



AGENDA

PLANNING COMMITTEE

WEDNESDAY, 5 MARCH 2025

1.00 PM

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

Committee Officer: Jo Goodrum Tel: 01354 622424 (committee only) e-mail: memberservices@fenland.gov.uk

- 1 To receive apologies for absence.
- 2 Previous Minutes (Pages 5 38)

To confirm and sign the minutes from the previous meeting of February 5, 2025.

- 3 To report additional items for consideration which the Chairman deems urgent by virtue of the special circumstances to be now specified
- 4 To receive Members declarations of any interests under the Local Code of Conduct or any interest under the Local Code of Conduct or any interest under the Code of Conduct on Planning Matters in respect of any item to be discussed at the meeting.
- 5 F/YR24/0635/RM
 Land North Of 96A To 100, Westfield Road, Manea
 Reserved Matters application relating to detailed matters of appearance,
 landscaping, layout and scale pursuant to outline permission F/YR22/1156/O to erect
 24 x 2-storey dwellings (4 x 2-bed, 6 x 3-bed and 14 x 4-bed) (Pages 39 60)

To determine the application.

6 F/YR24/0525/O
Mayflower, 12A Westfield Road, Manea
Erect up to 7 x dwellings (outline application with matters committed in respect of access) involving the demolition of existing sheds, formation of a detention pond and





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Telephone: 01354 654321 • Textphone: 01354 622213 Email: info@fenland.gov.uk • Website: www.fenland.gov.uk associated drainage works (Pages 61 - 78)

To determine the application.

7 F/YR23/0811/F

Land East And South Of 47, Doddington Road, Wimblington Erect 14 x dwellings (2 x single-storey 1-bed, 2 x single-storey 2-bed, 8 x 2-storey 2-bed and 2 x 2-storey 3-bed) and associated works, including formation of vehicular access, footpath along Doddington Road and retention of public right of way through site (Pages 79 - 106)

To determine the application.

8 TPO05/2024

Vicarage Close, Chatteris Tree Preservation Order (TPO) (Pages 107 - 110)

The purpose of this report is to advise members of the current situation in respect of confirmation of a Tree Preservation Order (TPO) in Vicarage Close, Chatteris.

9 F/YR24/0557/F

Land South Of Swan Cottage Benwick Road Accessed From, Dykemoor Drove, Doddington

Erect a hay store, 1.5m high weld mesh and 1.8m high close board boundary fencing (retrospective) (Pages 111 - 122)

To determine the application.

10 F/YR24/0970/FDC

Land To The South Of 8, Crown Avenue, Christchurch Erect 1x dwelling (Pages 123 - 134)

To determine the application.

11 F/YR24/0662/F

Site Of Former Gas Distribution Centre, Gas Road, March Erect 9 x single-storey dwellings (3 x 1-bed and 6 x 2-bed) (Pages 135 - 152)

To determine the application.

12 F/YR24/0707/O

94 Westfield Road, Manea

Erect up to 4 x dwellings (outline application with matters committed in respect of access and scale) (Pages 153 - 174)

To determine the application.

13 Items which the Chairman has under item 3 deemed urgent (Pages 175 - 202)

To provide clarity on interpretation of Paragraph 175 of the NPPF in relation to

planning application F/YR24/0879/O.

Members: Councillor D Connor (Chairman), Councillor C Marks (Vice-Chairman), Councillor I Benney, Councillor Mrs J French, Councillor R Gerstner, Councillor S Imafidon and Councillor E Sennitt Clough, Councillor M Purser (Substitute)



PLANNING COMMITTEE

Agenda Item 2 Fenland CAMBRIDGESHIRE Fenland District Council

WEDNESDAY, 5 FEBRUARY 2025 - 1.00 PM

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

APOLOGIES: Councillor R Gerstner.

Officers in attendance: Matthew Leigh (Head of Planning), David Rowen (Development Manager), Gavin Taylor (Principal Development Officer), Kimberley Crow (Development Officer), Stephen Turnbull (Legal Officer) and Elaine Cooper (Member Services)

P86/24 PREVIOUS MINUTES

The minutes of the meetings of 11 December 2024 and 8 January 2025 were agreed and signed as an accurate record.

P87/24 F/YR22/0596/F

LAND NORTH WEST OF NAMPULA, BEGDALE ROAD, ELM
CHANGE OF USE OF LAND FOR THE USE OF TRAVELLERS INCLUDING THE
FORMATION OF 8 X CARAVAN PITCHES (CONSISTING OF 2 X TOURING
CARAVANS PER PITCH), THE ERECTION OF 2 X UTILITY BLOCK BUILDINGS (8
X UTILITY ROOMS) AND A STABLE BLOCK, AND THE FORMATION OF
HARDSTANDING AND AN ACCESS

Gavin Taylor presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Mark Codona, the applicant. Mr Codona stated that he owns the whole site, currently lives on the site and made the point that it is not Flood Zone 3 but Flood Zone 2 on the actual area where the caravans will be sited. He stated that the application is to extend the existing site providing a transit site for the local area, which will show, especially when the gymkhana is completed later this year, a need for more pitches and transit pitches in the area.

Mr Codona expressed the view that he has satisfied all the issues raised by the Highways Authority and whilst the Parish Council has objected it has only done this in relation to the objections which have been satisfied. He stated that the proposal will be family owned and family run for which they have got 50 years' experience of running sites and they are a well-known gypsy and traveller family within Fenland, working closely with the Council and locals.

Mr Codona referred to some members being on the committee when the previous application was approved and they have completely transformed the area, it used to be a prolific fly tipping area and it has been made into a nice presentable home. He stated that they are going to continue what they have been doing, having been in this area for 6 years settling well into the local area, with the locals accepting them as part of the community and he feels that rather than there being unauthorised encampments within the area it is going to be key to have an authorised transit site within Fenland which is also gypsy run as opposed to Council run as gypsy and travellers feel more comfortable going on other gypsy run properties rather than local authority ones.

Mr Codona expressed the view that as well as helping their own community they will be helping the local area, wanting to work with the Council and not against them. He hopes it will be successful,

having overcome all the objections raised and he is happy to accept conditions so that it is to the Council's acceptance.

Members asked questions of Mr Codona as follows:

- Councillor Imafidon stated that he visited the site and it was a very bad area for fly tipping and the area has been cleared up. He referred to Elm Parish Council raising an objection as they state the access to the site being of poor quality and not fit for purpose and asked for his comments on this. Mr Codona responded that the site is going to be accessed through the existing site, it is not a new access and is fully acceptable to the Highways Authority, with it having no objection to the condition or location of the access. He made the point that Newbridge Lane is a highway which has been closed off at one end, it is not a farm track that has been created and they have been using this access for 6 years and there has been no incidents or problems. Mr Codona expressed the view that the Parish Council's objection is irrelevant.
- Councillor Imafidon asked about the drainage strategy being incomplete. Mr Codona
 responded that he has worked with a drainage consultant which has satisfied the LLFA and
 the only parts left to complete is the IDB consent, which would not be applied for until the
 application is approved. He stated that the LLFA have removed its objection providing the
 conditions are met, which he assured will be.
- Councillor Marks asked in relation to usage of the site it is being said it is transient and how often would he expect people to go through this site or would they try to make it a permanent home? Mr Codona responded that he has a permanent approved site at the front, which satisfies the needs of his family and the transit site is going to be operated as such but they are not going to limit how long somebody can stay but it is going to more busier during the Summer months than the Winter months. He made the point that the proposal is for gypsy and travellers coming to the area for work, for weddings, for funerals and the normal gypsy way of life. Mr Codona stated that the Council has an authorised transit site in Wisbech St Mary and this proposal would be operated on a similar sort of scale as this, it could be that some people would come for a couple of days, some for a couple of weeks and he would not think anyone would stay longer than 6-8 weeks at a time.
- Councillor Mrs French made the point that it was said that it was a waste of time speaking to the drainage board before approval of the planning application but this is not quite correct and they should be spoken with beforehand. She asked that the flood risk is undertaken properly. Mr Codona responded that he has instructed consultants to deal with all of the drainage issues, they are preparing or have submitted to the IDB details about the drainage discharges and they have drawn up some plans and documents regarding surface water, with everything raised by the LLFA being addressed and dealt with appropriately. Councillor Mrs French asked if there are any drains or ditches around the site? Mr Codona confirmed that there is. Councillor Mrs French stated that it is his responsibility as a riparian owner to keep them clear.
- Councillor Sennitt Clough referred to one of the drawings seemingly indicating that there
 was a path through the site and extending out of the site and asked if there is a public right
 of way travelling through the site? Mr Codona responded that there is no public right of way
 and the whole area is owned by his family and the only access would be by them or people
 who are going to be using the site.
- Councillor Connor referred to the previous application and the roadway being full of rubbish and Mr Codona told the committee at that time that he would tidy it up, CCTV was mentioned and a new fence which has now been erected. He commended Mr Codona for doing exactly what he said he was going to do; he visited the site and it is lovely and tidy and he hopes it continues with this proposal if it gets approved.

Members asked questions of officers as follows:

Councillor Mrs French asked where the gypsy and traveller policy is and whilst she notes it
is being worked on it has been worked on since 2016, which is 9 years, and she wants a
definite answer on when it will be produced. Matthew Leigh responded that to give a definite

answer is difficult especially in a changing planning landscape, with the Government changing the definition of gypsy and travellers in December so even the work that had been undertaken recently has to be updated to take into account the changes. He stated that it is progressing but some things are outside the control of the Council. Councillor Mrs French asked this year or next year? Matthew Leigh responded that he would hope this year but he would provide an update outside of the committee.

- Councillor Marks referred to the TRO which is required to be undertaken separately and asked for an explanation. Gavin Taylor responded that the previous consent that was granted required a TRO, which was to remove access restrictions along Newbridge Lane with there being signage along there which places restrictions on the accesses in this area and the TRO was to update this and amend it to reflect these permissions. He stated that this is still yet to be undertaken he believes and, therefore, the Local Highway Authority have asked that this application also imposes that same condition. Councillor Marks asked if this is to be undertaken by Highways and not by the applicant? Gavin Taylor responded that the applicant would have to undertake an advertising process, with there being some money to pay the Local Highway Authority to enact it.
- Councillor Mrs French asked if the TRO is in or not? Gavin Taylor responded that the TRO was advertised but then he does not believe the process was followed through. Councillor Mrs French made the point that with a TRO there needs to be between 10-12 weeks' notice and last year there were 32,000 applications for TROs at County Council so there will be a long wait if it has not been undertaken.

- Councillor Mrs French expressed the opinion that the application should be approved and the family have proved that they will do what they say.
- Councillor Imafidon stated that from what he knows of the site historically and what it looks like today he thinks the application should be approved.
- Councillor Marks agreed with the comments from the other councillors.
- David Rowen stated that Condition 1 on further review by officers is felt could be made more precise in terms of its wording and if members support the recommendation of approval officers would ask for delegation that the wording of condition 1 be amended as it does not appear to be clear in terms of numbers as it could be. Councillor Marks asked how officer want to tweak the wording is that just changing numbers? David Rowen responded that they would want to get to a position where there are 2 pitches each of which have got 2 caravans on them yet what the wording currently suggests is that both pitches could have 4 caravans.
- Councillor Connor asked that the TRO be strengthened? Gavin Taylor responded that this
 condition is worded exactly the same way as the last permission so in the interest of
 consistency he feels it should be kept as is. Councillor Connor asked if a time limit could be
 put on it as it needs to be undertaken sooner rather than later. Gavin Taylor stated the TRO
 is pre-occupation.
- Councillor Marks referred to the description being the formation of 8 x caravans pitches consisting of 2 x touring caravans per pitch as it was being referred to as 4 in total as opposed to there being 8. David Rowen responded that this is what officers want to clarify, the inconsistency between the description and the condition needs resolving and if members are satisfied with the principle of the application that is something that can be fine-tuned. Councillor Marks stated that the numbers seem to be askew and he was happy to agree to the 8 and members need to be clear on numbers before committee votes on it.
- Councillor Sennitt Clough expressed the view that committee needs to look at the application as it is presented, it is for 8 caravan pitches and that is what the applicant understood when he paid his money and came here today. She feels it is not fair to now say 4 caravan pitches and requested clarification. David Rowen responded that as he has indicated the application is as was made but the condition does not seem to tie in with this and that is what officers are trying to seek to resolve if members are happy with the principle of the overall development that the wording of that condition is altered to reflect

- actually what the application is.
- Councillor Marks stated that members need to be clear on how the condition is going to read. David Rowen responded that the condition would be worded something along the lines of 'the site should be limited to 8 pitches each containing no more than 2 caravans and no more than 16 caravans across the site in total'. Councillor Marks stated that as long as the condition reflects this he is happy.
- The Legal Officer clarified that what has been applied for is 8 pitches and that is what is being approved.

Proposed by Councillor Mrs French, seconded by Councillor Imafidon and agreed that the application be GRANTED as per the officer's recommendation, with authority delegated to officers to reword Condition 1.

P88/24 F/YR23/0156/F

LAND SOUTH OF 6-20 WYPE ROAD, EASTREA
ERECT 5 X DWELLINGS (2 X SINGLE-STOREY 3-BED AND 3 X SINGLE-STOREY
4-BED), WITH ASSOCIATED GARAGES, PARKING AND LANDSCAPING,
INVOLVING THE DEMOLITION OF EXISTING SHED, AND INSERT ROOF LIGHTS
TO NORTH ROOF SLOPE OF 40 WYPE ROAD

Gavin Taylor presented the report to members and drew attention to the update report that had been circulated.

Members received a presentation, in accordance with the public participation procedure, from Matthew Hall, the agent. Mr Hall stated that the proposal is for 5 executive style bungalows, with large gardens, double garages and all served off a private drive. He stated that previous applications on this site for 14 two-storey dwellings, 10 dwellings and 9 dwellings were all refused but were from a different landowner, the 7 dwellings was withdrawn and this proposal is for 5 bungalows with an officer recommendation to approve.

Mr Hall made the point that the Highways Authority has raised no objections and made recommendations throughout the application which they have taken into account. He stated that the previous appeal carried out on this site by others was not refused on highway grounds by the Inspector for an application for 9 and this proposal is for 5.

Mr Hall stated that all of the site is in Flood Zone 1, the LLFA have raised no objection and drainage details have been submitted as part of the application. He expressed the view that there has been a lot of work that has been undertaken on this application both by officers and his office and they have taken on board the Highway Officer comments, officer recommendations on the design and number of dwellings and also worked with the LLFA and Refuse Team at the Council.

Mr Hall referred to a Google Map on the presentation screen, which shows, in his view, that this is the last piece of land of this size in the middle of Eastrea to be developed and it could be classed as infill development, which is what it is referred to in the officer's report at 10.10. He reiterated that there are no technical objections and the application has a recommendation for approval.

Members asked Mr Hall the following questions:

• Councillor Marks referred to pinch point of 3.7 metres as you come into the site for quite some distance and asked if this 3.7 metres is from the bungalow to the edge or is that with leaving a metre from the bungalow? Mr Hall responded that originally they showed that access where it has been reduced to 3.7 metres as wider at 5 metres as that width is available still leaving a fence and grass strip either side but highways in December last year requested it be reduced to the 3.7 metres probably to leave a grass strip either side then the fence to neighbouring properties.

