

## AGENDA

### PLANNING COMMITTEE

**WEDNESDAY, 20 MARCH 2024**

**1.00 PM**

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

Committee Officer: Jo Goodrum  
Tel: 01354 622285  
e-mail: [memberservices@fenland.gov.uk](mailto:memberservices@fenland.gov.uk)

- 1 To receive apologies for absence.
- 2 To report additional items for consideration which the Chairman deems urgent by virtue of the special circumstances to be now specified
- 3 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.
- 4 F/YR23/0431/O  
Land North East Of Trotters Lodge, The Old Dairy Yards, Westfield Road, Manea  
Erect up to 3no dwellings (outline application with matters committed in respect of access) including demolition of 3 x day rooms and outbuildings (Pages 3 - 18)  
  
To determine the application.
- 5 F/YR23/0858/F  
41 Queens Road, Wisbech, PE13 2PE  
Change of use of 4-bed dwelling (C3) to form house of multiple occupation (HMO) (Sui Generis) for up to 8 persons involving demolition of existing garage and formation of an access. (Pages 19 - 32)  
  
To determine the application.

- 6 F/YR23/0921/F  
Land West Of The Sportsman, Main Road, Elm  
Change of use of land for use as public house car park involving the formation of hardstanding, new lighting, the siting of a storage container and the erection of a 2.0m acoustic fence (part retrospective (Pages 33 - 44)
- To determine the application.
- 7 F/YR23/1016/O  
Land East Of 54, Queensway, Chatteris  
Erect 1 x dwelling (outline application with all matters reserved) (Pages 45 - 52)
- To determine the application.
- 8 F/YR23/1036/F  
Land South East Of The Chase, Gull Road, Guyhirn  
Erect 3 x dwellings (single-storey, 4-bed) with garages (Pages 53 - 68)
- To determine the application.
- 9 F/YR23/1052/F  
Land South Of, 200 Coates Road, Coates  
Erect 2 x dwellings (2-storey 5-bed) and retention of a container, involving demolition of existing outbuildings (Pages 69 - 84)
- To determine the application.
- 10 F/YR23/1072/RM  
45 Westfield Road, Manea  
Reserved Matters application relating to detailed matters of access, appearance, landscaping, layout and scale pursuant to outline permission F/YR21/1141/O to erect 2no dwellings (1 x 2-storey, 3-bed and 1 x 2-storey, 4-bed self-build), and the formation of an access and widening of an existing access, involving demolition of existing dwelling (Pages 85 - 96)
- To determine the application.
- 11 Items which the Chairman has under item 2 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,

**F/YR23/0431/O**

**Applicant: Mr T Savage**

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

**Land North East Of Trotters Lodge, The Old Dairy Yards, Westfield Road, Manea  
Cambridgeshire**

**Erect up to 3no dwellings (outline application with matters committed in respect of  
access) including demolition of 3 x day rooms and outbuildings**

**Officer recommendation: Refuse**

**Reason for Committee: Parish Council comments and number of representations  
contrary to officer recommendation**

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## **1 EXECUTIVE SUMMARY**

- 1.1 The application seeks outline planning permission with matters committed in respect of access for up to 3 dwellings including the demolition of 3 day rooms and outbuildings.
- 1.2 The application site is within the countryside, outside of the main built form of the settlement. The proposed in-depth development and its associated cumulative harm and urbanisation through the erection of three modest dwellings would conflict with Policy LP12 (Parts A-D).
- 1.3 Further to this, the introduction of three market dwellings in this location will be at odds with the prevailing form of development with no demonstrable need for dwellings in this location and is clearly contrary to Policy LP3 of the Fenland Local Plan.
- 1.4 The proposed development would see the loss of a Gypsy Traveller site, but it must be borne in mind that this was tied to the applicant and resident dependants, therefore the loss of a very specific one that will be redundant as no other Gypsy Traveller families could occupy this in any instance.
- 1.5 Consequently, and on balance, the recommendation is to refuse the application.

## **2 SITE DESCRIPTION**

- 2.1 The subject site covers an area approximately 8564 sq m, accessed from Old Dairy Yard on the northern edge of the Growth Village of Manea.
- 2.2 The site currently contains 3no caravans and 3no single-storey day rooms approved under a previous planning permission (F/YR14/0588/F). These are located to the southern end of the site with other stores/sheds dotted around the wider site.
- 2.3 The application site is flat throughout and designated within Flood Zone 1 with a modern residential development to the south of the site and the odd dwelling to the west with paddock land to the north and east.

### 3 PROPOSAL

- 3.1 This application is an outline application proposing the erection of 3no dwellings on the site. All matters are reserved except for access.
- 3.2 Whilst the application is in outline form, an indicative site plan has been submitted along with the application form confirming two of the plots will be 3-bed and one plot 4-bed and market housing.
- 3.3 Full plans and associated documents for this application can be found at: [F/YR23/0431/O | Erect up to 3no dwellings \(outline application with matters committed in respect of access\) including demolition of 3 x day rooms and outbuildings | Land North East Of Trotters Lodge The Old Dairy Yards Westfield Road Manea Cambridgeshire \(fenland.gov.uk\)](https://fenland.gov.uk/F/YR23/0431/O | Erect up to 3no dwellings (outline application with matters committed in respect of access) including demolition of 3 x day rooms and outbuildings | Land North East Of Trotters Lodge The Old Dairy Yards Westfield Road Manea Cambridgeshire (fenland.gov.uk))

### 4 SITE PLANNING HISTORY

**Numerous relating to surrounding land in ownership of the applicant but the most recent and relevant to the application site:**

F/YR14/0588/F Siting of 3no caravans and erection of 3x single storey day rooms and 1.8m high close boarded fence (part retrospective) – Granted

### 5 CONSULTATIONS

#### 5.1 Manea Parish Council

*No objections*

#### 5.2 Archaeology (CCC)

*Our records indicate that the development lies in an area of archaeological potential located on Manea Island, an important and favoured location for settlement in the fens.*

*Due to the archaeological potential of the site a further programme of investigation and recording is required in order to provide more information regarding the presence or absence, and condition, of surviving archaeological remains within the development area, and to establish the need for archaeological mitigation of the development as necessary.*

A pre-commencement condition is requested in relation to a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI).

#### 5.3 Natural England

Provided comments regarding appropriate consideration of recreational pressure impacts, through relevant residential development, to sensitive Sites of Special Scientific Interest (SSSI).

#### 5.4 PROW Officer (CCC)

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

*There is no legally defined and recorded width for Public Footpath 2, Manea. Where there is no legally defined width for a public right of way, we are not able to advise what the width would be. As the dimensions are not known, we cannot guarantee that the applicant would not be encroaching upon the highway. The applicant therefore would proceed with any development that might affect the highway at their own risk* Informatives Should you



*be minded to grant planning permission we would be grateful that the following informatives are included: Public Footpath 2, Manea must remain open and unobstructed at all times.*

*Building materials must not be stored on Public Rights of Way and contractors' vehicles must not be parked on it (it is an offence under s 137 of the Highways Act 1980 to obstruct a public Highway). The Public Footpath must not be used to access the development site unless the applicant is sure they have lawful authority to do so (it is an offence under S34 of the Road Traffic Act 1988 to drive on a Public Footpath without lawful authority) No alteration to the Footpath's surface is permitted without our consent (it is an offence to damage the surface of a public footpath under s 1 of the Criminal Damage Act 1971). Landowners are reminded that it is their responsibility to maintain boundaries, including trees, hedges and fences adjacent to Public Rights of way, and that any transfer of land should account for any such boundaries (s154 Highways Act 1980). The granting of planning permission does not entitle a developer to obstruct a Public Right of Way (Circular 1/09 para 7.1).*

*Members of the public on foot, horseback and pedal cycle have the dominant right of passage along the public byway; private vehicular users must 'give way' to them. If for whatever reason the subsequent adoption processes fail, the Public Footpath will remain in place and the applicant could be held liable for unlawful alteration to the surface. He or she may also be required to be responsible for the altered surface. The applicant will be required to meet the costs of any new or amended signage that may be required as a result of any legal changes to the Public Rights of Way network.*

*The Highways Authority has a duty to maintain Public Rights of Way in such a state as to be suitable for its intended use. (S41 Highways Act 1980 and S66 Wildlife & Countryside Act 1981). If the surface of the Footpath is damaged as a result of increased motorised vehicle usage, the Highways Authority is only liable to maintain it to a Footpath standard. Those with private vehicular rights will therefore be liable for making good the surface of the Public Right of Way. Furthermore, the applicant may be required to temporarily close public rights of way whilst construction work is ongoing.*

*Temporary Traffic Regulation Orders (TTROs) are processed by the County Council's Street Works Team and further information regarding this can be found on the County Council's website at <https://www.cambridgeshire.gov.uk/residents/travel-roads-and-parking/roads-andpathways/highway-licences-and-permits/>*

## **5.5 Environmental Health (14/06/23)**

*The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposal, as it is unlikely to have a detrimental effect on local air quality. It is acknowledged from the application form that existing use is stated as 'residential'. Whilst that may be true, aerial imagery available seems to indicate the storage of a lot of materials including vehicles. Coupled with the proposed demolition of a number of buildings, some of which appear to have asbestos containing material roofing, in the event that planning permission is granted, it is therefore recommended that the full contaminated land condition is imposed:*

*No development approved by this permission shall be commenced prior to an investigative contaminated land assessment and associated remedial strategy, being submitted to the LPA and receipt of approval of the document/documents from the LPA. This applies to paragraphs a) and b). This is an iterative process, and the results of each stage will help decide if the following stage is necessary. (a) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitable qualified and accredited consultant/contractor in accordance with a quality assured sampling and analysis methodology. (b) A site investigation report detailing all investigative works and sampling on site, together with the results of the analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the LPA. The LPA shall approve such remedial works as required prior to any remediation*

commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment including any controlled waters. No development approved by this permission shall be occupied prior to the completion of any remedial works and a validation report/s being submitted to the LPA and receipt of approval of the document/documents from the LPA. This applies to paragraphs (c), (d) and (e). (c) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. (d) If, during the works, contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA. (e) Upon completion of the works, this condition shall not be discharged until a validation/closure report has been submitted to and approved by the LPA. The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from site, and what has been brought on to site. In the interests of protecting the amenity of existing nearby residents.

*I would also recommend including the following condition to any planning permission granted: 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*

### **Environmental Health (12/7/23)**

*Can this please replace previous response provided by this service on 14.06.23.*

*The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposal, as it is unlikely to have a detrimental effect on local air quality. It is acknowledged from the application form that existing use is stated as 'residential'.*

*Whilst that may be true, aerial imagery available seems to indicate the storage of a lot of materials including vehicles. Coupled with the proposed demolition of a number of buildings, some of which appear to have asbestos containing material roofing, in the event that planning permission is granted, it is therefore recommended that the full contaminated land condition is imposed:*

*No development approved by this permission shall be commenced prior to a 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. In the interests of protecting the amenity of existing nearby residents, I would also recommend including the following condition to any planning permission granted:

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

## **5.6 County Ecology**

Thank you for your consultation letter received on 16 May 2023 regarding the above planning application. We recommend refusal of this application due to lack of biodiversity information and loss of biodiversity.

This matter can be resolved through the submission of an updated Preliminary Ecological Assessment to the LPA prior to the determination of the planning application. Please find further detailed below:

### *Preliminary Ecological Appraisal*

The Preliminary Ecological Appraisal (PEA) is incomplete and doesn't meet PEA report writing standards:

- Habitat map not provided – not possible to determine the extent of habitat loss (e.g. improved grassland, conifers, mature trees) or the location of the building surveyed - No description of habitats - not possible to determine the value of these habitats, whether compensatory habitats are required, and whether / not likely to support protected / priority species
- No assessment of potential to support Great Crested Newt or recognition of potential breeding pond to north-west of the development
- No assessment of access road, particularly the “existing ditch to be cleared out”, as shown on the location plan (we assume this work is associated with the current application?), which could potentially support protected species (Water Vole).

It is therefore not possible to determine the level of impact of the scheme on biodiversity and whether / not features of biodiversity value will be protect, or if mitigation / compensation. Therefore, it does not accord with National Planning Policy Framework 2021 (paragraphs 174 & 180-182) or the following Fenland Local Plan 2014 policies to conserve and enhance biodiversity:

- LP16: "Proposals for all new development... will only be permitted if it can be demonstrated that the proposal... "protects and enhances biodiversity on and surrounding the proposal site, taking into account locally designated sites and the special protection given to internationally and nationally designated sites, in accordance with Policy LP19"
- LP19: "conserve, enhance and promote the biodiversity and geological interest of the natural environment throughout Fenland". Furthermore, the local authority is unable to discharge its statutory duty to conservation biodiversity (Natural Environment and Rural Communities Act 2006).

We therefore recommend refusal until the following information is provided prior to determination:

- Updated Preliminary Ecological Appraisal (and any recommended further survey work) to address the issues above
- Commitment to incorporating biodiversity enhancements within the scheme, as set out in the Preliminary Ecological Appraisal (detailed can be secured through conditions) Natural England SSSI Impact Risk Zone
- Recreational Pressure It is noted that the Application site falls within Natural England SSSI Impact Risk Zone (IRZ) requiring the LPA to consult Natural England on "All planning applications (except householder) outside or extending outside existing settlements/urban areas affecting greenspace, farmland, semi natural habitats or landscape features such as trees, hedges, streams, rural buildings/structures."

Natural England (2019) issues LPAs with a letter setting out "Natural England guidance for assessing and mitigating the recreational pressure impacts of residential development to SSSIs within Cambridgeshire", see Annex A of their consultation response (dated 01 June 2023). It states that 'new dwellings' fall within Natural England's Cambridgeshire Recreational Pressure IRZs. And advises that "most proposals below 50 dwellings to be screened out for likely significant effect", although "in the opinion of the LPA, a smaller proposal closer to a SSSI(s) is considered likely to have significant effect, impacts should be assessed".

It is our consideration that the proposal of 3 dwellings located over 1km from the Ouse Washes SSSI is unlikely to have a significant adverse impact on this designation. Therefore, no further assessment / mitigation measures are required.

#### Conditions

Notwithstanding the above recommended refusal - if planning permission is granted, it is expected that condition(s) will be required to ensure:

1. Compliance with mitigation measures recommended in Preliminary Ecological Appraisal
2. Details of landscape proposals / biodiversity enhancement / net gain
3. Time limited development, before ecology surveys need to be updated
4. Breeding bird informative

## **5.7 Councils Traveller and Diversity Manager**

The existing development was approved for Gypsy Traveller caravan accommodation to meet the cultural needs of their lifestyle.

This proposal states that the numbers of persons living on the land will not change. Does this mean that the Gypsy Traveller people living there will be moving into brick and mortar accommodation proposed or will they move elsewhere e.g. to the roadside or seek to develop a further private Traveller site elsewhere.

This appears to be a development for 3 houses which will result in the loss of existing Traveller accommodation which given local need we would need to look to replace elsewhere.

## **Local Residents/Interested Parties**

### **5.8 Six letters of support from residents within Manea**

- Support as the dwellings will serve existing residents
- No intensification of traffic
- Family are a credit to the village
- Site is within own private grounds
- Merely replacing existing buildings
- Visual improvement

## **6 STATUTORY DUTY**

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

6.2 The Council has a duty Under the Equality Act 2010, Section 149, to have due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

## **7 POLICY FRAMEWORK**

### **National Planning Policy Framework (NPPF)**

### **National Planning Practice Guidance (NPPG)**

### **National Design Guide 2021**

### **Fenland Local Plan 2014**

LP1 – A Presumption in Favour of Sustainable Development  
LP2 – Facilitating Health and Wellbeing of Fenland Residents  
LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside  
LP4 – Housing  
LP5 – Meeting Housing Need  
LP12 – Rural Areas Development Policy  
LP13 – Supporting and Managing the Impact of a Growing District  
LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland  
LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland  
LP16 – Delivering and Protecting High Quality Environments across the District  
LP17 – Community Safety  
LP19 – The Natural Environment

### **Emerging Local Plan**

The Draft Fenland Local Plan (2022) was published for consultation between 25th August 2022 and 19 October 2022, all comments received will be reviewed and any changes arising from the consultation will be made to the draft Local Plan. Given the very early stage which the Plan is therefore at, it is considered, in accordance with Paragraph 48 of

the NPPF, that the policies of this should carry extremely limited weight in decision making. Of relevance to this application are policies:

LP1: Settlement Hierarchy  
LP2: Spatial Strategy for the location of residential development  
LP4: Securing Fenland's Future  
LP5: Health and Wellbeing  
LP7: Design  
LP8: Amenity Provision  
LP12: Meeting Housing Needs  
LP14: Gypsies and Travellers and Travelling Showpeople  
LP18: Development in the Countryside  
LP19: Strategic Infrastructure  
LP20: Accessibility and Transport  
LP22: Parking Provision  
LP24: Natural Environment  
LP25: Biodiversity Net Gain  
LP27: Trees and Planting  
LP28: Landscape  
LP32: Flood and Water Management  
LP33: Development of Land Affected by Contamination

## 8 KEY ISSUES

- Principle of Development
- Loss of Gypsy Traveller site
- Design and Visual Amenity
- Residential Amenity
- Flood Risk
- Highways/parking
- Biodiversity

## 9 BACKGROUND

- 9.1 Application F/YR14/0588/F was approved for the siting of 3no caravans and erection of 3 x single-storey day rooms and 1.8 metre high close boarded fence (part retrospective). The application was part retrospective, because one caravan was already on site. The caravan was occupied by the occupants daughter with her family. The applicant and his family (wife and other daughter) were living in the other sheds on site.
- 9.2 In respect of the above application, the Council's Traveller and Diversity Manager confirmed that Mr Savage and his family met the definition of Gypsy and Travellers as set out in Government Guidance and approval was forthcoming. The Planning Officer stated that the proposal met the Planning Policy for Traveller sites. It included statements such as *"The applicant has stated that there is no alternative suitable accommodation for his family. It should be noted that Mr Savage rents out an adjacent bungalow which he formally resided in but states that his wish is to revert to traditional cultural accommodation for himself and his family on site which he already owns and resides in."*

The approval included the following condition limiting occupation to the applicants and resident dependants:

*The occupation of the site hereby permitted shall be carried on only by the following and their resident dependants: Mr and Mrs T Savage. When the land ceases to be occupied by those named in this condition the use hereby permitted shall cease and all caravans and structures permitted by this approval shall be removed and the land shall be restored to its condition before the development took place as shown on drawing No.04C date stamped 13 October 2014.*

*Reason - The Local Planning Authority, in considering this application, have given due regard to the status of the applicant in accordance with the Authority's rural planning policy and in accordance with guidance contained within Planning policy for travellers sites.*

9.3 The following applications nearby also have Mr Savage as a listed applicant:

F/YR20/0363/F | Erect 1 x 4-bed single storey dwelling including improvements to access | Land North West Of Cedar Lodge The Old Dairy Yards Westfield Road Manea. Approved by Committee. Recommendation by officers was for refusal.

'Savages Bungalow' to the south of the site was subject to the following approval in Jan 2022 - F/YR21/1415/F | Erect a replacement dwelling (2-storey 5-bed) involving the substantial demolition of existing bungalow. Mr and Mrs Savage and Green are listed as the applicants for this application as well.

## **10 ASSESSMENT**

### **Principle of Development**

- 10.1 Policy LP3 of the Fenland Local Plan identifies Manea as a Growth Village, where development and new service provision either within the existing urban area or as small village extensions will be appropriate albeit of a considerably more limited scale than that appropriate to the Market Towns.
- 10.2 Policy LP12 of the Local Plan supports development that does not harm the wide-open character of the countryside and provides further guidance as to the restriction of such development to ensure that it has an acceptable impact on the settlement and its character. The Policy requires development to meet certain criteria in order to be supported. The site must be in or adjacent to the existing developed footprint of the village; it must not result in coalescence with any neighbouring village, and must not have an adverse impact on the character and appearance of the surrounding countryside and farmland. Similarly, the proposal must be in keeping with the core shape and form of the settlement, without resulting in the extension of linear features or create ribbon development, and must retain natural boundaries, respect ecological features, important spaces, etc. Finally, the proposal must be served by sustainable infrastructure, and must not put people or property in danger from identified risks.
- 10.3 Footnote to Part A of policy LP12 states that it defines the developed footprint of the village as the continuous built form of the settlement and excludes:
- a) Individual buildings and groups of dispersed, or intermittent buildings, that are clearly detached from the continuous built-up area of the settlement;
  - b) Gardens, paddocks, and other undeveloped land within the curtilage of buildings on the edge of the settlement where the land relates more to the surrounding countryside than to the built up area of the settlement;
  - c) Agricultural buildings and associated land on the edge of the settlement.
- 10.4 As acknowledged in application F/YR14/0588/F, which provided a site location plan with a significantly reduced site edged red to that submitted with this application, the site is within the countryside. It is accessed from Old Dairy Yard, a long, single track road in between two dwellings along Westfield Road with pockets of open undeveloped areas of land surrounding. Given this, it is considered that the site relates more closely to the open countryside than the built form with clear natural boundaries in existence to its western and south-eastern boundaries. Other than for one detached dwelling to the south-west, which aligns with the existing caravans within the site, beyond the site to the west, north and east is open paddock. The application site is of a larger scale than the previously approved site and clearly lies outside of the village of Manea and outside of the developed footprint of the built form of the settlement. Further to this, no evidence

has been submitted that demonstrates compliance with any of the exemptions allowed through policy LP3.

- 10.5 Notwithstanding the above, Part C of LP12 states that the replacement of a dwelling which is located outside, or not adjacent to the developed footprint of a settlement will be supported where certain criteria are met, inter alia, criteria (c) which states that the original dwelling is not a temporary or mobile structure, such as a caravan. The development proposes the erection of three dwellings following removal of caravans and, as such, fails to comply with this element of the policy.
- 10.6 The proposed in-depth development and its associated cumulative harm and urbanisation through the erection of three modest dwellings would be at odds with Policy LP12 Part A, (a) – (d). Further to this, the introduction of three market dwellings in this location will be at odds with the prevailing form of development and is clearly contrary to Policy LP3 of the Fenland Local Plan.

### **Loss of a Gypsy Traveller Site**

- 10.7 Policy LP5, Part D states that *The Council will be prepared to grant permission for sites in the countryside provided that there is evidence of a need (as identified in the local assessment), that the intended occupants meet the definition of Gypsy and Travellers or Travelling Showpeople as set out in Government guidance, and provided that the above criteria (a) to (f) are met.*

*In the countryside, any planning permission granted will restrict the construction of permanent built structures to small amenity blocks associated with each pitch, and the Council will ensure, by means of a condition or planning obligation, that the site shall be retained for use as a Traveller site in perpetuity.*

- 10.8 The site was acknowledged within application F/YR14/0588/F to be within the countryside with the Council's Traveller and Diversity Manager confirming that Mr Savage and his family met the definition of Gypsy and Travellers as set out in Government Guidance. The development for the formation of 3no gypsy pitches consisting of a caravan and the erection of a day room on each pitch was subsequently approved to meet the cultural needs of their lifestyle and was subject to a condition stating that the occupation of the site shall be carried on only by the following and their resident dependants: Mr and Mrs T Savage.
- 10.9 The application proposal states that the numbers of persons living on the land will not change. It hasn't been confirmed whether those currently living on site will be moving into the brick and mortar accommodation proposed or whether they will they move elsewhere for example seek to develop a further private Traveller site elsewhere. The application form confirms the dwellings will be market housing with the officer stating within application F/YR14/0588/F that *It should be noted that Mr Savage rents out an adjacent bungalow which he formally resided in but states that his wish is to revert to traditional cultural accommodation for himself and his family on site which he already owns and resides in.*
- 10.10 Notwithstanding the above, this is a development for three modest detached dwellings which will result in the loss of existing, traditional Traveller accommodation. A condition was imposed on application F/YR14/0588/F which ties the use of the current accommodation to Mr & Mrs Savage. Whilst the proposed development would see the loss of a Gypsy Traveller site, it's the loss of a very specific one that will fall away as no other Gypsy Traveller families could occupy in any instance and therefore will not constitute a reason to refuse the application.

### **Design and Visual Amenity**

- 10.11 Details of appearance, layout and scale are to be submitted at Reserved Matters stage, however the Council must be satisfied that an appropriate design can be brought forward



through any subsequent reserved matters application before granting planning permission. An indicative proposed block plan has been provided showing plots 1 and 2 to be sited to the south-eastern site of the plot, roughly in a similar position to the mobile homes in situ whilst plot 3 is to the north-western part of the site.

- 10.11 Local Plan Policy LP16 identifies that proposals for new development will only be permitted if it can be demonstrated that the proposal:

*(d) makes a positive contribution to the local distinctiveness and character of the area, enhances its local setting, responds to and improves the character of the local built environment, provides resilience to climate change, reinforces local identity and does not adversely impact, either in design or scale terms, on the street scene, settlement pattern or the landscape character of the surrounding area.*

- 10.12 Moreover, in rural areas, a development proposal needs also to satisfy the criteria set out in Policy LP12. As this application is outline only with no matters committed, the main issue for consideration is whether the principle of development of three new dwellings in this location would accord with the necessary criteria of Policy LP16(d) and LP12.
- 10.13 The application site lies beyond the built form with the topography relatively flat with notable visual screening to the south-west and south-east of the site which limits views. Beyond the application site to the north, west and east are open fields with the overriding character open countryside with any additional built form considered to create a substantial degree of prominence in the wider landscape. Cumulatively, the extension beyond the established pattern of development in conjunction with a substantial degree of prominence within the landscape would cause harmful erosion to the character and appearance of the open countryside.
- 10.14 The application form alludes to the fact that the existing use of the site is 'residential'. Whilst it is acknowledged that the north-western end of the site edged red is developed in so far as there are elements of sporadic storage and outbuildings, this does not appear to have benefitted from any permission and given its current use is not considered to be in residential use.
- 10.15 Notwithstanding the permission F/YR14/0588/F, that was justified solely on the grounds of the status of the applicant, the introduction of 3no modest, permanent dwellings will extend built development further out into the countryside and an area that is predominantly open in nature. The proposal would lead to associated cumulative harm and urbanisation of the rural setting.
- 10.16 To approve such a scheme would see the countryside, being incrementally, eroded to the detriment of the wider area, which in turn would set a precedent for additional in depth piecemeal development; urbanisation and loss of openness with even more significant cumulative impacts.
- 10.17 Whilst the application is in outline form, it is clear that the proposed development of three modest dwellings would fail to assimilate with the existing built form to the south-east and fails to be policy compliant.

### **Residential Amenity**

- 10.18 Policy LP2 states that development proposals should positively contribute to creating a healthy, safe and equitable living environment, including promoting high levels of residential amenity.
- 10.19 Policy LP16 states that development should not adversely impact on the amenity of neighbouring users such as noise, light pollution, loss of privacy and loss of light. It also identifies that proposals should identify, manage and mitigate against any existing or proposed risks from sources of noise, emissions, pollution, contamination, odour and dust, vibration, landfill gas and protects from water body deterioration.

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

### **Flood Risk**

- 10.21 The site is located within Flood Zone 1 and therefore flood risk is not considered to be a constraint.

### **Highways/parking**

- 10.22 The application is in outline form with matters committed in relation to access. The site is currently accessed via a private street, Old Dairy Yard with access onto the public highway, Westfield Road, County Highways have confirmed that whilst the access is substandard, in context of the existing use and the minor level of proposed intensification is unlikely to have a materially adverse impact upon highway safety.
- 10.23 As such, it is considered that the proposed access is acceptable and there are no further issues to be addressed with regards to policy LP15 of the Fenland Local Plan.

### **Biodiversity**

- 10.24 Local Plan Policy LP16 (b) identifies that proposals for new development will only be permitted if it can be demonstrated that the proposal protects and enhances biodiversity on and surrounding the proposal site.
- 10.25 It is acknowledged that the site is already disturbed land and an Ecology Report was submitted at validation. County Ecology responded recommending refusal due to the PEA being incomplete and not meeting the report writing standards. An updated PEA was submitted in November 2023.
- 10.26 A UKHab Survey of the site was undertaken with the methods being 'extended' to include an evaluation of potential habitats for any protected or valued species. Photographs were taken to record key features/views to map the habitats on site, assess a pond to the northwest of site and assess the ditch running alongside the accessway.
- 10.27 The site is within an Amber Risk Zone for great crested newts (GCN). The PEA concludes that a search by Cambridgeshire and Peterborough Environmental Records Centre (CPERC) in September 2023 for a nearby site returned two records of amphibians. These were both for the common frog with no records of GCN recorded within 2km of the site. Further to this, there were no class licence returns for GCN showing on Magic maps or granted European Protected Species Licences within 2km of site. The habitats on site are of sub-optimal suitability for amphibians.
- 10.28 There is a pond approximately 40m northwest of site although it is dry for the majority of the year and is well shaded by trees. It is connected to the drainage system to the north which would suggest that any amphibians present would be led away from site into more suitable habitat to the north. It is therefore concluded that the likelihood of great crested newt presence within the site is low.
- 10.29 The CPERC data search returned 5no records of water voles within 2km of site. The closest was 1400m south of site with none of the water vole habitats connected to the ditches around site. The ditch along the access way from Westfield Road was dry at the time of the survey which was demonstrated in a photograph. The ditch is very shallow

and, in places, almost level with the track. It is also blocked with vegetation such as ivy and nettles. The PEA concludes that the likelihood of water vole being present within the ditch was negligible.

- 10.30 The Ecology Officer has not provided further comment on the updated PEA submission, however, the LPA have considered that further Ecology matters can be controlled via appropriate conditions in relation to any forthcoming reserved matters application.

## 11 CONCLUSIONS

- 11.1 The meaningful benefits derived from three market dwellings to the vitality and viability of the nearest settlement would be very modest. Notwithstanding this, there appears to be no demonstrable need for dwellings in this location.
- 11.2 The proposed in-depth development and its associated cumulative harm and urbanisation through the erection of three modest dwellings would be at odds with Policy LP12 (Part A-D) and would restrict views of the open countryside beyond, having an urbanising effect on this rural site, to the significant detriment to the character of the area.

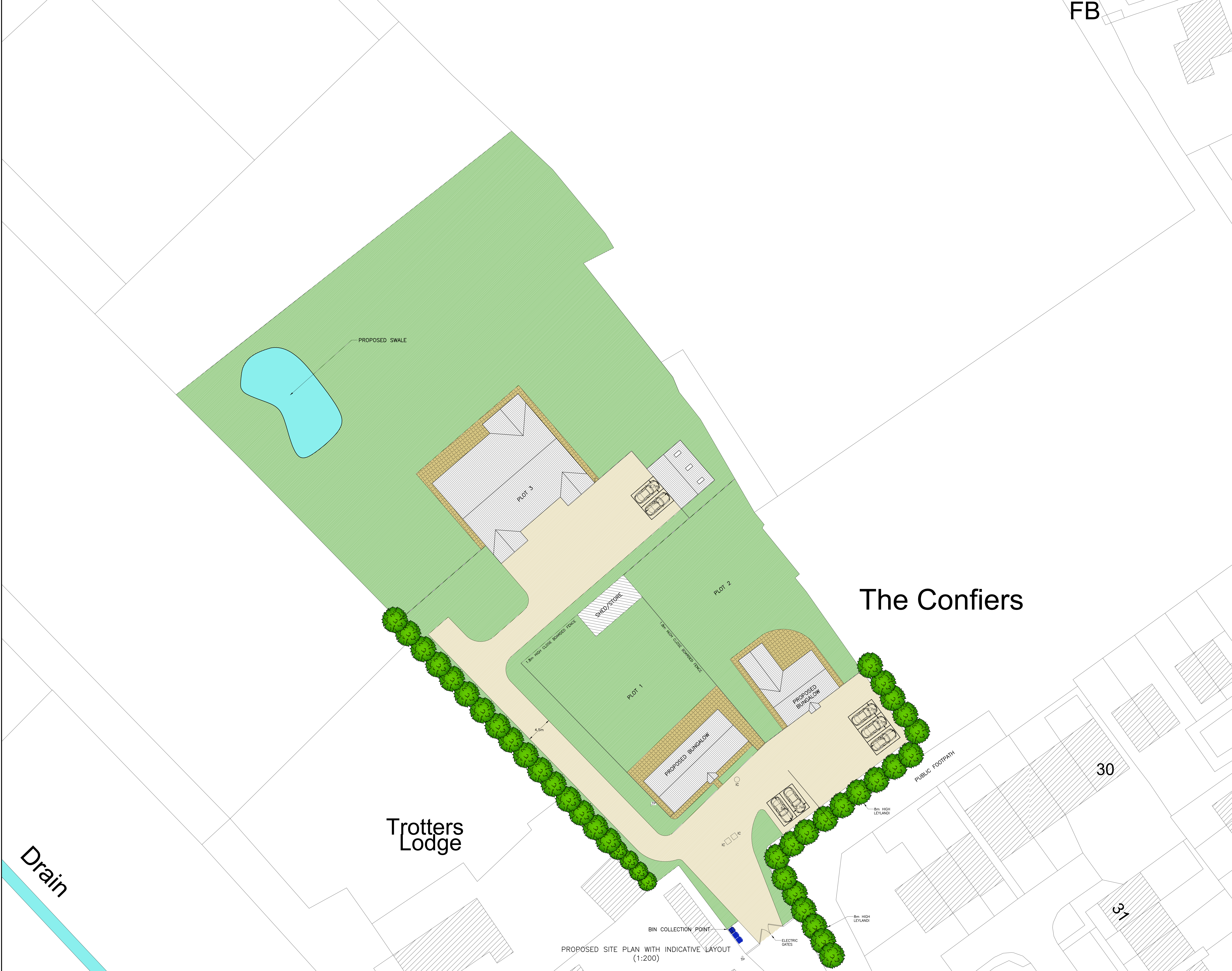
## 12 RECOMMENDATION

**REFUSE;** for the following reasons:

1	Policies LP3 and LP12 of the Fenland Local Plan (2014) set out the settlements hierarchy within the district, with the application site location being considered as an 'Elsewhere' location where new dwellings are only to be permitted if they are demonstrably essential to the effective operation of a range of countryside type uses. The existing residential units on site comprise three caravans which is specifically excluded from replacement by virtue of Policy LP12, Part C (c); as such, the scheme must be considered as new dwellings and subject to policies LP3 and LP12 of the Fenland Local Plan which both seek to restrict elsewhere development within the open countryside locations. No policy justification has been provided to support three new dwellings in this location and as such, the development is considered contrary to the aforementioned policies.
2	The proposed in-depth development and its associated cumulative harm and urbanisation through the erection of three modest dwellings would be at odds with Policy LP12 Part A (a) – (d) and would restrict views of the open countryside beyond, having an urbanising effect on this rural site, to the significant detriment to the character of the area. Furthermore, if approved, the development would set a precedent for additional in-depth piecemeal development, with further incremental encroachment into the countryside. The development is therefore contrary to Policy LP16 (d) of the Fenland Local Plan, DM3 of Delivering and Protecting High Quality Environments in Fenland SPD, paragraph 135 of the NPPF 2023 and chapters C1 and I1 of the NDG 2021 which seek to ensure that developments make a positive contribution and are sympathetic to the local distinctiveness and character of the area and do not adversely impact on the landscape character.

