk elsewhere. Within the FRA it states that the proposed development would contribute to meeting the district target of 11,000 new dwellings over the period of 2011 to 2031. This would not be considered as a wider sustainability benefit to the community that would outweigh flood risk.

Use

- 10.10. Policy LP12 ((i) states that development should not result in the loss of high grade agricultural land or if so comprehensive evidence is provided to justify the loss.

- 10.11. Paragraph 174 of the NPPF states that decisions should recognise the intrinsic character and beauty of the countryside...including the economic benefits of the best and most versatile agricultural land. Grades 1, 2 and 3a agricultural land fall within this category.
- 10.12. A large proportion of agricultural land in Fenland District is best and most versatile land. There is insufficient information upon which to assess whether the loss the land might mean loss of best and most versatile agricultural land. However, the Council has rarely refused applications for this reason, given the quantity of such land within the District, and it is not considered that this issue could therefore be used as a reason for refusal in this instance.
- 10.13. Considering the land use in relation to surrounding land uses, the use of the land for residential purposes, in principle, would not give rise to unacceptable impacts on surrounding users by reason or noise or disturbance or vice versa.

Amount of Development Proposed

- 10.14. The application seeks Permission in Principle for up to 3 dwellings on a site of 0.13ha which would equate to a density of approximately 4 dwellings per hectare. Whilst a site plan has been submitted, this is indicative. It is considered that the dwellings could be accommodated on-site without being an overdevelopment of the site. However, the detailed layout and design would be for consideration at the Technical Details stage. In terms of consideration of amount, the proposal is acceptable.

Matters Raised During Consultation

- 10.15. Matters other than location, use and amount of development proposed would be for consideration at the Technical Details Stage, should permission be granted. In terms of consideration of amount, the proposal is acceptable.
- 10.16. CCC Highways have been consulted throughout the lifetime of the application and commented 'no objection in principle from a highways perspective' in relation to the proposed development at the site. The Highways officer did state that no details of adjoining footways or pedestrian intervisibility splays for the proposed accesses have been submitted. It is considered that details of the proposed footways and pedestrian visibility splays could have been conditioned to an approval or brought forward within the technical detail's application. However, as the application is recommended for refusal the details have not been sought at this stage due to the application seeking permission in principle for the proposed development.
- 10.17. A number of the representations in support of the application make reference to the need for small dwellings or bungalows. However, the application is for Permission in Principle with no details included.

11 CONCLUSIONS

- 11.1. The application seeks permission in principle for the residential development of up to 3 dwellings at the site with matters of location, land use and amount of development proposed.
- 11.2. Policy LP3 clearly indicates that Murrow is a small village which is capable of residential infilling. The Fenland Local Plan 2014 under its glossary defines residential infilling as "Development of a site between existing buildings". The Planning Portal Glossary defines this as "The development of a relatively small gap between existing buildings." It is clear the proposed development, of up to 3

dwellings, at the site in question is not deemed as residential infill as the site presents a large undeveloped gap of approx. 270m between the existing dwellings no. 37 and The Signal Box and would not represent development of a limited nature.

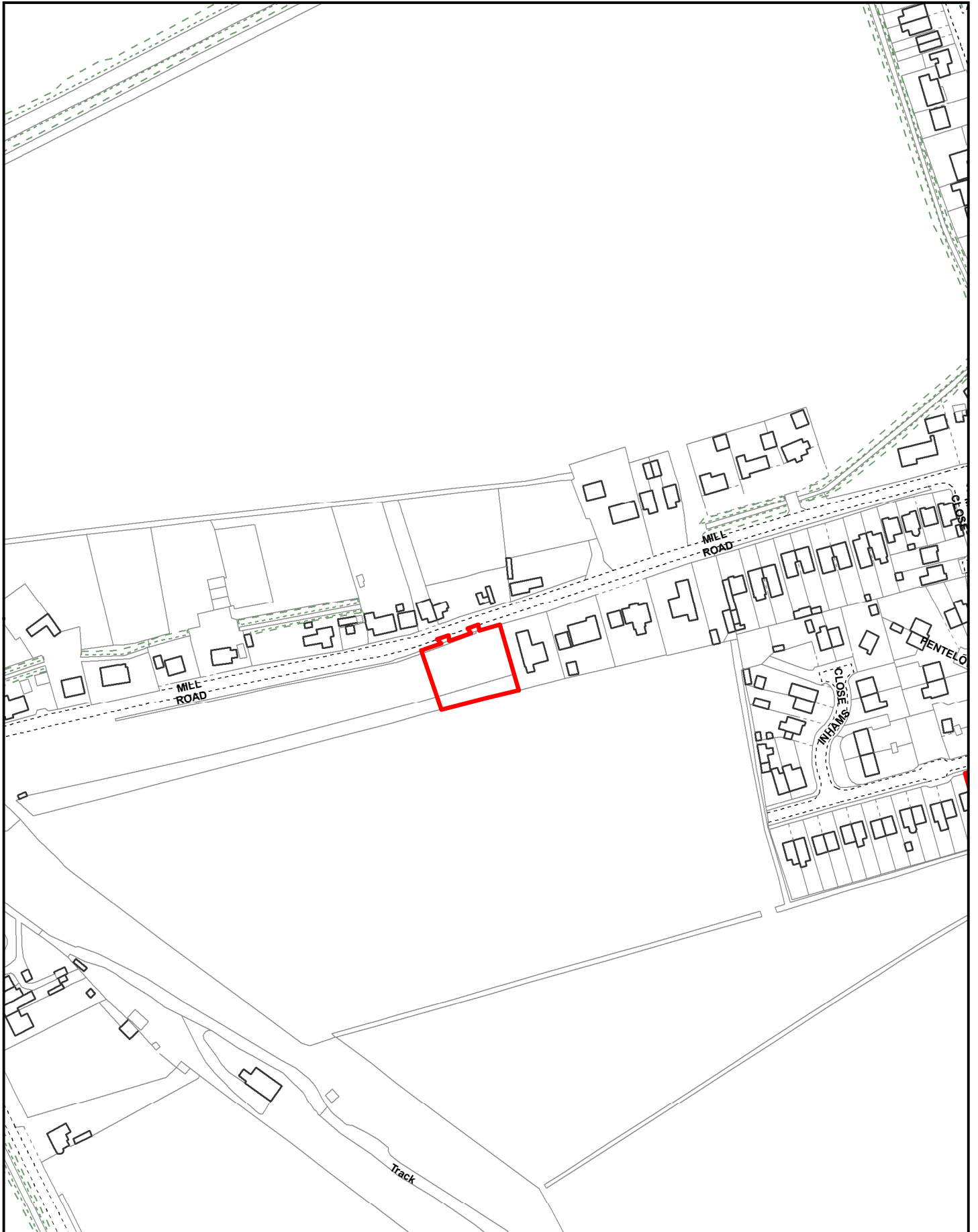
- 11.3. The site is rural in character with open fields to the rear and beyond. It is contended that real and actual character harm would arise through the consolidation of the built form and the extension of existing linear features within an area which currently serves to mark the gentle transition between the open countryside and the built form of the village this being clearly at odds with Policy LP12 of the Fenland Local Plan (2014) and contrary to the aims of Policy LP16 (d) which focuses on the need for development to enhance its setting and respond to the character of the local built environment.
- 11.4. Furthermore, the site lies in an area at high risk of flooding and insufficient justification has been provided to demonstrate that development of the site is necessary in this instance having regard to national policy which seeks to steer development to the lowest area of flood risk in the first instance. As such, the proposal conflicts with FLP policy LP14 and Chapter 14 of the NPPF.
- 11.5. Overall, the proposed development is considered to be unacceptable, and the recommendation is one of refusal.

12 RECOMMENDATION

Refuse Permission in Principle; for the following reasons:

1.	<p>Policy LP3 of the Fenland Local Plan 2014 identifies that Murrow is a 'small village' where residential development will be considered on its merits and will normally be limited in scale to residential infilling, defined as "the development of a relatively small gap between existing buildings."</p> <p>The proposed development of up to 3 dwellings at the site, which currently provides a large undeveloped gap of approx. 270m between existing dwellings would not represent "the development of a relatively small gap between existing buildings." As such the proposal is contrary to Policy LP3 of the Fenland Local Plan 2014.</p>
2	<p>Policy LP12 of the Fenland Local Plan 2014 states that proposals should not have an adverse impact on the on the character and appearance of the surrounding countryside and farmland (part c) and that proposals would not extend existing linear features of the settlement (part e). Policy LP16 (part d) of the Fenland Local Plan 2014 requires proposals to make a positive contribution to the local distinctiveness and character of the area and not to have an adverse impact on the settlement pattern or the landscape character of the surrounding area.</p> <p>The site is rural in character with open fields to the rear and beyond. It is contended that real and actual character harm would arise through the consolidation of the built form and the extension of existing linear features within an area which currently serves to mark the gentle transition between the open countryside and the built form of the village. As such any residential development on this site would be contrary to the above policy considerations and thus, in terms of location, the Planning</p>

	in Principle application fails.
3	<p>The site lies in Flood Zone 3, the highest risk of flooding. Policy LP12 Part A (j) seeks to ensure that developments would not put people or property in dangers from identified risks, such as flooding. Policy LP14 of the Fenland Local Plan and Chapter 14 of the NPPF seek to steer developments to the areas with the least probability of flooding and development will not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. If it is evidenced by an adequate sequential test that it is not possible for development to be located in areas with a lower risk of flooding the exception test will then apply.</p> <p>Insufficient assessment has been undertaken and inadequate information submitted to demonstrate that it is not possible for the development to be located on a site with a lower risk of flooding and the development does not provide any wider sustainability benefits, as such both the sequential and exception tests fail and the development is contrary to the aforementioned policies.</p>



