

AGENDA

PLANNING COMMITTEE

WEDNESDAY, 3 APRIL 2024

1.00 PM

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

Committee Officer: Jo Goodrum
Tel: 01354 622285
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- 1 To receive apologies for absence.
- 2 Previous Minutes (Pages 3 - 40)

To confirm and sign the minutes from the previous meeting of 6 March 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/YR23/0555/O
Land North of Longways, 1 Back Road, Murrow
Erect 1 dwelling (outline with all matters reserved) (Pages 41 - 54)

To determine the application.
- 6 F/YR23/0753/F
Land North of 6 School Lane, Manea
Conversion of barn to form 1 x dwelling (2-storey, 2-bed) (Pages 55 - 70)

To determine the application.

7 F/YR23/0891/F

Land South West of 10 Brimstone Close accessed from Fen View, Christchurch
Change of use of field to paddock land including the erection of stable block and
formation of a new access and hardstanding, involving culverting a drain (Pages 71 -
86)

To determine the application.

8 F/YR23/1015/F

57 High Causeway, Whittlesey
Erect a timber shed to front of existing dwelling including demolition of existing shed
(part retrospective) (Pages 87 - 98)

To determine the application.

9 Items which the Chairman has under item 3 deemed urgent

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

PLANNING COMMITTEE



WEDNESDAY, 6 MARCH 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: Troy Healy (Interim Head of Planning), David Rowen (Development Manager), Danielle Brooke (Senior Development Officer), Graham Smith (Senior Development Officer), Richard Barlow (Legal Officer) and Elaine Cooper (Member Services)

P102/23 PREVIOUS MINUTES

The minutes of the meeting of the meeting of 7 February 2024 were signed and agreed as an accurate record.

P103/23 F/YR23/0206/F LAND NORTH OF STONELEIGH, 22A EATON ESTATE, WIMBLINGTON ERECT 48 DWELLINGS INVOLVING DEMOLITION OF EXISTING DWELLING AND OUTBUILDINGS

Graham Smith presented the report to members and drew attention to the update report that had been circulated.

Members received a presentation, in accordance with the public participation procedure, from Councillor Angela Johnson of Wimblington Parish Council. Councillor Johnson stated that outline planning permission was granted in principle for up to 30 dwellings for an affordable housing scheme, with all units falling within the relevant definition of affordable housing. She referred to photos on the screen during her presentation and feels that the new application increasing dwellings by over 50% to 48 dwellings speaks more of quantity than quality of a home and its amenities raising valid community objection.

Councillor Johnson expressed the view that contrary to some of the national, local and emerging planning policies, this proposal development as per LP1 is not delivering sustainable growth in the present environment and this growth does not benefit the community or existing residents, national planning policy says that it does not take local circumstances into account, does not reflect the character or the needs and has not provided objectively assessed needs for the increasing in the housing, rural housing 78 NPPF 124. She feels the development should be restricted to the initial application of up to 30 dwellings as the proposal for 48 dwellings is contrary to LP12C as it will impact on the surrounding area, a compact estate with no open views to the surrounding landscape and referred also to LP12(d) and (e), LP16(d) and (e) and LP2 as not being of a scale in keeping with the core shape, character or appearance of the village.

Councillor Johnson referred to NPPF, paragraph 124 -130, expressing the view that the proposal extends only slightly the existing linear features of the village and it is not a positive contribution to the character of the area, to the local built form, scale, local street scene, settlement pattern or landscape character. She made the point that Willow Gardens is 1.7 hectares with 37 bungalows, which excludes an attenuation pond and playing field and the extension to Willow Gardens is 1.65 hectares, which also excludes the attenuation pond, for 21 bungalows, Lily Avenue is 3.6 hectares,

twice the size of this proposed site, is only 80 dwellings, and Bellway is 3.7 hectares being over twice the proposed site again for only 88 dwellings, with these dwellings having much more amenities per home.

Councillor Johnson stated that the 1.65 hectares proposed for this development includes a large attenuation pond, a play area, an easement strip that has to go 9-10 metres along the length of the western water course, parking courts and a turning place, which, in her view, does not leave much space for the actual 48 dwellings with amenities. She referred to LP12(f), which respects natural boundaries, and, in her opinion, views to the fields to the north and to the public right of way to the east will be blocked by the density of this site and in reference to LP12(j), a risk to local residents and the public, the proposed attenuation pond incorporating a play area is definitely an identifiable danger.

Councillor Johnson referred to Local Plan Policies 12(k) and 14(b), which concern past and present flooding, and, in her view, with sewage and the infrastructure in the surrounding area 48 dwellings will not be served by sustainable infrastructure plus the elevation of a number of the properties on that development will increase the possibility of flooding in other areas as in Hassock Way and Eaton Estate. She added that, with reference to LP3 and LP13, whereby development in Wimblington will be appropriate provided that capacity at the sewage network has been addressed, local homes have and are still experiencing sewage problems, with Lily Avenue west of the proposed site now having regular clean ups of raw sewage and flood water.

Councillor Johnson expressed the view that there is not sufficient infrastructure to support all requirements arising from increased development, the village now has a reduced bus service, an oversubscribed GP and NHS service, a constant reduction of open green spaces and increased traffic congestion on all exit routes. She referred to Local Plan Policy 2 and feels it does not positively contribute to creating a healthy, safe and equitable environment and in reference to NPPF, paragraph 110, the site access is adjacent to a popular play area on the Eaton Estate, and NPPF, paragraph 112(c), a condensed environment of 48 dwellings with little amenities per dwelling is not attractive.

Councillor Johnson expressed the opinion that efficient delivery of goods and access by services and emergency vehicles will be difficult and there are no visitor parking areas shown and, in her view, there should be 10.

Members asked questions of Councillor Johnson as follows:

- Councillor Marks referred to it being stated that Anglian Water can cope and asked her to talk through the issues she mentioned in relation to sewage in the village. Councillor Johnson responded that Anglian Water have been called to Lily Avenue on more than one occasion due to rising water and sewage levels, with Middle Level also having to come out due to a pipe issue on the adjoining Bellway site.

Members received a presentation, in accordance with the public participation procedure, from Michael Hoy, an objector. Mr Hoy stated that he is present to represent himself, his partner and residents of Eaton Estate and Hassock Way referring to various local planning policies, the NPPF and national design code and, in his view, this new planning application for 48 dwellings is an unacceptable number that is packed into such a small space, which raises several objections from the local community. He stated that the minimal garden sizes, lack of green space, lack of visitor parking and the number of properties suggest, in his opinion, maximum profit and not the welfare of the prospective and local existing residents.

Mr Hoy stated that his partner and himself brought their home four years ago, purchasing it with the knowledge of planning for up to 30 dwellings being considered and when they purchased the property they were assured that the proposed dwellings would not overlook his property or invade their privacy as was his neighbour. He made the point that a major deciding factor for the purchase

was the privacy but the new layout of the site means that several properties in Eaton Estate and Hassock Way are being overlooked, with Lily Avenue on the western side having a separation of approximately 31-40 metres with mature hedgerows and there are some hedgerows on the eastern side but there is nothing protecting 25 to 30 Eaton Estate, these will be completely overlooked by plots 44 and 45.

Mr Hoy stated that there was no mention of rear to rear separation distance in the planning for these plots, with one layout even having 45 and 44 missing. He made the point that 44 and 45 are both 2-bedroomed properties facing directly behind the existing properties of 27 and 28 Eaton Estate and the proposed properties are to be elevated, which will further reduce screening of the 1.8 metre fence at the rear of Eaton Estate and makes the view into his home and garden extremely invasive, referring also to the garden gradient and questioned where is the water going in Hassock Way, which will surely create flooding in lower areas.

Mr Hoy stated that they are private people and so are his parents who visit regularly, being disabled they enjoy the open environment of his garden whilst visiting, the wildlife and birds without being overlooked and this proposal is going to have a major impact on them and their family together with their neighbours and their family health and wellbeing. He referred to a photo shown on the presentation screen which shows two large mature trees which will be removed as part of the planning application, these have been dated by a resident of being approximately 50-60 years old and is where properties 44 and 45 will be built.

Mr Hoy referred to another photo taken from an elevated position but is lower than the height of the bedroom window and is taken from the approximate position of where 44 and 45 is to be built, the windows of the new properties will look directly into the rear of 27 and 28 Eaton Estate, which includes the garden, downstairs utility room, toilet, kitchen, dining room and upstairs bedrooms and bathrooms, with it also affecting the privacy of 25, 26, 29 and 30 Eaton Estate, which, in his view, contravene policy LP2, the NPPF and the national design code. He stated that another concern raised by the residents is the surface water runoff and the dispersment of this water via the drains and ditches which are now at full capacity, with neighbours advising that they have not seen this level of flooding in 24 years and not a year has gone by without an issue with that drain, with several properties in recent years experiencing flooding and even worse raw sewage resurfacing through the drains and toilets.

Mr Hoy stated that his property houses a manhole in the back garden and on inspection this was also seeping out of the top. He referred to NPPF 60 where strategic policies should be informed by a strategic Flood Risk Assessment and should manage flood risk from all sources, they should consider cumulative impacts in or affecting local areas susceptible to flooding and explained that there are now four developments surrounding Eaton Estate and Hassock Way, with there already being a problem with the new Lily Avenue estate adjacent to the site and the Bellway site already has excessive surface water sitting stagnant in large pools, asking where is this water going to run to once the development finishes and can the infrastructure cope.

Mr Hoy expressed concerns about the extra traffic flowing past the play area of Eaton Estate and there are already serious concerns regarding the safety of Norfolk Street pass the Wimblington Post Office, with there being instances daily where traffic cannot pass and vehicles drive up the pathway to pass each other, whilst it is understood the study looked at crashed website data this does not consider local safety issues.

Members received a presentation, in accordance with the public participation procedure, from Lee Russell, on behalf of the applicant. Mr Russell stated that this is a housing development proposal that was submitted to the Council approximately a year ago and during this time they have worked to address a few issues that were raised. He made the point that the development location is surrounded on three sides with existing development, with the access being via the Eaton Estate which is a former development characteristic of authority housing, to the east is a high density

housing association scheme of 21 dwellings that was a previous extension from Eaton Estate and more recently to the west there is a large development by Matthew Homes.

Mr Russell stated that this application site was given permission for 30 larger bungalow properties around a similar highway layout albeit they had very small gardens and their market research and sales team strongly advised that given the location of the site, the access route to the site and the large open space play area adjacent the access a scheme of 30 larger bungalows would not be viable and they would not be able to sell them in this location. He added that they took note of the surroundings and understood that a housing scheme with a mix of more affordable homes of 2, 3 and 4 bedrooms would be much more appropriate.

Mr Russell expressed the opinion that whilst it is noted that there are some very deep gardens and wider footprints to some of the properties on Eaton Estate the built form facing the road frontage is consistent and dense in repetition, with the Eaton Estate consisting of semi-detached and terraced properties of up to 6 dwellings so, in his view, their proposal of predominantly semi-detached properties, a few detached and only two small terraces is very in keeping with regard to those dwelling types and exceeds that of the neighbouring developments of Hassock Way and Eaton Estate. He added that they additionally propose some varied dwelling designs and some detailed features on key focal buildings to add some interest to the street scene instead of repetition in design.

Mr Russell made the point that Wimblington is a growth village with development appropriate providing the sewage network has capacity which it has been confirmed by Anglian Water to have and notably the site is within the settlement boundary of the emerging Local Plan and becomes reallocated as a commitment to delivering the housing requirement based on its previously proposed scheme of 30 dwellings, which did not include the brownfield area at the southeast of the site which contains a range of brick and tin dilapidated outbuildings and a heavily vandalised bungalow. He stated that there are no outstanding technical objections and Highways have reviewed the access proposals and are happy along with the proposed agreement with Clarion Housing who have been consulted on the access as they are the owners of the adjacent properties.

Mr Russell stated that they have had to provide a biodiversity net gain assessment, which shows a gain and a significant hedgerow gain, and in addition he notes the resident's concerns regarding the risk of flooding but stated that surface water from the site is all captured and outfalls into an IDB drain in the opposite direction and the foul sewer also connects out of the back of the site into an Anglian Water sewer so, in his view, would bypass issues from Matthew Homes or Bellway in what was mentioned by the objector. He stated that no additional drainage or water comes towards the Eaton Estate and additionally houses are only built out of the ground by 300mm so no unnecessary elevating.

Mr Russell stated that he notes comments about overlooking and made the point that the properties are located nearly 30 metres from the nearest Eaton Estate dwelling but generally more and this is significantly above the normal distances they experience. He added that they have proposed to retain all heavily landscaped boundaries as well as new fencing, which he feels can bring comfort to neighbouring properties.

Mr Russell referred to the objector's comments regarding plots 44 and 45 and expressed the view that these are nearly 40 metres from existing dwellings and they have agreed to meet all contribution requests including policy compliant affordable housing which the previously approved scheme failed to following a viability study. He stated that the neighbouring development of Hassock Way gives a density of 34 dwellings per hectare and their proposed scheme is around 28 dwellings per hectare, with the proposal also providing a large area of green space whereas Hassock Way provides none.

Mr Russell hoped that members could support the proposal for this great development location which as per the CGR previously provided fits very well within its surroundings.

Members asked questions of Mr Russell as follows:

- Councillor Mrs French asked if consultation had been undertaken with Middle Level? Mr Russell responded that they have consulted Middle Level and also tried to contact them a number of times for the amended schemes put forward but they have not replied to any of the more recent requests. Councillor Mrs French stated that she has been successful in contacting them and they say there is inadequate space to undertake routine maintenance operations on the maintenance strips and she understands there are riparian dykes here so who is going to look after these? Mr Russell replied that he understands there is riparian dyke to the south of the development and to the left the ditch is in Matthew Homes development and outside there is an existing very mature hedge on their site boundary but the 9 metres from the brink of that drain is well outside of where their development is so he assumes that unless Middle Level wanted to remove that hedgerow which is off site then they probably would not have their 9 metre strip. Councillor Mrs French made the point that Middle Level's policy is a 9 metre strip and they have suggested a 6 metre but she understands that part of this is not within the ownership of this site. Mr Russell stated that they have not got any proposed hedges or fences within that 9 metres. Councillor Mrs French stated that it is proposed to place a pond in the development and there have been no discussions with Middle Level regarding this, with the statement they have made to her is that the Board does have several concerns including the pond's installation and the future long-term maintenance and funding arrangements of both the pond and on off-site surface water and flood risk management. She expressed the view that if this application is approved the applicant needs to have some serious talks with Middle Level.
- Councillor Connor made the point that officers have not seen the Middle Level report and asked if they could see sight of it. Councillor Mrs French passed the report to officers. David Rowen stated that these comments were dated 5 March so have only been received in the last day by Councillor Mrs French and pointed out that as part of the planning application Middle Level have been consulted several times so it is disappointing that officers receive this information through a third party on the day of committee. He stated in terms of the issues raised from a quick perusal of them there does not seem to be anything that would indicate that there are any issues with the actual application in front of members that would justify the refusal of the application but there may be elements of it that may need to be 'fine-tuned' to address some of the IDB concerns.
- Councillor Marks expressed the view that the rest of the committee should see sight of this report.

Councillor Connor suspended the meeting for 15 minutes to allow the opportunity for members to read the comments of Middle Level.

On return, David Rowen summarised and responded to Middle Level Comments as follows:

- The watercourse immediately to the west of the site is the Board's Bridge Lane Drain. The channel is protected by a 9.0m wide maintenance strip but it is understood that this is not totally under the applicant's ownership.
This is something of a common occurrence and would replicate the current situation in terms of the maintenance of that drain.
- This section of the Board's District Drain is well maintained and existing problems with the neighbouring Matthew Homes site are being resolved.
This is not of relevance to this proposal.
- The amount of development within the catchment of this watercourse was not a consideration when this watercourse was designed.
A statement of the obvious given that it was designed to accommodate a field network.
- The site is within an Acute Drainage area with multiple or interlinked sources of flood risk.
This is a statement of fact.

- Apart from in the most exceptional circumstances, the Board will not consent any increased volumes and/or greenfield rates of run off, where practicable.
Members were directed to the consultation response received from the Lead Local Flood Authority, who are the statutory consultee, is that the above documents demonstrate the surface water from the proposed development can be managed through use of permeable paving, attenuation basins and discharging into existing water course by a flow control restricting surface water discharge to greenfield equivalent. The drainage scheme that has been submitted as part of the application demonstrates that the site will be drained to greenfield equivalent which would address the IDB's point.
- The Board's Environment Officer and Ecological Consultant has requested the retention of the existing hedge. However, subject to the Board's approval, part of this may need to be removed to facilitate access to a section of the Board's District Drain. A similar length of hedge will need to be planted possibly to reinforce the existing hedge.
There is a condition proposed regarding landscaping and that is something that can be picked up in this condition and one regarding drainage.
- The attenuation basin is better located than many layouts that have recently been viewed. With some changes this could make a positive contribution to blue space in the area but it is noted that there is inadequate space to undertake routine maintenance operations.
The intention, which he is sure the applicant will confirm, is that such a drainage basin would ordinarily be adopted by a management company so it would not be for the IDB to be stipulating how that maintenance takes place.
- As a matter of good practice, the Board would recommend the provision of a 6m wide maintenance access strip around the attenuation basin and beside the above mentioned watercourse.
Emphasis would be placed on the 'matter of good practice' and this issue is for those undertaking the maintenance to deal with. If the proposed layout is looked at there is a roadway which is in very close proximity to the attenuation basin which would allow for maintenance to take place and in terms of landscaping around that basin that is something that can be picked up through the condition.
- A point of discharge into the watercourse forming the northern boundary of the site would be preferred.
The point that has been proposed is to the west and if the IDB do not want this point of discharge then it does not issue consent under a separate consenting regime.
- The Board does have several concerns including the ponds installation and future long term maintenance and funding arrangements of both the pond and on and off site surface water and flood risk management systems.
Members attentions was drawn to the surface water management condition that is proposed and point h of this which is that full details of the maintenance and adoption of the surface water drainage system need to be submitted and carried out so there is an element as part of any planning permission that would deal with this point.

David Rowen reiterated that there is nothing within the response from the IDB that would substantiate or justify any refusal of planning permission.

Members continued questioning of Mr Russell as follows:

- Councillor Imafidon referred to hedgerow gain and asked Mr Russell to elaborate on this and will this solve the issue of overlooking? Mr Russell responded that with regard to hedgerow gain in the BNG metric there is certain criteria and because they are not taking away existing hedgerow around the perimeter of the site, they are only adding hedgerow into the development and enhancing where they can, this gives them a significant gain on the overall development. Councillor Imafidon stated that it is being said that hedgerow will be added to what is already there but questioned how long it will take for the new hedgerow to grow to a certain height? Mr Russell reiterated that this is additional hedgerow and will be along the road frontage between boundaries of houses, around green spaces and are planted out of 2-3 metre pots.

- Councillor Imafidon asked if there are any provision for fire hydrants and if so, how many? Mr Russell responded that the provision of fire hydrants is usually a planning condition as they will not go for services designs until a scheme has approval and once it has approval Anglian Water is then consulted on a water layer and electric and gas give them a layer who consult with the fire service to ask them where they want the fire hydrants, with the proposal submitted to officers to discharge the condition and they are placed in accordance with the consultation. Councillor Connor confirmed that fire hydrants form part of condition 15.
- Councillor Imafidon referred to the requirement from an IDB perspective for a 9 metres maintenance access for the drains and asked what space is available? Mr Russell responded that they are not building anything within 9 metres, with, in his view, the response from Middle Level being a good response and the IDB's ecologists asked for the hedge to be retained which is not on their site and he is actually saying that he does not want a clear 9 metre strip and it says they have problems with the adjacent Matthew Homes development. He added that there is an existing hedge their which if the IDB wanted to ask Matthew Homes to take that hedge out they would get a 9 metre clear strip but he is unable to tell an adjacent landowner to do this.
- Councillor Imafidon questioned the increase from 30 to 48 due to viability and if this is the case why the initial plan as viability must have been considered before 30 were applied for in the first place. Mr Russell responded that the scheme was designed with 30 large detached bungalows originally but not by them as they only purchased the site last year with this planning permission and when they have looked at the site they have taken into account the access and everything else and it was felt that 30 bungalows in that location is not fit for purpose and they would not sell and for what it would cost to build and their value they would not be viable. He expressed the view that this location is better for housing and more affordable type housing. Councillor Imafidon asked if it is correct that members are being told that because of the amount paid to purchase the site and in addition what is going to be paid to develop it, it is no longer viable to build 30? Mr Russell responded that he believes there was viability undertaken on the original 30 but does not think that it is an issue of viability as such but more about the viability to sell and it was not felt there would be the need for 30 bungalows in that location and there were more appropriate locations in Wimblington for bungalows.
- Councillor Marks questioned whether it was an adopted road? Mr Russell responded that it is proposed to be an adopted road and Highways have reviewed on that basis. Councillor Marks referred to the Highways comments regarding turning vehicles, where it makes a comment that a turning circle is shown for turning in and out of the estate and not within the estate and property parking he would guess knowing these estates that there will be vehicles parked out on the road including the hammerheads where the dust cart, fire engine, ambulance has to turn around and asked what provision is being put in place to stop this? Mr Russell responded that they have allowed a minimum of two parking spaces per property, some have got driveways which will allow more parking than that, with the 4-bedroom properties having 3 parking spaces but they would not usually go into the realms of catering for 4 or 5 cars per dwelling. Councillor Marks asked if Mr Russell agrees that then forces people to park on the roadside when there is no additional visitor parking? Mr Russell made the point that the proposal is over policy compliant. Councillor Marks made the point there is policy compliant and then there is sensibility of trying to get vehicles up and down.
- Councillor Marks referred to Anglian Water discharge to the front, IDB to the back and asked what the IDB water will be and what is going into Anglian Water's system? Mr Russell responded that all water whether it be surface water or foul is going away from Eaton Estate, with the surface water captured on site via the dry attenuation basin and then into the IDB watercourse which runs along the west and goes north and the sewers on site will be adopted by Anglian Water, with foul connecting to the north east of the site.
- Councillor Marks referred to the management company making the point that he turned up to a development that was supposed to have a management company but has disappeared 2 years after the development was completed. He asked what provision is there to

guarantee going forward that the management company is going to exist? Mr Russell responded that it has always been the case when councils stopped wanting to take over open spaces that management companies are in the interest of the estate owners so every house will be entered into that management company and it will be down to that estate if they wish to continue that management company with all of the properties or they nominate a select few of those houses to be part of the management company. He advised that when they move into the property the owners will all pay into a management company charge, which will form part of the deeds on purchase, which is usually not above £100 per annum, which maintains and continues the maintenance of that estate so that it is down to the occupants of that estate to continue that management company. Councillor Marks requested clarification that it becomes a residential management company rather than the developer holding anything back or being part of it going forward. Mr Russell confirmed that when the last house is finished they look to hand over the responsibility to the occupants of the estate.

- Councillor Benney referred to the statement that it was felt that bungalows will not sell, but made the point that the applicant brought the estate or a piece of land which had planning permission for 30 bungalows and developers should be working with the community and listen to what the community wants. He made the point that there was 1 letter of objection on the previous application and this seems to be steamrollered over everyone else by introducing 48 dwellings, not listening to the community, which is saying they do not want this and there are flooding issues here. Councillor Benney reiterated that the land was brought with permission for 30 bungalows and if it is decided that this is not viable then the applicant has overpaid for the land and the residents of Wimblington should not have to suffer for a developer making a bad decision. He stated that this is seen at Planning Committee regularly where promises are made but when it comes to obtaining planning permission viability becomes an issue. Councillor Benney asked Mr Russell, as a developer, he should be in tune and working with the community, and how does he feel this development has worked with the community and listened to them. Mr Russell responded that this is not about monetary viability with the previous scheme putting forward a viability assessment, they are willing to put forward full policy compliant affordable housing and all contributions and it is in relation to 30 bungalows in this location. Councillor Benney stated that this does not answer the question on how he feels they have engaged with the community, to work with the community to find out what the community wants as from what he sees the community do not want this proposal? Mr Russell responded that they have looked at the local area, they have not spoken to every resident in the area because ordinarily they would not do this and took a decision on what is best, speaking to Clarion Housing who are responsible for the majority of Eaton Estate about needs and what might be appropriate.
- Councillor Hicks asked that if monetary value is not important on this site why is an application for 30 smaller properties not being submitted, is it because it was not viable and there is a need to put 48 on the site? Mr Russell expressed the view that the layout is designed appropriately to the location and ticks all the boxes with regards to policy, the surroundings and what might be required in that location.

Members asked questions of officers as follows:

- Councillor Hicks referred to the Section 106 contributions and that there are contributions for the NHS and Ambulance Service but there is nothing for schools and asked why this was not a consideration? Graham Smith responded that the County Education Authority made no request for contributions.
- Councillor Mrs French expressed confusion with regard to the road, is it going to be adopted or not and if it is going to be adopted it needs to be a self-enforcing 20mph limit and on normal roads that are adopted by the County Council there are also street lights so if the road is not going to be adopted that means the street lights are not going to be adopted. Graham Smith responded that the developer stated that the intention is the road is to be adopted and also planning condition 8 is in relation to the street management with the

details of which will be provided and safeguarded by the condition.

- Councillor Mrs French asked if the public right of way is going to be retained? Graham Smith drew members attention to the layout plan which shows a green line crossing the site which is the historic route of the public footpath number 5 but that was developed over by the neighbouring developments so effectively the route of the public right of way is now along the footway of Eaton Estate and then to the east of the site it joins up with the footpath and this development does not impact on the existing route of the footpath.
- Councillor Mrs French expressed the view that for 48 dwellings she feels the development proposes a lack of open space for approximately 75-100 children that could live on this development and there is no play equipment provided and it seems this development is trying to put a 'quart into a pint'. Graham Smith responded that the scale of development in terms of 48 dwellings often does not generate play equipment and there is an area of public open space provided as there was on the previous permission, it is a small area but it was on the previous permission. He made the point that the Council's policy on the provision of public open space goes to off-site contributions if they cannot be provided on site, however, the off-site contributions are where they are in terms of viability and usually £2,000 per dwelling would be provided and this can only be implemented where projects exist to direct contributions towards.
- Councillor Marks asked what guarantees have residents got that the road will be adopted by the County Council? Councillor Connor stated there is no guarantee. David Rowen confirmed this to be the case but there is a condition on any permission in the absence of adoption that management arrangements are put in place going forward. Councillor Connor added that he is always in conversation with the regional highways officer at the County Council and he has stated that there are dozens going forward that he is chasing but nothing happens.
- Councillor Mrs French referred to the £2,000 per property which equates to £96,000 that could be used anywhere across Fenland and she knows there is play equipment that does need upgrading so she does disagree with the assessment that there is not a need. Councillor Connor agreed with there being a programme of upgrading play equipment.

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

- Councillor Hicks stated that he takes on board Mr Hoy's point of view under LP16(e) about overlooking into his back garden but also there are 48 dwellings with 2 parking spaces so that is a potential of 96 cars plus the ones parking on the side of the road so there could be over 100 cars using the road, coming out of the top of the entrance onto the small ring road of Eaton Estate, which is a very narrow road and puts a strain on Eaton Estate so he feels the proposal is over development.
- Councillor Benney stated that when the Bellway development came before committee, members were promised by Anglian Water, the Lead Local Flood Authority and IDB who attended the meeting that they could cope with the amount of water at this site and at that time they all said they could cope and as local people it is known that this field is wet and there is a lake in the middle of the site. He added that it is also known that tankers are taking sewage away every day from Doddington to March to treat the sewage, which is not a solution and Anglian Water is not investing enough in the sewage treatment for Doddington. Councillor Benney continued that members heard from the residents in Bridge Lane on the Bellway application that they had sewage coming up through their toilets and they had concerns that this would make it worse with the extra sewage demand and surface water. He asked Councillor Connor as local councillor for the area whether he had heard of any sewage problems that have arisen since then because this proposal is a site which is going to contribute and make worse the situation, with the Bellway site still be built and it is not yet known what damage this is going to do to the local community and if there are already problems when Anglian Water have assured that they can cope he feels they are wrong and as non-experts members cannot contest this but councillors do know what is going on in their areas. Councillor Connor responded that he is right that there is a lake where there should not be one on the Bellway site and he has had people come to him in

Doddington and Wimblington and Bridge Lane saying it is extremely wet and there is sewage that needs cleaning up. He stated that he has spoken to the regional manager for Anglian Water and he is very apologetic. Councillor Benney asked if this development would add to this? Councillor Connor stated that it certainly will. Troy Healy made the point that the site at Bellway is currently being worked on and, therefore, does not have its drainage completed. Councillor Benney responded that if they are not discharging into the sewage system and it is still overloaded and not functioning without a completed development what is it going to be like when it is completed? Councillor Connor expressed the opinion that was the point he was being asked that although the site is not completed had he heard anything from residents and he has, with there being another 88 houses joining on the system so if it cannot cope now what chance has it got for other development.

- Councillor Marks stated that there are various issues he feels with this proposal, he has real concerns about the management company especially on this little scale where there are dykes that need cleaning, roadways where it is not clear if they are going to be adopted and he can see this being a muddle and within 2-3 years the management company will go and these residents will be left in the same way that residents were at Charlemont Drive having to spend £80,000 to try and get the road adopted thereafter. He added that another concern is the drainage of the whole site, expressing the view that the Middle Level report is of real concern and if he had seen this previously he would have been getting a lot more information. Councillor Marks stated that he can see this becoming a chicane, cars parked on the roadside and that 30 bungalows in Manea were deemed viable so questioned why is 30 bungalows less than 5 miles away not viable, if the applicant has paid over the odds for the site that is not a committee issue. He feels that the existing residents' lives will be worse and going forward there is a likelihood, if the management company fails, that the residents of the development lives will be made worse also.
- Councillor Connor referred to Mr Russell stating that there would be a fee of £100 per dwelling towards the management company, which for 48 dwellings equates to £4,800 and asked how is a management company going to succeed on this amount of money and it will fail within a couple of years.
- Councillor Marks stated that Charlemont Drive, with less houses, took the best part of £85,000 to get adopted 8 years later for roadways, lighting, sewers and so on and it was built as a semi-industrial estate. He agreed that the maths does not stack up at £4,800 and this will be causing problems. Councillor Connor added that £4,800 per year would hardly maintain the attenuation pond and the little bit of open space.
- Councillor Mrs French stated that she can see this being a major parking issue with people parking on the road and on the update it says if on street parking becomes a material issue the Parish Council has the opportunity to apply to Cambridgeshire County Council for local highway improvements for double yellow lines restriction but, in her view, the Parish Council should not have to do that and local highway improvements take over 2 years with the Parish Council having to contribute towards it so if the development is causing the problem if this application is approved the applicant should put the double yellow lines in before it is completed. Councillor Marks made the point who is going to enforce the double yellow lines on a housing estate.
- Councillor Imafidon made the point that the original submission was for 54 dwellings, it was revised to 48, with the original permission being for 30 which he feels shows that the developer is not taking into account the concerns of existing residents whose lives should not be made worse. He questioned whether the £100 for the management company is per annum or per month. Councillor Connor clarified that it was per annum.
- The Legal Officer acknowledged what committee is saying but made the point that officers have recommended approval of the application as they are saying there are excellent reasons for doing so but if committee feel it is appropriate to make another decision they can do so but he would provide the following advice, if members wished to propose refusal there needs to be cogent planning defensible reasons that can be evidenced at appeal. He referred to the document that has been produced, which was created yesterday, and if it was felt that any of the content of that material would form any part of the reason for refusal

the strong advice is to defer the application to allow the applicant to address those issues, which is felt more appropriate from a fairness position. The Legal Officer added if committee come to advancing reasons for refusal he would advise that there is a right of appeal and in addition the Secretary of State can be asked to award costs against any appeal if seen to be responsible for unreasonable decision making. He urged committee to think long and hard before any decision is made and if they wished to include anything from the Middle Level Commissioner document he would recommend deferral but if committee wanted to advance other reasons they needed to be cogent, defensible reasons that can be evidenced on appeal.