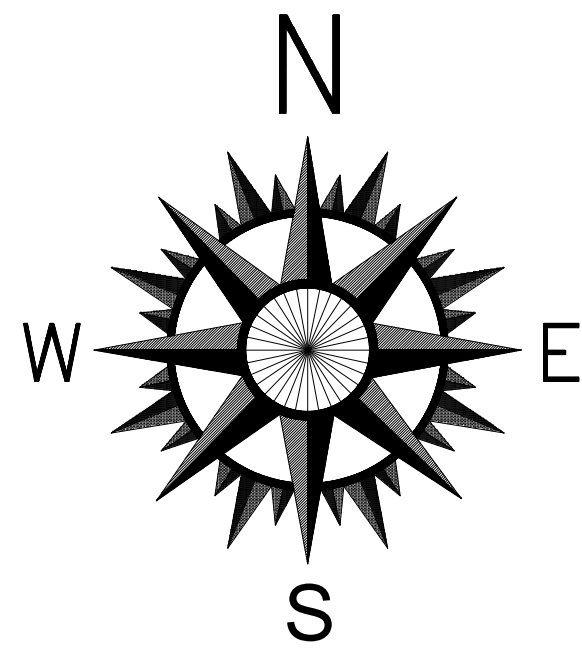






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# The Confiers



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

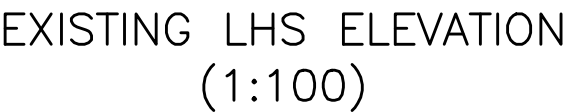
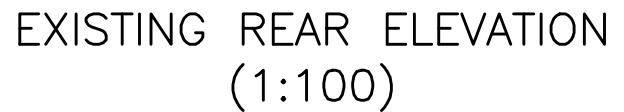
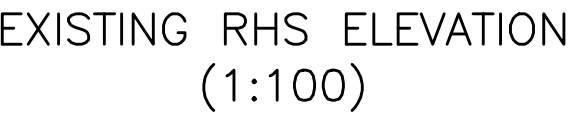
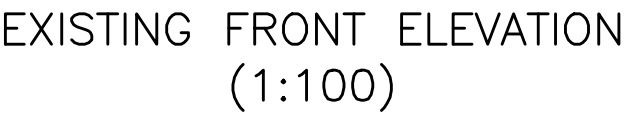
D	PLANNERS COMMENTS	MAR 23
C	PLANNERS COMMENTS	JAN 23
B	PLANNERS COMMENTS	JAN 23
A	DRAWING UPDATED	DEC 22
REVISIONS		DATE
<b>MORTON &amp; HALL</b> CONSULTING LIMITED CONSULTING STRUCTURAL ENGINEERS		
1 Gordon Avenue, March, Cambridgeshire, PE15 8AU Tel: 01354 655454 Fax: 01354 660467 E-mail: info@mortonandhall.co.uk Website: www.mortonandhall.co.uk		
LABC Fenland District Council Building Design Awards Building Excellence in Fenland		
Mr Savage		
The Confiers, The Old Dairy Yards, Westfield Rd. Manea, Cambs, PE15 0JG		
Proposed Site Plan with Indicative Layout		
DESIGNED	R.Papworth	DATE OF ISSUE
DATE	Oct 2022	PROJECT NUMBER
SCALE	As Shown	H8515/105a

Trotters Lodge

Drain

PROPOSED SITE PLAN WITH INDICATIVE LAYOUT (1:200)





## ELEVATIONS OF DAY ROOMS 1 & 2 THE CONIFERS

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Check BS 8000 to the extent that recommendations define the quality of the finished work. Materials products and workmanship to comply with all British Standards and CE standards with where appropriate, BS or EC marks.

All products and materials to be handled, stored, prepared and used or fixed in accordance with the manufacturers current recommendations.

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

REVISIONS		DATE	
			
<b>MORTON &amp; HALL</b> <b>CONSULTING LIMITED</b> <b>CONSULTING STRUCTURAL ENGINEERS</b>			
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		Fenland District Council	
LABC BUILDING EXCELLENCE AWARDS 			
CLIENT		Building Excellence in Fenland	
PROJECT			
Land North of Trotters Lodge, The Old Dairy Yards, Westfield Rd. Manea, Cambs, PE15 0JG			
TITLE			
No1 & 2 The Conifers The Old Dairy Yard Westfield Road, Elevations			
DRAWN: R.Papworth	DATE OF ISSUE:		
CHECKED:	DRAWING NUMBER:		
DATE: Oct 2022	H8515/102		
SCALE: As Shown			

**F/YR23/0858/F**

**Applicant: Tom Barrett  
Barrett Properties**

**Agent : Mr G Boreham  
Morton & Hall Consulting Ltd**

**41 Queens Road, Wisbech, Cambridgeshire, PE13 2PE**

**Change of use of 4-bed dwelling (C3) to form house of multiple occupation (HMO) (Sui Generis) for up to 8 persons involving demolition of existing garage and formation of an access.**

**Officer recommendation: Grant**

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

---

## **1 EXECUTIVE SUMMARY**

- 1.1 The current application seeks planning permission for change of use from dwelling (C3) to form a house of multiple occupation (HMO) (Sui Generis) for up to 8 persons. The scheme has been amended during the course of the application as it was originally submitted for a HMO for 12 persons.
- 1.2 As such, the benefits of the scheme, namely the reuse of the existing building, effective use of land within a Primary Market Town and provision affordable accommodation, along with the contribution of the proposal to the sustainability of the settlement, is considered to outweigh the less than substantial harm now identified.
- 1.3 As such, the recommendation is to grant the application.

## **2 SITE DESCRIPTION**

- 2.1 The application site consists of a two-storey semi-detached house in a traditional arts and craft style. The loft space has already been converted and has internal access stairs.
- 2.2 The dwelling benefits from an ample rear garden, surrounded by brick walls on both sides. There is currently a modest garage on the site with an access from rear that is to be removed as part of the scheme.
- 2.3 The site is not located in a conservation area.

### **3 PROPOSAL**

- 3.1 The current application seeks planning permission for the proposed change of use of the existing 4-bed dwelling (C3) to form a house of multiple occupation (HMO) (Sui Generis) for up to 8 persons. No external alterations are proposed to the main building.
- 3.2 The proposal includes demolition of existing garage in the rear garden and formation of an access to the rear and creation of parking area in the front garden.
- 3.3 Full plans and associated documents for this application can be found at:

[F/YR23/0858/F | Change of use of 4-bed dwelling \(C3\) to form house of multiple occupation \(HMO\) \(Sui Generis\) for up to 8 persons involving demolition of existing garage and formation of an access. | 41 Queens Road Wisbech Cambridgeshire PE13 2PE \(fenland.gov.uk\)](#)

### **4 SITE PLANNING HISTORY**

None Relevant

### **5 CONSULTATIONS**

#### **5.1 Parish Council (14.11.23)**

*Object: the committee expressed concern regarding the cumulative impact upon the town of Wisbech in terms of vehicle parking, caused by the continued granting of planning permission for residential accommodation which makes no provision for the on-site parking of vehicles. Wisbech Town Council is of the opinion that this matter should be taken into consideration by the Local Planning Authority when considering such development proposals.*

#### **Parish Council (22.01.24)**

*Object on the Over Development*

#### **5.2 Private Sector Housing Officer (14.11.23)**

*Inadequate ventilation to bedrooms 4/5 so will require mechanical extraction.*

#### **Private Sector Housing Officer ( 23.01.23)**

*Having reviewed the revised plans, I am satisfied they meet HMO Regulations and HHSRS standards.*

#### **5.3 CCC Highways (Original Scheme) (23.11.23)**

*On the basis of the information submitted, I have no objections in principle, however, the following points require attention to make the development acceptable in highway terms: The development includes provision of five car parking house for a house of multiple occupation for up to 12 residents. This seems to be an under provision with any surplus parking taking place on the public highway, noting that there are waiting restrictions along Queens Road (double*



yellow lines) so additional parking would need to be remote from the dwelling. While inconvenient this is not unsafe, so it is not a reason for an objection on highway safety grounds, but I will defer consideration the quantum of parking provision to FDC as they set parking standards within the Local Plan. Three off-street parking spaces are proposed which are accessed from Queens Road. Provided frontage boundary features, if any, are restricted in height to no more than 600mm above footway level, this is acceptable in principle. However, the use of gravel surfacing is not, as it will lead to debris being dragged into the highway where it can be hazardous to other road users. The driveway must be surfaced in a bound material. The front driveway must also be drained so that it does not discharge private surface water onto the highway, noting permeable surfacing will not be considered an acceptable solution in isolation i.e., the driveway must be graded to fall back from the highway or a means of surface water drainage e.g., channel drain, installed at the back of footway and water disposed of within the site. Another two parking spaces are proposed via the rear accessed alleyway. As the proposals include the demolition of two garages, this would not represent any intensification of a sub-standard access onto King's Road and is therefore considered acceptable. If the applicant is unwilling or unable to amend the application or provide additional information as outlined above, please advise me so I may consider making further recommendations, possibly of refusal.

#### **CCC Highways (18.01.24)**

I note that current proposals are for eight residents and six car parking spaces, which is a better balance than the previous proposals. However, the LPA as the must still be satisfied parking aligns with Local Plan policy. As previously stated, the front driveway must also be drained so that it does not discharge private surface water onto the highway, noting permeable surfacing will not be considered an acceptable solution in isolation i.e., the driveway must be graded to fall back from the highway or a means of surface water drainage e.g., channel drain, installed at the back of footway and water disposed of within the site. While it is preferable to amend the current proposals, should they LPA prefer this can be addressed by the recommended conditions below. On balance, I do not object to the proposed development.

#### **Conditions**

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

*Height of Enclosure:* The height of any front boundary enclosure shall not at any time exceed 600 mm above existing ground level (notwithstanding the provisions of Schedule 2, Part 2, Class A of The Town and Country Planning (General Permitted Development (England) Order 2015, or any instrument revoking or re-enacting that Order).

#### **5.4 Environmental Health Officer (11.11. 23)**

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

## **Environmental Health Officer ( 10.01.24)**

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

### **5.5 Wisbech Society ( 20.11.23)**

*With this application bordering on the Wisbech Conservation Area, I have been asked to respond with objections to the application on behalf of the Wisbech Society.*

- There are concerns over the number of residents proposed in this change of use. Although a large family home, the use as an HMO for 12 persons is considered overdevelopment, and the proposed facilities inadequate.*
- Increased traffic and the number of proposed residents will impact on neighbouring properties in this row of family dwellings.*
- The loss of a front garden to parking will have an impact on the character of this residential street of family houses with traditional gardens.*
- The use as an HMO and the addition of three parking spaces to the front is inappropriate to a property so near to a crossroads.*
- The addition of further parking spaces to the rear is also overdevelopment for the maintenance road, which is currently in poor repair and can have access issues for FDC refuse collection vehicles. Encouraging increased use of this road for access also raises safety concerns at the junction with King's Road, especially as there are many family dwellings in this area of Wisbech with children.*

### **Wisbech Society ( 15.01.24)**

*With reference to the amended application for Change of use of 4-bed dwelling (C3) to form house of multiple occupation (HMO) (Sui Generis) for up to 8 persons involving demolition of existing garage and formation of an access. at 41 Queens Road Wisbech Cambridgeshire PE13 2PE'*

- Although the number of persons has been reduced, this is still felt to be overdevelopment of this property in this location, and the proposed facilities inadequate. The amendment does not address the major objections to an HMO in this location.*
- Any HMO use will impact on neighbouring properties in this row of family dwellings.*
- The loss of a front garden to parking will have an impact on the character of this residential street of family houses with traditional gardens.*
- The use as an HMO and the addition of three parking spaces to the front is inappropriate to a property so near to a crossroads.*
- The addition of further parking spaces to the rear is also overdevelopment for the maintenance road, which is currently in poor repair and can have access issues for FDC refuse collection vehicles. Encouraging increased use of this road for access also raises safety concerns at the junction with King's Road, especially as there are many family dwellings in this area of Wisbech with children.*

### **5.6 Councillor Samatha Hoy – I don't support this application as it constitutes over development of the site.**

### **5.7 Councillor Steve Tierney- I would like to record my objection to Application Ref: F/YR23/0858/F in Queens Road. Grounds: Overdevelopment, unsuitable location,**

*unsuitable building, highways, bins. This is certainly not the right location for this sort of HMO.*

## **5.8 Local Residents/Interested Parties - Objectors**

49 total objections were received in total on original. 31 objections are from 11 addresses on Queens Road and surrounding areas. The comments were summarised as follow:

- HMO not suitable for the location
- Loss of family home
- Parking – lack of and increased on street parking
- Transient nature of accommodation
- anti-social behaviour/crime
- Noise
- Light pollution
- Visibility and access problems due to location of site on a bend
- Concerns regarding an increase in residents over that applied for
- Loss of residential amenity/privacy
- Concerns over safety, security and site management
- Discrepancies with the details submitted
- Refuse collection arrangements
- Does not provide adequate external amenity
- Limited public transport and therefore reliance of private vehicles

## **6 STATUTORY DUTY**

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

## **7 POLICY FRAMEWORK**

### **National Planning Policy Framework (NPPF)**

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

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

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

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

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

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

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

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

## **National Planning Practice Guidance (NPPG)**

Determining a Planning Application

## **National Design Guide 2021**

Context – C1

Identity – I1, I2

Movement – M3

Homes and Buildings – H1, H2, H3

## **Fenland Local Plan 2014**

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

LP6 – Employment, Tourism, Community Facilities and Retail

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

LP17 – Community Safety

## **Emerging Local Plan**

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

LP1 – Settlement Hierarchy

LP5 – Health and Wellbeing

LP7 – Design

LP8 – Amenity Provision

LP11 – Community Safety

LP17 – Culture, Leisure, Tourism and Community Facilities

LP20 – Accessibility and Transport

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

### **Delivering and Protecting High Quality Environments in Fenland SPD 2014**

DM2 – Natural Features and Landscaping Schemes

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

DM4 – Waste and Recycling Facilities

DM6 – Mitigating Against Harmful Effects

## **8 KEY ISSUES**

- **Principle of Development**
- **Design considerations and visual amenity of area**
- **Residential Amenity**
- **Highways and parking**
- **Flood Risk**
- **Other matters**

## **9 BACKGROUND**

### **Principle of Development**

- 9.1 The application site is located within the settlement of Wisbech which is identified within the Settlement Hierarchy as a Primary Market Town. Where the majority of the District's growth is to be focussed.
- 9.2 The proposal would reuse an existing building, make effective use of land within a Primary Market Town and provide more affordable accommodation. It is likely that residents would utilise shops and facilities within the close vicinity and contributing to its sustainability. Moreover, the building will remain in residential use, and there are no policies that limit or oppose the presence of an HMO within the town of Wisbech and as such will be supported in principle (subject to all other policy considerations).

### **Design considerations and visual amenity of area**

- 9.3 Policy LP16 of the Fenland Local Plan 2014 states that the proposal should have a positive impact on the character of the area, enhancing the local setting and ensuring the design or scale does not adversely impact the street scene or the local character.
- 9.4 The proposal would not alter the external appearance of the building, the proposed development would include internal alterations to facilitate the change of use, externally the building remains the same. Therefore, the proposal is not considered to create any adverse impact on visual amenity or the character of the area.
- 9.5 There are proposed works to create an access to the rear of the application site and hardstanding to the front for parking, although these works would not change the residential appearance of the application site as it would still be similar to other dwellings in the local area.

- 9.6 As such, the proposal would not result in an adverse impact on the visual amenity of the local character. The proposal is considered to comply with Policy LP16 (d) of the Fenland Local Plan 2014.

### **Residential Amenity**

- 9.7 Policy LP2 of the Fenland Local Plan (2014) requires development proposals to promote high levels of residential amenity, and policy LP16 requires development proposals to demonstrate that they do not adversely impact on the amenity of neighbouring users whilst providing sufficient amenity space for the proposal.
- 9.8 In assessing the impact of the proposed development, whilst the proposed residential use lies within a predominantly residential area, the level of activity from this number of people, would be greater than that of a typical family dwelling such as those around the application site. However, the conversion of dwelling house to 6 person HIMO would not require planning permission and an additional two people living in the property is not considered likely to generate such an unacceptable impact to neighbouring occupiers to justify the refusal of planning permission.
- 9.9 Concerns regarding Anti-Social Behaviour are noted; however, these are not fundamentally a planning matter as any such impacts that arise are a result of individuals rather than the nature of the accommodation provided. Other controls are in place to monitor and take action against unacceptable behaviour and it is not appropriate therefore to attempt to control it through the planning system.
- 9.10 The Council's Environmental Health team has not raised any concerns about any potential noise mitigation to protect the external amenity of residents or to reduce the likelihood of unacceptable impacts on surrounding residents in relation to noise and disturbance.

### **Highways and parking**

- 9.11 Policy LP15 of the Fenland Local Plan (2014) requires development to provide a well-designed, safe and convenient access for all, giving priority to the needs of pedestrians, cyclists, people with impaired mobility and users of public transport.
- 9.12 The Local Highways Authority have stated that they have no objection to the proposal, current proposals are for eight residents and six car parking spaces, which is a better balance than the previous proposals. As previously stated, the front driveway must also be drained so that it does not discharge private surface water onto the highway, noting permeable surfacing will not be considered an acceptable solution in isolation i.e., the driveway must be graded to fall back from the highway or a means of surface water drainage e.g., channel drain, installed at the back of footway and water disposed of within the site. While it is preferable to amend the current proposals, should they LPA prefer this can be addressed by the recommended conditions.
- 9.13 The revised design is considered to satisfactorily address the concerns raised by highways regarding the parking layout, and it is noted that they raised no objection to the principle of the proposal.

- 9.14 There are no parking standards for HMOs in the Fenland Local Plan. The submitted site plan details the proposal of 6 parking spaces on site, which is considered to be a reasonable level of provision for this scale of development, especially given the proximity to the town centre.
- 9.15 As such, the proposal will not be detrimental to road safety or result in undue loss of amenity to other road users. The proposal is considered to comply with Policy LP15 of the Fenland Local Plan.

### **Flood Risk**

- 9.16 The application site falls within Flood Zone 3; however, the application property is a residential unit, and its floor levels are already raised above the existing ground by approximately 150mm and the proposed change of use would retain the residential use of the property.
- 9.17 Moreover, the site is not a functional plain and a site-specific flood risk assessment has been submitted, which identifies that the site is protected against the 1 in 200-year return period of protection. Furthermore, safe refuge areas are available at the first floor and second floor.
- 9.18 As such the proposal is considered to be appropriate development. Accordingly, there are no issues to address in respect of Policy LP14.

### **Other matters**

#### **Refuse details**

- 9.19 Details of the refuse collection have been submitted that are deemed acceptable, namely a storage area within the site and a collection point adjacent to the highway. A condition has been recommended to implement the details that shall be retained on the site.

## 10 CONCLUSION

- 10.1 The proposal is for the change of use of an existing residential dwelling to a house in multiple occupation for up to 8 people. The residential nature of the site will not change, although that occupation would be by a number of unconnected individuals rather than a single family unit. The principle of the proposal is therefore in accordance with the relevant planning policies.
- 10.2 The proposal involves the provision of 6 parking spaces, and although this would be below the level of provision to allow for a single parking space per occupant, there are no adopted parking standards for HMO's. Given this, it is reasonable to conclude that car ownership would be lower amongst the residents of such properties than for more conventional means of residential occupation. The proximity of the building to the centre of the town of Wisbech would also contribute towards encouraging lower car ownership amongst its occupants. The proposed parking provision is therefore sufficient to ensure that refusal of the proposal on that basis would not be justified.
- 10.3 There is no justification for refusal of the proposal on the basis of an adverse impact on residential amenity as the specific impacts in this regard. The proposal would comply with the advice contained in the NPPF, NPPG and policies LP14, LP15 and LP16 of the Fenland Local Plan.

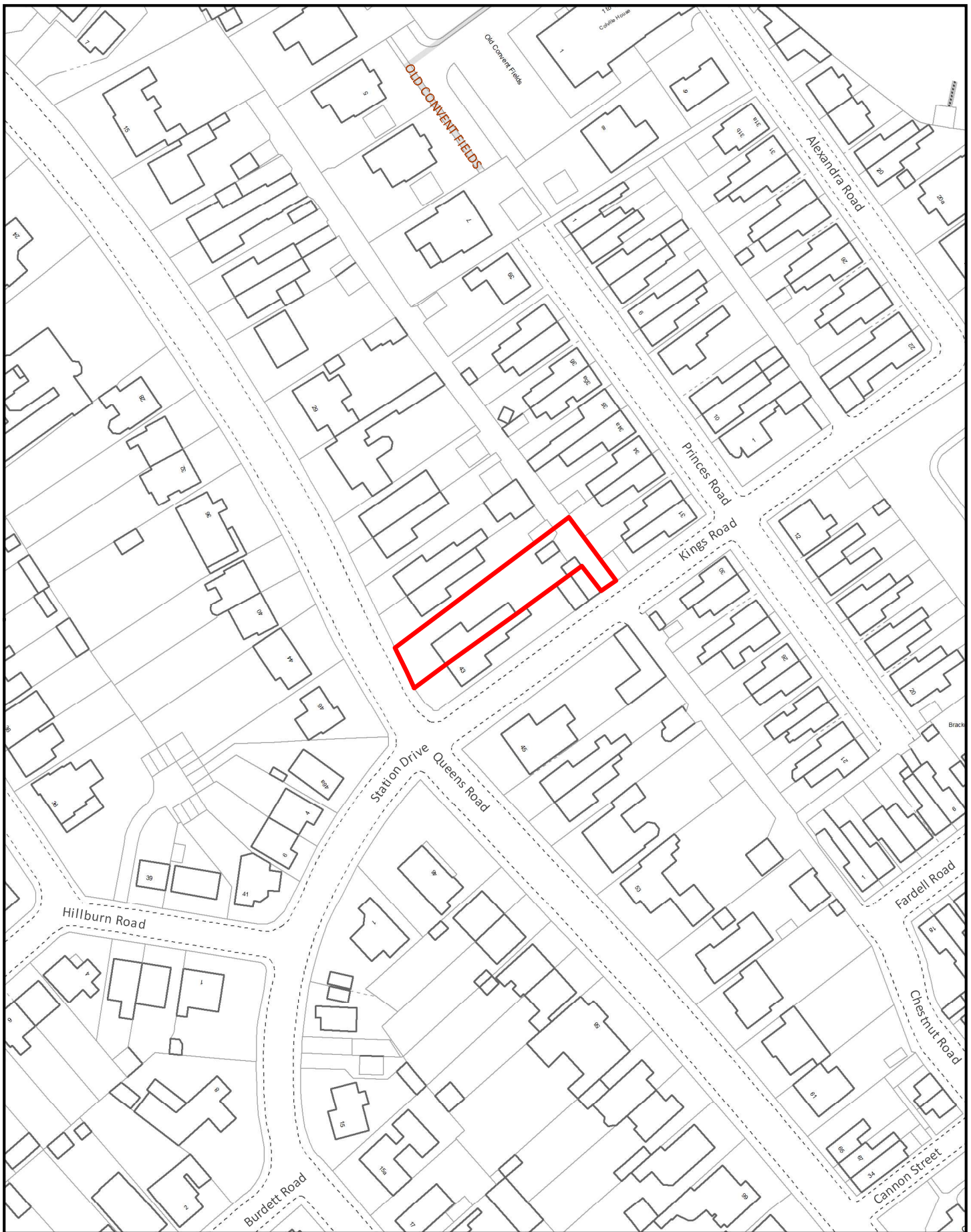
## 11 RECOMMENDATION

Grant; subject to the following conditions:

1.	<p>The development permitted shall be begun before the expiration of 3 years from the date of this permission.</p> <p>Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2.	<p>The HMO hereby permitted shall only be occupied by a maximum of 8 residents at any one time.</p> <p>Reason: To ensure that any increase in occupancy of the property is subject to appropriate consideration of the impacts on residential amenity in accordance with policy LP16 of the Fenland Local Plan 2014.</p>
3.	<p>Prior to the first occupation of the HMO hereby permitted the refuse collection and storage areas shall be implemented in accordance with the agreed plans and details in full and thereafter be retained in perpetuity.</p> <p>Reason: To ensure a satisfactory form of refuse collection and compliance with Policy LP16 of the Fenland Local Plan 2014.</p>



4.	<p>Prior to the first occupation of the HMO hereby permitted, the proposed on-site parking/turning area shall be laid out in accordance with the approved plan and drained within the site. The parking/turning area shall thereafter be retained as such in perpetuity.</p> <p>Reason - To ensure adequate on site parking and turning is retained 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 ensure a satisfactory method of surface water drainage and to prevent the increased risk of flooding.</p>
6.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans and documents</p> <p>Reason - For the avoidance of doubt and in the interest of proper planning.</p>



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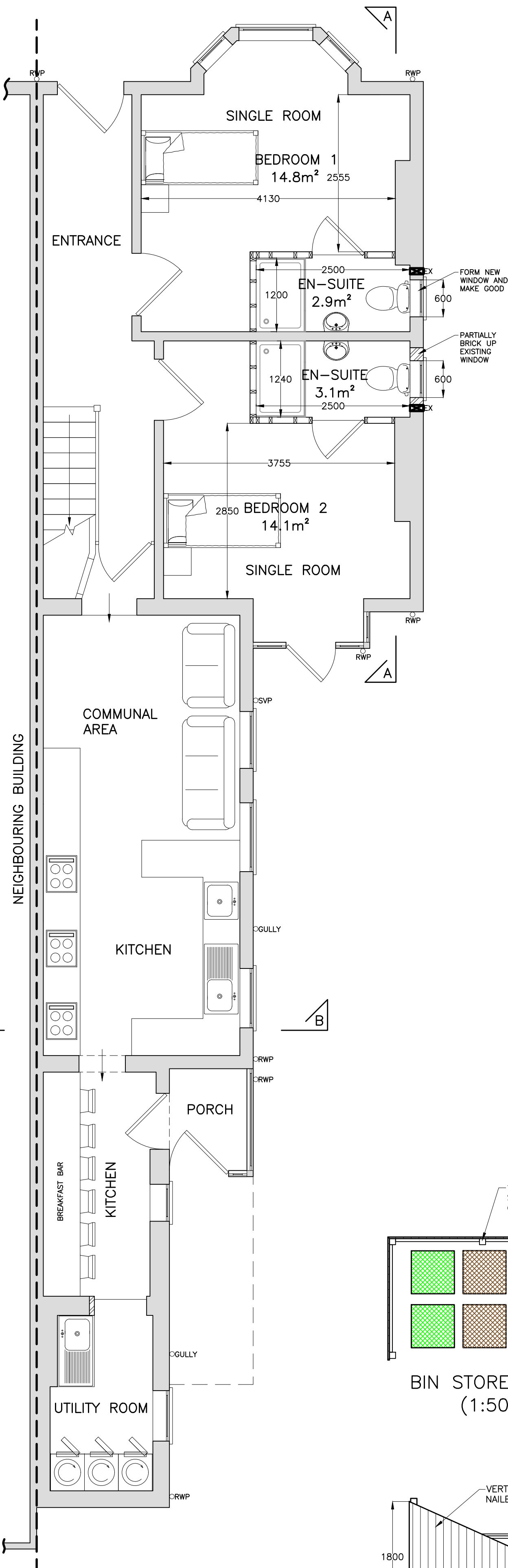
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**F/YR23/0858/F**

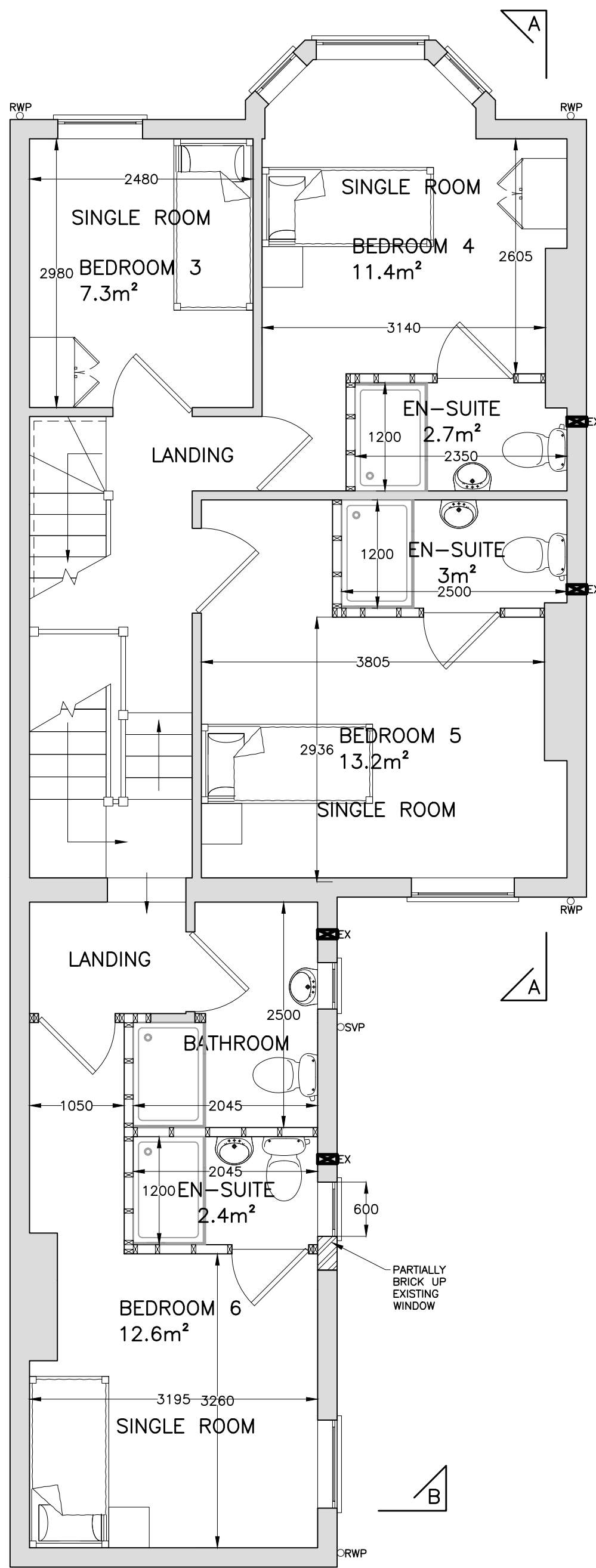
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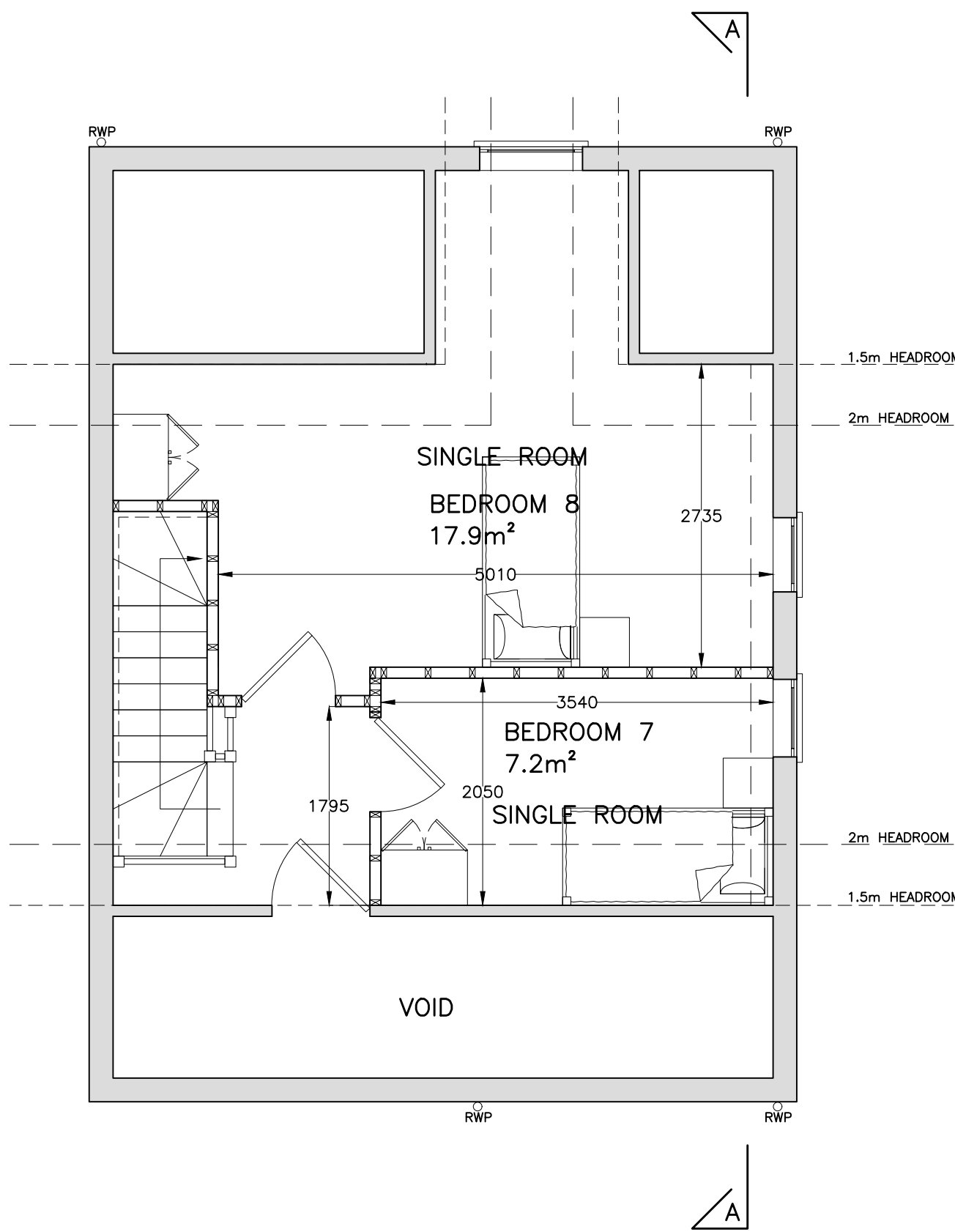