- Councillor Sennitt Clough expressed the view that it is a good-looking application but she has concerns about the access and the narrowness of the access road because not only is there cars but there are potentially cars and pedestrians walking down that very narrow access road. She stated that she knows the road very well and there have been accidents along this road, there are cars parked on the opposite side of the road and it is in between two blind bends so there is a catalogue of potential hazards. Councillor Sennitt Clough continued that there are then potentially 10 more cars coming out with pedestrians walking down a very narrow access strip. She asked how he feels he can overcome the safety aspect and all the obstructions and hazards that are there at present? Mr Hall responded that within the site where the 5 plots are the drive is 6 metres wide and in the Highway Officer's report it says that is too wide but it has been left at 6 metres as they had emails back and forth with the Council's Refuse Team to ensure a bin lorry can go in and turn around. He added that at the top of the access it is 5 metres by 10 metres abutting Wype Road which is what Highways asked for so two cars can pull in together and the first part of the access road was shown wider but it was at the request of Highways to reduce that area. Mr Hall advised that a speed survey was undertaken, the cable was positioned across the road outside 36/38 Wype Road and it showed vehicles going approximately 24/25 mph and Highways accepted that so he believes they have overcome any possible safety issues.
- Councillor Connor asked how many speed surveys were undertaken? Mr Hall responded that during the previous application, which they were not involved with, there was one undertaken and there have been two speed surveys undertaken on this application, with concerns being raised on the first. Councillor Connor asked when the second survey was undertaken? Mr Hall responded May 2023 or 2024. Councillor Connor stated that this site lies in his County Division representing Whittlesey South and he knows Wype Road is a very busy road, people do speed along here and there are cars parked opposite. He expressed concern that when you are coming out of this access and turning left you have to go over to the other side of the road so oncoming cars are going to be met. Mr Hall responded that the new access, which is a field entrance at the moment and has been since the 1970's, is 5 metres wide so 2 cars can pull on and off similar to other developments that have been approved. He questioned whether you go onto the other side of the road, which depends if there are parked cars and is similar to other development and they have undertaken a speed survey and he is not sure what else they could have done.

Members asked questions of officers as follows:

- Councillor Sennitt Clough asked if Highways came out to the site or was it a desk top study? Gavin Taylor responded that it is not known if Highways visited the site, there is no evidence to say they did, but they have looked at the scaled plans that are provided to get an understanding of road and access widths. He agreed that Mr Hall was correct in that Highways negotiated that narrowing for two reasons he believes; to slow cars exiting and entering the site as there is the potential for pedestrian vehicle conflict and to provide more of a buffer either side of the properties and it is noted that they anticipate at the busiest periods average vehicle trip movements would be 1 every 20 minutes so it is not considered that there would be significant vehicle pedestrian conflict occurring regularly. Gavin Taylor stated that Highways have suggested to the applicant that they reduce that area on this site as a pinch point for those reasons but notwithstanding that the actual access width itself where it meets with Wype Road is a standard access width that would be secured on any application.
- Councillor Sennitt Clough referred to the number of dwellings as a contributory factor to the number of vehicles, making the point that Wype Road is a 'rat run' as people from Whittlesey use it to get to Benwick, Chatteris and Ely and there are a lot of agricultural vehicles using the road as well as some HGVs so it is a considerable amount of traffic using it. She does not feel the safety issues have been properly addressed as this development is sandwiched in between two blind bends, cars are parked on the opposite side of the road and as Councillor Connor pointed out you would have to go on the opposite side of the road for a few metres to navigate this as you are coming out which adds another potential

hazard.

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

- Councillor Mrs French expressed the view that the application should be approved.
- Councillor Benney agreed stating this is a policy compliant application, it does not have a Highways objection and if it goes to appeal the Council would lose.
- Councillor Connor expressed the opinion that he hopes that Highways have undertaken due
 diligence on this proposal and it has not just been a desk top study as he sees it as an
 accident waiting to happen, although it cannot be refused on highway grounds as they are
 the experts.
- Councillor Marks stated that committee debate highways month after month and the
 question quite often asked is this a desk top survey or has an actual officer visited the site.
 He asked whether it can be reported from Highways whether they did attend the site or it
 was a desk top survey so the question is not being asked every time? Councillor Marks
 made the point that committee are local councillors who know the area and it seems to him
 that members are fighting someone who sits in Cambridge or wherever with a computer.
- Councillor Benney stated that looking at the report, irrespective of whether it is undertaken
 as a desk top survey or not, they are signing that report off and that is the information the
 committee has to rely on. He added that Highways can be asked to come back if members
 have real concerns but every time this has been undertaken in the past it always comes
 back with the same answer.
- Councillor Connor made the point that it would be remiss of the local members not to bring concerns before the committee.
- Councillor Sennitt Clough disagreed with the comments of Councillor Benney stating that members do not have to accept what Cambridgeshire County Council Highways dictate to it or approve this application, which is what members are elected to do. She stated for the safety reasons she outlined she cannot support the application.
- Councillor Mrs French strongly recommended that the Highway comments should be taken into account because they are the experts and if they are satisfied with it the committee should be as well.
- Councillor Sennitt Clough stated that she lives locally and feels that local knowledge is just being sidelined, with someone from a desk top potentially imposing their view on what is appropriate safety wise or not and she feels that local knowledge has to count for something in these circumstances.

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

(Councillor Benney declared that the agent has undertaken work for Chatteris Town Council and himself personally, but he is not pre-determined and will consider the application with an open mind)

(Councillor Imafidon declared that the agent has undertaken work for him personally, but he is not pre-determined and will consider the application with an open mind)

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

P89/24 F/YR24/0652/RM

LAND SOUTH AND EAST OF 200 TO 204 MAIN ROAD, CHURCH END, PARSON DROVE.

RESERVED MATTERS APPLICATION RELATING TO DETAILED MATTERS OF APPEARANCE, LANDSCAPING, LAYOUT AND SCALE PURSUANT TO OUTLINE PERMISSION F/YR23/0805/O TO ERECT 1 X DWELLING AND THE FORMATION OF AN ACCESS, INVOLVING THE DEMOLITION OF EXISTING BARN

Gavin Taylor presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from James Burton, the agent. Mr Burton stated that this is a reserved matters application for Mr and Mrs Pitman, with Mrs Pitman having lived in Parson Drove her whole life and being joined by her husband 16 years ago. He added that they are a young growing family that wish to continue living in their home village.

Mr Burton referred to photos on the screen which show Parson Drove is a village with a varied character and mix of dwellings, with two and half storey dwellings forming part of the character with both older and newer properties adopting this form. He notes the comments regarding the scheme being incongruous and consider this is subjective given there is no consistency with regards to the architectural style or sizes of properties within the area.

Mr Burton expressed the opinion that the scheme is a high-quality bespoke dwelling providing quality variation and character within the street scene whilst meeting the needs of a local family and their associated business. He referred to another photo on the presentation screen which is located in the neighbouring village of Murrow, being approved in August 2023, although he appreciates that each site is to be considered on its own merits it is felt this is a significant precedent and this proposal is significantly larger than this proposal and set within a street scene of bungalows and modest two-storey dwellings.

Mr Burton expressed the view that this demonstrates how an aspirational high-quality executive home can be successfully integrated into an existing varied street scene, something that he believes this proposal will also achieve whilst having a better relationship with neighbouring properties due to the reduced scale, retained landscaping and existing street scene. He expressed the opinion that this proposal is an aspirational dwelling that represents the applicants dream forever home that will allow them to continue to reside and operate the business from the yard adjacent and their other site in the village.

Mr Burton made the point that there are no technical consultee objections, no neighbour objections including from the next-door neighbour, 15 letters of support and support from the Parish Council, who the applicants stated commented at the meeting it would be a lovely addition to the village in a lovely looking house. He stated that comments were received late in the application process in relation to the height of the proposal which the applicant has sought to address, with the applicant having been keen to work with officers and to compromise as far as they are able to secure a positive decision and have proposed a significant reduction in footprint and overall height, which is the scheme before committee.

Mr Burton showed on a plan how the original depth and width have been significantly reduced, moving the side elevation further from the neighbouring boundary and the height has been reduced by 1.4 metres. He stated that the principal part of the dwelling has a depth of 9.4 metres and a width of 16.4 excluding the front projection, with the remainder of the proposal being single storey.

Mr Burton stated that as referenced in the officer's report the outline application indicated a dwelling that had a principal dimension of 9.1 by 16.1 and indicated dormer windows and roof lights, which although slightly smaller is broadly similar to the proposal. He added that the proposal dwelling is around 4.2 metres from the neighbouring fence at its closest, is separated by an existing hedge which is approximately 6 metres high and will be retained and the proposal will have a hip roof and as such the eaves are around 6.1 metres, marginally higher than the existing hedge located 4.2 metres plus from the boundary and the maximum roof height of the ridge is 8.9 metres from the boundary which, in his view, limits the impact on the neighbouring property.

Mr Burton showed photos of the existing hedge which demonstrates it existing height at 6 metres and also photos from the road taken last week to demonstrate how the proposal will be screened even during the Winter months. He noted the comments with regard to overlooking and as confirmed by the officers overlooking is not an issue, however, if members are minded to approve and consider the top floor window to the bedroom presents an opportunity for overlooking they are happy to accept a condition for obscure glazing as it benefits from windows to the rear.

Mr Burton showed 3D visuals which provide an artist's impression of the proposal from a number of views including from the rear of the neighbouring property, which, in his view, demonstrates the proposal is significantly softened and screened by the existing landscaping whilst also delivering a high-quality scheme that, in his opinion, will positively contribute to the appearance of Parson Drove. He reiterated that the proposal is for a local family which will allow them and their business to remain in the village, it has no technical consultee objections, support of the Parish Council and no local objections including from the neighbour, and, in his view, the scheme will retain the existing landscaping, deliver a high quality aspirational home that will provide quality and variation to the street scene whilst enhancing the area.

Mr Burton requested that the application be supported with conditions deemed appropriate.

Members asked questions of Mr Burton as follows:

- Councillor Marks asked how far from the road does the proposal stand because the
 properties beside it stand forward of it? Mr Burton confirmed the properties adjacent do
 stand forward and this proposal has had to be set back due to the TPOs and the root
 protection area, with the garage starting at the front of the existing agricultural building but
 he does not have the dimensions to hand.
- Councillor Marks asked if the garage has a lower roof than the roof pitch on the main house? Mr Burton confirmed this to be correct.
- Councillor Imafidon asked what the associated business is? Mr Burton responded that the
 applicant runs a motor vehicle spares and repair business and they also have the
 agricultural buildings on the site.

- Councillor Marks expressed the view that consistency is key as 4/5 years ago committee discussed another roof height with a property that stands back on the March to Chatteris bypass and members were told it was too tall and it would be totally out of congress but he drives past this property most days and you cannot tell the difference in roof height as it stands back from the other properties. He feels this proposal is screened, it is set back, there are agricultural buildings to one side and whilst there are properties to the other side he thinks it is set back far enough on the site and he can support the application.
- Councillor Sennitt Clough agreed with the comments of Councillor Marks and stated that
 another point to consider is that there are no windows overlooking neighbouring properties
 and there are trees, although she acknowledges that it says that they are not all year round
 foliage trees, which do provide significant screening and she feels she could support the
 application for a very elegant, tastefully designed house.
- Councillor Imafidon stated that he knows this area well and he will be supporting the application as it encourages a family to stay in that village, which stops small villages from

- dying out and the family have a business locally as well.
- Councillor Mrs French agrees with the views of the other councillors, under Policy LP16(e) she does not believe it will impact on the surrounding area and looking at the design she feels it is lovely and would be worthy of a design award if they still existed.
- David Rowen clarified that the example that Councillor Marks references was actually the
 result of a later second application which was lower than the original design put in front of
 committee. He made the point that personal circumstances of the applicant and the fact that
 they have lived in the village all of their lives and have a business is not material to the
 determination of the application.

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

Members do not support officer's recommendation of refusal of planning permission as they feel that the proposal does comply with LP2 and LP16 as the development achieves a high-quality living environment, will not impact on the character of the area and there is a mixture of dwelling types in the vicinity.

P90/24 F/YR24/0811/F

LAND EAST OF 156 HIGH ROAD, NEWTON-IN-THE-ISLE
ERECT 9 X DWELLINGS (5 X 2-STOREY 4-BED AND 4 X 2-STOREY 3-BED), AND
THE FORMATION OF 2 X ACCESSES AND A PEDESTRIAN FOOTPATH

Gavin Taylor presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Mr Pritchard, an objector. Mr Pritchard stated that he is representing those who object to this development, which they feels contravenes the Local Plan 2014, it is not an infill development as it has more than 2 properties and it was based on up to 6 properties being built in principle but the proposal is now for 9. He expressed the view that new development would only be supported where it demonstrates that it contributes to sustainability of the settlement, which this development does not.

Mr Pritchard expressed the opinion that the proposal will result in the loss of high-quality agricultural land and comprehensive evidence should be provided and it has not been seen. He stated that the Newton Plan also defines Newton as a small rural village and this number of properties is not required.

Mr Pritchard stated that the Fenland Local Plan defines Newton as a small village requiring only an additional 6 dwellings and these have already been accommodated with current planning approvals and since then several other multi developments have been granted planning and are in the process of being built. He feels there are other brownfield sites in the village which could be developed.

Mr Pritchard stated that without the Emerging Local Plan more high-grade agricultural land will be permanently lost and would be lost here. He expressed the view that there is a pressure on habitat species and the ecosystem, with Cambridgeshire being very flat there is significant risk of flood water as a result of intense rainfalls and the Strategic Environmental Assessment Regulations should also be used for this development but there have been no assessments undertaken particularly those relating to Flood Zone 3 and high-grade agricultural land being lost.

Mr Pritchard referred to the Rural and Environmental Protection Act 2006 and asked if this has been considered with this application. He expressed the opinion that the initial permission in principle was for up to 6 dwellings, the subsequent planning for 9 was rejected and this is for a new

development of 9 which does not have planning in principle.

Mr Pritchard referred to documents uploaded to the portal and the flood risk states that the floor levels are going to be 300mm above the adjacent areas, there is a level 3.5 in the middle of the High Road which means the floor levels are going to be 3.84 which in the worst case is nearly 1.2 metres above the existing ground, which will elevate the buildings making them much more higher than the adjacent bungalows and making this an imposing and dominant feature. He made the point that these properties may be raised and safe from flooding but what about all the surrounding properties.

Mr Pritchard reiterated that the site is in Flood Zone 3, the greatest risk of flooding and neighbouring residents say that the dyke at the front backs up and fills with water, it is not sure which way the dyke falls and on the drawing it says they are going to find and reconnect the other end of the road at Rectory Cottage, which, in his opinion, will direct more water down to the site. He stated that new road gullies are going to be installed on the highway to take surface water which has not been undertaken for some time as the grips have been infilled but they have now just been cleared and he cannot see where all the water has been considered in the assumptions and desk top Flood Risk Assessment calculations.

Mr Pritchard stated that the drawing shows the site having permeable areas and being discounted from the calculations but if it is Flood Zone 3 and liable to flooding he does not believe that deduction should have been taken into account. He questioned how all the surface water is going to be directed into a small attenuation system at the back of the site bearing in mind there are high water levels, how more water is going to go down the drain, which backs up, how is it going to be controlled and maintained and what is the plan when or if the area does flood.

Mr Pritchard referred to a path, some drawings say it is going to be built and other drawings say it is only proposed so he would like to know if it is going to be built or not. He expressed the view that the houses proposed are mainly 4 bedroomed inferring families and children but there are no amenities in the village and he feels the proposal does not benefit the village.

Members asked questions of Mr Pritchard as follows:

- Councillor Marks asked if he lives locally to the site? Mr Pritchard responded that he lives in Rectory Road.
- Councillor Marks asked if he has known flooding in this area before? Mr Pritchard responded that it is his photo showing the dyke filled with water and in the recent rainfalls the adjacent field was full of water for a long period of time.
- Councillor Connor referred to Newton-in-the-Isle Parish Council supporting the application.
 Mr Pritchard responded that he has attended the Parish Council meetings, the majority of
 the village are not supportive of the proposal or further development in the village but the
 Parish Council supported it based on the footpath that is going to be constructed and he
 feels that this now appears it is not going to be built as there is not adequate space.
- Councillor Connor read out the comments in the officer's report from the Parish Council
 which noted concerns by some residents regarding surface water drainage but resolved to
 support the application subject to these concerns being addressed. Mr Pritchard responded
 that the FRA have said they have no objection but whether the drawings have been
 checked and the design is adequate he does not know, all he knows is that the site is in
 Flood Zone 3, liable to flooding and in accordance with policy it should not be developed
 when there are other areas available to be built on.

Members received a presentation, in accordance with the public participation procedure, from Peter Humphrey, the agent. Mr Humphrey stated that the application is on a similar site to the already approved PIP at High Road, Newton and on the previous PIP application members welcomed the community benefits which came with that application but unfortunately the follow up application failed to clarify all outstanding information but he trusts he will be able to show what

they have done with this application to resolve these issues. He expressed the opinion that the main concerns were drainage, both foul and surface water disposal, and there is a manhole in the road next to the first bungalow on plot 1 so there is a foul sewer that would take all the foul water.