- Councillor Mrs French suggested deferral of the application to see how the surface water issues can be overcome with Middle Level as they are expressing extreme concern and she does not want another repeat of the issues that occurred on the Matthew Homes site.
- Councillor Marks agreed and stated that if it came back to committee that Middle Level attend to give their view and also clarity on whether the road is going to be adopted or not as it is not clear at this time.
- Councillor Benney made the point that if the application is being deferred to resolve the Middle Level issues then are members saying they are happy with the other aspects of the development so a list is needed of all the other issues that need addressing.
- Troy Healy stated that Middle Level is not a statutory consultee. Councillor Mrs French responded that members are aware of this but they are a consultee and there are problems across the district because they are not being listened to. Troy Healy made the point that Middle Level have had 3 attempts to respond and this is the first response received from them in relation to the application.
- Councillor Connor suggested that the application be deferred on flooding, not enough open space, adoption or non-adoption of the road and parking. Councillor Hicks referred to LP16(e) in terms of noise, light and pollution, loss of privacy and light and LP12 relating to overdevelopment of the site, the layout being poor due to overlooking of residents. Councillor Mrs French added the request for £2,000 per dwelling towards play equipment. Councillor Marks asked for clarification on the footpath/public right of way.
- David Rowen responded that there are comments from the Rights of Way Officer expressing no concerns about the application, it is not possible to require adoption of the road as it cannot be asked for through the planning system, it has been indicated that the parking arrangements are Local Plan compliant and there may be projects where contributions towards play equipment may be required but it has to be lawful and in the local area. He made the point that officers will be unsuccessful in addressing some of the issues being raised.
- Graham Smith added that in relation to overlooking, the development complies with the standards of the Council as it has rear to rear separation of 20 metres or more but officers could have a discussion with the developer about retaining the trees on the boundary.
- David Rowen referred to the management company issue and stated that every application that committee has approved for more than 15-20 dwellings for the past 10 years would have had this arrangement and if it is unacceptable on this application why has it not been in other instances.
- Councillor Marks stated that an issue with a management company came to light a couple of weeks ago when he was standing in some unsavoury stuff and there were problems on site because the management company had disappeared and he feels the committee needs to be a lot tighter on this. He is amazed that the footpath officer has said this is acceptable as when they tried to move a couple of footpaths in his village they had to go through hoops and he needs more assurances. Graham Smith responded that the existing developments that are there, not this proposal, severed the line of the footpath. Councillor Marks stated he accepts this, however, somebody has some legal right to that access to walk across that land and it needs to be clear the footpath has been moved as residents could find someone trying to walk across their property. Graham Smith stated that he does not think an application could be successfully refused on the lack of a historic footpath.
- Councillor Connor stated he does have concerns over the management company and £100

per property is not going to be sufficient to keep maintenance of this site and is, in his view, a flaw.

- Troy Healy stated that the management company is going to be made up of the owners of the properties and is a private arrangement and civil matter that has no bearing on the committee and the £100 proposed may be increased by the property owners themselves. Councillor Connor stated that he has seen a lot of management companies fall by the wayside for these reasons.
- The Legal Officer reiterated the list of issues that committee wished to defer the application on and where clarification had been provided.
- Councillor Mrs French stated that she would like to see the retention of the trees to assist with overlooking.
- Councillor Hicks expressed the view that a lot of issues this proposal is going to be deferred on are not going to be resolved when the application comes back before committee and feels there are adequate reasons to possibly look at refusal when this is considered again.

Proposed by Councillor Mrs French, seconded by Councillor Marks and agreed that the application be DEFERRED to resolve drainage, highways, residential amenity, future management of the site and provision of play equipment issues, with officers from Highways and Middle Level asked to be present when the application is brought back before committee.

(All members present declared that they are members of various Internal Drainage Boards)

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

**P104/23 F/YR22/1084/F
LAND TO THE SOUTH WEST OF 92 HIGH STREET, CHATTERIS
THE SITING OF A MOBILE HOME FOR RESIDENTIAL USE AND ERECTION OF
AN ANCILLARY DAY ROOM**

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

Members received a presentation, in accordance with the public participation procedure, from Ms Steer, the applicant, and Mr Green, the agent. Ms Steer stated that she currently occupies the piece of land being discussed and has done for 4 years. She stated that as a family of 5, with 1 more on the way, they just want to be able to settle on this piece of land they already call home.

Ms Steer stated that her children go to school within walking distance and they have lots of connections so the very thought of this being taken away from them is extremely distressful and they have altered their plans to include a small hand gate in front of the access point and they have removed all parking on site, which, in her view, solves the highway objection. She expressed the opinion that they have ample options for nearby or town centre parking plus they have already found storage for their touring caravan so they can still make use of it from a different location.

Ms Steer hoped members would see they have overcome every issue presented to them and asked that consideration be taken in the decision the committee makes as it will have a huge impact on her and her family's future.

Mr Green referred to 1.3 of the officer's report where Highways stated 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 and this has been done and a plan has been shown for a 1.8 metre high fence with a pedestrian exit that is 52 metres from the public footpath.

He referred to the report by Jeremy Hurlstone which points out that at Appendix A of parking standards of the Fenland Local Plan adopted 2014 it says that where a site has good public transport links such as in the 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 and made the point that there is a bus stop to the south of the access on the opposite side of High Street providing access to bus services, there is also off-site parking at Furrowfields Road car parks within 200 metres of the site access by walking south along High Street and then east into Furrowfields Road, with the car park providing free parking for a period of up to 24 hours monitored by CCTV for added security.

Mr Green stated that at the last meeting it was said that it was only highways that was stopping this application from being passed and the Highways Authority have asked for further information which has been supplied. He acknowledged that officers are against the proposal still and he is not sure why but he feels they have gone that distance to meet those requirements of the Highway Authority and, therefore, he would want committee to approve the application.

Members asked questions of Ms Steer and Mr Green as follows:

- Councillor Marks made the point that they considered this application two months ago trying to find a solution to a problem and he thinks it is getting to a solution, however, his concern is that there is still enough room there to get vehicles to either drive up and then have to reverse out or alternatively reverse in off the main road, asking whether there is any way the applicant can move the fence/gate further down so there are no vehicles going in and out of the site, bearing in mind there is also a bus stop across the road. He asked what the reasoning was for putting the fence/gate where it is? Mr Green responded that there are two other properties which have access along that track both sides and they cannot block their access but what they could do is ensure there is a sign saying there is no vehicular access to the site to make it clear that any deliveries for example would have to park outside and walk into the site. Councillor Marks expressed the view that this still does not alleviate a vehicle parking there and asked if it is a walkway the other properties have or a right of way with a vehicle? Ms Steer responded that they do have a right of way to go up there with a vehicle. Councillor Connor clarified that there were 3 vehicles with those 2 houses when he visited the site.
- Councillor Hicks made the point that by undertaking a site visit you can see the situation and there were 3 vehicles parked along here with access to their properties and Highways were concerned about this proposal coming out but there are already vehicles accessing their properties via this access road. He asked how many vehicles are on site normally during the day? Ms Steer responded that there are 6.
- Councillor Imafidon asked of the 6 vehicles how many were the applicant's vehicles and how many belong to the other 2 properties? Ms Steer responded that, in the car park on the right-hand side before their property, 6 of the vehicles are not theirs they belong to the other houses. Councillor Imafidon made the point that those 6 vehicles use the access already and have done so historically so, in his opinion, it would be unfair for committee to say this proposal cannot use it when others do. He understands there is an increase in volume but it is not a thoroughfare, it is a driveway into a property.
- Councillor Mrs French asked how many vehicles does Ms Steer have that use the access? Ms Steer responded that they have 2 vehicles and did have a touring caravan, which has now been moved to storage.

David Rowen stated that the use of the access track is established by historical properties that pre-date planning and Councillor Hicks' comments is the crux of the comment made by Highways previously and referred to their comments in the Annex A appendix where its view is that the intensification would have an adverse impact and a decision that members need to make is whether given the established nature of the use of the access is that additional number so problematic to warrant a refusal of planning permission.

Members asked questions of officers as follows:

- Councillor Marks requested clarification that it is on highway issues that this proposal is being refused on? David Rowen responded that the only reason for refusal is on intensification of the use of the access as recommended by Highways.
- Councillor Imafidon asked what if the existing 2 properties decide to have another 2 vehicles, how will Highways enforce this? David Rowen responded that there is no control over that but established properties having additional vehicles is not a development but creating a new property is and there is some control over this.

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

- Councillor Marks expressed the view that he is in the same conundrum as he was two months ago with highway safety and there is a part solution to the problem. He acknowledged that other vehicles use the access but he still feels that it is not the safest of entrances/exits and it is people with pushchairs etc who do not realise how vulnerable they are as they go by and there is no widening the pavement.
- Councillor Hicks made the point that the residents have 6-7 cars already there and the mere fact that you cannot access this property with this amendment means they cannot physically park any cars on their property. He feels nothing will change as other properties cars will still access the site and made the point that every time the applicant has come up against barriers they have come up with a solution which has been unacceptable and he feels this is acceptable.
- Councillor Connor expressed the opinion that it is only a highway issue, odd vehicles will have to back in but if the applicant puts up a brick wall, which is his preference, with a hand gate that is a solution to the problem. He would not want to see a family lose their home and the agent spoke and said that a sign could be put up saying no vehicular access but he is not sure if delivery drivers would take any notice of this but it is another warning and a plus. Councillor Connor stated he would want the brick wall built with a hand gate within 2 months, which he feels is adequate time, if he is to support this proposal.
- Councillor Marks questioned whether the location of the barrier is at the furthest point that it can be built towards the road without it affecting the other properties? He made the point that the issue has been vehicular access into the site previously so surely if this is on the boundary of their site and not leaving them the potential to park a vehicle as committee have to be careful as if there is an accident there having passed the application going against Highways rings alarm bells. Councillor Marks stated he is not convinced that a brick wall is required but some form of moveable barrier as a vehicle may need to go in their to do something at some stage, such as building work or an emergency vehicle, so it needs to be a moveable structure with the agreement that they are not going to take it down but it needs to be on the edge of their property and he would be happier that committee has undertaken everything it can stopping a vehicle of the applicants being parked on that piece of land.
- Councillor Mrs French stated that Ms Steer did say the mobile has been there for 4 years and assuming that vehicles have been up and down this access road for many years asked has there been an accident? David Rowen responded that he does not think that Highways are claiming there have been any accidents there. Councillor Mrs French questioned that if 6-7 cars are using that now, there has not been any accidents and the applicants have been living there for 4 years, with the application being submitted for 2 years, if this is not approved where are this family of 5 going to go.
- Councillor Hicks stated that the cars that use the front part of the property will have the ability to reverse to go out forward and if the wall was moved forward they would have to back out onto the road and restrict their movement.
- Councillor Marks stated that he knows there was an accident across the road so to his knowledge there has been one accident there in recent times, however, that does not change the fact that there are a family of 5 that need a solution to problem and by moving the barrier he would hope that this is the solution. He stated he would be happier that another vehicle is not being added by giving it a parking slot with the moving of the barrier to the edge of the applicant's property.

- Councillor Imafidon stated that when he visited the site, vehicles coming out of the access to the left the view is quite good because the fence is low but the challenge is to the right where there is he believes a Listed Building with a Juliette window on a wall that comes right out to the path so, in his view, the access and visibility as vehicles come out is not any different to the access of any other older historic building before planning came into effect. He acknowledged that Highways have concerns but there is no record of any accidents that may have happened were as a result of this access so he feels that committee needs to do what it can to approve this proposal for the family and he will be supporting it so they can carry on living where they have for the past 4 years.
- Councillor Connor referred to the comments of Councillor Marks asking whether the barrier can be moved forward and asked officers if this can be undertaken? David Rowen responded that as the agent indicated there are difficulties in terms of relocating the barrier to anywhere else within the access road potentially given established rights of access which exist. He added that they have not got the details of the barrier but would suggest as Councillor Mrs French indicated that to actually require the construction of a brick wall would be unreasonable given by the very nature of the application that you would be permitting is for a mobile home and the impermanence of this. David Rowen continued that members really need to make a decision as to whether this becomes an uncontrolled access to the premises or it is refused as the barrier does not address the issue of vehicles coming in or out and whether the extra vehicles that would be using the access point at the junction are so great in number that it would warrant a refusal of planning permission.
- Councillor Marks made the point that it has not been established whether the barrier is at the end of the applicant's property and is that the furthest point that this gate can be placed at in the access before it interferes with other people. David Rowen responded that this is not a question he can answer but could see a potential issue in terms of restricting access to other properties if moving further down. Mr Green stated that the barrier could be moved slightly showing on the plan where it could be moved to.
- Troy Healy stated that there are some specifics absent in relation to the rights of access over the land and he would be concerned that the property to the north of the access road may have an entitlement to access it at any point along their boundary rather than a specific location so positioning of the barrier, tweaking it by a few metres one way or another, may result in potentially barring the neighbouring properties access from a point that they might legally be allowed to have it.
- Councillor Connor asked if the applicant could liaise with officers and two adjoining properties to see where barrier could be positioned. David Rowen stated that this is getting into realms of another deferment. Councillor Connor stated that he would not allow this to happen.

Proposed by Councillor Marks, seconded by Councillor Imafidon and agreed that the application be GRANTED against officer's recommendation, with authority being delegated to officers to apply conditions and that negotiations is undertaken with the agent/applicant so that moveable barrier is placed at the furthest point available to stop vehicular access and that a no vehicular access sign is also erected at the location.

Members do not support the officer's recommendation of refusal of planning permission as they noted that the applicant has moved their touring caravan from the site, there is no means to control the number of vehicles using the access associated with other adjoining properties and they feel that subject to the provision of a moveable barrier a safe and suitable access to the site can be achieved.

(Councillor Benney declared that he knows the applicant as she was a member of Chatteris Town Council and took no part in the discussion or voting thereon)

(Councillor Marks declared, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that he is a District Councillor for Chatteris and Manea and does attend Chatteris Town

Council meetings but takes no part in planning)

P105/23

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)

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 Councillor Angela Johnson of Wimblington Parish Council. Councillor Johnson stated that the Parish Council wish to support the officer's recommendation for refusal and as with the previous objection as well they do raise local planning policies that they are objecting and using against these. She expressed the view that the applicant's prejudicial comment that most of the objections were new to the area is not true and those that have come to the village did so for the open views and the village environment.

Councillor Johnson stated that the emerging Neighbourhood Plan questionnaire results strongly state that open spaces, big skies and the Fen landscape are all distinctive to the characteristics of the village in accordance with LP12 and LP16. She stated that supporters to the application say the village needs to attract affluence into the village and avoid poor quality social housing but she feels they do not frequent the village of Wimblington as per the Housing Needs Assessment provided for the parish the village is very affluent and does require more affordable homes.

Councillor Johnson expressed the view that Bridge Lane is an important historic landmark in the village, it is a small narrow no through rural lane exempt of pavements and with only one official constructed passing point for vehicles, which is situated at the far west end opposite 3 Bridge Lane and nowhere near the proposed site. She stated that if the site is not to be adopted by Highways and, in her view, the applicant is quite happy that it is not there will be concerns regarding refuse collection referring to LP1, LP3, DM3 and 4.

Councillor Johnson stated that the public right of way number 5 is also a very important landmark in the village, it is part of the historic Woodman's Way and also part of the Greenwich Meridian walk as well as being promoted by the Ramblers Association. She added that the site is situated to the eastern end of Bridge Lane outside the built form of the village and it will coalesce the rural countryside character of Bridge Lane with the more established form of the village.

Councillor Johnson questioned why the applicant perceive it as acceptable that they include a large part of Wimblington's public right of way into their access road, this would inevitably put the general public at risk from vehicle movements entering and exiting the proposed access road which at present is just an open field with no regular vehicle movements and, in her opinion, it is illegal to change a public right of way unless authorised by Cambridgeshire County Council. She expressed the view that it is visible that the applicant has moved his boundary fence to incorporate part of the public right of way and at some time in 2020 the ditch west of the public right of way was filled in, which was not authorised, and there is no indication or proof of piping, with the unauthorised change resulting in a slight widening of the access off Bridge Lane but now exasperates the water flow within the ditch causing excessive flooding of the public right of way.

Councillor Johnson expressed the view that building 9 executive dwellings in an open field that at present offers open views of the historic heritage landscape of the Fens will result in these views being extinguished and users will be subject to a built form. She made the point that the applicant states there is a need for executive homes but this is not reflected in the Housing Needs Assessment and there are already planning applications submitted for 9 dwellings south of Eastwood End, 9 dwellings north of Eastwood End, 2 dwellings south of 1 Eastwood End, 4

dwelling west of March Road and 7 dwellings south of Bridge Lane so there is no future need at present for executive homes.

Councillor Johnson expressed the opinion that flooding from surface and running water is a major concern and as mentioned previously it is not just the site but the adjacent areas, residential or open, that will be subject to additional excessive water having an impact on the natural habitat and environment, with NPPF 60 stating that strategic policies should be informed by strategic flood assessment and should manage flood risks from all sources and they should consider cumulative impact in or affecting local areas susceptible to flooding. She feels it is important to maintain the tranquil sanctuary of the open landscapes and public rights of way not just for today's communities but for the future communities as a member of the public.

Members received a presentation, in accordance with the public participation procedure, from Joanne Waller, an objector. Ms Waller referred to her photos on the presentation screen during her presentation and stated that the plans are incorrect in relation to her boundary, with the left side running the whole length of her bungalow and garden as it is adjacent to the access road and measurements on the plans do not display the distance from her boundary fence to the access road. She stated that major concerns of hers and local residents is the increase in excess surface water possibly causing damp and damage to properties.

Ms Waller expressed the view that the access road includes the public right of way within its measurements and including the public right of way is an offence as per Section 34 of the Road Traffic Act, therefore, the width of the public right of way of 1-1.4 metres taken from the 5 metres required for access makes this contrary to the local planning policies and highway requirements. She stated that in 2021 the paddock boundary was incorporated within the public right of way which then gave the additional width to the access road to the site and is now obstructed by barbed wire and wood, this was undertaken without consent and, in her view, is a criminal act.

Ms Waller expressed the opinion that the boundary of 2B Bridge Lane to the original boundary of the public footpath is 3.9 metres and the narrow entrance will have a personal impact on her property and that of her neighbours, the amenities and privacy, especially 2-storey dwellings overlooking her rear garden, rear windows to a bedroom, bathroom and conservatory contrary to LP12 and LP16(e). She feels the proximity to her property's boundary and worry of a vehicle colliding into the side of her property would affect the health and well-being of herself and her daughter.

Ms Waller expressed the view that the extremely narrow entrance including the public right of way will present an issue when two standard vehicles are trying to exit and enter at the same time and larger concern will be HGVs, delivery vehicles and emergency services, with residents front gardens and drives being used to make the turn safely. She feels the proposal would result as a development in an area of land divorced from Bridge Lane in effectively an open countryside location contrary to LP12 and LP16 and there will be dispersed intermittent buildings that are clearly detached from Bridge Lane having an adverse impact on the character and appearance contrary to LP12(d).

Ms Waller stated that Bridge Lane is a historical right of way, part of a very popular circular walk promoted by Cambridgeshire County Council and is used regularly by the public, dog walkers, horse riders and cyclists. She added there are no footpaths to either side and limited lighting, with increased traffic in a rural lane approximately 3.65 metres wide is placing local residents and the community at risk as well as vehicles trying to pass.

Ms Waller expressed the view that the development site is located at the narrowest part of Bridge Lane, with the nearest passing bay being approximately over 100 metres west and although a passing bay has been mentioned by the developer there is no confirmed agreement by Highways to be built or maintained. She made the point that a previous planning application has been

refused, F/YR17/1201/F, due to the proposal eroding an important visual gap, which went to appeal and was dismissed.

Ms Waller stated that the paddock and dyke regularly flood, the dyke runs along Woodman's Way and joins Bridge Lane and surface water from Bridge Lane drains into the dyke and once full the water then finds its way into the sewage system, with sewage pipes backing up and residents are unable to use their utilities. She added that regular ongoing concerns have been raised with Anglian Water regarding this matter with no solution and as mentioned in previous applications by Councillor Johnson, Lily Avenue are also experiencing flooding and sewage backing up.

Members asked questions of Ms Waller as follows:

- Councillor Marks asked when the photo showing the flooding of the footway taken? Ms Waller stated approximately 2020. Councillor Marks asked if this is due to the dykes being filled in? Ms Waller responded that no, the dykes fill up, all the surface water drains into the dyke and once it is filled it has nowhere else to go.
- Councillor Imafidon referred to it being said that it floods regularly and asked what residents have undertaken about this issue? Ms Waller responded that they have contacted authorities, especially when one of the flooding episodes that took place the day before Christmas Eve and she phoned up the Council, Anglian Water and Cambridgeshire County Council asking for help but nobody wanted to know or took responsibility. She added that she did also contact the landowner as she was concerned about the horses in the field.
- Councillor Marks asked where she believes this blockage is with the dykes filling up? Ms Waller responded that she does not know if there is a blockage but she could not get down that footpath to take any further photos as it went over her boots and that dyke runs all the way down to Eaton Estate and then into Lily Avenue. Councillor Marks asked if the dyke was on her property? Ms Waller stated that it runs alongside her property. Councillor Marks asked if she had a 50% stake in cleaning it out? Ms Waller responded no, it is not a riparian dyke and just runs alongside her boundary.
- Councillor Connor stated that he was there when Ms Waller says it flooded in 2020 and he knocked on a few doors and spoke to some residents and the water was very high, going over one threshold, and there were extremely worried residents.

Members received a presentation, in accordance with the public participation procedure, from Shanna Jackson, the agent, and Ben Love, the applicant. Mrs Jackson stated that the application is for up to 9 dwellings positioned within a growth village and is within Flood Zone 1 land. She referred committee to the photo showing other consented development in the area and, in her view, the map clearly shows that this part of Wimblington is within a built-up residential area, with it being discussed many times in the past whether Bridge Lane forms part of Wimblington village and, in her view, the map clearly shows that it does.

Mrs Jackson expressed the opinion that the site would effectively constitute an infill form of development of housing within an established residential area and it makes sense in policy terms. She reiterated that Wimblington is a growth village, with Policy LP3 allowing for village extensions in such locations, and this proposal would comply with this policy given that it would extend the existing built form in this area.

Mrs Jackson made the point that the proposal is in outline only so the specific design and layout details are currently unconfirmed, however, it is likely that the scheme will take the form of a comprehensive layout in much the same way as other developments in the area. She would argue that the scheme is entirely reflective of the surroundings contrary to the assertions and refusal reason one.

Mrs Jackson referred to concerns being raised by officers in respect of biodiversity but these concerns have not been backed up by the Ecology Officer and at no point during the course of application were they made aware of these concerns or asked to address them. She reiterated the

scheme is in outline so there is ample opportunity to position the dwellings well clear of the hedgerow in question and they would also be happy to accept a condition to this effect but given the site is heavily used by horses as paddock and grazing land she feels that any biodiversity interest would be extremely limited.

Mrs Jackson referred to concerns about surface water drainage but these concerns have not been backed up by any technical consultees or professionals in this field and she assured on behalf of the applicant that there is a comprehensive drainage system in place and this was put in after the neighbour's photos were taken. She advised that the scheme would encompass rainwater harvesting and permeable paving, which will improve any current situation as it will result in rainwater from roofs being held in tanks rather than falling straight to the ground as per the current situation and that as with all applications of this nature she would expect a foul and surface water drainage strategy condition as part of any consent.

Mrs Jackson stated that, in relation to the public footpath issue, from the drawings it can be seen the footpath will remain unobstructed and that the Definitive Map Team has no objection, therefore, in her view, an objection on these grounds cannot be sustained. She highlighted that the scheme brings the opportunity to provide high quality housing within a growth village which meets the aspirations of the Local Plan and complies with Policy LP3, there are no issues arising as a result of biodiversity and surface water drainage which cannot be addressed by a planning condition and requested that permission be granted.

Members asked questions of Mrs Jackson and Mr Love as follows:

- Councillor Imafidon referred to mention of rainwater harvesting but from the photos members have just seen from the objector on the volume of water seen and the fact that Bridge Lane is lower than the surrounding area it is not from Bridge Lane alone so how is this going to be mitigated against. Mr Love responded that the photographs were taken in 2020, the objector did call him Christmas morning very upset and that Summer he installed a land drain across the back of her and the neighbours garden and he is convinced this problem has been solved as it has been the wettest Winter in living memory and if that had flooded this year there would be current photos. He expressed the opinion that the drain does work and not only did he put a land drain in there but to the dyke that has been backfilled by a previous owner there is a pipe in the bottom of this, they do not drain into that pipe but the aggregate that surrounds that pipe so there is capacity to get the water away better than he has with an ad-hoc £2,000 worth of stones. Mr Love stated that it is an historic problem that is being seen which, in his view, no longer exists and he has been monitoring it as he is well aware that the committee and Planning Authority are concerned about flooding. He stated that if he is granted permission, every householder of those properties would have his telephone number and the last thing he wants is to be called regularly due to flooding. Mr Love stated that the next step if they achieve permission would be to have an engineer to check the water levels in the site and then design an attenuation scheme to enable the water to be held even further on site so, in his view, it is achievable to drain that site when it is developed.
- Councillor Mrs French asked if Middle Level have been contacted and if so what have they said? Mrs Jackson responded that they have not contacted Middle Level but her understanding is that as part of the planning application process they are consulted and she has checked with the office and nothing has been received from them but there is confidence in the system that has been put in place currently.
- Councillor Marks made the point that the plan is indicative so the site layout may change and he sees there is a neat roadway that leads into the paddock and asked if that was also the applicant's land. Mr Love responded in the affirmative. Councillor Marks asked if the idea is to develop this area in future? Mr Love stated that there are no plans to develop any further.
- Councillor Marks referred to a management scheme for the development. Mr Love responded that on their last development they had a management scheme and heard the

comments on the previous application but would argue that a management scheme accommodating 9 owners of £¾ million pound properties is not quite the same as a management scheme that is divided up by 48 separate dwellings. He added that the road would be to adoptable standard and it is in his interest to supply infrastructure that has longevity because someone who is going to spend £700,000-£800,000 on a house is going to be mindful of their costs going forward and he will be building high quality houses meaning that they exceed drainage and parking requirements.

- Councillor Mrs French asked Mr Love if he was saying he was going to do the road up to an adoptable standard from the top of Bridge Lane? Mr Love stated the first 5 metres from Bridge Lane and into the site. He referred to a development at Leverington where he resurfaced a section of the highway with Highways permission at his own expense as they felt that the lack of maintenance on that road was holding back his development and he is quite happy to accept anything conditional. Mrs Jackson added that access is a reserved matter so it is something that can be conditioned or dealt with at that stage along with layout of the internal road. Mr Love stated that he does own the entire width of that access apart from about 400-500mm adjacent to the neighbouring bungalow so there is enough room to get a footpath in and the roadway.
- Councillor Imafidon stated that he appreciates that work has been undertaken since photos were taken but asked, once the properties are built and there is paving, will this work be able to cope with the additional run off from paved areas and from rooftops? Mr Love responded that what he has undertaken so far is not on the application site, it is just before the application site and the issue Councillor Imafidon mentions is attenuation, making the point that no more rain falls out of the sky whether you build on the land or not and he uses a lot of impermeable surfaces because they drain better, however, whatever water run off there is will be calculated by an engineer and inform him exactly what size attenuation tank is required. He expressed the view that if it is done properly, which it will be, it can alleviate the flooding in the surrounding area and he is well aware of the drainage issues in the Fens.
- Councillor Imafidon referred to mention that on a previous development he resurfaced a certain part of the highway and asked where this development was? Mr Love responded that this was in Gull Lane, Leverington.

Members asked questions of officers as follows:

- Councillor Mrs French asked if the applicant has already submitted drainage plans to officers? David Rowen responded that an assessment of the flood risk has been completed on the application form, which states under details that surface water will be disposed of via a soakaway. He made the point that the site is designated on the Environment Agency flood maps at being at risk of surface water flooding and as a result there is a requirement for a sequential approach in accordance with the NPPF.
- Councillor Mrs French asked if the site would be connected to main sewers or is it whatever tanks are installed? David Rowen responded that officers do not have those details at present due to the outline nature of the application, but the expectation would be that the site would use the Anglian Water sewage system.
- Councillor Benney asked if the third reason for refusal can be resolved on the conversation on what can or cannot be undertaken? David Rowen responded no as the surface water flood risk that is evident means in accordance with the NPPF that a sequential approach should be undertaken to state that there are no sites in Wimblington that are at a lower risk of flooding.

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

- Councillor Hicks asked Councillor Connor, from the photos provided by the objector showing it flooding in 2020 and she is saying that it has flooded ever since but Mr Love is saying that he has resolved the issue, as this is his ward does he know if it has flooded since Mr Love has undertaken the work? Councillor Connor responded that it has not flooded to that degree but he has had residents say they cannot flush their toilets or worried about having showers so there is an imminent risk of this but to say has it flooded no.

- Councillor Mrs French asked if the comments from residents about not being able to flush their toilets recent? Councillor Connor responded that it has been in the last few months and he has also spoken to the Regional Manager at Anglian Water. Councillor Mrs French stated that this is an Anglian Water problem not a dyke problem. Councillor Connor stated that is correct but it is still a problem when residents cannot or are worried to flush their toilets but he does not have all the facts as he is not an officer but residents are worried about the flooding in this location and about flushing their toilets.
- Councillor Mrs French expressed the opinion that it is unfortunate that this is an outline planning application as all the questions being asked would have been answered in a full application.
- Councillor Benney made the point that all the conversations about what can or cannot be achieved does not overcome policy and if there was a full application that may have given different information that committee could have looked at but there is an application in front of members that does not bring all the information and is non-compliant so he thinks the officer's recommendation is correct.
- Councillor Connor stated that it is at risk of flooding on the Environment Agency maps for surface water and if it is a soakaway it is going to go into the water again and it is not going to alleviate flooding but make it more prevalent. He expressed the view that if it was a full application more details could be considered but he cannot support it.
- Councillor Mrs French questioned whether it was going to be a soakaway or an attenuation tank? Councillor Connor responded that the applicant did mention a soakaway but acknowledged that an attenuation pond is different.
- Councillor Benney asked if this makes any difference either way? David Rowen responded no as the issue about flood risk is one of principle rather than detail of attenuation or amelioration.

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

(All members present declared that they are members of various Internal Drainage Boards)

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

**P106/23 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)**

David Rowen presented the report to members.

Members received a written representation from Sally Bramley, an objector, which was read out by Member Services. Mrs Bramley stated that her presentation was supported by slides which showed:

- Horses in the field showing wildflowers and hedgerow prior to February 2023.
- A vehicle bogged down in the field in 2023, which required recovery.
- Example of large pools of standing water in the field where some of the proposed properties would be.
- Existing flooding and drainage issues in neighbouring gardens.
- Removal of hedgerow at the proposed development entrance point in February 2023 which was prior to the planning application submission.
- Historical media documentation of flooding and drainage issues relating to the field in surrounding residencies in 2004/2005.
- Video of Bats seen by occupants of the properties that directly back onto the field.

She expressed the view that the lived experience of residents differs significantly to the facts and statements represented in the application.

Mrs Bramley stated that many residents on the Furrowfields estate benefit, knowingly or not, from the hedgerows, and grassland, which house many creatures, supporting numerous ecosystems, including bats, and are rich in biodiversity, with there being a decrease in bird activity since the destruction of the entirety of one side of the hedgerow in February 2023. She feels this destruction also included the non-consensual removal of trees and hedgerows from a neighbouring private property and if members visit the site they will see evidence of previous Lode Way residents 'laying' the hedgerow to promote regrowth.

Mrs Bramley expressed the opinion that due to roadside parking and density of junctions, it is already often a challenge to safely pull out of the existing junctions and driveways near the proposed site entrance and she feels introducing another junction almost opposite Grenadiers would be an unnecessary increased risk to motorists, cyclists and pedestrians. She referred to the sustainable drainage strategy which states that "surface water would naturally drain away, and rainwater falling on landscaped areas of the site including the garden of each new property and the open space will infiltrate into the soil", but expressed the view that for those that border the field it is known this will not be the case as the water table is already overwhelmed even with the field there and ultimately there will be a net loss of permeable surfaces to absorb the water that the field currently holds and increase the risk and scale of flooding to existing properties.

Mrs Bramley made the point that some of the neighbours' work shifts or from home and the noise during the demolition of one well maintained property, and the construction of the 9 new properties would impact negatively on current residents. She feels there will no doubt be an increase of mud on the roads and if planning is agreed, properties in Lode Way that back onto the field will have roads and potentially street lighting to both the front and rear of their properties.

Mrs Bramley questioned whether it is worth losing this valuable pocket of wildlife space amongst a dense urban area for just 8 additional houses when there is an abundance of new 2, 3 and 4 bedroomed properties being built, or due to be built in more suitable developments. In her view, it would be foolish to repeat the events of 2004/2005 in the same area, over the same concerns, where Fenland District Council's lack of planning judgement, and ignoring of similar issues resulted in negative media interest and hefty compensation pay outs to the residents who paid the emotional price for decisions made outside of their control and asked if Fenland District Council is willing to accept the risks, is it also prepared to pay yet further compensation to current residents when history repeats itself?

Members received a presentation, in accordance with the public participation procedure, from Matthew Hall, the agent. Mr Hall stated that the principle of development has been accepted according to the officer's report and the site is clearly in the built-up form of Chatteris and the dwellings around the site were constructed in the late 1980's and early 1990's. He explained that all of the dwellings that he has shown are located in Flood Zone 1 including all of the garages and there is a small section of the access road which is located in Flood Zones 2 and 3.

Mr Hall explained that it is an outline application, but a drainage scheme has been submitted which has been undertaken by an independent consultant and that has been accepted by the Lead Local Flood Authority (LLFA) and there have been no objections received from the Environment Agency. He explained that in Lode Way, there is both a foul and surface water sewer owned by Anglian Water and he has been advised that he could attenuate to this but at a restricted rate, which is what the surface water strategy states and that is what has been accepted by the LLFA.

Mr Hall stated that the Conservation Officer has raised concerns with regards to the adjacent Listed Building and on the indicative layout the nearest dwelling is 27 metres away, with the

Conservation Officer suggesting that the dwellings adjacent to the Listed Building could be limited to single storey which is what the drawings that he provided to officers has shown. He advised the Grade 2 Listed Building is in separate ownership.