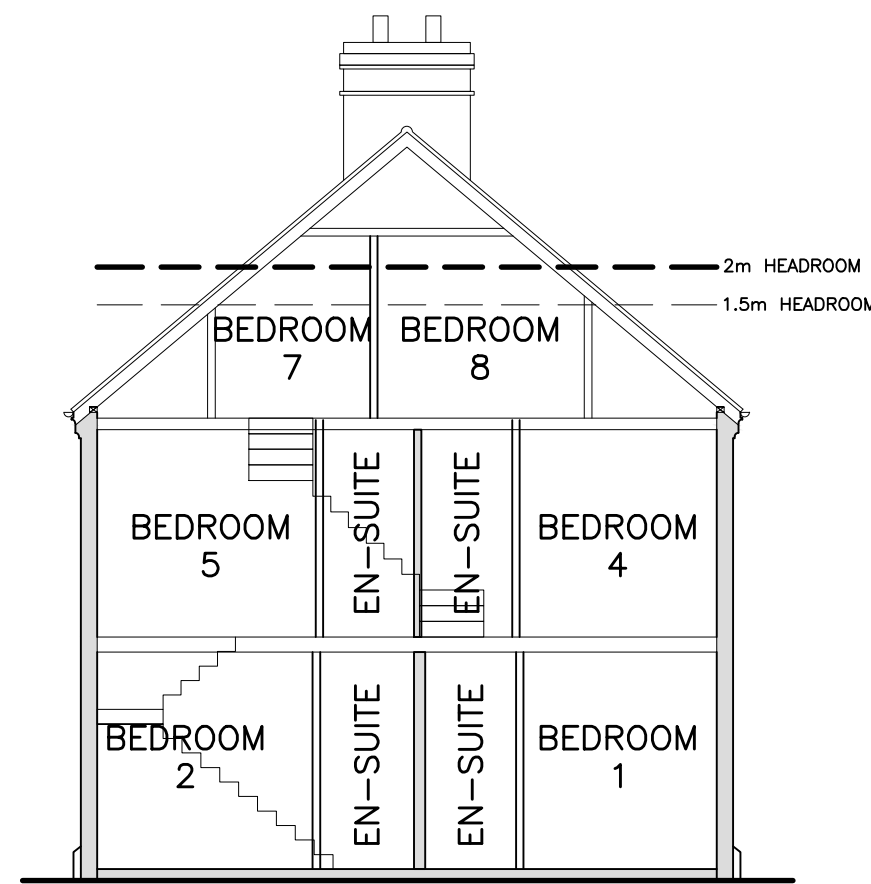
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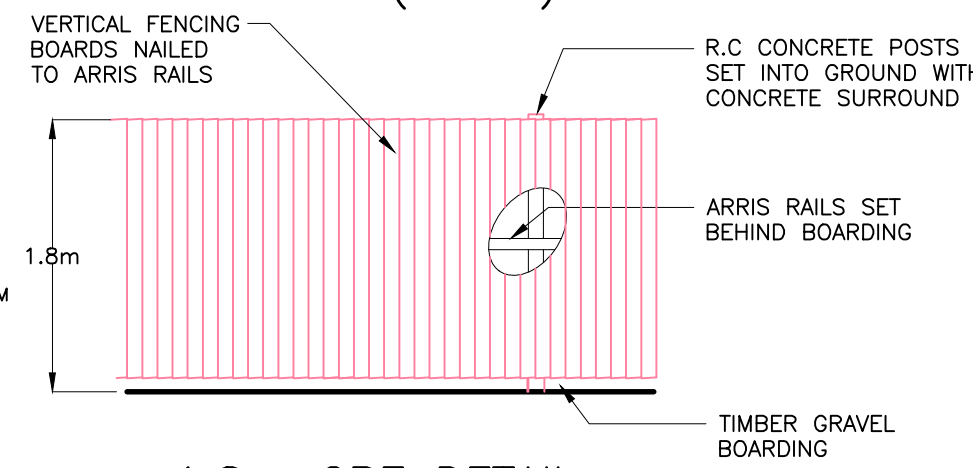
PROPOSED FIRST FLOOR PLAN  
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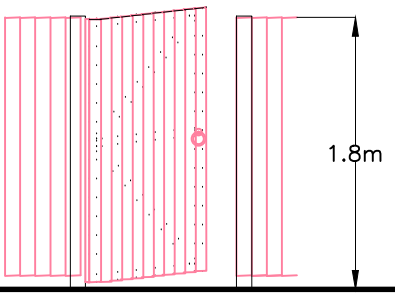
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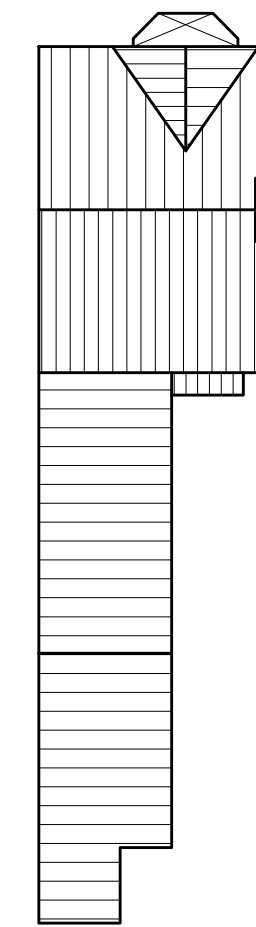
PROPOSED SECTION A-A  
(1:100)



1.8m CBF DETAIL  
(1:50)



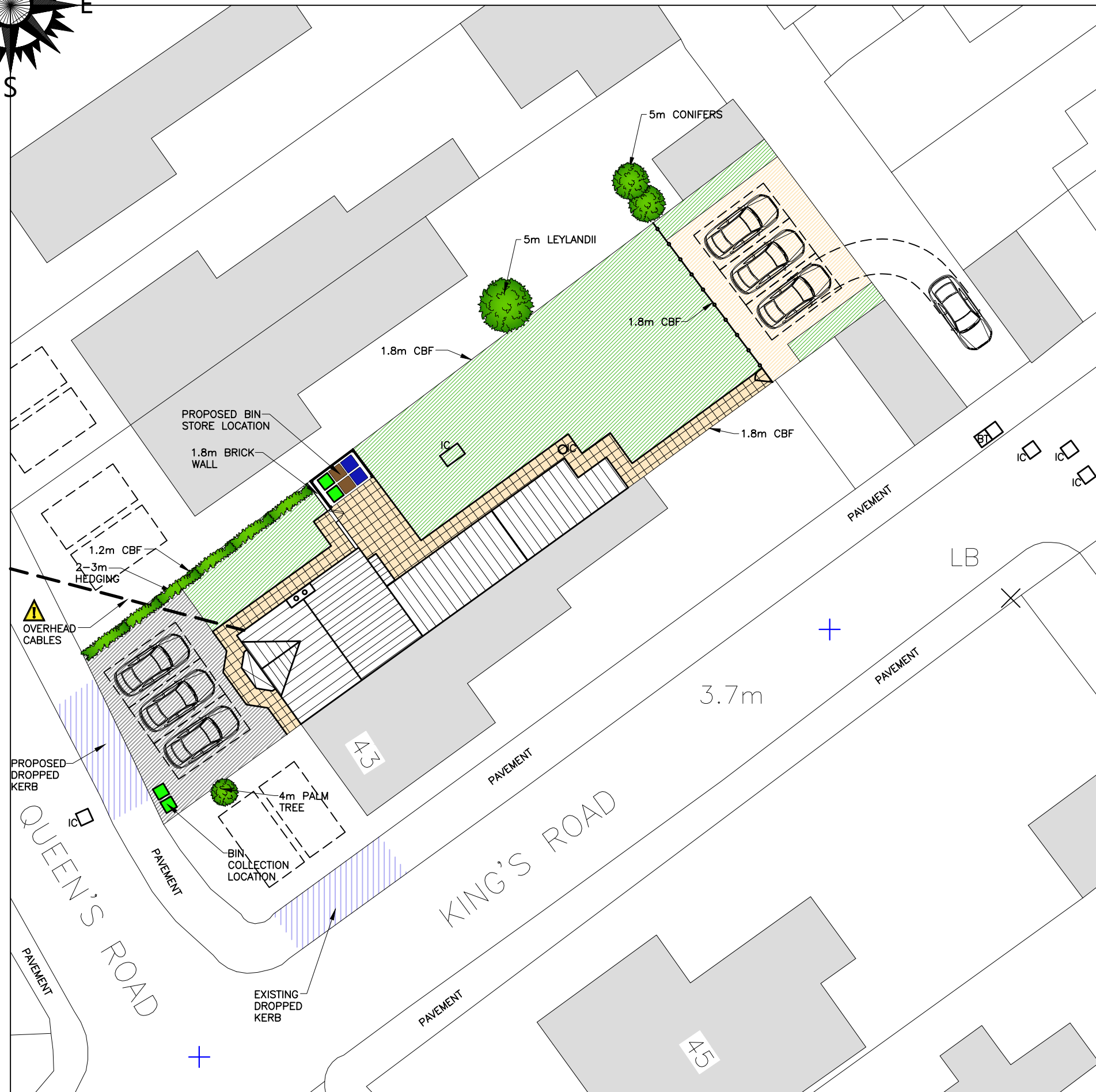
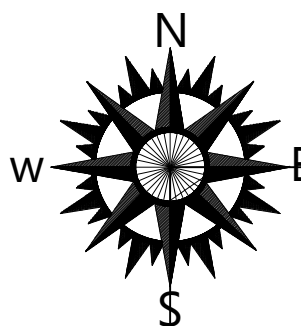
GATE DETAIL  
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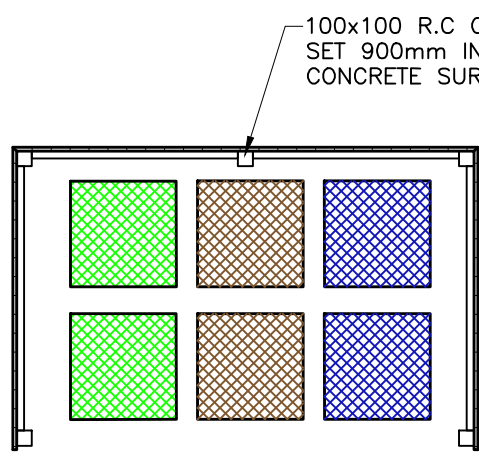
PROPOSED ROOF PLAN  
(1:200)

LEGEND:

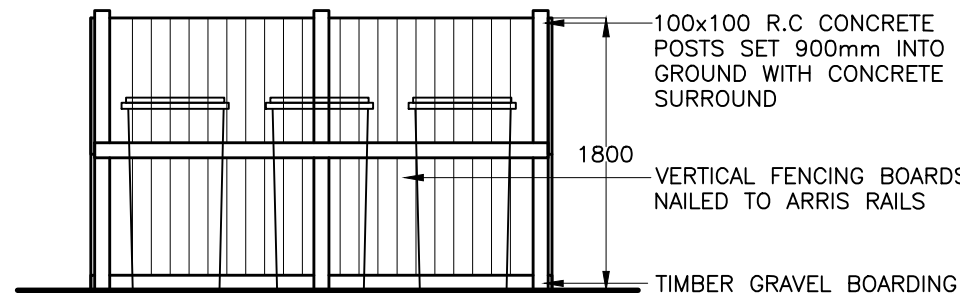
- EXISTING DWELLINGS
- PAVEMENT
- GRASS
- PERMEABLE BLOCK PAVING (NON SLIP)
- TARMAC
- GRAVEL
- SLAB PAVING
- WHEELIE BINS
- HEDGING
- VEGETATION



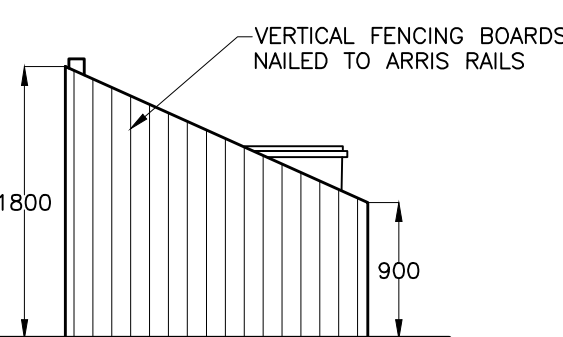
PROPOSED SITE PLAN  
(1:250)



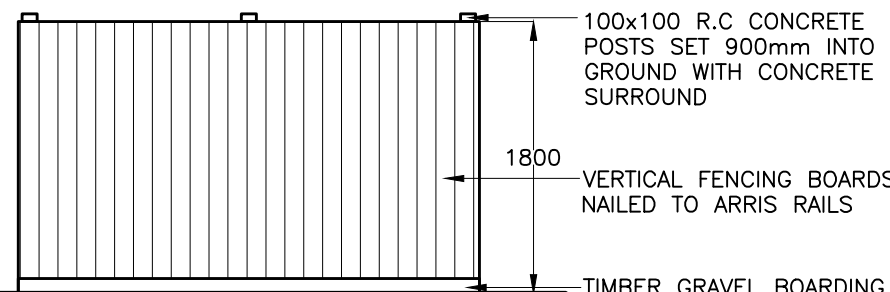
BIN STORE PLAN  
(1:50)



BIN STORE FRONT ELEVATION  
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BIN STORE SIDE ELEVATION  
(1:50)



BIN STORE REAR ELEVATION  
(1:50)

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Contractor to check all dimensions on site before work starts or materials are ordered. If in doubt ask. All dimensions are in mm unless stated otherwise.  
Where materials, products and workmanship are not fully specified they are to be of the standard appropriate to the works and suitable for the purpose stated in or reasonably to be inferred from the drawings and specification. All work to be in accordance with good building practice and BS 8000 to the extent that the recommendations define the quality of the finished work. Materials, products and workmanship to comply with all British Standards and EOTA standards with, where appropriate, BS or EC marks.  
All products and materials to be handled, stored, prepared and used or fixed in accordance with the manufacturers current recommendations.  
The contractor is to arrange inspections of the works by the BCO (or NHBC) as required by the Building Regulations and is to obtain completion certificate and forward to the Engineer.  
All finishes, insulation and damp-proofing to architect's details

# PLANNING DRAWINGS ONLY

E D B A	DRAWING UPDATED DRAWING UPDATED DRAWING UPDATED PLANNERS COMMENTS CLIENTS COMMENTS	JAN 2024 DEC 2023 NOV 2023 OCT 2023 SEP 2023
REVISIONS		DATE

**MORTON & HALL**  
CONSULTING STRUCTURAL ENGINEERS

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LABC Fenland District Council  
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winner Building Excellence in Fenland

Barrett Properties

41 Queens Road  
Wisbech  
Cambridgeshire  
PE13 2PE

Proposed Plans, Section  
& Bin Store Arrangement

DRAWN G.Boreham	DATE OF ISSUE
CHECKED	
DATE Sep 2023	DRAWING NUMBER H9263/03 <sub>E</sub>
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F/YR23/0921/F

**Applicant:** Mr David Johnson  
Elmsport Ltd

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

**Land West Of The Sportsman, Main Road, Elm, Cambridgeshire**

**Change of use of land for use as public house car park involving the formation of hardstanding, new lighting, the siting of a storage container and the erection of a 2.0m acoustic fence (part retrospective)**

**Officer recommendation: Grant**

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

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## 1. EXECUTIVE SUMMARY

- 1.1. The original planning application (F/YR20/0940/F) was considered by the Planning Committee and officer recommendation for refusal was overturned to permit the *Change of use of land for use as public house car park involving the formation of hardstanding, new lighting, the siting of a storage container and the erection of a 2.4m acoustic fence (part retrospective)*.
- 1.2. The current application seeks variation to this permission including the acoustic fence detail for the perimeter of the approved public house car park. The proposed fence will be 2.0m high instead of 2.4m. A noise report has been submitted with this application to justify the height reduction.
- 1.3. The site has an implemented permission for the change of use of land to car park and a 2.4m fence F/YR20/0940/F as works have been started on site and are almost complete (apart from fencing). All other proposals/matters remain as approved under the previous application.
- 1.4. Careful consideration has been given to balancing the benefits and disbenefits of this proposal against the original permission. Policy LP6 of the Fenland Local Plan 2014 provides support for proposals which enhance and retain an existing village facility such as public houses and encourages businesses to expand. Moreover, the principal of the proposal was already established under the original permission. The fundamental issue to be assessed under the current application is the impact of the reduced height on the amenity of the local residents.
- 1.5. All other proposals/matters remain as approved under the previous application and would not result in unacceptable harm to:
  - The heritage assets next to the site and the Conservation Area.
  - The remaining trees within the site.
  - Highways safety.
- 1.6 The original permission with 2.4m high acoustic fences has been amended to

be 2m high and its justification has been submitted in the noise report, which was deemed acceptable by the Environmental Health Officer.

1.7 The recommendation is therefore for approval.

## **1. SITE DESCRIPTION**

- 1.1. The Sportsman Public House is a Grade II Listed Building located at the centre of the Elm village and at the edge of Elm Conservation Area. It is located to the west of Main Road sitting close to the junction with Atkinson's Lane and faces onto the Grade II listed War Memorial. The Sportsman is attached to Elm Manor (also Grade II listed) with a brick wall extending east along the boundary between the properties. A large outdoor seating area to serve the pub is located to the north of the wall and the garden to Elm Manor on the other side. Some parking to serve the pub is located adjacent to the seating area.
- 1.2. The application site is enclosed by the rear gardens of Elm Manor and Glenholm (fronting onto Main Road); Nos 2 and 4 Grove Gardens; and Nos 2, 4 and 6 Laurel Drive.
- 1.3. The site is within Flood Zone 1.

## **2. PROPOSAL**

- 2.1. The current application seeks variation to the original planning application (F/YR20/0940/F for Change of use of land for use as public house car park involving the formation of hardstanding, new lighting, the siting of a storage container and the erection of a 2.4m acoustic fence.
- 2.2. The proposed fence will be 2.0m high instead of 2.4m.
- 2.3. Full plans and associated documents for this application can be found at:

[F/YR23/0921/F | Change of use of land for use as public house car park involving the formation of hardstanding, new lighting, the siting of a storage container and the erection of a 2.0m acoustic fence \(part retrospective\) | Land West Of The Sportsman Main Road Elm Cambridgeshire \(fenland.gov.uk\)](#)

### 3. SITE PLANNING HISTORY

**F/YR23/0554/TRCA** - Works to 1 x Tulip tree and 1 x Norwegian Maple tree within a conservation area. Granted (07.08.2023)

**F/YR22/3015/COND-** Details reserved by Condition 02 (Tree Planting) of planning permission F/YR20/0940/F (Change of use of land for use as public house car park involving the formation of hardstanding, new lighting, the siting of a storage container and the erection of a 2.4m acoustic fence). Approved (25.03.22)

**F/YR20/0940/F** - Change of use of land for use as public house car park involving the formation of hardstanding, new lighting, the siting of a storage container and the erection of a 2.4m acoustic fence (part retrospective). Granted (11.08.2021)

### 4. CONSULTATIONS

4.1. **Elm Parish Council** - supports proposals submitted under application reference F/YR23/0921/F on condition that;

- (i) the height reduction of the acoustic fence does not compromise the soundproofing effect of the structure and,
- (ii) neighbouring residents are supplied with details of the distance between the acoustic fence and their boundary features (i.e. fencing/hedge).

4.2. **Councillor Dal Roy** – *I wish to declare an interest in this application as the fence borders the rear of my property. If you check the original application, you will note that the residents that live next to the proposed fence mentioned, worked closely with the applicant to arrive at an acceptable compromise to move this forward. Trees were removed, the growth was removed and a hard standing surface laid. I agree that a solution needs to be found to remove the cars that park next to the pub because of lack of parking. We agree also that the solution would be to open up the rear and use it as parking. In the interest of common sense, we mentioned low level lighting, and a high fence to stop vehicle lights causing light pollution in neighboring gardens and bedrooms. In addition, the acoustic fence, at the original level, to reduce the noise from vehicles. This would be to reduce light and noise pollution. There is also the mention of additional events being held so to secure some level of privacy for the neighboring gardens would not be an unacceptable request. We actively support the improvements as we are regular clients, however there needs to be a positive way forward.*

4.3. **Designing Out Crime** - *I have viewed the documents in relation to crime, disorder, and the fear of crime and searched the Constabulary crime and incident systems covering Elm Ward for the last 2 years a two-year period. I would consider this to be an area of low risk to the vulnerability to crime at present. Whilst we would usually request Column lighting within a car park, as this will be enclosed and gated along with the proposed bollard lighting being elevated within the barrel planters, I am happy to support this proposal.*

4.4. **Environmental Health-** *Having observed the details within the Acoustic Associates (Peterborough) noise investigation report, this service is satisfied with the methodology undertaken and accepts the findings in accordance with the relevant recognised acoustic standards. Therefore, this service has no objections to the acoustic barrier being 2.0m rather than that of 2.4m originally*



*proposed under F/YR20/0940/F as compliance with the relevant acoustic standards are shown to still be achieved.*

**4.5. Archaeology** - *Our records indicate that this site lies in an area of archaeological potential, situated 100m south-west of the Grade I listed medieval Church of All Saints (National Heritage List for England reference 1331971), and adjacent to two other Grade II listed structures, including the host property the Sportsman Public House (NHLE ref 1125940). The site is bounded to the south-west by an area previously subject to archaeological evaluation in advance of development which identified medieval and post-medieval remains (Cambridgeshire Historic Environment Record reference CB14804). However as with previous application F/YR20/0940/F the submitted Design & Access Statement asserts that 'there are no ground works or excavations taking place on site, the new surface will be laid over the existing ground level'. We would therefore have no objections or requirements for the scheme. If the proposed scheme evolved away from the 'no-dig' strategy, we would request to be re-consulted to re-assess the archaeological implications of the development.*

#### **4.6. Local Residents/Interested Parties**

11 Objections have been received from 6 addresses. The comments have been summarised as below:

- The applicant is trying to include the previously refused application.
- The noise investigation report is based solely on predicted car park noise emissions. It does not consider noise which would be generated by communities activities, which would be different and louder.
- It does not specify whether the fencing would be reflective or absorptive.
- If community activities were to be approved, the rationale would be for a higher and denser acoustic fence to preserve the amenity of neighbours, not a lower fence.
- Loss of privacy in private gardens.
- Devaluation of property value
- noise pollution
- light pollution

1 letter of Support has been received. The comments have been summarised as below:

- Good addition to Sportsman and the owners are trying to think of their community by providing additional parking

## **5. STATUTORY DUTY**

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

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



## **6. POLICY FRAMEWORK**

### **National Planning Policy Framework (NPPF)**

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

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

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

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

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

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

### **National Planning Practice Guidance (NPPG)**

Determining a Planning Application

### **National Design Guide 2021**

Context

Identity

Built Form

### **Fenland Local Plan 2014**

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP6 – Employment, Tourism, Community Facilities and Retail

LP16 – Delivering and Protecting High Quality Environments across the District

LP17 – Community Safety

LP18 – The Historic Environment

### **Emerging Local Plan**

The Draft Fenland Local Plan (2022) was published for consultation between 25th August 2022 and 19 October 2022, all comments received will be reviewed and

any changes arising from the consultation will be made to the draft Local Plan. Given the very early stage which the Plan is therefore at, it is considered, in accordance with Paragraph 48 of the NPPF, that the policies of this should carry extremely limited weight in decision making. Of relevance to this application are policies:

LP17: Culture, Leisure, Tourism and Community Facilities  
LP22: Parking Provision  
LP23: Historic Environment  
P33: Development on Land Affected by Contamination  
LP34: Air Quality

## **7. KEY ISSUES**

- **Principle of Development**
- **Impact on neighbouring amenity**

## **8. BACKGROUND**

- 8.1. The site has an extant permission for the change of use of land to car park and a 2.4m fence and sundry other items under PA ref: F/YR20/0940/F, works have been started on site, apart from the fencing, so in the ordinary course of events the permission has been implemented. All other proposals/matters remain as approved under the previous application.
- 8.2. A section 73 application 'variation of condition' application to amend the approved fence detail could not be submitted as the height of the fence is specifically mentioned within the application "description", which cannot be amended, hence a full re-submission of the original application was submitted.
- 8.3. The applicant is exploring to use the car park for the community events in the future and that would be based on the lawful use of land associated with the pub. However, the use of car park for other community events is not the part of the current application and cannot be used as criteria for assessment.

## **9. ASSESSMENT**

### **Principle of Development**

- 9.1. Policy LP6 of the Fenland Local Plan 2014 provides support for proposals which enhance and retain an existing village facility such as public houses and encourages businesses to expand. Planning permission was previously granted for the car park in association with the public house and as such the principle of this is established.

### **Impact on neighbouring amenity**

- 9.2. Policy LP2 and Policy LP16 (e) seek to ensure that development is of high quality and does not adversely impact the amenity of neighbouring or future users.
- 9.3. The applicant expects opening hours to be:
  - Monday to Thursday 12pm – 10pm;
  - Friday to Saturday 12pm – 12am;

- Sunday 12pm – 7pm.

- 9.4. The car park is proposed to open half an hour before service and to close half an hour following the end of service. The car park gates are to be locked at all other times.
- 9.5. The occupiers of the neighbouring properties that back onto the application site have concerns regarding the adverse impact on their amenity. The rear gardens of 7 properties share a boundary with the application site. The rear elevations of 7 properties are between 6m and 19m from the proposed car park.
- 9.6. The acoustic fencing of 2.4m height was permitted under the original permission to limit the impact on these neighbouring properties. However, the current application seeks variation to the approved acoustic fence detail for the perimeter of the car park. A specialist noise report has been commissioned to recommend an alternative lower fencing; it has been advised by the applicant that the alternate fencing would be more cost-effective proposal that is more viable for the business. A specialist noise report has been submitted with this application to justify the height reduction.
- 9.7. The Environmental Health Officer (EHO) was consulted on the current application and no objection was raised. The EHO has confirmed that *“Having observed the details within the Acoustic Associates (Peterborough) noise investigation report, this service is satisfied with the methodology undertaken and accepts the findings in accordance with the relevant recognised acoustic standards. Therefore, this service has no objections to the acoustic barrier being 2.0m rather than that of 2.4m originally proposed under F/YR20/0940/F as compliance with the relevant acoustic standards are shown to still be achieved”*.
- 9.8. It is therefore considered that the development would not adversely affect the amenity of neighbouring occupiers that the approved scheme that was originally approved. The proposal would comply with the Policy LP2 and Policy LP16 Fenland Local Plan 2014.

### **Other Matters**

- 9.9. It is not considered that there are any other matters to reconcile given the context of the implemented planning permission for the car park.

## **10. CONCLUSIONS**

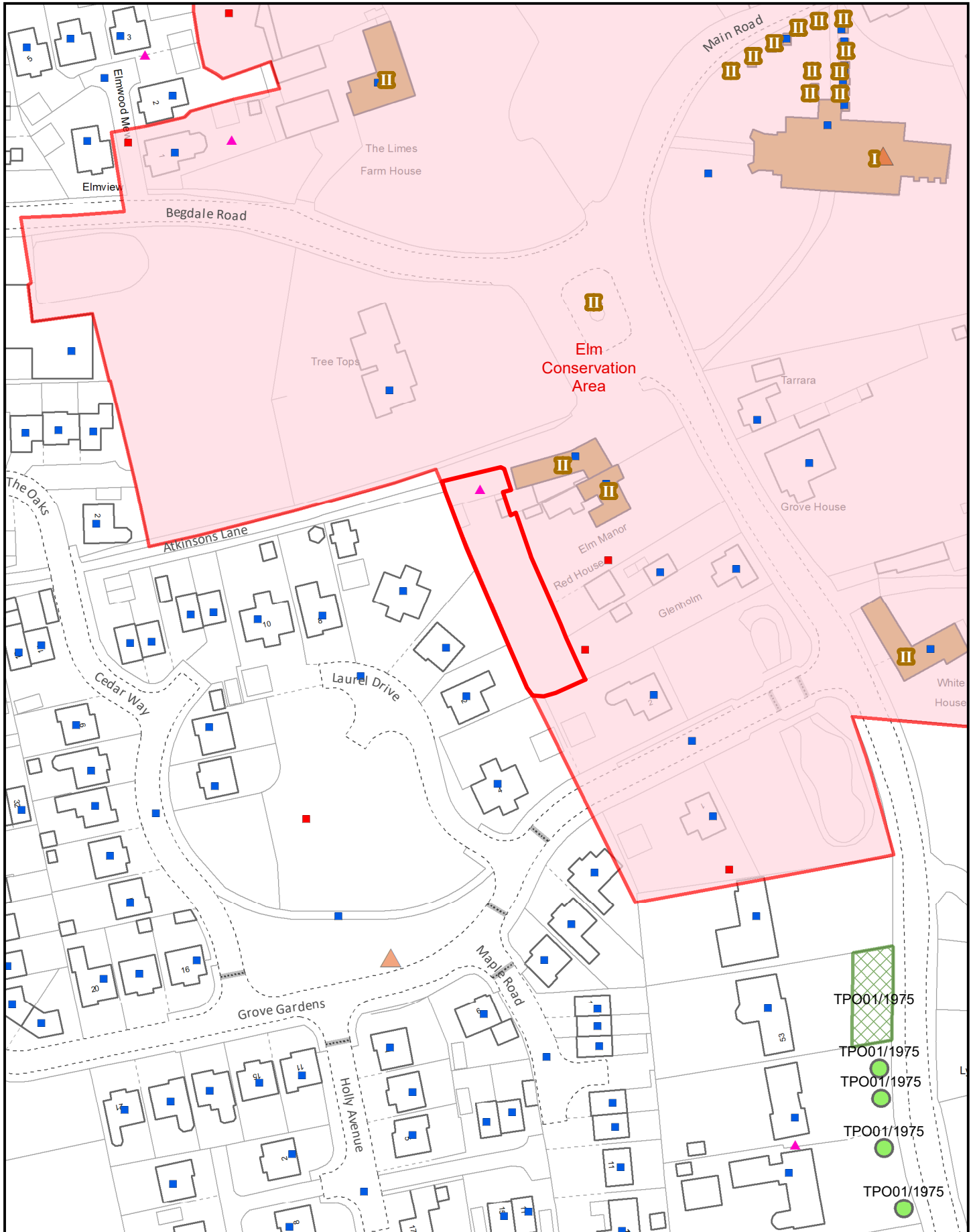
- 10.1. The application site has extant permission for the change the use of land to the rear of the pub to increase the amount of onsite parking available for customers who visit the pub.
- 10.2. It is acknowledged that the activity generated within the car park and the noise and disturbance arising from this would have some impact on the residents of the neighbouring properties and their amenity. However, the report submitted with the application, justifies that owing to the quality of the fencing, the amended height would not have the detrimental impact on the amenity of the neighbouring properties. The Environmental health officer has approved the details of the noise assessment report and have not raised any objection.

- 10.3. It is considered that the proposal would comply with the Policies LP2 and LP16(e) of the Fenland Local Plan. The development is recommended for approval subject to the conditions listed below.

## 11. RECOMMENDATION

**Grant;** subject to the following conditions:

1	<p>The acoustic fence detailed on plan references 5718/04/01N and 5718/04/02G shall be installed on the site in accordance with the approved details prior to the car park hereby approved being brought into use. The fence shall be retained and maintained as such in perpetuity.</p> <p>Reason - To ensure that the use of the hereby approved car park does not become a source of unacceptable noise and disturbance to the residents of the neighbouring dwellings, in accordance with policy LP16 of the Fenland Local Plan (2014).</p>
2	<p>The details shown on drawing number 5718/04/CON B (Conditions Drawing) as approved under reference to the F/YR22/3015/COND shall be implemented on site. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason - The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
3	<p>The storage container hereby permitted shall be removed from the site on or before 11 August 2026 unless a further planning application for renewal or continued use is submitted prior to that date.</p> <p>Reason - The proposal is not one the Council is prepared to permit other than for a limited period in view of nature of the structure.</p>
4	<p>The parking area hereby approved as shown on drawing number 5718/04/01N shall be used solely to provide parking in conjunction with the Sportsman Public House and shall not be used for any other activities/purpose.</p> <p>Reason - In order to define the scope of the consent and to ensure compliance with Policies LP2 and LP16 of the Fenland Local Plan (2014) in so far as they seek to safeguard residential amenity.</p>
5	<p>Prior to the car park being brought into first use it shall be surfaced as per the approved details shown on drawing 5718/04/01N and maintained in perpetuity as such thereafter.</p> <p>Reason - To define the scope of the consent and to ensure that the appearance of the development hereby approved is satisfactory.</p>
6	<p>The development hereby permitted shall be carried out in accordance with the following approved plans and documents:</p>