Mr Humphrey stated that the ditch to the front that Mr Pritchard was concerned about is going to be filled in to allow for a new footpath as members were concerned at the last meeting that there was not enough width so the design is that the ditch is filled, a new footpath will be put in and cut in new swales and surface water, with the surface water running towards the bungalows where there was a dyke which has been piped and filled in and there is a drainage strategy that shows that this is piped up to the North Level Drainage Board culvert that goes under High Road to the IDB drain. He advised that surface water will be attenuated via a crate system on site and discharged into the water course at the same rate as it would take at the moment.

Mr Humphrey made the point that a new footpath has been added to the whole site frontage and beyond to take it around the corner of Rectory Road adding a community benefit and this is what the Parish Council really wanted as they feel it is a dangerous corner and piece of road with people liking to walk the square and this part of High Road is the only part that has not got a footpath. He stated in addition it has been agreed with Highways that speed signage can be moved making it a second community benefit and whilst this does not have to be undertaken to get the proposal approved they have said they will do it in addition to the footpath because the Parish welcomed it.

Mr Humphrey expressed the opinion that in addition to those two benefits they have added 4 semidetached houses for first time buyers, this was discussed when the PIP application was considered with members feeling that all the houses were on the large side and it was suggested that houses for village people should be accommodated. He stated that the Environment Agency have no objection subject to the finished floor level being 300mm above ground level not 1.2 metres above road level as Mr Pritchard said, which is general building practice.

Mr Humphrey stated that the Parish Council do support the application and it is the parish not just one neighbour. He made the point that Environmental Health, North Level Drainage Board and archaeologists have no objections and Highways confirm the visibility splays are acceptable as they are at the moment, although they have undertaken a traffic survey and that proved everything works.

Mr Humphrey advised that the size of the site has been increased to the rear to allow for them to have some biodiversity net gain land and, therefore, the site is slightly larger than the PIP that has already been approved. He stated in relation to Mr Pritchard's concerns the PIP has already been approved, whilst there are 9 dwellings they are asking for 5 large but smaller than the original application and to include the 4 first-time buyer dwellings, there is additional land for BNG and the drainage strategy that shows all the drainage does work, with Mr Pritchard possibly setting the precedent when he built his massive house on Rectory Road.

Members asked questions of Mr Humphrey as follows:

- Councillor Mrs French stated that she was not happy with this application previously but she sees a massive improvement with this proposal. She referred to flooding which is a concern of hers and she guesses that the dyke is a riparian dyke and possibly part of a County Council Highways dyke but they never take responsibility so presumes he has permission to pipe this.
- Councillor Mrs French asked if they were proposing to reduce the speed limit? Mr
 Humphrey responded that the proposal is to move the existing speed limit signs towards the
 corner so that the traffic is slowed down as it comes into the village.
- Councillor Mrs French asked if a new footpath is being installed? Mr Humphrey confirmed it would be as shown in orange on the plan on the presentation screen and there will be kerbs so the surface water from the road will go into the swale and ditch and get carried away in the same manner as water from the crates on site.

- Councillor Marks stated that it is nice that committee is now getting answers to questions
 and asked if the footpath will be adopted by Highways? Mr Humphrey responded that they
 will be making an application for it to be adopted.
- Councillor Marks refer to the mention of using crates to hold water on the site and asked if
 these would be underground crates and if this is the case would there be a management
 company who would look after this as they will not be on each property's land and his
 concern is as seen on another development is that they need upkeep and cleaning out. Mr
 Humphrey responded that there will be a management company to take care of this and the
 joint accesses and entrances.
- Councillor Benney referred to the previous application being a poorly put together
 application and the answers were not being provided that committee were looking for and
 he complimented Mr Humphrey on what he has come back with and the community benefits
 in terms of offering affordable housing for members of the local community, reducing the
 speed and installing the footpath.
- Councillor Connor stated that there does not appear to be any street lights incorporated in this development along paths, the width of the development is 100 metres and asked if they would be prepared to put some street lights on the development as he feels it is imperative. Mr Humphrey responded that there is one street light in existence already.
- Councillor Imafidon referred to the mutual grassland at the front of the development and also at the back and asked who is going to be responsible for those, will this be the management company? He further asked that it was said that the ditch is going to be filled in to make way for the footpath and another one is going to be created behind it, asking what is the distance from the current ditch to the new one that is being created? Mr Humphrey responded that the existing ditch is being filled in, the footpath will be created and a new ditch will be dug behind the new footpath. Mr Walford added that with this new scheme they had to be BNG compliant so there is the strip along the back with access on the east side so everyone can get to without going through another garden and an extra buffer was required so they did the frontage again because it was a common area and those areas, if approved, will have an informative condition or some requirement for them to submit a BNG plan which will go into more detail on how that will be delivered, maintained and looked after for the next 30 years but it would be part of the same management company that has been mentioned.

- Councillor Marks referred to the previous application and a lot of questions have now been answered which has given him peace of mind which he did not have before. He feels that the agent has took the comments back from last time and tried to work with everyone and whilst the proposal is for 9 houses as opposed to 6 they are smaller properties, which is known to be needed in Fenland and in the rural communities. Councillor Marks stated that he will have to go against officer's recommendation and support the proposal.
- Councillor Benney expressed the opinion that the application has addressed the concerns
 of the committee and if members do not give a steer in terms of where they feel things are
 wrong and it comes back after those issues have been addressed he feels that it would be
 remiss not to support the application. He feels with the extra community benefit in terms of
 speed reduction and low-cost housing, it will help the village and it is always a much need
 part of any community and he would be very happy to support the application.
- Gavin Taylor clarified after having another look at the site there is a street light outside the existing bungalow nearest to the site other than that there is no street lighting across the frontage. He added that if this is in Highway land then he would assume as part of that specification for the footpath they would seek to secure lighting as part of its adoption process. Gavin Taylor referred to the public benefits that have been mentioned and in terms of the speed reduction he referred members to section 10.25 of the report where the Highways Authority have said 'the visibility splays have been prepared in accordance with the surveyed speed it is not considered necessary to relocate the change in speed limits, however, it is understood that this would be beneficial to the wider area as per the parish's

request and to be secured by the developer separately to this application' so he feels that giving any weight to this in terms of public benefit as it is not necessary it would not meet the test of the Council securing it and it is a separate process with no confirmed outcome so if members are minded to give any weight he would be cautious. He referred to the public benefits of the footpath, making the point that the public footpath just serves the development and whilst it continues eastwards it does not actually connect up to any other existing footpath and there have been subsequent applications which confirm that it would not be able to continue northwards along Rectory Road because of land ownership issues and highway extent.

- Councillor Mrs French referred to the comments about the County Council and speed reduction which she finds weird that they would not give any weight to this when the applicant and agent have said they would fund it. She stated that all Town and Parish Councils can apply for Local Highway Improvements (LHI) but it takes 2.5-3 years and it would cost the Parish Council a considerable amount of money so the agent and applicant have offered this so she thinks it should be accepted.
- Councillor Connor agreed that it is imperative that there is a reduction in speed limit and it is correct that if there was a LHI bid it would be 2027/28 before a scheme was implemented.
- Councillor Marks asked if the 30 mph speed limit could be conditioned? Gavin Taylor responded that having regard to the test of planning conditions as set out in national policy, Highways have expressly set out it is not necessary to mitigate the impact of this development so, therefore, if it is not necessary it fails the test and conditions cannot be secured on it.
- Councillor Benney expressed the view that the footpath might not completely circle the
 village but it has taken the footpath further and may be at a later date those landowners will
 feels that the benefit would be good if they wanted to allow the footpath to extend further
 and there is not a gap left so he feels there is good cause to accept this, which is not
 detrimental but only of benefit.
- Councillor Mrs French suggested to the developer if the application is approved to apply for a LHI third party rights through the County Council.
- Councillor Connor expressed the opinion that it is ludicrous that the Parish Council want it and the developer is prepared to do it and it is held up by Highways saying it is not needed.
- Councillor Mrs French stated that as a Cambridgeshire County Council Councillor who sits on the Highways and Transport Committee she will be bringing this up at the next meeting.
- David Rowen made the point that there has been much discussions around the highway
 issue, drainage and the benefits that may or may not arise in terms of footpath and speed
 limits, but the recommended reasons for refusal do talk about the two-storey nature of
 development, visual dominance, appearance, incongruous appearance in the street scene
 and the impacts on the neighbouring property and those reasons for refusal are consistent
 with the ones that the committee agreed with previously in refusing the application and
 these issues do need addressing if members are minded to approve.
- Councillor Marks expressed the view that a lot of LP16 is subjective, the village does have
 two-storey houses within a distance of this site so he does not think this will affect any street
 scene. He referred to visual dominance and made the point that the dwellings are quite a
 long way back on the plot, they have a driveway in front of them so they do stand further
 back so he believes they will have less impact into the area itself.
- Councillor Sennitt Clough stated that members have discussed how when this application was brought before committee previously there were a lot of questions that went unanswered and now all of the questions have been resolved, there is going to be a lot of investment in terms of pedestrian safety, the flooding issues have been discussed at length and adequately addressed by the agent talking about the infrastructure that is going into the ground. She feels there is a difference between when it was brought to committee before and now as the committee's views have changed as there is far greater information.
- Councillor Benney made the point that there are overlooking relationships to other buildings in every application and there are very few places that do not have any overlooking and when someone lives next to an open field anything is going to encroach into their view but

nobody is entitled to a view. He expressed the opinion that this application has changed and with every application it is not just one specific thing that is looked at and it is not about policy, with it being said when committee received training that planning is where you put ideas in a bowl, you mix it up and take the overall picture of what comes out so you can give different weight to different aspects of the application, with this application falling into this category and whilst it might not have been addressed last time he has previously questioned whether an application should be refused for all the reasons if members are happy with various aspects and it is then resubmitted. Councillor Benney stated that he is happy with mix of benefits and community benefits and even the extra houses which bring affordable housing, which is much needed for the community.

- Councillor Connor stated that he is more than confident that this current application will bring a community benefit, it will bring much needed smaller houses and more affordable houses for village people to remain in the village. He does feel that the path is adequate, it will bring a community benefit to the village and should include the correct lighting as well. Councillor Connor expressed the view that it is a different application to the previous one and he can support it.
- Matthew Leigh made the point that the Council had looked at a scheme for 6 units on the site, they were two-storey, five were in the same position and this application now increases the quantum of development from 6 to 9 and none of the matters spoken about refer to that actual increase in volume. He stated that this previous reason for refusal still stand and whilst it has been mentioned about the community benefits and when an application is looked at freshly there is some level of subjectivity but what members now need to consider is as a committee, as a decision maker and as an authority it was decided that there was harm for 6 dwellings on that site with 5 of them being broadly identical to this application and the other one while it has been set back slightly has now grown to 4 units to provide 2 lots of semi-detached and members need to challenge the issue that why did the Council find 6 smaller dwellings unacceptable previously and now with a greater level of built form and greater impact on character why is it now acceptable.
- Councillor Mrs French stated that quite simply the reason committee refused the previous scheme was because it was a bad application, the number of dwellings were irrelevant and now it is a quality application and totally different.
- Councillor Marks stated that whilst the application has gone from 6 to 9 it brings more benefit to the local village and smaller properties which are needed in Fenland so he feels it is almost a new application.
- The Legal Officer reminded members that if they want to approve the application the Constitution requires that committee explain why a change of circumstances now exists to warrant an approval.
- Councillor Mrs French asked what the reasons for refusal were on the previous application? David Rowen read the reasons "Policy LP16 (d) 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 whilst not adversely impacting on the street scene, settlement pattern or landscape character of the surrounding area. The proposal is for the construction of 6x two-storey dwellings on land currently used for agricultural farming on the edge of the village alongside existing single storey bungalows. The proposal would introduce large detached, two-storey dwellings which would appear, visually dominant, overly prominent and incongruous in the street scene to the significant detriment of the visual amenity of the area. If permitted, the development would consequently be to the detriment of the character and appearance of the area and contrary to the above policy of the Local Plan."
- Councillor Benney made the point that it was refused on scale and there are now smaller houses which has addressed this issue. He continued that the 6 that were in the previous application were much bigger and this proposal introduces 4 smaller houses which are needed. Councillor Connor stated it is more acceptable to the committee to have smaller houses to overcome the previous refusal.

- Councillor Marks added the proposal is in keeping with the village as they are everyday houses and give more benefit.
- Councillor Benney stated that he does not view the impact as a negative but a positive as it will complete the street scene.
- Councillor Marks made the point that on the previous application there was not clarity on the
 drainage and the footpath and the agent has come back having listened to what the
 committee has said and submitted a proposal that, in his view, works.

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

Members do not support officer's recommendation of refusal of planning permission as they feel that they have interpreted policies LP16, LP2 and LP14 different to officers, the proposal does not have a negative but a positive impact on the character of the area, the properties have been reduced in scale and include affordable housing, the proposal will bring benefits in relation to the reduction of speed limit and provision of footpath negating the need for the exception test and drainage issues have been addressed.

(All members declared that one of the applicants is the brother of Councillor Sam Clark, but they only know her as a fellow councillor and not socially, and would remain open minded)

P91/24 F/YR24/0846/F

LAND NORTH WEST OF 2 HIGH STREET, MANEA
ERECT A DWELLING (SINGLE STOREY 2-BED) AND ASSOCIATED WORKS

Kimberley Crow presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Sally Church, the applicant, and Rebecca White, the agent. Mrs White stated that she acknowledges the officer's comments regarding the constrained nature of the site and the proximity of the bungalow to the back edge of the footway, however, she highlighted that the proposed development aims to make efficient use of the available space while ensuring it fits in with its surroundings. She made the point that the site currently features a 6-foot close boarded fence along the back edge of the highway and this application will remove this unattractive feature and that in itself she feels must be considered as having a positive impact on the street scene along Orchard Way.

Mrs White stated that the application has received 8 letters of support from local residents including the direct neighbours and has had no objections from statutory consultees. She acknowledges that the bungalow is closer to the highway than that of 6 Orchard Way but not as close as 2 High Street and, in her view, if the bungalow was able to be set back at the same distance as 6 Orchard Way it would look at odds against 2 High Street.

Mrs White stated that 6 Orchard Way is set 1 metre closer to the highway than that of 8 Orchard Way which is creating a staggered look along the street elevation and if a building line is pulled along the front of 6 Orchard Way the position of the new bungalow actually meets this line, therefore, in her opinion, they have developed a solution that strikes a balance between the two adjacent buildings whilst ensuring its compliance with all relevant planning policies including the private amenity space, parking and quality of living for future occupiers. She referred to the bungalow creating an incongruous and unattractive feature, which she challenges as the architectural design incorporates elements that reflect the character and style of the existing neighbourhood, with the use of sympathetic materials and a complimentary colour palette ensuring that the bungalow will blend in and also enhance the visual appeal of the area.

Mrs White expressed the view that the bungalow design includes landscape features within the small front garden which softens the building's appearance contributing positively to the overall street scene elevation. She referred to Policy LP16 of the Local Plan and believes the proposal does make a positive contribution to local distinctiveness and character, the bungalows design respects the scale and form of nearby properties and introduces a modern yet sympathetic addition to the neighbourhood.

Mrs White stated that she hoped the committee will consider the broader benefits of this proposal and the potential for the positive impact it holds.

Mrs Church stated that she is the owner of 2 High Street and the main purpose of this application is to build a bungalow within the grounds of the property so they can provide a home close to her for her mum. She advised that her mum is in ailing health and in the last few years alone she has had several falls and a stroke, with her living in South Essex at the time and her being an only child this meant emergency time off work for herself and frequent long drives to take her to appointments, food shopping etc and they took the decision to move her closer to them.

Mrs Church informed members that her mum is currently in rented accommodation, which is very costly and is not really suitable for her needs and as she is no longer able to drive with limited mobility she still has to make frequent trips to visit and look after her. She expressed the opinion that with approval of this application she will be able to continue caring for her mum in her own property which will enable her to maintain her current level of independence for as long as possible with the added peace of mind that she is only next door.

Mrs Church stated that it will also mean that her husband and herself when older will have somewhere for when they are ready to downsize from their current home whilst remaining in Manea, which is a community they have grown very fond of.