Mr Hall stated that an ecology report has been carried out on the site and the recommendations can be implemented and the hedges detailed in the drawings he provided demonstrate that they will remain. He stated that the proposed dwellings shown on the indicative layout all have their own private gardens shown against private neighbouring gardens which shows that no building will take place directly against neighbouring gardens as detailed at 9.13 of the officer's report and it is not a public green space, it is private paddock land.

Mr Hall referred to the officer's report stating that an independent speed survey has been undertaken by a highways consultant which has been accepted by the County Council and it shows vehicles travelling at 20mph along this section of Lode Way and the road within the site would be constructed of permeable block paving or tarmac with street lighting. He explained that the layout shows adequate turning for bin lorries to enter and exit the site, there is adequate parking for the dwellings and he was asked to show a junction of 5 to 6 metres wide which has been incorporated along with radius curves on Lode Way.

Mr Hall stated that there is a planning condition on those properties which surround Lode Way, which prevents any fencing, railings or walls being built to the frontages of those properties and if any of those structures are constructed the condition will allow the Council to take enforcement action for their removal. He explained that he is aware that there is also such a condition covering properties in Stonecross Way and he is aware of an application in 2020 where an application was submitted for gates, railings and fences to the front of a property which was refused by officers, and it is his opinion that the condition could be enforced.

Mr Hall referred to the presentation screen and stated that it is clear to see that the site is surrounded by residential development and is within the built-up form of Chatteris. He made the point that all of the houses are in Flood Zone 1, with much of the green space being left undisturbed as it is in Flood Zones 2 and 3.

Members asked Mr Hall the following questions:

- Councillor Benney notes that the Highway Authority has concerns but there is a speed survey which has been undertaken which has demonstrated that 20mph is the average speed and he questioned whether the fact that people cannot erect fences will provide the visibility splays that would be required? Mr Hall stated that on his drawing, with the submitted speed survey and Highway Consultant's report, they are satisfied that no fences, walls and gates could be built out the front and the space which can be seen to the right-hand side, which is not all required in order to achieve the splay, could be achieved due to the planning condition that exists and in the westerly direction there is a full splay.
- Councillor Benney asked if the applicant would be prepared to make a voluntary donation to the George Clare Surgery, which is a privately owned practice and does not receive any NHS funding? Mr Hall made the point that the proposal is for 8 net dwellings, with a property on the site being demolished, so no contributions need to be made but he would have to speak to the applicant and providing it was reasonable he thinks the answer would be yes.
- Councillor Connor referred to the submission from Sally Bramley which mentioned mud on the road and asked for a cast iron assurance that mud and debris will be cleared up at every opportunity for road safety purposes? Mr Hall responded that he has noticed on applications for 3/4 or more dwellings there is an automatic ask for wheel washing facilities and a construction management plan and he would be happy to comply with this as a condition to the application if approved.

David Rowen referred to the mention of contributions towards the doctor's surgery and stated as the application is under 10 dwellings there is no policy requirement for financial contributions and

there has been no information from the doctor's surgery on what impact this development would have so there is no justification for any contributions and legally it cannot be required. He referred to the other issue around protection of the visibility splay through the removal of permitted development rights and stated that on estates like Lode Way permitted development rights are removed to protect the open character of the frontage and it is correct that no fences or gates could be put within the visibility splay, however, there is no control over shrubs being planted, paraphernalia being put within that visibility splay and the actual driveway for the property across which the visibility splay goes could have cars parked within it obstructing the visibility so the reason for refusal proposed by the Highway Authority is reasonable given that the applicant does not have any control over the visibility splay.

Councillor Connor made the point that the contribution asked for by Councillor Benney is a voluntary one.

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

- Councillor Benney stated that he knows the area well and members are told building should not take place in the open countryside and brownfield sites should be filled and, in his view, this site is a brownfield space and a piece of land that is developable, with horses within the town not being an ideal site for them. He stated that Kent House was traditionally the old workhouse and it is not a house in its own right anymore having been converted into 4 flats. Councillor Benney referred to the reasons for refusal, this is Flood Zone 1 and the fact that you have to go through Flood Zones 2 and 3 to get there you would not go into Chatteris as you would be driving through Flood Zone 3 to get to Chatteris and he sees this as another development of nice homes, with homes being needed and it is a piece of land that is developable and he fails to see the special pasture land status that it seems to have been given as it is a grass field. He stated that he can support the application and whilst the access may not be ideal it is the only access into the site and it makes good use of a piece of land.

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

Members do not support refusal of planning permission as they feel that this grass land is not of special historical status, the properties are being built on Flood Zone 1 and it is only the access that is in Flood Zones 2 and 3, the speed survey undertaken and the planning condition on the properties on Lode Way makes the access to this piece of land suitable and it will bring much needed homes to Chatteris.

(Councillor Marks declared that the applicant is known to him as a customer and took no part in the discussion and voting thereon)

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

**P107/23 F/YR23/0881/O
LAND WEST OF 78-88 STATION ROAD, MANEA
ERECT UP TO 4NO DWELLINGS (OUTLINE APPLICATION WITH ALL MATTERS
RESERVED)**

Danielle Brooke presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Peter Humphrey, the agent. Mr Humphrey explained that the site is situated between three drainage ditches and as part of the application, the applicant is prepared to offer some street

lighting to assist in the lighting of the footpath to the railway station and it will also provide a community benefit to overcome the flood risk issues. He thanked the officers for the report and stated that within the assessment at 10.2 it states that the officer has confirmed that it would be difficult to argue that the principle of residential development was unacceptable given the surroundings hence the application is supported by policies LP2 and LP12 of the Local Plan.

Mr Humphrey explained that at 10.5 it states that the site will read as part of the existing village not to appear incongruous or as an encroachment into the countryside and that the officer's report states that at the reserved matters stage, the visual impact could be acceptable and that the submitted details would relate appropriately with the dwellings around it and the garden sizes comply with policy LP16(h) and the scheme is compliant with LP16. He stated that at 10.17 with regards to flood risk it points out that there are no other reasonably available sites appropriate for the proposed development at the time of the application, with there being material changes since he made the last application in so far as the application for 5 dwellings the other side of the railway line has been approved and the access has now moved from the first application as has the red line and, therefore, it is a different application.

Mr Humphrey stated that if members feel that four dwellings is over development then the applicant would consider three dwellings on the site, however, the officer has not raised any concern. He made the point that the planning officer has confirmed in all terms apart from flood risk that the site is in keeping with the area and subject to design and finishes it would not detract from the character of the area, adding that the proposal is to include sustainable benefits for the site in accordance with the exception test which is flood warning, finished floor levels in accordance with the submitted Flood Risk Assessment, evacuation plan, solar panels and PV triple glazing.

Mr Humphrey asked members to reconsider the proposal from the previous application and support it.

Members asked Mr Humphrey the following questions:

- Councillor Mrs French made the point that she is disappointed to hear that Mr Humphrey is suggesting that the number of dwellings be reduced and it is a pity that the number of dwellings was not reduced previously as the committee will be considering the application before them today and the only way to accept the reduction in dwellings is for the application to be refused and for a new application to be submitted for the three dwellings which, in her view, would make more sense and she asked Mr Humphrey whether it was something that he would consider? Mr Humphrey stated that he is aware that there is no longer the option to resubmit an application for free and he questioned whether the description of the application could be changed to a maximum of three dwellings or whether it would need a new application. He added that the Planning Officer has inferred that they are happy with the planning application as it is in its current state.
- Councillor Connor stated that the committee need to look at the application which is before them and there is no alternative.

Members asked officers the following questions:

- Councillor Hicks asked whether there needs to be a new application submitted or whether three dwellings can be considered? David Rowen confirmed that the reduction in dwellings cannot be considered.
- Councillor Mrs French stated that the application is recommended for refusal as it does not meet the sequential test and she asked whether there has been any information received from the agent with regards to it. David Rowen explained that the sequential test document was submitted with the application which identified a number of sites which would be sequentially preferable but had been incorrectly discounted from consideration.
- Councillor Connor asked what is the difference with this application from the one which was refused previously? David Rowen stated that not a lot has changed, and he explained that as part of the previous application a sequential test was submitted which identified other

sites and incorrectly discounted them from being available.

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

(Councillor Benney declared that the applicant's mother stood against him at an election, and took no part in the discussion and voting thereon)

(Councillor Marks declared that the applicant's father is his former doctor and he knows the applicant's wife and took no part in the discussion and voting thereon)

**P108/23 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**

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

Members received a presentation, in accordance with the public participation procedure, from Peter Humphrey, the agent. Mr Humphrey referred to the site plan and explained that the site is currently residential and there is an existing tree belt which actually divides the garden and makes it into a natural plot, with the cottage that is currently on the site being small in size and the garden is out of proportion with the cottage. He expressed the opinion that there are many factors that lead the site to a natural plot and the plan demonstrates that it is an infill plot and under LP3, the policy allows for such settlements as Tydd Gote to have infill plots and it is clear that the application site is on a corner and you can still have an infill on the corner between the two properties, Green Acres and Chestnuts.

Mr Humphrey made the point that the Planning Officer has a different view and is of the opinion that it is not an infill site, however, in his view it is. He made the point that the officer's report appears to demonstrate a concern for the loss of the frontage hedge and normally he would look for that to be retained and should members want the hedge to be retained then the applicant would be willing to leave it by way of a condition.

Mr Humphrey stated that there were 8 letters of support and none of objection which is pleasing to see in such a small hamlet. He asked members to review the plan and make their own judgement as to whether the application site is actually in open countryside because, in his opinion, it actually forms part of the existing developed village of Tydd Gote.

Mr Humphrey explained that reason three of the officers refusal refers to no ecology or biodiversity net gain (BNG) but this was not required at the time of the application and the application was validated prior to 2 April as a minor application, however, he would be prepared to provide BNG on the site if necessary as part of a requirement with the retained garden and he asked the committee to consider the application as infill development and support the application.

Members asked Mr Humphrey the following questions:

- Councillor Mrs French asked for clarification with regards to the BNG statement that Mr Humphrey has made. Mr Humphrey explained that one of the reasons for refusal is that there is no ecology report, and it is his understanding that an ecology report was not required at the time that the application was submitted. Councillor Mrs French stated that normally if it is an outline application that does not need to be supplied as it is a minor application. Mr Humphrey stated that is correct.
- Councillor Benney asked Mr Humphrey whether he would be prepared to provide an ecology report? Mr Humphrey confirmed that he would.

- Councillor Imafidon asked for the cottage to be indicated on the plan. Mr Humphrey shows on the plans where the cottage was situated.
- Councillor Marks stated that he has looked up the meaning of infill and it is materials that fill or are used to fill a hole and he made the point that, in his opinion, that is what the application is doing as it is filling the gap.
- Councillor Imafidon stated that he agrees with that view, and he cannot see how it can be classed as open countryside when there are properties around it.

David Rowen stated that Mr Humphrey had referred to the third reason for refusal with regards to BNG, however, the third reason makes no reference to BNG and is purely focussed on the biodiversity checklist which is submitted with all planning applications and has been the case for a number of years. He added that the checklist has been completed with a response of no being applied to each question despite one of the questions asking whether the application will involve any proposed tree work when there are obviously a number of trees on the front of the site which will require removal. David Rowen explained that the answer to that question should have been yes and, therefore, a follow up survey would need to be carried out to deal with the potential of bats in particular and that is the reason for the justification for refusal reason three.

David Rowen clarified the issue as to whether the application is deemed as infill or not and he referred to the officer's report which provides two sources of definition of infill one of which is in the Local Plan and the other in the planning portal. He explained that the planning portal explains that it is a development of a relatively small gap between existing buildings and a gap within an otherwise built-up frontage. David Rowen expressed the view that he cannot see how this development could be classified as within an otherwise built-up frontage given the considerable gap that there would be between the proposed development site and The Chestnuts. He added that he does not think that officers are necessarily saying that it is open countryside and, in his view, are stating that it is a transition and having a loose knit form of sporadic development that is prevalent at the current time and it typifies that and contributes to the character of the area.

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

- Councillor Benney stated that he has reviewed the reasons for refusal and added that a frontage is a frontage regardless of whether it has a curve or a bend in it and, in his opinion, the application meets the definition of infill because it is in between two buildings. He added that with regards to the second reason for refusal, under LP12 in his opinion, any house adds to the sustainability of a settlement, and it will provide a lovely home for somebody. Councillor Benney stated that with regards to ecology, the application could be refused just on that aspect and then a resubmission be invited with an ecology report or deferral of the application. He questioned whether officers would be prepared to accept an ecology report to address the third reason for refusal.
- David Rowen stated that the point of a biodiversity checklist is to help the agents to identify when they need to undertake reports and if that has been filled in incorrectly and the relevant information has not been submitted then it results in a significant flaw in the application. He explained that when considering the way that Government is directing planning authorities to determine applications as quickly as possible then, in his opinion, the committee need to consider moving away from giving applicants a second attempt of submission of an application. David Rowen stated that the obligation is on the applicant or the agent to submit a complete application with all the supporting information and reports then that is a failing and is one of which the Council should be dealing with in a summary manner and, therefore, the application should be determined on the basis of the information in front of the committee today.
- Councillor Connor stated that if the committee are minded to refuse the application then there is the requirement to identify on what grounds the application is going to be refused.
- Councillor Benney stated that the Planning Team is already short staffed and encountering a very high workload and if the application is refused then the planning officers will then need to deal with another submission and validation which is just adding to their workload,

however, he does agree that there is a piece of information which is missing. Councillor Benney questioned whether there is a simpler way to save officers from undertaking the extra work.

- Councillor Connor stated that if the application was refused then the application could be dealt with under delegation to officer the next time if the BNG was achieved.
- Councillor Mrs French stated that the committee could recommend approval subject to the further information being submitted and agreed.
- The Legal Officer stated that David Rowen has explained that the idea of a biodiversity checklist at the outset is that ecology can be considered at the outset and is designed into the scheme. He explained that if a condition was imposed in relation to ecology it is inevitably second best as there is already an established scheme which has been approved and you can only do things which are mitigating of that scheme whereas if you start from a clean sheet you can design a proposal that is sympathetic to ecology from the outset and that is the grounds for refusal as proposed. The Legal Officer made the point that there is a significant difference between approval with an ecology condition which is disapproved of in Government guidance and ordinarily ecology should be addressed from the outset and the alternative is that it is designed from the outset.
- Councillor Benney asked the Legal Officer to clarify whether it is frowned upon or illegal? The Legal Officer stated that it is not illegal but the clear Government guidance indicates that it is inappropriate to impose conditions in order to address the ecology issues after permission has been granted due to the fact that it is not possible to design appropriate solutions that meet with what ecology is actually present on site. He added that there is no evidence of what is going to be found on the site and, therefore, it maybe that what is proposed is entirely inconsistent with the ecology present there and had there been a more sympathetic design which was attuned to the ecology then it could have been addressed through some separate design.
- Councillor Benney stated that after considering the view of the Legal Officer then he would look to refuse the application but only on the grounds of ecology.
- Councillor Marks asked whether the application could be deferred to save time? Councillor Connor stated that he would not be keen on a deferral and if the application is only being refused on biodiversity it should not take much time for the agent to provide the information and then it could be dealt with by officers under delegation or if that is not appropriate then it would come back to committee with just one aspect.
- David Rowen stated that any future planning application which is either before the committee or at delegated level would be dependent on how it complies with the Scheme of Delegation in terms of any representations. He added that with regards to the comment made concerning the workload of the Planning Team, this application demonstrates that the committee need to send out a message to agents and applicants to state that substandard applications that lack information will not be tolerated and to point out that they need to ensure that the requisite information is provided with the initial submission.
- The Legal Officer stated that if the application was refused then a fresh application would be required and the BNG would then be obligated as opposed to voluntary. He added that it is an unusual scenario because BNG came into use in February and in this particular application there would be a statutory obligation to provide BNG on a future application.
- Councillor Mrs French asked when the application was submitted and David Rowen explained that the requirement for BNG applies for all major applications submitted on or after the 12 February and will come into force for all minor applications from 2 April. He added that at the time that the application was submitted there was no BNG requirement.
- Councillor Mrs French stated that the application is for a single dwelling which is minor, and the application was submitted before this new policy was introduced.
- Councillor Marks stated that if it is not necessary at the current time then if the application is refused why will it be required. David Rowen clarified the position and explained that at the current point in time the application does not have to provide BNG, however, if it is refused and submitted after the 2 April it will have to do so. He added that the application is not recommended to be refused on the basis of not providing any BNG, it is recommended to

be refused on a lack of ecology information that is contrary to Policies LP16 and LP19 of the Local Plan.

- Councillor Benney asked whether the application could be approved without the information. David Rowen stated that they could but given the Government advice with respect to ecology as the Legal Officer has already indicated it is not best practice to do that. The Legal Officer confirmed that it would not be illegal to do so.
- Councillor Mrs French stated that there is no reason why the application could not be approved subject to the further information being submitted.

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

Members do not support officer's recommendation of refusal of planning permission as they feel that the application does constitute an infill dwelling, an addition of a house in this location will contribute to the sustainability of the settlement and will not harm the wide-open character of the countryside and the assessment of impact on protected species can be undertaken via condition to any planning permission.

**P109/23 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**

David Rowen presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Matthew Hall, the agent and Tom Payne, the applicant. Mr Payne explained that he has owned the Bramley House Hotel for the last three and a half years and over this time he has learnt what is needed in the area is a high standard of accommodation whilst offering food and drink in a calm and relaxed setting. He added that most of his bookings come from local businesses who use the hotel for their staff who have travelled from other locations in the country or abroad.

Mr Payne explained that the companies who use the premises include Stainless Metalcraft, Aerotron, Taylor Made, ALS and Cromwell School along with many businesses working in the area who are working on renewable energy and the reservoir project which brings with it a great demand for accommodation. He explained that many of his guests include visitors for family events as well as corporate events, afternoon tea and evening meals and many of his staff which he employs are local people.

Mr Payne made the point that the extension of Bramley House will make it a viable business for many years to come which will create more jobs and he will use local trades for the building works which will cost in excess of £400,000 and he will use local supplies where possible. He added that he is currently turning away business on a regular basis.

Matthew Hall stated that the key point to the application is Policy LP6 of the Local Plan which welcomes new accommodation and hotels and, in his view, the proposal fits in with the broad location for growth with Chatteris being one of the four market towns and the site is in Flood Zone 1. He referred to 9.14 of the officer's report which states that there would not be any significant overshadowing as there is a car park to the north and at 9.15 it states that there would be no overlooking issues to address and the principle of development at this location has been accepted by the Planning Officer.

Mr Hall made the point that the proposal will allow for ground floor rooms to be offered with access off of the car park for any persons with disability as the existing building has a number of steps. He stated that there have been no objections from the properties in the adjacent Boadicea Court and he added that he has spoken to the Town Clerk at Chatteris Town Council who has advised him that there is unanimous support from the Town Council for the application.

Mr Hall made the point that the site is located in the centre of the market town of Chatteris and there are good transport links to the adjacent village, towns and cities. He stated that the present time there is on-site parking, and the proposal looks to retain a similar amount of parking and many business guests do car share.

Mr Hall explained that there are double yellow lines all along Boadicea Court and, therefore, there can be no further parking there and that is also the case in King Edward Road. He added that in the High Street there is time limited parking but the car park in Church Lane Car Park has 15 spaces and Furrowfields Car Park has 113 car parking spaces, and they are both public car parks and are accessed by footpaths.

Mr Hall made the point that he has stayed in many hotels which do not have car parking on site, but the application is keeping parking on site, and it is an application to expand an existing business which will allow for additional persons to be employed in both a full and part time capacity. He made the point that Fenland is open for business and the application will allow an established business the opportunity to expand.

Members asked the following questions:

- Councillor Imafidon asked Mr Payne if he could clarify how far is the additional footprint of the development is from Chatteris House? Mr Payne stated that he has not measured it, but he would think it was approximately 20 plus metres. Councillor Imafidon stated that when he visited the site, he saw the outbuilding which is proposed to be demolished and he asked how much space would be created by that outbuilding being removed for additional car parking. Mr Payne stated that it would create four more car parking spaces.
- Councillor Benney asked Mr Payne to confirm how much his business is being restricted by not having enough rooms as he is aware that the demand for hotel accommodation in the area is increasing. Mr Payne expressed the opinion there is a very high demand, and he would expect the hotel to be at full capacity on a regular basis even when extended. He added that if people are looking for a two week stay, they cannot find accommodation for that length of time as far out as Cambridge.
- Councillor Hicks stated that the building which is going to be demolished is only going to be replaced by something else which is going to be of a same size with a small addition. Mr Payne explained that the replacement will only be for a similar size footprint, and it does look to take away some garden space which he does not use, with the proposed building taking up an area which is not used at the current time.
- Councillor Marks asked whether there are windows to the rear of the property which look out to Chatteris House? Mr Hall explained that the proposed property is at 90 degrees to Chatteris House and there are no first-floor windows but there are some roof lights on the back of the property which are not at first floor height, and you cannot physically see the windows at Chatteris House. He added that in the officer's report at 9.15 it states that there are no overlooking issues to address.
- Councillor Marks asked whether there are going to be electric charging points for vehicles in the car park? Mr Payne explained that is on his list of things to do.
- Councillor Mrs French stated that at the rear of the property there is a 2 bedroomed annex and she asked how long it has been there as it seems very out of place. Mr Payne stated that this is the building which is going to be demolished and it is a very old building, but he does not know how old it actually is. He explained that some guests like it as the access is straight out into the open air, but they are the guest rooms that he chooses to allocate on a less frequent basis. Mr Payne confirmed that it is not a Listed Building.

- Councillor Benney stated that when he undertook the site visit, he was surprised to find that there were only 2 cars in the car park, and he had expected it to be full. He asked Mr Payne whether any of his guests come via public transport as opposed to using a car? Mr Payne explained that some guests come via public transport and others leave their vehicles at their place of work.
- Councillor Imafidon asked Mr Payne what the occupancy levels are for the hotel? Mr Payne stated that throughout the Summer the occupancy level is 70% and 50% throughout the Winter. He explained that there are not many guests who stay on a Sunday night as guests tend to stay on a Monday to Thursday or a Friday and Saturday night and if he is fully booked on a Friday and Saturday night and empty on a Sunday for that period of time it is only 66% and the extra accommodation will deal with instances where a guest wants a two week booking.

Members asked officers the following questions:

- Councillor Imafidon asked what the proximity of the proposed development to Chatteris House is and asked why it was raised as a concern? David Rowen explained that from the corner of Chatteris House to the corner of the development is 7.5 metres and the professional view of the Conservation Officer is that the scale and the design of the proposed building is not sympathetic to a Grade 2 Listed Building such as Chatteris House and the Council has to pay special regard to preserving the setting of a Listed Building. He added that the site is within the Conservation Area and Bramley House is a significant building in the Conservation Area and the scale and design is not considered in the professional view of officers to be sympathetic to the heritage setting.
- Councillor Imafidon asked what Chatteris House is used for at the current time? David Rowen stated that he did not know what it is used for and added that its use was also irrelevant to its consideration of the impact on its setting of a further development.
- Councillor Marks referred to the presentation screen and the slide which showed the proposed street scene. He expressed the opinion that it is a very stark full-on photograph and made the point that Bramley House stands on the corner and you cannot actually see most of the development and he asked whether the Conservation Officer is expressing his opinion due to the impact on the street scene or because it is a modern building beside an older building. David Rowen stated that the Conservation Officer has made very detailed comments in the officer's report and the building is considered too large for its position especially in such close proximity and its form is also architecturally inconsistent with the host Bramley House and the Listed Chatteris House. He added that the Conservation Officer also states that it would appear that the proposal has been dictated to provide a certain level of floor space resulting in an oversized building which fails to pick up on the essential character of the site including the characteristic hip roofs, dormers are shown to be clad in timer shiplap which is an incongruous material and is inappropriate.
- Councillor Marks stated that when you take everything into consideration most of it will not be seen because it stands back and whilst he understands that from Chatteris House the view maybe different, he questioned whether the Conservation Officer has looked at the proposal site at an angle where there are properties around it so that it blends in rather than one of a stark drawing. David Rowen explained that the Conservation Officer will have undertaken a robust consideration of all of the submitted drawings and will have also undertaken a site visit and his comprehensive comments will be made on the basis of a thorough consideration of the scheme.

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

- Councillor Benney stated that he is a Chatteris Councillor and a resident so he is aware of the intentions of Mr Payne, with, in his view, the actions of Mr Payne should be commended and to take on a £400,000 expansion project in a business within a sector that is failing should be applauded. He stated that the criticisms that are within the officer's report are subjective and it is for the committee to make a decision. Councillor Benney expressed the opinion that the building is for a purposeful use and the extension is for a hotel where there

is a need for the expansion, and he fully supports the application. He added that the stark drawing does not give the application justice for what is going to be delivered by the time it is finished and whilst it is in a Conservation Area the extension will be to the rear and, in his view, acceptable. Councillor Benney stated that with regards to the Local Plan Policy LP16, does it make a positive contribution, in his opinion, it absolutely does, and it is a positive development. He expressed the opinion that there has been other development undertaken in the High Street with new buildings in the rear close to the church which is a Grade 1 Listed Building, and they were approved, along with Boxing Boy Mews which was built in 2006 or 2007 and originally that used to be a row of garages and the development enhances the Grade 1 setting. Councillor Benney expressed the opinion that the proposal fits in and with regards to the point made concerning insufficient parking, if the proposal site was within London, then there would be no parking. He added that as long as Mr Payne advises his customers to use the town centre car parks in order for the High Street shoppers to still be able to support the local shops and park on the High Street then, in his view, the scheme deserves the full support of the Council, and he sees nothing detrimental with the proposal at all.

- Councillor Mrs French stated that if the application was for a block of flats then the parking policy is that, as it is a town centre location, there is no requirement for any parking spaces.
- Councillor Imafidon stated that when there is a Listed Building to be taken into consideration when determining an application, it would be helpful to have the officer present at the meeting. He expressed the view that he thinks that the development should be commended as he also works in that type of industry, and he also has a site similar to the application site and is aware of the struggles that can be experienced. Councillor Imafidon added that one point that Mr Payne made which resonates with him was with regards to access issues for guests with a disability that wish to stay and if there are accessible rooms then it does attract more bookings. He expressed the opinion that the application should be fully supported, and he does not feel that a Listed Building which has been converted into flats should now have an impact on a business when Fenland is stating that it is open for business so the application should be supported, and the applicant should be commended for his investment.
- Councillor Marks stated that he agrees with the comments made and he added that when he has had conversations with other businesses in the area who are trying to find accommodation for their staff there is a lack of beds available in Chatteris. In his opinion, the proposal looks better than a Travelodge on the edge of town and the application should be supported.
- Councillor Mrs French stated that in special circumstances it states that nil parking maybe appropriate.

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

Members do not support the officer's recommendation of refusal of planning permission as they feel that a number of the reasons listed for refusal are subjective and the benefits that the application will bring to the town and to the area are beneficial and outweigh any harm.

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

(Councillor Benney declared that he knows Mr Payne but has no business dealings with him and is not pre-determined and will consider the application with an open mind)

(Councillor Marks declared, in accordance with Paragraph 14 of the Code of Conduct on Planning matters, that he is a District Councillor for the Chatteris and Manea Ward and does attend meetings of Chatteris Town Council but does not take part in planning)

(Councillor Marks declared that he knows Mr Payne but is not pre-determined and will consider the application with an open mind)

P110/23 **F/YR23/0987/O**
LAND EAST OF BRAMLEY COURT, COLDHAM
ERECT UP TO 6NO DWELLINGS (OUTLINE APPLICATION WITH ALL MATTERS RESERVED)

Danielle Brooke presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Peter Humphrey, the agent. Mr Humphrey stated that the application generated three letters of objection and 13 letters of support, with it being clear from the consultation that the application should provide the footpath link to Bramley Court along with street lighting. He added that the application seeks to mirror the adjacent built scheme at Bramley Court from which it can be seen the type of development that can be delivered, with the site being clearly adjacent to the developed footprint of the village and forms a natural infill between an existing built form and the natural tree landscaped area.

Mr Humphrey explained that it is only an outline application, and all details can be agreed at a later stage and the applicant would also be happy to provide traffic calming measures which is something he believes the residents of Coldham would like. He added that it would prove difficult for that to be achieved from any other development because it is an infill only village and the applicant has stated that they would be happy to offer that, and it would also assist with the visibility from the site.

Mr Humphrey stated that it should be noted that the site has been allocated in the emerging Local Plan and whilst it does not carry any weight at the current time, officers have reviewed the site and believe that the location, flood risk, highway, size of development, natural environment, development in the countryside and amenity provision are all accepted in the emerging plan. He expressed the view that the emerging plan can be given some consideration, and he asked the committee to support the application.

Members asked the following questions:

- Councillor Hicks asked for clarification where the traffic calming measures will be placed? Mr Humphrey stated that he is unsure, however, the comments from the local residents and the site owner appear to highlight that it has been raised. He added that there would need to be some liaison with the Highway Officers but certainly traffic calming measures would be welcomed and of benefit to the village.
- Councillor Marks stated that he appreciates that it is an indicative plan, however, he does have concerns with regards to dustcart parking and bin collections. He questioned whether the residents would have to pull their bins to the top of the road for collections to be undertaken? Mr Humphrey stated that the collection would be identical to that of Bramley Court where the refuse collection vehicle will enter the road and use the compliant turning head at the end of the road to exit.
- Councillor Marks questioned whether all parking will be off the main road? Mr Humphrey confirmed that is correct and the houses in Bramley Court are medium to large houses with ample parking and that is how he envisages these proposed six dwellings.

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

- Councillor Hicks stated that after visiting the site he has concerns about the blind corner and the speeding vehicles that use the road even though it is a 40mph limit. He added that Bramley Court is further away from the proposed site which is closer to the blind corner, and he does have concerns with regards to the access out onto the main road.

- Councillor Imafidon stated that he visited the site and officers have advised that the site is not infill, however, when driving towards Wisbech there are buildings to the right, and it is evident that people live there.
- Councillor Mrs French asked how many years ago Bramley Court was built? Danielle Brooke confirmed that it was prior to the current Local Plan.
- Councillor Connor stated that he looked at the site and it very much mirrors the Bramley Court site, and he turned round in the road.
- David Rowen stated that in terms of the site being infill, to the east of the site there is an isolated dwelling which is in the midst of a historic orchard or paddock and there is no continuous form of development where you could say that the proposal site constitutes infill. He explained that Policy LP3 relates to the settlement hierarchy and Coldham is identified as an 'other' village which would normally be restricted to a single dwelling infill site and the application is not for a single dwelling. David Rowen explained that the Highway Authority have submitted an objection with regards to inadequate visibility splays and also inadequate space to get the necessary footway in.

It was proposed by Councillor Hicks to refuse the application, but no seconder was forthcoming.

Councillor Mrs French stated that she would propose for the application to be approved, however, she referred to the comment made by the agent Mr Humphrey with regards to the application complying with the emerging Local Plan but she is aware that cannot be taken into consideration at this time. She made the point that officers and agents spend time and effort with applications, and she expressed the view that she would be inclined to give the emerging Local Plan some weight when determining this application rather than wait another 18 months.

David Rowen stated that he would seriously advise the committee not to give weight to the emerging Local Plan at this point in time, given the very unadvanced state of the plan and also with regards to the legal status of that. He added that there have been numerous other applications which have been before the committee and no weight has been given to the emerging Local Plan and, therefore, he strongly advised the committee to take his advice into consideration.

Councillor Mrs French stated that she would withdraw her proposal.

Councillor Connor stated that the committee have to be consistent and have not given weight to the emerging Local Plan before and should not do so until the plan is adopted.

Councillor Marks made the point that he has major concerns with regards to the traffic issues.

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

**P111/23 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)**

Danielle Brooke presented the report to members.

Members received a written representation from Debbie Fryett, an objector, which was read out by Member Services. Ms Fryett referred to her comments placed on the public access platform on 12 December 2023 stating that she has been a resident of Mill Road for nearly 30 years and the road is still in a bad state of repair, the flooding issues reported to highways over the last 15 months have still not been addressed, the footpaths cease at the end of the houses that were completed around 25 years ago, so there has really not been much progress with the existing issues that the

residents of Mill Road already have. She agrees that everybody is entitled to an opinion but would ask that the Planning Committee consider the opinions of the local residents that it directly effects.

Ms Fryett expressed the view that after these 3 plots there is a substantial area of land that would be in line for planning if this application was successful and she would ask that the committee would consider the recommendation that paths and possibly passing paces were installed before any building commences.

Members received a presentation, in accordance with the public participation procedure, from Alexandra Patrick, the agent and Luke Patrick, the applicant. Mrs Patrick explained that the application is before the committee with support from local residents and whilst she acknowledged that there is some opposition to the development the reasons for their objections are mainly due to road safety. She added that there is a path in motion of being extended in an easterly direction and the Head of Planning is aware of this, which will aid the road safety concerns that the residents of Murrow have, with the path being currently in its final stages of being approved for the extension.

Mrs Patrick made the point that the Highways Authority and the Environment Agency have no objection to the proposal, however, if members would like to see a further extension to the path then a condition would be accepted. She explained that a sequential test has been undertaken in Murrow and it is felt that the proposal is not classed as an elsewhere development as it abuts the development boundary and is opposite residential development and, therefore, it is a natural extension and is a house type that is suitable for all and is not a large house type which has become typical in Murrow in recent times.