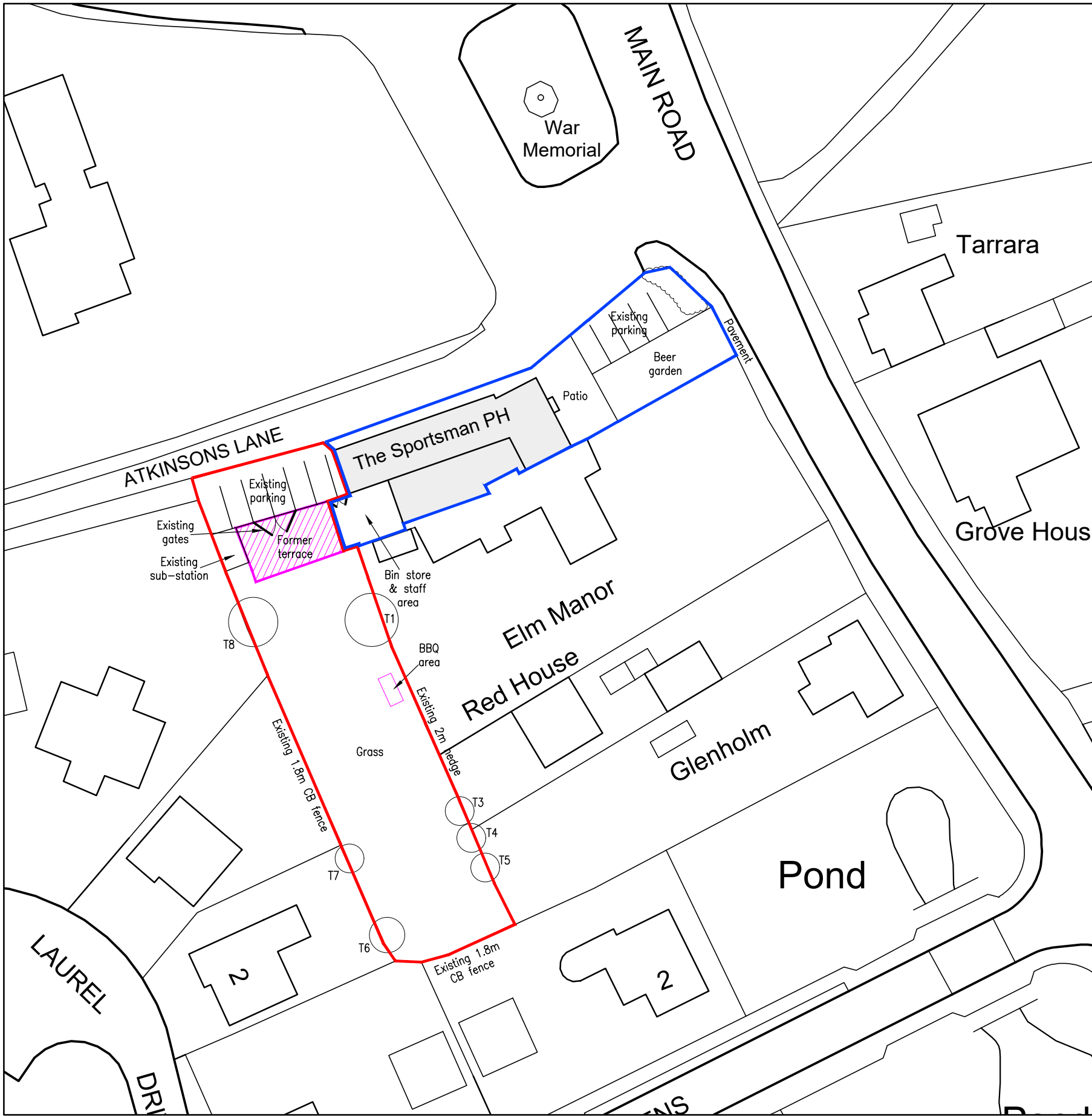
Created on: 15/11/2023

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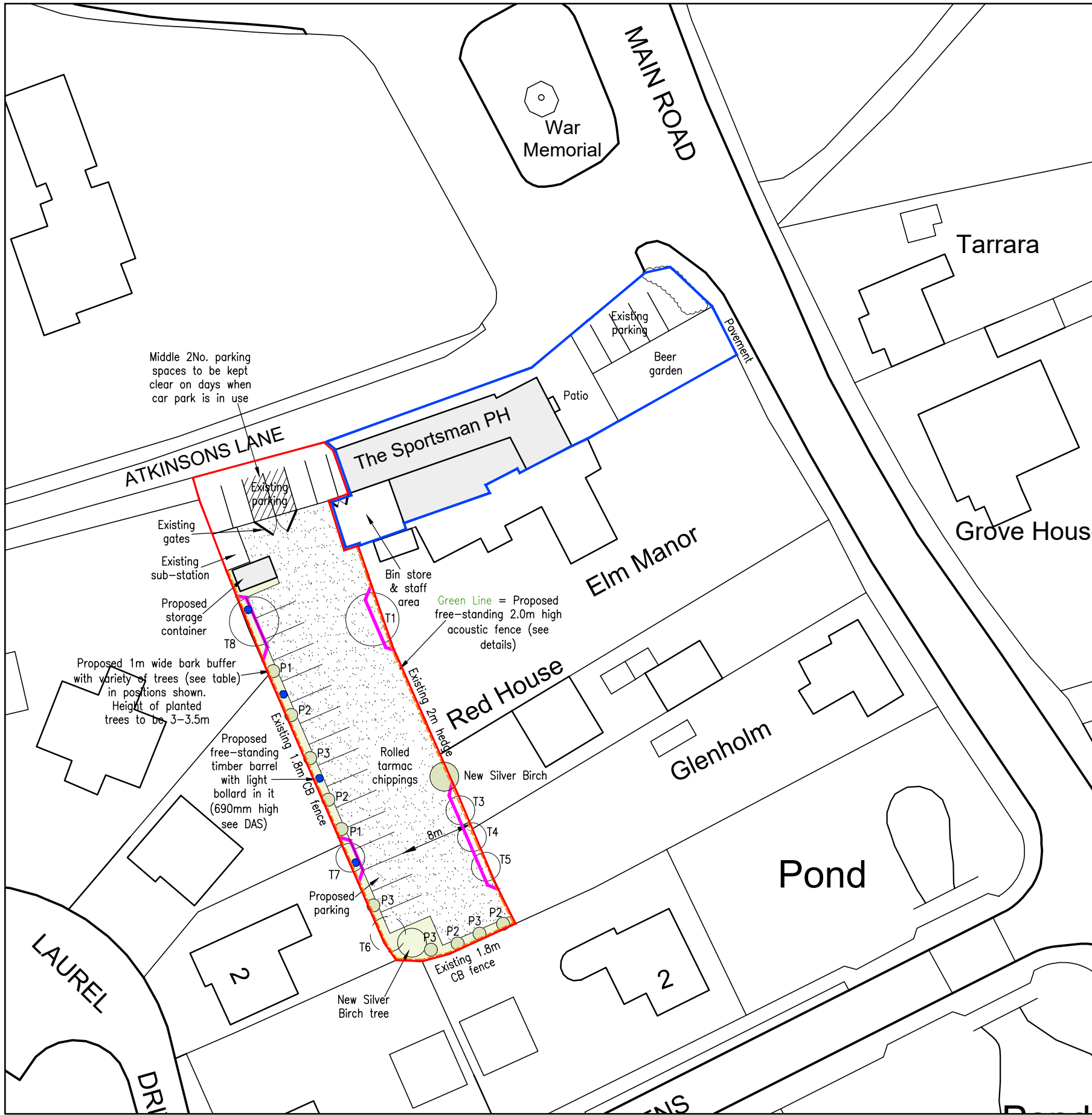
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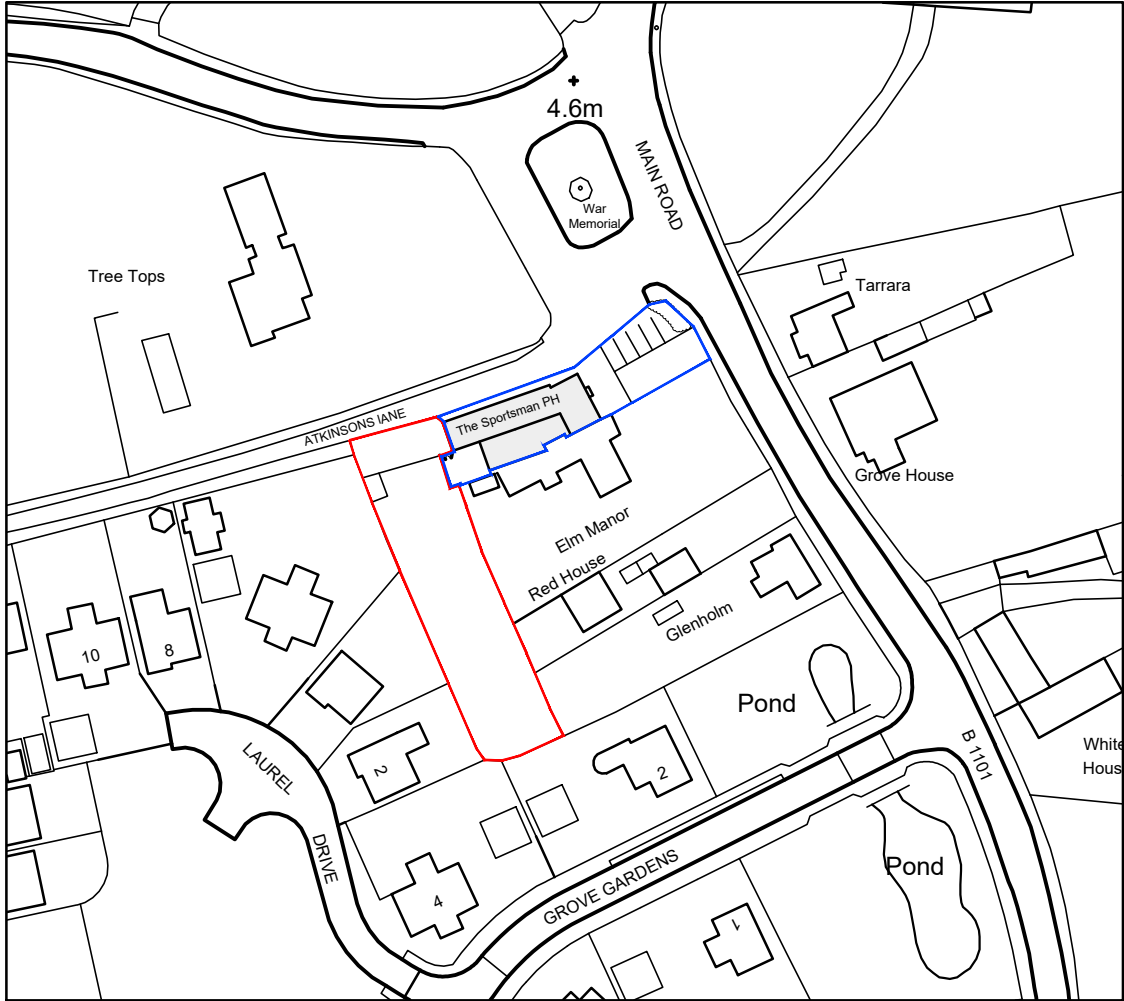




Existing Site Plan 1:500



Proposed Site Plan 1:500



Location Plan 1:1250

Existing Trees:-	Action:-
T1 = Silver Birch	Retain
T3 = Tulip	Retain
T4 = Silver Birch	Retain
T5 = Norway Maple	Retain
T6 = Silver Birch	Recently came down in storm
T7 = Sweet Gum	Retain
T8 = Alder	Retain

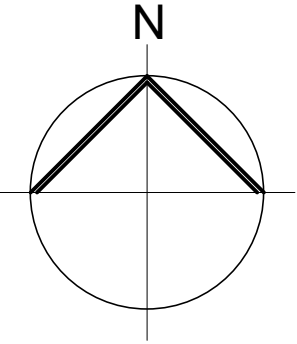
— = Tree Protection Area  
(See Tree section in DAS for more detail)

--- = Proposed free-standing 2.0m high acoustic fence (see details)

Proposed Tree Planting
P1 = Betula Pubescens / Downy Birch
P2 = Amelanchier Lamarckii / Snowy Mespilus
P3 = Sorbus Aucuparia / Rowan

Height of planted trees to be 3-3.5m.

Planting timetable & maintenance = Trees to be planted in the first planting and seeding season following the completion of the development. Any trees which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species,



REVISIONS		
JOB NO.	PAPER SIZE	DATE
5718/04/01N	A2	SEPT 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.

CLIENT  
Mr D Johnson - THE SPORTSMAN PH

PROJECT  
PROPOSED LAND CHANGE OF USE & CONTAINER

SITE  
THE SPORTSMAN PH  
MAIN ROAD  
ELM  
WISBECH

DRAWING  
PLANNING DRAWING 1



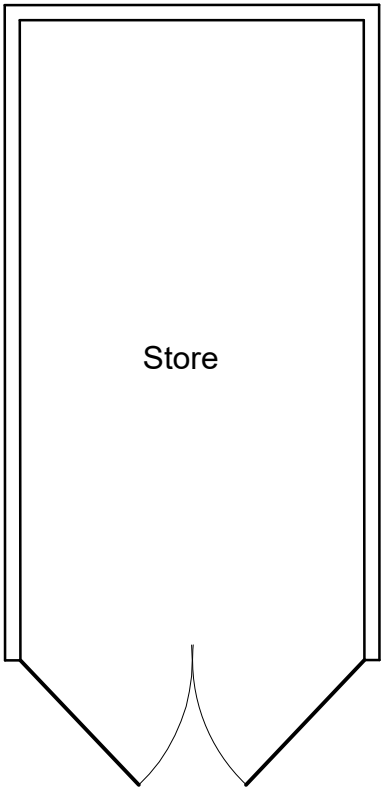
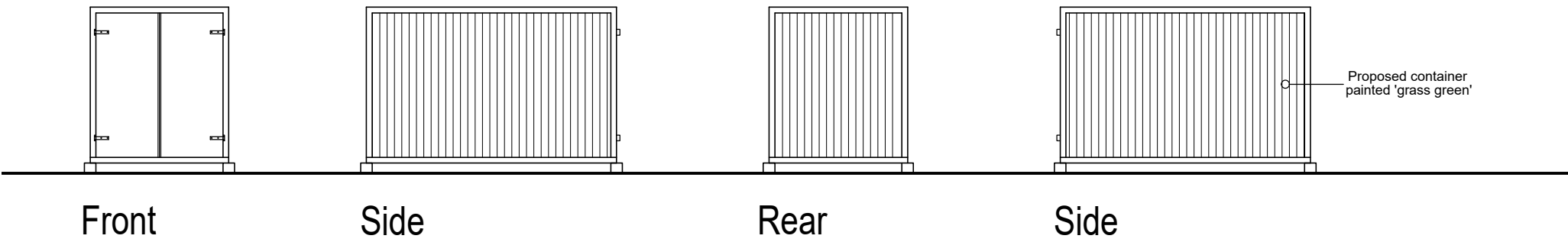
**PETER HUMPHREY ASSOCIATES**

ADDRESS: 2 CHAPEL ROAD, WISBECH, CAMBS, PE13 1RG.

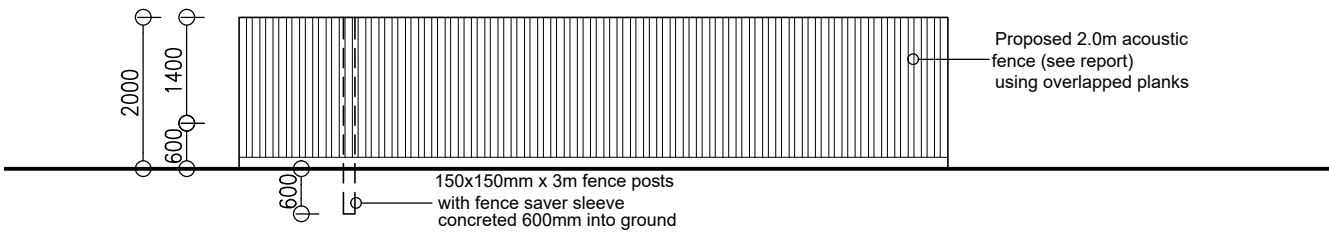
TELEPHONE: 01945 466966  
E-MAIL: info@peterhumphrey.co.uk  
WEB: www.peterhumphrey.co.uk



Container Elevations 1:100



Floor Plan 1:50



Proposed free-standing acoustic fence 1:100

REVISIONS		
JOB NO.	PAPER SIZE	DATE
5718/04/02H	A3	SEPT 2023

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CLIENT  
Mr D Johnson - THE SPORTSMAN PH

PROJECT  
PROPOSED LAND CHANGE OF USE & CONTAINER

SITE  
THE SPORTSMAN PH  
MAIN ROAD  
ELM  
WISBECH

DRAWING  
PLANNING DRAWING 2



PETER HUMPHREY  
ASSOCIATES

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**F/YR23/1016/O**

**Applicant: Maria Hobbs**

**Agent : Mr Ian Gowler  
Gowler Architectural**

**Land East Of 54, Queensway, Chatteris, Cambridgeshire**

**Erect 1 x dwelling (outline application with all matters reserved)**

**Officer recommendation: Refuse**

**Reason for Committee: Number of representations received contrary to officer recommendation**

---

## **1 EXECUTIVE SUMMARY**

- 1.1 This application is to erect one dwelling on land to the south-east of No. 54 Queensway, Chatteris. The application is for outline permission with all matters reserved.
- 1.2 The proposed development would be constructed within the residential garden of No. 54 and be out of character for the local area in terms of residential amenity space, which would conflict with and undermine the prevailing form of development within the local area.
- 1.3 The proposed development of the form indicated, if approved, would establish an unacceptable precedent, to the detriment of the local built form and character and the associated adverse effects on established residential amenity of existing occupiers. If approved, the proposal would result in difficulties refusing similar forms of development which would cumulatively significantly detract from the character and appearance of the area and undermine the amenities presently afforded to local residents. The proposal would therefore fail to accord with the provisions of the NPPF 2021 and Policies LP2 and LP16 of the adopted Fenland Local Plan 2014.
- 1.4 The recommendation is therefore to refuse this application as its contrary to the aforementioned planning policies as set out above.

## **2 SITE DESCRIPTION**

- 2.1 The application site is directly to the south-east of 54 Queensway and is currently used as a residential garden space and parking for the adjoining dwelling. The site is 0.0212 hectares in size. The site is accessed off Queensway and is located on a corner plot.
- 2.2 The site is located within flood zone 1 and is considered to be very low risk.

### 3 PROPOSAL

- 3.1 The proposal is for the erection of one dwelling in the residential garden of No. 54 Queensway. The proposed dwelling is indicated as being a bungalow within the application submission, and illustratively consists of one bedroom, one bathroom and an open plan kitchen and lounge. The proposed dwelling will benefit from two off road parking spaces and a residential garden.
- 3.2 Full plans and associated documents for this application can be found at: [F/YR23/1016/O | Erect 1 x dwelling \(outline application with all matters reserved\) | Land East Of 54 Queensway Chatteris Cambridgeshire \(fenland.gov.uk\)](https://fenland.gov.uk/F/YR23/1016/O/Erect%201%20x%20dwelling%20(outline%20application%20with%20all%20matters%20reserved)%20Land%20East%20Of%2054%20Queensway%20Chatteris%20Cambridgeshire)

### 4 SITE PLANNING HISTORY

Reference	Description	Decision
F/YR23/0025/O	Erect 1 x dwelling (outline application with all matters reserved)	Refused 15/05/2023

### 5 CONSULTATIONS

#### 5.1 Chatteris Town Council

*Recommend Refusal. Over development. Erection of a dwelling would lead to poor levels of residential amenity for new dwelling and 54 Queensway and would set a precedent of building in gardens.*

#### 5.2 Cllr James Carney

*Having viewed the planning documents, I have no objection to this application.*

#### 5.3 FDC Environmental Health

*I refer to the above application for consideration and make the following observations.*

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

#### 5.4 CCC Highways

*This application is for matters reserved including access. However in principal the highways authority would have no objections to a new vehicle access off Queensway if it is laid out to a suitable standard and includes 2mx2m visibility splays either side of the access.*

#### 5.5 Local Residents/Interested Parties

Support has been received from 6 addresses within Chatteris (Doddington Road, Ash Grove, Huntingdon Road, High Street, Curf Terrace and London Road) although 5 of the support submissions did not give any reason for their support

with the remaining submission stating that the development would be in keeping with the area.

## **6 STATUTORY DUTY**

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

## **7 POLICY FRAMEWORK**

### **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  
LP4 – Housing  
LP10 – Chatteris  
LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland  
LP16 – Delivering and Protecting High Quality Environments across the District

### **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  
LP4: Securing Fenland's Future  
LP7: Design  
LP8: Amenity Provision  
LP22: Parking Provision

## **8 KEY ISSUES**

- **Principle of Development**
- **Character, Indicative Layout, Scale and Parking**

## **9 BACKGROUND**

- 9.1 An application was refused on this site on the 15<sup>th</sup> May 2023, application reference F/YR23/0025/O. The reasons for refusal were as follows.

*1 Policy LP16 of the Fenland Local Plan (2014) requires development to deliver high quality environments that make a positive contribution to the local distinctiveness and character of an area, enhancing their setting and responding to and improving the character of the local built environment. The proposal is for the construction of a bungalow within the residential garden of No. 54 Queensway. The proposal would introduce a dwelling into the residential garden and set a precedent within the local area. This would fail to respect the existing character of the area, which contributes to a sense of openness and space within this residential setting. The proposal would therefore fail to accord with the above requirements and would be contrary to policy LP16 of the Fenland Local Plan (2014).*

*2 Policy LP2 of the Fenland Local Plan requires development to promote high levels of residential amenity, whilst policy LP16 requires that development does not adversely impact on the amenity of neighbouring users. The proposed dwelling would be sited in close proximity to the other residential dwellings, and as a result, the proposed dwelling would be subject to poor levels of amenity. The resultant amenity space retained for No. 54 Queensway will fall below the one third of the plot threshold for minimum private amenity space resulting in a poor living environment for that dwelling. The proposal would therefore fail to provide high quality residential amenity levels for both the proposed dwelling and the existing dwelling and would therefore be contrary to the requirements of policies LP2 and LP16 of the Fenland Local Plan (2014).*

- 9.2 The current application is similar to that which was previously refused, albeit the depth of the indicative dwelling has been slightly reduced by approximately 0.5 metres.

## **10 ASSESSMENT**

### **Principle of Development**

- 10.1 Chatteris is one of the four settlements within which the majority of the district's new housing development is proposed, in line with policy LP3 of the Fenland Local Plan.
- 10.2 However, in this instance, it is considered that the subdivision of the garden of No. 54 to allow for the erection of a new dwelling would not retain the character of the local area for the reasons that will be set out below, and therefore the principle of development of this site, is not considered to be acceptable, irrespective of the slight adjustment of the depth of the indicative dwelling on site in comparison to the previous refusal.

### **Character, Indicative Layout, Scale and Parking**

- 10.3 Policy LP16 of the Fenland Local Plan requires new developments to deliver and protect high quality environments and make positive contributions of the street scene.

- 10.4 The details submitted for this proposal includes indicative elevations of the proposed dwelling, a floor plan and site plan. Within the surrounding area, many corner plots have larger residential gardens due to the layout of the residential area. This is an integral factor in the street scene of the local area and gives a sense of openness throughout the residential development. Therefore, it is considered that this proposal does not meet LP16 of the Fenland Local Plan.
- 10.5 The indicative layout shows the proposed dwelling to be located to the south-east of No. 54 Queensway. As stated above, this area is currently part of the residential garden of No. 54 which would be left with a smaller garden (less than one third of the overall plot size) in relation to neighbouring dwellings as a result of this application. It should be noted that due to No. 54 being a corner plot, the garden is currently larger than neighbouring dwellings, however if the proposed dwelling was to be built, the plot would reduce significantly in size. The current plot size of No. 54 is approximately 393m<sup>2</sup>, with the proposed plot measuring 220m<sup>2</sup>, which would be a reduction of approximately 56%.
- 10.6 The indicative scale of the proposed dwelling is in keeping with the neighbouring bungalows,. The siting of the proposed bungalow would back directly onto No. 52, however due to the scale of the build, it is likely there would be limited overlooking and overshadowing onto the neighbouring dwelling.
- 10.7 The proposed includes 2 parking spaces in front of the proposed dwelling are compliant with the Fenland Local Plan.

## 11 CONCLUSIONS

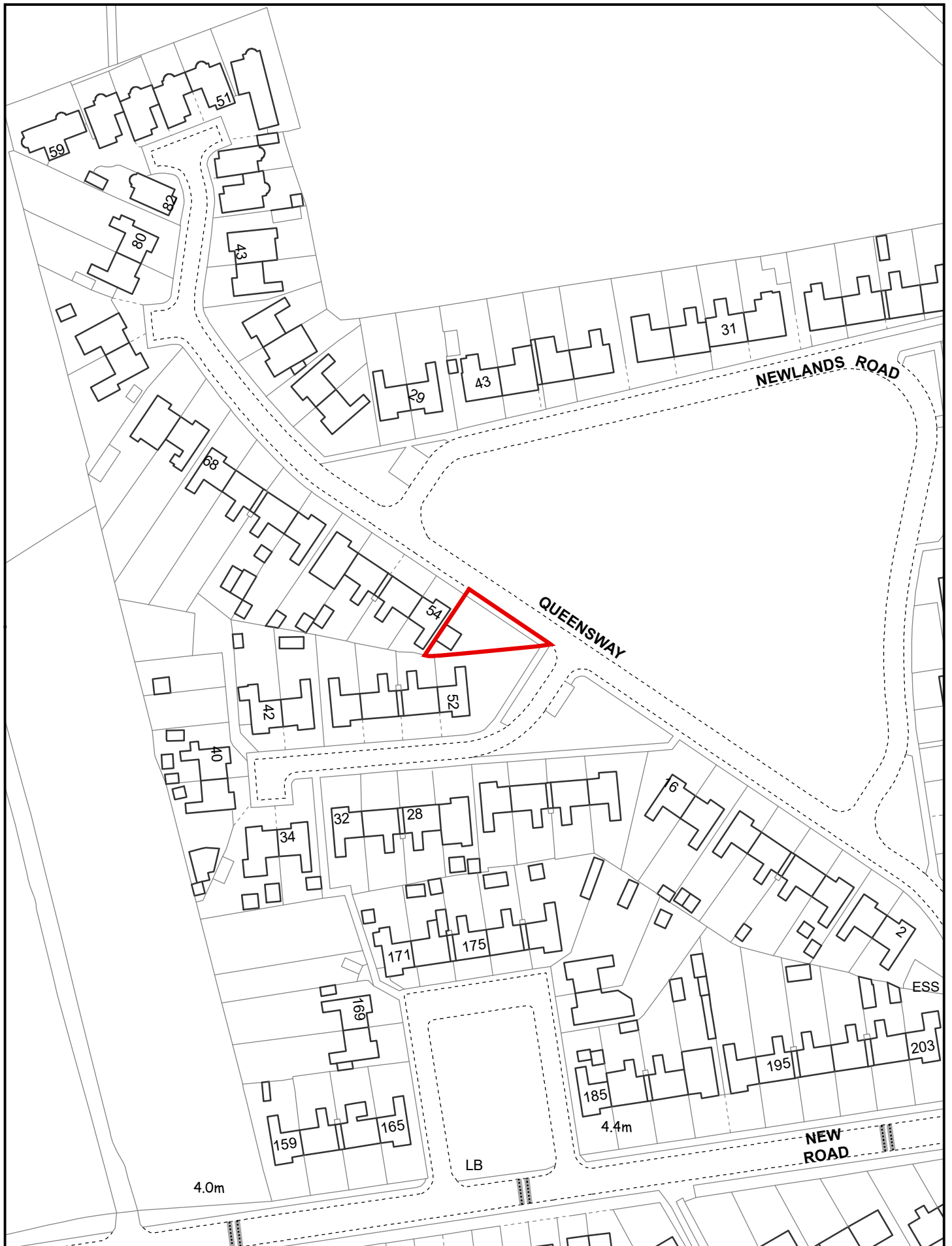
- 11.1 The broad principle of the development of the site for residential purposes is not opposed by the policies of the development plan, however the impact of the scheme on the surrounding area would result in harm to the character of the area and residential amenity contrary to policies LP2 and LP16.

## 12 RECOMMENDATIONS

- 12.1 **Refuse;** for the following reasons:

1	Policy LP16 of the Fenland Local Plan (2014) requires development to deliver high quality environments that make a positive contribution to the local distinctiveness and character of an area, enhancing their setting and responding to and improving the character of the local built environment. The proposal is for the construction of a bungalow within the residential garden of No. 54 Queensway. The proposal would introduce a dwelling into the residential garden and set a precedent within the local area. This would fail to respect the existing and prevailing character of the area, which contributes to a sense of openness and space within this residential setting. The proposal would therefore fail to accord with the above requirements and would be contrary to Policy LP16 of the Fenland Local Plan (2014).
2	Policy LP2 of the Fenland Local Plan requires development to promote high levels of residential amenity, whilst policy LP16 requires that development does not adversely impact on the amenity of neighbouring users. The proposed dwelling would result in a 56% loss of the garden to 54 Queensway. The resultant amenity space retained for No. 54 Queensway will fall below the one third of the plot threshold for minimum private amenity

	<p>space resulting in a poor living environment for the occupiers of that dwelling. The proposal would therefore fail to provide high quality residential amenity levels for both the proposed dwelling and the existing dwelling and would therefore be contrary to the requirements of policies LP2 and LP16 of the Fenland Local Plan (2014).</p>
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Created on: 13/12/2023

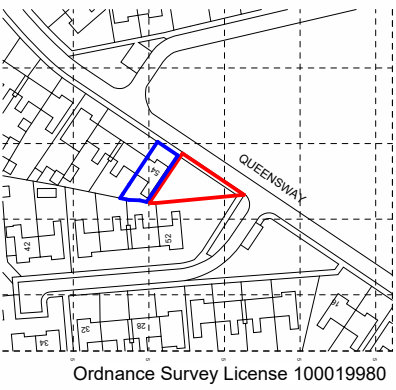
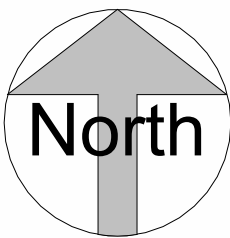
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**F/YR23/1016/O**

Scale = 1:1,250



**Notes**  
Any discrepancies to be brought to attention of Author as soon as possible.  
All dimensions shown in "mm" unless otherwise shown.  
Unless stated otherwise, this drawing has been assessed for risks and nothing is deemed to be outside of normal good safe working practice that would be covered by a contractors Construction Phase Health and Safety Plan.



**Location Plan**  
1 : 2500



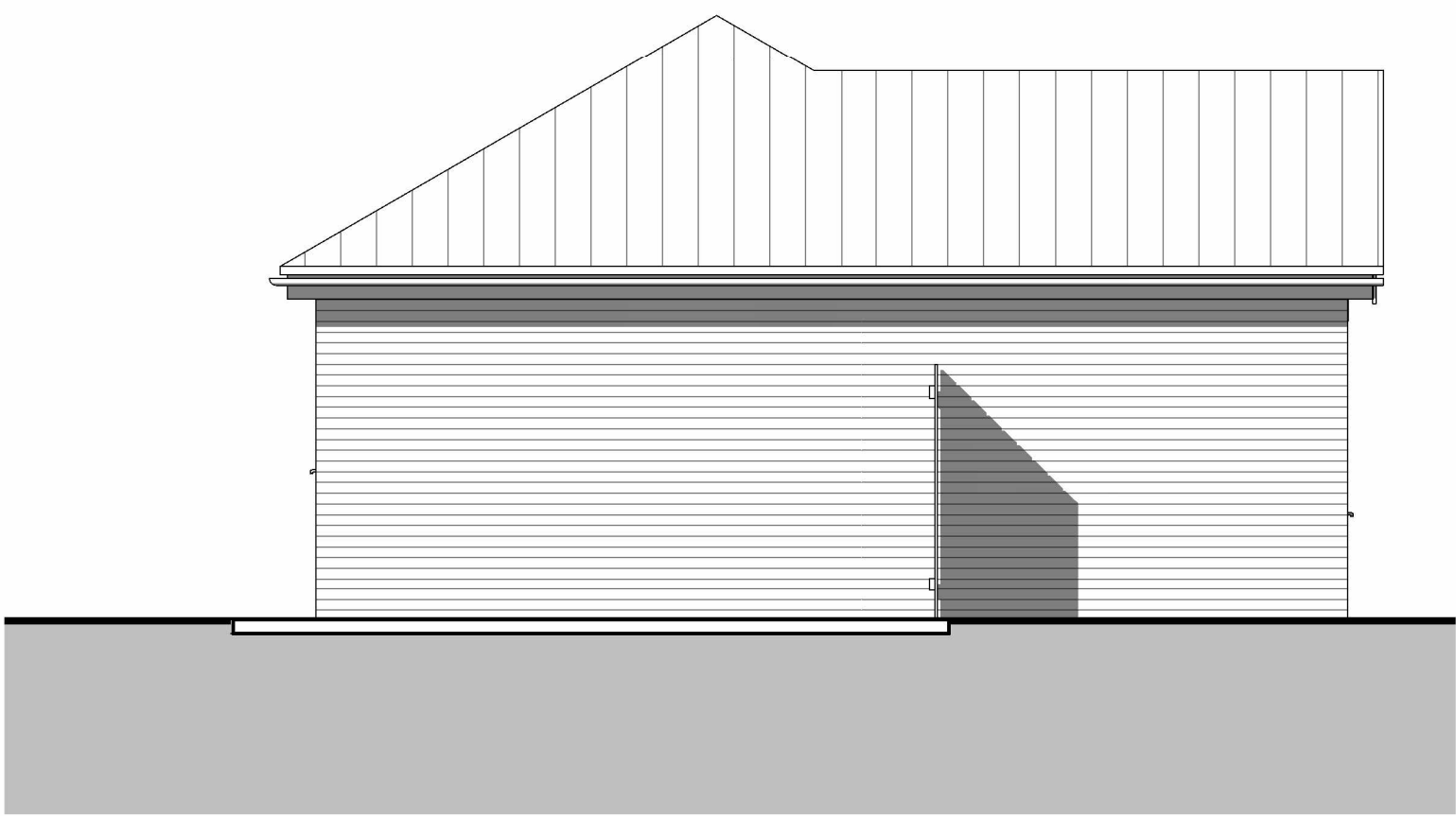
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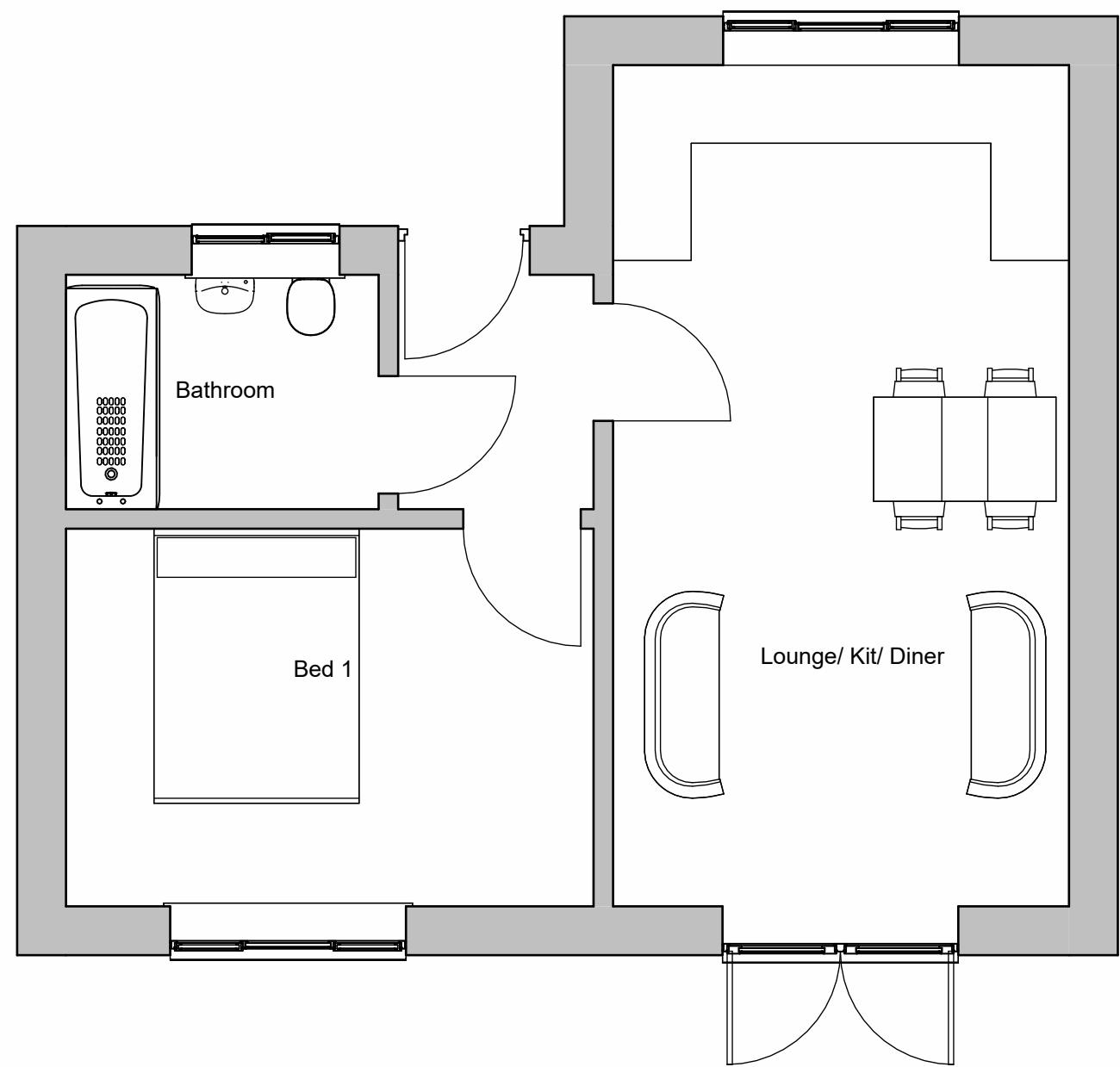
**Indicative Side Elevation (north west)**  
1 : 50