Members asked questions of Mrs White and Mrs Church as follows:

- Councillor Marks stated that Manea is his ward and he knows Orchard Way fairly well and asked if they were looking to split the deeds or will it just be purely for her mum to live in?
 Mrs Church responded that it is for her mum currently but her husband and herself would like to move there once they are ready to downsize from their current home.
- Councillor Connor asked for confirmation that neighbours both sides support the application? Mrs Church responded that the neighbour who lives in 5 Station Road backs onto the site and is completely in favour and the neighbour that lives at 6 Orchard Way is also happy for the development to take place.

- Councillor Marks reiterated that this is his area and he knows Orchard Way and he does not believe it will have any particular visual impact with a bungalow as opposed to a 6-foot fence, with the fence looking awful when you drive down here. He made the point that there is a pavement and whilst the property is being built closer to the kerb than the rest of the properties they do not sit in a straight line and do sit at an angle. Councillor Marks stated that the occupant will be an elderly lady and not everyone wants large amenity spaces, with the benefits outweighing the negatives and it is a bonus having an elderly relative live near you. He stated that he fully supports the application.
- Councillor Benney stated that he wished he had had the opportunity to have his parents as
 close to him as this as he looked after them for 6 years and he knows the trials and
 tribulations and the time he spent on silly little things that were important to his parents that
 makes that closeness vital. He added that due to the need that there is he will be supporting
 this application.
- Councillor Marks referred to the street scene, making the point that if you go to the T junction across the road there are a number of properties that butt onto the road, having to step off the pavement straight into those properties and the bungalows on the whole of that

- estate do not run in a particular line so he does not believe it will be out of keeping as long as it is the same height and within the curtilage.
- Councillor Sennitt Clough agreed with Councillor Marks, the reality is there are lots of houses that do have space for a front garden but they pave them over so she feel this is a moot point.
- Matthew Leigh made the point that the committee is here as decision makers determining planning applications in accordance with the development plan unless material considerations indicate otherwise and case law is clear that the ability to apply weight to various considerations is generally within the gift of the decision maker, however, the right to a view or a monetary value is not included. He added that there is also case law that states that personal circumstances unless they are very special circumstances should not be given weight in the decision-making process and ageing alone is not a material consideration and the ease and benefit for an offspring of somebody that is ageing would be something that would not normally fall within material consideration. Matthew Leigh stated that whilst he understands the heartfelt compassion from members and he understands the frustration being an only child and recognising that he may be in a similar position but it should not be given weight in decision-making and members should be looking to the development plan. He added that this proposal is just for a dwelling that will not be tied to this property, will not be tied to future occupiers, will be very constrained and will have a very limited amenity space.
- The Legal Officer stated there was a refusal only 20 months ago so if members want to propose approval they need to explain what has changed in planning terms since the refusal in May 2023 and that is what the Code of Conduct requires.
- Councillor Marks asked what the refusal reasons were on the previous application? Kimberley Crow responded that Policy LP16 (d) of the Fenland Local Plan (2014) requires that development demonstrates that it makes a positive contribution to the local distinctiveness and character of the area, enhancing its local setting, responding to and improving the character of the local built environment and does not adversely impact on the street scene or landscape character of the surrounding area. The proposal is for the construction of a single-storey 2-bed dwelling. Due to the constrained nature of the site, the proposal results in a development at odds with the prevailing form of development. The proposal would consequently create an incongruous and unattractive feature which fails to demonstrate that it makes a positive contribution to the local distinctiveness and character of the area and will ultimately have an adverse impact on the street scene and is therefore contrary to the requirements of policy LP16 of the Fenland Local Plan (2014). It was also refused on Policies LP2 and LP16(h) of the Fenland Local Plan in that there was insufficient amenity space for future occupiers.
- Councillor Marks asked if that was determined by committee? It was confirmed that this was an officer decision. Councillor Marks made the point that this was an officer opinion then and not a committee opinion.
- Councillor Mrs French asked what the differences are between the previously refused application and this one? David Rowen responded that the siting of the dwelling has been slightly shifted to the south so there is more amenity space to address the second reason for refusal for the previous application. He added that the elevations have been amended showing on the presentation screen the differences.
- Councillor Marks made the point that it is subjective and he feels that if the previous application had been determined by committee it may have been a different decision. He feels there has been change and that whole street consists of more elderly people who have smaller gardens and he believes it will blend into the street scene, taking away an awful looking 6-foot fence which will deteriorate over the years replacing it with a nice looking home and the likelihood is that it is going to be occupied by elderly people who do not need such larger gardens because they find it difficult to maintain.
- Matthew Leigh stated that this is application is not a restricted property and it should not be determined on a potential and although it was an officer's decision previously the Council determined the application and the Code of Conduct does not distinguish officers or

- committee decisions, the Council legally determined the application.
- Councillor Marks made the point it would be unlikely that 6 or 7 children would live in a twobedroom bungalow in this area and had this application come to committee previously it may have been a different decision. He stated that members are told to look at what they have in front of them today and his view is this is a good application.
- Councillor Connor stated that his understanding is the proposal has been changed, there is more amenity space so that objection falls away, both neighbours seem to be in favour of the proposal from what the applicant said, in his view it will improve and make a positive contribution to the street scene and it is in keeping with the rest of the street.

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

Members did not support officer's recommendation of refusal of planning permission as they feel that LP16 is subjective and it will make a positive contribution to the character of the area, it will enhance the street scene rather than the fence that is currently in situ and it is a better use of land.

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

(Councillor Sennitt Clough left the meeting following determination of this application and was not present for the remainder of the meeting)

P92/24 F/YR24/0360/F

LAND NORTH EAST OF 11 CLARKSON AVENUE, WISBECH
ERECT A DWELLING (2-STOREY 2-BED), INVOLVING NEW ACCESS,
DEMOLITION OF EXISTING OUTBUILDINGS AND REDUCTION IN HEIGHT OF
EXISTING FRONT WALL

Kimberley Crow presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Simon Hamilton-Bing, an objector. Mr Hamilton-Bing expressed the opinion that this small compact development squeezed into the end of the back garden lacks the volume and grandeur of its near neighbours and lacks any aspect that could be tied in to the general Victorian feel of the local area making it look out of place. He stated that the one slight nod to the Victorian features is that the bay windows would not be completely ineffective but only highlight the differences between the old and the new by different construction materials and proportions, which is sadly very evident in the newer but much larger property of a similar style that lies opposite the site.

Mr Hamilton-Bing stated that he has read the public comments in favour of the application and from those quite close to the proposal and those further afield and he does have some sympathy for those neighbours that look directly onto the wall and old brick building but he feels the lack of maintenance in recent years should not be a reason to demolish or remodel these period features which sit wholly within the Bowthorpe Conservation Area and he would hope that any future owner is given encouragement and support to restore these features to their former glory, with the wall having been built in 1878. He expressed the view that if the proposal was supported it would be contrary to the intent of the Bowthorpe Conservation Area and consideration should be given in future to include the 3 Victorian properties that lay along the south side of Tavistock Road.

Mr Hamilton-Bing stated that granting this application would give little incentive to those that strive to maintain their properties. He finds it gratifying to read that his initial objections were in tune with those of the Conservation Officer's recent report and that this proposal is out of keeping with the local area.

Members asked questions of Mr Hamilton-Bing as follows:

 Councillor Mrs French asked if the wall is listed? Mr Hamilton-Bing responded that it is in a Conservation Area but not listed.

Members received a presentation, in accordance with the public participation procedure, from Shanna Jackson, the agent. Mrs Jackson stated that the proposal is for the construction of a new dwelling within Wisbech and is before committee with support from Wisbech Town Council and 8 members of the community. She expressed the opinion that the application site is in arguably one of most sustainable locations within the District given that it is within the built up area of a primary market town, which is something that is supported by Policy LP3 of the Local Plan.

Mrs Jackson made the point that the site is on land within Flood Zone 1 and windfall sites such as this are a rare occurrence now within Fenland. She stated that she is aware the site lies within Bowthorpe Conservation Area and as such they have paid particular care to the appearance of the scheme, carefully designing the proposal to include design details and proportions which reflect the surrounding buildings taking cues from the neighbouring dwellings to the north-east.

Mrs Jackson expressed the view that the indicative street scene shows how the proposal will fit in well with the surrounding environment and even if the proposal appears new, like the objector highlighted, change and evolution is not a bad thing. She stated that the application has been recommended for refusal on the grounds of the development causing harm to the Conservation Area with particular reference to the loss of garden land serving the donor dwelling and the proximity of the new dwelling to the back edge of the footpath.

Mrs Jackson referred to the location plan which shows the application site in the context of its surroundings and there is a dwelling immediately opposite the site which she would argue is highly reflective of what they are proposing and she, therefore, fails to see how the development would appear incongruous. She expressed the view that there are similarities between this scheme and the one that has just been approved in Manea and with regards to the loss of garden what is left with the donor dwelling is entirely commensurate with the gardens of the properties to the north and what remains will still exceed the Local Plan requirements.

Mrs Jackson stated that she appreciates that any new development within a Conservation Area will have an impact but in this instance given the character of the surroundings she fails to see how this impact is harmful. She feels that the benefits in terms of providing a new dwelling within a sustainable location within a primary market town and on Flood Zone 1 land outweighs any perceived harm to the character and appearance of the area and she asked members to grant planning permission.

Members asked questions of Mrs Jackson as follows:

- Councillor Connor referred to the wall in Tavistock Road and asked what alterations would be made to this wall if this application is successful? Mrs Jackson responded that the wall would be made good where it is needed, there will be openings for new access points but that is something that they would be happy to accept via condition.
- Councillor Connor made the point that it states in the report that the wall is going to be lowered. Mrs Jackson responded that it will be partly lowered and made good. Councillor Connor asked that, even though the wall is going to be lowered and made good, it is not going to be destroyed altogether? Mrs Jackson responded that amendments will be made where it is necessary to gain access but these details can be secured via condition or the details provided by condition.
- Councillor Mrs French referred to a building at the back and asked if this is going to be demolished? Mrs Jackson indicated this is correct.
- Councillor Imafidon asked if the current access that exists is going to be made bigger and then the wall reduced requesting clarification on what alterations are going to be made as

the description states reduction but is this over the entire development or is it just the gate that is being altered? Mrs Jackson responded that the reduction in the height of the wall across the frontage is her understanding for part of the vehicular access. Councillor Imafidon expressed the view that the access currently there appears big enough for vehicular access now so is this going to be made bigger? Mrs Jackson responded that the vehicular access for the property would be further to south and that would serve the pedestrian access to the dwelling.

- Councillor Connor asked how high would the wall be if approved? Mrs Jackson stated that she understands that it would go down to 1.2. Officers clarified that it would be 0.9.
- Councillor Imafidon asked if there are any protected trees on the property? Mrs Jackson responded that everything is protected by virtue of the site being in a Conservation Area.

Members asked questions of officers as follows:

Councillor Mrs French asked if the wall is listed? Kimberley Crow responded it was not.
 David Rowen added that as the wall is within a Conservation Area it cannot be demolished without planning permission so it is protected by virtue of being in a Conservation Area.

- Councillor Benney stated he is in two minds on this application, he understands what the objector said in terms of the character of the area but he also remembers a similar application where there was a house built on the side to make a detached house into a semi-detached house and they built a house in the back garden similar to this, there was a lot of debate about this and how it would impact the area and it blended in lovely and was surprised how sympathetically it had been built within the area. He made the point that it is a nice Victorian house but that does not mean that you should stand in the way of progress and not put another house there that is sympathetic to the area.
- Matthew Leigh stated that an applicant has a right to consistency in decision making, although each application must be dealt with on its own merits and he does not disagree that Conservation Areas cannot be extended, altered or changed but case law is clear in that it must preserve or enhance the area for it to be acceptable. He feels that when the location plan is looked at it can be seen how this site, irrespective of the design, does impact on the garden of the host dwelling and there is impact to a local heritage asset of the wall and there are a lot of balancing exercises in this that were probably not the same in the other example given. Matthew Leigh referred to views and that the back elevation of this proposal has not been discussed, which is a material consideration, and for the quality of a property in a Conservation Area you would expect to see reflect the character of the area and the details in the design and questioned whether you would expect to see a rear elevation like the one proposed on this property in a Conservation Area and if members would not the property does not preserve the character or appearance of the Conservation Area it detracts from it.
- Councillor Marks queried who would be overlooking the back elevation, in his view, there are no properties as such and the only people who are going to see that visually will be the people who live in the property. Matthew Leigh stated occupants standing the back gardens of the joining properties would be able to see this elevation that, in his opinion, does not reference the area. Councillor Marks asked if there is not a tree line down the rear? Matthew Leigh stated that the lifetime of the development needs to be looked at, does that rear elevation preserve, enhance and be what you would expect to see in a Conservation Area. He made the point that this is different to a normal application where it is questioned whether the benefits outweigh the harm and you can have impact on character of the area.
- Councillor Mrs French agreed with Matthew Leigh, the site is in a Conservation Area, it is not listed but listed in theory, the rear view is not good but her main concern is reducing the wall to under a metre.
- Councillor Benney expressed the view that looking at the rear elevation there is a lot of wall space to stop overlooking but it could look bland. He questioned whether an extra house is needed here, feeling it is a nice part of Wisbech and it should be left alone.

- Councillor Connor made the point that host dwelling is not in the best condition and he is
 concerned about the wall but if it could be negotiated upwards he feels he could support it.
 He stated that sometimes old and new do go together referring to a property in Doddington
 and feels that this proposal would fit in. Councillor Mrs French made the point that the host
 dwelling not being in the best condition is not a material consideration.
- Councillor Marks expressed concern regarding the wall and reducing it in height and he
 would be more minded to support the application if the height was not reduced at all. He
 made the point that members main concern seems to be with the wall, with answers not
 being very clear from the agent, and he would suggest a deferral so the agent can come
 back with a proper proposal regarding the wall
- David Rowen stated that the application that is in front of members is for the wall to be 0.9
 metres and there are comments from the Highway Authority that to achieve safe visibility
 the wall has to be 0.9 metres.
- Councillor Mrs French expressed the opinion that there is not just concern about the wall but whilst the front of the dwelling might be acceptable the rear is not.
- Councillor Benney made the point that a decision is required by the 19 February so if it was deferred it would take it after the date for determination. He stated that the part of the charm of a Victorian House is the Victorian garden that went with it and this is a nice Victorian house with a nice Victorian garden.

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

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

P93/24 F/YR24/0845/FDC

LAND NORTH OF 84 UPWELL ROAD ACCESS FROM SMITHS DRIVE, MARCH ERECT 1X DWELLING (SINGLE-STOREY 2-BED)

Kimberley Crow presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Rebecca White, the agent. Mrs White stated that this is a brownfield site and would provide a much needed dwelling within the settlement of March offering excellent access to local amenities. She expressed the view that the development will help prevent anti-social behaviour on the site and unauthorised use by others, with the site previously being used as a car park for the dental practice, however, this arrangement ended in 2019 and the applicant has not received any indication from the dental practice that they require further parking thus leaving the site as a maintenance liability on the Council.

Mrs White expressed the opinion that the proposal will improve the area along the public footpath thereby ensuring a safer and more comfortable connection route through to Upwell Road for local residents. She stated the vision for this development is carefully aligned with the unique characteristics of the surrounding area, with the new dwelling being one-storey in height a design choice that they firmly believe is appropriate and beneficial for the community.

Mrs White stated that after appraising the area it is evident that a single-storey dwelling would be more reflective of the scale of nearby properties and this choice ensures that the development remains sympathetic with the existing neighbourhood fabric. She referred to the Planning Officer expressing concerns suggesting the proposal results in a development that is at odds with the prevailing form of two-storey dwellings but in the Design and Access Statement they have included a detailed diagram that demonstrates that approximately 70% of the properties within close proximity to the application site are single-storey, which supports the decision for a bungalow.

Mrs White emphasised that the integration of a bungalow will reduce the impact on neighbouring properties ensuring minimal overshadowing and overlooking and preserving the privacy and amenity of adjacent residents in contrast to the effect of a two-storey dwelling. She feels it will also reflect the single-storey element of 84 Upwell Road and this careful design choice is not only considerate of the existing streetscape but also ensures minimal disruption to the adjacent properties and demonstrates their commitment to making a positive contribution to the character of the area.