Created on: 30/11/2023

© Crown Copyright and database
rights 2023 Ordnance Survey 10023778

F/YR23/0990/PIP

Scale = 1:2,500

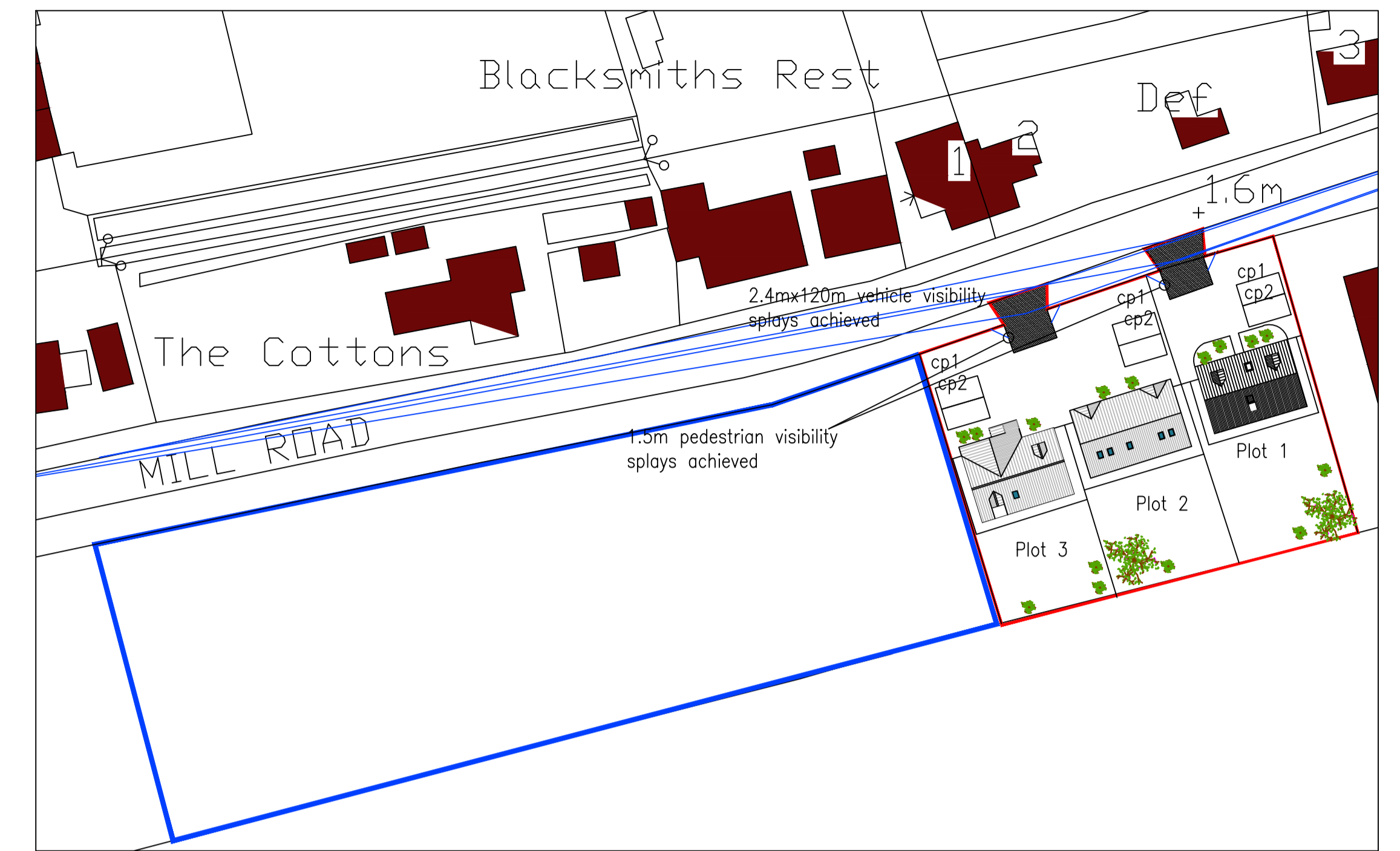




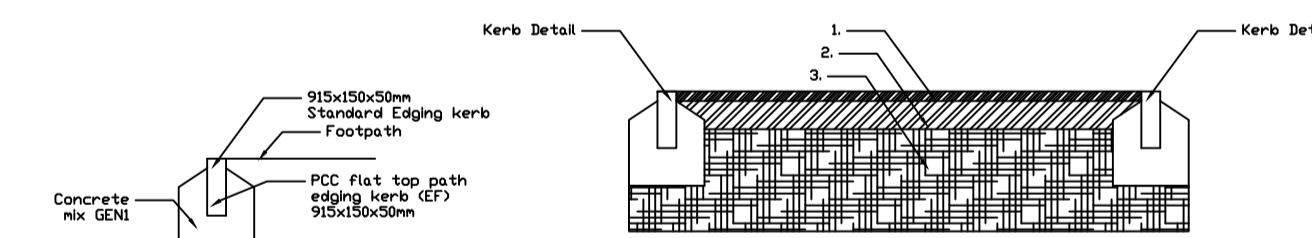
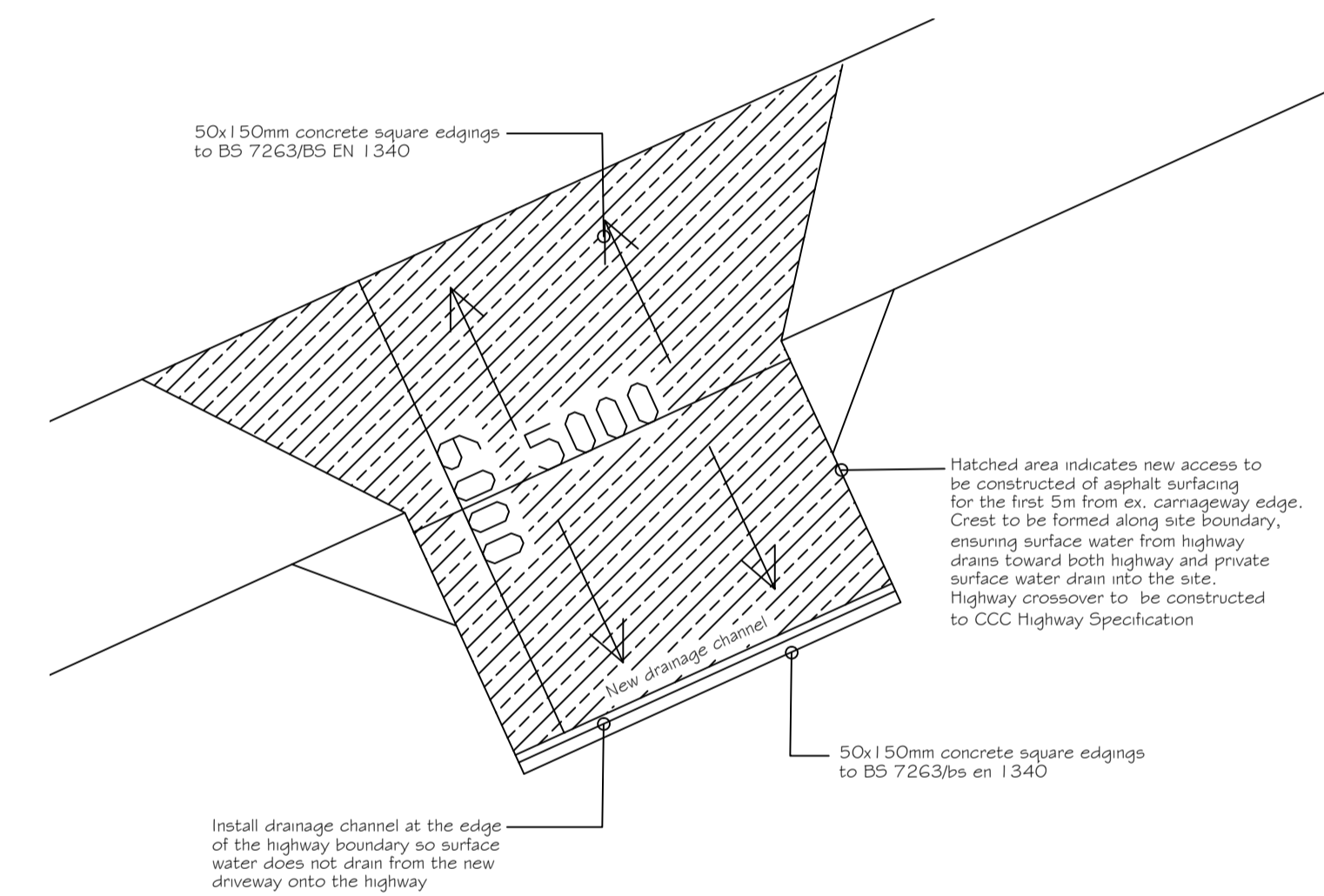
Proposed Location Plan 1:1250