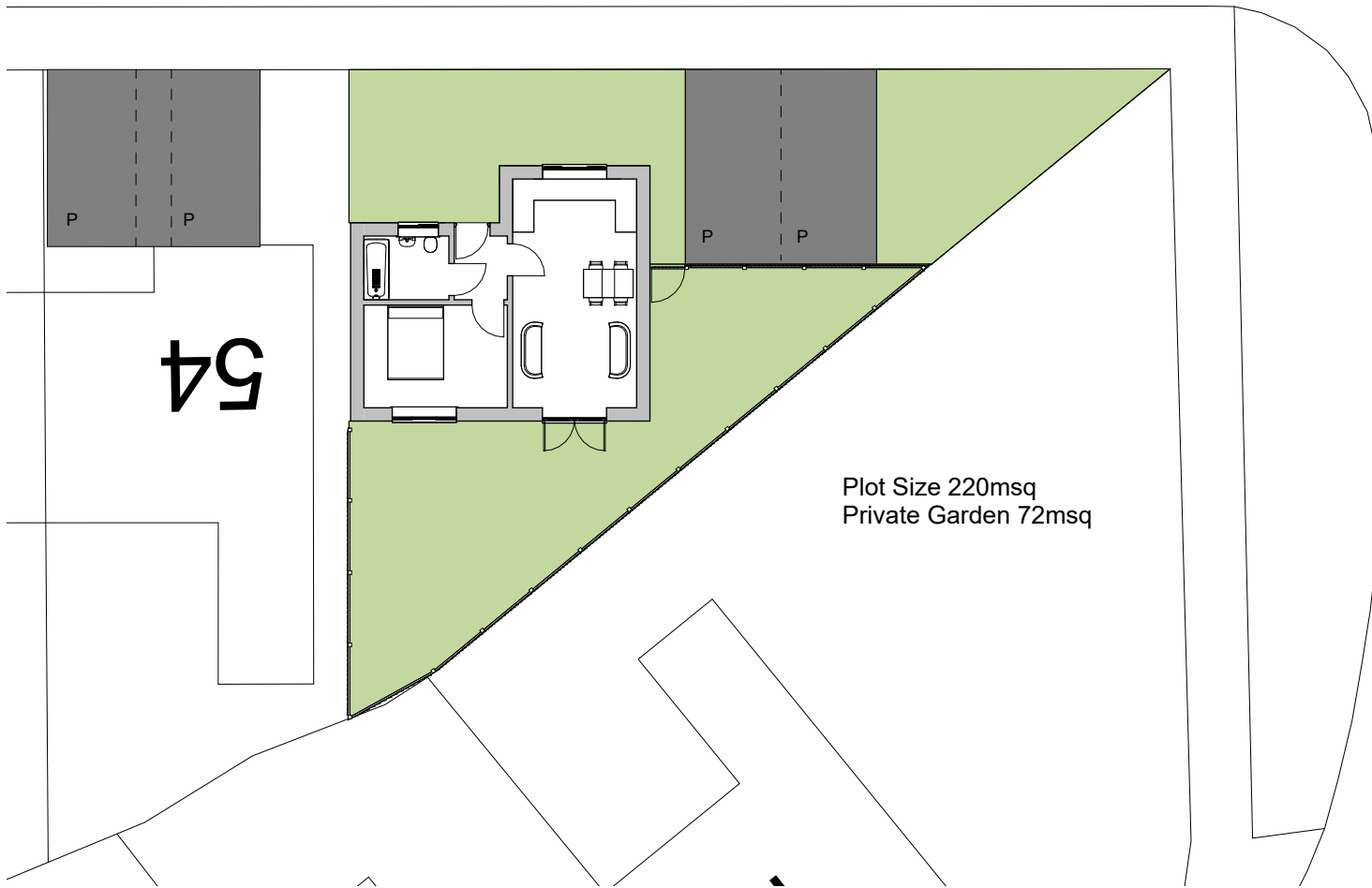
**Indicative Rear Elevation**  
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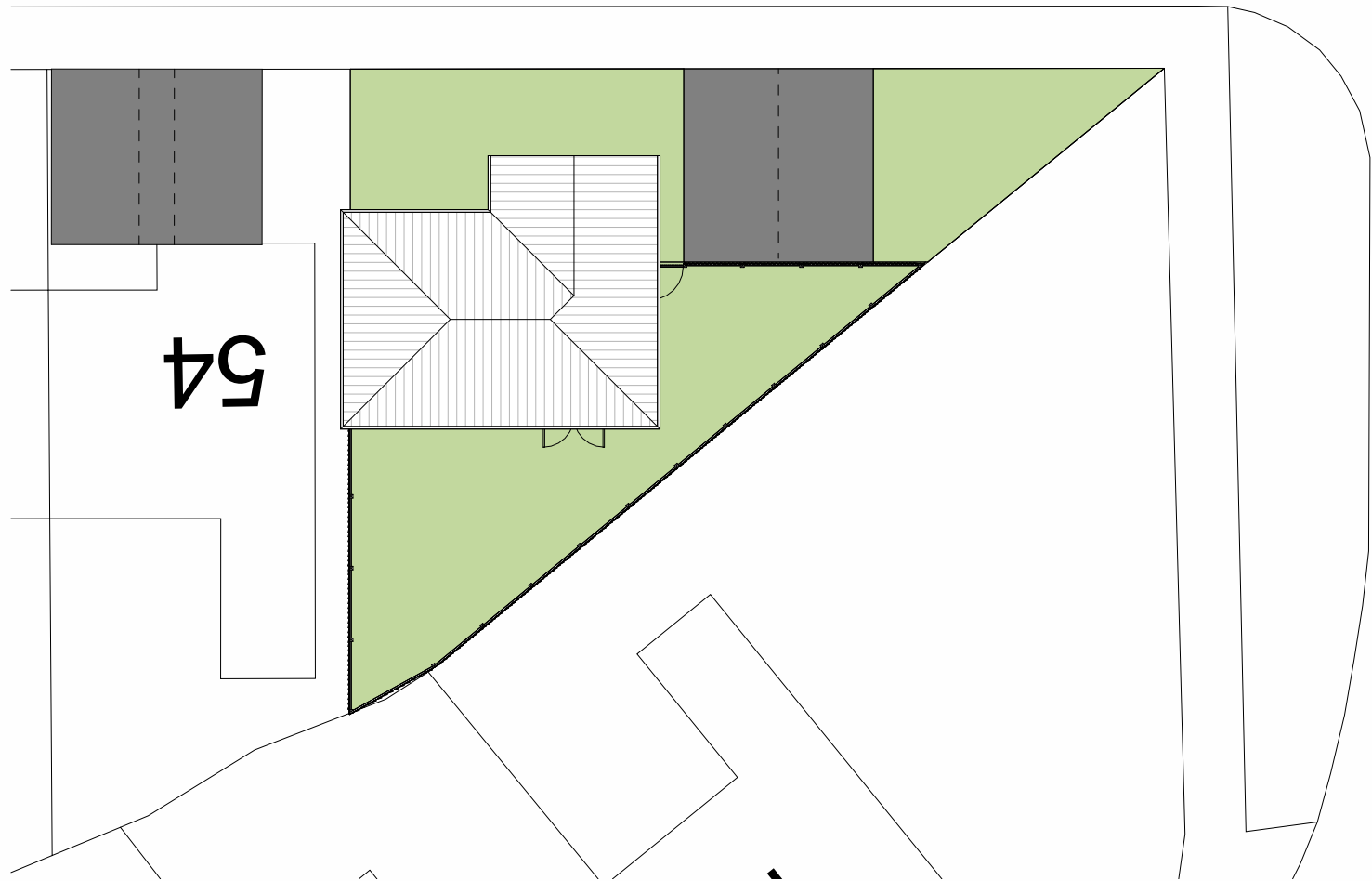
**Indicative Side Elevation (south east)**  
1 : 50



**Indicative Ground Floor**  
1 : 50



**Indicative Site Plan**  
1 : 200



**Indicative Block Plan**  
1 : 200



**F/YR23/1036/F**

**Applicant: Mr & Mrs Channing  
Swann Edwards Architecture Ltd**

**Agent : Mrs Shanna Jackson  
Swann Edwards Architecture Limited**

**Land South East Of The Chase, Gull Road, Guyhirn, Cambridgeshire**

**Erect 3 x dwellings (single-storey, 4-bed) with garages**

**Officer recommendation: Refuse**

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

---

## **1. EXECUTIVE SUMMARY**

1.1 The application site currently forms residential land which serves the host dwelling directly to the north-west known as, 'The Chase'.

1.2 This is a full application for the development of land at 'The Chase', Gull Road, Guyhirn for three dwellings (single storey, 4-bedroom).

1.3 The site has a planning history. This is set out below:

- F/YR23/0047/F for four dwellings and garages (comprising 1x 5-bed and 3x 4-bed). Refused by Committee on 2<sup>nd</sup> August 2023
- F/YR17/1224/F) for four dwellings was refused on the 29<sup>th</sup> March 2018 and dismissed at appeal on the 2<sup>nd</sup> October 2018.
- F/YR16/0130/F) for four dwellings which was refused on the 22<sup>nd</sup> February 2016 and dismissed at appeal on the 10<sup>th</sup> November 2016.

1.4 All three applications as above were of a very similar design, the only variation in the third application from the first two refused applications was that the 3<sup>rd</sup> application had no pond features.

1.5 The proposal would introduce 3 bungalows to the rear of existing dwellings fronting onto Gull Road and would appear as backland development.

1.6 The local area is characterised by dwellings fronting onto Gull Road, with few dwellings located outside the linear line of development. Therefore, the application does not meet the requirements of policies LP3, LP12 and LP16 of the Fenland Local Plan.

1.7 The proposal is therefore recommended for refusal.

## **2 SITE DESCRIPTION**

- 2.1** The site is located to the western side of Gull Road in Guyhirn and is located to the rear of existing residential developments along Gull Road. The site is currently used as a residential garden serving the property to the north-west known as, 'The Chase' and its boundary is defined by hedgerows.
- 2.2** The immediate area is residential in character with dwellings mainly fronting onto Gull Road.
- 2.3** The site is located within flood zone 1 (low risk).

## **3 PROPOSAL**

- 3.1** The current application seeks planning permission for the erection of 3 x 4-bed single-storey dwellings.
- 3.2** The proposed three dwellings would be positioned across the length of the site, between the existing dwellings at The Chase and Sunflower Lodge. The dwellings will benefit from large rear gardens, and these will be made private by means of 1.8m high close boarded fencing on the side and rear boundaries. Access to the site will be via the existing access which is currently used by The Chase. Each dwelling will be provided with a detached double garage as well as an independent turning area and outdoor parking for 2 cars.
- 3.3** Full plans and associated documents for this application can be found at:  
[F/YR23/1036/F | Erect 3 x dwellings \(single-storey, 4-bed\) with garages | Land South East Of The Chase Gull Road Guyhirn Cambridgeshire \(fenland.gov.uk\)](#)

## 4 SITE PLANNING HISTORY

Reference	Description	Decision	Date
F/YR23/0047/F	Erect 4x dwellings and garages (comprising 1x 5-bed and 3x 4-bed)	Refused	02.08.2023
F/YR17/1224/F	Erection of 4no 2-storey dwellings comprising of 1 x 5-bed and 3 x 4-bed with garages	Refused Appeal Dismissed	29.03.2018 02.10.2018
F/YR16/0130/F	Erection of 4no 2-storey dwellings comprising of 1 x 5-bed and 3 x 4-bed with garages	Refused Appeal Dismissed	03.05.2016 10.11.2016
F/YR12/0730/O	Erection of 3 x 2-storey dwellings involving demolition of existing dwelling and garage Westbury, Gull Road, Guyhirn	Refused	18.12.2012
F/YR06/0980/RM	Erection of 2 x 4-bed bungalows with detached double garages Land South East Of Westbury, Gull Road, Guyhirn	Approved	06.10.2006
F/YR04/0191/O	Residential Development (2 bungalows) Land South East Of Westbury, Gull Road, Guyhirn	Refused	07.04.2004

## 5 CONSULTATIONS

### 5.1 Wisbech St Mary Parish Council

#### RECOMMEND REFUSAL

- Access
- Backfill
- Does Not Comply With Policy
- Flooding
- Overlooking/Loss of privacy

*At the meeting of Wisbech St. Mary Parish Council on 15<sup>th</sup> January 2024, the Council recommended REFUSAL. Councillors noted the change from previous applications to single storey dwellings, however there were still concerns regarding a loss of privacy. Councillors felt that this application goes against LP3 of the Fenland Local Plan by introducing back land development.*

### 5.2 CCC Highways :

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

*The layout of the proposed accesses would be sufficient for the intensification of the proposed use of this existing access. An area on site has also been provided for vehicles to turn and exit the premises in a forward gear.*

### **Recommended Conditions**

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

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

*Non Standard Condition:* Prior to the first occupation of the development, the vehicular access shall be constructed to include the provision of a metalled/sealed surface for a minimum length of 5m from the existing carriageway edge.

### **5.3 North Level District Internal Drainage Board:**

No objections.

### **5.4 CCC Archaeology:**

*Our records indicate that the site lies in an area of high archaeological potential, situated upon a north-west to south-east aligned roddon (ancient infilled river). To the north west the cropmarks of a Romano-British settlement (Cambridgeshire Historic Environment Record reference 09427) and Romano-British field systems (CHER refs. 09436, 03900) extend on either side of Gull Drove. To the south west is an area of upstanding earthworks, possibly representing the remains of a small inland harbour (CHER ref. MCB17827), which were truncated by the former course of Morton's Leam (CHER ref. MCB17919) during its construction in 1490. In addition, to the east is further evidence of Roman (CHER refs. 09590, 09437, 09218) and medieval occupation (CHER refs. MCB17859, MCB19319). We have commented on this development previously (F/YR17/1224/F, F/YR16/0130/F and F/YR23/0047/F) our recommendation of the use of a condition still applies. Due to the archaeological potential of the site a programme of investigation and recording is required in order to provide more information regarding the presence or absence, and condition, of surviving archaeological remains within the development area, and to establish the need for archaeological mitigation of the development as necessary. Usage of the following condition is recommended:*

#### *Archaeology Condition*

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

- a. The statement of significance and research objectives;*

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

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

*Informatives:*

*Partial discharge of the condition can be applied for once the fieldwork at Part c) has been completed to enable the commencement of development. Part d) of the condition shall not be discharged until all elements have been fulfilled in accordance with the programme set out in the WSI. A brief for the recommended programme of archaeological works is available from this office upon request.*

*Please see our website for CHET service charges.*

## **5.5 Environmental Health**

*The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposed scheme as it is unlikely to have a detrimental effect on local air quality or be affected by ground contamination. Due to the close proximity of noise sensitive receptors, it is recommended that the following condition is imposed in the event that planning permission is granted:*

### **WORKING TIMES**

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

## **5.6 Local Residents/Interested Parties**

**Objectors** - 4 letters of objection have been received from residents of Gull Road which are summarised below:

- Traffic on Gull Road;
- Back land development;
- Noise and light pollution;
- Density/Over development
- Out of character/not in keep with area
- Highways concerns;
- Visual impact;
- Environmental concerns;

**Supporters**- 10 support letters from 5 addresses in Gull Road and High Road which are summarised below:

- Positive expansion of the village;
- Local economic benefit;
- Continue to populate village.

## 6 STATUTORY DUTY

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

## 7 POLICY FRAMEWORK –

### **National Planning Policy Framework (NPPF)**

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

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

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

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

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

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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

### **National Planning Practice Guidance (NPPG)**

Determining a Planning Application

### **National Design Guide 2021**

Context

Identity  
Built Form  
Movement  
Nature  
Public Spaces

#### **Fenland Local Plan 2014**

LP1 – A Presumption in Favour of Sustainable Development  
LP2 – Facilitating Health and Wellbeing of Fenland Residents  
LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside  
LP4 – Housing  
LP12 – Rural Areas Development Policy  
LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland  
LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland  
LP16 – Delivering and Protecting High Quality Environments across the District  
LP17 – Community Safety  
LP19 – The Natural Environment

#### **Emerging Local Plan**

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

LP1: Settlement Hierarchy  
LP2: Spatial Strategy for the Location of Residential Development  
LP4: Securing Fenland's Future  
LP7: Design  
LP8: Amenity Provision  
LP9: Residential Annexes  
LP18: Development in the Countryside  
LP19: Strategic Infrastructure  
LP22: Parking Provision  
LP24: Natural Environment  
LP25: Biodiversity Net Gain  
LP28: Landscape  
LP32: Flood and Water Management

## **8 KEY ISSUES**

- Background
- Principle of Development
- Layout and Design
- Residential Amenity
- Highway Safety
- Ecology, Wildlife & Trees

## 9 BACKGROUND

9.1 The most recent planning application (F/YR23/0047/F) on the subject site was for 4 dwellings that was refused by the planning committee for the following reasons:

1. Policy LP3 of the Local Plan identifies Guyhirn as a Small Village where 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. The proposal would introduce a backland form of development which would be harmful to the character of the surrounding area and the dwellings to the north and south of the development site are sporadic dwellings and do not form a continuous area of development. As such the proposal is not considered to result in residential infilling. Therefore, the proposal fails to comply with the provisions of Policy LP3 of the Fenland Local Plan (2014).
2. Policies LP12 Part A (d) and LP16 (d) resists new development which adversely impacts on the character of the area and requires development to respond to and improve the character of the built environment. The prevailing form and character of the area comprises frontage development. The tandem positioning of the dwellings, which are behind the established built form would be out of keeping with the character of the area. This would result in an incongruous development and is therefore contrary to Policies LP12 (d) and LP16 (d) of the Fenland Local Plan (2014).

9.2 The applicant has outlined in their Design & Access Statement that since the most recently refused application (ref: F/YR23/0047/F), there has been significant changes to the surroundings and refers to a recent planning approval for 5 dwellings (ref: F/YR23/0548/O) in Gorefield (small village like Guyhirn). This is addressed in more detail within the Principle of Development section of this report.

## 10 ASSESSMENT

### Principle of Development

10.1 The application site is located in the village of Guyhirn and the Policy LP3 of the Local Plan identifies Guyhirn as a Small Village where 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.

10.2 The proposed development for three bungalows would form a linear development, similar to all the originally refused applications sited in the side garden of the host dwelling, The Chase. Therefore, the proposal would introduce a backland form of development, which would be harmful to the character of the surrounding area and the dwellings to the north and south of the development site are sporadic dwellings and do not form a continuous area of development.

10.3 The appeal decision on the application site APP/D0515/W/16/3155149 stated that

*“4. The site is located in the village of Guyhirn, which is classified by policy LP3 of the Fenland Local Plan (2014) as a small settlement. This states that development will be considered on its merits and will normally be limited in scale to residential infilling. There is some dispute between the parties as to whether the development constitutes ‘residential infill’ in terms of the policy. Whilst LP3 does not specifically define ‘infilling’, the Council’s interpretation of filling a gap in the built-up frontage*



would, in my view, be most logical and appropriate in the context of the policy. Although there would be dwellings at either end of the site, it is clearly backland in nature and poorly related to the road frontage. As such, I would not identify the development as 'infill'.

5. Notwithstanding this, I note that the policy suggests development within small settlements will be considered on its merits. Therefore, not being infill is not necessarily determinative and the other aspects of the development need to be considered, including the effect of the development on the character and appearance of the area.

6. Irrespective of whether the development would be considered infill or not, the effect on the character of the area would be the same. In this regard, it is clear that this part of the village has a predominantly linear character with very little evidence of backland development other than The Chase itself. The siting of this dwelling is somewhat uncharacteristic of the wider area and does not justify further backland development.

- 10.4 The second appeal decision APP/D0515/W/18/3200846 on the site (Ref: F/YR17/1224/F) was also dismissed. In this decision, the Inspector again reiterated the findings from the first appeal decision and stated that:

*“ 6. Issues relating to infilling and the effect of the proposal on the character and appearance were dealt with unequivocally by the previous Inspector in paragraphs 4-11 of his decision. As the appellants concede there have been no significant changes to the site or its surroundings since the previous appeal decision. I therefore concur with my colleague that the development would have an unacceptable impact on the settlement pattern of the village and would thus conflict with LP Policies LP3, LP12(d) and LP16(d).”*

9. *Even if I were to accept the appellants' housing land supply submissions in their entirety, this would not necessarily lead to the appeal being allowed. Although the contribution of the 4 dwellings proposed towards addressing any shortfall would be a benefit, the weight to be attached to this would be moderated by the fact that any housing shortfall would be relatively small. Consequently, the social and economic benefits arising could well be significantly and demonstrably outweighed by the harm that has been identified to the character and appearance of the area.*

- 10.5 This proposal will see three bungalows introduced into a site, which would be partly visible in the street scene as the proposed new houses would appear as contrived features behind the 'Copper Beeches' and open space between the 'Fernleigh' and the 'Copper Beeches'. The proposed development would reflect as an absolute example of backland development when considered against the prevailing form and character of this part of Guyhirn, which is characterised by linear, road frontage development.
- 10.6 It is noted that there are some sporadic dwellings sited back from Gull Road, namely the host dwelling, 'The Chase' and 'Sunflower House', however these are historic and before the current local plan and do not override the prevailing form of road frontage developments. Policy LP3 requires development in Small Villages to be infill and whilst the presence of these two properties is noted, as the site is not within the main built-up frontage it is not considered to be infill.

- 10.7 The proposal is therefore considered to be out of keeping with the core shape and form of the settlement and is out of character with this part of Guyhirn. It is therefore considered to be contrary to Policy LP3 and Part A (d) of Policy LP12 for these reasons and as such, is considered to be unacceptable in principle.
- 10.8 The design and access statement submitted with the current application has cited examples of the development in the local area and appeal decisions for other sites in the local area. However, due regard has been given to the two different appeal decisions of the application site that clearly establishes that any development on the application site would not be “infill”. The previous refusals on this site are material considerations, on appeal the inspectors have agreed with the LPA’s position on both occasions that the effect of the development would cause detrimental harm to the appearance and character of the surrounding area.
- 10.9 It is considered that the proposal has failed to address two reasons for refusal on the recent planning application (ref: F/YR23/0047/F).

### **Layout and Design**

- 10.10 Policy LP16 seeks to ensure that new development makes a positive contribution to the local distinctiveness and character of the area, enhances its local setting, responds to and improves the character of the local built environment, provides resilience to climate change, reinforces local identity and does not adversely impact, either in design or scale terms, on the street scene, settlement pattern or the landscape character of the area part (d). Furthermore, parts (e) and (h) of Policy LP16 require new development to not adversely impact on the amenity of neighbouring users, through noise, light pollution, loss of privacy and loss of light, and provide sufficient private amenity space.
- 10.11 In design terms, this part of Gull Road is characterised by a variety of dwelling designs. The proposed dwellings themselves have been designed to show variety between the dwellings, whilst retaining certain features such as porch detailing and mix of roof lines. No objections are raised to the design of the dwellings, which is unlikely to have any adverse impacts on the surroundings due to the different dwelling designs present around the site.

### **Residential Amenity**

- 10.12 The proposed development would introduce 3 dwellings to the rear of a number of existing frontage properties along Gull Road. Part (e) of Policy LP16 states that new development should not adversely impact on the amenity of neighbouring users, such as through noise, light pollution, loss of privacy and loss of light.
- 10.13 The dwellings have been sited adjacent to the side boundaries of the existing properties. The proposed bungalows would be single storey. It is considered that given the separation distances between the proposed dwellings to the existing dwellings along Gull Road, it is unlikely that there would be any issues with overlooking or loss of privacy from.
- 10.14 The plot 1 would sit adjacent to the Sunflower House; however, it would sit behind the existing dwelling and would be separated by the 1.8m high boarded fencing in addition to the existing hedging. This could be further mitigated against by additional landscaping along this boundary to add screening and controlled via a condition, if approved.

- 10.15 It is noted that the existing access runs between two of the frontage properties, 'Fernleigh' and 'Copper Beeches'. The development would result in an intensification of the use of this access, which currently only serves the dwelling, 'The Chase' and is proposed to serve four dwellings total (increase of three dwellings). This would increase the number of vehicular movements between these two properties, however with 'Fernleigh' being sited approximately 4.6m from the access and 'Copper Beeches' sited approximately 8.4m from the access, noise impacts would be mitigated to the level where it would not represent a significant adverse impact and therefore, would not warrant a reason for refusal in this instance. It is noted that the Environmental Health Team have raised no concerns with regards to the impacts of the development.

### **Highway Safety**

- 10.16 The proposed dwellings would be served by turning areas and parking forecourts which would provide parking provision for up to two spaces (minimum per dwelling) and so meets the parking standards set out within Appendix A of the Local Plan.
- 10.17 The proposal will utilise the existing access which currently serves, 'The Chase'. The access, highway safety and parking considerations have been assessed by the Local Highway Authority who raise no objections to the proposed access, subject to conditions being attached. The application proposed improvements to the access point, including widening it to 5m for the first 10m back from the highway which will allow for two-way vehicle flow at the access with Gull Road. As such, there are no concerns in relation to highway safety and the proposal complies with the provisions of LP15 in this regard.

### **Ecology, Wildlife & Trees**

- 10.18 The site is garden land and benefits from dense landscaping around the perimeter, which is proposed to be retained. No trees are proposed to be removed in fact additional tree planting has been proposed. The applicant has submitted a completed biodiversity checklist which outlined no protected species are within/adjacent the site. The proposal is not considered to have a significant impact on biodiversity. In addition, there are no protected trees, and the site is not within a Conservation Area. Subject to suitable ecology and tree conditions, the proposal is not objected to.
- 10.19 It is noted that there were no ecological issues raised in the previously refused applications.

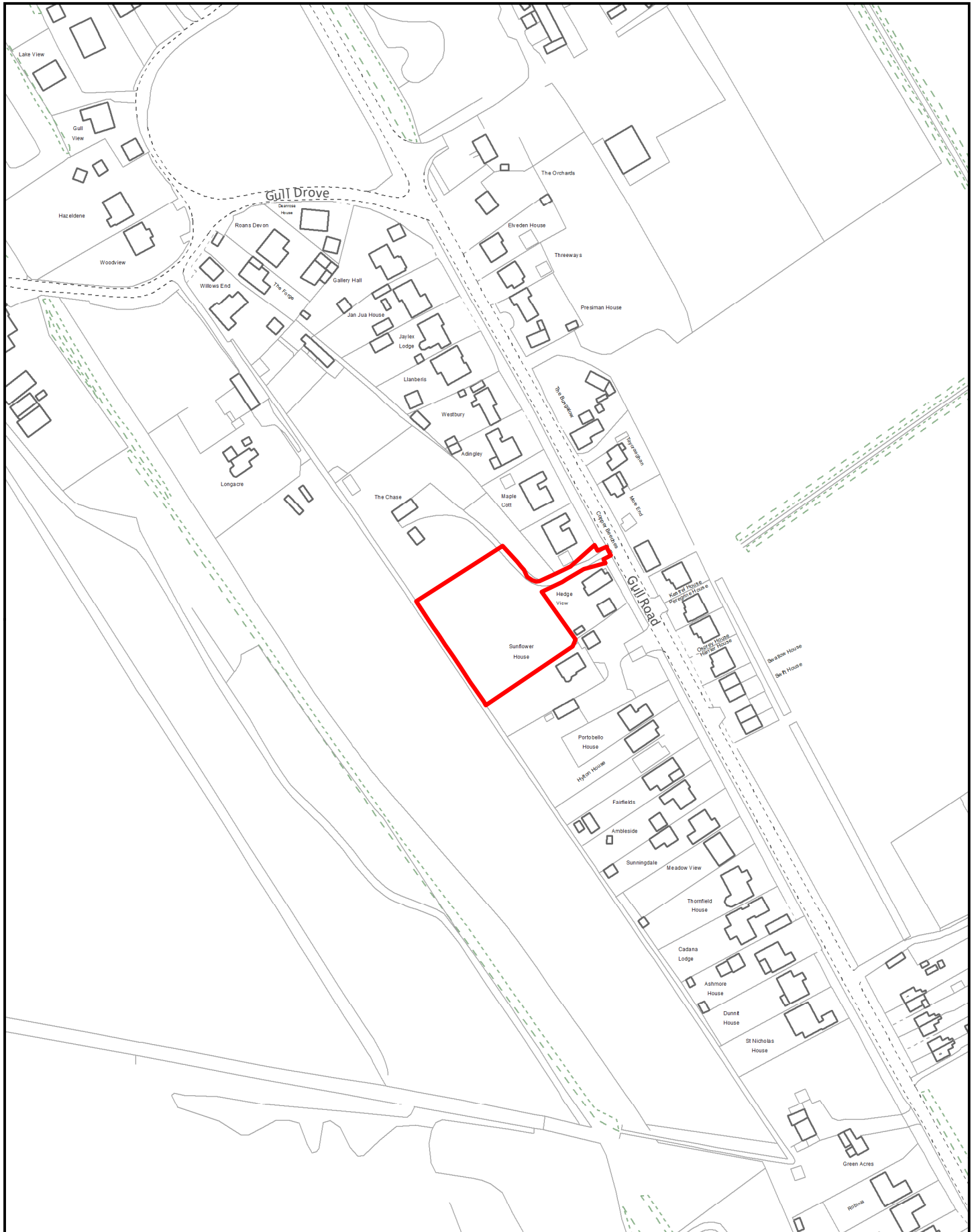
## **11 CONCLUSIONS**

- 11.1 The proposal fails to comply with the provisions of Policies LP3, LP12 and LP16 in relation to the principle of residential development in this location. Whilst it is noted that the design of the dwellings and the highway safety considerations are acceptable, the site is not considered to be infill and will be at odds with the prevailing form and character of the surrounding area and would result in a tandem form of development, consistent with previous decisions of both the Council and Planning Inspectors.
- 11.2 The proposal has failed to address the previous reasons for refusal and is therefore recommended for refusal.

## 12 RECOMMENDATION

**Refuse;** for the following reasons:

1.	Policy LP3 of the Local Plan identifies Guyhirn as a Small Village where 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. The proposal would introduce a backland form of development which would be harmful to the character of the surrounding area and the dwellings to the north and south of the development site are sporadic dwellings and do not form a continuous area of development. As such the proposal is not considered to result in residential infilling. Therefore, the proposal fails to comply with the provisions of Policy LP3 of the Fenland Local Plan (2014).
2.	Policies LP12 Part A (d) and LP16 (d) resists new development which adversely impacts on the character of the area and requires development to respond to and improve the character of the built environment. The prevailing form and character of the area comprises frontage development. The tandem positioning of the dwellings, which are behind the established built form would be out of keeping with the character of the area. This would result in an incongruous development and is therefore contrary to Policies LP12 (d) and LP16 (d) of the Fenland Local Plan (2014).



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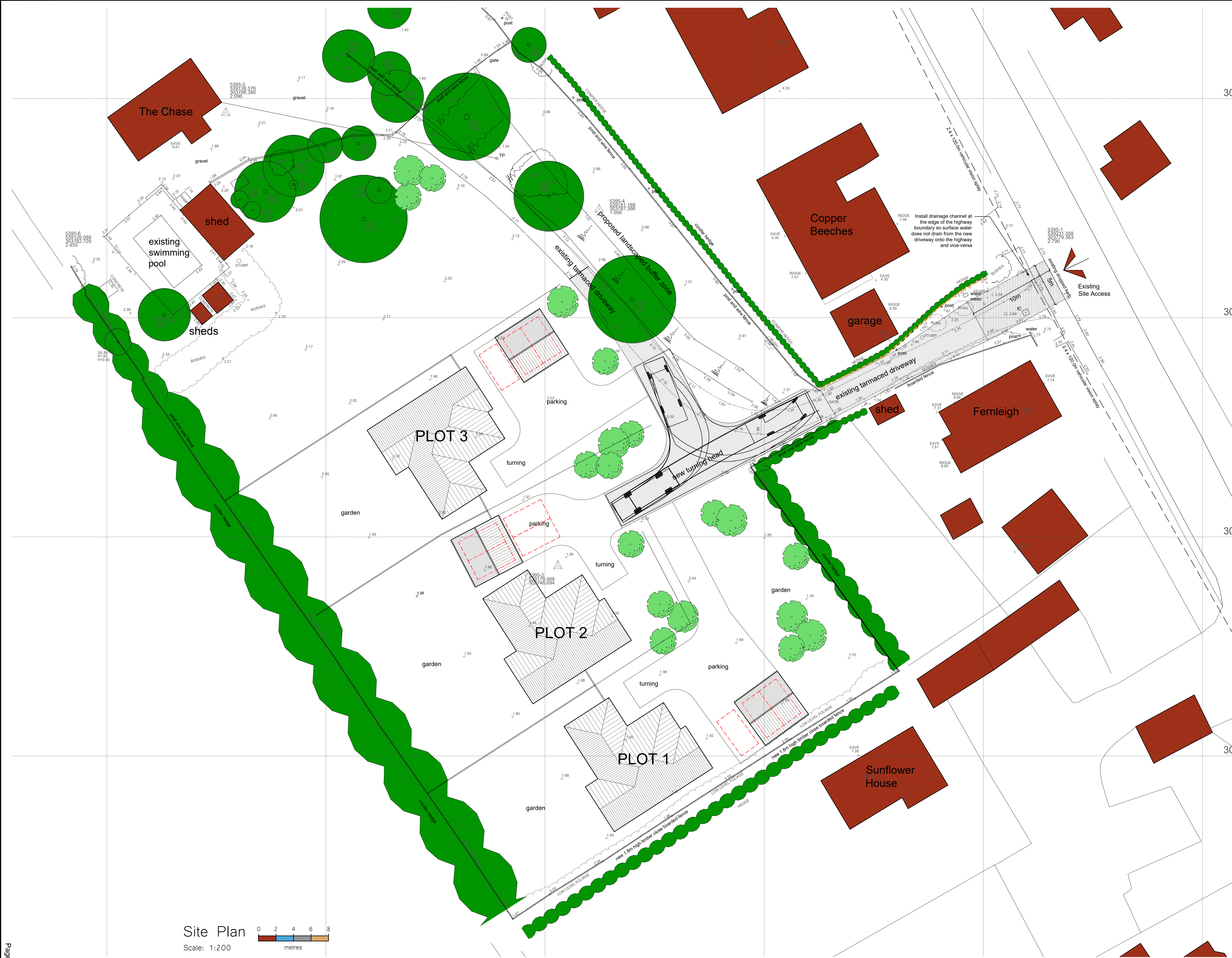
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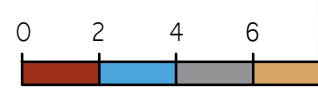


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  2. The contractor, sub-contractors and suppliers must verify all dimensions on site prior to the commencement of any work.
  3. This drawing is to be read in conjunction with all relevant engineers and specialist sub-contractors drawings and specifications.
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SITE PLAN KEY

- Indicates proposed dwellings
- Indicates existing neighbouring dwellings
- Indicates trees and hedges to remain
- Indicates widened shared access driveway to be constructed to Cambridgeshire County Council specification to a width of 5.0m, 10.0m into the site
- Indicates proposed parking spaces
- Indicates site access
- Indicates 2.0m high acoustic fence