Mrs White made the point that the construction has begun on the site opposite for a new three-bedroom bungalow after recently being granted planning approval and whilst she appreciates the ridge height is much higher than this proposal this precedent further validates their findings and reinforces that a single-storey dwelling is a suitable and accepted form of development within this area. She expressed the opinion that the proposal aligns with the predominant single-storey development pattern in the area and respects the character of the surrounding properties, they are confident that this bungalow will make a positive contribution to the community by providing a sympathetic and attractive feature that aligns with Policy LP16 of the Local Plan, the development which has the support of March Town Council and other consultees will replace a site that is currently a maintenance liability for the Council, attracts anti-social behaviour and is intimidating to walk by at night for local residents.

Members asked questions of officers as follows:

• Councillor Mrs French referred to the planning site history and heard that an application was refused and asked where this was on the history? Councillor Connor responded that this is the second time as Chairman he has called this into committee because he thinks it has some potential for committee to decide what they want to do with it and it did get refused previously at committee but he was not present. David Rowen added that the committee did resolve to refuse the application but it was withdrawn before the decision notice was issued so no formal decision was ever made by the Council.

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

- Councillor Mrs French stated she does know the site well as it is in her County Council
 Division, it is a small piece of land used partly as a car park, a fly tipping area and does
 have anti-social behaviour and she thinks it should be approved as it would stop the
 problems occurring there.
- Councillor Marks stated that 84 Upwell Road is the dentist and you can see across this
 redundant piece of land from this property. He feels it will tidy this piece of land and a
 bungalow will be better than a two-storey property as it will not create overlooking.
- Councillor Imafidon stated that he supports the proposal, although questioned where the clients of the dentist who use it now are going to park when it is no longer available.
- Councillor Marks made the point that clients of the dentist predominately park out the front and there is roadside parking. He believes the area is used more as an overspill for the residents in the area.
- Councillor Connor made the point that it is a brownfield site and there is encouragement to build on these sites. He feels the proposal will fit in nicely, remove the problems that exist there and whilst it may be a little constrained not everyone needs a large garden.
- Councillor Mrs French made the point that the area consists predominantly of older people.

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

Members do not support officer's recommendation of refusal of planning permission as they feel that LP16 can be interpreted differently, the proposal would not be at odds with the area and it would make a positive contribution to the character of the area.

(Councillor Benney declared that he is Portfolio Holder for Assets and took no part in the discussion and voting thereon)

(Councillor Mrs French declared, in accordance with the Paragraph 14 of the Code of Conduct on Planning Matters, that she is a member of March Town Council but takes no part in planning. She further declared that although she is a member of Cabinet she has had no involvement with this application)

P94/24 F/YR24/0879/O

GARDEN LAND AT HONEYBANK, SECOND DROVE, SWINGBROW, CHATTERIS ERECT UP TO 1NO SELF BUILD DWELLING (OUTLINE APPLICATION WITH ALL MATTERS RESERVED)

David Rowen presented the report to officers.

Members received a presentation, in accordance with the public participation procedure, from Shanna Jackson, the agent, and Kenny Shepherd, the applicant. Mrs Jackson stated that the application seeks planning permission for a single dwelling, it is submitted in outline with all matters reserved and is before committee with support from Chatteris Town Council and 13 members of the community, being located at Second Drove, Chatteris within a cluster of existing buildings. She made the point that the proposal has been recommended for refusal in terms of principle stating that the scheme is contrary to Policy LP3, with Policy LP3 being a directional housing policy which steers new development to town and village centres and the supporting text at 3.3.11 of LP3 states that 'it is Government policy that the countryside be recognised for its intrinsic character and beauty while supporting thriving communities within it' and further states that 'by identifying the settlement hierarchy and distinguishing between settlements in the countryside the policy restricts development in the countryside', which indicates to her that the aim of Policy LP3 is to protect the countryside and to prevent merge between countryside and defined settlement.

Mrs Jackson drew members attention to the location of the site, it is positioned within the centre of a cluster of existing buildings and, in her view, is effectively infill development and would in no way result in encroachment of the countryside. She expressed the opinion that whilst the site may not be within Chatteris Town Centre it is within a small satellite community and for this reason she suggests there is no conflict with the overarching aims of Policy LP3.

Mrs Jackson stated that concerns have been raised with regards to the sequential test and she referred committee to Paragraph 175 of the NPPF which states that the sequential test is not required if a flood risk assessment demonstrates that the site is safe and, in her opinion, their Flood Risk Assessment does confirm the site is safe from flooding and she would argue that the sequential test is not necessary. She stated that for completeness she can advise that the sequential test has been addressed in the submitted Flood Risk Assessment, which concludes that the site is technically safe from flooding given the excellent flood defences within the area, therefore, the actual risk of flooding is low and, in her view, the site can be considered as being in a sequentially preferable location.

Mrs Jackson expressed the opinion that, with the passing of the sequential test, the exception test must be applied in accordance with Paragraph 178 of the NPPF and on the basis that the Flood Risk Assessment demonstrates that the proposal is technically safe from flooding and as it will result in new housing which will support an existing community she would argue that there are benefits to be had by the proposal which satisfy the requirements of the exception test. She notes the concerns with regard to the access and she highlighted that this is an outline application with all matters reserved, with access not committed for consideration at this stage.

Mrs Jackson understands the comments from the Highway Authority and there is a technical

design solution for the access which they would be happy to include in any reserved matters application, making the point that the access does already serve 2 other dwellings so she sees no reason why it could not accommodate another single property safely. She expressed the view that there are no policy conflicts with the proposal and it would provide a new dwelling reinforcing the local community in this location without encroaching on the open countryside.

Mr Shepherd stated that whilst there is a fence and a pad there as shown on the photos he did not realise he needed planning permission, with the site previously having been a dumping ground, with rubbish being burnt and numerous complaints to the Council and he has cleaned it up. He stated that he is looking to build a house for his nephew and his girlfriend so they can move back home and be close to family.

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

- Councillor Marks referred to the highways and he has travelled the road numerous times over 50 years and he has never seen an accident along that piece of road, it is dead straight. He asked Mr Shepherd if he is aware of any accidents? Mr Shepherd responded that he does know of accidents along this road but not in this location.
- Councillor Mrs French asked Mr Shepherd if he had recently purchased the land as it has had 8 approvals on it. Mr Shepherd responded that he knew it had previous approvals and this is one of the reasons why he brought the land as he thought it had a good chance of obtaining permission.
- Councillor Benney asked if the access problem can be addressed? Mrs Jackson responded that Highways want tracking information to show that the access can be achieved and she believes there is a technical solution to this but as the application is in outline it was not provided. She made the point that there are also 2 other dwelling using the access safely.
- Councillor Connor asked Mr Shepherd that, as he has a background in construction, if he
 was going to self-build the property? Mr Shepherd responded that he is going to do most of
 the work himself, apart from the electrics and plumbing which need to be signed off, and
 once built his nephew is going to live there.

Matthew Leigh stated that policies are as they are written, with the agent trying to present the situation that looks much deeper and beyond what the policy states which should be given limited weight and this is not the way that officers have dealt with any of the policies since he has been in post. He referred to the comment on the sequential test, the NPPF is clear that if an area is at a risk of flooding a sequential test is needed to say that and because it is protected now from existing defences that it does not need to be sequentially tested is flawed.

- Councillor Marks stated that he does not see highways as an issue, the Forty Foot Bank if members have driven it will know that it is a 50 mph along here but if you can do that speed you would be doing well as it is an awful road and it also has speed cameras along it. He added that he has driven past this site many times, it is not eye appealing and anything that happens to clean it up will benefit the area and not detract from it. Councillor Marks referred to flooding, making the point that there is a river bank the other side and the IDBs do a good job and whilst he appreciates the point about undertaking the relevant tests, he has not seen that site being a wetland.
- Councillor Benney agreed with the comments of Councillor Marks, he stated that he travels this road twice a day and does not consider it to be an elsewhere location with there being houses on two if not three sides of the site so it is infill. He feels that if the agent is correct in what she says about the new NPPF and questioned if this is not current yet. Matthew Leigh reiterated that the sequential test is not ignored by the fact that there are existing flooding defences that is not what the NPPF says and is quite clear in an area that is at risk of flooding now or in the future which is what the higher flood zones are they need a sequential test. Councillor Benney stated that in Paragraph 175 it states that the sequential test should be used in areas known to be at low risk now or in the future from any form of flooding.

Matthew Leigh agreed this was correct, flood zones 2 and 3. Councillor Benney asked is there not a Flood Risk Assessment here that says it is a low risk of flooding? Matthew Leigh responded that as the agent explained there is a Flood Risk Assessment that says if you take into account existing defences it is at a low risk of flooding but that is not what the NPPF says as if those flood defences go which they may then it would be at risk of flooding in the future and just because there are flood defences does not mean it skips the sequential test otherwise that would mean most of the District would not need a sequential test. He stated that in policy terms the site needs a sequential test.

- Councillor Marks made the point that if this site floods then most of the area will be under water and looking now not only at flooding but what happens if the flood defences break and he feels reality needs to come into it.
- Councillor Connor stated that he has never seen flooding in this area. He acknowledges what Matthew Leigh is saying but feels there needs to be a semblance of normality as it has not flooded and is not likely to. Matthew Leigh stated that applicants have the right to have the same experience and if the Council has a stance that says because a site has never flooded it is going to be OK or a sequential test is not required that goes against Government guidance and would mean that this would need to be replicated on every decision. He made the point that the need for a sequential test is fundamentally required, it may be passed and that reason for refusal would fall away but at the moment there is nothing in front of members to base that decision on and that is what that reason for refusal is based on is lack of information and as decision makers, either officers or committee, assumptions should not be made and if it is ignored on this application why is not going to be ignored on every application.
- Councillor Imafidon stated that an application was approved in 2016 and asked what has changed? Councillor Connor responded that it was not approved, this is an error in the report as it was refused.
- Councillor Mrs French expressed concern at this and questioned how members are supposed to believe what is written if they are now being told there are errors. Councillor Connor referred to David Rowen's presentation where he stated that it was approved in the planning history which is contrary to what it says further in the report and he did raise this at his briefing. David Rowen apologised to the committee for the error in the background section but Section 9 of the report is clear that nothing has changed since 2016 in terms of the policy situation.
- Matthew Leigh referred to applications that were approved on the site historically pre-2005, making the point that in 2009 PPS 25 was published which was the first time that flooding became an issue for planning so prior to this even if the site was going to flood it was not a consideration.
- Councillor Connor asked how many reasons for refusal are there on this application? David
 Rowen responded that there are 3 reasons for refusal; the first one is conflict with the
 settlement hierarchy of the Local Plan being an elsewhere location; the second reason is
 the lack of a sequential test; and the third reason is the lack of evidence concerning the safe
 and adequate access to the site.
- Councillor Marks stated in relation to elsewhere location, looking at that whole river bank all the way up to the Puddock Bridge road there are between 15-20 properties including barn conversions that sit mostly against the road so he does not see how it can be said it is an elsewhere location as it this proposal sits within other properties along here. He made the point that this is the Fens and the Fens always has properties built beside roadsides and he believes it is not an elsewhere location. Councillor Marks stated he does not know how the flooding one can be overcome but he has not seen the site flooded and feels sensibility needs to be taken into account.
- David Rowen made the point that Matthew Leigh has given members strong advice to
 where the policy situation is in relation to flooding. He added that whilst individually
 members may not feel it is an elsewhere location in terms of the wording of LP3 it is as the
 site is not within one of the listed settlements, therefore, it must be elsewhere and it cannot
 be anything other than elsewhere and due to this unless it is a justified development it

- should be refused.
- Councillor Benney stated that Swingbrow is always included in Chatteris and it is always Swingbrow, Chatteris but if it is not part of Chatteris and the sequential test requires to be undertaken would that sequential test only apply to Swingbrow. David Rowen responded that under the Council's adopted approach if the site is within an elsewhere location then it is District wide area of search for the sequential test.
- Matthew Leigh read out what Paragraph 175 of the NPPF 24 states and explained that this
 means that when there is a site specific flood risk assessment that shows within the specific
 topography or something within the site or adjoining the site that this piece of land actually
 will not flood and not because of other defences, which is a material difference and he
 believes the agent has confused members on this and is different to what they have said.
- Councillor Benney expressed the view that if this approach was taken that anything in the
 future would ever flood then you could not do anything as everything could flood and many
 things do not flood. He made the point that there were areas of March that flooded badly in
 2020 but have not flooded since so how can it be predicted what will and will not flood.
- The Legal Officer stated that if Paragraph 175 is interpreted in the way that Councillor Benney suggests then it would be very straightforward for any application within Flood Zone 3 just to simply demonstrate that it is going to raise a building to a sufficient height not to be flooded and the whole point of the policy would be negated.
- Councillor Benney stated that he fully respects the officers but he does not read the policy this way and, therefore, he does not accept this.
- Councillor Marks agreed with Councillor Benney, he believes it is interpretation and this is the Fens. He asked Matthew Leigh to read the first paragraph of the policy again. Matthew Leigh read out "the sequential test should be used in areas known to be at risk now or in the future from any form of flooding". Councillor Marks referred to the use of the word known as the Fens floods so does this apply to all the Fens and he has never seen flooding on this side. Matthew Leigh stated that Flood Zone 3 by the Environment Agency map is how it is judged and it is not based on personal experience. Councillor Marks referred to an incident in Manea and asked if this is localised flooding and why is this going to flood at this proposal's site. David Rowen responded that the flooding in Manea was not Flood Zone 3 flooding, it was drains backing up and not doing the job that they were supposed to do and it is a completely different form of flooding to Flood Zone 3.

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

Members do not support officer's recommendation of refusal of planning permission as they feel that the proposal is within Chatteris and not an elsewhere location, it is infill as there are houses surrounding the site, they interpret Paragraph 1.75 of the NPPF 24 differently so that the sequential test does not need to be undertaken and due to local knowledge this part of Chatteris does not flood and a transport assessment can be undertaken as part of a reserved matters application.

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

(Councillor Marks declared, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that he attends Chatteris Town Council meetings as a District Councillor for Chatteris but takes no part in planning)

P95/24 F/YR24/0968/O

LAND SOUTH WEST OF THE ORCHARDS, GULL ROAD, GUYHIRN
ERECT UP TO 4 X DWELLINGS (OUTLINE APPLICATION WITH ALL MATTERS
RESERVED)

David Rowen presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Chris Walford, the agent, and Heval Sevhat, the applicant. Mr Walford stated that they are seeking outline planning permission for four building plots, with the site falling within the built form and the settlement of Guyhirn. He added that the site is located within the village sign and they consider it a logical development that continues the existing linear form seen the entire length of Gull Road right up to the junction with the A47.

Mr Walford expressed the view that Gull Road has had a transformation over the last 10-15 years and it is very linear so they see this application as continuing this form, although it is in outline. He stated that the site connects to an existing footway network which runs into the village giving access to all of the village amenities including the primary school and there is also a bus stop approximately 90 metres south of the site and, therefore, consider the site to be highly sustainable.

Mr Walford stated that the sites is within Flood Zone 1 and they have support from the local Parish Council, Highways and Environmental Health Officer. He expressed the view that the site is locally known as a pit, it is defined as made land, it was a larger pond that has been backfilled with concrete and rubble and as such they consider it to be brownfield and a prime location for redevelopment.

Mr Walford made the point that both national and local policy favour redevelopment of brownfield areas, especially those that are within the built form of the village which he considers this to be. He stated that the Council's Environmental Health Officer has confirmed that the reports they have submitted with the application regarding land contamination are satisfactory and confirm that the site is suitable for residential development with the appropriate remediation conditions.

Mr Walford expressed the opinion that the site is also defined as brownfield across various documents including Fenland's own Emerging Local Plan and within the document the site is allocated as favourable for up to 15 dwellings, with the site reference LP61-01 indicating that it is in accordance with the Council's Growth Strategy and will seek to deliver proportionate growth across the settlement of deliverable sites, although he appreciates it is a draft plan he feels the thought process is the same that this is a favourable site for development within the village. He expressed the view that officers are defining this site as an important green space but based on the site's history, the classification within the Emerging Local Plan and the logical development that this scheme will deliver for the local housing need he strongly believes that members should consider supporting the application.

Mr Walford stated that they had a specialist ecology report undertaken but they could not get access to one of the water courses to undertake an E, D & A test hence that reason for refusal but everything on site was deemed satisfactory.