Existing Location Plan 1:1250

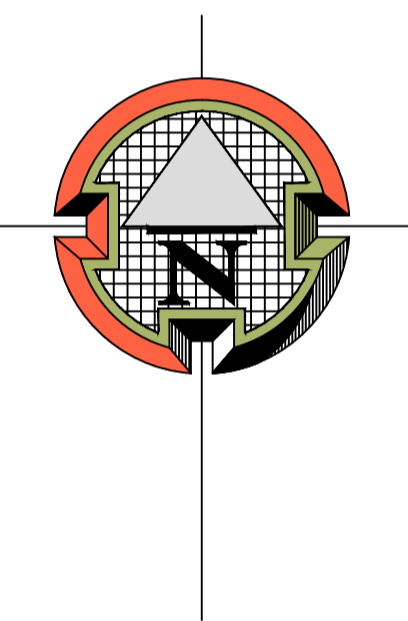


Proposed Site Plan 1:500



Asphalt Access Area Section Detail 1:20

LAYER	SPECIFICATION	THICKNESS
1. surface course	SMA 6 surf 40/60 to section D3 of PD 6691(4)(5)(11), min PSV50 to give texture depth of 0.6-0.1 SHW clause 921 table 9/3. (measured by sand patch method)	25mm
2. binder course	AC 20 dense bin to BSEN13108-1 and PD6691 with 50 pen binder.	90mm
3. sub-base	Granular sub-base type 1 to clause 803(1) certified as nonfrost susceptible, spread evenly on the foundation and compacted, compact to clause 802(1) to achieve a min CBR value of 30%. formation to be treated with an approved weed killer prior to laying sub-base.	365mm



Reference: 147/PIP/A
Pages: 1

Scale: as shown

Project: Planning in Principle application for 3x chalet style residential dwellings and 2 new access (INDICATIVE ONLY)

Site Address:
Land adjacent 37
Mill Road
Murrow
Wisbech
Cambs

Client:
Mr Patrick

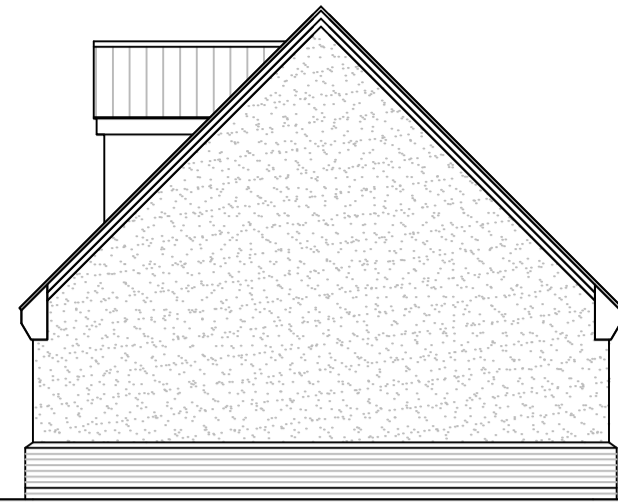


Southfork Farm
Seadyke Bank
Murrow
Cambridgeshire
PE13 4SD

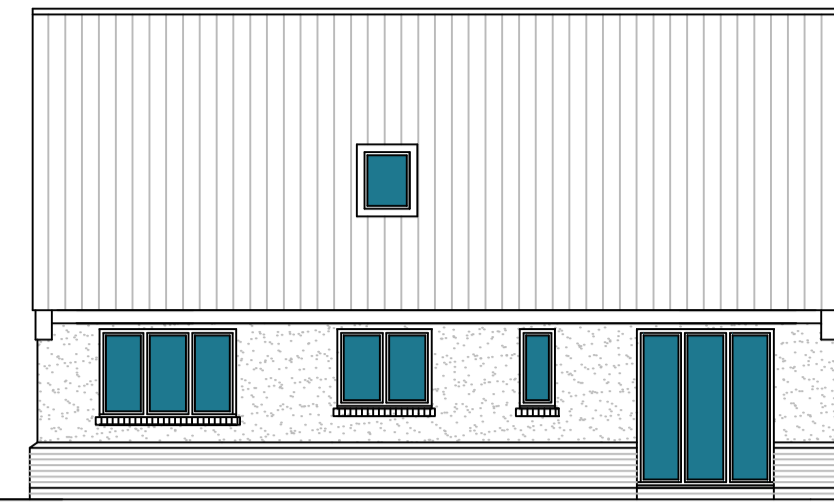
T: 07891175649
E: info.alexandradesign@gmail.com



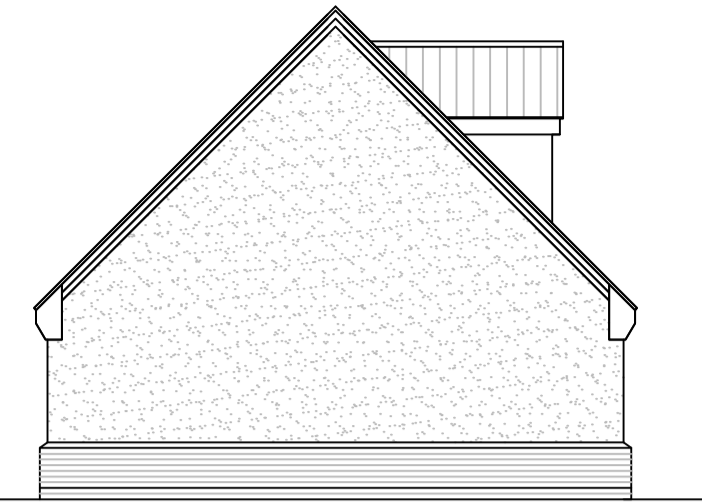
Proposed Front Elevation 1:100 (plots 1,5)
INDICATIVE ONLY



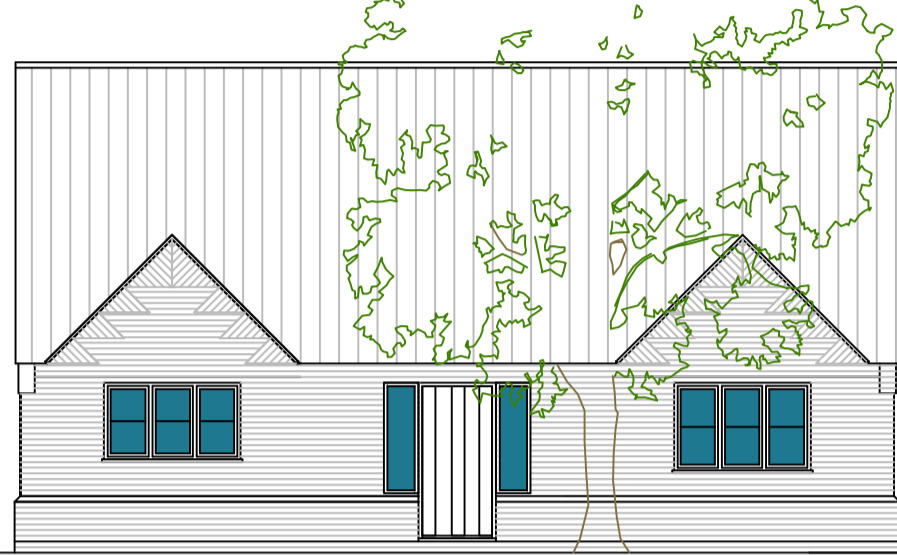
Proposed Side Elevation 1:100
INDICATIVE ONLY



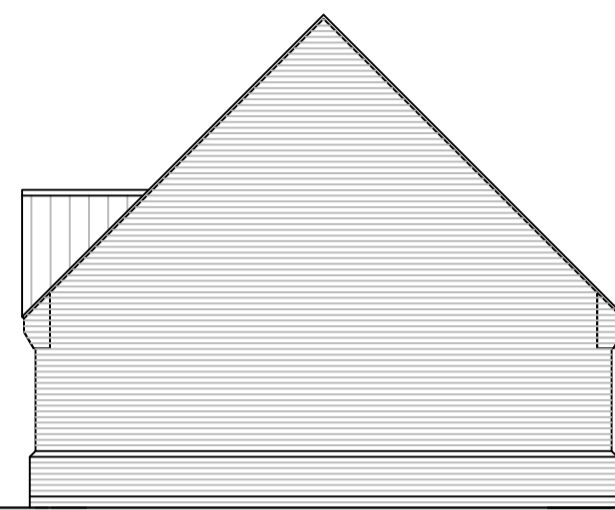
Proposed Rear Elevation 1:100
INDICATIVE ONLY



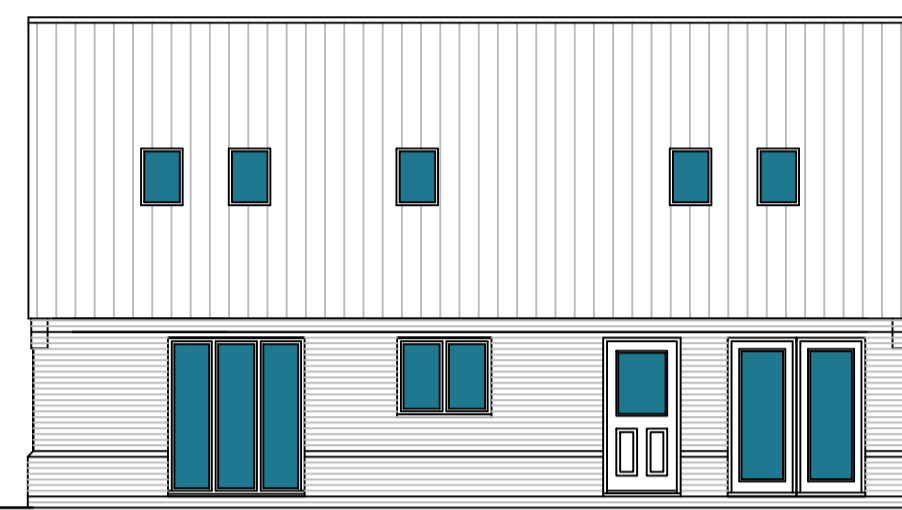
Proposed Side Elevation 1:100
INDICATIVE ONLY