Site Plan  
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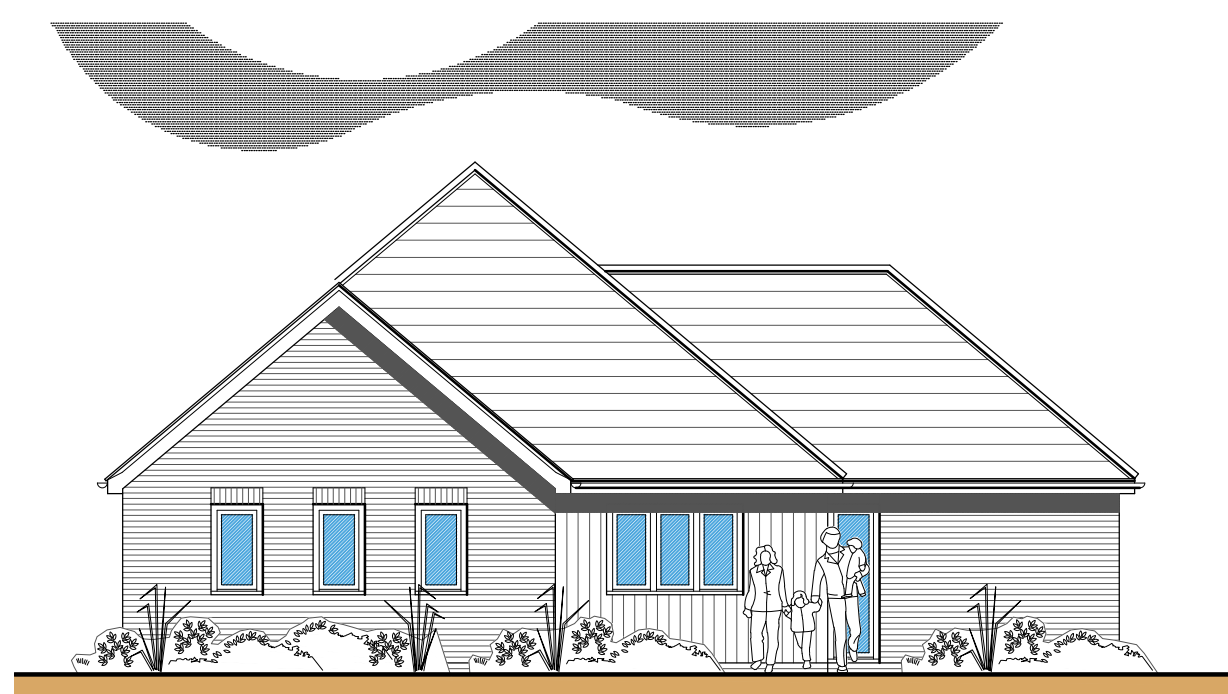
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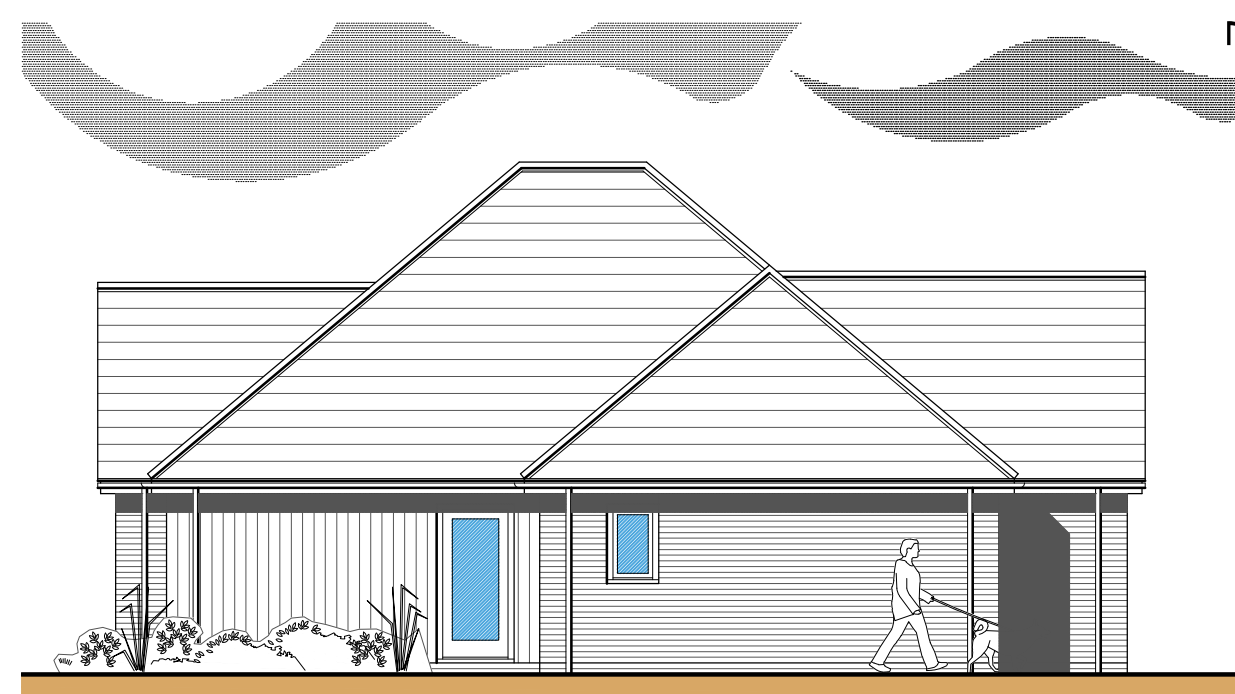
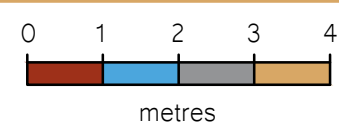
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	Drawing Title Planning Drawings Site Plans	Job No. SE-1905 Dwg No. PP2000
		Drawn by RS Revision A





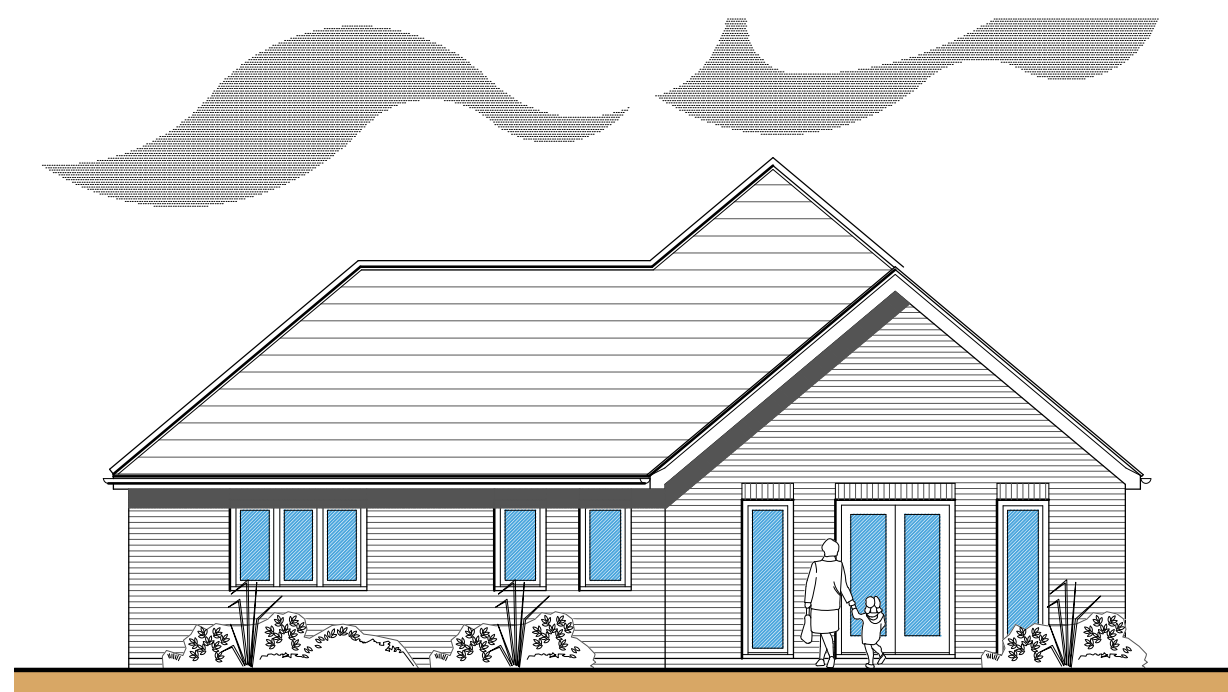
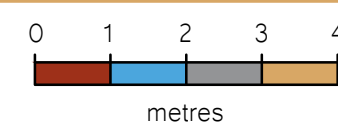
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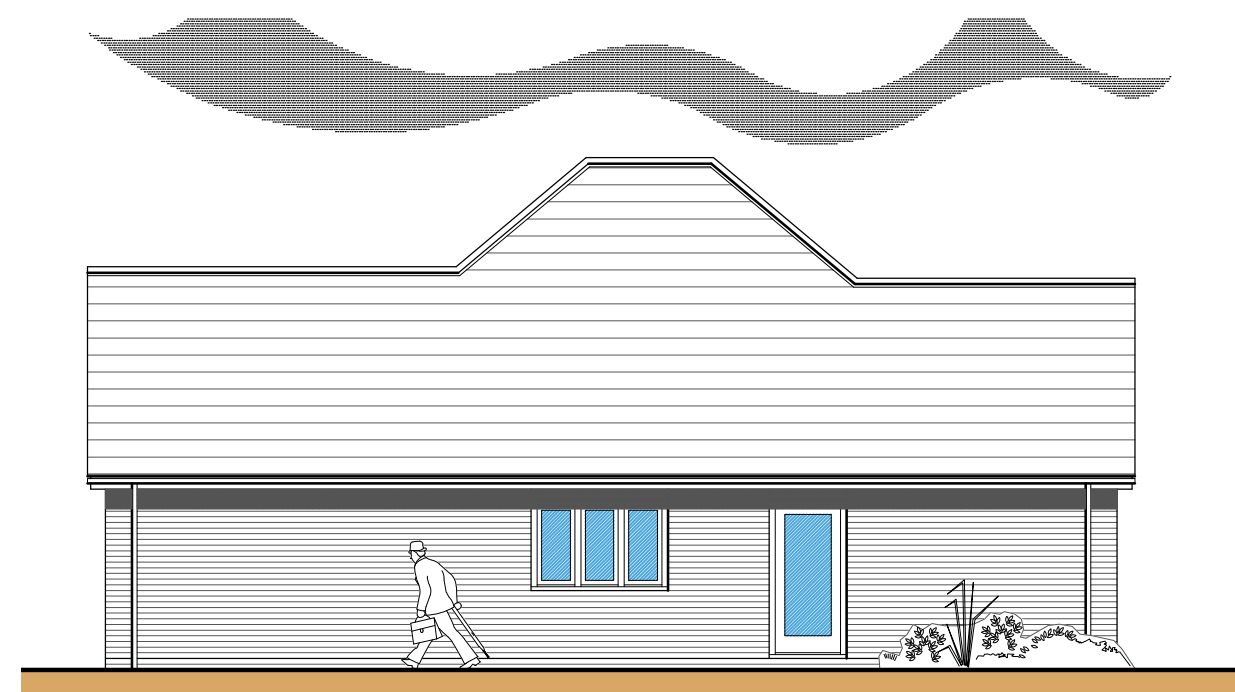
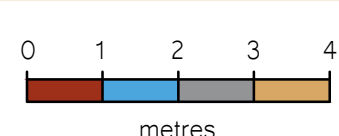
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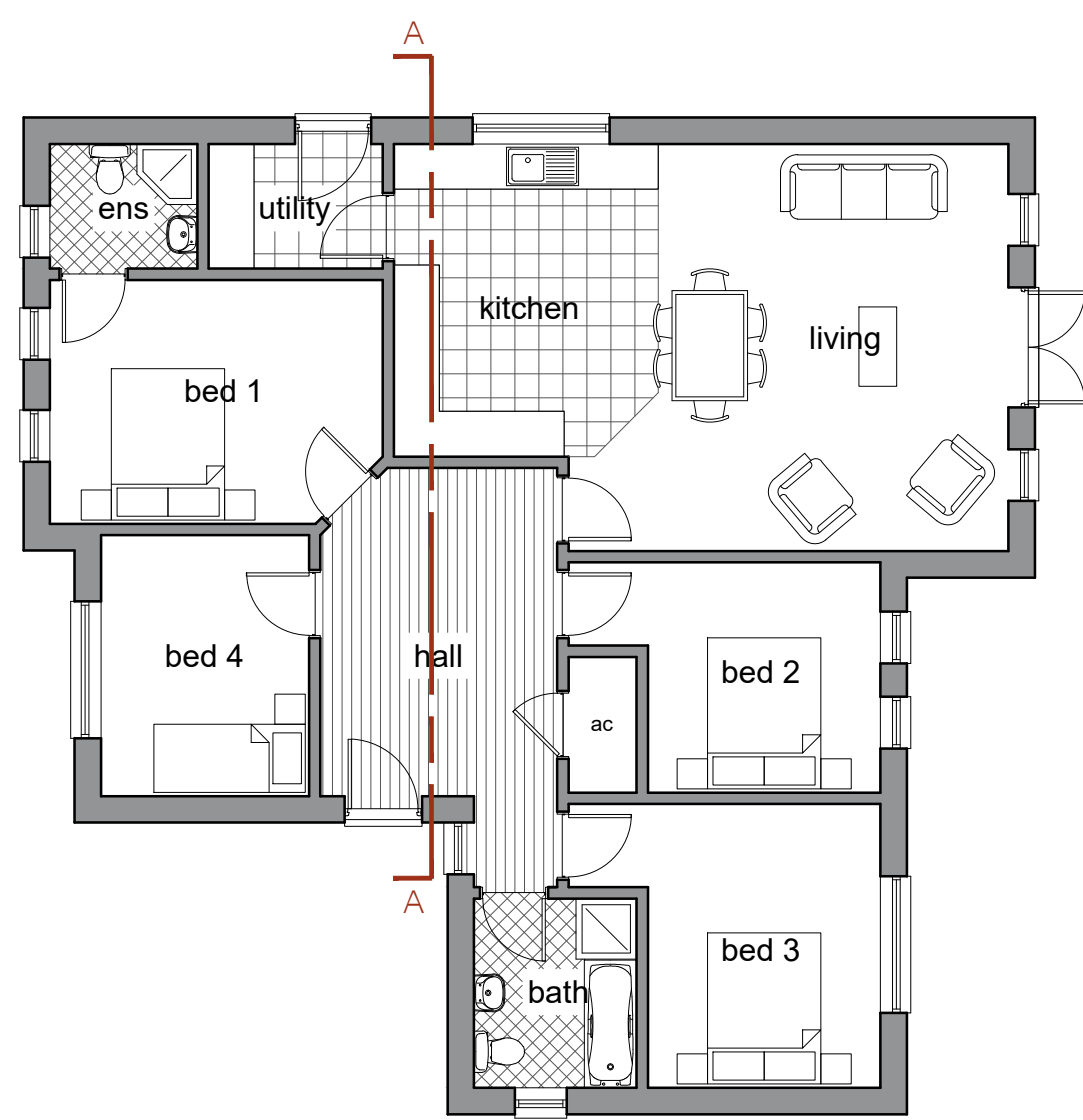
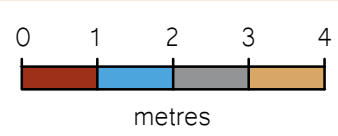
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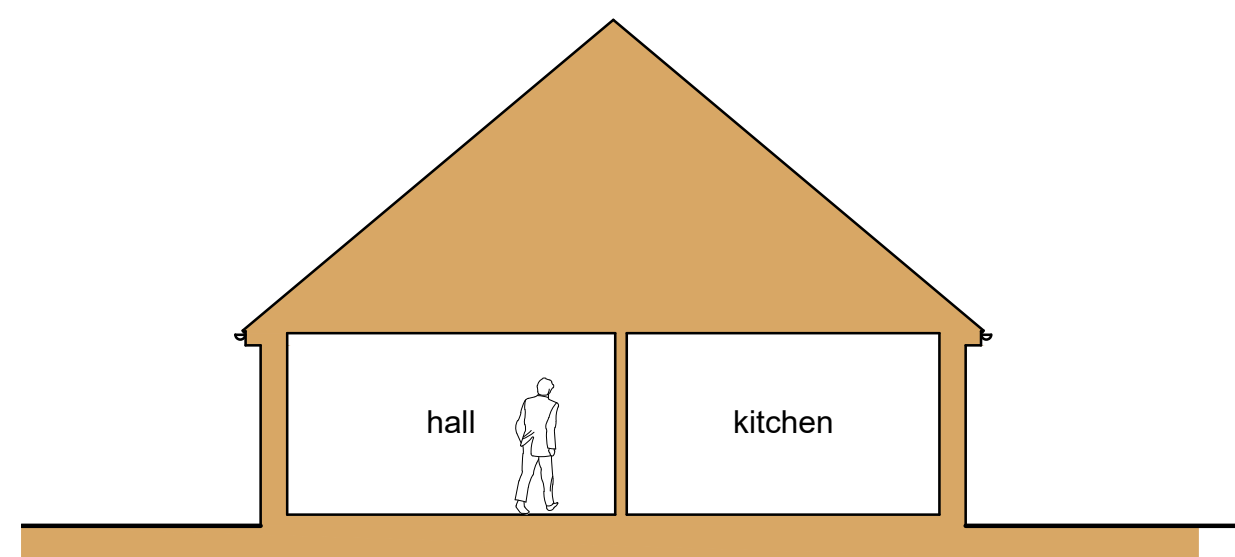
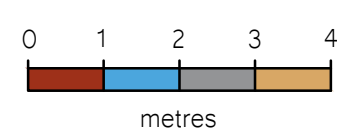
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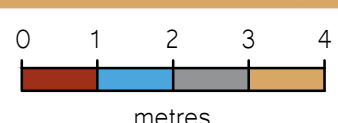
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Section A-A

Scale: 1:100



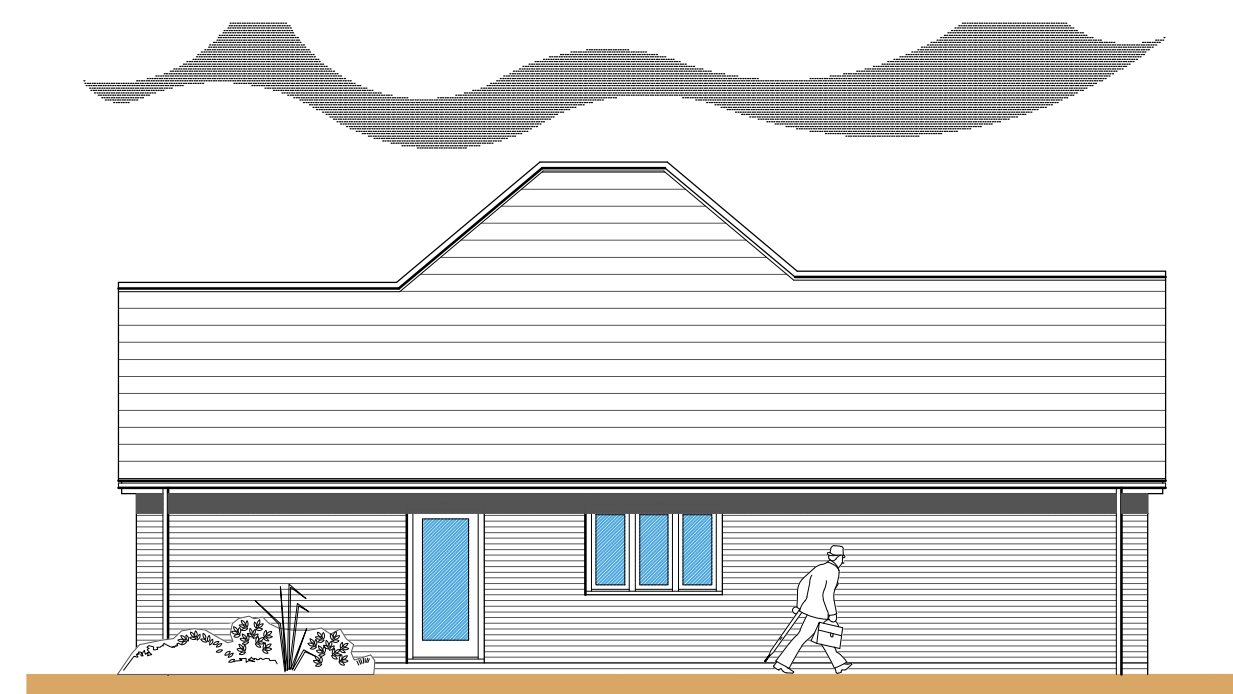
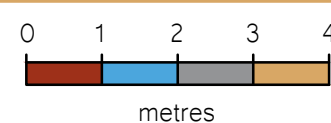
PLOT 1 & 2

PLOT 3



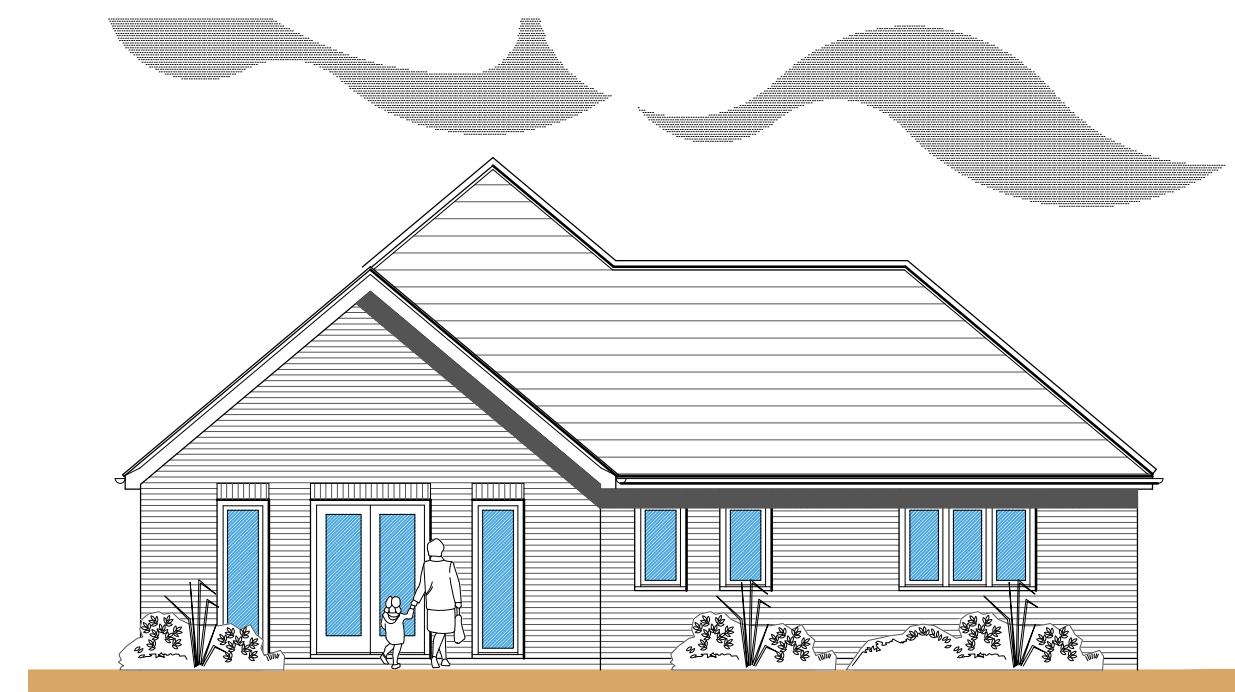
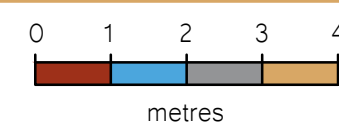
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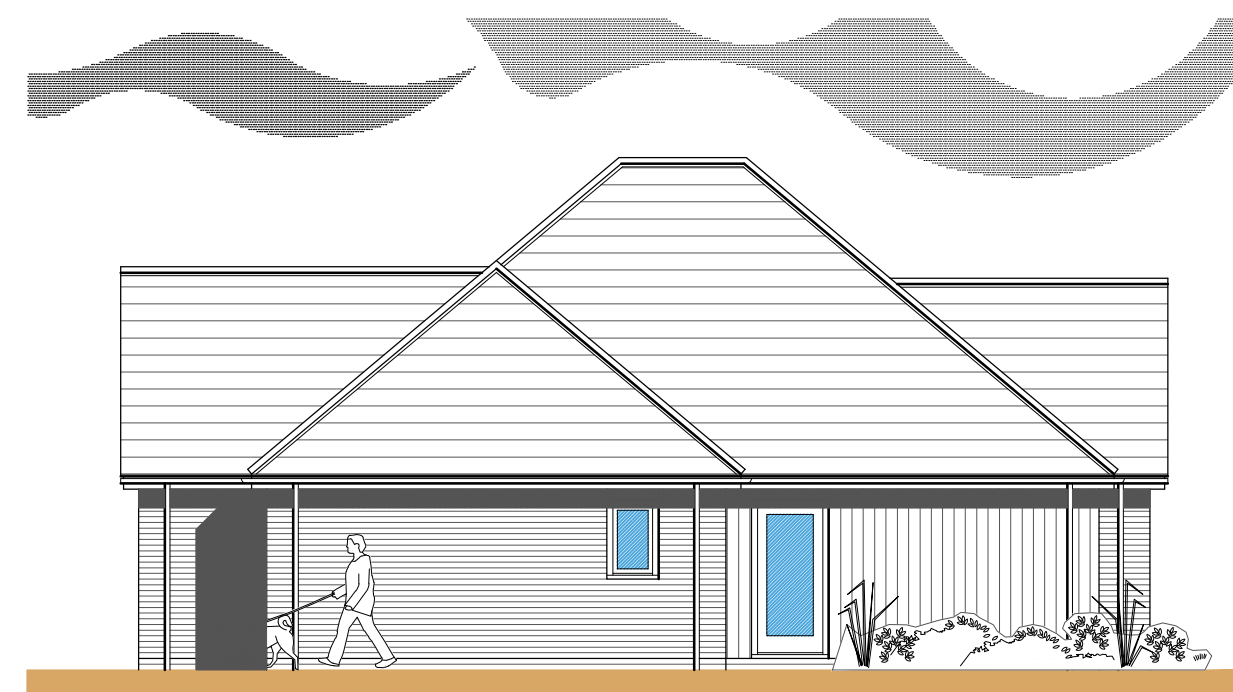
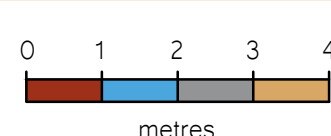
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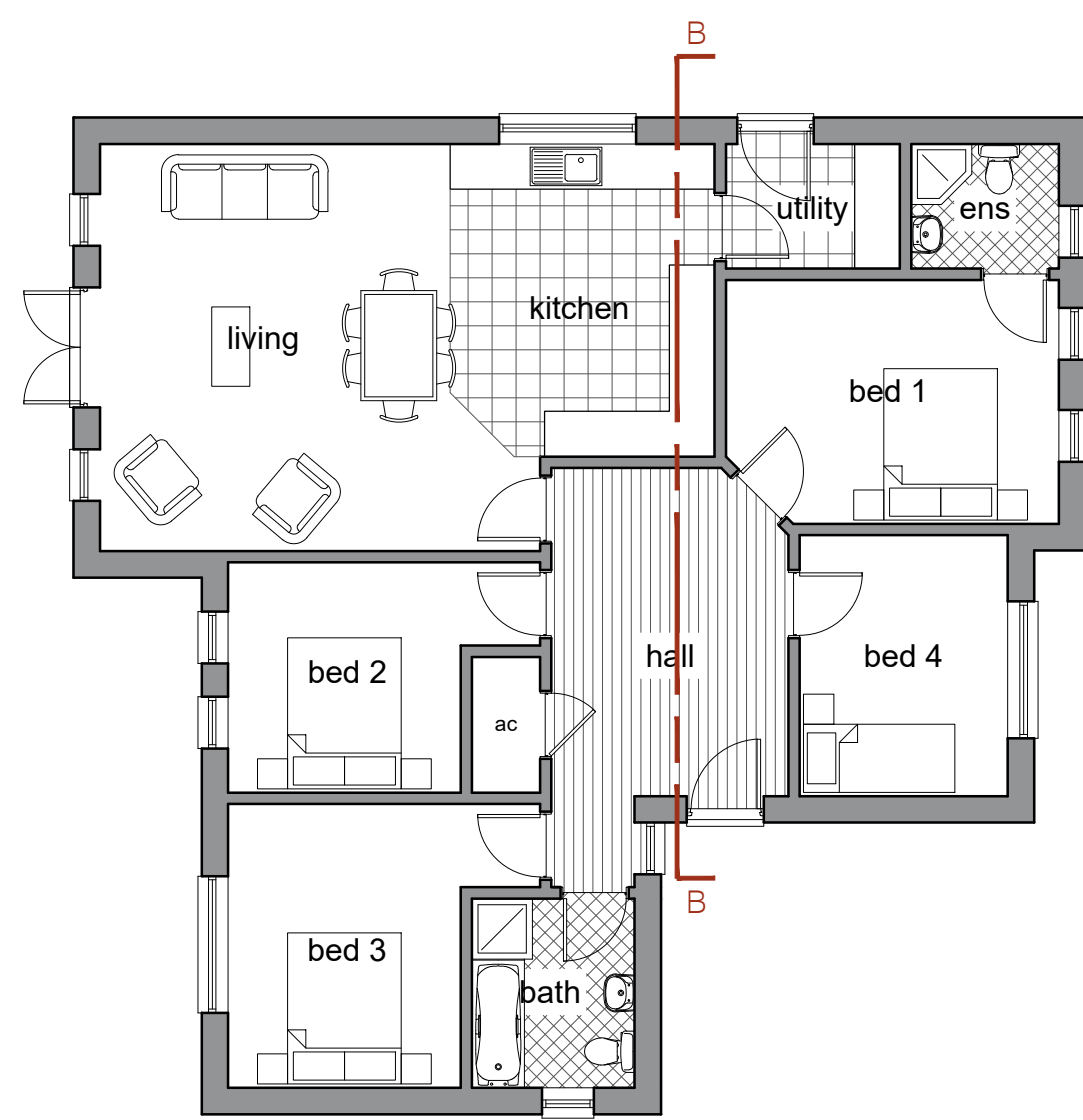
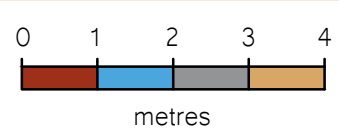
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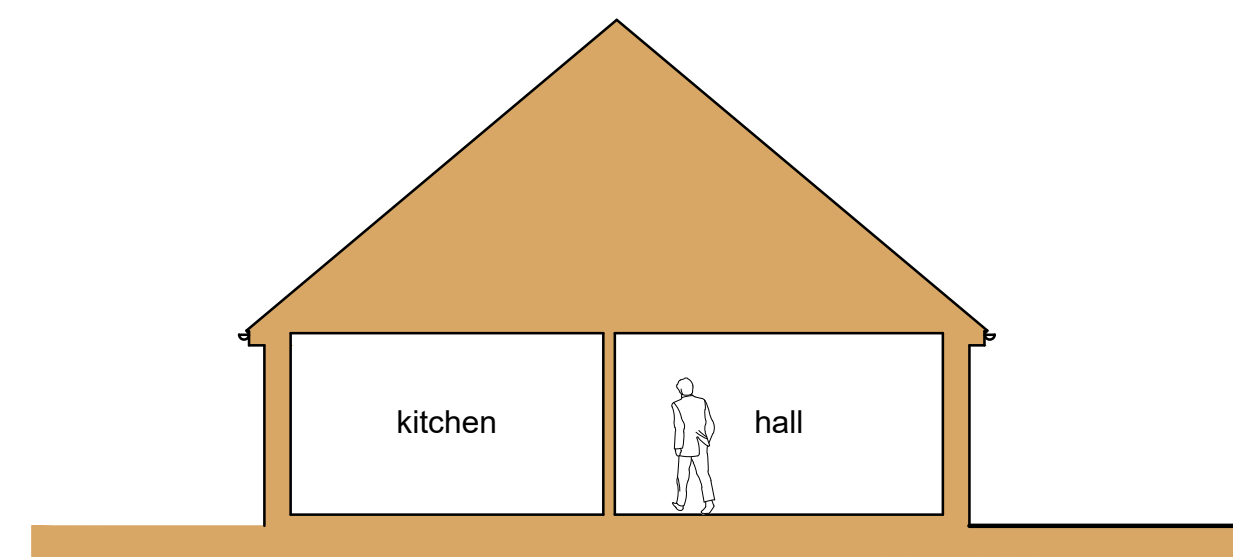
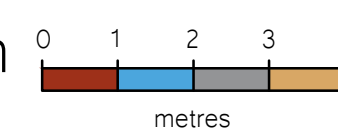
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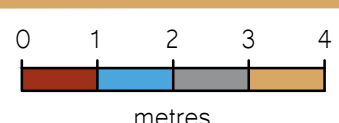
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Section B-B

Scale: 1:100

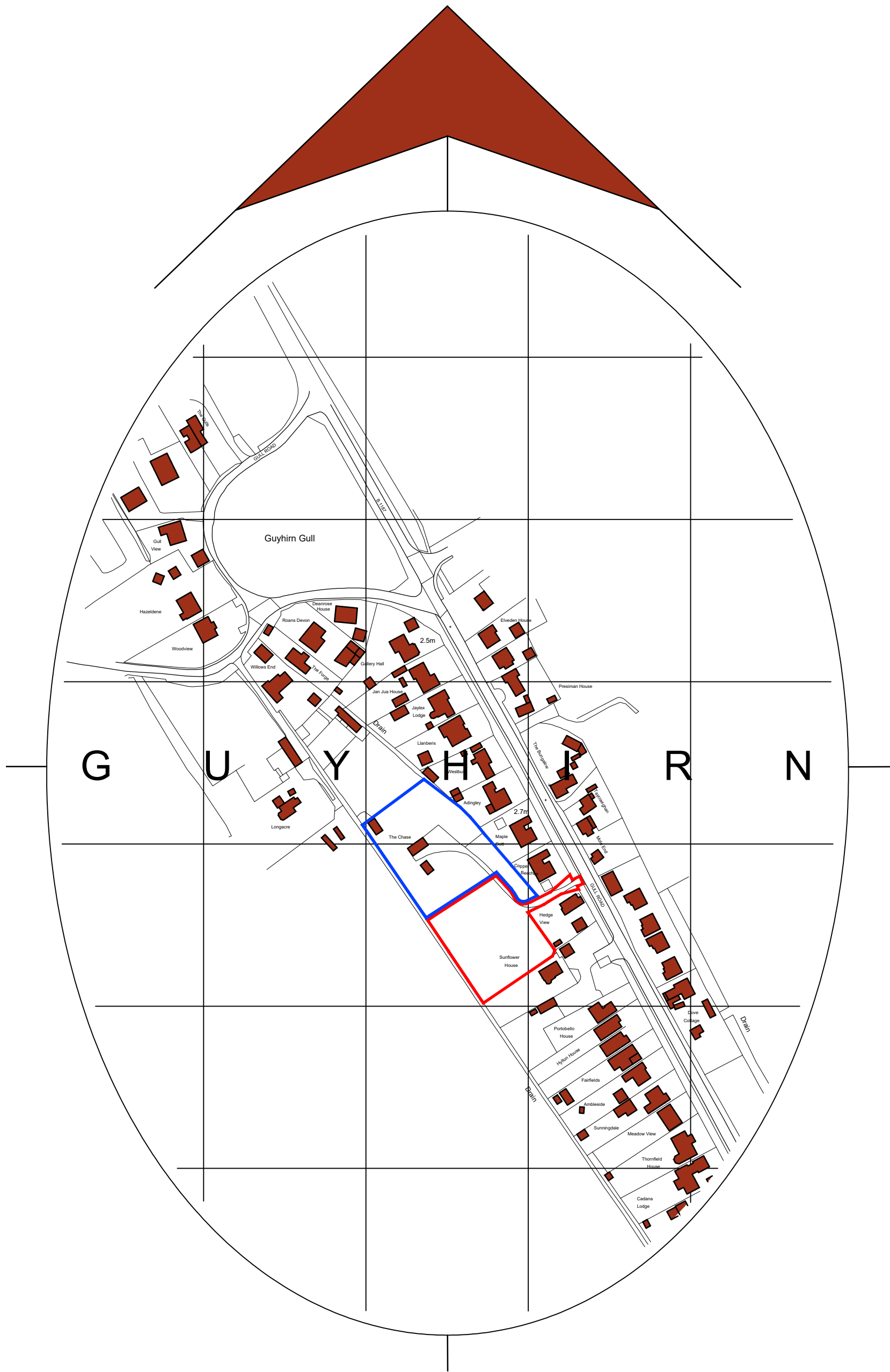


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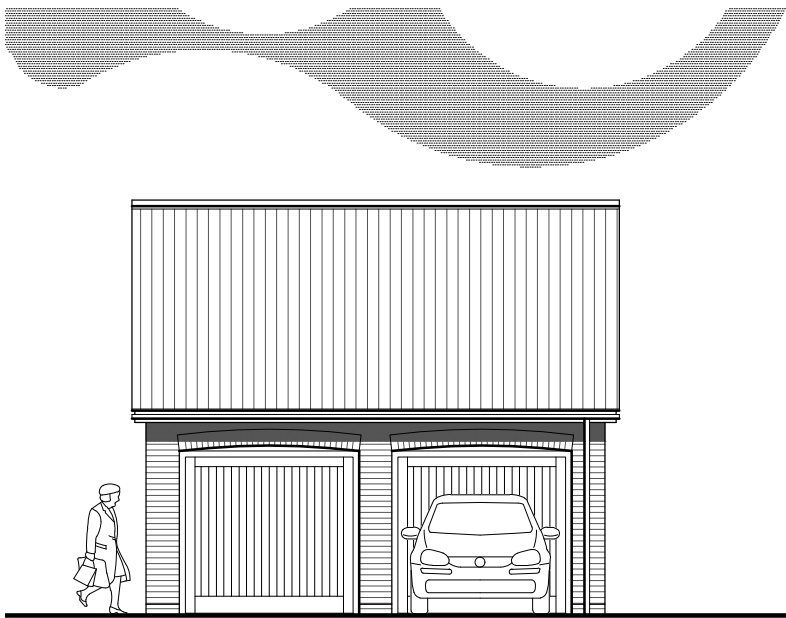
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t: 01945 450694 e: info@swannedwards.co.uk w: www.swannedwards.co.uk