Mrs Patrick explained that at the current time the land is scrub land, it is not a commercially farmed field and, in her view, over the years members have seen developments such as the proposal before them come forward, such as Gull Road in Guyhirn, which is not seen as the main settlement and the committee made the correct decision as it is a flourishing location to live in. She expressed the view that Murrow is now a popular location to live due to members who know the area and understand how the villagers try to stay in their local area rather than move to a larger town and the proposal is not for large executive homes and follows those dwellings which have formed part of the recent development in Guyhirn and Gorefield where the smaller dwellings have been proposed in order to provide homes for those wishing to start out and downsize accordingly.

Mrs Patrick made the point that the application is similar to a development on the outskirts of Gorefield which has the same parameters as the current proposal, and she asked the committee to approve the application.

Mr Patrick stated that his family has lived in the village for four generations and have the villages best interest at heart including that of the future generations. He explained that he is the Chairman of the Murrow Village Hall and playing field committee and he is striving to keep them open and up to date.

Mr Patrick explained that he is not a massive developer, and it is his wish for the village to benefit from his success, adding that in past projects his family have donated funds to Murrow Pre School and Primary School, and he would like to donate again should the application be approved. He explained that local trades people are used to undertake the required works and the application is not for six bedroomed three storey dwellings but is for three chalet bungalows which will be ideal for younger buyers or for older people who are looking to downsize and remain in the village.

Members asked the following questions:

- Councillor Marks asked whether there were any flooding issues along that road? Mrs Patrick stated that to the best of her knowledge there has been no instances of flooding along that road and she explained that she has checked with the Environment Agency with regards to surface water and in that location there have been no warnings raised.

- Councillor Imafidon asked for further details with regards to the footpath improvements which had been referred to. Mrs Patrick explained that from 37 Mill Road back towards the village approval was given to the introduction of a path and that application process for the path is now underway with the provision of quotes for the work to be undertaken now currently taking place. She added that should the application be approved then the pathway could be extended further.
- Councillor Connor asked whether there is any street lighting along that stretch? Mrs Patrick responded that to the best of her knowledge there is no street lighting in place but that is typical of Murrow as they are few and far between.
- Councillor Mrs French asked whether the footpath is being implemented under a Local Highway Improvement Scheme or is it something that is being undertaken independently? Mr Patrick explained that it is the Highway Authority who are going to take it on afterwards but clarified that he is paying for the footpath works himself.

David Rowen stated that the application is for planning in principle and, therefore, there are no details submitted with regards to the nature of the housing and there is no opportunity to impose conditions or to secure footpath links as part of the proposal and members are determining whether the principle of residential development on this site is acceptable or not.

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

- Councillor Marks asked officers to confirm whether the adjacent properties are in Flood Zone 3? David Rowen confirmed that they are in Flood Zone 3 and a large part of Murrow is also in that flood zone.
- Councillor Marks stated that the application is not infill and the newer properties along there are in Flood Zone 3 and, in his opinion, it comes down to interpretation about whether this will open up further, however, it is a field that is not regularly used and it may be better to make use of this piece of land than elsewhere.
- Councillor Benney stated that he has no problem with the principle of development, but he is concerned with the flood zone. He added that it could be considered as infill, and he questioned how the modern houses at 33, 35 and 37 got built. Councillor Benney expressed the view that this is why the point of a sequential test causes issues as it blocks development and, in his view, the principle of development is sound, but the issue of the sequential test does need to be considered.
- Councillor Marks stated that in Wisbech where the majority of it is in Flood Zone 3 you can build virtually anywhere. He added that the properties beside the proposal site do appear to be modern and at some point, either members of a Planning Committee or officers, have decided that it was ok to build in that flood zone.
- Councillor Hicks asked whether the properties adjacent to the proposal site came to the Planning Committee? David Rowen stated that the original planning permission for the four properties that sit at the side of the site to east date back to 2011 and would have been considered under a different Local Plan but he was not aware whether it was a committee or delegated decision.
- Councillor Benney asked how many other sites in Murrow are causing a block to the development? He added that that the flood zone map appears to show that the majority of Murrow is in Flood Zone 3 and is very similar to that of Benwick and Turves. Councillor Benney expressed the view that you cannot kill a village by not building there and all villages need development to keep them sustainable. He questioned where the other sites in Murrow that were available are located. David Rowen referred the committee to the Inhams Close application which had been determined last month and he made the point that was for two dwellings which the committee granted and in relation to the sequential test which the committee considered in relation to that application there were another seven properties that were sequentially preferable.
- Councillor Imafidon stated that Wisbech St Mary Parish Council comments state that if officers are minded to approve the planning in principle application then the Parish Council recommends that a footpath is installed prior to commencement of development. He added

that they also raise concerns regarding drainage and flooding. Councillor Imafidon made the point that the applicant has stated that they are implementing a footpath at their own expense and he does not see any reason to refuse the application.

- Councillor Connor stated that members need to consider whether the piece of land is acceptable for the development or not.
- Councillor Hicks stated that if the planning in principle application is approved all other matters can be considered at the next stage in the planning process.
- Councillor Benney questioned how can the fact that the application site is in Flood Zone 3 be overcome. He added that the land can be suitable to be built on as it is a progression of how the village will grow. Councillor Benney added that until those other houses are built out it will not pass the sequential test.
- Councillor Marks stated that could mitigation be put in place such as living upstairs as South Holland are all in Flood Zone 3 and they seem to make it work.
- David Rowen explained that the Government is clear in its approach to flood risk in that any new development should be steered away from areas of flood risk or to areas of the lowest flood risk and mitigation on site does not overcome that locational factor. He added that the application site is in Flood Zone 3 and the sequential test is deemed to be failed given that there are other sites in Murrow that are sequentially preferable. David Rowen added that the development is not envisaged for Murrow given that the settlement hierarchy and that it is expansion out into the countryside rather than infill. He expressed the opinion that there is no possibility that this proposal could be considered as an infill site given that the nearest building to the west of the development is several hundred yards away and therefore it fails on a number of grounds.

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

**P112/23 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)**

Danielle Brooke presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Ian Gowler, the agent and Calum Hamilton, the applicant. Mr Gowler stated that there are no technical objections to the proposal, and he is pleased to see that the officer recommendation is for one of approval. He explained that the site was part of a larger site of 13 houses although only nine of those were actually located on the site which was approved but the permission has now expired.

Mr Gowler stated that the first objection raised by the Parish Council refers to the development being against the character of the open countryside but, in his opinion, the proposed residential development will actually enhance the appearance as you approach that end of Doddington. He explained that the second point of objection raised by the Parish Council is that the access would be unsafe, and he explained that there is currently an access to that part of the site already and as part of his proposed design there have been visibility splays incorporated as required by Highways.

Mr Hamilton stated that he has lived in Doddington for 40 years and it was always his aim to purchase the house should it ever come up for sale, adding that the residents from the property next door were sellers of produce and as they grew older, he also looked after their back garden to provide them with assistance. He explained that after one of his neighbours passed away, which was after the planning application for 13 dwellings had been submitted, his other neighbour found she was no longer able to cope and moved into a smaller dwelling.

Mr Hamilton explained that a developer had agreed to purchase the whole site including the

neighbour's property but in June 2023, the developer decided to withdraw the reserved matters application and that is when he discovered that the planning application had expired. He explained that he is now struggling to maintain the property in a way in which he would like to and has decided that if three dwellings were located at the front then he would be able to manage the rest of the land, with his wish to stay there and to enhance the entrance into the village.

Members asked the following questions:

- Councillor Marks asked what was the viewpoint from the Parish Council when the proposal was for 13 dwellings? Mr Hamilton confirmed that they were in support.

Members asked officers the following questions.

- Councillor Mrs French asked for clarity that the Parish Council supported 13 dwellings but do not support 3. Officers confirmed this to be the case.

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

- Councillor Hicks stated that he cannot see anything wrong with the proposal and he agrees with the officer's recommendation, and it should be approved.
- Councillor Benney expressed the opinion that the officer's recommendation is correct.
- Councillor Imafidon stated that this is a straightforward application and should be approved by the committee.

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

(Councillor Connor declared that he is the District Councillor for Doddington and Wimblington and attends Doddington Parish Council meetings but takes no part in planning)

(Councillor Benney declared that he is friends with the agent's brother but is not pre-determined and will consider the application with an open mind)

(Councillor Connor declared that he knows the agent from when he was a member of Doddington Parish Council but does not socialise with him and will consider the application with an open mind)

(Councillor Marks declared that he knows the agent's brother but is not pre-determined and will consider the application with an open mind)

7.06 pm

Chairman

F/YR23/0555/O

Applicant: Mr R Humphrey

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

Land North Of Longways 1, Back Road, Murrow, Cambridgeshire

Erect 1 dwelling (outline with all matters reserved)

Officer recommendation: Refuse

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

Government Planning Guarantee

Statutory Target Date For Determination: 17 August 2023

EOT in Place: Yes

EOT Expiry: 9 April 2024

Application Fee: £0

Risk Statement:

This application must be determined by 09/04/24 otherwise it will be out of time and therefore negatively affect the performance figures.

1 EXECUTIVE SUMMARY

- | |
|--|
| <p>1.1 A nearly identical application has been previously refused. The difference between that proposal and this proposal is a second access directly off of Murrow Bank.</p> <p>1.2 This application seeks outline planning permission for the erection of one dwelling on land to the rear of 1 Back Road. The application is made with all matters reserved for later approval, and consequently the only issue for consideration at this time is whether the principle of development is acceptable in this location.</p> <p>1.3 A new dwelling on the site would be classed as back land development and would be considered out of keeping with the character of the area. The development is therefore considered to be contrary to Policy LP16 of the Fenland Local Plan 2014 and the aims and objectives of the National Planning Policy Framework 2021.</p> <p>1.4 Therefore, the recommendation is for refusal.</p> |
|--|

2 SITE DESCRIPTION

- 2.1** The site is currently accessed along a dirt track to the side (west) of Longways No 1 Back Road. The site would be located to the rear (North) of Longways No 1 Back Road which lies on the edge of the built framework of Murrow. The site is currently

housing domestic use polytunnels. The site is separated from the agricultural land to the north by a linear drain stretching the northern boundary of the site, and to the south and east are detached bungalows. To the west of the site is Murrow Bank the B1187.

2.2 The site lies within Flood Zone 3 (High Risk) and within the Flood Warning Area.

2.3 The site lies within a great crested Newt Green Zone.

3 PROPOSAL

3.1 The application seeks outline planning permission for the erection of a single dwelling. The application is made with all matters reserved.

3.2 The indicative plans submitted show a 1.5 storey dwelling with detached garage and parking and turning for 2 cars to the front. It also shows private garden space to the rear enclosed by 1.8m high close boarded fencing.

3.3 The main vehicular Access is shown to be off Murrow Bank down the steep bank with non-vehicular access shown from Back Road. The access from Murrow Bank would be ramped in line with gradients as follows:

- 5.0.wide access to LHA specification (metalled surface) and gradient not exceed 1 in 12 for minimum of 5.0m from the carriageway.

Leading to:

- Turning area – at +2.8m AOD
- Field access ramp – Gradient not to exceed 1 in 12
- Residential access – Gradient not to exceed 1 in 12

3.4 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

Application	Description	Decision	Date
F/YR22/0948/O	Erect 1 dwelling (outline with all matters reserved)	Refuse	16 Dec 2022

5 CONSULTATIONS

5.1 Parson Drove Parish Council

It was proposed for refusal for the access issues, drainage issues, the upkeep concerns of the drain, flood risk issues and to limit urban sprawl.

5.2 North Level Internal Drainage Board

I refer to the Boards previous comments with regard to this application, the contents of which still apply.

(North Level Internal Drainage Board comments received for application F/YR22/0948/O)

I have concerns with regard to the following points:-

- 1. The Boards Murrow Main Drain forms the northern boundary to the site and access to the Boards heavy plant machinery is required along the proposed driveway to the new property on an annual basis. Please see the attached plan with the access route highlighted in green. The proposed new driveway to the property must not cause problems in the future with regard to the Boards access.*
- 2. The bank to the rear of the property is owned by the Board and is currently rented to a tenant who also requires access along the proposed driveway to the new property.*
- 3. Whilst the plans show a clear 9 metre corridor along this drain, I must stipulate that this corridor remains clear at all times and the Boards byelaws apply to this easement.*
- 4. At the present time surface water is to be discharged via soakaway. Should any changes occur with regard to surface water disposal, the Boards consent may be required.)*

5.3 Cambridgeshire County Council Highways (15/08/23)

I note that this is an outline application with all matters reserved.

While I have no objections in principle to this development, insufficient information has been submitted to demonstrate that it would be feasible to construct an access that would have an acceptable impact on highway safety.

The applicant should be invited to demonstrate that suitable visibility splays (2.4m by 120m for a 40mph road) can be achieved at the junction, fully within the highway and/or land within the applicant's control. From the information I have available to me, it is unclear whether the verge on either side of the junction forms part of the public highway and it is therefore recommended that the applicant contact the County Councils Asset Information Highways Searches Team for confirmation of the highway extents, and that this be included on plan along with the visibility splays requested above.

The access width appears disproportionate to and inappropriate for a single residential dwelling. It is noted that the plans are titled 'propose dwelling and stables, with plan 6586/PL02 detailing 'Paddock to go with potential development'; however the application makes no further reference in this regard with the paddock area shown not included in the red line boundary. The applicant should be invited to clarify the use of this access and either amend the application to include appropriate arrangements for the paddocks/stabling, or to amend the access arrangements accordingly to suit the modest development as currently proposed.

There appears to be a significant level difference between the existing ground level and the adjacent road. While it appears likely that this could be accommodated within the length of driveway shown, the applicant should be advised that the gradient must not exceed 1 in 12 for a minimum distance of 5 metres from the edge of the existing carriageway.

In principle the internal arrangements appear broadly acceptable, however for any future Reserved Matters application the applicant would be expected to comprehensively dimension plans including access widths, parking and turning areas to enable this to be fully considered.

Please let me know if the applicant is unwilling or unable to provide the additional information/amendment outlined above, so that I can consider making further

recommendations, possibly of refusal.

5.4 Cambridgeshire County Council Highways Authority (14/11/23)

On the basis of the information submitted, I continue to be concerned that suitable visibility can be achieved from this site and would recommend that amended drawings be requested of the applicant prior to determination of this application.

5.5 Cambridgeshire County Council Highway Authority (18/12/23)

5.6 Cambridgeshire County Council Highway Authority (04/03/24)

Based on the revised information, I have no objection to the proposed development.

On the presumption that that the retained agricultural land will be used for light agriculture / paddock use, access layout / gradients as shown on the drawing 6586/PL02D is acceptable.

However, it's unclear if the access track can be constructed without earthwork encroachment into the North Level Internal Drainage Board ownership. This does not impede upon highway safety so I do not object.

Please append the following Conditions and Informative to any permission granted:

Condition

Visibility Splays: Prior to commencement of the use of the development hereby approved, visibility splays shall be provided on both sides of the new vehicular access and shall be maintained free from any obstruction over a height of 600 mm within an area of 2.4 metres x 2125 metres measured along respectively the edge of the carriageway.

5.7 Environment Agency

Thank you for your consultation dated 12 July 2023. We have reviewed the documents as submitted and have no objection to the proposed development. We have provided further details below.

Flood Risk

The proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if the following mitigations measures are followed as outlined within the submitted flood risk assessment (ref ECL0797b/PETER HUMPHREY ASSOCIATES, compiled by Ellingham Consultants Ltd, dated June 2023).

o Finished floor levels shall be set no lower than 0.3 metres above Ordnance Datum (AOD) with 0.3m flood resilient construction above the 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.

5.8 Environment & Health Services (FDC)

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

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

UNSUSPECTED CONTAMINATION

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

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.

Local Residents/Interested Parties

Objectors

Four letters of objection received from residents of Back Road Murrow. Objections regarding:

- Against Neighbourhood plan
- Access/Highways safety
- Location/Backland development
- FZ3/ Inappropriate assessment
- Damage/ Weakening of Murrow Bank

Supporters

Seven letters of support received. Six letters received from residents of Murrow (4 from residents of Seadyke Bank, 1 from a resident of Back Road and 1 from a resident of Front Road) and one letter from a resident of Parson Drove (Main Road). Letters of support mention:

- Good location
- Sustainable Location
- Positive impact on local business

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)

Paragraph 2 Application to be determined in accordance with the development plan unless material considerations indicate otherwise

Paragraph 11 Sustainable development

Paragraph 131 Achieving well-designed places

Paragraph 165 Development should be directed away from areas at highest risk of flooding.

Paragraphs 180 Conserving and enhancing the natural environment

National Planning Practice Guidance (NPPG)

Determining a Planning Application

National Design Guide 2021

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

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

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

Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

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:

- Policy LP1 – Settlement Hierarchy
- Policy LP2 – Spatial Strategy
- Policy LP5 – Health and Wellbeing
- Policy LP7 – Design
- Policy LP8 – Amenity Provision
- Policy LP13 – Custom and Self Build
- Policy LP20 – Accessibility and Transport
- Policy LP22 – Parking Provision
- Policy LP24 – Natural Environment
- Policy LP25 – Biodiversity Net Gain
- Policy LP28 – Landscape
- Policy LP32 – Flood and Water Management
- Policy LP33 – Development on Land Affected by Contamination

Parson Drove Neighbourhood Plan 2020

Policy 1 – Housing Growth

Policy 2 – Scale of Housing Development

Policy 3 – Affordable Housing

Policy 4 - Maintaining Separation Between Parson Drove and Church End

Policy 5 – Road and Pedestrian Safety

8 KEY ISSUES

- Principle of Development
- Character
- Residential Amenity
- Highways and Access
- Flood Risk

9 BACKGROUND

9.1 The previous outline application, for permission for a single dwelling on site was refused for the following reasons:

1. *The proposal is considered unacceptable as the development would fail to be of a scale and in a location that would be in keeping with the core shape and form of the settlement along this section of Back Road, contrary to Policy LP12 of the Fenland Local Plan (adopted 2014). Furthermore, the development would fail to make a positive contribution to the local distinctiveness and character of the area, fail to enhance its local setting, fail to respond or improve the character of the local built environment, fail to reinforce local identity and would adversely impact upon the streetscene contrary to Policy LP16 of the of the Fenland Local Plan (adopted 2014).*
2. *The proposal is considered unacceptable as the submitted drawings clearly indicate the access point to the site from Back Road at its junction with Murrow Bank is unsafe and the Local Highway Authority has recommended refusal based on an unsafe access/exit point. Therefore, there is no safe access to the site identified and the proposal is considered contrary to Policy LP15 of the Fenland Local Plan 2014.*
3. *The site is located within flood zone 3 and a flood warning area and must therefore demonstrate by means of a sequential test that there are no reasonably available sites in areas of lower flood risk that can accommodate the development. The sequential test that accompanies the application fails to demonstrate that there are no such sites available by virtue of existing reserved matters permission for 4 plots, and as such the proposal is contrary to policy LP14 of the Fenland Local Plan and the requirements of section 14 of the National Planning Policy Framework.*

During the consideration of this proposal highways safety and access concerns were discussed with the Highway Authority and revisions made to the proposals.

10 ASSESSMENT

Principle of Development

- 10.1 This outline application seeks the principle of residential development for a single dwelling at this location with all detailed matters reserved.
- 10.2 Policy 2 of the parson Drove Neighbourhood plan states that development should be supported as long as it is supported by the Parish Council. Parson Drove Parish Council recommend refusal of the application for multiple reasons as set out above.

- 10.3 The Fenland Local Plan Policy LP3 defines a settlement hierarchy for the district and seeks to steer development to the most sustainable locations. The settlement hierarchy specifies that the majority of new housing should take place in the four market towns. Murrow is a small Village, one of nine such settlements in the fourth level of the hierarchy where policy LP3 states that “In these settlements, development will be considered on its merits but will normally be of a very limited nature and normally be limited in scale to residential infilling or a small business opportunity”.
- 10.4 On the basis of the above, and due to its location to the rear of Longways No 1 Back Road, the principle of the construction of a single new dwelling within this location in Murrow is considered to be contrary to policy LP3 of the Fenland Local Plan 2014 as the site is not infill development and does not represent a small business opportunity.

Character

- 10.5 The dwelling is indicated as being 1.5 storey and to the rear of Longways, indicating back land development. Dwellings fronting Back Road are bungalows meaning that the indicated dwelling at this position and height within the site would appear to be back land development, be incongruous and out of character with local area. Accordingly, the development would fail to be of a scale and in a location that would be in keeping with the core shape and form of the settlement along this section of Back Road contrary to Policy LP12 of the Fenland Local Plan (adopted 2014).
- 10.6 The proposed engineering works and creation of the access from Murrow Bank are considered to harm the visual amenity of the rural location owing to the raising of the land from the site to Murrow Bank. This raised access would be visually prominent and incongruous in the rural location which is characterised mainly by the raised land at Murrow Bank and lower land to the east and would appear as an alien feature in the landscape.
- 10.7 Furthermore, the development would fail to make a positive contribution to the local distinctiveness and character of the area, fail to enhance its local setting, fail to respond or improve the character of the local built environment, fail to reinforce local identity contrary to Policy LP16 of the of the Fenland Local Plan (adopted 2014).

Highways and Access

- 10.8 Policy LP15 states that development proposals should demonstrate that they provide well designed, safe and convenient access for all and car and cycle parking appropriate to the amount of development proposed, ensuring that all new development meets the Councils defined parking standards as set out in Appendix A. The application is for outline permission only so it is necessary to assess whether it would be possible for safe access to be constructed to the site.
- 10.9 There is an existing track to the site for agricultural vehicles from Back Road. An application for a dwelling on the site was previously refused. One reason for the previous refusal was the Junction between the track, Back Road and Murrow Bank being considered unsafe and the consultation response from the Local Highway Authority recommending refusal based on the unsafe access/exit point.
- 10.10 Drawing 6586/PL02 Rev D states that the existing track from Back Road will not be used for vehicular access to the site. However, it does not propose to close off

this access point. Therefore, it is considered that the track could still be used to access the site should a dwelling be permitted, and the previously raised concerns remain. However, it could be conditioned for this access not to be used by the vehicles accessing the application site.

- 10.11 Drawing 6586/PL02 Rev D shows a new access proposed off Murrow Bank. The revised drawing states the (decline/incline) gradients that are considered acceptable by the Highway Authority. The Highway Authority have no remaining objection. It is however unclear at this point whether the IDB exclusion zone can be maintained whilst achieving the necessary access gradients. This would need to be confirmed and conditioned at Reserved Matters Stage.
- 10.12 Therefore, the proposal is acceptable in terms of highways safety under policy LP15 of the Fenland Local Plan 2014.

Flood Risk

- 10.13 The site is located within Flood Zone 3 and within the Flood Warning Area. To the north of the site, running parallel with the northern boundary of the site is an IDB drain. Policy LP14 of the Fenland Local Plan 2014 and paragraph 161 of the National Planning Policy Framework state that all development should adopt a sequential approach to flood risk from all forms of flooding. Development in areas known to be at risk of flooding will only be permitted following the successful completion of a sequential test and exception test as necessary.
- 10.14 The submitted Flood Risk Assessment sets out within the sequential test the approved planning applications in Murrow as of the date of the FRA being completed and states whether the development has either been completed or is under construction. This has been compared to Fenland District Council records. The detail submitted is unfortunately now out of date and applications have been granted since the submission, on land considered at lower risk of flooding than the application site. Therefore, the sequential test is not passed.
- 10.15 The Flood Risk Assessment has been accepted by the Environment Agency who have no objection subject to the flood mitigation measures as set out in the Flood Risk Assessment being implemented.
- 10.16 Owing to the above the proposal is considered contrary to policy LP14 of the Fenland Local Plan 2014.

11 CONCLUSIONS

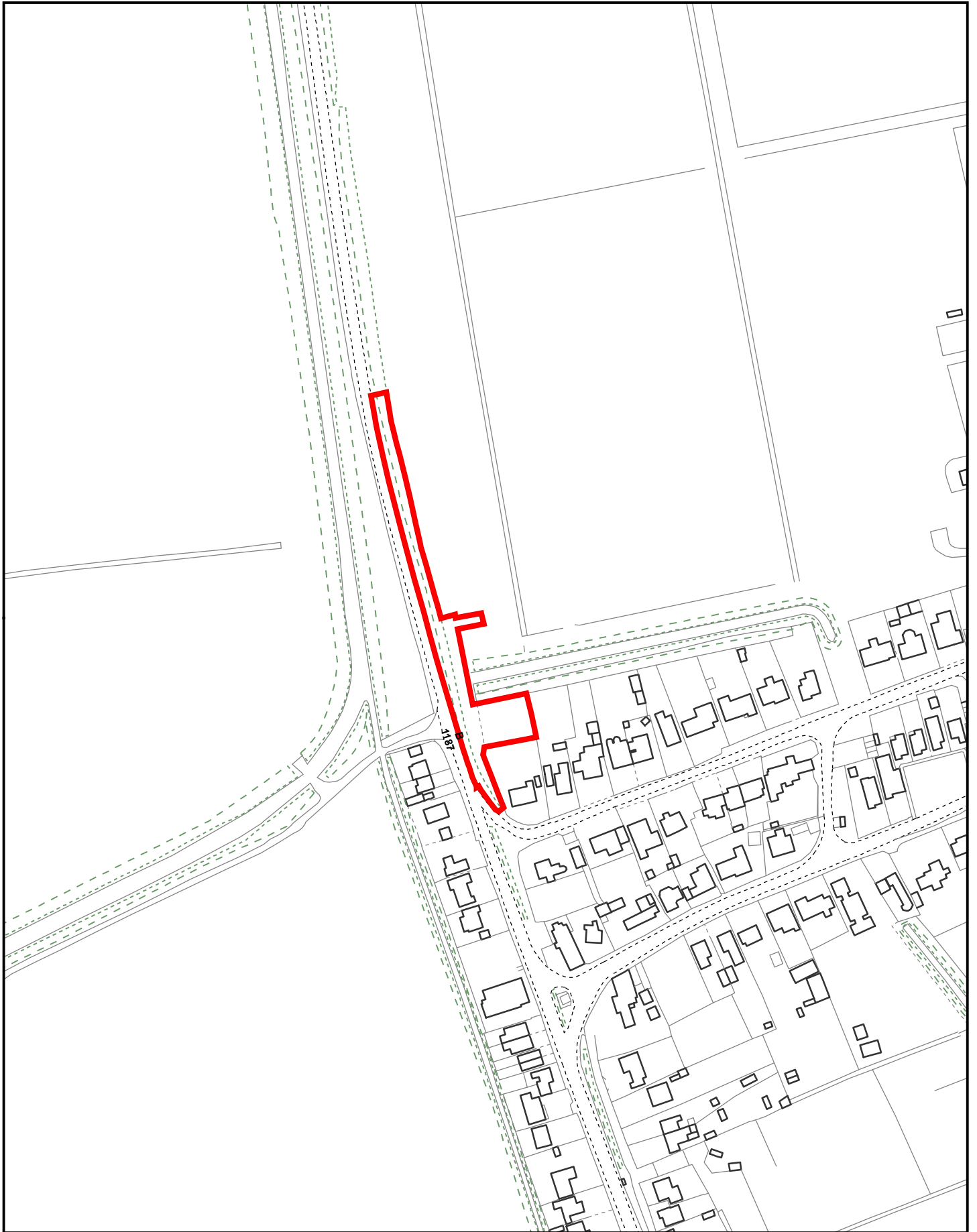
- 11.1 The proposal is considered unacceptable as the development would fail to be of a scale and in a location that would be in keeping with the core shape and form of the settlement along this section of Murrow Bank, contrary to Policy LP12 of the Fenland Local Plan (adopted 2014). Furthermore, the development would fail to make a positive contribution to the local distinctiveness and character of the area, fail to enhance its local setting, fail to respond or improve the character of the local built environment, fail to reinforce local identity and would adversely impact upon the streetscene contrary to Policy LP16 of the of the Fenland Local Plan (adopted 2014).
- 11.2 The site is located within flood zone 3 and a flood warning area and must therefore demonstrate by means of a sequential test that there are no reasonably available sites in areas of lower flood risk that can accommodate the development. The

sequential test that accompanies the application fails to demonstrate that there are no such sites available and as such the proposal is contrary to policy LP14 of the Fenland Local Plan and the requirements of section 14 of the National Planning Policy Framework.

12 RECOMMENDATION

Refuse; for the following reasons:

1	The proposal is considered unacceptable as the development would fail to be of a scale and in a location that would be in keeping with the core shape and form of the settlement along this section of Back Road, contrary to Policy LP12 of the Fenland Local Plan (adopted 2014). Furthermore, the development would fail to make a positive contribution to the local distinctiveness and character of the area, fail to enhance its local setting, fail to respond or improve the character of the local built environment, fail to reinforce local identity and would adversely impact upon the streetscene contrary to Policy LP16 of the of the Fenland Local Plan (adopted 2014).
2	The site is located within flood zone 3 and a flood warning area and must therefore demonstrate by means of a sequential test that there are no reasonably available sites in areas of lower flood risk that can accommodate the development. The sequential test that accompanies the application fails to demonstrate that there are no such sites and as such the proposal is contrary to policy LP14 of the Fenland Local Plan and the requirements of section 14 of the National Planning Policy Framework.