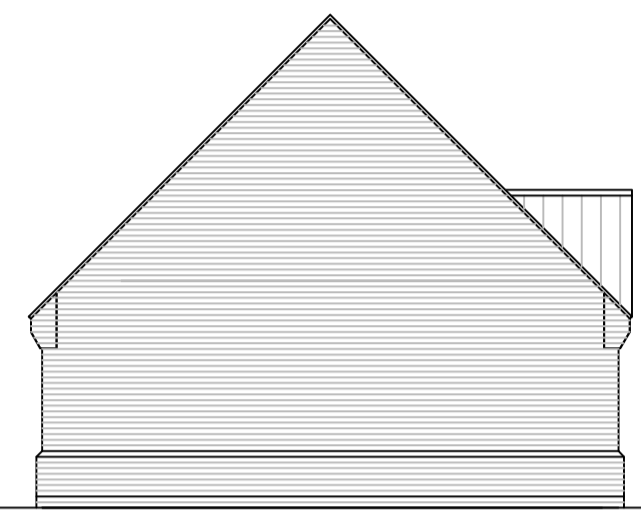
Proposed Front Elevation 1:100 (plots 2,7)
INDICATIVE ONLY



Proposed Side Elevation 1:100
INDICATIVE ONLY



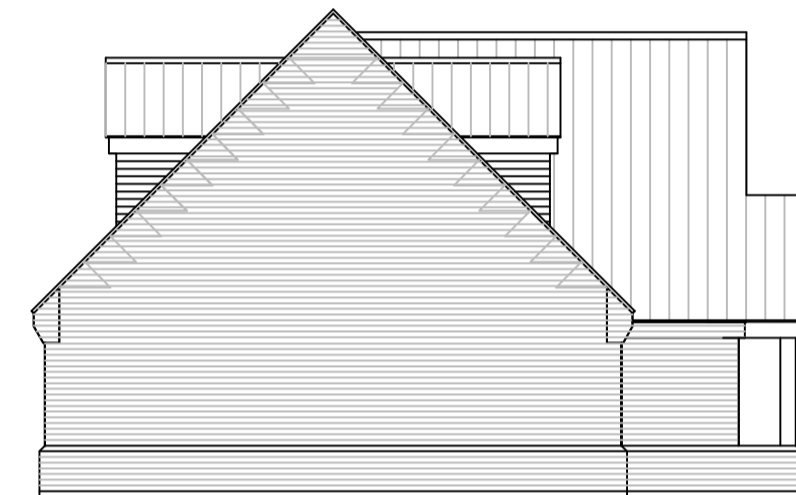
Proposed Rear Elevation 1:100
INDICATIVE ONLY



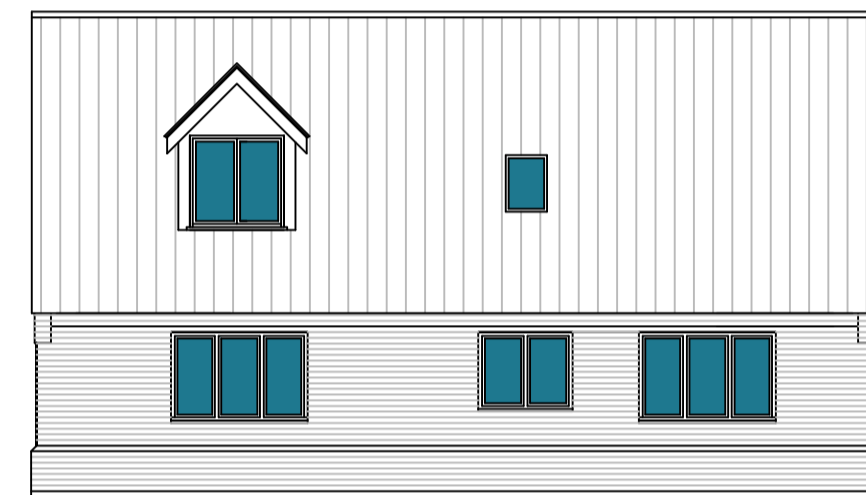
Proposed Side Elevation 1:100
INDICATIVE ONLY



Proposed Front Elevation 1:100 (plots 3,6,8)
INDICATIVE ONLY



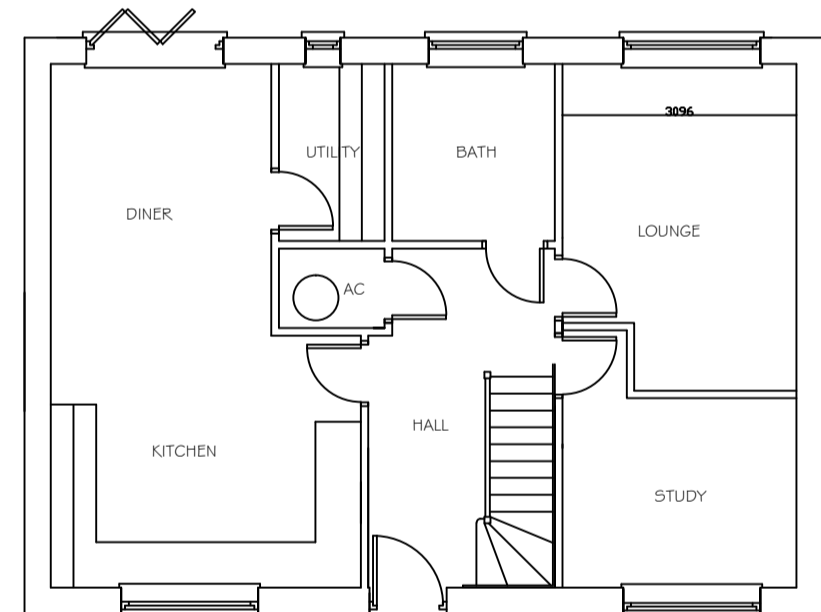
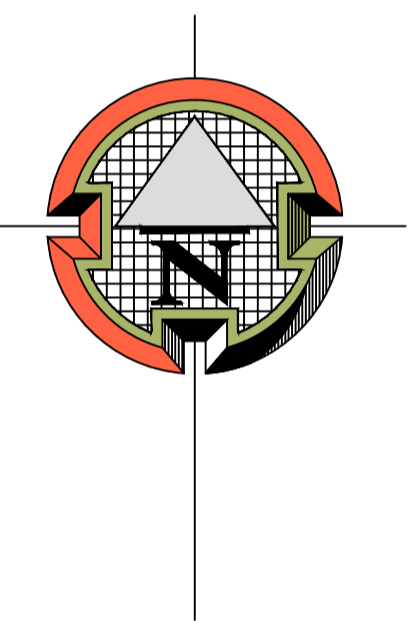
Proposed Side Elevation 1:100
INDICATIVE ONLY



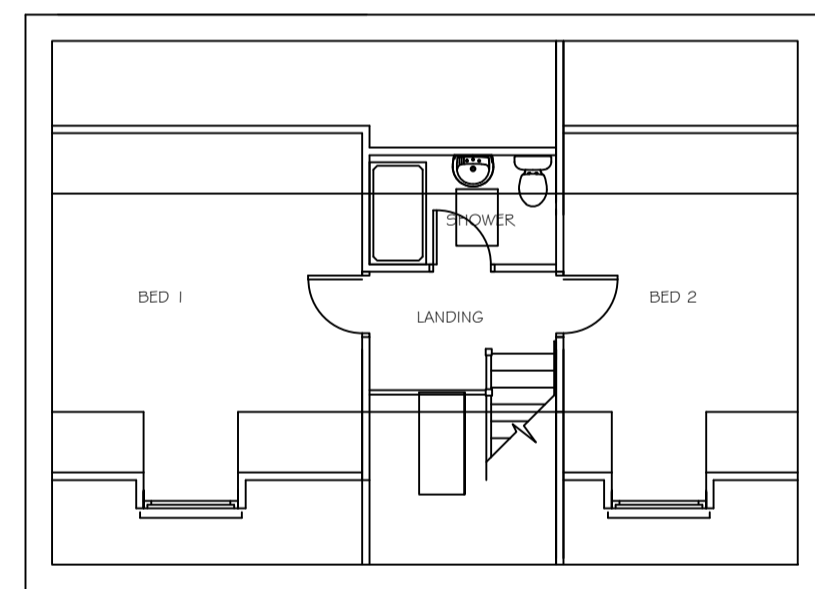
Proposed Rear Elevation 1:100
INDICATIVE ONLY