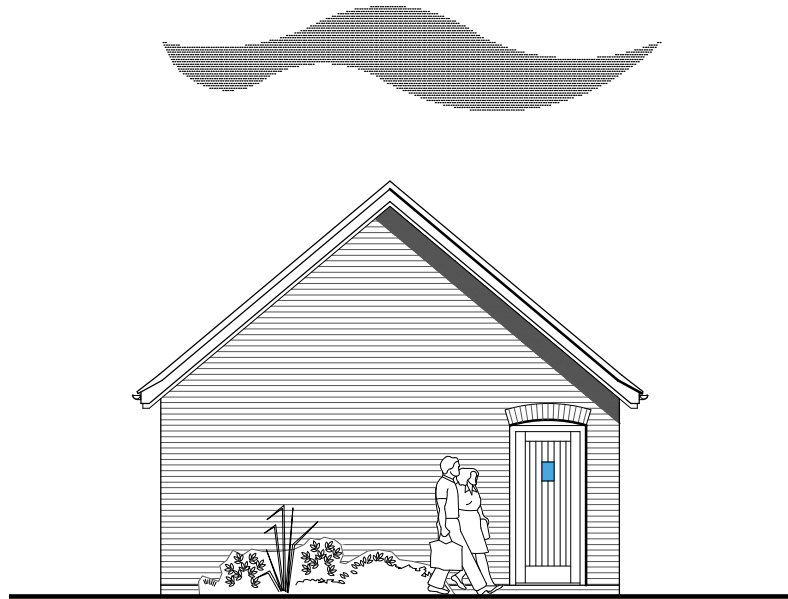
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The Chase, Gull Road, Guyhirn		Sheet Size
Wisbech, Cambs		A1
for Mr & Mrs J Channing		
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Planning Drawings	SE-1905	RS
Plans, Elevations & Sections	Dwg No.	Revision
	PP2002	



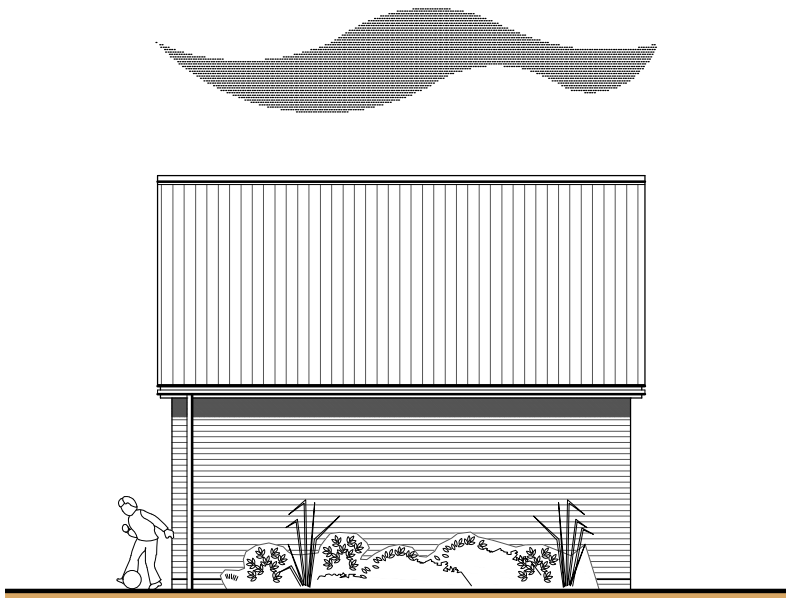
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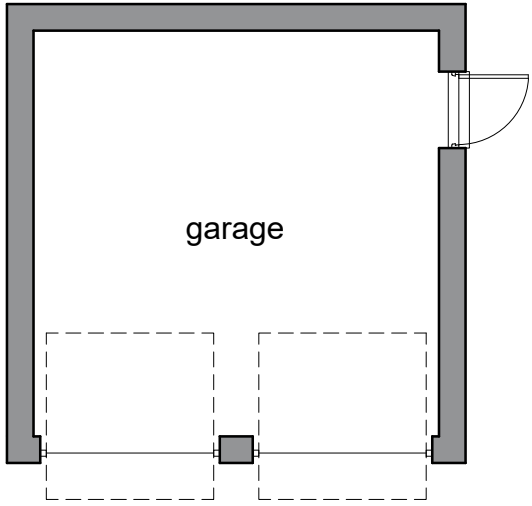
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Rear Elevation  
Scale: 1:100



Side Elevation  
Scale: 1:100



Ground Floor Plan  
Scale: 1:100

- General Notes
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Status  
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Job Title Proposed Residential Development The Chase, Gull Road, Guyhirn Wisbech, Cambs for Mr & Mrs J Channing	Date October 2023	Scale As Shown Sheet Size A2
Drawing Title Planning Drawing Elavations and Floor Plans Garages Location Plan	Job No. SE-1905 Dwg No. PP2001	Drawn by RS Revision



**F/YR23/1052/F**

**Applicant: Mr and Mrs P Wenham**

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

**Land South Of, 200 Coates Road, Coates, Cambridgeshire**

**Erect 2 x dwellings (2-storey 5-bed) and retention of a container, involving demolition of existing outbuildings**

**Officer recommendation: Refuse**

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

## **1 EXECUTIVE SUMMARY**

- 1.1 The application seeks full planning permission for the erection of 2No. 2-storey dwellings at Land South Of 200 Coates Road, Coates.
- 1.2 The application proposal includes widening of the existing vehicular access, provision of a new driveway and parking area, provision of new boundary fencing, demolition of existing outbuildings and retention of an existing container. The proposal includes 3 car parking spaces for each of the proposed dwellings and would retain 2 car parking spaces for No.200 Coates Road.
- 1.3. The proposed dwellings, due to their large scale, elongated form, and cramped relationship with the east and west boundaries, would result in an overdevelopment of the site, be at odds with surrounding development and have a significant adverse impact on the character of the area. Therefore, the proposal is contrary to Policy 7 of the Whittlesey Neighbourhood Plan 2021-2040 and policies LP12 PART A (d) and LP16 (d) of the Fenland Local Plan 2014.
- 1.4 By virtue of its scale, positioning and close proximity to the west boundary, the proposed dwelling of Plot 1 would have a significant overbearing impact and result in a significant loss of light to the rear garden of 1A Halcyon Drive. In addition, future occupiers of the proposed dwelling of Plot 1 would be provided with a poor standard of residential amenity due to a poor level of outlook and natural daylight for three out of the five proposed bedrooms serving that plot. Therefore, the proposal is contrary to Policy 7 of the Whittlesey Neighbourhood Plan 2021-2040 and policies LP2 and LP16 (e) of the Fenland Local Plan 2014.
- 1.5 The application is recommended for refusal due to the harm it would cause to the character and appearance of the area and residential amenity.

## **2 SITE DESCRIPTION**

- 2.1 The application site is approximately 0.3 hectares in area and is located adjacent to the settlement of Coates. The site is located within Flood Zone 1 (low probability of flooding).
- 2.2 The application site is served by an existing vehicular access connecting to Coates Road, which leads to a gravelled area and a chain link gate to the rear of No. 200 Coates Road. Beyond the gate, the ground cover within the application site is predominantly grass and scrub surrounding a private lake. The application site includes part of the private lake, with the remainder of the private lake extending beyond the southern boundary of the application site. There are a large number of trees within the application site, including substantial conifer hedging along the east and west boundaries.
- 2.3 The character of the surrounding area is mixed, with dwellings of varying height, form and appearance. There are existing residential properties located adjacent to the north and west of the application site (No's 198 and 200 Coates Road to the north and Halcyon Drive to the west). There is an extant outline planning permission (ref: F/YR17/0507/O) for up to 60 dwellings on the land adjacent to east of the application site. The planning application indicates that No.200 Coates Road and the land adjacent to the south of the application site are within the ownership of the applicant.

### **3 PROPOSAL**

- 3.1 The application seeks full planning permission for the erection of 2No. 2-storey dwellings. The application proposal includes widening of the existing vehicular access, provision of a new driveway and parking area, provision of new boundary fencing, demolition of existing outbuildings and retention of an existing container. The proposal includes 3 car parking spaces for each of the proposed dwellings and would retain 2 car parking spaces for No.200 Coates Road.
- 3.2 Full plans and associated documents for this application can be found at:  
<https://www.publicaccess.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=S49II0HEL9500>

### **4 SITE PLANNING HISTORY**

F/YR23/0159/F

Erect 2 x dwellings (2-storey 5-bed) involving demolition of existing out-buildings  
Land South Of 200 Coates Road Coates Cambridgeshire  
Refused 26.09.2023

F/YR19/0094/VOC

Variation of condition 2 of planning permission F/YR17/0086/F (Erection of a 2-storey 4-bed home with attached double garage involving demolition of existing storage buildings) to amended wording from Lake Drove Fisheries to adjoining fishery business Land South Of 200 Coates Road Coates  
Granted 22.02.2019

F/YR17/0086/F

Erection of a 2-storey 4-bed home with attached double garage involving demolition of existing storage buildings  
Land South Of 200 Coates Road Coates  
Granted 29.03.2017

F/YR16/0718/F

Erection of a 2-storey 4-bed workplace home with attached double garage involving demolition of existing storage buildings

Land South Of 200 Coates Road Coates

Withdrawn 20.09.2016

F/YR12/0818/F

Erection of a 2-storey 4-bed dwelling with attached double garage involving demolition of storage buildings

Land South Of 200 Coates Road Coates

Withdrawn 13.12.2012

F/YR05/0322/F

Erection of single-storey rear extension to existing dwelling

200 Coates Road Coates

Granted 10.05.2005

F/96/0301/F

Change of use of trout lake to coarse fishing lake including formation of new access from Lake Drove

Land south of 200 Coates Road, Coates

Granted 15.10.1996

## **5 CONSULTATIONS**

### **5.1 Local Highway Authority**

*Whilst the existing access is not to current width standards for a shared use. The removal of the public access to the pond from the Coates Road via condition there would be less vehicle movements which would improve highways safety at this location. Therefore, I would have no objections to the principal of this development if the following conditions were attached to any permissions the LPA is minded to grant.*

#### **Recommended Conditions**

*Access to the pond will be removed for patrons and the general public from Coates Road (A605).*

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

### **5.2 Natural England**

*No objection.*

*Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.*

*Natural England's generic advice on other natural environment issues is set out at Annex A.*

### 5.3 **FDC Environmental Health**

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

*Due to the removal of an existing structure and 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.*

### 5.4 **Local Residents/Interested Parties**

Seven representations have been received from four properties on Coates Road, all in support of the planning application. The following summarised comments are contained within these representations:

- *Access is already in situ.*
- *Not overlooking anyone.*
- *It is a small, well considered application.*
- *Brings growth to the village.*

## **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: NPPF is a material consideration in planning decisions.

Para 7: Contribute to the achievement of sustainable development

Para 11: Presumption in favour of sustainable development

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

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

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

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

Para 135: Achieving well-designed places

Section 15: Conserving and enhancing the natural environment

## **7.2 National Planning Practice Guidance (NPPG)**

Determining planning applications

## **7.3 National Design Guide 2021**

Context

Identity

Built Form

Homes and Buildings

## **7.4 Whittlesey Neighbourhood Plan 2021-2040**

Policy 1 – Spatial Strategy

Policy 2 – Local Housing Need

Policy 7 – Design Quality

Policy 11 – Adapting to and Mitigating Climate Change

## **7.5 Fenland Local Plan 2014**

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

LP12 – Rural Areas Development Policy

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

LP19 – The Natural Environment

## **7.6 Emerging Local Plan**

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

LP1: Settlement Hierarchy

LP2: Spatial Strategy for the Location of Residential Development

LP4: Securing Fenland's Future

LP5: Health and Wellbeing

LP7: Design

LP8: Amenity Provision

LP18: Development in the Countryside

LP20: Accessibility and Transport

LP22: Parking Provision

LP24: Natural Environment

LP25: Biodiversity Net Gain

LP27: Trees and Planting  
LP28: Landscape  
LP32: Flood and Water Management

## **7.7 Cambridgeshire and Peterborough Minerals and Waste Local Plan 2021**

## **7.8 Supplementary Planning Documents**

RECAP Waste Management Design Guide SPD

Delivering and Protecting High Quality Environments in Fenland SPD 2014

Cambridgeshire Flood and Water SPD 2016

## **8 KEY ISSUES**

- Principle of Development
- Village Thresholds
- Impact on Character and Appearance
- Impact on Neighbouring Amenity
- Impact on Highways and Parking
- Impact on Ecology

## **9 BACKGROUND**

- 9.1 Planning permission (ref: F/YR17/0086/F) was granted for 1No. dwelling on the application site in 2017. Since the grant of planning permission F/YR17/0086/F, planning permission for residential development has been granted immediately adjacent to the east and west of the application site (refs: F/YR17/0507/O and F/YR14/0871/F).
- 9.2 A planning application (ref: F/YR23/0159/F) was refused for 2No. dwellings on the application site in 2023. The reasons for refusal of planning application F/YR23/0159/F related to the proposal causing significant residential amenity and character harm, in addition to the proposal not complying with the village threshold requirements set out within policy LP12 of the Local Plan.

## **10 ASSESSMENT**

### **Principle of Development**

- 10.1 Policy LP3 of the Local Plan defines Coates as a 'Limited Growth Village' where a small amount of development and new service provision will be encouraged and permitted, and such development may be appropriate as a small village extension. Furthermore, Policy LP12 of the Local Plan requires new development in villages to be located either within or adjacent to the existing developed footprint of the village.
- 10.2 The proposed quantum of development is appropriate and sustainable as a small village extension. The proposal would be located immediately adjacent to the existing developed footprint of the village, as there are existing dwellings located immediately adjacent to the north and west of the application site, and there is planning permission (ref: F/YR17/0507/O) for dwellings located immediately adjacent to the east of the application site.
- 10.3 It is therefore considered that the principle of development is acceptable, in accordance with policies LP3 and LP12 of the Local Plan.

## **Village Thresholds**

- 10.4 Policy LP12 of the Local Plan states that if a proposal within or on the edge of a village, in conjunction with other development built since 2011 and committed to be built (i.e. with planning permission), increases the number of dwellings in a growth village by 10% or more then the proposal should have demonstrable evidence of clear local community support for the scheme. Coates has already exceeded its 10% threshold and one of the reasons for refusal of planning application F/YR23/0159/F was that the application failed to demonstrate evidence of clear local community support to the scheme, contrary to policy LP12 of the Local Plan.
- 10.5 However, an appeal decision received in respect of an application that was refused purely on this basis (F/YR14/0838/O) indicates that the threshold considerations and requirement for community support should not result in planning permission being refused. Although the proposal is in conflict with policy LP12 of the Local Plan in terms of village thresholds, with consideration given to the referenced appeal decision, the absence of community support does not render the scheme unacceptable in planning terms.

## **Impact on Character and Appearance**

- 10.6 Policy LP16 (d) of the Local Plan requires development proposals to make a positive contribution to the local distinctiveness and character of the area, enhancing the local setting, responding to and improving the character of the local built environment, providing resilience to climate change, reinforcing local identity and does not adversely impact, either in design or scale terms, on the street scene, settlement pattern or the landscape character of the surrounding area. Policy 7 of the Whittlesey Neighbourhood Plan states that new development will be expected to be sympathetic to local character and history through proposals which, inter alia, complement the layout, form and vernacular materials in the local area and are of an appropriate scale to the existing settlement.
- 10.7 Policy LP12 Part A (d) of the Local Plan states that development proposals need to be of a scale and in a location that is in keeping with the core shape and form of the settlement and will not adversely harm its character and appearance.
- 10.8 Dwellings within the surrounding area consist of predominantly two-storey and single-storey properties of mixed designs. Due to the siting of the proposed dwellings, their generous separation distances from the public highway and the significant level of screening that would be provided by existing dwellings, public views of the proposed dwellings would be limited to views along the vehicular access and through gaps between existing dwellings. With consideration given to the mixed designs of the existing dwellings within the surrounding area, and the limited visual prominence of the proposed dwellings, the designs of the proposed dwellings are considered acceptable.
- 10.9 The prevailing pattern of development within the surrounding area consists of dwellings with modest footprints which rest comfortably within well-balanced plots. The application site is narrow in nature and the footprints of the proposed dwellings appear as large, elongated forms of development. Due to this, and the cramped relationship of the proposed dwellings with the west and east boundaries, the proposal would result in an overdevelopment of the site, be at odds with surrounding development and have a significant adverse impact on the character of the area. For these reasons, it is considered that the proposal fails to accord

with Policy 7 of the Whittlesey Neighbourhood Plan and policies LP12 Part A (d) and LP16 (d) of the Fenland Local Plan.

### **Impact on Neighbouring Amenity**

- 10.10 Policy LP2 of the Local Plan states that development proposals should contribute to the Council's goal of Fenland's residents by, inter alia, promoting high levels of residential amenity. In addition, policy LP16 (e) of the Local Plan states that development should not adversely impact on the amenity of neighbouring users such as noise, light pollution, loss of privacy and loss of light. Policy 7 of the Whittlesey Neighbourhood Plan states that new development will be expected to function well and add to the overall quality of the area through proposals which provide a high standard of amenity for users of new buildings and maintain the existing amenity of neighbours including by avoiding a loss of privacy and daylight, visual intrusion by a building or structure, removal of mature vegetation or landscaping, a loss of car parking and additional traffic movements resulting from the development.
- 10.11 The proposed dwelling for Plot 1 would be sited approximately 1-1.3 metres from the rear boundary of No.1A Halcyon Drive, which forms a shared boundary with part of the west boundary of the application site. The rear garden of No.1A Halcyon Drive backs onto the application site. No.1A Halcyon Drive has not been shown on the plans accompanying this planning application, however this property is apparent on the Local Planning Authority's aerial images and the case officer has viewed the application site from within the rear garden of this property. With consideration given to the two-storey nature of the proposed dwelling for Plot 1, its close proximity to the rear garden of No.1A Halcyon Drive, and the east-west orientation of the sun, it is considered that the proposed dwelling for Plot 1 would have a significant overbearing impact and result in a significant loss of light to the rear garden of No.1A Halcyon Drive.
- 10.12 The west elevation of the proposed dwelling for Plot 1 contains first-floor windows facing directly towards No.1A Halcyon Drive. However, as these windows serve non-habitable rooms (bathroom, en-suite and landing/stairs), a condition could be appended to any grant of planning permission requiring them to be obscured-glazed and fixed shut to a specified height, in order to prevent a significant loss of privacy to No.1A Halcyon Drive.
- 10.13 The proposed dwelling for Plot 1 contains ground floor habitable room windows serving the kitchen, plant room, tv room and living room. These windows would be sited approximately 2.4 metres from the west elevation of the proposed dwelling for Plot 2. Although this arrangement is not ideal given the potential overbearing impact on these rooms, on balance, this relationship is not considered to be significantly harmful to the residential amenity of future occupiers given that the kitchen would also have a large south facing sliding door feature and the living room benefits from two other additional windows unobstructed by Plot 2. With regards to the plant room and tv room, although their windows would be obstructed, these rooms are considered less habitable and this relationship would not significantly impact the amenity of future occupiers of Plot 1. However, three out of the five proposed bedrooms serving Plot 1 would have a poor level of outlook and natural light. Two of these bedrooms would be served by a single window facing directly towards the south elevation walls of the front wing of Plot 1, with a separation distance of 4.2 metres. The third of these bedrooms would be served by a single window facing directly towards the west elevation wall of Plot 2, with a separation distance of 2.4 metres.



- 10.14 The proposed dwelling for Plot 2 would be sited approximately 4 metres from the eastern boundary of the application site which adjoins land with outline planning permission for up to 60 dwellings (ref: F/YR17/0507/O). Planning permission F/YR17/0507/O only committed the matter of 'access', with all other matters being reserved, and an application for approval of the reserved matters has yet to be received by the Local Planning Authority. Therefore, the proposed development would not conflict with any matters committed by planning permission F/YR17/0507/O. With consideration given to its siting to the west of, and its separation distance from, the residential development approved by planning permission F/YR17/0507/O, it is considered that the proposed development would not have any significant residential amenity impacts on the development approved by planning permission F/YR17/0507/O and would not prejudice the delivery of that planning permission.
- 10.15 The proposed dwelling for Plot 2 does not contain any first-floor habitable windows facing either Plot 1 or the approved development to the east (F/YR17/0507/O); therefore, it would not result in any significant loss of privacy to them.
- 10.16 Both plots would benefit from a first-floor balcony, orientated in a southern direction. There may be potential for the proposed balconies to cause overlooking of neighbouring properties. However, a condition could be appended to any grant of planning permission which would restrict visibility between these balconies and neighbouring properties.
- 10.17 The proposed vehicular access would run between No's. 200 and 204 Coates Road. With consideration given to the modest level of vehicle trips likely to be generated by the proposal, the presence of close boarded fencing between the proposed vehicular access and neighbouring dwellings, and the 2.5-3 metre separation between the proposed vehicular access and side elevations of No's. 200 and 204 Coates Road, it is considered that the levels of vehicular noise generated by the proposal would be modest and would not result in any significant harm to the residential amenity of neighbouring properties.
- 10.18 In summary, it is considered that the proposed dwelling for Plot 1 would have a significant overbearing impact and result in a significant loss of light to the rear garden of No.1A Halcyon Drive, and future occupiers of Plot 1 would have a poor level of outlook and natural light from three out of the five proposed bedrooms serving that plot, contrary to Policy 7 of the Whittlesey Neighbourhood Plan and policies LP2 and LP16 (e) of the Fenland Local Plan.

### **Impact on Highways and Parking**

- 10.19 Policy LP15 of the Local Plan requires new development to provide well designed, safe and convenient access and provide well designed car parking appropriate to the amount of development proposed, ensuring that all new development meets the Council's defined parking standards as set out in Appendix A.
- 10.20 The application site is served by an existing vehicular access which adjoins Coates Road and runs between No's 200 and 204 Coates Road.
- 10.21 The Local Highway Authority has stated that, whilst the existing access is not to current width standards for a shared use, removal of patron/public access to the pond from the Coates Road via condition would result in less vehicle movements which would improve highways safety at this location. These comments have been

made with regards to use of the access by people in connection with a commercial use of the fishing lake. The Local Highway Authority has no objections to the principle of this development, subject to conditions being appended to any grant of planning permission restricting the access to private use and requiring the parking and turning area to be laid out prior to occupation of the proposed dwellings.

- 10.22 However, the proposal would widen the existing vehicular access to 5 metres wide for the first 8 metres, which accords with the standards for shared private driveways specified within the 'Cambridgeshire Highways Development Management General Principles for Development' document. This width is sufficient to enable two cars to safely pass each other when accessing and egressing the site. In addition, it should also be noted that the Local Highway Authority considered the previous planning application (ref: F/YR23/0159/F) on this site, which was also for 2No. dwellings and proposed the same access arrangements as the current application, to be acceptable without a condition restricting the use of the access. Notwithstanding this request, the planning permission for the change of use of the lake to a course fishing lake (ref: F/96/0301/F) includes a condition prohibiting access to the lake from Coates Road.
- 10.23 The proposed dwellings would be served by 3 car parking spaces each, in accordance with the Council's adopted parking standards.
- 10.24 With consideration given to the proposed vehicular access width according with the relevant standards specified within the 'Cambridgeshire Highways Development Management General Principles for Development' document and providing sufficient width for 2 cars to safely pass each other; the comments from the Local Highway Authority in respect of the current planning application and planning application F/YR23/0159/F; and the proposal providing adequate on-site parking and turning provision; it is considered that the proposed development would provide a well-designed, safe and convenient access and would provide adequate car parking provision, in accordance with Policy 7 of the Whittlesey Neighbourhood Plan and policy LP15 of the Local Plan.

### **Impact on Ecology**

- 10.25 Policy LP19 of the 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. In addition, Policy LP16 (b) of the Local Plan states that development proposals must protect and enhance biodiversity on and surrounding the proposal site, taking into account locally designated sites and the special protection given to internationally and nationally designated sites, in accordance with policy LP19. Policy 11 of the Whittlesey Neighbourhood Plan states that all development proposals should contribute to and enhance the natural and local environment; proposals should seek to avoid impacts on biodiversity, or minimise impacts where avoidance isn't possible; and where practicable development proposals should provide measurable net gains for biodiversity.
- 10.26 The application is accompanied by a Preliminary Ecological Appraisal (PEA) and an Otter Survey which was subsequently carried out on the basis of the recommendations of the PEA.
- 10.27 The PEA states that the proposal would result in the following habitat loss:
- Removal of 0.09ha grassland
  - Partial infilling (300m<sup>2</sup>) of the existing lake

- Removal of approximately 47 metres of leylandii x cypress hedgerow
- Removal of a small number of isolated trees

- 10.28 The PEA concludes that the proposal is unlikely to have any significant impacts on any protected sites, local habitats or protected species. The PEA does not propose any mitigation measures in relation to protected sites, but it recommends a range of mitigation and enhancement measures in relation to local habitats and protected species.
- 10.29 The Otter Survey found no evidence of Otter and concluded that the proposal will not impact any Otter habitat. The Otter Survey does not proposed any mitigation measures in relation to Otters.
- 10.30 Natural England has stated that they have no objection to the application.
- 10.31 The trees to be removed as part of the proposal have no statutory protection and are of low amenity value. Therefore, their removal is considered acceptable.
- 10.32 Subject to the ecological mitigation and enhancement measures specified within the PEA being implemented, it is considered that the proposal would protect and enhance biodiversity, in accordance with Policy 11 of the Whittlesey Neighbourhood Plan and policies LP16 (b) and LP19 of the Fenland Local Plan.

#### **Other matters**

- 10.33 Due to the minor scale of development and the characteristics of the application site, it is considered that the contamination and drainage impacts of the proposal could be adequately dealt with via planning conditions or separate legislation.

## **11 CONCLUSIONS**

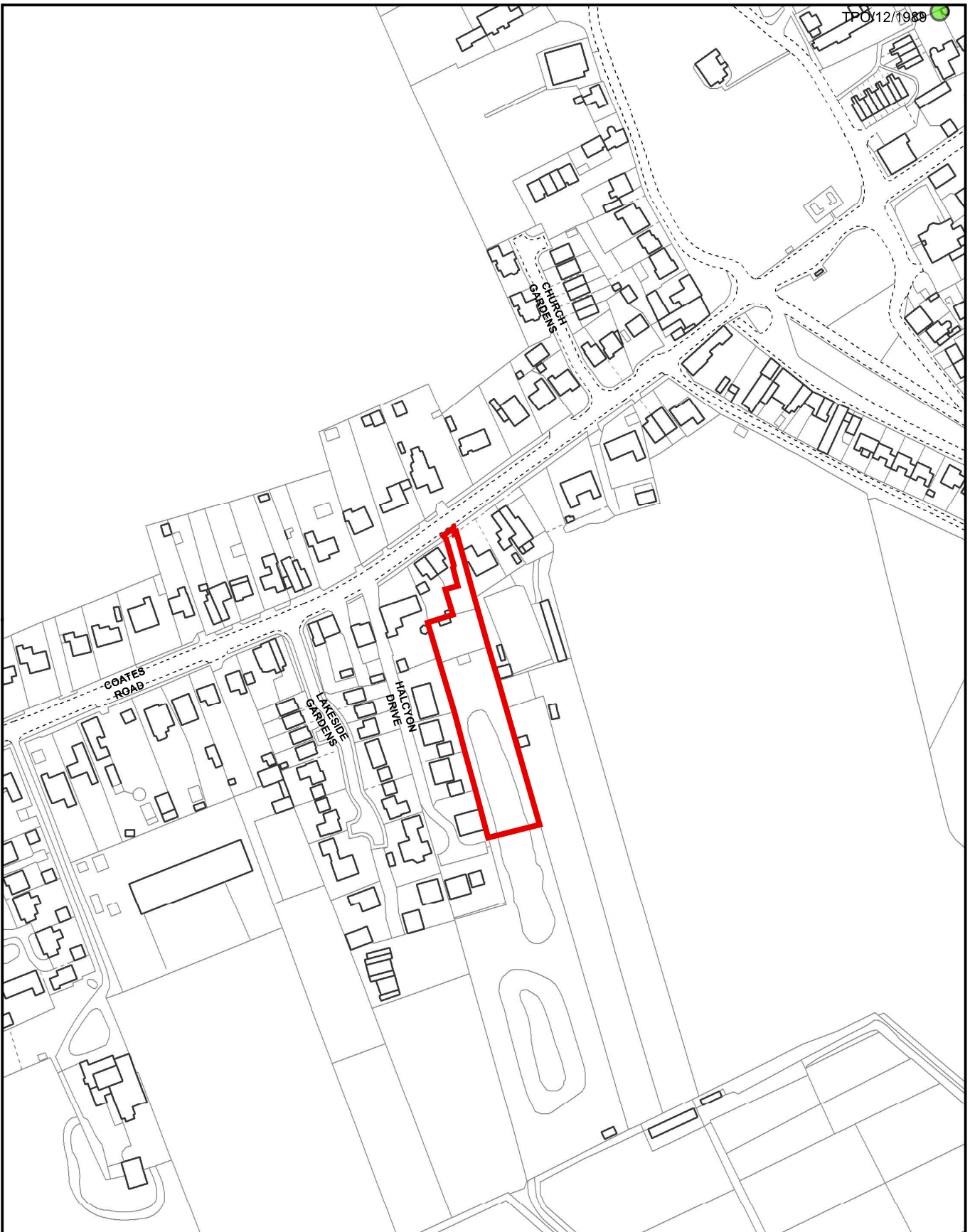
- 11.1 The principle of development and impacts of the proposal on highway safety, parking and ecology are considered acceptable. However, it is considered that the proposal would result in significant harm to the character of the area and residential amenity, contrary to policies LP2, LP12 and LP16 of the Local Plan. The application is therefore recommended for refusal.

## **12 RECOMMENDATION**

**Refuse;** for the following reasons:

1	Policy LP12 Part A (d) of the Fenland Local Plan 2014 states that proposals need to be of a scale and in a location that is in keeping with the core shape and form of the settlement and will not adversely harm its character and appearance. Policy LP16 (d) of the Fenland Local Plan 2014 requires development to deliver and protect high quality environments through, amongst other things, making a positive contribution to the local distinctiveness and character of the area. The proposed dwellings, by virtue of their large scale, elongated form, and cramped relationship with the east and west boundaries, would result in an overdevelopment of the site, be at odds with surrounding development and have a significant adverse impact on the character of the area, contrary to Policy 7 of the Whittlesey Neighbourhood Plan 2021-2040 and policies LP12 PART A (d) and LP16 (d) of the Fenland Local Plan 2014.
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2	<p>Policy LP2 of the Fenland Local Plan 2014 states that development proposals should contribute to the Council's goal of Fenland's residents, inter alia, promoting high levels of residential amenity. Policy LP16 (e) of the Fenland Local Plan 2014 states that development should not adversely impact on the amenity of neighbouring users such as noise, light pollution, loss of privacy and loss of light. By virtue of its scale, positioning and close proximity to the west boundary, the proposed dwelling of Plot 1 would have a significant overbearing impact and result in a significant loss of light to the rear garden of 1A Halcyon Drive. In addition, three of the bedrooms within Plot 1 would have a poor level of outlook and natural daylight, resulting in a poor standard of amenity for future occupiers of Plot 1. It is therefore considered that the proposal would have significant adverse impacts on the residential amenity of No.1A Halcyon Drive and would provide a poor standard of residential amenity for future occupiers of Plot 1, contrary to Policy 7 of the Whittlesey Neighbourhood Plan 2021-2040 and policies LP2 and LP16 (e) of the Fenland Local Plan 2014.</p>



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**F/YR23/1052/F**

Scale = 1:2,500





General Notes  
1. All dimensions are shown in 'mm' unless otherwise stated.  
2. The contractor, sub-contractors and suppliers must verify all dimensions in situ 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

- Indicates proposed dwelling
- Indicates existing position of buildings taken from OS Map
- Indicates position of existing vegetation
- Indicates structures and vegetation to be removed
- Indicates existing vehicular access
- Indicates access to be widened 5m wide and 5m deep to highways standard

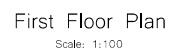
Revisions	
E	2023
Required for new planning application	

FOR APPROVAL

**SWANN EDWARDS**  
ARCHITECTURE

Swann Edwards Architecture Limited, Swann Edwards Architecture, Black Barn, Fen Road, Guyhirn, Wisbech, Cambs, PE13 4AA.  
t 01945 150604 e info@swannedwards.co.uk w www.swannedwards.co.uk

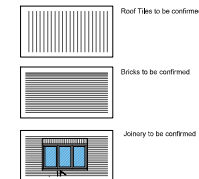
Proposed Residential Development: Land Rear of 200 Coates Road Coates	Drawn by G-E	Drawn by G-E
	May 2022	Checked by S-E
	Drawn by G-E	Checked by S-E
	May 2022	Checked by S-E



**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.

ELEVATION KEY



Revisions		
m	Dec 2023	Location Plan Revised

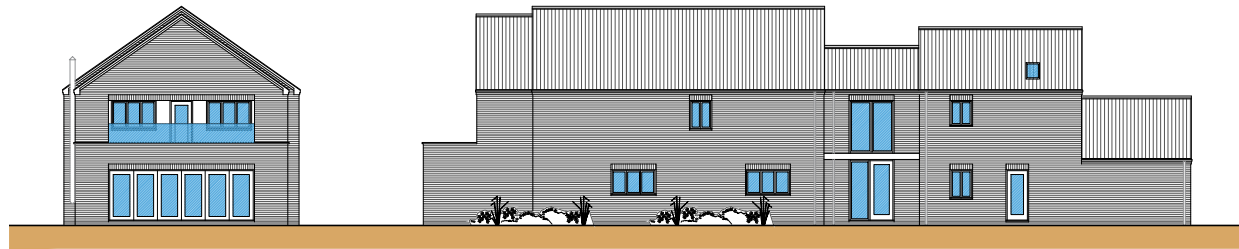
Status

FOR APPROVAL



Job Title Proposed Residential Development Land Rear of 200 Coates Road Coates	Date	Drawn by
	May	G.E.
	2022	Checked by
		S.H.
Drawing Title Planning Drawing Plot 1 Plans, Elevations and Location Plan	Job No.	Sheet Size
	SE-1772	A1
	Dwg No.	Revision
	PP1100	E



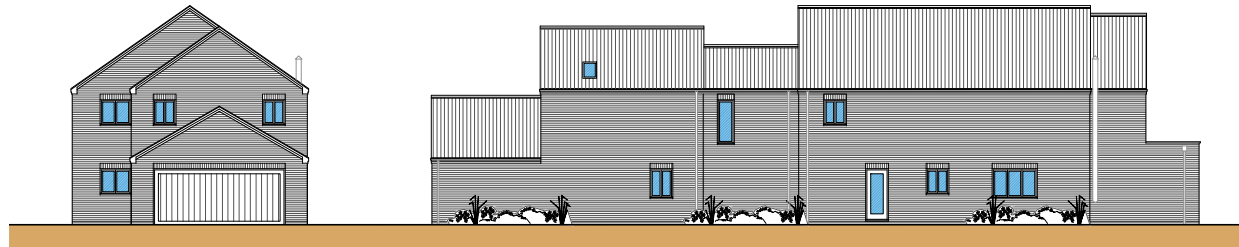


South Elevation

Scale: 1:100

East Elevation

Scale: 1:100

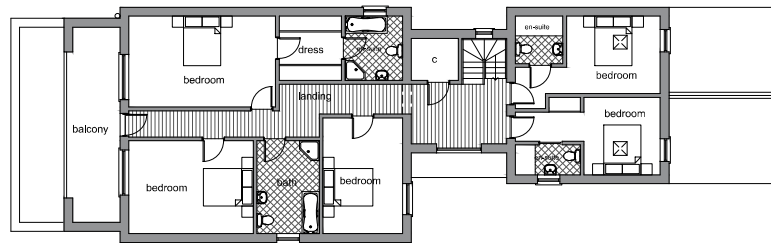


North Elevation

Scale: 1:100

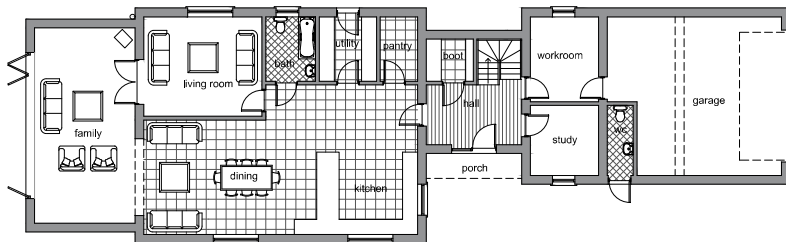
West Elevation

Scale: 1:100



First Floor Plan

Scale: 1:100



Ground Floor Plan

Scale: 1:100

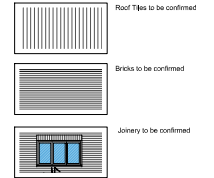


Street Scene

Scale: 1:100

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

# ELEVATION KEY



Revisions	
A	July 2022
B	Dec 2023
Client's Amendments	
Street Scene Revised	

# FOR APPROVAL



50 T&K Proposed Residential Development Land Rear of 200 Coates Road Coates		Date May 2022	Drawn by G-E- Checked by S-E-
Drawing Title Planning Drawing Plot 2 Plans, Elevations and Street Scene		Plot No. SE-1772 Drawn by PP1101	Sheet Size A1 Sheet No. B



**F/YR23/1072/RM**

**Applicant: Mr Nick Price**

**Agent : Mr Ian Gowler  
Gowler Architectural**

**45 Westfield Road, Manea, Cambridgeshire PE15 0LS**

**Reserved Matters application relating to detailed matters of access, appearance, landscaping, layout and scale pursuant to outline permission F/YR21/1141/O to erect 2no dwellings (1 x 2-storey, 3-bed and 1 x 2-storey, 4-bed self-build), and the formation of an access and widening of an existing access, involving demolition of existing dwelling**

**Officer recommendation: Refuse**

**Reason for Committee: Number of representations received contrary to officer recommendation**

---

## **1 EXECUTIVE SUMMARY**

- 1.1 The proposal is a reserved matters application following the granting of outline planning permission and includes details of access, appearance, landscaping, layout and scale.
- 1.2 Due to the proximity and location of the proposed 3-bed dwelling in relation to the neighbouring property to the north, there is potential for significant overbearing impacts to be introduced resulting in adverse impacts upon outlook from the neighbouring property which is considered to be contrary to Policy LP2 and LP16.
- 1.3 Subsequently, the recommendation is to refuse this application.