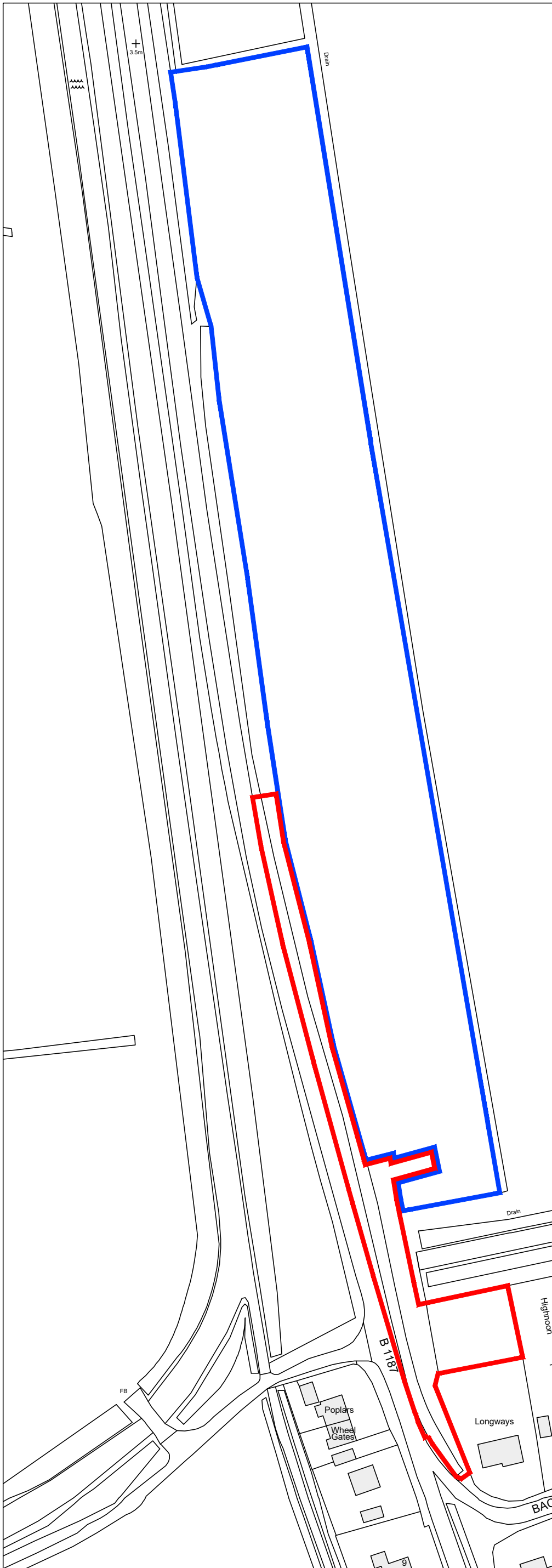
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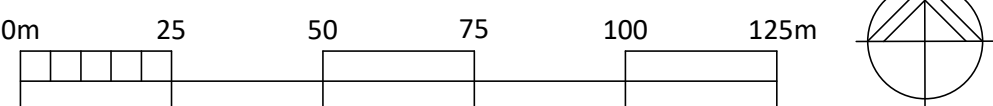
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LOCATION PLAN 1:1250



LOCATION PLAN KEY	
—	Planning Application Area
—	Area of Applicant Interest/Control

E - 19.02.24 - Amendments to plan following LPA comments.
 D - 02.01.24 - Amendments to plan following client comments.
 C - 02.01.24 - Amendments to plan following client comments.
 REVISIONS



PETER HUMPHREY ASSOCIATES

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CLIENT
 MR R HUMPHREY

PROJECT
 PROPOSED DWELLING

SITE
 LAND NORTH OF LONGWAYS
 MURROW BANK
 MURROW
 CAMBS
 PE13 4JW

DRAWING
 LOCATION PLAN

JOB NO.	PAPER SIZE	DATE
6586/L01E	A3	JUNE 2023

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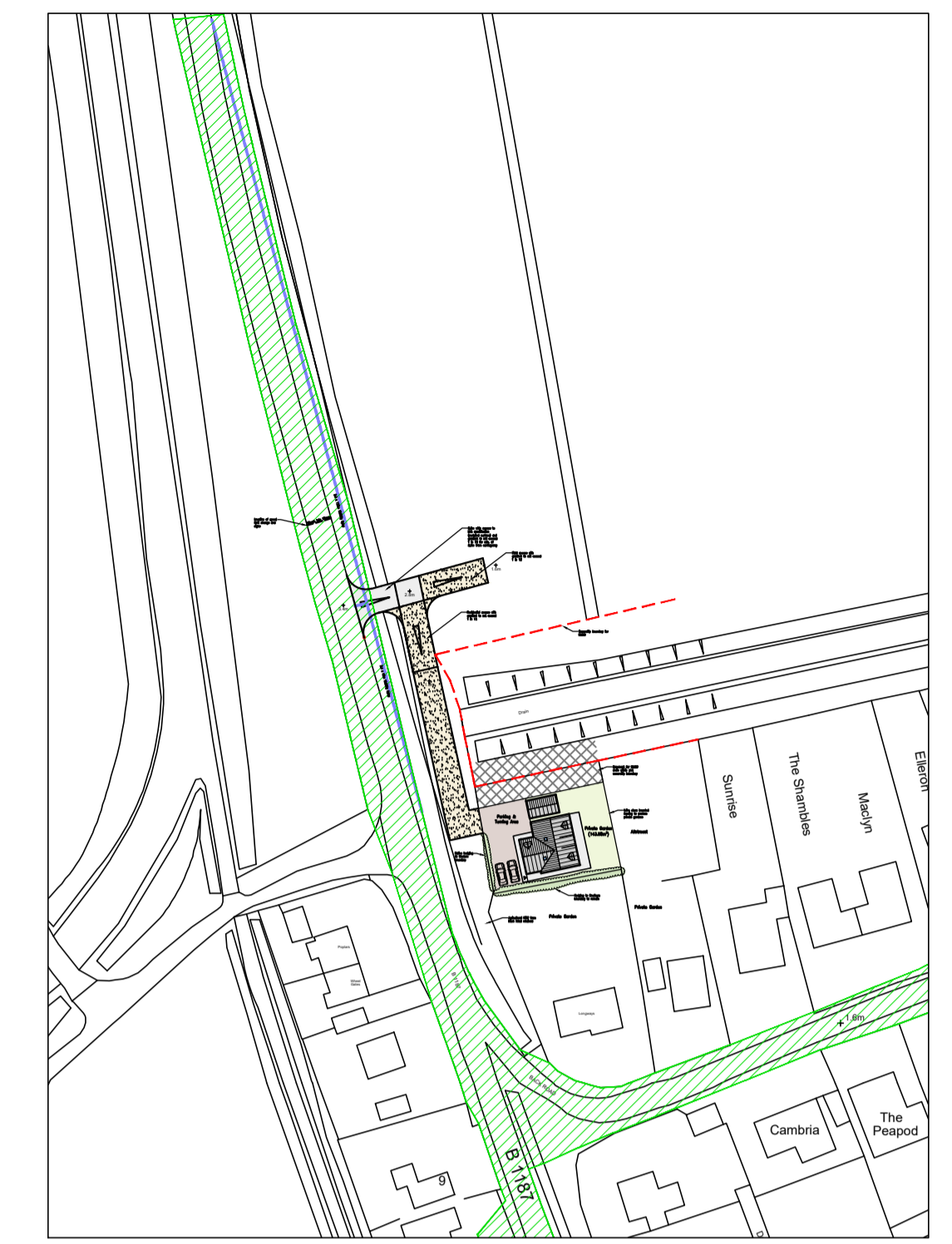
The Construction (Design and Management) Regulations 2015:
 Peter Humphrey Associates' form of appointment with the client confirms whether the agent is appointed as 'Designer' or 'Principal Designer' under these regulations. Nevertheless, the design phase has been carried out with due consideration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



EXISTING SITE PLAN 1:200



INDICATIVE SITE PLAN 1:200



VISIBILITY PLAN 1:1250

SITE PLAN KEY

- Access to CCC Specification
- Permeable Hard Surface
- Gravel Surface
- Paving (Indicative)
- Lawned Grass (Seeded or Turf)
- ▼ 1.8m Gate
- ⊗ 9.0m IDB Maintenance Strip
- ⊘ Highway Boundary
- - - 2.4m x 120m (North) & 43m (South) Visibility Splay

0 - 18.02.24 - Amendments to plan following highway comments.
 1 - 19.01.24 - Amendments to plan following client comments.
 8 - 21.12.23 - Amendments following meeting with client.
 REVISIONS



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CLIENT
 MR R HUMPHREY

PROJECT
 PROPOSED DWELLING

SITE
 LAND NORTH OF LONGWAYS

MURROW BANK

MURROW

CAMBS

PE13 4JW

DRAWING
 PLANNING DRAWING 2

JOB NO. 6586/PL02D PAPER SIZE A1 DATE JUNE 2023

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F/YR23/0753/F

Applicant: Mr R King

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

Land North Of 6, School Lane, Manea, Cambridgeshire

Conversion of barn to form 1 x dwelling (2-storey, 2-bed)

Officer recommendation: Grant

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

Government Planning Guarantee

Statutory Target Date For Determination: 8 November 2023

EOT in Place: Yes

EOT Expiry: 10 April 2024

Application Fee: £462

Risk Statement:

This application must be determined by 10/04/2024 otherwise it will be out of time and therefore negatively affect the performance figures.

1 EXECUTIVE SUMMARY

- | |
|---|
| <p>1.1 This application seeks full planning permission for the conversion of a barn to 1 x dwelling (2-storey, 2-bed).</p> <p>1.2 The conversion would include external alterations in the form of new fenestration, two parking spaces and turning space are proposed to serve the new dwelling with an area of private amenity space bounded by a 1.8m timber panel fence. Access to the site would be gained off School Lane via an existing lane which runs between number 6 and 8 School Lane.</p> <p>1.3 The conversion of the existing barn to 1 dwelling is not considered to introduce any significant impacts upon the character of the surrounding area or surrounding residential amenity by way of overlooking, overbearing or overshadowing. The proposal will utilise an existing access and parking is considered sufficient. No further policy issues were raised with regard to ecology or flood risk at the site. As such, the scheme is considered to be compliant with the relevant policies of the Fenland Local Plan 2014.</p> <p>1.4 As such, this application is recommended for approval.</p> |
|---|

2 SITE DESCRIPTION

- 2.1 The application site is located to the north (rear) of no. 8 School Lane, Manea. The site is located on the northern side of School Lane, approximately 135m west of the School Lane/Station Road junction and within the established built-up settlement. The area is residential in character, with linear development along the School Lane frontage and newer, more comprehensive, development to the north within Hutchinson Close and Scholars Close.
- 2.2 The site currently forms the extended garden land serving the host dwelling at 8 School Lane. It is largely laid to grass and there are various pockets of landscaping and small outbuildings associated with the domestic use of 8 School Lane. The barn is situated to the immediate rear of 6 School Lane.
- 2.3 The site is positioned within Flood Zone 1 of the Environment Agency Flood Maps for Planning.

3 PROPOSAL

- 3.1 This application seeks to convert the existing barn to 1 dwelling (2-storey, 2-bed).
- 3.2 The application as originally submitted included an external staircase. This was considered to introduce adverse overlooking impacts to neighbouring properties and has since been removed. Also, the application as originally submitted included a limited area of private amenity space. The red line boundary of the site has been amended to include a greater area of private amenity space.
- 3.3 The conversion would include external alterations in the form of new fenestration, two parking spaces and turning space are proposed to serve the new dwelling with an area of private amenity space bounded by a 1.8m timber panel fence.
- 3.4 Access to the site would be gained off School Lane between numbers 6 and 8. A passing bay has been provided to the front of number 8.
- 3.5 Full plans and associated documents for this application can be found at: [F/YR23/0753/F | Conversion of barn to form 1 x dwelling \(2-storey, 2-bed\) | Land North Of 6 School Lane Manea Cambridgeshire \(fenland.gov.uk\)](https://fenland.gov.uk/land-use-planning/development-planning/development-planning-portal/F/YR23/0753/F)

4 SITE PLANNING HISTORY

Reference	Description	Decision
F/YR22/0838/F	Erect 2 x dwellings (single-storey 3-bed), conversion of existing barn to 1 x dwelling (2-storey 3-bed) and erect a garage (for 8 School Lane)	Refused 02/05/2023

5 CONSULTATIONS

5.1 Manea Parish Council

No objection

5.2 CCC Highways

I have reviewed the submission and no objection to the proposals. The conversion from a single barn to a single dwelling is unlikely to materially impact upon the operation of the public highway and in any case, the applicant has included reasonable means of mitigation.

5.3 CCC Ecology

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

- 1. Bat Mitigation*
- 2. Lighting Scheme – sensitive to biodiversity*
- 3. Bird / Bat Boxes*
- 4. Informative – breeding birds*

1. Bat mitigation Section 7 of the Protected Species Survey report recommends that as a precautionary measure “roof and ridge tiles should only be removed by hand”. And if works have not commenced by July 2024 then “updated nocturnal surveys should be undertaken”. To ensure protection of bats (protected species), we suggest these recommendations are captured through a suitably worded planning condition:

SUGGESTED WORDING:

Bat mitigation Should no development have taken place by July 2024, no works to the barn shall in any circumstances commence until pre-commencement surveys for bats have been completed and confirmed no bats are present (including nocturnal surveys).

If no bat(s) are found to be present, building works must commence within 24 hours of completion of the survey. A copy of the survey report must be submitted to the LPA within 1 week of the completion of the survey and confirm demolition works have been completed.

If bat(s) are found to be present, no works to the building (including renovation works) shall be undertaken until a bat mitigation strategy has been provided to and approved by the LPA.

All roof and ridge tiles shall be removed by hand.

Reason: Fenland Local Plan 2014 policies LF16 & LF19 (to protect biodiversity)

2. Lighting Scheme

Given the potential of the site to support bats, if external lighting is to be installed as part of this planning permission, we recommend that that a lighting scheme that is sensitive to bats is secured through suitably worded condition:

SUGGESTED DRAFT CONDITION: Lighting Scheme – Sensitive for Biodiversity

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

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

Reason: Fenland Local Plan 2014 policies LF16 & LF19 (to protect biodiversity)

3. Bird / Bat Boxes

The Protected Species Survey report has recommended biodiversity mitigation / enhancement in the form of bird / bat boxes, included bat boxes integrated into the new buildings. Details of these provision should be secured through a suitably worded condition:

SUGGESTED DRAFT CONDITION: Bird and Bat Boxes

Prior to the commencement of the development, details of the proposed location of bird and bat boxes recommended in Protected Species Survey report shall be submitted to and approved in writing by the Local Planning Authority. All nest boxes should be positioned in 'unlit' areas and details should include (but not limited to):

Boxes on buildings: annotated elevational plan showing the type of box, height above ground and distance away from any windows or external lighting.

Boxes on trees: annotated landscape plan showing the type of box to be attached to mature tree(s), its orientation and height above ground.

All boxes shall be installed, under supervision of an ecologist, as agreed prior to occupation.

Reason: Fenland Local Plan 2014 policies LF16 & LF19 (to protect biodiversity)

4. Breeding Birds (informative)

Barns are often utilised by nesting birds. Wild birds, their eggs and nests are protected under Wildlife and Countryside Act 1981 (as amended). Therefore we recommend that an informative accompany the planning permission to ensure protection of wild birds, as suggested below:

SUGGESTED DRAFT INFORMATIVE – Breeding Birds

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

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

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

5.4 FDC Environmental Health

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

As with previous applications for the site, due to the former use and potential for contaminants to exist, a Phase 1 contaminated land risk assessment shall be required before any development is undertaken. This is to determine to what extent contaminants may exist, and if confirmed, what remedial action will then be necessary to ensure the protection for end users both inside the structure and for any proposed external amenity areas.

I would therefore recommend the full contaminated land condition as shown below for ease of reference is imposed to ensure the application site is suitable for the intended development and in the interests of human health and the environment:

No development approved by this permission shall be commenced prior to an investigative contaminated land assessment and associated remedial strategy, being submitted to the LPA and receipt of approval of the document/documents from the LPA. This applies to paragraphs a), b) and c). This is an iterative process, and the results of each stage will help decide if the following stage is necessary.

a. The contaminated land assessment shall include a desk study to be submitted to the LPA for approval. The desk study shall detail the history of the site uses, the proposed site usage, and include a conceptual model. The site investigation strategy will be based on the relevant information discovered by the desk study. The strategy shall be approved by the LPA prior to investigations commencing on site.

b. The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitable qualified and accredited consultant/contractor in accordance with a quality assured sampling and analysis methodology.

c. A site investigation report detailing all investigative works and sampling on site,

together with the results of the analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the LPA. The LPA shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment including any controlled waters.

No development approved by this permission shall be occupied prior to the completion of any remedial works and a validation report/s being submitted to the LPA and receipt of approval of the document/documents from the LPA. This applies to paragraphs (d), (e) and (f).

(d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance.

(e) If, during the works, contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA.

(f) Upon completion of the works, this condition shall not be discharged until a validation/closure report has been submitted to and approved by the LPA. The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from site, and what has been brought on to site.

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

To protect the amenity of existing nearby residents, it is also recommended that a working times restriction condition is imposed in the event that planning permission is granted, with the below considered suitable:

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

REASON: To protect the amenity of the nearby occupiers.

5.5 Natural England

Please refer to Natural England's letter dated 12 July 2019 (copy at bottom of this letter) regarding appropriate consideration of recreational pressure impacts, through relevant residential development, to sensitive Sites of Special Scientific Interest (SSSI)

Natural England's generic advice on other natural environment issues is set out in the attached Annex A

5.6 Local Residents/Interested Parties

7 letters of objection were received with regard to this application. 5 of these objections were from address points along School Lane, Manea and 2 from Hutchinson Close, Manea. The reasons for objection are summarised as follows:

- Bats residing within the barn
- Woodpeckers in the trees between the barn and the back gardens of Hutchinson Close
- Parking issues opposite 10 & 12 School Lane due to the new dwellings
- Volume of traffic and speed is a danger
- Access for emergency vehicles
- Unacceptable smells of drains in the area (sewage and standing water) – problematic since the development of Scholars Close and Hutchinson Close. More houses will increase problem
- Wildlife impacted
- Trees destroyed during development
- Noise levels from construction works
- Cars driving down the side of neighbouring property
- Overlooking
- Flooding
- Devalue property
- Lights from vehicles
- Access impassable for emergency vehicles
- Increase traffic opposite neighbouring property
- Bats seem to have gone from the barn

6 STATUTORY DUTY

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

7 POLICY FRAMEWORK

7.1 National Planning Policy Framework (NPPF)

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

Para 11 – A presumption in favour of sustainable development

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

Para 135 – Achieving well-designed places

7.2 National Planning Practice Guidance (NPPG)

7.3 National Design Guide 2021

Context

Identity

Built Form

Nature

Homes and Buildings

Resources

7.4 Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

LP19 – The Natural Environment

7.5 Emerging Local Plan

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

LP1 – Settlement Hierarchy

LP2 – Spatial Strategy for the Location of Residential Development

LP5 – Health and Wellbeing

LP7 – Design

LP8 – Amenity Provision

LP20 – Accessibility and Transport

LP22 – Parking Provision

LP24 – Natural Environment

LP28 – Landscape

LP32 – Flood and Water Management

8 KEY ISSUES

- **Principle of Development**
- **Design Considerations and Visual Amenity of the Area**
- **Impact on Residential Amenity**
- **Parking and Highways**
- **Flood Risk**
- **Ecology**
- **Other Matters**

9 BACKGROUND

- 9.1 In 2021 pre-application advice was sought in respect of a proposal at the site which involved the conversion of the existing barn building to form one dwelling and the erection of a detached 2 storey dwelling with integral garage to the north of the barn. Indication was given at the time that there were concerns regarding the visual amenity of the host dwelling at no. 8 School Lane due to the proposed access road being in close proximity to the eastern elevation of this dwelling, where a number of windows and French doors are located. Furthermore, concerns were raised regarding the access driveway incorporating no passing place, the location of the parking spaces to serve the barn conversion and the bulk, scale and

siting of the proposed two storey dwelling due to impacts on overshadowing and - 7 - overlooking to occupiers on the adjacent site at Hutchinson Close.

- 9.2 Planning application reference F/YR22/0838/F, for the erection of 2 x dwellings (single-storey 3-bed), conversion of existing barn to 1 x dwelling (2-storey 3-bed), and the erection of a garage for 8 School Lane was refused in May 2023 for the following reason:

Policy LP3 of the Fenland Local Plan (2014) sets out the settlement hierarchy within the district; Policy LP12 details a range of criteria against which development within the villages will be assessed and Policy LP16 seeks to ensure that proposed development responds to and improves the character of the local built environment. The application site proposes the construction of two dwellings and the conversion of the existing barn to a dwelling located in existing garden land to the rear of frontage residential development along School Lane. By virtue of its backland nature, the proposed development would be discordant with the existing core shape and built form of the development along School Lane to the detriment of the character and appearance of the area and would create a precedent for further backland development at sites with similar geometry. Furthermore, the scale of the proposed development would result in a cramped form of development and subsequently lead to the overdevelopment of the plot therefore detrimentally impacting the character of the area and wider setting of School Lane. The proposal would therefore fail to comply with the requirements of Policy LP12 and Policy LP16 (d) of the Fenland Local Plan (2014).

10 ASSESSMENT

Principle of Development

- 10.1 Policy LP3 of the Fenland Local Plan sets out the settlement hierarchy for development within the district, grouping settlements into categories based on the level of services available, their sustainability and their capacity to accept further development.
- 10.2 Manea is classed as a Growth Village, where development and new service provision either within the existing urban area or as small village extensions will be appropriate. The broad principle of development for the conversion of the existing barn is acceptable, subject to further policy considerations outlined below.

Design Considerations and Visual Amenity of the Area

- 10.3 The general form of the barn is to remain as existing, with external alterations including the insertion of new fenestration largely within existing openings in the building. As the external alterations are considered relatively minor, it is unlikely that the barn conversion proposed would significantly impact upon the visual amenity of the area.
- 10.4 The proposed parking and turning area, as well as the proposed private amenity would be situated to the north of the proposed barn and therefore would not be visible from the street scene.
- 10.5 It is acknowledged that the previous refusal on site would've resulted in a contrived and cramped layout on site, resulting in overdevelopment. However,

the previous refusal also included the provision of 2 additional dwellings. The current application would not result in overdevelopment of the site given that the barn is already in situ.

- 10.6 It is therefore considered that the proposed conversion would be compliant with Policy LP16 in this regard.

Impact on Residential Amenity

- 10.7 The proposed barn conversion would create a two-storey dwelling, this building would be located approx. 5.5m from the host dwelling at no. 8 School Lane and approx. 19m from the nearest neighbouring dwelling no. 6 School Lane. Hutchinson Close is situated to the east of the site. There is a clearance of approximately 16.6 metres between the barn and No. 7 and 19.8 metres between the barn and No. 5.
- 10.8 3 first-floor windows are proposed within the south side elevation of the dwelling. These windows would serve a lounge and hallway area and are proposed to be obscure glazed. It is therefore unlikely that these windows would introduce detrimental impacts on the amenities of the neighbouring property at no. 6 School Lane.
- 10.9 In relation to the host dwelling at no. 8 School Lane, the proposed barn conversion would include openings at both ground and first floor of the west elevation, which face onto the rear amenity space of No. 8. However, these windows will not serve habitable rooms (entrance lobby and stairway) and therefore are unlikely to introduce any adverse overlooking impacts.
- 10.10 The barn conversion also includes various openings at ground and first floor level of the north facing elevation. The ground floor openings would be obscured by proposed boundary treatments on site (1.8m fencing) and the first-floor windows would partially overlook the parking/private amenity space proposed and also land associated with the existing dwelling at No. 8. It is unlikely that these windows would introduce any adverse overlooking impacts as they will face onto a heavily vegetated area which includes a poly tunnel.
- 10.11 The dwelling includes a private amenity space to the north of the site which wraps around to the east and west. The amenity space is in excess of 1/3 of the site area and therefore complies with the specifications set out within Policy LP16.

Parking and Highways

- 10.12 The proposal seeks to convert the existing barn to a 2-bed dwelling. Appendix A of the Fenland Local Plan states that 2 parking spaces should be provided for dwellings with up to 3 bedrooms. The submitted site plan details 2 parking spaces and a turning area. As such, the scheme is considered to comply with Policy LP15 in this regard.

Flood Risk

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

of surface water will be considered under building regulations; accordingly, there are no issues to address in respect of Policy LP14

Ecology

- 10.14 The application is accompanied by a Preliminary Ecological Appraisal (dated April 2022) and a Protected Species Survey (dated August 2023). The former noted that the barn was assessed as having negligible potential to support roosting bats and therefore recommended one nocturnal survey to be undertaken to determine bat presence/absence. The latter survey was undertaken and recommended that 1 bat box and 2 bird boxes be installed at the site.
- 10.15 Neighbouring concerns were raised regarding the presence of bats within the barn and birds within surrounding trees, however upon consultation with CCC Ecology, no objections were raised to the development subject to conditions regarding bat mitigation, external lighting and bird/bat boxes.

Other Matters

- 10.16 7 letters of objection were received to this application from neighbouring properties. A number of the reasons for objection have been addressed in the above assessment, however the remainder will be addressed below.
- 10.17 Concerns were raised regarding potential future parking issues opposite 10 & 12 School Lane due to the barn conversion. The increase in 1 dwelling is unlikely to exacerbate existing parking issues, and as such cannot be used as a reason to justify refusal.
- 10.18 Concerns were also raised regarding the volume and speed of existing traffic. Similarly, it is unlikely that the proposal is likely to exacerbate this existing issue and as such cannot be used as a reason to justify refusal.
- 10.19 Objections were also submitted with regard to the impact upon neighbouring properties from cars driving down the side of adjacent property to access the dwelling. Given that the conversion is for 1 dwelling, potential noise impacts are unlikely to be significant or detrimental.
- 10.20 A number of objections also raised concerns regarding car lights shining in neighbouring property windows. Similarly, given that the conversion is for 1 dwelling, potential light impacts from vehicles is unlikely to be significant or detrimental.
- 10.21 The letters received also raised concerns regarding access for emergency vehicles. The scheme would utilise an existing access currently associated with No. 6.
- 10.22 Some objections noted the unacceptable smells of drains in the area (sewage and standing water) and acknowledged that this had been problematic since the development of Scholars Close and Hutchinson Close. It is unlikely that the conversion use would detrimentally exacerbate this issue. Noise from construction was also raised as a concern. However, the construction works associated with the conversion are unlikely to be detrimental and thus could not be used to justify refusal.

10.23 The devaluation of property is not a material planning consideration and therefore cannot be considered as a reason to refuse the application.

11 CONCLUSIONS

11.1 The conversion of the existing barn to 1 dwelling is not considered to introduce any significant impacts upon the character of the surrounding area or surrounding residential amenity by way of overlooking, overbearing or overshadowing. The proposal will utilise an existing access and parking is considered sufficient. No further policy issues were raised with regard to ecology or flood risk at the site. As such, the scheme is considered to be compliant with LP1, LP2, LP3, LP14, LP15, LP16 and LP19 of the Fenland Local Plan 2014.

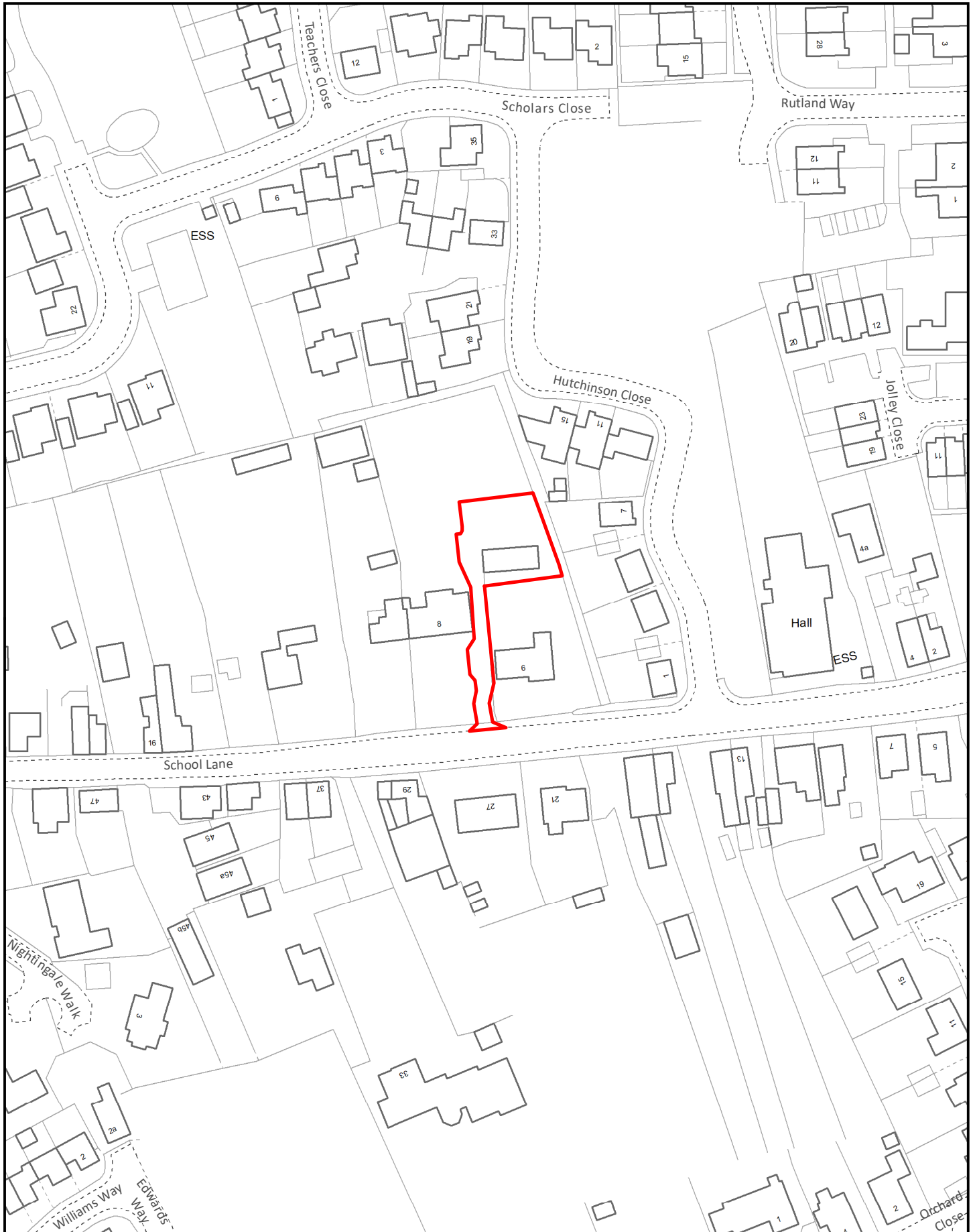
12 RECOMMENDATION

12.1 **Grant**, subject to the following conditions:

1	<p>The development permitted shall be begun before the expiration of 3 years from the date of this permission.</p> <p>Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2	<p>Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015, (or any Order or Statutory Instrument revoking and re-enacting that Order with or without modification), planning permission shall be required for the following developments or alterations:</p> <p>i) the erection of freestanding curtilage buildings or structures including car ports, garages, sheds, greenhouses, pergolas, or raised decks (as detailed in Schedule 2, Part 1, Classes A and E);</p> <p>ii) the erection of house extensions including conservatories, garages, car ports or porches (as detailed in Schedule 2, Part 1, Classes A and D);</p> <p>iii) alterations including the installation of additional windows or doors, including dormer windows or roof windows (as detailed in Schedule 2, Part 1, Classes A and B);</p> <p>iv) alterations to the roof of the dwellinghouse (as detailed in Schedule 2, Part 1, Class C)</p> <p>v) the erection of any walls, fences or other means of enclosure to all boundaries of the site (as detailed in Schedule 2, Part 2, Class A).</p> <p>Reasons - In order to control future development and to prevent the site becoming overdeveloped in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
3	<p>Should no development have taken place by July 2024, no works to the barn shall in any circumstances commence until pre-commencement surveys for bats have been completed and confirmed no bats are present (including nocturnal surveys).</p> <p>If no bat(s) are found to be present, building works must commence within 24 hours of completion of the survey. A copy of the survey report must be submitted to the LPA within 1 week of the completion of the survey and confirm demolition works have been completed.</p>

	<p>If bat(s) are found to be present, no works to the building (including renovation works) shall be undertaken until a bat mitigation strategy has been provided to and approved by the LPA.</p> <p>All roof and ridge tiles shall be removed by hand.</p> <p>Reason – To ensure biodiversity is protected in compliance with Policy LP19 of the Fenland Local Plan 2014.</p>
4	<p>Within 6-months of the commencement of development hereby approved, a scheme for the provision of external lighting relating to all dwellings and common areas within the site shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to commencement of use/occupation of any dwellings and retained thereafter in perpetuity.</p> <p>The external lighting shall be carefully designed for wildlife, in accordance with recommendation set out in the Protected Species Survey report, and baffled downwards away from the retained trees and hedgerows/scrub corridors.</p> <p>Reason - In order to ensure that compliance with the Conservation of Habitats and Species Regulations 2017 and to provide biodiversity mitigation/compensation in line with the aims of the National Planning Policy Framework and Policy LP19 of the Fenland Local Plan 2014.</p>
5	<p>Prior to the commencement of the development, details of the proposed location of bird and bat boxes recommended in Protected Species Survey report shall be submitted to and approved in writing by the Local Planning Authority. All nest boxes should be positioned in 'unlit' areas and details should include (but not limited to):</p> <p>Boxes on buildings: annotated elevational plan showing the type of box, height above ground and distance away from any windows or external lighting.</p> <p>Boxes on trees: annotated landscape plan showing the type of box to be attached to mature tree(s), its orientation and height above ground.</p> <p>All boxes shall be installed, under supervision of an ecologist, as agreed prior to occupation.</p> <p>Reason - To enhance biodiversity in accordance with Policies LP16 and LP19 of the Fenland Local Plan 2014.</p>
6	<p>No development approved by this permission shall be commenced prior to an investigative contaminated land assessment and associated remedial strategy, being submitted to the LPA and receipt of approval of the document/documents from the LPA. This applies to paragraphs a), b) and c). This is an iterative process, and the results of each stage will help decide if the following stage is necessary.</p> <p>a. The contaminated land assessment shall include a desk study to be</p>

	<p>submitted to the LPA for approval. The desk study shall detail the history of the site uses, the proposed site usage, and include a conceptual model. The site investigation strategy will be based on the relevant information discovered by the desk study. The strategy shall be approved by the LPA prior to investigations commencing on site.</p> <p>b. The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitable qualified and accredited consultant/contractor in accordance with a quality assured sampling and analysis methodology.</p> <p>c. A site investigation report detailing all investigative works and sampling on site, together with the results of the analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the LPA. The LPA shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment including any controlled waters.</p> <p>No development approved by this permission shall be occupied prior to the completion of any remedial works and a validation report/s being submitted to the LPA and receipt of approval of the document/documents from the LPA. This applies to paragraphs (d), (e) and (f).</p> <p>(d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance.</p> <p>(e) If, during the works, contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA.</p> <p>(f) Upon completion of the works, this condition shall not be discharged until a validation/closure report has been submitted to and approved by the LPA. The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from site, and what has been brought on to site.</p> <p>Reason - To ensure that the development complies with approved details in the interests of the protection of human health and the environment.</p>
7	Approved plans