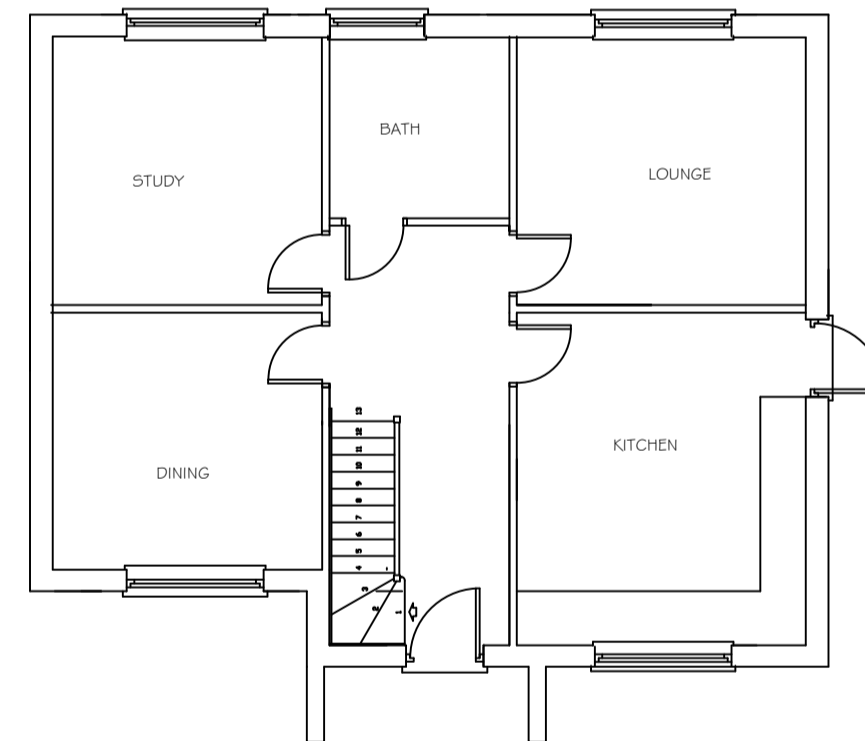
Proposed Side Elevation 1:100
INDICATIVE ONLY



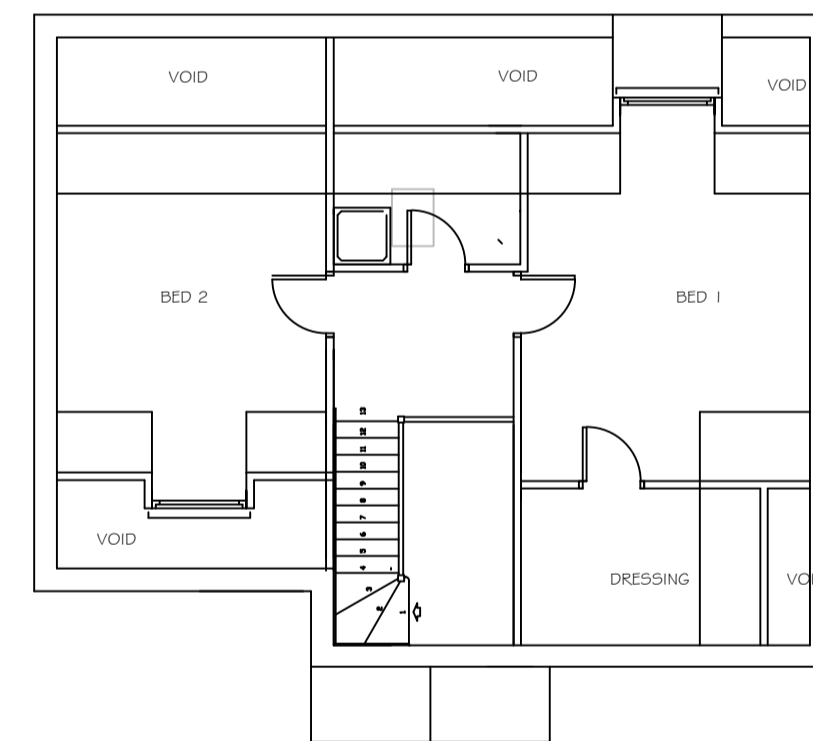
Proposed Ground Floor Plan 1:100 (plot 1)
INDICATIVE ONLY



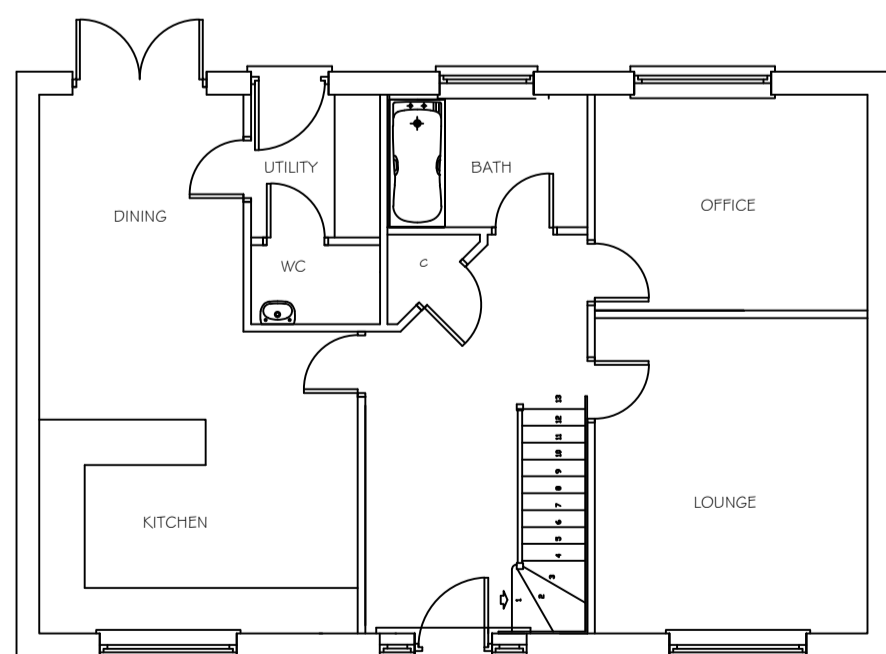
Proposed First Floor Plan 1:100 (plot 1)
INDICATIVE ONLY



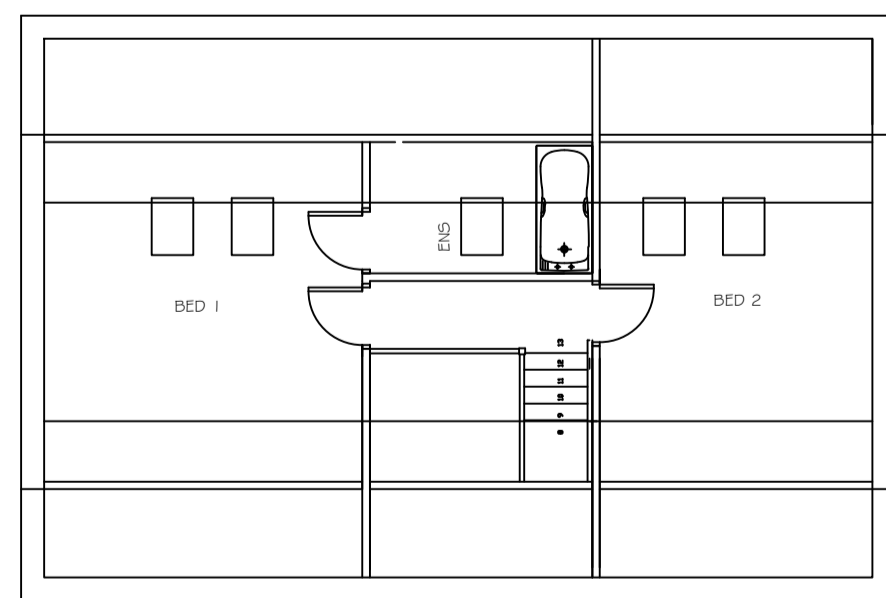
Proposed Ground Floor Plan 1:100 (plots 3)
INDICATIVE ONLY



Proposed First Floor Plan 1:100 (plots 3)
INDICATIVE ONLY



Proposed Ground Floor Plan 1:100 (plot 2)
INDICATIVE ONLY



Proposed First Floor Plan 1:100 (plot 2)
INDICATIVE ONLY

Reference: 147/PIP
Pages: 2

Scale: as shown

Project: Planning in Principle application for 3x chalet style residential dwellings and 2 new access (INDICATIVE ONLY)

Site Address:
Land adjacent 37
Mill Road
Murrow
Wisbech
Cams

Client:
Mr Patrick



Southfork Farm
Seadyke Bank
Murrow
Cambridgeshire
PE13 4SD

T: 07891175649
E: info.alexandradesign@gmail.com

F/YR23/0995/O

Applicant: Mr & Mrs Hamilton

**Agent: Mr Ian Gowler
Gowler Architectural**

Land East Of 1, Wimblington Road, Doddington, Cambridgeshire

Erect up to 3 x dwellings involving the formation of an access (Outline application with all matters reserved)

Officer recommendation: Grant

Reason for Committee: Parish Council comments contrary to Officer recommendation.

1 EXECUTIVE SUMMARY

- 1.1. This application seeks outline planning approval, with all matters reserved, for the erection of up to 3 dwellings involving the formation of a new access on land east of No 1 Wimblington Road, Doddington.
- 1.2. The below assessment considers the matters relating to principle of development, character and amenity, access, biodiversity, and site constraints are considered acceptable, subject to the imposition of relevant conditions or further information to be submitted during the reserved matters stage.
- 1.3. The Parish Council concerns with respect to the application appear unfounded when considered against the evidence and the relevant policies of the Fenland Local Plan 2014. Accordingly, refusal of the scheme on the basis of the issues raised within the comments received is unjustified in this case and thus, the application is recommended for approval.