Mr Sevhat stated that he brought the site in 2021 and when he undertook his own research he was told it was the pit and that concrete and rubble from the Horsefair and cinema in March were put on this site. He expressed the opinion that the soil test shows that the land is safe for the residential.

Mr Sevhat expressed the view that the land is brownfield and not a green space and Kevin Wilkins from Fenland confirmed that the land is not a designated greenfield or open space. He stated that

he recently received a letter from Highways asking him to trim his trees and if the space is left unmanaged then a safety aspect comes into it.

Mr Sevhat expressed the view that looking at the plan there is minimal visual amenity affect as there are detached houses. He feels the economical aspect should be considered as during and after the construction there would be benefit, he spoke to primary schools and was told that 3-4 bedroom houses were preferable and on the basis that the site is within the settlement and there is economic benefit he feels this outweighs the loss of the area.

Members asked questions of Mr Walford and Mr Sevhat as follows:

- Councillor Imafidon referred to the site being brought in 2021 and asked when it was infilled? Mr Sevhat responded that he has been told the 1980/1990s, it used to be an orchard, with a lake and the road was put in the middle, which is as much information that he knows about it. He stated that the area has dramatically changed with development in Gull Road.
- Councillor Connor referred to the Emerging Local Plan but made the point that very little or no weight can be given to this. He questioned about the infilling of the site. Mr Sevhat responded that local people told him and there was some objection regarding the contamination, it was already filled in when he purchased the site in 2021 and he has not touched the site since.
- Councillor Imafidon stated that there is a static caravan on the site and asked what that was
 for? Mr Sevhat responded that it is used for storage and one of the proposed houses will be
 his own house because currently he is renting.

Members asked questions of officers as follows:

Councillor Imafidon requested clarification on the site being brownfield. David Rowen
responded that officers have never considered the site to be brownfield and, in his view,
there is no way, looking at the definition of brownfield in the NPPF, that this would be
classified as brownfield land. He stated that officers have said it is green space and the view
of officers has consistently been since 2017 that this green space formed an important
visual feature within the character of the area and the loss of that would be to the detriment.

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

P96/24 F/YR24/0627/F

LAVENDER MILL BUNGALOW, FALLOW CORNER DROVE, MANEA
ERECT 5 X DWELLINGS (1 X SINGLE-STOREY 2-BED AND 4 X 2-STOREY 2-BED) INVOLVING THE DEMOLITION OF EXISTING DWELLING AND GARAGE

David Rowen presented the report to members.

Members received a written representation, in accordance with the public participation procedure, from Alan Melton on behalf of Manea Parish Council read out by Member Services. Mr Melton stated that Manea Parish Council resolved to support the application consisting of the demolition of Lavender Bungalow and its replacement with 5 dwellings. He advised that the Parish Council recognises that there is a need for this type of dwelling, which offers an affordable alternative to buying a detached or semi-detached property.

Mr Melton stated that although the Parish Council noted the planning officer comments regarding lack of open space and garden area, the level of open space is consistent with their comments regarding the affordability of these dwellings. He notes that the Highway Authority has no objection and the comments regarding the preservation of ecology matters, but the Parish Council feels that sensible mitigation measures can overcome these issues.

Mr Melton advised that the Parish Council agrees that Anglian Water has failed to invest significantly in the foul water discharge in Manea and with Manea recognised as a 'growth settlement' Fenland Planning and the Environment Agency should urge Anglian Water to invest significantly in Manea.

Members received a presentation, in accordance with the public participation procedure, from Councillor Charlie Marks, the District Councillor. Councillor Marks stated he is the District Councillor for Manea and lives in Manea and over the last 3-4 years has worked tirelessly with the developer, Manea Parish Council and the local neighbouring properties regarding this development. He stated that the previous development was a run-down mill, it was demolished by the previous owners who had promised Section 106 money of £110-115,000 to come back into the village but after demolishing the mill they came back and this money was removed so no money was received into the village.

Councillor Marks stated that the new owners have worked tirelessly with the Parish Council, with the current bungalow on the site being in a poor condition, it is built on a hillside and was a worker's cottage for the mill, with no money being spent on it for a number of years and the best thing that can happen to it is to be demolished. He referred to the current proposal for 5 dwellings and stated that the scale on the four joining properties, whilst it might be slightly larger looking at other properties within the Manea area such as Station Road there are a multitude of different, large properties so he does not believe for the scale of property being described here would affect the street scene but would make it look better on an entrance to what is going to be 29 bungalows, which are desperately needed in Manea.

Councillor Marks expressed the view that this area has not flooded and in relation to ecology whilst there may be bats there, they are more likely to be in the old mill across the road because the current bungalow on site is being used as offices. He referred to the mention of sub-standard areas to plots 1 and 2, making the point that some people do not want big gardens and in relation to parking, there is a station in Manea and people walk to the station and there is also a good bus route and the likelihood is that a lot of these properties are going to be for retired people anyway and not young families so he does not see this as too much of an issue.

Councillor Marks made the point that the current owners have already started investing into Manea, with Manea Parish Council asking for various things which have been provided before development has even started.

Members received a presentation, in accordance with the public participation procedure, from Chris Cooper, the applicant. Mr Cooper expressed the opinion as lead architect he feels it is a very good scheme and it responds to layering through the site, with the photos shown on the slides in the officer's presentation not showing the large 4-6 bedroom properties which are to the west of the site, which, in his view, would have been fair to show because as you drive down Fallow Corner Drove it is all about the scale of those properties. He stated that his architectural approach has been to respect that pattern of development, with a larger structure at the front of the site and then as you go up through the site to layer into bungalows and then transition into phase 1 where 29 bungalows will be built.

Mr Cooper expressed the opinion that the larger structure at the front in architectural terms turns the corner and it does have prominence but he feels it is a good thing, adds visual interest and will be exciting. He stated that all the materials proposed here are being used in phase 1 and they align with all the materials on Fallow Corner Drove so, in his view, it is in keeping with the area.

Mr Cooper referred to talk within the report about the nature of small dwellings and he has come from a discussion this week with a 21 year old daughter of a third generation farmer in Manea who cannot get on the housing ladder, she can just about afford a mortgage but as she can do this cannot get into social housing so she is one of these people who would benefit from these small

starter homes, which not affordable in tenure would be affordable in market terms and would mean she would not have to look outside the village and District. He acknowledged that there was an objection from Coolruss early in the process but the designs have been changed at the first floor on the east elevation, with there being two single light windows which serve a bathroom and are obscure glazed so there is no overlooking and there is also a side obscure glazed panel which has been added on to the balcony which, in his view, is a nice touch so you could look at the Cathedral and, in his view, a condition could be applied to insert a fan light with the main part of the window being fixed shut on that side elevation.

Mr Cooper stated that he does understand the reference to inconsistent details on plot 5, with the Flood Risk Assessment saying it must be 0.5 of a metre above adjacent ground level and it is. He referred to the private outside amenity space comments which he finds erroneous, he has double checked and triple checked and the average is 44%, with the minimum being plot 1 at 38% and the requirement is 33%.

Mr Cooper stated that his advice to the legal position on the sequential test is that under the Flood and Water Management Act 2010, the Water Act 2010 and within the policy of the NPPF there is sufficient flexibility to obviate the need for sequential test when there is sufficient circumstantial evidence to prove that there is no risk of flooding and, in his opinion, there is evidence that this has not flooded in hundreds of years and it is also in an incredibly tightly monitored area and there have been no suggestion from either the Middle Level Commissioner or IDBs that there is a problem. He stated that all the data was submitted yesterday in relation to the BNG and feels this can be handled by condition and there is no viability assessment required because it is a voluntary contribution responding to a request.

Members asked questions of officers as follows:

• Councillor Mrs French queried that the application has to be determined by 30 June 2025 and asked if this is an error? David Rowen responded that it was not, a new officer who has only just joined the Council did agree a fairly lengthy extension of time, however, there are so many fundamental issues as set out within the report from an officer perspective that it was not considered prudent to delay the determination of it any longer hence being in front of committee. Councillor Mrs French expressed the view that it appears to be lacking bits and pieces of information and wonders whether the application should be deferred.

- Councillor Benney stated that when he first looked at the proposal he thought it was a bit
 cramped but after visiting the site and looking at the plans he thinks it is a good quality
 development and is pleased to hear from the agent that the overlooking aspects have been
 resolved to Coolruss Lodge. He feels it is a gateway into the Lavender Mill estate that is
 there and is something that Manea has been working very hard towards delivering and the
 application warrants merit.
- Councillor Connor expressed the opinion that this is a well thought out scheme, this
 proposal is being undertaken first before the bungalows are built and Manea Parish Council
 support it having worked proactively towards coming to a very favourable conclusion. He
 commended Mr Cooper on this.
- The Legal Officer reminded members that the Parish Council's support in itself is not a material consideration in determining the application.
- Councillor Benney referred to the reasons for the refusal, personally feeling he can support the application, the amount of development taking place on the site he has seen far more cramped applications than this one, referring to a development in Wisbech St Mary where it was said that one-bedroom flats were not needed but they all sold, this may be or may not be in keeping but he thinks the proposal would look nice and he does not think they will stand empty for long when they are built and just because there is nothing like it in the road it does not mean it is unwanted or will not sell. He expressed the opinion that the overlooking has been addressed, the relationship with plot 5 has also been addressed and

not everyone wants big gardens and young people these days have no desire to undertake or want to do gardening and once they are built people will have the choice it will be buyer beware and they can make an informed decision. Councillor Benney expressed the opinion that committee has already overturned a similar application in relation to a flooding reason for refusal, there is Flood Zone 3 opposite and the scheme can be mitigated against. He feels that the ecology appraisal can be dealt with via condition and in relation to voluntary contribution he feels if it is on the table it is welcomed.

- David Rowen referred to the garden space and acknowledged that people do not necessarily want big gardens, however, he made the point that the gardens to plots 1 and 2 measure 6 metres by 2.7 metres and 4.9 metres by 1.5 metres which are the size of car parking spaces and are incredibly small in terms of any kind of useable amenity space. He stated that the 2-bedroom units are being indicated as starter homes but gueried what if they become starter family homes because there is no space for amenity or outdoor use. David Rowen referred to the applicant indicating that the issues regarding overlooking have been addressed but this has not satisfactory answered officers concerns, with the concerns being largely around the accessing of units 2 and 3 on the eastern side as there are raised steps to get into the property by approximately 1.2 metres and there is a 1.8 metre fence so every time somebody goes into one of those properties or comes out they will be looking over that fence at Coolruss Lodge into the side windows and the more private side area of that property. He made the point that the ecology issues cannot be dealt with via condition, in legislative terms those issues need to be resolved before a decision is made so that those material considerations are adequately assessed. David Rowen stated that the ecological appraisal that has been submitted with the application was dated April 2023 so there have been two surveying seasons where that necessary information could have been addressed and it is the applicant's own survey work that has identified the potential presence of protected species within the site so those two issues cannot be dealt with through conditions. He stated in terms of voluntary contributions the policy requirement is that if sites are to be linked there needs to be a full viability assessment to ascertain whether the contribution that is being offered is the optimum available and as it stands on this application there is £8,000 on the table effectively from a 33 house scheme if combined with the site to the rear, which does not seem a great deal of money to mitigate any harm arising from the wider development and that is the point of needing a viability assessment. David Rowen expressed the opinion that if members are approaching this in the sense that it is a voluntary contribution that is being put forward, he would have strong concerns that without the viability assessment being undertaken that starts to get into the territory of potentially "buying planning permission", although he is not suggesting impropriety.
- The Legal Officer added that the Planning Authority can only require payment if there is proven requirement for that payment linked to the development and as David Rowen has said in the absence of a viability report he does not see how a Planning Authority can begin to understand the appropriate level of contribution and a voluntary contribution should not be taken into account in determining the application. He stated that the consequence might be that if members approve this application in the absence of a proper viability report then they may be missing out on a genuinely higher level of contribution.
- Councillor Connor stated that he agrees with the comments of Councillor Benney and drew members attention to 2/3 applications that were approved on the other side of the road a few years ago next to the mill and if there is going to be any bats there he agrees that is where they are more likely to be. He referred to the contribution and believes Councillor Marks said the previous owner of the site offered no contribution for 29 houses at all so he feels that ship has sailed. Matthew Leigh stated that if this site is linked to the site at the rear and it is being said they are one development that opens up viability issues for that whole site legally and if this is the way it is being looked at the whole scheme needs to be looked at but if it is standalone no contributions should be accepted as it is 5 units and they do not have to provide anything.
- Councillor Connor stated that it looks to him to be a standalone scheme. David Rowen stated that it is the applicant that is seeking to link the two sites in terms of making voluntary

contributions and their calculations to what they will provide in relation to this application is partly based on that first phase of 29 dwellings at the back so the applicant has linked the two sites from that point of view. He continued that it either needs to be linked properly and a viability assessment is undertaken or no contributions should be sought.

- Councillor Mrs French asked if it was the same owner for both sites? Officers indicated that it was the same owner. Councillor Mrs French stated that it is her understanding is that when this type of thing happen you do link them together. She made the point that she likes to get Section 106 money but it seen time and again that when it goes to viability it comes back as not being affordable and it is good that the applicant wants to offer £8,000 but she is not sure what this will pay for. Councillor Mrs French expressed the opinion that David Rowen is right, the contributions have to come from the whole scheme.
- The Legal Officer stated that the legal position is very clear that any voluntary contributions
 cannot be taken into account on this application because it is not a legal requirement to do
 so but if there is a suggestion that the wider site is taken into consideration which already
 has permission nothing can be required at this stage because it is known what the viability
 numbers are.
- Matthew Leigh stated it is quite unusual where an applicant is trying to link the sites.
- Councillor Benney expressed the opinion that the stumbling block is that if the £8,000 is accepted then it looks like the committee is being bought which he does not think it can do and if it said that the £8,000 just will not be accepted then committee will be criticised for throwing good money away. He suggested that the application be deferred for the BNG requirements and financial contributions to be resolved.
- Councillor Connor stated that he is favour of the site and would not be comfortable with refusing it but feels the best compromise is a deferral.
- Matthew Leigh referred to Councillor Benney's suggestion of a deferral for ecology and suggested that a bat survey was also added. Councillor Benney stated he would accept the three reasons for deferment.
- Councillor Imafidon questioned why a bat survey was required when it was said the most likely place they would be found would be in the old mill? Councillor Connor responded that it is because confirmation is required to say that is where they are and not on the development site.

Proposed by Councillor Benney, seconded by Councillor Mrs French and agreed that the application be DEFERRED to obtain an ecology appraisal, a bat survey and a viability assessment.

(Councillor Marks declared that he is pre-determined on this application and after giving his presentation, left the room for the duration of the discussion and voting thereon)

P97/24 F/YR24/0891/O

LAND NORTH OF MEADOW COTTAGE, ALLENS DROVE, GOREFIELD, BR/>ERECT 1 X DWELLING (OUTLINE APPLICATION WITH ALL MATTERS RESERVED)

David Rowen presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Shanna Jackson, the agent, and Mr Brownlow, the applicant. Mrs Jackson stated that this application is for an occupational dwelling to be used to be used to support Mr and Mrs Brownlow's existing agricultural enterprise and the site is located on land within the existing agricultural holding. She stated that it has been specifically chosen as it is the land closest to the centre of Gorefield and is positioned amongst other buildings, with the dwelling providing a long-term solution for Mr and Mrs Brownlow when they retire being close to the village with its associated amenities.

Mrs Jackson advised that Mr Brownlow is currently actively working on the farm and is in the process of moving his family into the business to secure the long-term viability of the farm, with the new dwelling allowing Mr Brownlow to continue working until he retires whilst allowing his family to move into the existing farmhouse at Harolds Bridge where they can begin to take over the business. She expressed the view that there is a need for an agricultural dwelling associated with the farm as the applicants have lived in the farmhouse for a considerable time, with the existing farmhouse not being agriculturally tied and, therefore, this application presents an opportunity to secure a dwelling for the exclusive use of the farm which will complete the business offering.

Mrs Jackson expressed the opinion that the difference between this application and the previous refusal is that they are now asking for an occupational dwelling linked to the farm and not for open market housing. She stated that Mr and Mrs Brownlow are passionate about Gorefield, have lived their all their lives and want to be close to the village centre, with this particular site being chosen due to it being on part of the holding and in close proximity to the village centre and the remainder of the farm.