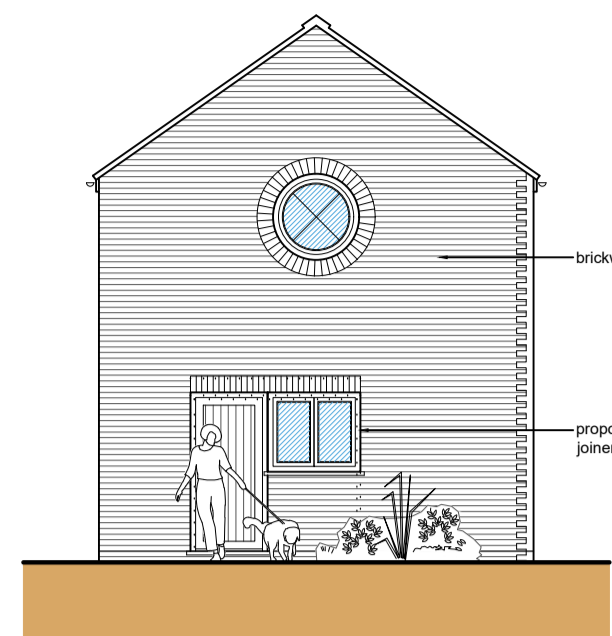
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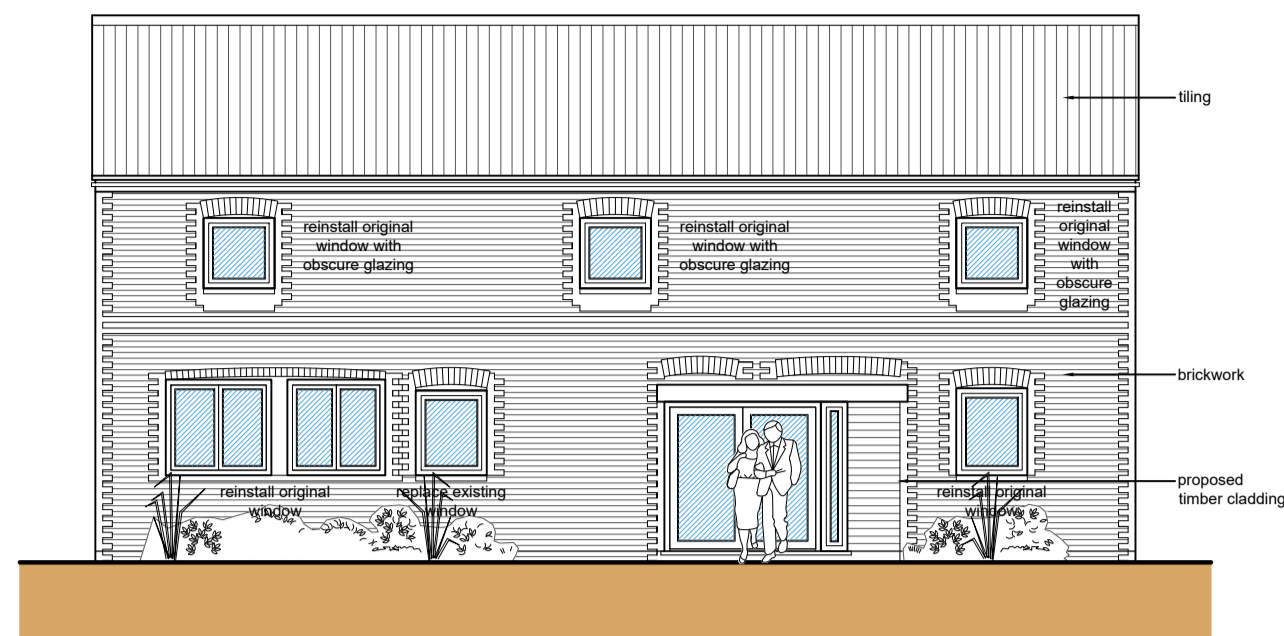
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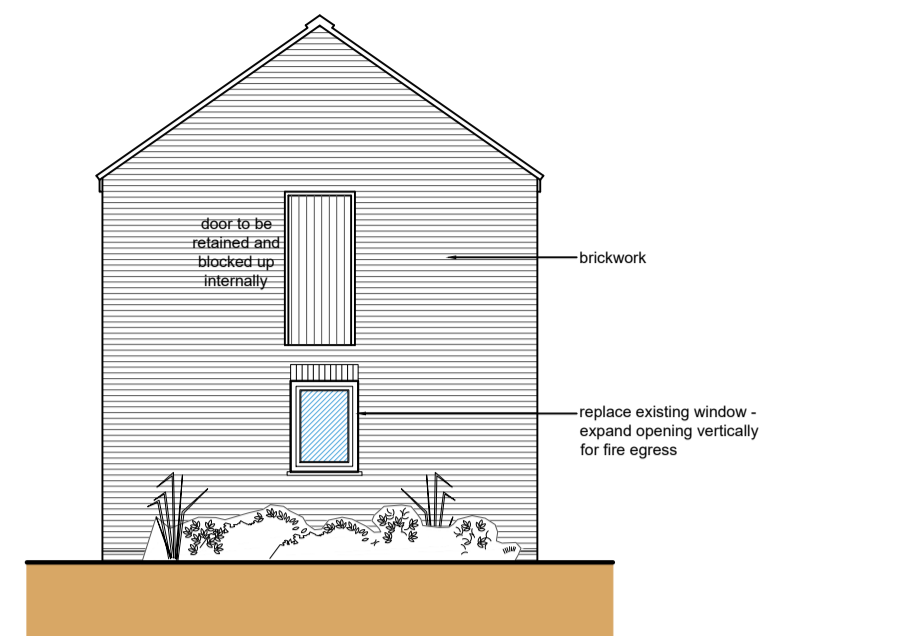




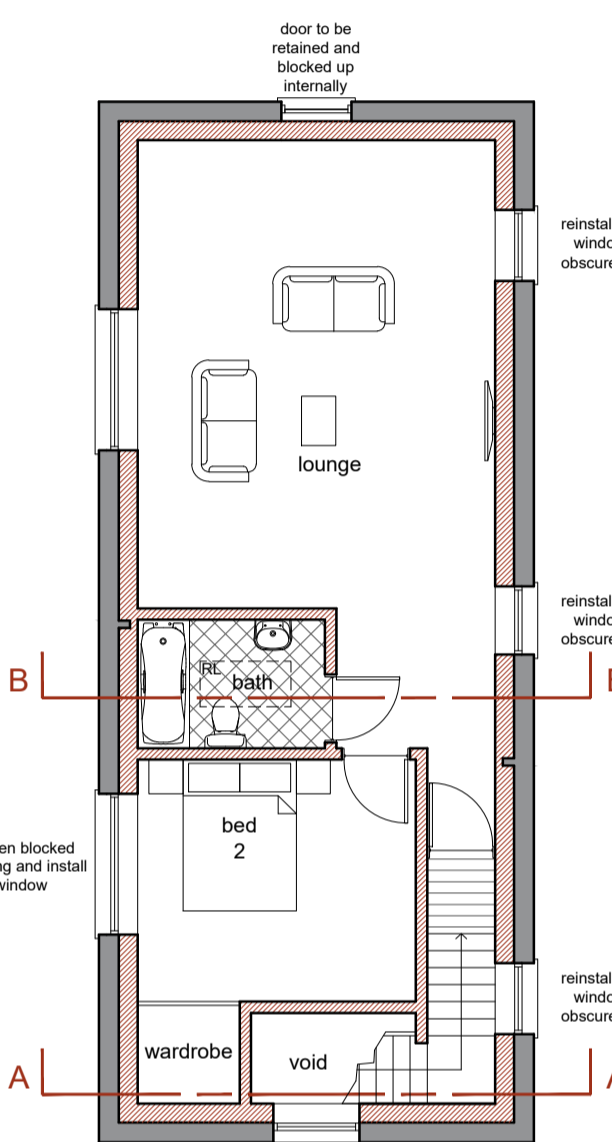
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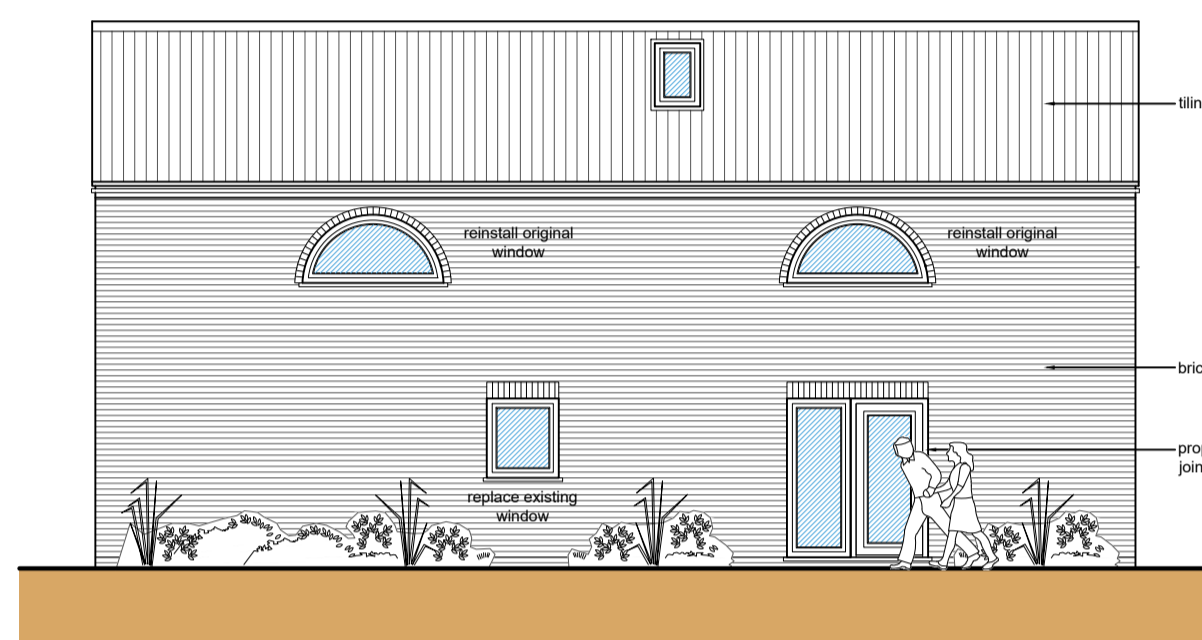
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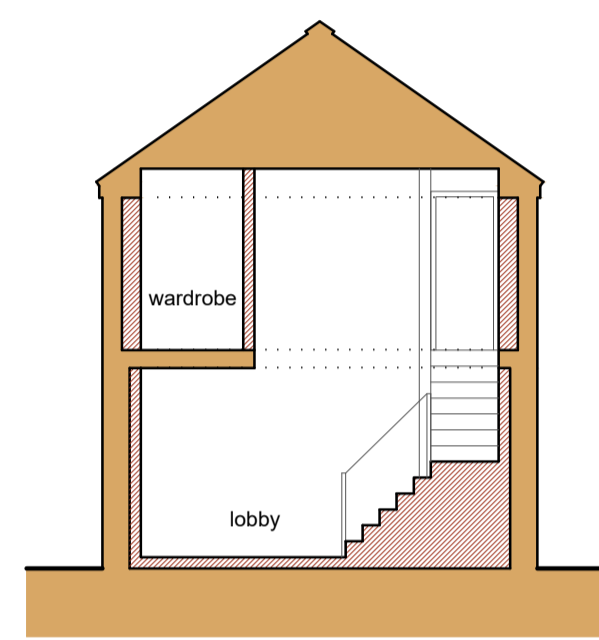
Rear Elevation (E)
Scale: 1:100



First Floor Plan
Scale: 1:100

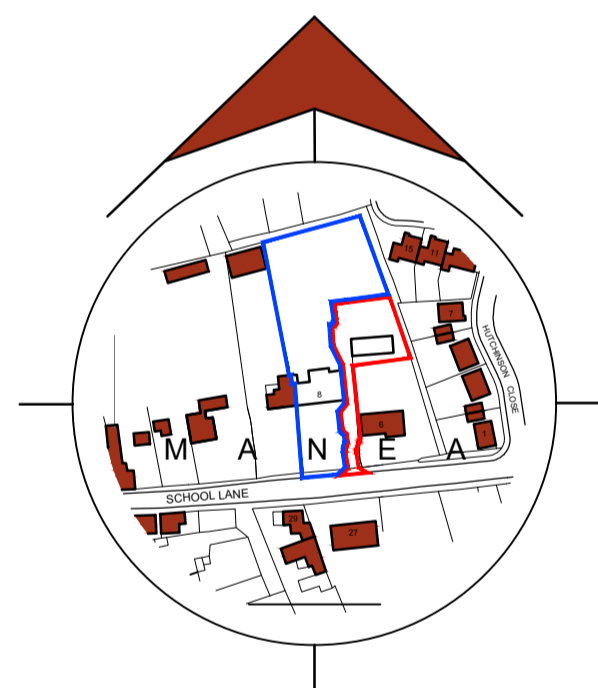
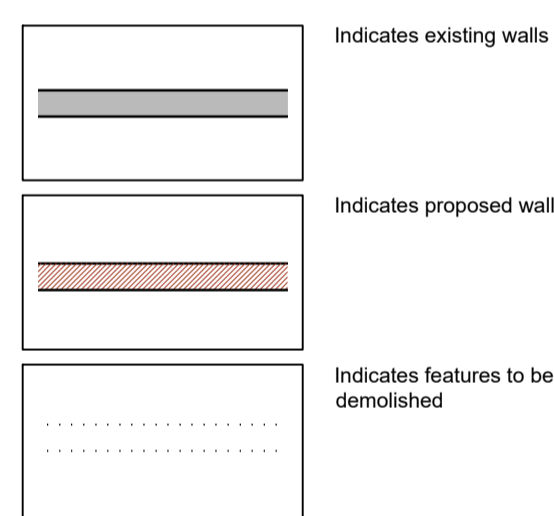


Side Elevation (N)
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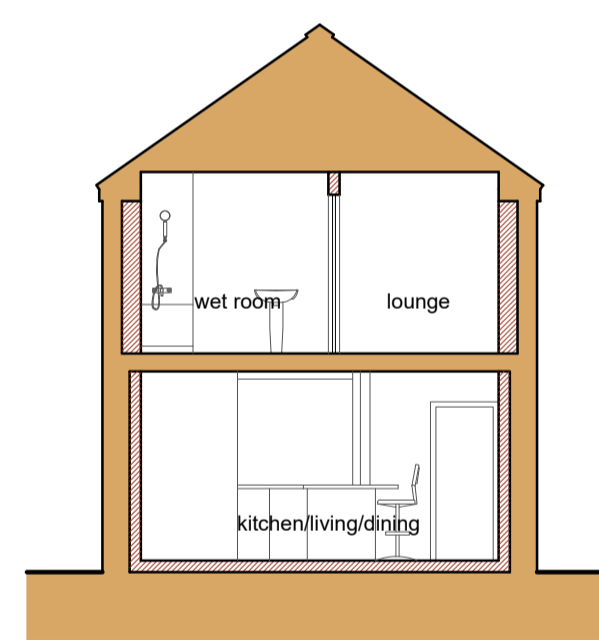


Section A-A
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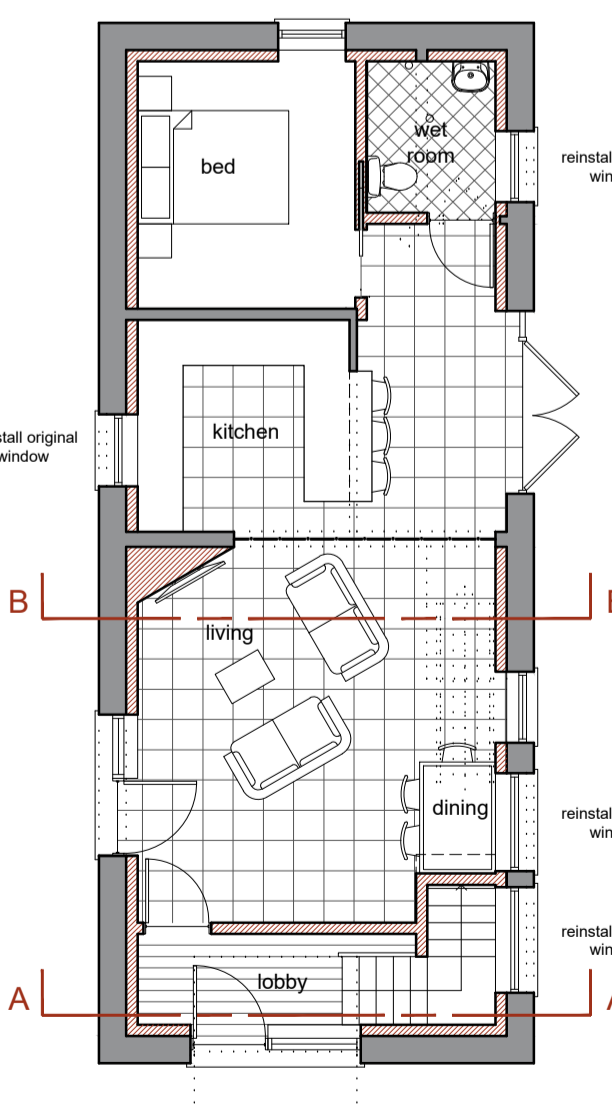
WALL KEY



Location Plan
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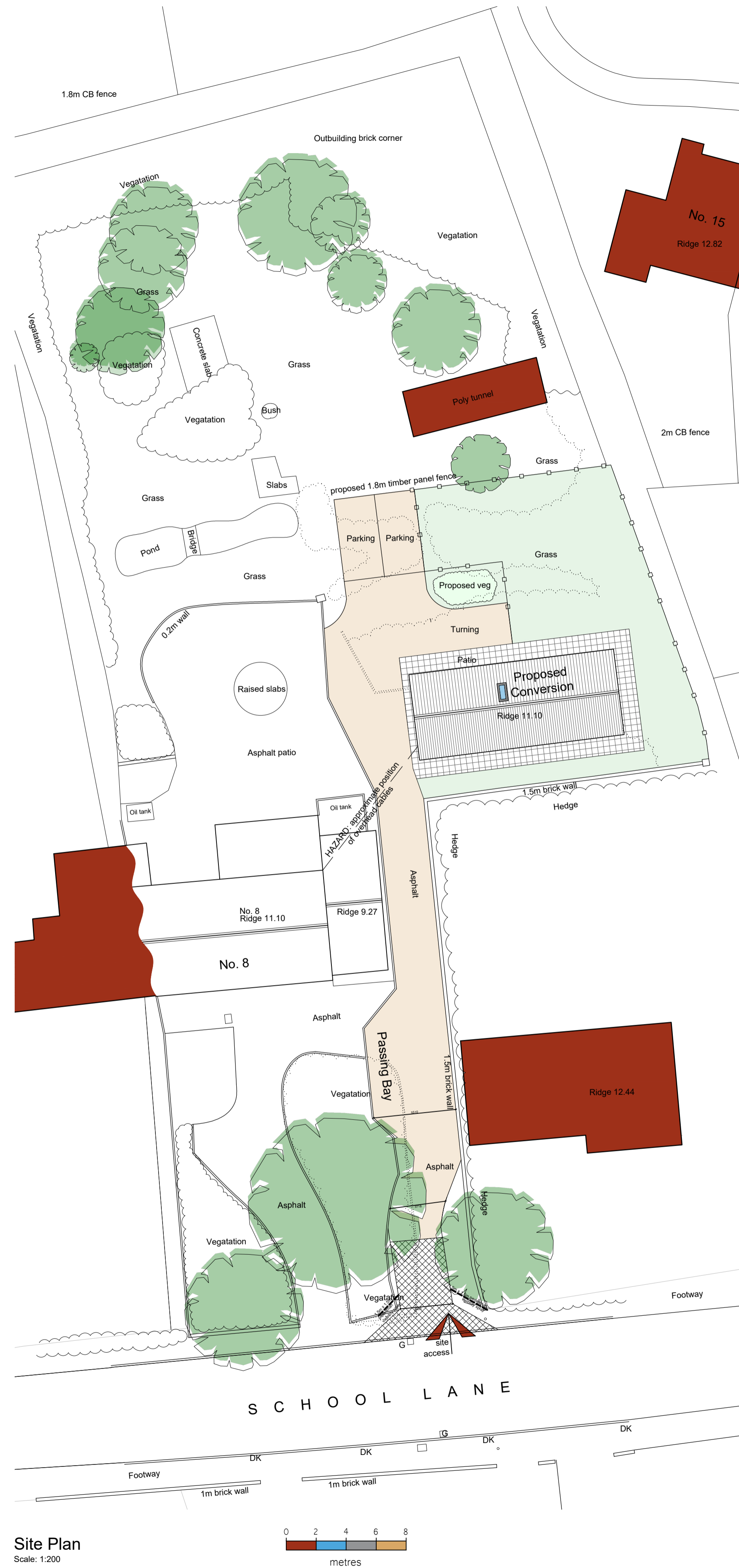
Section B-B
Scale: 1:100



Ground Floor Plan
Scale: 1:100



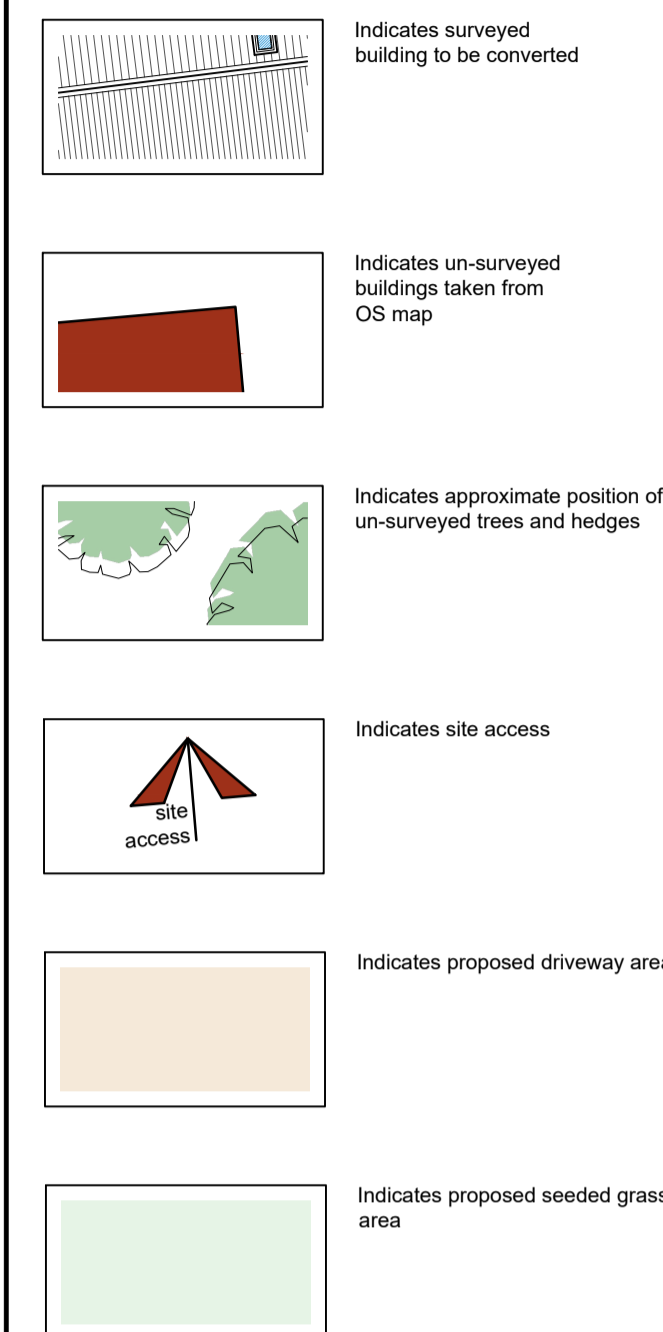
Street Scene (W)
Scale: 1:200



Site Plan
Scale: 1:200

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

SITE PLAN KEY



Revisions		
D	Feb 24	Revised Amenity Space

FOR APPROVAL

SWANN EDWARDS
ARCHITECTURE

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Proposed Barn Conversion To Provide Elderly Care at 8 School Lane, Manea	Date July 2023	Drawn by GT
Drawing Title Planning Drawing Site & Location Plan, Floor Plans, Elevations & Section	Job No. SE-2002	Checked by GE
	Dwg No. PP1000	Sheet Size A1
		Revision D

F/YR23/0891/F

Applicant: Mr Ben Dawson

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

Land South West Of 10 Brimstone Close Accessed From, Fen View, Christchurch,

Change of use of field to paddock land including the erection of stable block, and formation of a new access and hardstanding, involving culverting a drain

Officer recommendation: Grant

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

Government Planning Guarantee

Statutory Target Date For Determination: 26 December 2023

EOT in Place: Yes

EOT Expiry: 12 April 2024

Application Fee: £462

Risk Statement:

This application must be determined by 12/04/2024 otherwise it will be out of time and therefore negatively affect the performance figures.

1 EXECUTIVE SUMMARY

- 1.1 This is a full application for the change of use of field to paddock land including the erection of a stable block, and formation of a new access and hardstanding, involving the culverting of a drain.
- 1.2 The proposed development is not considered to introduce any significant impacts upon the character of the surrounding area. The scheme is also not considered to have any detrimental impacts upon surrounding residential amenity.
- 1.3 A number of objections have been received with regard to the proposed new access and the culverting of the drain. CCC Highways have raised no objection to the scheme. Permission for the culverting of the Drain by the IDB is a legal requirement and this will be made an informative within the decision notice.
- 1.4 The scheme is therefore considered to be compliant with the relevant policies of the Fenland Local Plan 2014.
- 1.5 As such, the application is recommended for approval.

2 SITE DESCRIPTION

- 2.1 The application site is situated to the South West of Brimstone Close and to the North West of Fen View, situated adjacent to the settlement of Christchurch.
- 2.2 The site is currently accessed through No. 7 Brimstone Close through a gate within the rear garden.
- 2.3 A drain runs along the south-east boundary of the site.
- 2.4 The application site is situated within Flood Zone 1.

3 PROPOSAL

- 3.1 This is a full application for the change of use of field to paddock land including the erection of stable block, and formation of a new access and hardstanding, involving culverting a drain.
- 3.2 The application as originally submitted proposed to situate the stable block approximately 10.7 metres from No. 10 Brimstone Close. However, the siting of the stable block has been amended so that the stable block would be situated adjacent to the north-west boundary of the site, with a clearance of 26.7 metres between the north-eastern side elevation and north-eastern boundary of the site. The stable block would measure 13.4 metres x 4.3 metres with a 1.25 metre canopy. The roof dual would be dual-pitched with an eaves height of 2.2 metres and a ridge height of 4.1 metres. The stable block would be finished in a timber cladding and black roof sheeting.
- 3.3 The new access would be from Fen View and would be 5 metres wide and tarmacked to CCC Highways specification for the first 10 metres. Surface water would run onto the gravel drive. The new access would include the culverting of the existing drain.
- 3.4 Full plans and associated documents for this application can be found at: [F/YR23/0891/F | Change of use of field to paddock land including the erection of stable block, and formation of a new access and hardstanding, involving culverting a drain | Land South West Of 10 Brimstone Close Accessed From Fen View Christchurch \(fenland.gov.uk\)](#)

4 SITE PLANNING HISTORY

- 4.1 No previous planning history on site.

5 CONSULTATIONS

- 5.1 **Christchurch Parish Council (04/12/2023)**

The Parish Council considered this application at their recent meeting.

Residents have questioned the suitability of Fen View as the access road to this site, particularly for agricultural vehicles. Members shared these concerns, but resolved to offer no objection.

5.2 **Cllr Dal Roy** (20/11/2023)

This application for change of use I note that there is strong opposition from residents. I have listened to residents and my recommendation is that the proposal for the change of use is acceptable but should have a condition that it is used purely for equestrian purposes, and should remain as such. In addition, adequate attention needs to be given to traffic entering and leaving the site, which is likely to be large equestrian vehicles, which may cause a potential hazard to pedestrians in the vicinity.

I also have concerns looking at the plan that under the Land Drainage Act that drains and watercourses are protected. I am seeing rising incidents of drains being blocked contributing to flooding of homes in the area. This development is inside of the 9 metre area from a water course and this needs to be looked at before development to avoid any issues.

5.3 **CCC Highways** (08/01/2024)

Recommendation

On the basis of the information submitted, I have no objection to above application in principle from the highways perspective.

Comments

The proposed Stable block includes the formation of new access for vehicles wishing to use the Stable development from Fen View which is an adopted road.

It is noted from the Design Access Statement that the proposed access to the application site from the Fen view Cul- de- Sac would be 5m wide and tarmac (to highway's spec) for first 10m off the adopted carriageway edge.

The existing drain running along the site boundary will require a culvert for access, for which approval will be sought from the I.D.B prior to commencement. Also, Surface water from the proposed access will be drained onto the stone access track.

The parking and turning area within site would ensure all vehicles can leave the site in forward gear, including those pulling horse boxes etc which is welcomed. This point should however be backed up by a swept analysis drawing for the above vehicles including those horse vehicles etc, to demonstrate the adequacy of the parking provision.

If the LPA are mindful to approve the application, please append the following Conditions to any consent granted:

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

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

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 and drained within the site. The parking/turning area, surfacing and drainage shall thereafter be retained as such in perpetuity.

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

5.4 CCC Highways (06/02/2024)

Comments

The following comment should be read in conjunction with our highways response of (08/01/24).

This comment is solely to address the request for a swept path drawing demonstrating the adequacy of the proposed turning area to accommodate the tracking manoeuvres of vehicles including one with a horse box associated with site and exit the site in first gear.

Upon review of the submitted drawing, I'm content with the proposals. While the 'tracking' is indicative, I'm satisfied that a vehicle with a horsebox would be able to turn around and leave in a forward gear.

Based on above view, I have no further comments to make on the above issue.

5.5 CCC Lead Local Flood Authority (26/01/2024)

The applicant proposes to culvert the adjacent watercourse to the south for access purposes. It should be noted that the proposed development is located within the Upwell Internal Drainage Board (IDB). Therefore, the applicant should contact the IDB for further advice prior to starting any works as Land Drainage Consent will be required under the Land Drainage Act (1991). Please see the IDB Consent informative below.

The LLFA does not typically support the culverting or in-filling of ditches within developments and would request that the site layout is designed with any existing water features in mind. This is due to the increase in flood risk to the upstream environment associated with in-filling and culverting of water courses. Please note the council does not regulate ordinary watercourses in Internal Drainage Board areas. As such, we have no further comments to make.

Informatives

IDB Consent

This site falls within the Upwell Internal Drainage Board (IDB) district. Under the Land Drainage Act 1991, any person carrying out works on an ordinary watercourse in an IDB area requires Land Drainage Consent from the IDB prior to

any works taking place. This is applicable to both permanent and temporary works. Note: In some IDB districts, Byelaw consent may also be required. Part or all of your proposed development area falls within the Middle Level Commissioners (MLC) catchment and/or that of Upwell 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.

5.6 Middle Level Commissioners (17/11/2023)

We have been made aware of the above planning application which has recently been submitted to your authority for consideration.

Please be advised that neither the Middle Level Commissioners nor the Internal Drainage Boards within our district are, in planning terms, statutory consultees and, therefore, do not actually have to provide a response to the planning authority and we receive no external funding to do so.

However, the above application appears to involve development within the Board's 9m byelaw strip.

During the decision-making process both the applicant and your Council must acknowledge the close proximity of important watercourses and/or associated maintenance access strips to the application site. These watercourses are protected by Byelaws made in accordance with the Land Drainage Act. Development within, over, or under a Board's maintained watercourse, or within the Board's maintenance strip, requires the Board's prior written consent.

It must not be assumed that consent will be given for any development within, over or under these watercourses and/or any associated maintenance access strips or that the issuing of planning permission by your authority means that the relevant works will be consented.

Please be advised that a more detailed response concerning other relevant Conservation, Environmental, Biodiversity Enhancement and Net Gain Issues; Navigation (where appropriate);

Water level and flood risk management matters may be issued to supplement this reply and better inform the parties concerned.

In view of the above, the applicant is urged to contact us to discuss the proposed works via the post-application consultation process as a matter of urgency. Further

information on this and other development control issues can be on our website:
[Consents & Byelaws – Middle Level](#)

5.7 Local Residents/Interested Parties

18 letters of objection have been received with regard to this application. 13 of these letters were from address points at Fen View, 4 from Brimstone Close and 1 from a mobile home off of Crown Road. The reasons for objection are summarised as follows:

- Proximity of the stable block neighbouring properties
- Overbearing
- Noise, disturbance and risk of vermin infestations due to the storage of hay and animal feed.
- How will trailer muck emptying be guaranteed.
- Animal welfare on site – water, lighting, fencing
- Application states change of use is for domestic only. What guarantee do we have?
- Why is Brimstone Close, and number 7 Brimstone Close, outlined in blue
- Concerns regarding further development on site
- Access proposed seems excessive for the development
- Application appears to prevent access to the drain running to the rear of the properties in Brimstone Close and Fen View.
- Planning conditions on previous Brimstone Close development have not been adhered to
- Access to existing neighbouring fence hindered
- Access through the back of No 7 could have an impact due to traffic and effect on future sales
- Impact on trees and ecology on site
- Culverting plan lacks detail
- Traffic
- Draft local 5 year plan - 23 dwellings have been proposed for the rear of the field
- Draft local plan Policy LP5 and LP19 relevant
- Culverted access would have adverse impact on local residents
- Development is not in the interest of the village
- Can the planning department put in a guarantee that future applications for housing will not be considered at a later date
- Safety of elderly residents and children
- Reduce value of property

6 STATUTORY DUTY

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

7 POLICY FRAMEWORK

7.1 National Planning Policy Framework (NPPF)

7.2 National Planning Practice Guidance (NPPG) Determining a Planning Application

7.3 **National Design Guide 2021**

Context
Identity
Built Form

7.4 **Fenland Local Plan 2014**

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

7.5 **Emerging Local Plan**

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

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

8 **KEY ISSUES**

- **Principle of Development**
- **Character and Visual Amenity**
- **Residential Amenity**
- **Highways**
- **Flood Risk**
- **Ecology and Trees**
- **Other Matters**

9 **ASSESSMENT**

Principle of Development

- 9.1 This application seeks full planning permission for the change of use of a field to paddock land including the erection of stable block, and formation of a new access and hardstanding, involving culverting a drain.

- 9.2 The application site is located adjacent to the built form of the settlement of Christchurch and is therefore classed as a countryside location. The use of the land for paddock and stables is commonplace within countryside locations and as such, the principle of such development on site is considered acceptable subject to further policy consideration set out below.