## **2 SITE DESCRIPTION**

- 2.1 The application site is situated on the corner of Westfield Road and Fallow Corner Drove, within the village framework of Manea and is currently occupied by a detached two storey dwelling.
- 2.2 Neighbouring residential properties are situated immediately adjacent to the application site to the north-east and south-east.
- 2.3 The site is located within Flood Zone 3, an area at highest risk.

## **3 PROPOSAL**

- 3.1 The proposal is a reserved matters application following the granting of outline planning permission and includes details of access, appearance, landscaping, layout and scale.
- 3.2 The scheme comprises two dwellings.

- 3.3 The 3-bed dwelling proposed facing onto Westfield Road has a maximum footprint 9.3 metres wide x 7.7 metres deep, with a 2-storey front projection. The dwelling is 2-storey with a ridge height of 7.1 metres and an eaves height of 5 metres. 2 parking spaces are proposed to the front of the dwelling which measure 2.7 x 5 metres.
- 3.4 The 4-bed dwelling proposed facing onto Fallow Corner Drove would be an L-shaped dwelling with a 2-storey rear projection. The main dwelling would have a depth of 7 metres approx and a width of 12.5 metres approx. The 2-storey rear projection would have a depth of 4 metres approx. The roof proposed would have a ridge height of 8.2 metres and an eaves height of 5.1 metres. Parking space is shown to the side of the dwelling.
- 3.5 Both properties are to be constructed in Vandersanden Corum facing brick and Marley Modern Grey roof tiles.
- 3.6 Full plans and associated documents for this application can be found at:  
[F/YR23/1072/RM | Reserved Matters application relating to detailed matters of access, appearance, landscaping, layout and scale pursuant to outline permission F/YR21/1141/O to erect 2no dwellings \(1 x 2-storey, 3-bed and 1 x 2-storey, 4-bed self-build\), and the formation of an access and widening of an existing access, involving demolition of existing dwelling | 45 Westfield Road Manea March Cambridgeshire PE15 0LS \(fenland.gov.uk\)](#)

## 4 SITE PLANNING HISTORY

Reference	Description	Decision
F/YR23/0361/RM	Reserved Matters application relating to detailed matters of access, appearance, landscaping, layout and scale pursuant to outline permission F/YR21/1141/O to erect 2no dwellings (1 x 2-storey, 3-bed and 1 x 2-storey, 4-bed) (outline application with all matters reserved) and the formation of a new access and widening of an existing access involving demolition of existing dwelling	Refused 05/10/2023
F/YR21/1141/O	Erect up to 2no dwellings (outline application with all matters reserved) involving demolition of existing dwelling	Granted 15/12/2022
F/YR03/0862/F	Erection of a 3-bed detached house	Refused 22/08/2003

## 5 CONSULTATIONS

### 5.1 Manea Parish Council

*No Objection*

### 5.2 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 or the noise climate.*

*As the proposal involves demolition of existing structures, we ask for the following condition to be imposed in the event planning consent is granted;*

*We note one of the outbuildings on the proposed site appears to have a corrugated asbestos cement sheeting roof. As it is proposed this will be demolished I would recommend a condition requiring removal by a licensed asbestos removal contractor. Although it is accepted that low amounts of asbestos cement sheeting, which is what the shed roof may consist of, can be removed by householders provided it is taken to a licensed waste management facility which is licensed to receive such waste.*

## UNSUSPECTED CONTAMINATION

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

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

### 5.3 CCC Highways

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

#### *Conditions*

*Condition Gates: Prior to the first occupation of the development hereby approved/Prior to the commencement of the use hereby approved any gate or gates to the vehicular access shall be set back 5 metres from the near edge of the highway carriageway, hung to open inwards, and retained in perpetuity thereafter.*

*Non Standard Condition: Before the dwelling hereby permitted is occupied, the vehicular access from the nearside footway edge shall be constructed to include the provision of a metalled/sealed surface for a minimum length of 5m from the existing carriageway edge.*

*Informative  
Works in the Public Highway*

### 5.4 Environment Agency

*Thank you for your consultation dated 15 Jan 2024. We have inspected the documents as submitted and have no objection providing that you have taken into account the Flood Risk considerations which are your responsibility. However, our comments made in our letter AC/2021/130623/01 dated 22 October 2021 still apply.*

### 5.5 Natural England

*Natural England has no comments to make on this reserved matters application. Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.*

*Natural England and the Forestry Commission have also published standing advice on ancient woodland, ancient and veteran trees which you can use to assess any impacts on ancient woodland or trees.*

### 5.6 Local Residents/Interested Parties

*7 letters of support were received from residents within Manea; 1 from Kirton Close, 1 from High Street, 3 from Fallow Corner Drove and 2 from Westfield Road.*

1 letter of support was received from an address point in Chatteris; White Mill Road. The reasons for support are summarised as follows:

- Aesthetically pleasing when driving into the village
- Current house looks unsightly
- Vastly improve the street both aesthetically and from a safety perspective
- Would help the poor drainage on the corner
- Tidy the site up
- Visibility out of the T junction is very poor because of the position of the hold house.
- Property of new application is further from the road which would make visibility better
- Site is surrounded by recent new developments
- Improve the street scene
- Resolve any drainage/standing water issues on the corner
- Homes being built so parents can live close by to the applicant and grandchildren

2 letters of objection were received from adjacent neighbouring property, 43B Westfield Road and Amber Cottage. The reasons for objection are summarised as follows:

- Loss of light
- Privacy
- Overlooking/Overshadowing

## **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

LP4 – Housing

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

## **7.5 Emerging Local Plan**

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

LP1: Settlement Hierarchy  
LP2: Spatial Strategy for the Location of Residential Development  
LP4: Securing Fenland's Future  
LP5: Health and Wellbeing  
LP7: Design  
LP8: Amenity Provision  
LP22: Parking Provision  
LP25: Biodiversity Net Gain  
LP32: Flood and Water Management  
LP49: Residential site allocations in Manea

## **8 KEY ISSUES**

- **Principle of Development**
- **Appearance, Layout and Scale**
- **Residential Amenity**
- **Access and Highways**
- **Landscaping**
- **Other Matters**

## **9 BACKGROUND**

- 9.1 Outline planning permission was granted under planning reference F/YR21/1141/O at the 14<sup>th</sup> December 2022 committee meeting
- 9.2 This current application is a resubmission of a previously refused reserved matters application, planning reference F/YR23/0361/RM. The reasons for refusal of the previous application are as follows:

*1 Policies LP2 and LP16(h) of the Fenland Local Plan 2014 seek to ensure that the development provides sufficient private amenity space for future occupiers. The proposed development would result in a cramped form of development due to the size of the proposed 4-bed dwelling proposed on site. This would result in a limited clearance of approximately 9.5 metres between the rear elevation of the 4-bed dwelling and the side elevation of the 3-bed dwelling. Owing to the close proximity of the proposed dwellings, a poor level of residential amenity would be provided to the detriment of future occupiers and is therefore considered contrary to the aforementioned policies.*

*2 Policies LP2 and LP16(e) of the Fenland Local Plan seek to ensure that the development does not adversely affect the amenity of neighbouring users. Due to the proximity and location of the proposed 3-bed dwelling in relation to the neighbouring property to the north, there is potential for significant overbearing impacts to be introduced resulting in adverse impacts upon outlook from the neighbouring property. The creation of such an unappealing living environment for the neighbouring occupiers would be contrary to the above aforementioned policies.*

- 9.3 This resubmission includes amendments to the proposed 4-bed dwelling, however no amendments have been made to 3-bed dwelling.

## **10 ASSESSMENT**

### **Principle of Development**

- 10.1 The principle of development has been firmly established by virtue of outline planning permission and it is on this basis that the scheme details are considered. It is however necessary to assess matters of access, appearance, landscaping, layout and scale in accordance with Local Plan policies LP1, LP2, LP3, LP4, LP14, LP15 and LP16 and the NPPF and NDG.

### **Appearance and Scale**

- 10.2 The dwellings are indicated as being constructed from Vandersanden Corum bricks with Marley Modern Grey roof tiles. Both will utilise white uPVC joinery and rainwater goods. The colour palette proposed is considered to be acceptable given the presence of various materials within the street scene, including the presence of both red and buff bricks and a variety of coloured render.
- 10.3 The outline planning application included an indicative site layout plan showing two properties, one facing onto Westfield Road and one facing onto Fallow Corner Drove.
- 10.4 The layout submitted in respect of the current application reflects the indicative layout in terms of the dwellings' location; however there are some changes to the dwellings' size and orientation. The dwelling in the north-west corner of the site has been slightly stepped back into the site to allow for an amendment to the parking area and the dwelling to south-west of the application site has also been relocated further west into the site. The property to the south-west of the site is shown on the proposed drawings as being of a larger scale than those on the indicative plan submitted, with this property now proposed to be an L-shaped, 4-bedroom dwelling.

- 10.5 The scale of the proposed dwelling to the south-west of the site has been reduced following the refusal of the previous reserved matters submission, with a greater amenity space now proposed. As such, the scheme is considered to be acceptable in terms of appearance and scale.

### **Residential Amenity**

- 10.6 With regard to the scale of the development, particular consideration must be given to the impacts of the plots on surrounding residential amenity. Concerns were raised from the neighbouring property at 43b Westfield Road, situated immediately north-east of the application site regarding loss of light, privacy and overlooking.
- 10.7 The proposed site layout largely reflects the indicative layout submitted at outline stage, although the proposed 3-bed dwelling is set back approximately 2.7 metres further into the site and now sits behind the principal elevation of the neighbouring property (no. 43b). There is a clearance of approximately 4.9 metres between the neighbouring dwelling and the proposed dwelling. It is acknowledged that there will likely be some overshadowing impacts introduced given the direction of sun travel and the close proximity of the proposed dwelling to the existing neighbouring property. However, these impacts are unlikely to impact upon the front living room window which faces north-west. There does appear to be a side window serving the living room, however this is not a primary window and as such any overshadowing impacts introduced to this window are unlikely to be adverse given that the living room is served by a primary window and the fact that the existing trees on site appear to already overshadow this side window to an extent. The side window serving the bedroom may experience some overshadowing during the afternoon due to the direction of sun travel. However, given the clearance between the 2 dwellings it is unlikely that this overshadowing will be significantly adverse.
- 10.8 Notwithstanding this however, the location of the proposed 3-bed dwelling is likely to significantly impact upon the outlook of the neighbouring bungalow. Whilst there is a lounge window to the front of the property, the reduction of outlook to both the side lounge and bedroom window is likely to significantly impact upon neighbouring residential amenity, given that the view out of these windows will be entirely dominated by the side gable of the proposed dwelling. Whilst it is acknowledged that a 2 metre fence could be erected adjacent to these neighbouring windows under permitted development which would also significantly obscure these windows, the position of a 2-storey dwelling on the site would make these overbearing impacts significantly worse.
- 10.9 As such, it is considered that the location of the proposed 3-bed dwelling would significantly impact the neighbouring property to the detriment of neighbouring residential amenity by way of appearing overbearing. As aforementioned, no amendments have been made to the 3-bed dwelling following the previous refusal on site.
- 10.10 The neighbouring property to the east of the site is unlikely to experience any adverse overshadowing impacts given the direction of sun travel. Overshadowing impacts resulting from the south-western dwelling will fall upon the amenity area associated with that dwelling albeit they are unlikely to be adverse.
- 10.11 In terms of overlooking, no side windows are proposed to the north-east dwelling. There is a presence of first floor rear windows however these will predominantly overlook the rear garden associated with the dwelling and are not considered to introduce any adverse overlooking impacts. With regard to the south-western



dwelling, there are two first-floor side windows proposed upon the north-west facing elevation, however these will overlook the highway. First-floor windows are proposed to the rear elevation which will overlook the rear garden and onto the flank wall of the north-east dwelling and as such will not introduce any adverse overlooking impacts.

### **Access and Highways**

- 10.12 The access details have been accepted by the LHA subject to conditions. Appropriate provision is made for parking to accord with Appendix A of the FLP, as such the scheme is considered to comply with Policy LP15 of the FLP

### **Landscaping**

- 10.13 The proposed soft landscaping on site is largely limited with all areas proposed to be grassed due to the proximity of the dwellings and their location adjacent to the highway. Such planting in close proximity to the highway may have the potential to impact adversely on the safety of access to the site.
- 10.14 The proposed hard landscaping includes permeable block paving in a brown colour, with paths and patios finished in brown limestone. The fences proposed will be 1.8 metre close boarded fences. These details are considered to be acceptable.

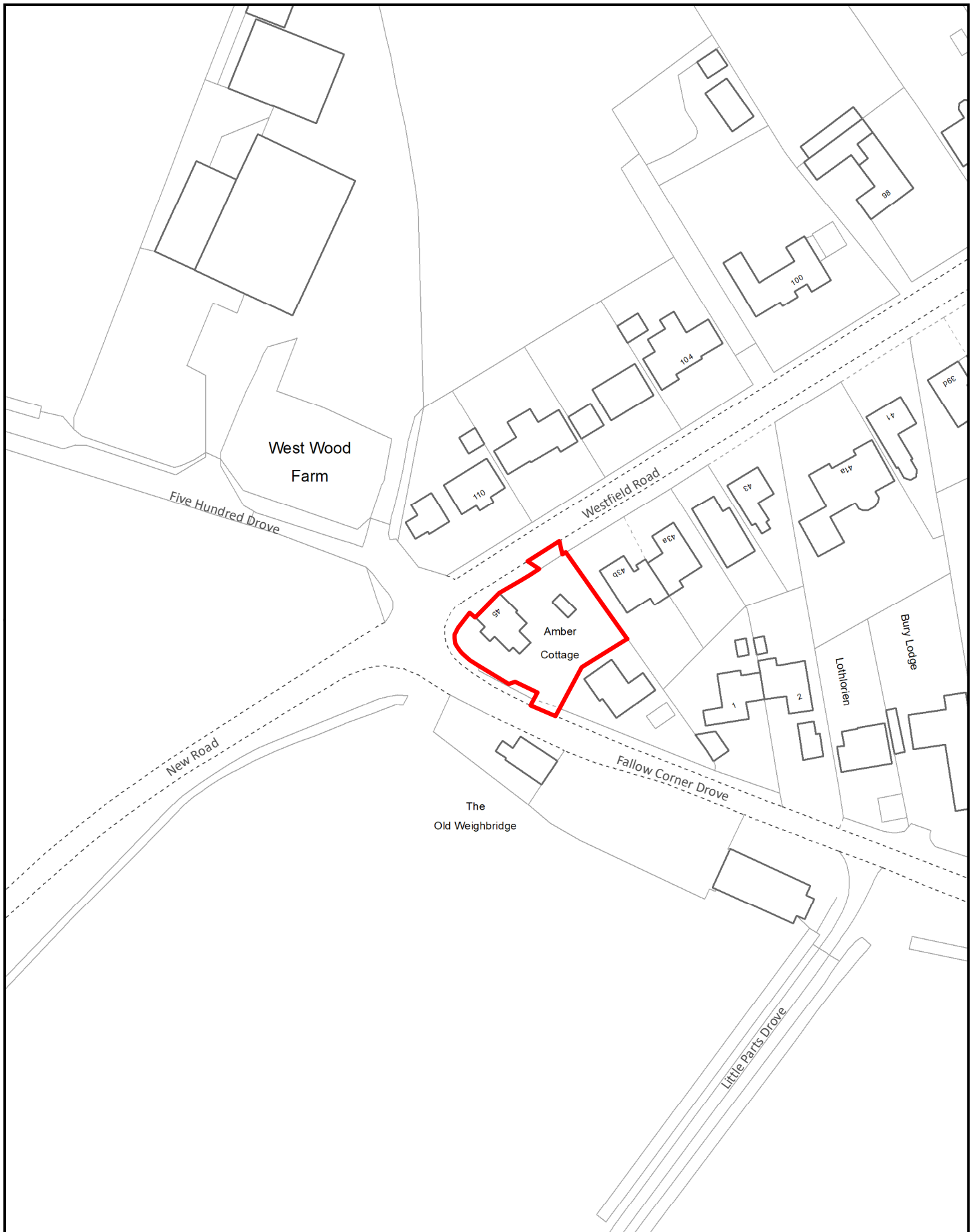
## **11 CONCLUSIONS**

- 11.1 To conclude, the proximity and location of the proposed 3-bed dwelling would result in significant overbearing impacts upon the neighbouring property to the north-east of the application site. The application is therefore considered to be contrary to Policy LP2 and LP16(e) of the Fenland Local Plan 2014.

## **12 RECOMMENDATION**

**Refuse;** for the following reason:

1	Policies LP2 and LP16(e) of the Fenland Local Plan seek to ensure that development does not adversely affect the amenity of neighbouring users. Due to the proximity and location of the proposed 3-bed dwelling in relation to the neighbouring property to the north, there is potential for significant overbearing impacts to be introduced resulting in adverse impacts upon the outlook from the neighbouring property. The creation of such an unappealing living environment for the neighbouring occupiers would therefore be contrary to the policies above.
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**F/YR23/1072/RM**

Scale = 1:1,250





4 Bed Front  
Scale 1 : 100



4 Bed Rear  
Scale 1 : 100



4 Bed Side (adj Westfield road)  
Scale 1 : 100



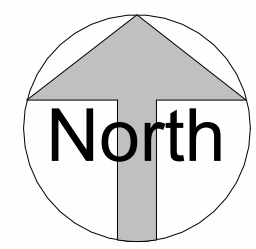
4 Bed Side (south east)  
Scale 1 : 100

MATERIALS

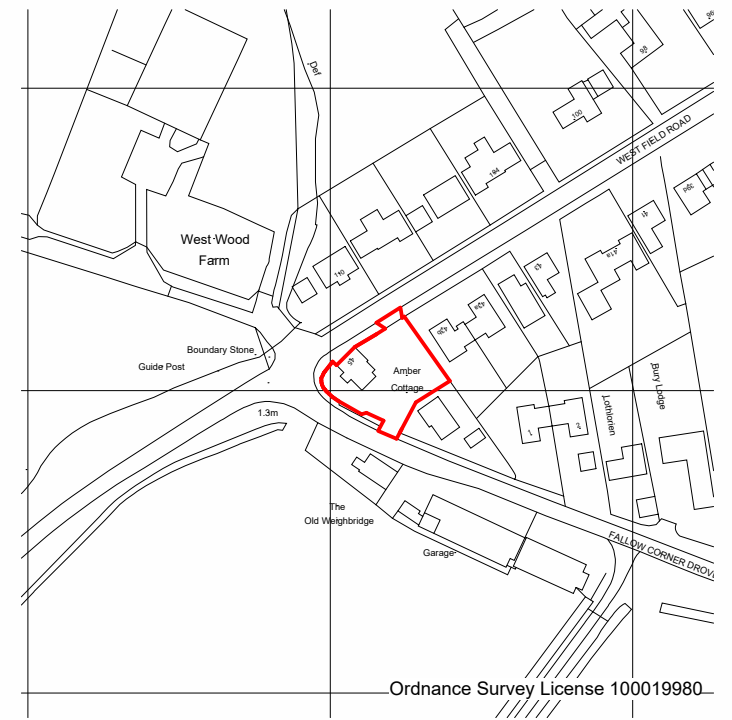
Walls - Vanderson Corum

Roofs - Marley Modern Grey

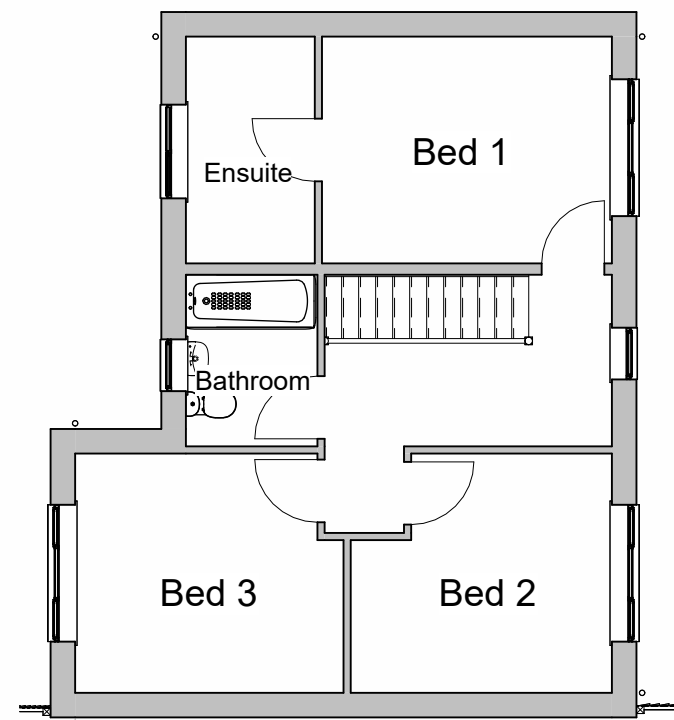
Windows, Doors, Fascias and Rainwater goods - White uPVC



Notes  
Any discrepancies to be brought to attention of Author as soon as possible.  
All dimensions shown in "mm" unless otherwise shown.  
Unless stated otherwise, this drawing has been assessed for risks and nothing is deemed to be outside of normal good safe working practice that would be covered by a contractors Construction Phase Health and Safety Plan.



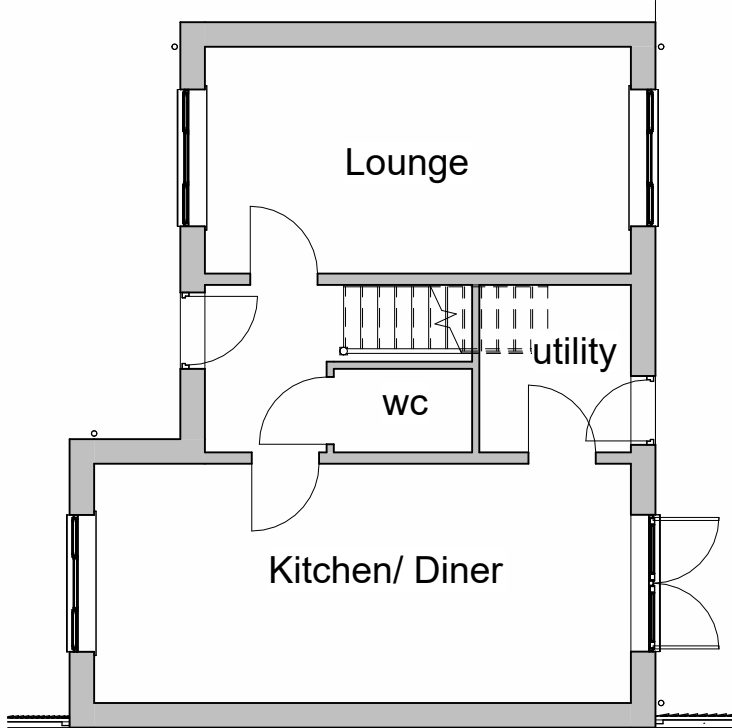
Location Plan  
Scale 1 : 2500



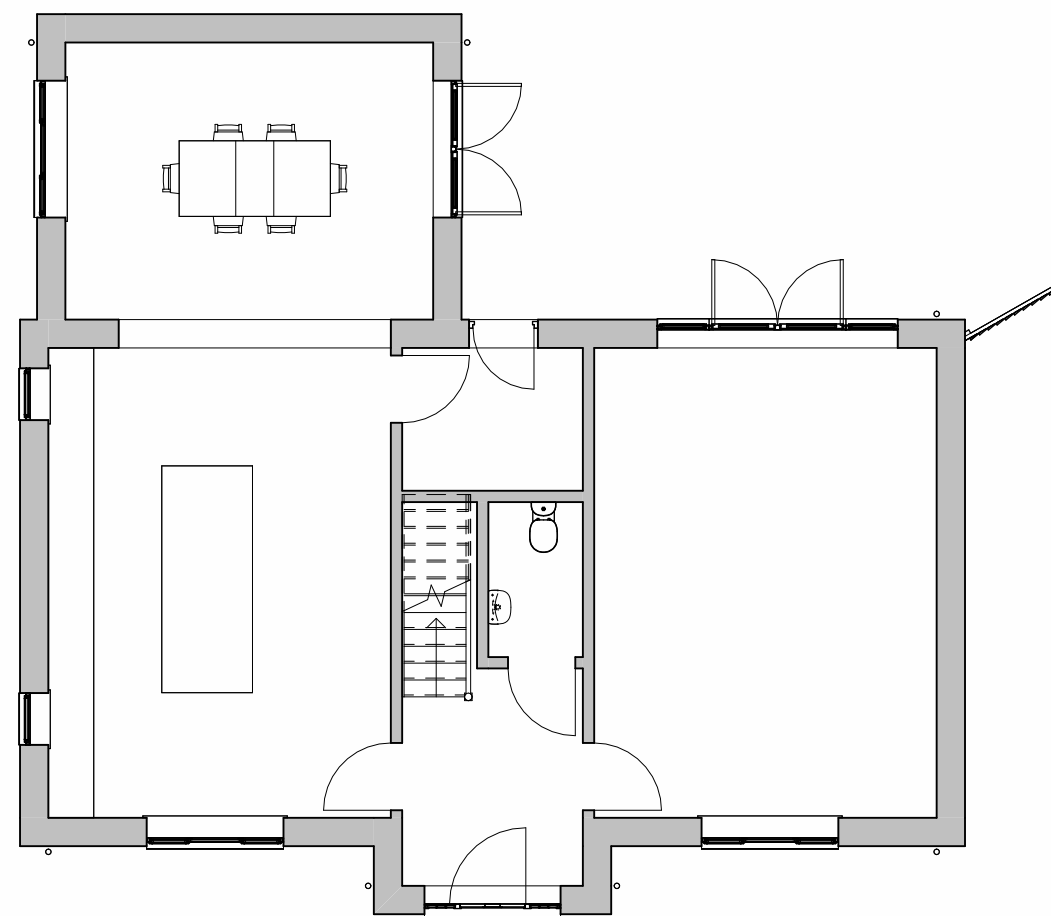
Proposed First Floor 3 Bed  
Scale 1 : 100



Proposed First Floor 4 Bed  
Scale 1 : 100



Proposed Ground Floor 3 Bed  
Scale 1 : 100



Proposed Ground Floor 4 Bed  
Scale 1 : 100



Street Scene Fallow Corner  
Scale 1 : 200



Street Scene Westfield Road  
Scale 1 : 200



3 Bed Front Elevation  
Scale 1 : 100



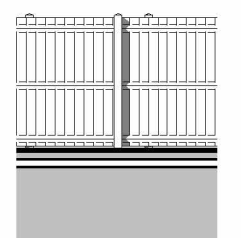
3 Bed Rear Elevation  
Scale 1 : 100



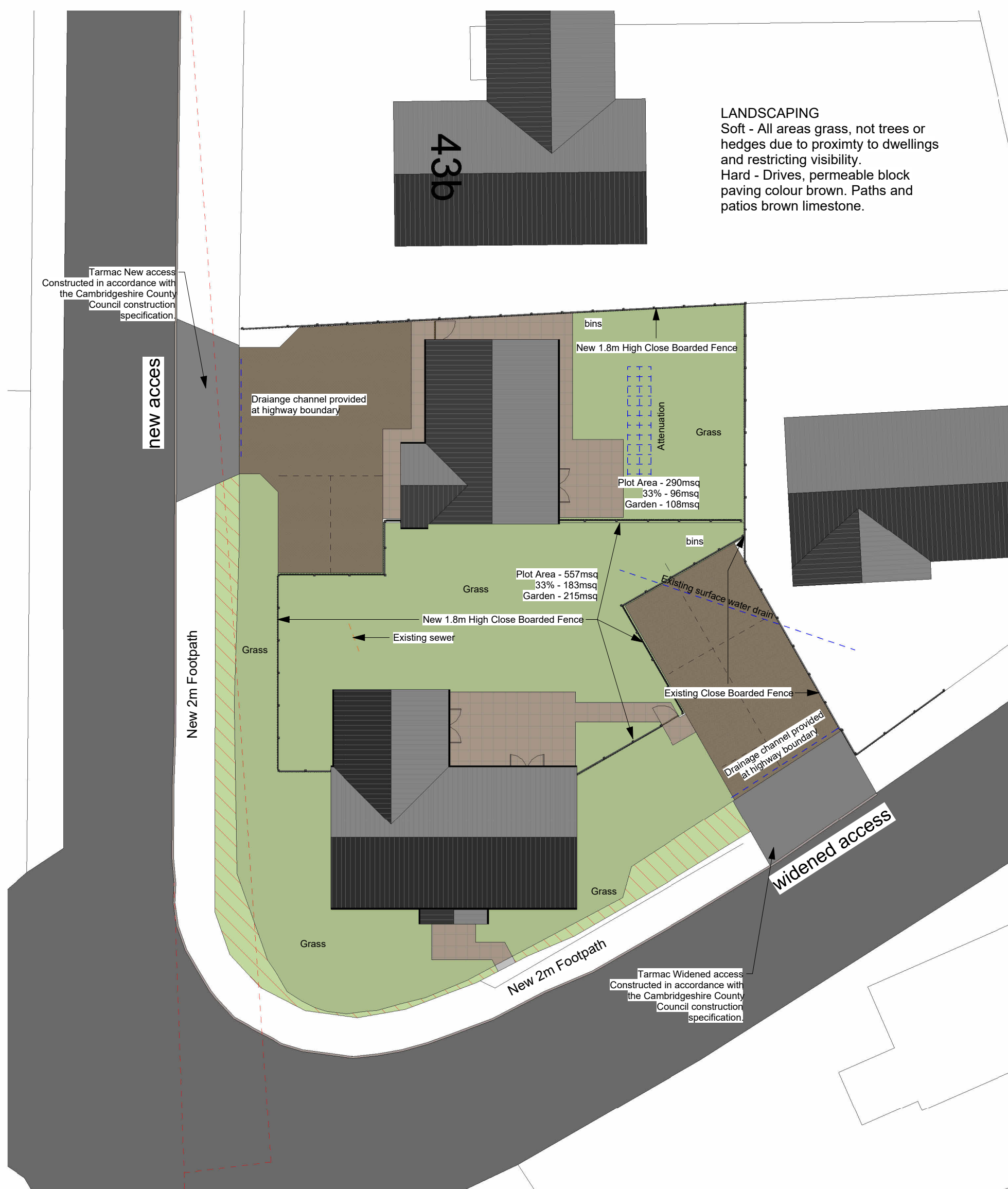
3 Bed Side Elevation 1  
Scale 1 : 100



3 Bed Side Elevation 2  
Scale 1 : 100



Fence Elevation  
Scale 1 : 100



Proposed Block Plan  
Scale 1 : 200

LANDSCAPING  
Soft - All areas grass, not trees or hedges due to proximity to dwellings and restricting visibility.  
Hard - Drives, permeable block paving colour brown. Paths and patios brown limestone.



Existing Block Plan  
Scale 1 : 200

D	Layout amended	11-12-23
C	Bed and site layout amended	Date 4
B	4 Bed and site layout amended	25-06-23
A	Drainage channels added	21-06-23

Ian Gowler Consulting Ltd  
Architectural and Domestic  
Energy Consultant

Grove House, 22 Primrose Hill, Duddington, Cambs, PE15 0SU  
tel. 01354 667005 email. ian@gowler-architectural.co.uk

Proposed Development at 45 Westfield Road,  
Manea for Mr Nick Price

Planning

date created	scale	drawing no.	rev
24/01/22	As indicated @ A1	454 - P02	D



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