Mrs Jackson expressed the view that being amongst existing dwellings she fails to see how harm is caused to the character and appearance of the countryside given that this is effectively an infill type of development within a cluster of existing properties. She referred to the sequential test and expressed the opinion that as per the Design and Access Statement and the submitted Flood Risk Assessment there are no alternative sites which could accommodate the dwelling or are at a lower risk of flooding, with the additional sequential test report that was circulated yesterday providing further details of the application of the sequential test.

Mrs Jackson stated that the committee report at Paragraph 2.2 acknowledges that the site is at very low risk of surface water flooding and she referred to Paragraph 175 of the NPPF which states that the sequential test is not required if a flood risk assessment demonstrates that the site is safe. She highlighted to members that the submission demonstrates that the sequential test is passed and given the Flood Risk Assessment shows the development technically safe from flooding and that the proposal will support an existing rural enterprise to the benefit of the local community, in her view, the exception test is also passed.

Mrs Jackson summarised that this application is for an agricultural dwelling to support an agricultural enterprise, it is an optimum location being amongst existing properties on land within the farm ownership and as close to the village centre as possible, the proposal will secure the long-term viability of the farm, the development passes the sequential test due to there being no other land available within the holding which is at lower risk of flooding, the development complies with policies of the development plan and she requested that planning permission is granted.

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

- Councillor Marks asked if the farm is next door to this site? Mr Brownlow indicated no.
 Councillor Marks asked how far away is the farm? Mr Brownlow responded that as the crow
 flies it is about a mile, being two roads over. Councillor Marks asked how far by road? Mr
 Brownlow stated about 1½ miles.
- Councillor Imafidon asked Mr Brownlow how far away from the farm does he live now? Mr Brownlow responded that he lives on the farm currently but he is 68 this year, is looking to retire and he wants his son to take over the farm.
- Councillor Connor asked Mr Brownlow to pinpoint where he lives? Mr Brownlow stated that he lives at Harolds Bridge.
- Councillor Benney asked Mr Brownlow how many acres he farms and what he farms? Mr Brownlow responded that 270 acres and it is all arable, being mostly hay.

Members asked officers the following questions:

 Councillor Marks stated that he is finding it hard to see an agricultural tie due to the distance from the farm. David Rowen responded that a lot of the information given by the agent is not included in the application but there is no justification and nothing to demonstrate why this particular site needs to have a dwelling on it and there could be other properties that could be purchased in Gorefield. Matthew Leigh added that it needs to be taken into account the information that was submitted as part of the application and 90% of what has been said is not in the Design and Access Statement or any supporting documents.

- Councillor Connor expressed the view that it is an incomplete application and he does not feel that just being an arable hay farm makes much difference to living on site and he does not think there is the same need as there is when it is livestock.
- Councillor Benney stated that there have been plenty of other agricultural sites that come forward where the family are taking over the farm and want a dwelling but it is usually on the farm itself.
- Councillor Marks referred to the planning history and that in 2018 there were two dwellings refused on the site and asked if this was from the same applicant? David Rowen responded that from his recollection it was.

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

(Councillor Marks declared, in accordance with Paragraph 2 of the Code of Conduct on Planning Matters, that he had been lobbied on this application but remains open-minded)

6.48 pm Chairman

F/YR24/0635/RM

Applicant: Mr M Stone Agent: Mr R Papworth

Morton & Hall Consulting Ltd

Land North Of 96A To 100, Westfield Road, Manea, Cambridgeshire

Reserved Matters application relating to detailed matters of appearance, landscaping, layout and scale pursuant to outline permission F/YR22/1156/O to erect 24 x 2-storey dwellings (4 x 2-bed, 6 x 3-bed and 14 x 4-bed)

Officer recommendation: Approve

Reason for Committee: Parish Council comments contrary to officer

recommendation

Government Planning Guarantee

Statutory Target Date For Determination: 29 October 2024

EOT in Place: Yes

EOT Expiry: 14 March 2025

Application Fee: £15600

Risk Statement:

This application must be determined by 14th March 2025 otherwise it will be out of time and therefore negatively affect the performance figures.

1 EXECUTIVE SUMMARY

- 1.1. The application seeks approval of reserved matters relating to appearance, landscaping, layout and scale (with access previously approved at outline stage) to erect 24 x 2-storey dwellings.
- 1.2. The below assessment concludes that the application proposes a policy compliant scheme which raises no issues in terms of adverse impacts regarding visual or residential amenity. In addition, the applicant has provided sufficient technical details and has actively engaged with the relevant statutory agencies to respond to issues relating to drainage, landscaping, layout, and highways.
- 1.3. The Parish Council concerns with respect to the application appear unfounded when considered against the evidence and the relevant policies of the Fenland Local Plan 2014. Accordingly, refusal of the scheme on the basis of the issues raised within the comments received is unjustified in this case and thus, the application is recommended for approval, subject to conditions.

2 SITE DESCRIPTION

- 2.1 This is an irregular shaped site measuring approximately 1.52 hectares and is situated to the northern side of Westfield Road, Manea, which is the main entrance road into the village when approaching from the southwest. The site lies very close to the outer edge of the village where the pattern of development is largely linear residential in nature with small pockets of backland development to the immediate rear of the built frontages. Notably 9 dwellings have previously been approved at the part of the site closest to Westfield Road (see history below). Access is gained off Westfield Road.
- 2.2 The proposed site boundary fans out beyond the area of approved development into the open countryside to the rear where the land is bordered to the east by the extensive depth of garden to the rear of 94 Westfield Road and to the southwest in part by the rear boundaries to other residential gardens and also open land. There are commercial storage buildings to the southwest alongside which access can be gained to a public footpath which runs in a northeast direction to the rear of the proposed site, following the route of Darcey Lode Drain. Beyond this to the west are open agricultural fields. The larger part of the site to the rear of the frontage comprises a green field bordered by trees and hedgerows. The trees to the rear eastern boundary on the border with No. 94 (and within the garden of No. 94) are mature and noteworthy for their size and appearance. Trees to the front of the site (within the approved development area) are protected by Tree Preservation Order 5/2001. The northwest corner of the site falls within Flood Zone 3 which is at highest risk of flooding. The remainder of the site is within Flood Zone 1 which is land at lowest risk of flooding. There is an overhead high voltage electric cable which runs diagonally across the site from southwest to northeast.
- 2.3 The site benefits from outline planning permission for the erection of up to 26 dwellings involving the formation of a new access under F/YR22/1156/O.

3 PROPOSAL

- 3.1 This application is a reserved matters application following outline permission with matters committed in respect of access to erect up to 26 dwellings on the site. The original outline planning permission (F/YR22/1156/O) was granted in February 2024. Further matters relating to appearance, landscaping, layout and scale were reserved and are for consideration within this application.
- 3.2 The description of the development can be summarised as follows;
 - 24no. 2-storey dwellings (4 x 2-bed, 6 x 3-bed and 14 x 4-bed) of which 7 are intended as affordable housing units;
 - All homes to benefit from secure rear gardens bounded by either 1800mm fencing or 1800mm brick walling, with patio areas;
 - Plots 1, 2, 3, 10, 12 16, 23 & 24 include integral single garages with additional parking on the driveway for a total of 3 vehicles;
 - Plots 4 7 & 17 22 include driveway parking only for a total of 2 vehicles;
 - Plots 8, 9 & 11 include a detached double garage, with additional parking on the driveway for a total of 4 vehicles;

- The site includes an area of Public Open Space (POS) including an attenuation pond to the western side of the site;
- The site will also include the erection of a pumping station to the northern corner of the POS, and a new electrical substation situated between plots 22 & 23;
- Adoptable standard roads will link to the existing road that serves the
 development to the south east of the site. These will be 5.5m wide with
 2m footpaths each side, with an area of private roadway (6m wide,
 shared surface) to serve plots 12 16.
- 3.3 Full plans and associated documents for this application can be found at: https://www.publicaccess.fenland.gov.uk/publicaccess/

4 SITE PLANNING HISTORY

	Erect up to 26 x dwellings, involving the	
F/YR22/1156/O	formation of a new access (outline	Granted
	application with matters committed in	23.02.2024
	respect of access)	
F/YR22/0084/O	Erect up to 26 X dwellings (outline	Refused
	application with all matters reserved	05.07.2022
F/YR18/1074/F	Erection of a 3-storey 5/6-bed dwelling	Granted
	and detached double garage	07.02.2019
F/YR07/1204/F	Erection of 8 x 2 and a half-storey detached houses comprising; 2 x 5/6-bed with attached single garage, 1 x 5/6-bed with detached double garage, 2 x 5/6-bed with integral single garage, 1 x 4/5-bed with detached single garage and 2 x 4/5-bed with attached garage	Granted 03.01.2008

5 CONSULTATIONS

5.1 Manea Parish Council

OBJECT: This plan is a revision of previous plans, there is a significant increase in the number of bedrooms, no details of foul sewer or drainage details, roads and paths insufficient for future rear development.

5.2 Senior Archaeologist (CCC)

Thank you for the consultation with regards to the archaeological implications of the above referenced planning application. The proposed development lies in an area of archaeological potential. It is situated to the northeast of the village of Manea on a raised area within the fen. These areas of fen edge often have high potential for Iron Age and Roman settlement, with a number of Roman finds within the village including two pewter hoards (Cambridgeshire Historic Environment Record pref. ref. 05867, 05868), and a large amount of Roman pottery including Samian ware indicating a settlement (06048). There are also a number of prehistoric finds in the area including a Bronze Age dirk found in close proximity to the site in 1838 (MCB29554), and both Bronze Age and Paelothic Flint scatters to the south (05871 and 05875).

We would recommend a programme of archaeological investigation is secured through the same condition as was attached to F/YR22/1156/O. [...]

5.3 Anglian Water Services Ltd ASSETS

Section 1 - Assets Affected

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. [...]

WASTEWATER SERVICES

Section 2 - Wastewater Treatment

The foul drainage from this development is in the catchment of Manea-Town Lots Water Recycling Centre which currently does not have capacity to treat the flows the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.
[...]

Section 3 - Used Water Network

We have reviewed the applicant's submitted Flood Risk Assessment & Sustainable Drainage Strategy 2689 – FRA & DS – Rev B Nov2022 and consider that the impacts on the public foul sewerage network are acceptable to Anglian Water at this stage. We request that we are consulted on any forthcoming application to discharge Condition(s) 17 of the outline planning application F/YR22/1156/O, to which this Reserved Matters application relates.

Section 4 - Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

The applicant has indicated on their Flood Risk Assessment & Sustainable Drainage Strategy 2689 – FRA & DS – Rev B Nov2022 that their method of surface water drainage is via SuDS with discharge into Darcey Lode. If the developer wishes Anglian Water to be the adopting body for all or part of the proposed SuDS scheme the Design and Construction Guidance must be followed. We would recommend the applicant contact us at the earliest opportunity to discuss their SuDS design via a Pre-Design Strategic Assessment (PDSA). We must advise that Anglian Water has no designated surface water sewers in the area of the proposed development and therefore we unable to accept surface water discharge into our designated foul network. The Lead Local Flood Authority (LLFA) are a statutory consultee for all major development and should be consulted as early as possible to ensure the proposed drainage system meets with minimum operational standards and is beneficial for all concerned organisations and individuals.

We promote the use of SuDS as a sustainable and natural way of controlling surface water run-off. [...]

5.4 **Environment Agency**

Thank you for advising us that you need to determine this planning application. We previously raised an objection on Water Quality grounds in our letter referenced AC/2024/132301/01 dated 01 October 2024. Unfortunately, since submitting our previous response, we have not yet been able to consider waste water disposal for this application in detail. Therefore, we are withdrawing our objection and are providing the following informative advice.

Waste Water Disposal

This site falls within the catchment of Manea (Town Lots) Wastewater Treatment Works (WWTW). We note Anglian Water Services' (AWS) 2023 Dry Weather Flow (DWF) data, shows that this works is currently operating in exceedance of its environmental permit for discharge volume. The Manea WWTW discharges into the Counter Drain (Manea and Welney IDB) waterbody, which is classified as 'moderate' ecological status as defined within Water Environment (Water Framework Directive) (England & Wales) Regulations 2017.

We understand that Manea WWTW has been identified within AWS' AMP8 (2025-2030) business plan for investment, however, we do not yet know the details and timescales of any investment proposed. Ofwat published their Final Determination (FD) on 19 December 2024, and AWS have until 18 February 2025 to review and decide whether they will accept FD or challenge it.

Until we have a clear understanding of AWS' plans to accommodate growth within this catchment, we are unable to comment on the impact to the water environment.

Capacity at this WWTW could have implications for this development and we recommend you consult with Anglian Water for a view on this proposal before determining the application. You should be satisfied that any growth can be delivered without harm to the water environment.

5.5 **CCC (Lead Local Flood Authority)**

We have reviewed the following documents:

 Flood Risk Assessment & Sustainable Drainage Strategy, MTC, Ref: 2689, Rev: B, Dated: Nov 2022

Based on these, as LLFA, we support the reserved matters application. The updated site layout has not changed significantly and thus it is determined that the impact on the originally approved drainage system will not be significant. The above documents demonstrate that surface water from the proposed development can be managed through the use of permeable paving, and a basin, restricting surface water discharge to 2 l/s. It is noted that the proposed discharge rate is greater than the greenfield QBAR rate, however the proposed orifice diameter is 74mm.

5.6 **UK Power Networks**

Comments: We note there are overhead cables on the site running within close proximity to the proposed development. Prior to commencement of work accurate records should be obtained [...]

All works should be undertaken with due regard to Health & Safety Guidance notes HS(G)47 (Avoiding Danger from Underground services). This document is available from local HSE office.

In the instance of overhead cables within the vicinity, GS6 (Advice on working near overhead powerlines) and a safety visit is required by UK Power Networks. Information and applications regarding GS6 can be found on our website [...]

Should any diversion works be necessary because of the development then enquiries should be made to our Customer Connections department. [...]

You can also find support and application forms on our website Moving electricity supplies or equipment [...]

5.7 NHS England (East)

Please note as this application is Reserved Matters and NHS contributions were agreed as part of the outline application F/YR22/1156/O.

5.8 Cambridgeshire Fire & Rescue Service

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

5.9 Cambridgeshire County Council Highways Authority Recommendation

On the basis of the information submitted, from the perspective of the Local Highway Authority, I consider the proposed development is acceptable.

Comments

Following the previous consultation response, dated 29th November, the applicant has provided the requested information. It is noted the plans provided do not demonstrate a 0.5m margin along either side of the carriageway which will be required should the road be offered for adoption.

In addition, it is for the LPA to be content with the proposed reduction in the width of the access road and subsequent reduction in width of the access junction which was agreed as part of the outline planning consent (ref. F/YR22/1156/O).

In the event that the LPA are mindful to approve the application, please append the following Conditions and Informatives to any consent granted:

Conditions

The vehicular access where it crosses the public highway shall be laid out and constructed in accordance with Cambridgeshire County Councils construction specification.

Reason: In the interests of highway safety and to ensure satisfactory access into the site.

The proposed vehicular access shall be constructed so that its falls and levels are such that no private surface water from the site drains across or onto the adopted public highway. Please note that the use of permeable paving does not give the Local Highway Authority sufficient comfort that in future years surface water will not drain onto or across the adopted public highway and physical measures to prevent the same must be provided.

Reason: for the safe and effective operation of the highway.

Prior to the occupation of the first dwelling/use hereby approved, full details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an Agreement has been entered into unto Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established.

Reason: In the interests of highway safety

Prior to the commencement of the use hereby permitted, pedestrian visibility splays of 2m x 2m either side of all residential accesses shall be provided in accordance with drawing Refuse Tracking, drawing no. H8549/104 Rev F. This area shall be kept clear of all planting, fencing, walls and the like exceeding 600mm high and must be within the existing adopted public highway or land under the control of the applicant.

Reason: in the interests of highway safety.

5.10 **Definitive Map Team**

Public Footpath No.6, Wimblington runs to the west of the site. To view the location of the ROW please view our interactive map online which can be found at http://my.cambridgeshire.gov.uk/myCambridgeshire.aspx.

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

[...]

5.11 **Housing Strategy (FDC)**

I am happy to support this application as the proposed affordable house [sic] meets both policy and the need in the area.