Character and Visual Amenity

- 9.4 Policy LP16 of the Fenland Local Plan (2014) requires development proposals to deliver and protect high quality environments throughout the district. Proposals must demonstrate they make a positive contribution to the local distinctiveness and character of the area, enhancing their local setting and both responding to and improving the character of the local built environment whilst not adversely impacting on the street scene, settlement pattern or landscape character of the surrounding area.
- 9.5 Policy LP12 Part A(c) states that development will not have an adverse impact on the character and appearance of the surrounding countryside and farmland.
- 9.6 The proposed stable block is of a design that is commonplace within countryside settings and is therefore unlikely to introduce any adverse visual impacts upon the character of the surrounding area. Similarly, the use of the land for paddocks is commonplace within countryside settings and also will not introduce any adverse visual impacts upon the character of the surrounding area.
- 9.7 The stable block would be partially visible from Fen View given that a new access is proposed into the site, however given the location of the stable block within the site these visual impacts are unlikely to be adverse.

Residential Amenity

- 9.8 Neighbouring residential properties are situated to the north-east and south. The southern boundary of the site is bounded by dense vegetation which will partially obscure the views of the site from the southern neighbouring properties. Irrespective of this, the proposed stable block would be situated approximately 37 metres from the south facing boundary of the site and thus a sufficient distance to ensure that the stable block would not introduce any adverse visual or overbearing impacts upon these properties.
- 9.9 As aforementioned, the application as originally submitted proposed to situate the stable block approximately 10.7 metres from No. 10 Brimstone Close. The limited clearance between the proposed stable block and adjacent property was considered to have detrimental impacts upon residential amenity. The agent submitted amended drawings relocating the proposed stable block further west into the site (26.7 metres), therefore increasing the distance between the stable block and neighbouring property.
- 9.10 The submitted site plan indicates 4 outbuildings situated to the north-west of the proposed stable block. Upon visiting the site, the northeastern most building is in fact a mobile home. There would be a clearance of approximately 14 metres between the outbuilding and stable block, thus ensuring no adverse visual impacts are introduced. Given the direction of sun travel from east to west, there may be some slight overshadowing from the proposed stable block. However, the stable block is single-storey with a ridge height of 4.1 metres and a eaves height of 2.2

metres. As such, it is unlikely that any potential overshadowing impacts would be particularly adverse.

- 9.11 The submitted design and access statement notes that the stable block will be used on a domestic basis. A condition can be secured should permission be granted to ensure that the site is used on a domestic basis only.
- 9.12 The design and access statement also states that and any waste from the site will be collected weekly by a local farmer. It is acknowledged that the letters of objection raised concern with regard to noise and risk of vermin infestations due to hay and animal feed on site. However, upon consultation with FDC Environmental Health, no objections were raised to the scheme. Should permission be granted, an informative will be included notifying the applicant that animal waste must be stored in such a manner to ensure it does not cause a nuisance to the occupiers of nearby residential properties, by way of odour or attraction of rodents or residents. Notwithstanding this, the granting of planning consent wouldn't indemnify against statutory nuisance action being taken in the event the Environmental Health department receiving complaints in respect of noise or odour, which are then subsequently substantiated.

Highways

- 9.13 The proposed development would be served by a new access onto Fen View, which would include the culverting of an existing drain. The proposed access would be 5 metres wide and tarmacked to CCC Highways specification for the first 10 metres off the adopted carriageway edge. Parking and turning is proposed within the site itself.
- 9.14 It is acknowledged that a number of the objections received raised concerns with regard to the need for an access to CCC Highways specification as well as the use of Fen View to access the site with particular reference to the safety of elderly and children. However, upon consultation with CCC Highways, no objections were raised to the scheme. As such, there are no issues to address with regard to Policy LP15.

Flood Risk

- 9.15 The application site is situated 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.
- 9.16 The application includes the culverting of an existing drain to enable a new access. It is acknowledged that numerous concerns have been raised with regard to the culverting of the drain and potential impacts this may have on surrounding residents. Initial comments were provided by Middle Level Commissioners highlighting the proximity of the development to the Board's 9m byelaw strip and legalities are round watercourses and their protection. These comments also advised the applicant to contact Middle Level Commissioners to discuss the proposed works via the post-application consultation process. No further comments were provided.
- 9.17 Permission for the culverting of the Drain by the IDB is a legal requirement and this will be made an informative within the decision notice. Therefore, the proposal is considered acceptable under policy LP14 of the Fenland Local Plan 2014.

Ecology and Trees

- 9.18 Policy LP19 of the Fenland Local Plan states that the council working in partnership with all relevant stakeholders, will conserve, enhance and promote the biodiversity and geological interest of the natural environment throughout Fenland.
- 9.19 There are a number of trees and vegetation within the application site. It is acknowledged that the letters of objection raise concern regarding the removal of trees on site. However, these trees are not TPO protected, and the site is not situated within a Conservation Area. As such, permission is not required to remove these trees or vegetation.
- 9.20 The site has a drainage ditch running along the southern boundary and there is a new access proposed which includes culverting part of the ditch. Therefore, the agent has ticked yes to question 2 in the Biodiversity checklist - Water Voles 'Does the proposal affect or is it within 5m of a river, stream, ditch, canal or lake?'. As such, further investigation was necessary to determine whether any water voles or nesting birds would be affected by the development. The surveys also included an appraisal of the ditch for other protected and priority Species, including otter, nesting birds and common toad.
- 9.21 The survey submitted notes that the surveyed length of ditch achieved a WVHS score of 6 out of 8, meaning that the ditch is 'optimal' for water voles. Whilst no signs of other protected species were recorded, the scrub and reed vegetation within the ditch is suitable for a range of nesting birds including Amber- and Red-listed Birds of Conservation Concern. The ditch is considered to be wholly unsuitable for otter due to its fairly small size and the density of vegetation.
- 9.22 The survey further notes that the WHVS score and the ditch's connectivity means water vole may be present and impacts to the species from the proposed works cannot be ruled out. However, the proposed works will only affect approximately 10m of ditch and it is considered that strict adherence to a Precautionary Method of Working (PMW) could avoid impacts to water vole. Conducting the works under a PMW is also considered sufficient to avoid impacts to nesting birds and priority species such as common toad.
- 9.23 It is acknowledged that a number of objections were received with regard to wildlife on site and potential impacts. The Ecology team were consulted but no response was received. Therefore, in the absence of any evidence to the contrary, the proposal is considered acceptable in terms of policy LP19 of the Fenland Local Plan 2014 subject to the inclusion of conditions to ensure that development is carried out in line with the precautionary methods detailed within the Water Vole Appraisal.

Other Matters

- 9.24 18 letters of objection were received with regard to this application. Whilst some of the concerns raised in these letters have been addressed within the assessment section above, the remaining reasons for objection will be addressed below.
- 9.25 The majority of the letters received raised concern with potential future development of the site should permission be granted. Each application has to be determined on its own merits. Potential future development cannot be considered

or used as a reason to refuse an application. Similarly, the LPA are unable to impose restrictions on the submission of future planning application on site.

- 9.26 One of the letters received referred to the emerging local plan, with specific reference to LP5 and LP19. As set out within Section 8 above, given the very early state which the 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 the decision-making process.
- 9.27 It is also acknowledged that within the emerging local plan, that the site is included within a residential site allocation. The Strategic Housing & Economic Land Availability Assessment (SHELAA) provides evidence of the suitability, availability and deliverability of sites across the district. This informs the preparation of the emerging Local Plan, enabling the plan to identify a supply of sites to meet the district's development needs. As aforementioned, the application has to be considered on its merits. Potential future development of the site cannot be considered as a reason to refuse the current application.
- 9.28 The letters received also referenced the Brimstone Close development and certain conditions that were not complied with. This cannot be used as a reason to refuse the current application.
- 9.29 A number of the letters received raised concern with regard to lack of lighting on site. Should permission be granted, a condition can be secured to ensure any future lighting schemes on site are agreed with the LPA prior to their installation to ensure that no adverse impacts are introduced upon neighbouring properties.
- 9.30 Queries were raised as to why Brimstone Close and No. 7 are outlined in blue on the location plan. As per the National Validation requirements for applications for planning permission, the application site should be edged clearly with a red line. A blue line should be drawn around any other land owned by the applicant, close to or adjoining the application site.
- 9.31 Concerns were raised about potential reduction in property value. Property values are not a material planning consideration and therefore cannot be used to justify refusing an application.
- 9.32 Concerns were also raised with regard animal welfare and the lack of fresh water and fencing proposed on site. Animal welfare is not a material planning consideration. However, animal welfare would be subject to separate legislation such as the Animal Welfare Act 2006 for example.
- 9.33 A number of letters noted potential issues with regard to accessing adjacent fences for maintenance as well as access to the drains for clearance. These are civil matters and therefore cannot be considered as part of the planning application.

10 CONCLUSIONS

- 10.1 The change of use of the field to paddock land, the erection of a stable block, formation of a new access and hardstanding and culverting of a drain is not considered to introduce any significant impacts upon the character of the surrounding area. The scheme is also not considered to have any detrimental impacts upon surrounding residential amenity. The objections received are acknowledged however these have been addressed within the report above. No

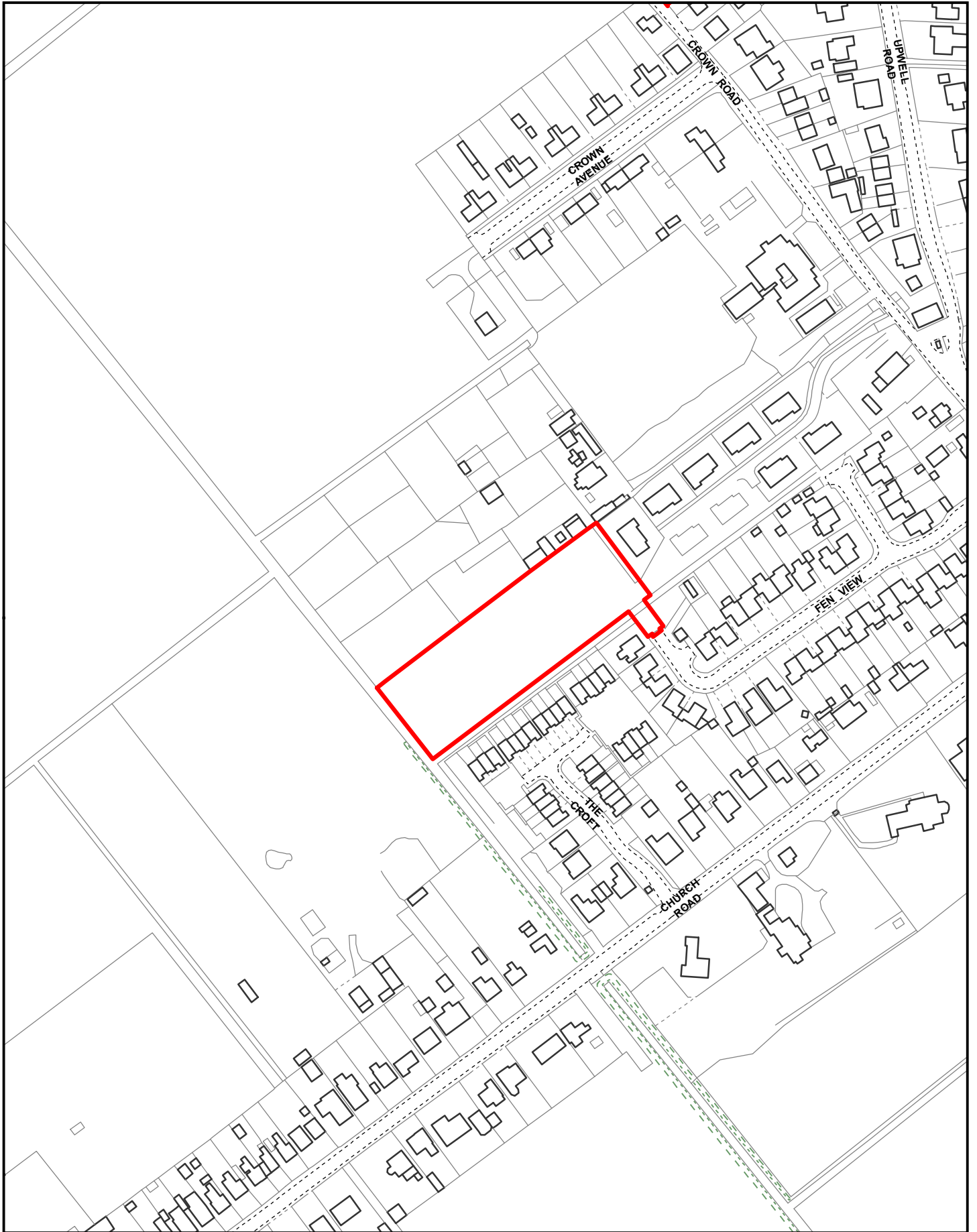
further policy issues have been raised with regard to highways, flood risk or ecology. As such, the scheme is considered to be compliant with LP1, LP2, LP3, LP12, LP14, LP15, LP16 and LP19 of the Fenland Local Plan 2014.

11 RECOMMENDATION

11.1 Grant, subject to the following conditions:

1	<p>The development permitted shall be begun before the expiration of 3 years from the date of this permission.</p> <p>Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2	<p>No external lights shall be erected within the site (either freestanding or building/pole-mounted) until a lighting scheme for the site has been submitted to and approved in writing by the Local Planning Authority. Any lighting works shall then be carried out as approved and retained thereafter.</p> <p>Reason: To safeguard the amenities currently enjoyed by the occupants of adjoining dwellings in accordance with Policies LP2 and LP16 of the Fenland Local Plan, adopted May 2014.</p>
3	<p>The development hereby approved shall be used for private recreation only and shall not be used for commercial purposes.</p> <p>Reason - The site is within an area where commercial activity would not normally be permitted in view of the need to safeguard visual amenities of the area in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
4	<p>Prior to the commencement of the use hereby approved the access road shall be constructed to a minimum width of 5 metres for a minimum distance of 10 metres measured from the near edge of the highway carriageway and thereafter maintained in perpetuity.</p> <p>Reason - In the interests of highway safety and in accordance with Policy LP15 of the Fenland Local Plan 2014.</p>
5	<p>The approved access and all hardstanding within the site shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway and retained in perpetuity.</p> <p>Reason - To prevent surface water discharging to the highway in accordance with policy LP15 of the Fenland Local Plan, adopted May 2014</p>
6	<p>Prior to the first occupation of the development the proposed on-site parking/turning area shall be laid out in accordance with the approved plans, surfaced and drained within the site. The parking/turning area, surfacing and drainage shall thereafter be retained 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>

7	<p>The development shall be constructed in compliance with the mitigation measures set out within the Water Vole Appraisal by Wild Frontier Ecology accompanying the planning application.</p> <p>Reason - In order to ensure that compliance with the Conservation of Habitats and Species Regulations 2017 and to provide biodiversity mitigation/compensation in line with the aims of the National Planning Policy Framework and Policy LP19 of the Fenland Local Plan 2014.</p>
8	<p>The development shall be carried out in accordance with the following Approved Plans</p>



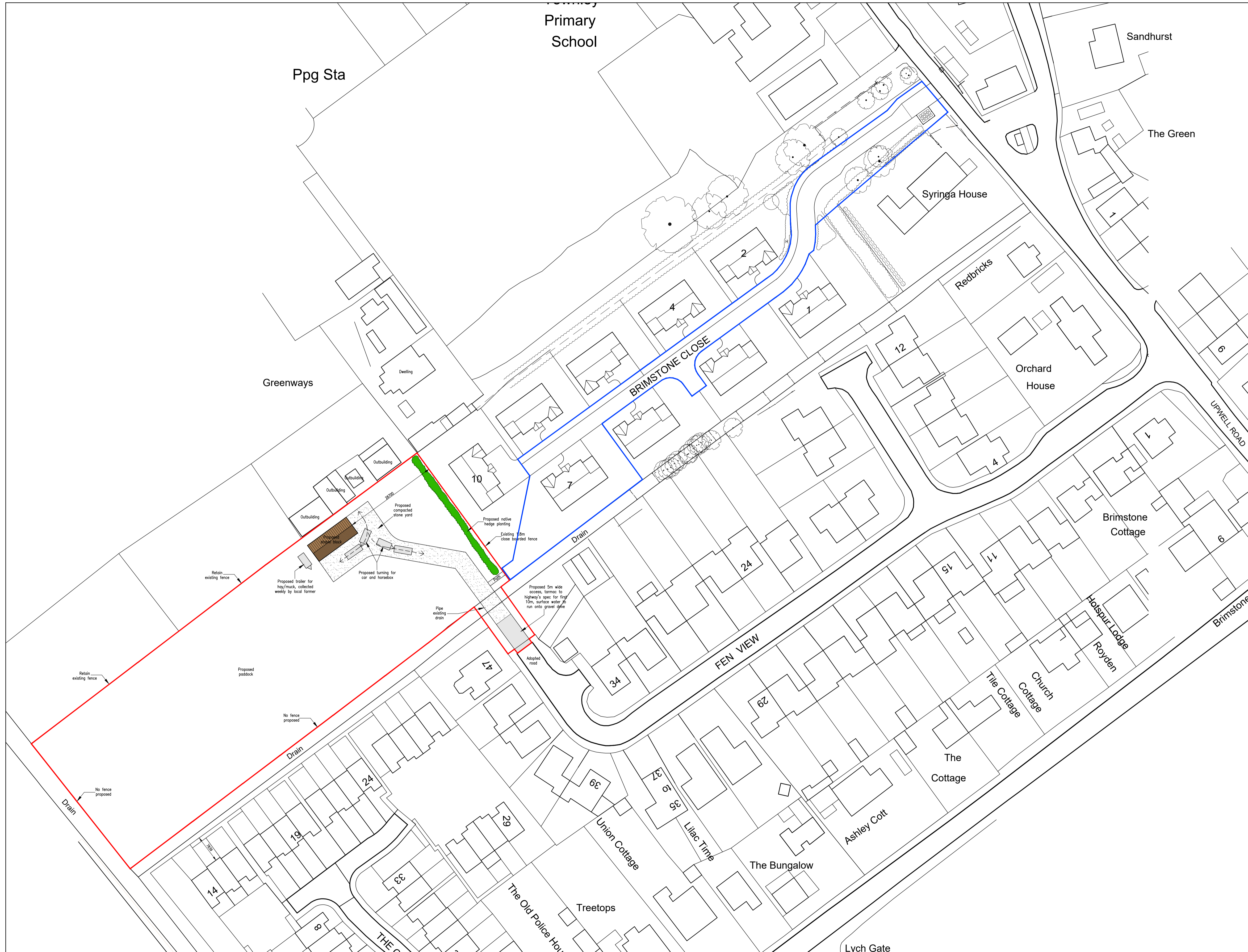
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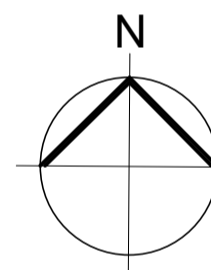
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Proposed Site Plan 1:500 @ A1 PAPER



REVISIONS

PHA

PETER HUMPHREY ASSOCIATES

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CLIENT
MR B DAWSON

SITE
CHANGE OF USE AND STABLE BLOCK
LAND NORTH-WEST OF 47
FEN VIEW
CHRISTCHURCH
PE14 9PB

DRAWING
PLANNING DRAWING 1

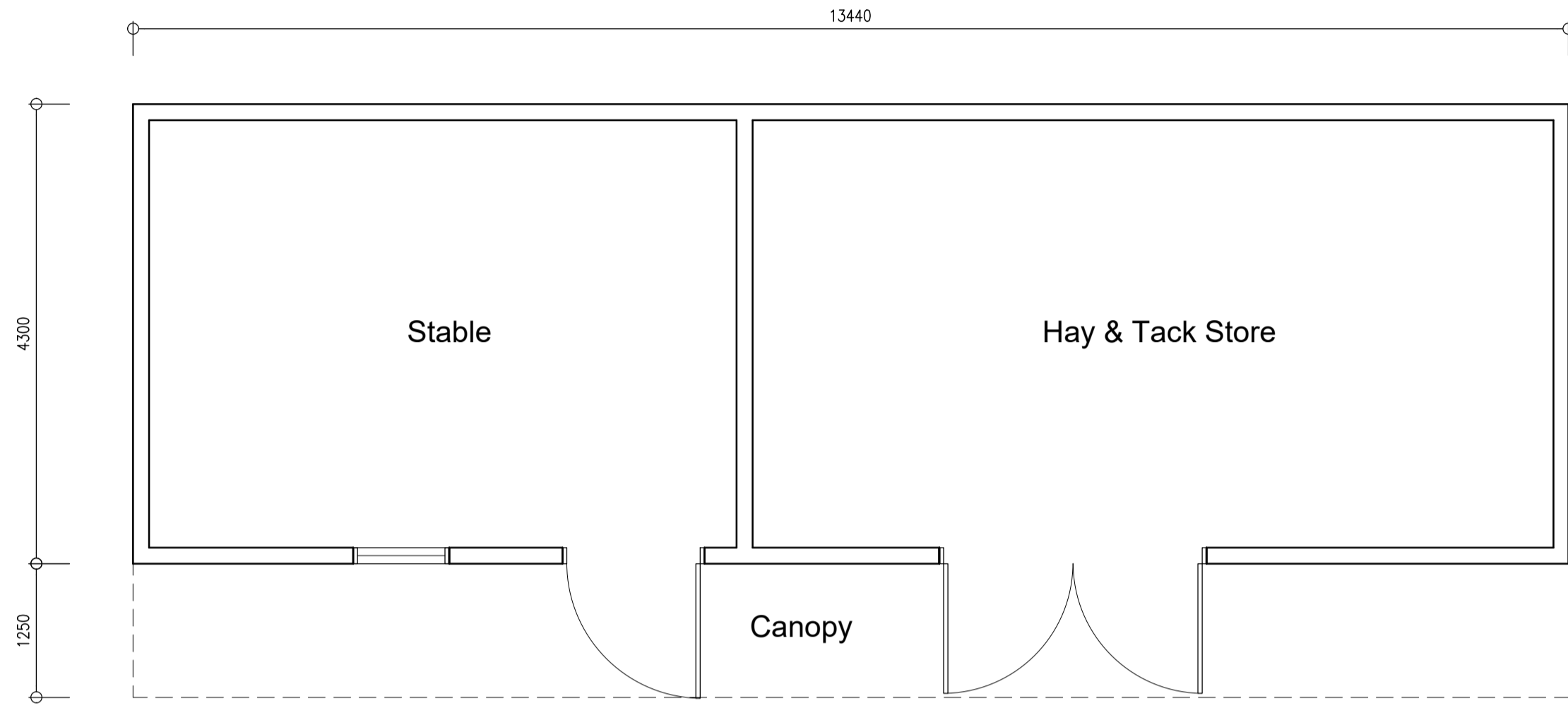
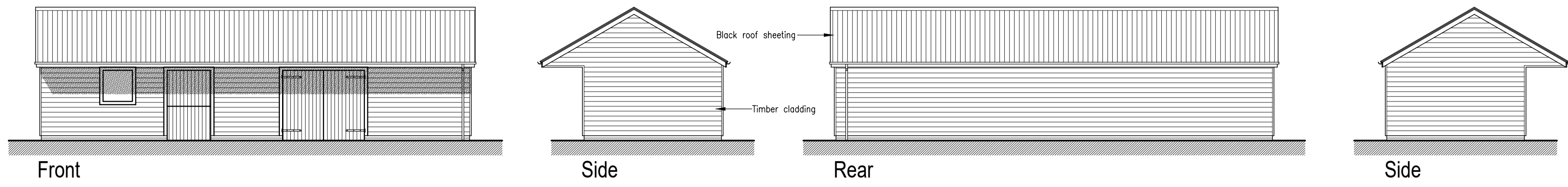
JOB NO.	PAPER SIZE	DATE
6868/01C	A1	SEPT 2023

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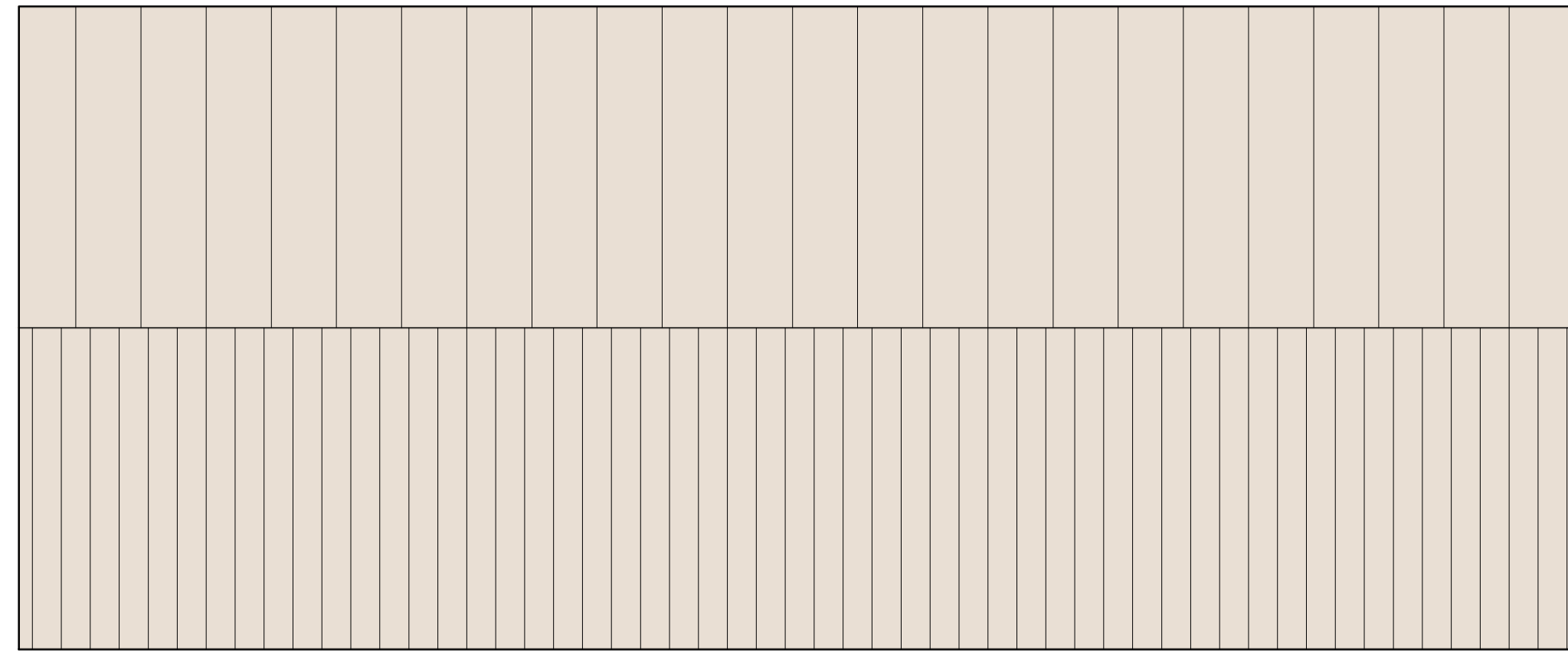
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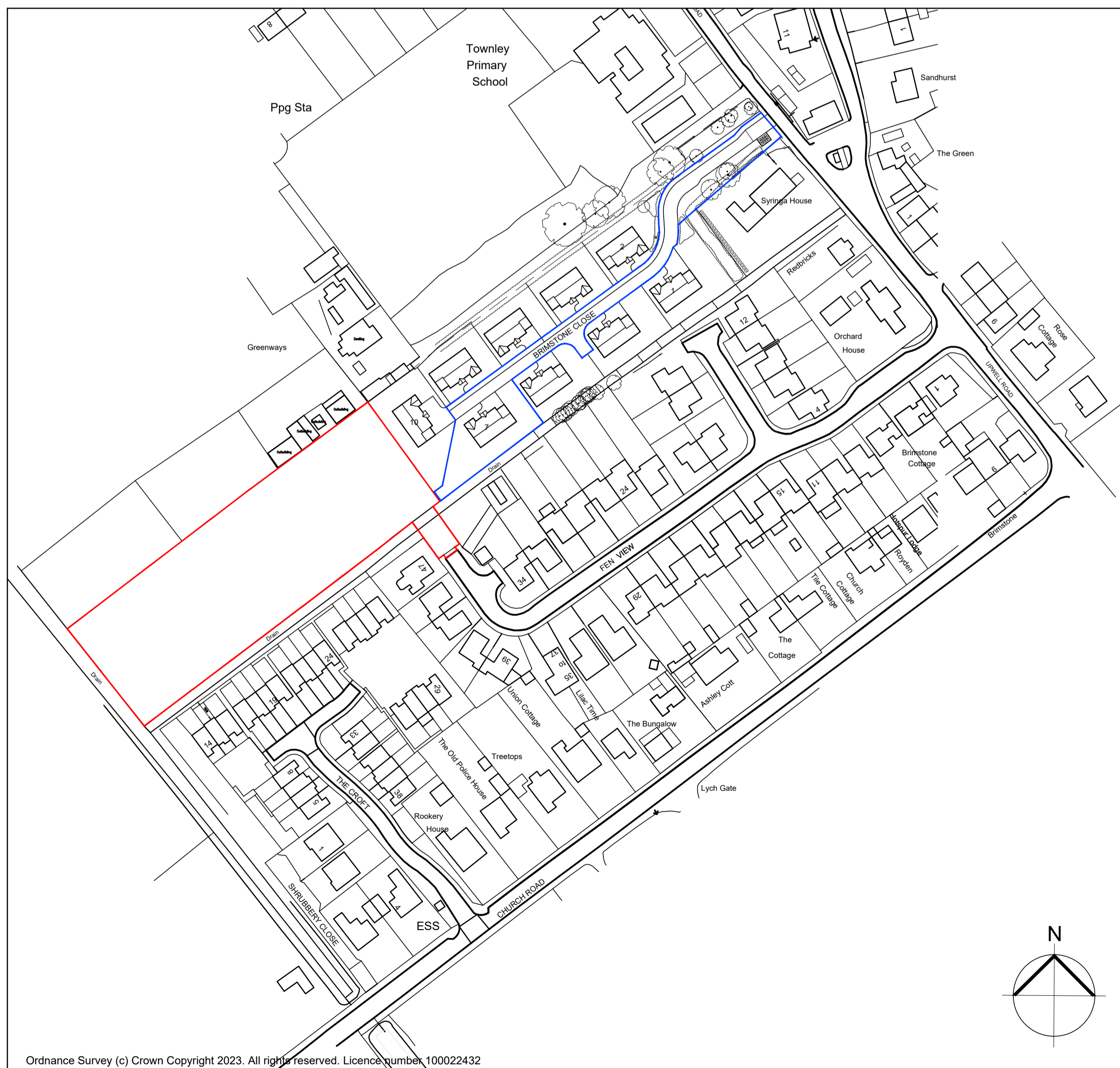
Proposed Stable Elevations 1:100



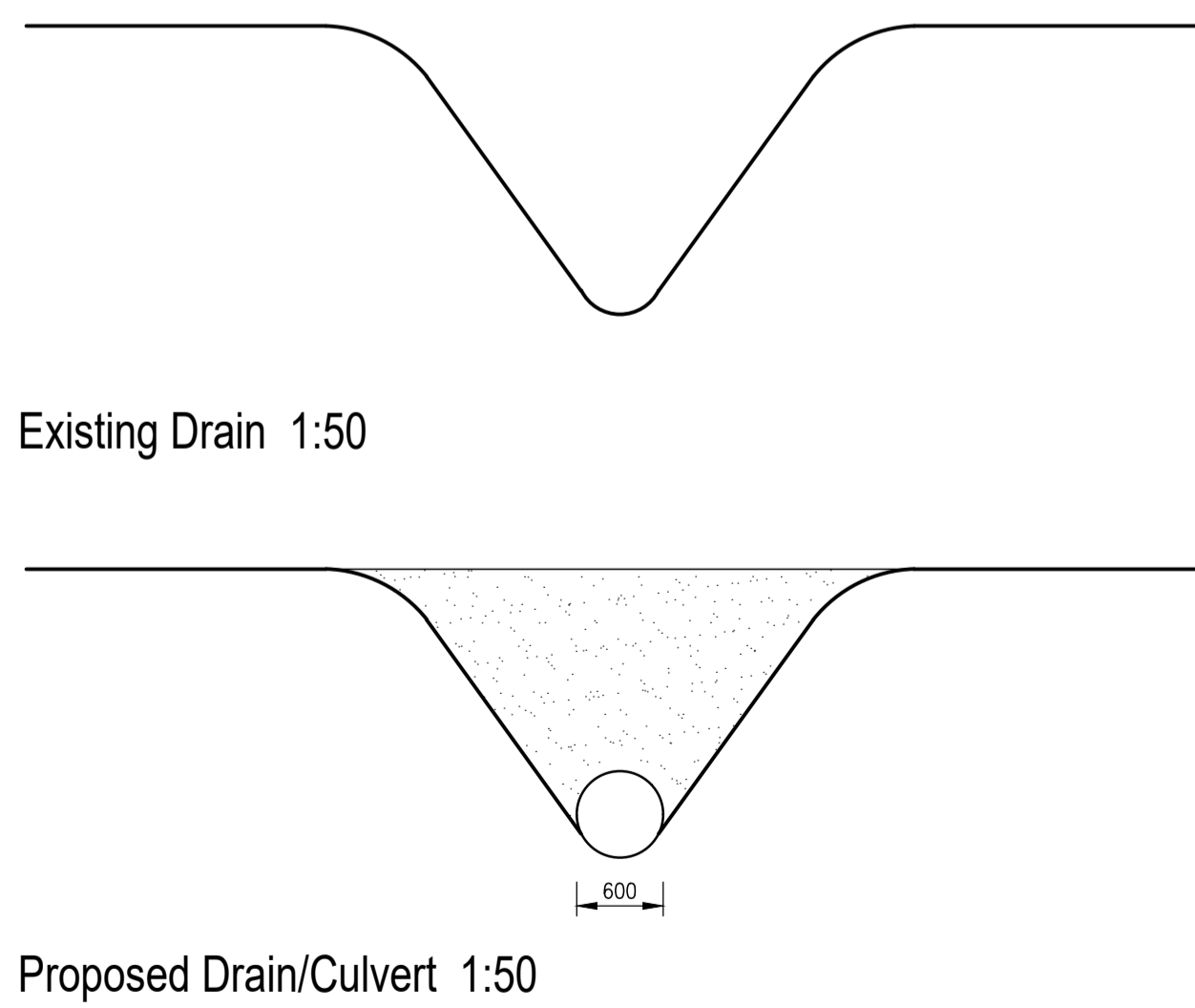
Proposed Stable Floor Plan 1:50



Proposed Stable Roof Plan 1:50



Location Plan 1:1250 @ A1 PAPER



Existing Drain 1:50

Proposed Drain/Culvert 1:50

A -
REVISIONS



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DRAWING
 PLANNING DRAWING 3

JOB NO.	PAPER SIZE	DATE
6868/03A	A1	SEPT 2023

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F/YR23/1015/F

Applicant: Mr Richard Jones

Agent : Mr Matthew Taylor
Taylor Planning and Building
Consultants

57 High Causeway, Whittlesey, Peterborough, Cambridgeshire PE7 1QA

Erect a timber shed to front of existing dwelling including demolition of existing shed (Part retrospective)

Officer recommendation: Refuse

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

Government Planning Guarantee

Statutory Target Date For Determination: 17 January 2024

EOT in Place: Yes

EOT Expiry: 26 April 2024

Application Fee: £206

Risk Statement:

This application must be determined by 26/04/2024 otherwise it will be out of time and therefore negatively affect the performance figures

1 EXECUTIVE SUMMARY

1.1 This application seeks to erect a timber shed to the front of existing dwelling including demolition of existing shed. The form, siting and height of the structure is out of character with the area and forms an incongruous feature with a detrimental impact on the setting of the Whittlesey Conservation Area and the GII listed building that is directly opposite. As such, the proposal is contrary to section 66 and 72 of the Town and Country Planning Act 1990, relevant heritage policies in the NPPF and policies LP16 & LP18 of the Fenland local Plan.