2 SITE DESCRIPTION

- 2.1. The site constitutes part of the side garden of No 1 Wimblington Road, a detached property set within substantial grounds. This property and its garden marks the northern-eastern edge of the settlement of Doddington along the northern side of Wimblington Road. Mature hedging/ trees mark the boundary of the site which is clearly differentiated from the adjacent agricultural land to the east.
- 2.2. The site measures approximately 0.17ha and is mainly grass, but includes some mature trees to the south of the site with a drain to the eastern boundary.
- 2.3. The site is within Flood Zone 1 and a Mineral and Waste (Sand and Gravel) safeguarding area.

3 PROPOSAL

- 3.1. This application seeks outline planning approval, with all matters reserved, for the formation of up to 3 dwellings involving the formation of a new access. The indicative layout has been amended during the processing of the application in response to consultee/officer comments.
- 3.2. The submitted indicative site plans do not depict the scale, layout or appearance of the intended dwellings (as these are reserved matters), but merely depicts the subdivision of the site showing the potential curtilages for the dwellings, along with the access (and associated visibility splays) to be constructed leading to a shared private roadway to serve the dwellings.
- 3.3. The submitted plans depict the retention of the existing mature trees to the south of the site.
- 3.4. Full plans and associated documents for this application can be found at: [F/YR23/0995/O | Erect up to 3 x dwellings involving the formation of an access \(Outline application with all matters reserved\) | Land East Of 1 Wimblington Road Doddington Cambridgeshire \(fenland.gov.uk\)](https://fenland.gov.uk/F/YR23/0995/O)

4 SITE PLANNING HISTORY

F/YR22/0396/RM	Reserved Matters application relating to detailed matters of access, appearance, landscaping, layout and scale pursuant to outline permission F/YR18/0024/O to erect 13 x dwellings (2 x 2-storey 3-bed, 4 x 3-storey 5-bed & 7 x 3-storey 6-bed) Land North And East Of 1-3 Wimblington Road, Doddington	Withdrawn 06.06.2023
F/YR22/3032/COND	Details reserved by Conditions 4 (Foul Water Strategy), 7 (Maintenance), 12 (Sustainable Drainage) of planning permission F/YR18/0024/O Land North And East Of 1-3 Wimblington Road, Doddington	Withdrawn 06.06.2023
F/YR18/0024/O	Erection of up to 13 dwellings involving the formation of a new access and the demolition of existing shed (Outline application with all matters reserved) Land North And East Of 1-3 Wimblington Road, Doddington	Granted 26.02.2019

5 CONSULTATIONS

- 5.1. **Cambridgeshire County Council Highways Authority – 15.01.2024**

Recommendation

Based on the information submitted, I have no objection in principle, to the development in highway terms.

Comments

As this is an outline application with all matters reserved, I have refrained from providing comments on the indicative layout, and the need for adequate provision for parking and vehicle turning area including Refuse vehicles. Regarding the 40mph speed limit to the east of the application site, the applicant should demonstrate an inter-vehicular visibility splay of 2.4m x 120m in that direction. 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.

In the event that the LPA, be mindful to approve the above application, please append the following conditions and informative to any permission granted.

Conditions

Access Road Details: *Prior to the commencement of the use hereby approved the access road shall be constructed to a minimum width of 5 metres for a minimum distance of 8 metres measured from the near edge of the highway carriageway and thereafter maintained in perpetuity.*

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

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

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

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

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

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

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

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

I would be able to comment further on this application should it progress to the full application stage.

5.2. Cambridgeshire County Council Highways Authority – 06.02.2024

In response to my comments dated 15/01/2024, the revised drawing no. 587-P01 Rev C superimposed with the inter-vehicle visibility splay (submitted by the applicant) is now acceptable from the highways perspective.

I therefore have no further comments to make on the above issue.

5.3. Arboricultural Officer (FDC)

I have no objection to the proposed design layout.

Three trees are shown retained and protected to the front of the proposed development (T1 to T3) including 2 Horse Chestnut and 1 Oak.

The submitted arboricultural assessment states that these trees will be protected by Heras fencing panels.

It is likely that some soft landscaping will take place within the RPAs of the retained trees and therefore a method statement will be required detailing how these operations will be carried out without impacting on the long-term health of the retained trees.

5.4. Senior Archaeologist (CCC)

Our records indicate that the site lies in an area of high archaeological potential, located to the east of the historic core of Doddington. To the south of the development area lies the remains of a medieval moated site and the former residence of the Bishops of Ely (Cambridgeshire Historic Environment Record reference 01063). The moat survives as an earthwork of national importance, as is designated as a scheduled monument (National Heritage List Entry reference. 1019547). Cropmarks to the south of the development area show evidence for possible settlement associated with Medieval Doddington (CHER ref. 01063a) and its utilisation for agricultural practices (CHER refs. MCB19680 and 09676). An archaeological evaluation carried out to the south-west of the site and bordering Wimblington Road in 2014 revealed evidence of Roman occupation activity truncating earlier Bronze Age deposits (CHER ref. ECB4301) and extensive multi-period settlement activity focused on the area east of Doddington village around Wimblington Road is strongly suggested from the results of archaeological

investigations associated with the construction of the March to Chatteris pipeline carried out in 2005-6 (CHER ref. ECB2090). The pipeline follows the course of the March to Chatteris branch of the Great Northern and Great Eastern Joint Railway where it passes to the east of Doddington village, and the excavations revealed a high density of archaeological remains spanning the Neolithic/Bronze Age to post medieval periods (CHER refs. MCB17560, MCB17561, MCB17562). Further Roman remains have been identified to the north-west where a series of ditches were present, some of which containing Roman pottery (CHER ref. MCB26752).

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.

A brief for the recommended programme of archaeological works is available from this office upon request.

5.5. **Environment & Health Services (FDC)**

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

5.6. **Doddington Parish Council**

Doddington Parish Council considered the above planning application at its meeting last night and voted to lodge an objection to the application on the following grounds:

- a. Members considered that the proposed development is ribbon development in an area that abuts a natural open space between Doddington and the village of Wimblington. It will have an adverse impact on the character of the local countryside and as such would be contrary to policy LP12*
- b. Members have serious concerns relating to highway safety in that the entrance into and out of the site is very close to the existing entrance to number 1 Wimblington Road. Vehicles travelling along Wimblington Road in either direction and signalling to enter the development may give misleading information to other drivers of their intention on where they wish to go. In addition, members consider that traffic entering or leaving the development and crossing a formal layby could result in a danger to traffic parking or trying to park in or leave the layby.*

5.7. **Local Residents/Interested Parties**

The Council have received nine letters of support for the scheme from seven addresses within Doddington (Manor Estate, Primrose Hill, Hospital Road, Kingsland close and High Street). The reasons for support are cited below:

- Would be nice to see more houses for families instead of large unaffordable mansions being erected for a change;*
- I fully support this application it can only improve the village with nice homes;*
- This is a small development which is appropriate for the gradual growth of the village. I believe this planning application should be supported;*
- This small planning application is suitable for the sustainable development and growth of the village rather than a large development. I support this planning application;*
- :I give full support to the above planning application. The proposal would bring the area of site into positive use which would benefit the village by adding to the community;*
- This is a small development which is good for the gradually growth of the village;*
- I support this application with the location being infill between Doddington and Wimblington. Also the need for more family housing;*
- Nice small development within the existing boundaries of the village, Good size plots to provide good quality, family housing walking distance to the school. The existing layby provides safe entry to the housing;*
- Small, family development is required in the village. Not large, unaffordable housing. I support this application.*

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 – please delete/add as appropriate

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

Para 48: Local planning authorities may give weight to relevant policies in emerging plans according to: a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

Para 83: Housing should be located where it will enhance or maintain the vitality of rural communities.

Para 84: Development within the countryside;

Para 114 – 116: Promoting sustainable transport;

Para 135: Creation of high quality buildings;

Section 15: Conserving and enhancing the natural 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

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**
- **Character and Amenity**
- **Access and Parking**
- **Biodiversity**
- **Flood Risk, Site Constraints and Servicing**
- **Parish Council Objection**

9 BACKGROUND

- 9.1. The application site forms part of a wider application site which was granted outline planning permission under delegated powers for the erection of up to 13 dwellings involving the formation of a new access in February 2019 (F/YR18/0024/O).
- 9.2. The overall site for the approved scheme extended to the east and north of dwellings at No.1 and No.3 Wimblington Road and comprised approximately 1.13ha of side and rear garden land. The current application site forms part of the area designated for Phase 1 of the wider development, and comprises approximately 15% of the previously approved site area.
- 9.3. During consideration of F/YR18/002/O, Doddington Parish Council supported the principle of development, but requested that the developer considered units with lower bedroom numbers. No further details to clarify their reasons for requesting houses with smaller bedroom numbers were received from the Parish Council, and as such, for the purposes of determining F/YR18/0024/O under the scheme of delegation, it was

considered that Doddington Parish Council were in support of the application for the erection of up to 13 dwellings on the land.

- 9.4. Consequently, subject to planning conditions and the successful determination of any reserved matters application for the site, the scheme put forward under F/YR18/0024/O was considered to comply with the necessary policies for the Fenland Local Plan 2014 and was approved. It should be noted that a subsequent Reserved Matters and a Discharge of Condition application were submitted, but were ultimately withdrawn owing to contractual disagreements between the landowner and developer.