2 SITE DESCRIPTION

- 2.1 The application site is a detached two storey dwelling located on High Causeway in Whittlesey. No.57 is constructed of brickwork with a tiled pitched roof. The site is surrounded by properties mixed in design.
- 2.2 The site is located within Whittlesey Conservation Area and immediately opposite a grade II Listed Building.
- 2.3 Parking space is situated to the front of the dwelling.

3 PROPOSAL

- 3.1 Planning permission is sought to erect a timber shed to front of existing dwelling including demolition of existing shed. The application is part retrospective.
- 3.2 A previous existing shed has been removed from the site, and construction of the new proposed shed which forms this application has started and is currently covered in tarpaulin.
- 3.3 The proposed shed would be located some 1.2 metres from the front of the dwelling. It would have a width of 4.7 metres and a depth of 4.2 metres. The proposed shed would be single storey, where the roof would be flat with a maximum height of some 2.2 metres.
- 3.4 The fenestration proposed includes a set of doors on the side elevation facing North east. The shed is indicated as being finished with a wood stain.

4 SITE PLANNING HISTORY

Application	Description	Decision	Date
F/YR10/0788/F	Erection of conservatory to rear of existing dwelling	Grant	26 Nov 2010
F/YR02/0735/F	Erection of single-storey extension to form a 1-bed self-contained unit	Grant	13 Sep 2002
F/YR03/0543/F	Erection of single-storey extension to form a 1-bed self-contained unit	Grant	18 Jun 2003

5 CONSULTATIONS

Initial Consultation:

- 5.1 **Parish/Town Council:** Comment received – No objection.
‘The Town Council have no objection and therefore recommend approval proposed Cllr Nawaz, seconded Cllr Dickinson unanimous vote in favour.’
- 5.2 **North Level Internal Drainage Board:** Comment received – No objection.
*‘Erect a timber shed to front of existing dwelling including demolition of existing shed at 57 High Causeway Whittlesey Peterborough Cambridgeshire PE7 1QA

My Board has no objection to the above application.’*
- 5.6 **Senior Archaeologist (CCC):** Comment received – No objections.
*‘Thank you for your consultation in regards to the above referenced planning application.

We have reviewed the above planning application and have no objections or requirements for this development.’*
- 5.7 **The Whittlesey Society:** No response received.

5.8 Conservation Officer:

‘ 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 Whittlesey 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 not been submitted with the application and therefore does not accord with para 195 of the NPPF and LP18 of the Fenland Local Plan 2014.***
6. *Due regard is given to relevant planning history.*

Comments:

The site is firmly within the Whittlesey Conservation Area and directly opposite a GII listed building and development is considered to be within the wider setting of a number of heritage assets.

The proposed unfortunately looks as if it has already been substantially implemented without planning consent (see photographs below), as such this application is now considered to be retrospective, albeit the new building is currently covered in tarpaulin. The design is more of the appearance of a substantial and incongruous box sited in a very prominent position and close to the boundary wall.

The previous building was a shed with a very shallow pitched roof. It should be noted that the previous structure was erected with appears to be no formal consent either. It was extended between 2019 and 2022 (see streetview), again with no consent.

The plans are considered to be inaccurate. The wall is stepped and is approx. 1750mm in height at its tallest point. It is shown on the plans to be 2m across the whole length. The recently erected structure extends approx. 1m+ above the tallest part of the wall and is in very close proximity to the front boundary, again this is at odds with what is shown on the plans.

When considering the street elevation plan and the site photos below, it would be fair to say that the building that has recently been constructed appears substantially more dominant than what is shown on the plans.

In any case, structures such as this are ancillary and materially inferior and therefore should be sited in discreet locations, to the side and rear of dwellings, not forward of principal elevations. This is especially important in Conservation Areas.

The previous shed that has since been removed from the site was unauthorised and had been incrementally extended over the years and therefore should not be considered a baseline for assessing additional impact. The unauthorised shed is now gone and the baseline for consideration of impact is entirely on this retrospectively applied for structure.

The form, siting and height of the structure is entirely out of character with the area and forms an incongruous and detrimental impact on the setting of the Whittlesey Conservation Area and the GII listed building that is directly opposite. As such, the proposal is contrary to section 66 and 72 of the Town and Country Planning Act 1990, relevant heritage policies in the NPPF and LP18 of the Fenland local Plan and should therefore be refused.

RECCOMENDATION: Objection – Refuse’

5.9 Local Residents/Interested Parties: No response received.

Re consultation:

5.10 Parish/Town Council: Comment received.

‘As the committee was not quorate an individual response will be sent by Cllr Mayor.’

5.11 North Level Internal Drainage Board: Comment received – No objection.

‘Please note that North Level District Internal Drainage Board have no objections to the above planning application.’

5.12 Senior Archaeologist (CCC): No response received.

5.13 The Whittlesey Society: No response received.

5.14 Conservation Officer: Comment received – Objection.

‘ Considerations:

7. 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.*

8. *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.*
9. *Consideration is given to the impact of this proposal on the character and appearance of Whittlesey 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. *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*
11. ***A heritage statement has not been submitted with the application and therefore does not accord with para 195 of the NPPF and LP18 of the Fenland Local Plan 2014.***
12. *Due regard is given to relevant planning history.*

NOTE: Addendum to comments are shown in bold below

Comments:

The site is firmly within the Whittlesey Conservation Area and directly opposite a GII listed building and development is considered to be within the wider setting of a number of heritage assets.

The proposed unfortunately looks as if it has already been substantially implemented without planning consent (see photographs below), as such this application is now considered to be retrospective, albeit the new building is currently covered in tarpaulin. The design is more of the appearance of a substantial and incongruous box sited in a very prominent position and close to the boundary wall.

The previous building was a shed with a very shallow pitched roof. It should be noted that the previous structure was erected with appears to be no formal consent either. It was extended between 2019 and 2022 (see streetview), again with no consent.

The plans are considered to be inaccurate. The wall is stepped and is approx. 1750mm in height at its tallest point. It is shown on the plans to be 2m across the whole length. The recently erected structure extends approx. 1m+ above the tallest part of the wall and is in very close proximity to the front boundary, again this is at odds with what is shown on the plans.

Whilst the plans have been amended to reduce the height of the retrospective structure, I am still not confident that the height of the wall is shown accurately on the plans as it remains the same as its earlier plans. There are essentially three steps in the boundary wall – the gates to the adj driveway being the highest, a step down to the wall and then another step down halfway along the wall. This is not shown on the plans and therefore is unlikely to show the correct height differential between the now reduced shed height and the wall.

The previous shed that has since been removed from the site was unauthorised and had been incrementally extended over the years and therefore should not be considered a baseline for assessing additional impact. The unauthorised shed is now gone and the baseline for consideration of impact is entirely on this retrospectively applied for structure.

I cannot see how a useable structure can only exceed the height of the wall by 200mm as shown on the revised plans.

I also remain of the view that such structures, forward of the principal elevation of a dwelling and within the streetscene of a conservation area and within the setting of listed buildings, are not conducive to good development and do not conserve and enhance the character and appearance of the area or the setting of the Listed Building. Considerations should be given to re-siting the building to a more discreet location to the side or rear of the site so as not to set a precedent for such buildings forward of the principal elevation of dwellings.

The form, siting and height of the structure is entirely out of character with the area and forms an incongruous and detrimental impact on the setting of the Whittlesey Conservation Area and the GII listed building that is directly opposite. As such, the proposal is contrary to section 66 and 72 of the Town and Country Planning Act 1990, relevant heritage policies in the NPPF and LP18 of the Fenland local Plan and should therefore be refused.

RECCOMENDATION: Objection – Refuse'

5.16 Local Residents/Interested Parties: No response received.

6 STATUTORY DUTY

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

National Planning Policy Framework (NPPF)

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

Para 11 – A presumption in favour of sustainable development

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

Para 130 – Achieving well-designed places

Para 189 - Heritage assets should be conserved in a manner appropriate to their significance.

Para 194 - Applicants should describe the significance of any heritage assets affected.

National Planning Practice Guidance (NPPG)

National Design Guide 2021

Context

Identity

Built Form

Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

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

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

LP8 – Amenity Provision

LP22 – Parking Provision

LP32 – Flood and Water Management

LP23 – Historic Environment

Whittlesey Neighbourhood Plan 2021-2040

Policy 7 – Design Quality

8 BACKGROUND

- 8.1 The application was submitted with initial plans showing the proposed shed, which was larger in height. Concerns were raised regarding the height and the impact to the character and appearance of the conservation area. The agent has since reduced the height of the proposal.
- 8.2 It is considered that the plans provided did not accurately depict the site due to levels on the wall. Therefore, the proposed street scene has since been amended on plan reference PL02a to show the levels within the wall.
- 8.3 Investigation of the site history shows that there have been a number of unauthorised sheds located at this site. A recent shed that had no planning permission had been removed, and the construction of the new proposed shed started (the application form states that the construction of the proposed shed started in September 2023). The construction of the new shed has since paused, and is currently covered with tarpaulin.

9 KEY ISSUES

- **Principle of Development**
- **Design Considerations and Visual Amenity of the Conservation Area**
- **Residential Amenity**
- **Parking**
- **Flood Risk**

10 ASSESSMENT

Principle of Development

- 10.1 The application seeks to erect a timber shed to front of existing dwelling including demolition of existing shed. Therefore, the proposal is for shed within the domestic curtilage. Policy LP16 supports the principle of such development subject to the significance of, and the likely impact upon the character of the surrounding area, the amenity of neighbouring properties and users in its design and appearance, and the impact on highways and parking.
- 10.2 LP18 of the Fenland local Plan is in place to protect, conserve and seek opportunities to enhance the historic environment throughout Fenland. Policy 18 also supports proposals of such subject to detailed considerations regarding impact to heritage matters, including impact on the Conservation Area, and the listed building opposite.

Design Considerations and Heritage Impact

- 10.3 The proposal would be sited to the front of the dwelling which would be visible to the street scene.
- 10.4 LP Policy 16 is concerned with ensuring that the development is acceptable in design terms and protects the character and appearance of an area.
- 10.5 The shed would be located forward of the principal elevation of a dwelling, within the streetscene of a conservation area and within the setting of a listed

building. It is considered this is not conducive to high quality development and does not conserve and enhance the character and appearance of the area or the setting of the Listed Building. The design is considered to be of the appearance of a substantial and incongruous box sited in a very prominent position and close to the boundary wall.

- 10.6 The form, siting and height of the structure is out of character with the area and forms an incongruous and unattractive feature creating a detrimental impact on Whittlesey Conservation Area and the setting of the Grade II listed building that is directly opposite. As such, the proposal is contrary to the relevant heritage policies in the NPPF and policies LP16 & LP18 of the Fenland local Plan.

Residential Amenity

- 10.7 The proposed shed is closest with neighbouring property No. 55 High Causeway. The proposed shed would be located some 3.5 metres from this neighbouring property's shared boundary and some 7.5 metres to this neighbouring property's built form. Therefore, there would be a sufficient separation distance from this neighbouring property for the proposal not to result in any material impact on the residential amenities of this neighbour.
- 10.8 All other neighbouring properties are far enough away for there to be no unacceptable impacts by the proposal.
- 10.9 The proposed shed would be an appropriate size and scale for no detrimental impacts to occur to the neighbouring properties in terms of loss of privacy, overlooking, overshadowing or appearing overbearing.
- 10.10 It is considered that the proposed development would not have any material impact on the residential amenities of the neighbouring properties and is therefore in conformity with policy LP16 of the Fenland District Council Local Plan (2014).

Parking

- 10.11 On the basis of the nature of the development, adequate parking has been retained. The proposal does not create any additional bedrooms and as such will not be required to demonstrate further onsite parking.
- 10.12 Considering the above, the proposal is considered to comply with policy LP15 of the Fenland District Council Local Plan (2014).

Flood Risk

- 10.13 The proposal is located within flood zone 1 and issues of surface water disposal will be considered under Building Regulations

11 CONCLUSIONS

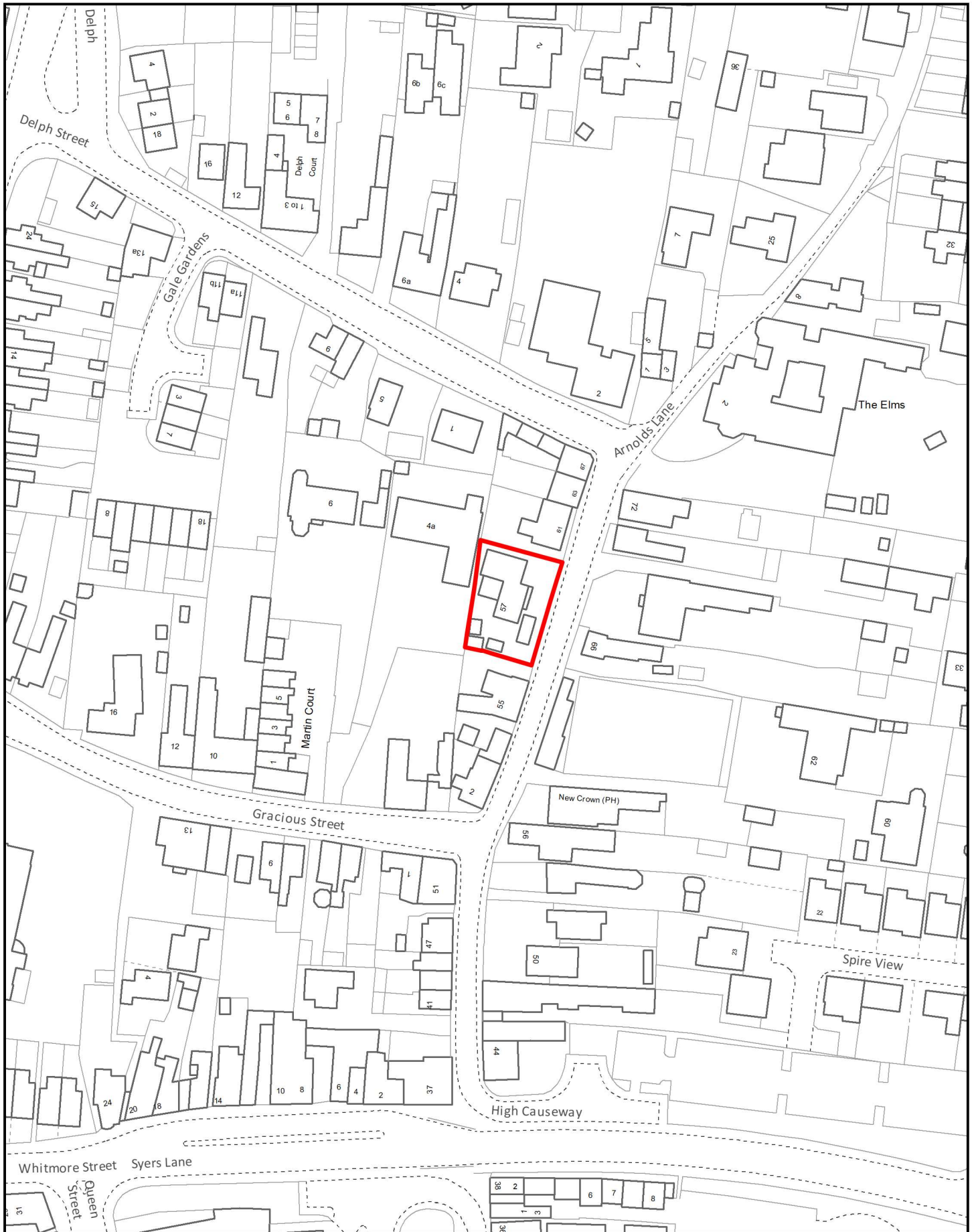
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to the relevant heritage policies in the NPPF and policies LP16 & LP18 of the Fenland local Plan.

12 RECOMMENDATION

Refuse; for the following reasons:

1.	The development proposed by virtue of its form, siting and height is out of character with the area and forms an incongruous feature with a detrimental impact on Whittlesey Conservation Area and the setting of the Grade II listed building that is directly opposite. As such, the proposal is contrary to the relevant heritage policies in the NPPF and policies LP16 & LP18 of the Fenland Local Plan
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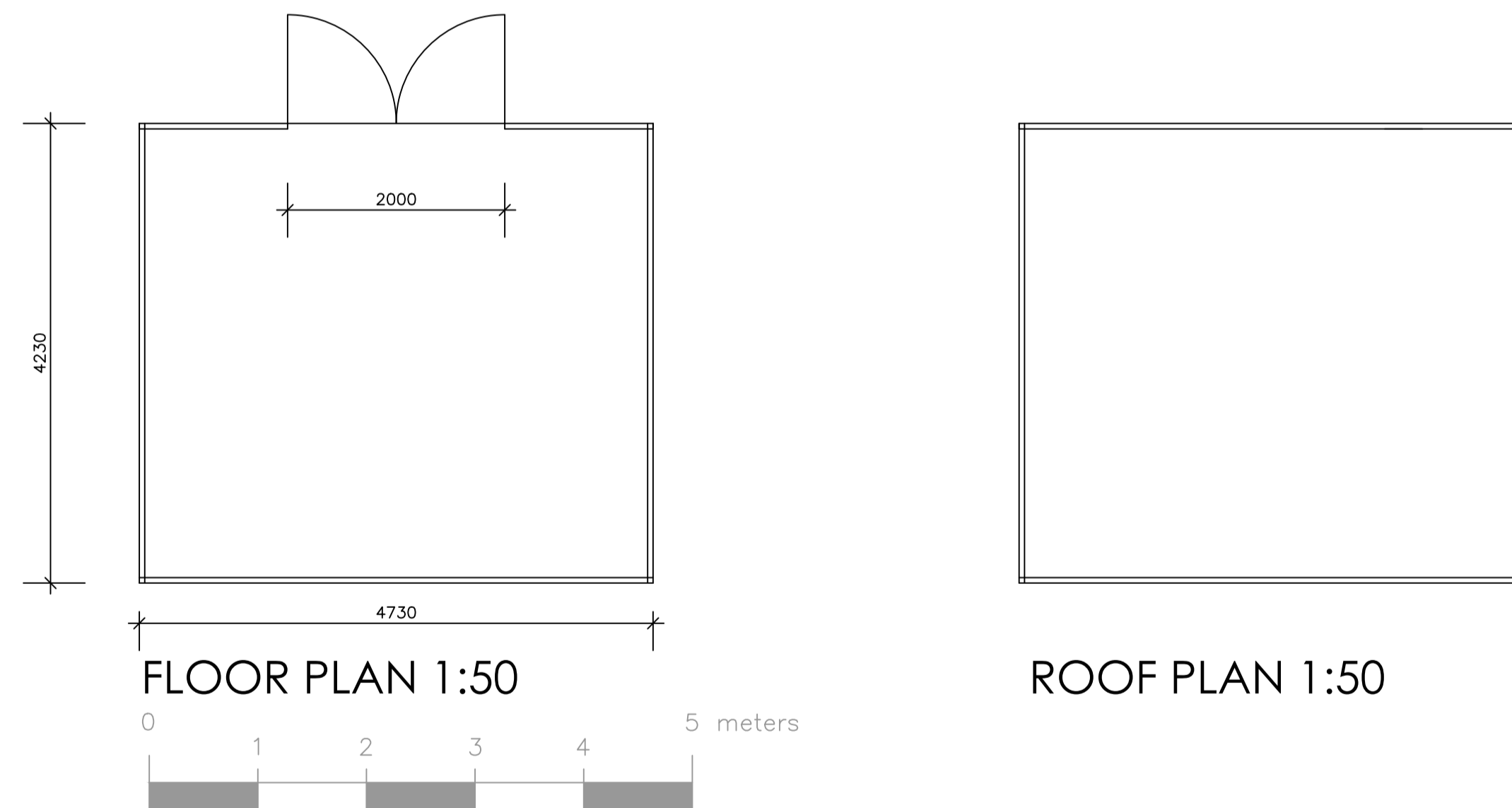
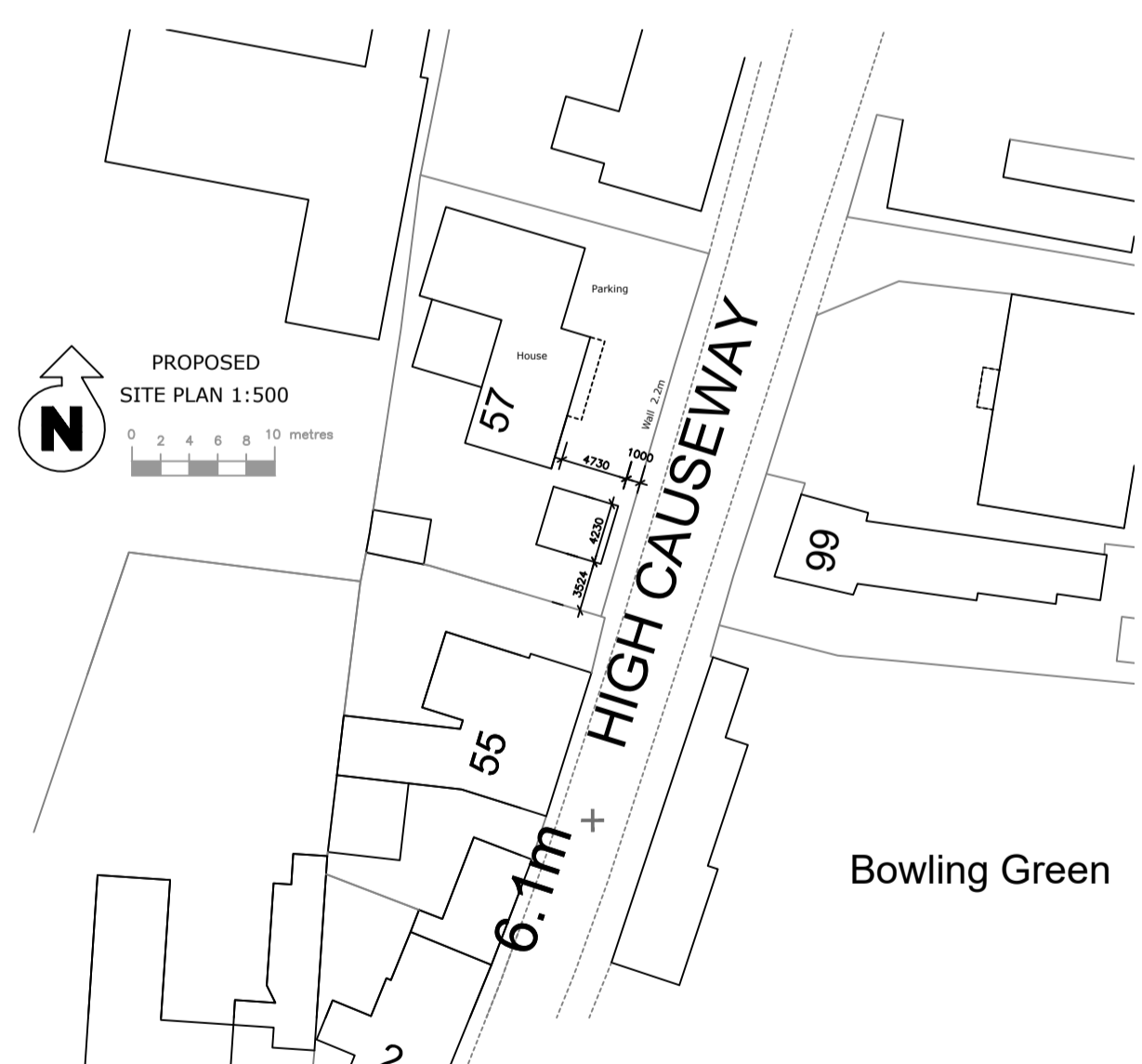
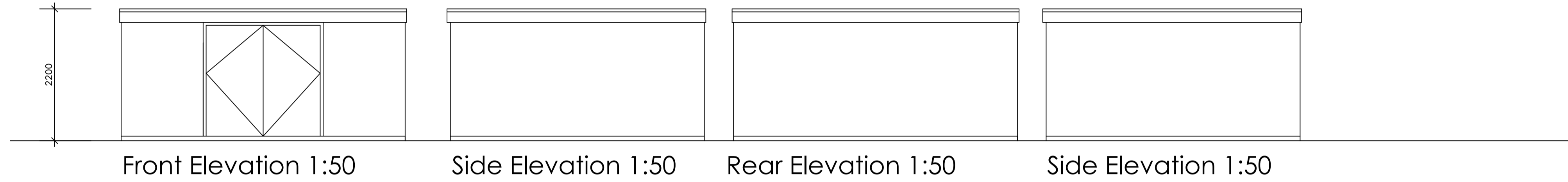
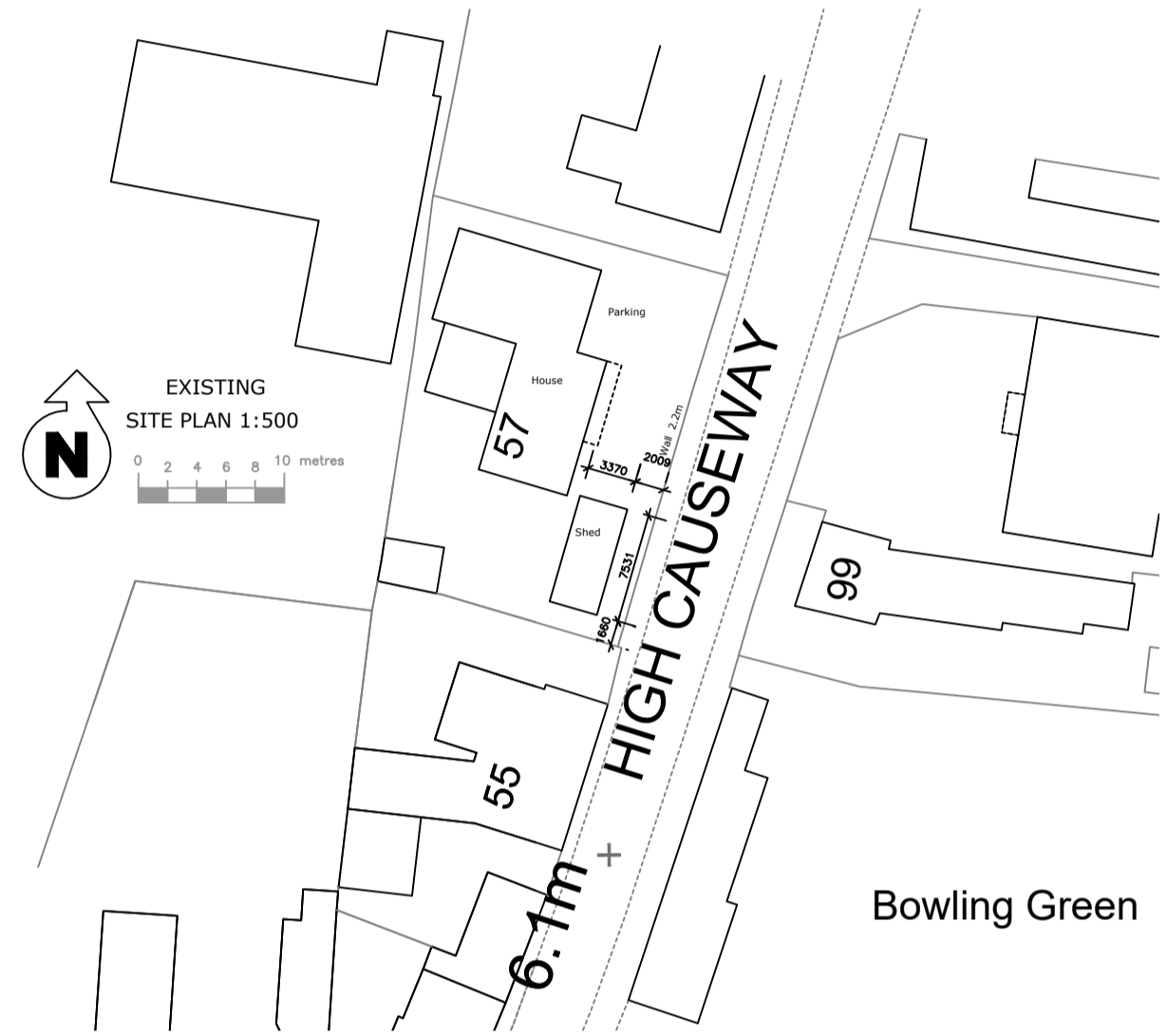
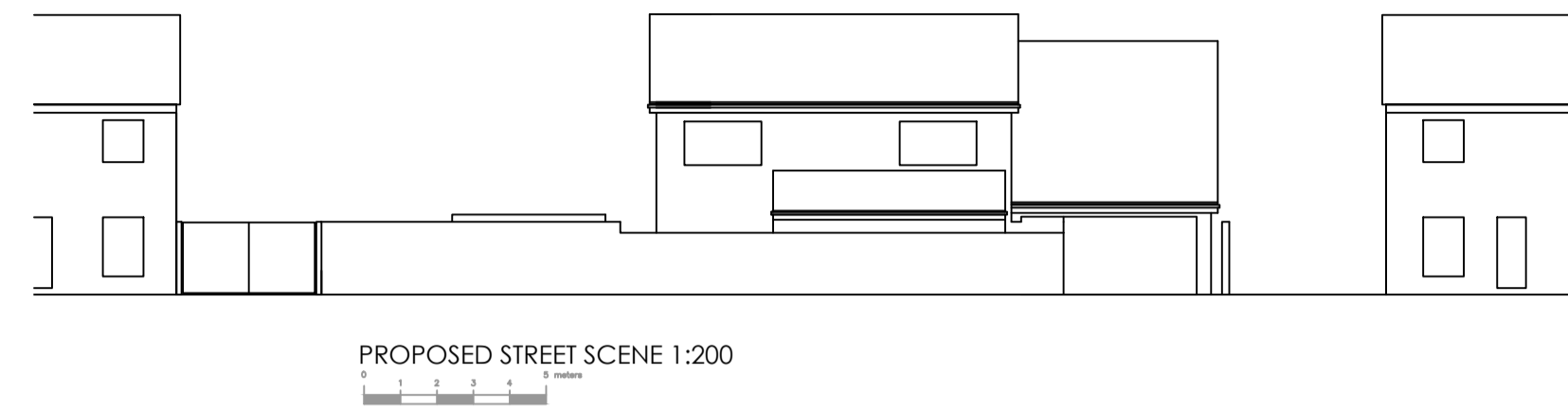
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REVISIONS:

STATUS:
PLANNING

PROJECT:
**57 HIGH
CAUSEWAY WSEY**

DRAWING TITLE :
PROPOSED
DATE: 26-10-2023
SCALE: VAR @ AI

PROJECT NUMBER :
J23099
DRAWING REFERENCE :
PL02A