10 ASSESSMENT

Principle of Development

- 10.1. Policy LP3 of the Fenland Local Plan 2014 states that Doddington is identified as a Growth Village where 'development and new service provision either within the existing urban area or as small village extensions could be appropriate. Policy LP12 Part A also sets out a criteria (a – k) for new development in village locations. An assessment of each criteria is provided below:

(a) The site is adjacent to the existing developed footprint of the village of Doddington;

(b) Although the site is closely related to the neighbouring village of Wimblington, there would remain two agricultural fields which would separate both villages;

(c) Subject to the retention of the existing key landscaping features on this site (hedging and trees along the site frontage and eastern boundaries) the scheme would be capable of not having an adverse impact on the character and appearance of the surrounding countryside and farmland;

(d) The proposed would result in a small residential development on the periphery of the village and would not result in harm to the overall core shape or character of the area;

(e) The proposal would not extend existing any linear features or result in ribbon development, particularly as the application site is already part of the residential curtilage of existing development;

(f) The scheme would be capable of retaining and respecting natural boundaries such as trees, hedgerows and the ditch to the south and east of the site;

(g) The scheme would be capable of retaining and respecting ecological and biodiversity features;

(h) The site is not designated as an important space within the village;

(i) The site appears to be garden land;

(j) The scheme is unlikely to put people or property in danger;

(k) This criteria requires the development to be served by sustainable infrastructure such as surface water, waste water and highways. A full consideration of this criteria is undertaken under in the below assessment.

10.2. Taking all of the above into consideration, the principle of the proposal is acceptable.

Character and Amenity

10.3. Details of appearance, layout and scale are to be submitted at Reserved Matters stage. The submitted indicative site plan does not offer any details with respect to these matters, merely depicting the potential division of the site to facilitate 3 development plots. The plots appear suitably sized to allow for appropriate levels of amenity for future occupants.

10.4. The application site respects the natural boundaries of the site and will not result in incursion into the agricultural land to the east. Providing the natural boundaries at the site are suitably retained, it is likely that the site can be appropriately developed to maintain the overall residential character of adjacent dwellings without detriment to the character and appearance of the area and to offer acceptable levels of residential amenity.

Access and Parking

10.5. Matters in respect of access fall to be considered as reserved matters not forming part of this outline application for formal consideration. Notwithstanding, Policy LP15 and LP16 require development schemes to be safe, and well designed.

10.6. The application proposes a new shared accesses off Wimblington Road to serve all the plots, and appropriate turning head and visibility splays have been provided further to initial comments from the Highways Authority and case officer.

10.7. Comments from the Highway Authority suggest that the submitted details are acceptable in principle. Any subsequent approval would be required to be subject to conditions to ensure appropriate and safe access is provided within the Reserved Matters submission.

Biodiversity

10.8. Policy LP19 requires development to conserve, promote and enhance ecological assets. The application was supported by the inclusion of an Arboricultural Impact Assessment (AIA) and an Ecological Impact Assessment (EIA).

10.9. On review of the AIA, the tree officer noted the retention of the mature trees to the front of the site, and confirmed that subject to an appropriate method statement being submitted to ensure operations do not detrimentally impact these trees, the application is acceptable in principle.

10.10. It is also considered that the natural hedgerow boundaries to the front and east of the site could offer some biodiversity potential. Accordingly, it is

recommended that these are retained as far as practically possible as part of the landscaping scheme to be prepared to discharge within the reserved matters.

- 10.11. Consultations were undertaken with Natural England, the Wildlife Trust and CCC Ecology with respect to the submitted EIA, however no comments were forthcoming from any of the aforementioned consultees. The submitted EIA was relevant to the wider site considered under F/YR18/0024/O and included an assessment of the entirety of the Phase 1 area (for 9 dwellings) proposed within this application, this wider area of assessment was inclusive of the current application site area.
- 10.12. Within the detail of the EIA, specific to the site area in question only, the retained trees to the front of the site were determined to have negligible potential to support roosting bats, and the site is described as comprising scattered trees, frequently mown grassland and bramble scrub that may provide suitable habitat for general nesting birds. Ultimately, the EIA concluded that any impacts from the proposal can be mitigated through the introduction of bird boxes, bat boxes and hedgehog access provision within fencing, and thus, subject to the inclusion of conditions to secure the mitigation recommendations within the submitted EIA, the scheme should result in no significant effects to protected habitats or species.
- 10.13. Given the above, the proposal has the potential to comply with Policy LP19, subject to conditions.

Flood Risk, Site Constraints and Servicing

- 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 mitigation measures. Issues of surface water will be considered under Building Regulations; accordingly there are no issues to address in respect of Policy LP14.
- 10.15. Given the access arrangement, it is likely that the proposed access road may be retained as private. Accordingly, it may be such that refuse collections may be unable to be accommodated by local council collections. Therefore, to ensure high levels of residential amenity and appropriate servicing of the site, it is appropriate to ensure that the refuse collection strategy for the site is submitted as part of the reserved matters.

Parish Council Objection

- 10.16. Comments from Doddington Parish Council in objection to the current outline application for up to three dwellings are noted. However, when considering the planning history of the site, it is also noted that Doddington Parish Council did not appear to have any substantive objections to the development proposed under F/YR18/0024/O, resulting in the approval for the development of up to 13 dwellings on a wider area that encompassed the current application site along with a significant area of land to the north.
- 10.17. Notwithstanding, the Parish Council reasons for objection to the current scheme can be summarised as follows:

- The impact of the development on the character of the area (resulting in ribbon development); and
- Concerns over highway safety.

10.18. As can be seen from the above assessment, owing to the position of the application site within the domestic land associated with No.1 Wimblington Road and the presence of natural boundaries to the site, the development proposal is not considered to detrimentally encroach into agricultural land that forms the demarcation between Doddington and Wimblington.

10.19. In addition, it is clear from the progression of this application, along with changes made by the applicant to address comments by the Highways Authority, that matters of highway safety have been satisfactorily addressed.

10.20. As such, the Parish Council concerns with respect to the current application appear unfounded when considered against the evidence and the relevant policies of the Fenland Local Plan 2014. Accordingly, refusal of the scheme on the basis of the issues raised within the comments received is unjustified in this case.

11 CONCLUSIONS

11.1. The objective of an outline application with all matters reserved is to determine if the principle of residential development is acceptable, subject to conditions regarding the reserved matters to be committed at a later stage. The principle to develop the for residential use is considered acceptable with regard to Policy LP3 of the Fenland Local Plan.

12 RECOMMENDATION

Grant; subject to the following conditions;

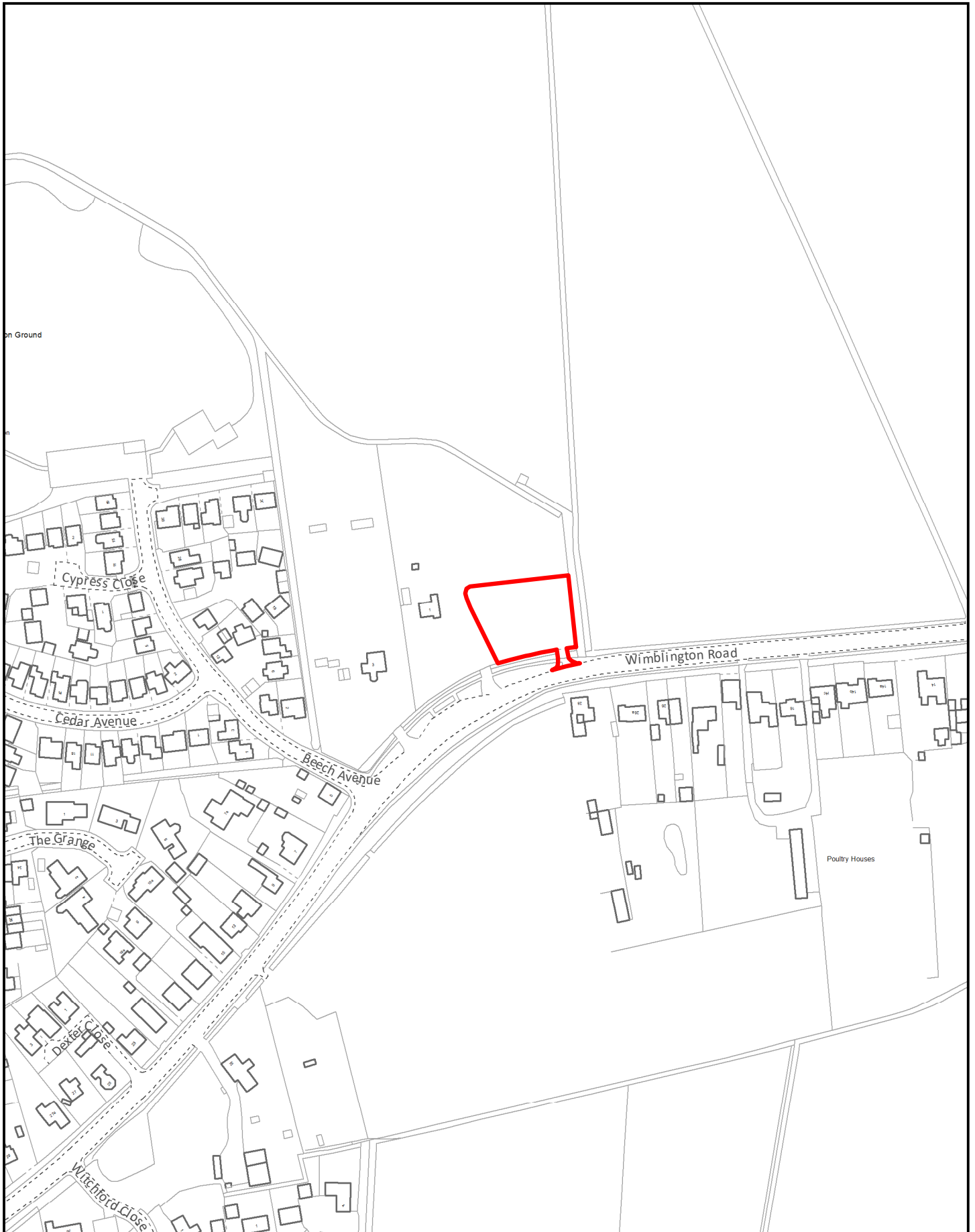
1	<p>Approval of the details of:</p> <ul style="list-style-type: none"> i. the layout of the site ii. the scale of the building(s); iii. the external appearance of the building(s); iv. the means of access thereto; v. the landscaping <p>(hereinafter called "the Reserved Matters") shall be obtained from the Local Planning Authority prior to the commencement of development.</p> <p>Reason: To enable the Local Planning Authority to control the details of the development hereby permitted.</p>
2	<p>Application for approval of the Reserved Matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.</p>

	Reason: To ensure compliance with Section 92 of the Town and Country Planning Act 1990.
3	<p>The development hereby permitted shall begin before the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.</p> <p>Reason: To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
4	<p>No demolition/development shall commence until the applicant, or their agents or successors in title, has implemented a programme of archaeological work, commencing with the evaluation of the application area, that has been secured in accordance with a Written Scheme of Investigation (WSI) that has been submitted to and approved by the Local Planning Authority in writing. For land that is included within the WSI, no demolition/development shall take place other than under the provisions of the agreed WSI, which shall include:</p> <ol style="list-style-type: none"> a. The statement of significance and research objectives; b. The programme and methodology of investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works; c. The timetable for the field investigation as part of the development programme; d. The programme and timetable for the analysis, publication & dissemination, and deposition of resulting material and digital archives. <p>Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any demolitions or groundworks associated with the development scheme and to ensure the proper and timely preservation and/or investigation, recording, reporting, archiving and presentation of archaeological assets affected by this development, in accordance with national policies contained in the National Planning Policy Framework (MHCLG 2021).</p>
5	<p>The details submitted in accordance with Condition 01 of this permission shall include a proposed refuse collection strategy for the development hereby approved. Details shall include the location and design of any refuse storage areas and collection points. This should include provision for the storage of three standard sized wheeled bins for the dwelling and details of intended means of refuse collection. The refuse collection strategy shall accord with the agreed details and thereafter be retained in perpetuity, unless otherwise agreed in writing.</p> <p>Reason: To ensure a satisfactory form of waste management and in the interests of amenity and sustainability as required by Policy LP16 of the Fenland Local Plan, adopted May 2014.</p>

6	<p>The details submitted in accordance with Condition 01 of this permission shall include full details of both hard and soft landscape works, including:</p> <ul style="list-style-type: none"> a) details of retained trees/hedgerows and a method statement detailing how operations will be carried out without impacting on the long-term health of any retained trees/hedgerow; b) details of new planting or features to be provided to enhance the value of the development for biodiversity and wildlife; c) means of enclosure noting that all new garden fencing should be designed to allow hedgehogs to be able to pass through the fencing. d) details of siting and timing of all construction activities to avoid harm to all nature conservation features; and e) management and maintenance details. <p>The approved hard landscaping scheme shall be carried out prior to the occupation of the dwellings and the soft landscaping shall be carried out within the first available planting season following completion of the development or first occupation (whichever is the sooner) or alternatively in accordance with a timetable for landscape implementation which has been approved as part of the submitted landscape scheme.</p> <p>Reason: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policies LP16 and LP19 of the Fenland Local Plan 2014, adopted May 2014.</p>
7	<p>The development permitted by this planning permission shall be carried out in accordance with the approved Ecological Impact Assessment, Greenwillows Associates, Oct 2023, Version 001.</p> <p>Reason: In order to ensure compliance with Section 1 of the Wildlife and Countryside Act 1981 (as amended) and to provide appropriate biodiversity mitigation in line with the aims of the National Planning Policy Framework and Policy LP19 of the Fenland Local Plan 2014.</p>
8	<p>If the development hereby approved does not commence within 2 years from the date of this permission, the approved ecological measures secured through the condition above shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to establish if there have been any changes in the presence and/or</p>

	<p>abundance of breeding birds or bats; and identify any likely new ecological impacts that might arise from any changes.</p> <p>Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.</p> <p>Reason: To ensure compliance with the Wildlife and Countryside Act and to protect features of nature conservation importance in relation to any on-site changes in accordance with Policy LP19 of the Fenland Local Plan 2014.</p>
9	<p>The details submitted in accordance with Condition 01 of this permission shall include provision of at least: 1no. bat box; 2no. bird boxes; and 2no. hedgehog access holes within boundary fencing;</p> <p>per dwelling in accordance with the recommendations contained in Appendix 5 of Ecological Impact Assessment, Greenwillows Associates, Oct 2023, Version 001. The development shall thereafter be carried out in accordance with the approved details and retained in perpetuity. The details shall include design, location and number of bat & bird boxes to be installed.</p> <p>Reason: To secure the long-term protection of the birds and bats at the site in accordance with Policy LP19 of the Fenland Local Plan 2014.</p>
10	<p>The details submitted in accordance with Condition 01 of this permission shall include the access road to be constructed to a minimum width of 5 metres for a minimum distance of 8 metres measured from the near edge of the highway carriageway. The development shall thereafter be carried out in accordance with the approved details prior to the first occupation of the development and maintained as such in perpetuity.</p> <p>Reason: In the interests of highway safety and in accordance with Policy LP15 of the Fenland Local Plan 2014.</p>
11	<p>The details submitted in accordance with Condition 01 of this permission shall include vehicle visibility splays provided on both sides of the new vehicular accesses to be maintained free from any obstruction over a height of 600 mm within an area of 2 metres x 2 metres measured along the back of the footway, in accordance with approved plan 587-P01 Rev C. The development shall thereafter be carried out in accordance with the approved details prior to the commencement of use of the</p>

	development hereby approved, and retained as such in perpetuity. Reason: In the interests of highway safety in accordance with Policy LP15 of the Fenland Local Plan 2014.
12	Development in accordance with the approved plans



Created on: 11/12/2023

© Crown Copyright and database rights 2023 Ordnance Survey 10023778

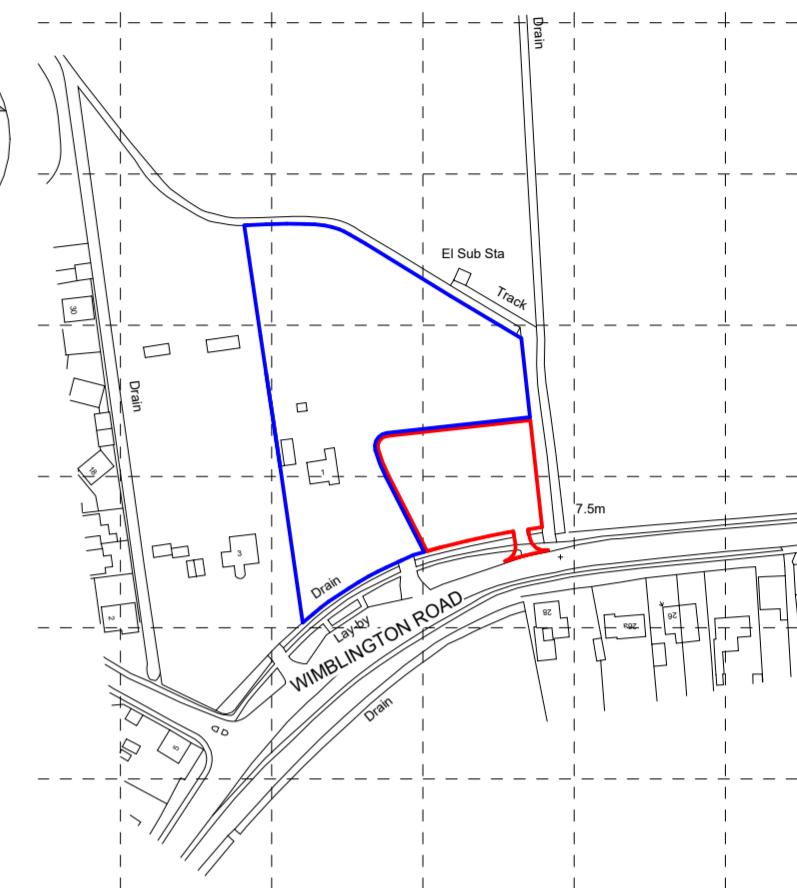
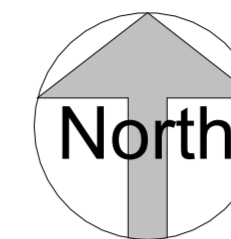
F/YR23/0995/O

Scale = 1:2,500



Notes

Any discrepancies to be brought to attention of Author as soon as possible.
 All dimensions shown in "mm" unless otherwise shown.
 Unless stated otherwise, this drawing has been assessed for risks and nothing is deemed to be outside of normal good safe working practice that would be covered by a contractors Construction Phase Health and Safety Plan.



Ordnance Survey License 100019980

Location Plan

1 : 2500



C	Indicative layout amended	29-01-24
B	Visibility Splay Amended	18-01-24
A	Location Plan Amended	27-11-23

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

Proposed Development at
 1 Wimblington Road, Doddington for
 Mr and Mrs Hamilton

Planning

date	scale	drawing no.	rev
Issue Date	As indicated @ A2	587 - P01	C

Indicative Proposed Site Plan

1 : 500