5.12 Environment & Health Services (FDC)

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

As with the outline planning permission at the application site, we ask for the 'UNSUSPECTED CONTAMINATED LAND' condition be added to any permission granted in the interest of both human health and the environment.

I also note that from the outline planning permission, reference F/YR22/1156/O, that this service requested a Construction Environmental Management Plan (CEMP). Therefore, I would recommend the following condition is imposed on any permission granted;

No development shall take place, including any demolition works, until a Construction Environmental Management Plan (CEMP) has been submitted to and then approved in writing by the Local Planning Authority. The approved CEMP shall be adhered to throughout the demolition and/or construction period and must demonstrate the adoption of best practice to reduce the potentially adverse effects on those living and working nearby the development site, whilst also acknowledging the health, safety and welfare of those working on site.

The CEMP should be in accordance with the template on the Fenland District Council website

5.13 Head Of Environmental Services (Refuse) (FDC)

- To allow access the private road (shared surface street) would need to be constructed suitably for a 26 tonne refuse vehicle and indemnity would be required from landowners or future management company against any potential damage to the road surface etc. which may be caused during vehicle operations.
- A swept path plan would be required to demonstrate that a refuse vehicle could access the site turn and leave the site in a forward direction.
- New residents will require notification of collection and storage details by the developer before moving in and the first collection takes place.
- Refuse and recycling bins will be required to be provided as an integral part of the development.

5.14 **Designing Out Crime Officers**

[. . . [']

At the time of analysis, I would consider the proposed location to be an area of low to medium risk to the vulnerability to crime

[...]

The site layout plan looks acceptable, we recommend that the layout and orientation of properties are that any active frontages are overlooking the public realm and open spaces to maximise surveillance across the development, this should encourage some level of territoriality amongst residents. The parking layout indicates vehicles will be within curtilage or to

the front of each dwelling, most appear to be overlooked by the resident or neighbouring properties to increase natural surveillance.

External Lighting – Our recommendation for external lighting is that all adopted and un-adopted roads, private roads, shared drives, footpaths, open spaces, and parking areas/courts, should be lit with columns to BS5489:1 2020. [...] I would like to see the lighting plan, including lux levels and calculations when available please.

Additional Comments Received

Boundary Treatments – I note the 1.8m close boarded fencing. There appears to be a footpath between plots 5-6, we recommend that the fencing height is increased by 300mm trellis to improve the security and reduce the opportunity for a would-be offender. As previously mentioned, any rear gardens backing on to footpaths, green space, school grounds or roads, I recommend that the height of the fencing is increased with 300mm trellis. Please also consider the accessibility at the rear of the dwellings from the green areas as these can pose other vulnerabilities for the residents.

Electric Sub Station – It is recommendation that gates are positioned both sides of the substation to prevent unauthorised access to the rear and help to reduce any vulnerabilities and access to rear gardens.

Please refer to all previous comments, such as external lighting for more information.

5.15 Natural England

[...]

This development site is within the zone of potential risk for publicly accessible Sites of Special Scientific Interest (SSSIs) sensitive to the effects of recreational pressure. Within this zone, proposals for any net increase in residential units may affect the notified features of the SSSI(s) through increased recreational pressure. Natural England advises that such developments require a proportionate assessment of recreational pressure impacts on the notified features of the SSSI(s) and measures to mitigate adverse impacts e.g. alternative open space provision. [...]

5.16 **Arboricultural Officer (FDC)**

I have no objections.

5.17 Local Residents/Interested Parties

Objectors

Three letters of objection received from one address point on Westfield Road in respect of the proposal. The reasons for objection within the letters can be summarised as:

- Reserved matters application far different to the outline application that was approved; larger dwellings/more bedrooms, etc.
- RM application includes no details on foul drainage proposals;
- RM application includes no arboricultural report relating to the TPO Oak tree nearby;

- Incomplete development adjacent;
- Concerns over underground electrical cables and access for works alleged on third party land;
- No WSI or CMP submitted;
- No mention of S106 payments to support village infrastructure;
- Unadoptable roadways and refuse collection concerns;
- Reproduced objections as submitted with F/YR22/1156/O.

Supporters

Twelve letters of support have been received in respect of the application from addresses in and around Manea including Westfield Road, High Street, Scholars Close, Station Road, Cox Way and Days Lode Road. Reasons for supporting the scheme can be summarised as:

- Appropriate drainage matters have been addressed;
- Development in Flood Zone 1;
- The dwellings will look appropriate in the context of its surrounds;
- Area is not liable to flooding;
- A good development for Manea;
- Good design;
- A good way of tidying up a neglected parcel of land;
- Provisions made for wildlife and a good public open space;
- Good family housing;
- An asset for Manea;
- Affordable homes provided, good for the village;
- Nicely spaced development, not overcrowded or overdeveloped;
- Will support the village and local business;

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

7 POLICY FRAMEWORK

7.1 National Planning Policy Framework (NPPF)

Chapter 2 - Achieving sustainable development

Chapter 4 – Decision-making

Chapter 5 – Delivering a sufficient supply of homes

Chapter 8 – Promoting healthy and safe communities

Chapter 9 – Promoting sustainable transport

Chapter 11 – Making effective use of land

Chapter 12 – Achieving well-designed and beautiful places

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

Chapter 15 – Conserving and enhancing the natural environment

7.2 National Planning Practice Guidance (NPPG)

Determining a Planning Application

7.3 National Design Guide 2021

7.4 Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 - Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

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

LP15 – Facilitating the Creation of a More Sustainable Transport Network

LP16 - Delivering and Protecting High Quality Environments

LP17 – Community Safety

LP19 – The Natural Environment

7.5 Cambridgeshire and Peterborough Minerals and Waste Local Plan 2021

7.6 Delivering and Protecting High Quality Environments in Fenland SPD 2014

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

DM4 – Waste and Recycling Facilities

7.7 Developer Contributions SPD 2015

7.8 Cambridgeshire Flood and Water SPD 2016

7.9 **Emerging Local Plan**

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

LP1: Settlement Hierarchy

LP2: Spatial Strategy for the Location of Residential Development

LP7: Design

LP8: Amenity Provision

LP11: Community Safety

LP12: Meeting Housing Needs

LP20: Accessibility and Transport

LP21: Public Rights of Way

LP22: Parking Provision

LP24: Natural Environment

LP25: Biodiversity Net Gain

LP32: Flood and Water Management

8 KEY ISSUES

- Principle of Development
- S106 Planning Obligations
- Access and Parking
- Layout and Scale
- Appearance
- Residential Amenity
- Landscaping
- Flooding and Drainage
- Parish Council Objection
- Biodiversity Net Gain (BNG)

9 BACKGROUND

- 9.1 The application site benefits from outline planning approval for the erection of up to 26 dwellings and the formation of a new access, by virtue of the approval of F/YR22/1156/O in February 2024. This application was subject to a number of conditions that are yet to be discharged.
- 9.2 The current Reserved Matters application discussed in the below assessment has been subject to a number of negotiations regarding issues pertaining to layout, amenity, access, parking/turning, drainage, landscaping and other matters, and has resulted in amendments to the originally submitted scheme.

10 ASSESSMENT

Principle of Development

10.1 The principle of development was established through the approval of F/YR22/1156/O.

S106 Planning Obligations

10.2 It is not necessary to revisit the issue of developer contributions as the matter was addressed at outline stage. Accordingly, on 24 February 2024, a Section 106 Agreement was finalised, securing the following planning obligations:

Planning Obligation	Contribution Trigger	
Affordable Housing	No less than 7 affordable units (comprising 5 mixed tenure dwellings and 2 shared ownership dwellings)	On commencement of development erected concurrently with market dwellings
Education Infrastructure: Primary, Secondary & Pre-School	£35,398.61	Prior to implementation
Community Infrastructure: Libraries	£975.00	Prior to implementation
NHS Contribution	£15,626.39	Prior to occupation

10.3 With regard to the affordable housing provision, the submitted site plan indicates provision of 7 affordable units within the scheme.

Access and Parking

- 10.4 Policy LP15 of the Fenland Local Plan requires developments to provide safe and convenient access for all. The detail of the access to the site was accepted at Outline stage.
- 10.5 With regards to the internal access arrangements within the site, the submitted plans show the access road as 5.5m wide with 2m pedestrian footpaths either side serving the majority of the development (except for areas denoted as private driveways, which is indicated as 6m wide with no footpaths) and which would be to a. This was reviewed by the Highway Authority, who offered no objection, subject to appropriate conditions.
- Tracking details have been included to demonstrate that a refuse collection vehicle could satisfactorily access and egress the site in forward gear. Accordingly, Local Authority kerbside collections may be possible. A condition was imposed at Outline stage requiring a refuse strategy to be submitted, which would finalise the details of this. However, the scheme submitted does not cause any concerns in terms of restricting how this may be addressed.
- 10.7 The detailed scheme includes appropriate parking provision for each dwelling in accordance with the requirements of Policy LP15 Appendix A.
- 10.8 It is considered that the layout provides appropriate access and highways infrastructure with regard to the nature and quantum of the development in accordance with Policy LP15 of the Fenland Local Plan, subject to compliance with appropriate conditions as recommended.

Layout and Scale

- 10.9 Policy LP16 of the Fenland Local Plan (2014) seeks to ensure developments make a positive contribution to the local distinctiveness and character of the area, enhance its local setting, and respond to and improve the character of the local built environment. Policy DM3 of Supplementary Planning Document: Delivering and Protecting High Quality Environments in Fenland (2014) seeks to ensure developments enhance the character of the landscape, local built environment and settlement pattern and states that the layout, density, proportions, scale, orientation, materials and features (including boundary treatment) of the proposed development, should aim to improve and reinforce positive features of local identity to ensure high quality development overall.
- 10.10 The general layout follows the design principles of the indicative outline layout comprising frontage development off a Y-shaped access road leading from Westfield Road with a private driveway 'loop' to the northwest of the site. Dwellings will all have designated private driveways. Further to design concerns raised by officers and in response to comments made by statutory consultees minor amendments to the layout have been made during the course of the application.

- 10.11 The number of units has been reduced from the number permitted at outline, from 26 units originally consented to 24 units proposed within this Reserved Matters application, including the following mix:
 - 14no. 4-bed;
 - 6no. 3-bed; (4 affordable)
 - 4no. 2-bed; (3 affordable)

All dwellings are proposed as two-storey.

- 10.12 In addition, 14no.plots include garages, either integral or detached, which comply with the minimum internal measurements to be counted toward parking provision.
- 10.13 Seven of the dwellings are shown as being affordable, as required under the Section 106 agreement related to the outline permission. These are shown as being a mix of two and three bed units and are separated into two groups of three and four dwellings. This is considered to be acceptable.
- 10.14 Surrounding development is predominately characterised by two storey dwellings, and as such the development is unlikely to appear incongruous with respect to scale. Density was accepted at Outline stage and the loss of two units from the permitted quantum is not considered to have any significant impact upon this.
- 10.15 Additionally, the outline permission required the provision of 0.3 hectares of open space to be provided within the site. The submitted layout shows this to the western side of the site.
- 10.16 Overall, given the context of the site, the final agreed arrangement of the dwellings is considered to result in an acceptable layout and scale, with an appropriate mix of dwellings, suitable private amenity space, parking/turning and vehicle manoeuvrability areas, in accordance with the requirements of Policy LP16 of the Fenland Local Plan.

Appearance

- 10.17 The dwellings are all traditional in form incorporating gable rooflines, and standard casement windows. Materials are intended to include a mix of buff and red external brickwork with render details. Roof tiles are proposed as a mix of flat and pantile with a red palette, with white uPVC joinery and black rainwater goods. These styles and palette will reflect the existing development to the northeast side of Smart Close (to which this development will be an extension).
- 10.18 Given the position of development, effectively set back from the public highway behind frontage dwellings, and with its single point of access from Westfield Road, the development itself will form its own character area. Notwithstanding, it is considered the scheme will not be unduly prominent or incongruous against the foreground of the frontage development along Westfield Road and existing development within Smart Close. As such, the development is not considered to result in any undue conflict with the

existing character and appearance of the wider area and will accord with Policy LP16 of the Fenland Local Plan.

Residential Amenity

- 10.19 Policy LP2 and LP16 of the Fenland Local Plan 2014 seek to ensure appropriate levels of neighbouring and occupier amenity within residential development.
- 10.20 Concerns regarding potential overlooking of existing property are noted. The nearest existing properties to the south (on the boundary between plots 17 24), Nos.96A and 98 Westfield Road, are positioned circa 50m+ (wall to wall) away from the proposed plots. To the southeast, the development will offer typical front to front relationships with the existing dwellings along Smart Close (circa 20m). Accordingly, at these distances it is considered that there will be no notable issues of overshadowing or overlooking to reconcile to existing neighbouring dwellings.
- 10.21 Openings are predominately proposed to the front and rear elevations of the proposed dwellings. All the proposed windows within the development are at appropriate separation distances from the nearest existing properties, and as such will not offer any issues of overlooking to reconcile. Any first-floor windows on side elevations are intended to serve bathrooms or en-suites, accordingly, these can be conditioned to limit any mutual overlooking concerns.
- 10.22 The relationships between the properties within the site are considered to be acceptable and would not result in any undue overlooking or overshadowing. Adequate amenity space is also provided to each of the dwellings.
- 10.23 The scheme offers appropriate relationships and no undue residential amenity concerns arise in respect of the proposals, and as such the scheme is considered acceptable with respect to Policies LP2 & LP16.

Landscaping

- 10.24 Policy LP16 (i) requires appropriate hard and soft landscaping to be included within development proposals.
- 10.25 Hard landscaping around the perimeter of the dwellings is proposed in the form of paved patio, and permeable paved driveways. Fencing across the site includes a mix of varying heights of close boarded, post and rail fencing and brick walls, along with palisade fencing around the proposed pumping station for security purposes. Generally, these materials and boundary treatments are considered an appropriate for the development at the site.
- 10.26 Further to comments by the Arboricultural Officer, the application was supported by a soft landscaping strategy, which included a full plant schedule, along with management and maintenance details. The schedule and details are considered acceptable in the context of the site and will provide high levels of amenity.
- 10.27 The dwellings will include front landscaping in the form of planted hedgerows and green areas, with the rear gardens predominantly laid to lawn, with

additional tree planting. Dwellings will be separated by 1.8m close boarded fencing with hedgehog holes, which is acceptable in the residential context. The species of the proposed hedgerow and planting are native and appropriate within the context of the surrounding landscape and will aid in reinforcing the surrounding countryside character and improving biodiversity, along with proposed ecological enhancements including the provision of bat and bird boxes.

10.28 The landscaping details comply with the requirements and are accordingly acceptable in accordance with Policy LP16 (i).

Flooding and Drainage

- 10.29 Policy 14 of the Fenland Local Plan and Chapter 14 of the NPPF requires development proposals to adequately address matters of flooding and drainage to ensure sustainability in that developments will not be at risk of flooding nor cause undue risk elsewhere.
- 10.30 The application was supported by an FRA and Sustainable Drainage Strategy to discuss matters relating to surface water drainage.
- 10.31 The northwest corner of the site falls within Flood Zone 3 which is at highest risk of flooding. The remainder of the site is within Flood Zone 1 which is land at lowest risk of flooding. Development within the site has been concentrated within Flood Zone 1; notwithstanding it is proposed to include flood risk mitigation measures, such as raised finished floor levels and flood resilient construction methods to offer appropriate freeboard against residual risk, which can be secured by condition.
- 10.32 The submitted strategy demonstrates that surface water from the proposed development can be managed through the use of permeable paving, and an attenuation basin, restricting surface water discharge to 2 l/s. The strategy was reviewed by Anglian Water, the LLFA, and the Environment Agency and no objections were raised by the consultees. Notwithstanding, full design of the surface water drainage scheme would be required by conditions imposed on the outline consent and would be subject to further consultation.
- 10.33 Comments from Anglian Water and the Environment Agency relating to foul water drainage should be noted. On the basis that planning permission was allowed on the outline consent, Anglian Water is obligated to accept flows from the site. It is understood that Manea WWTW is potentially due for investment and upgrade in the coming years. Notwithstanding, a full foul drainage strategy is required to be submitted for approval under condition on the outline consent; accordingly, both Anglian Water and the Environment Agency will likely be consulted for comment on the detailed design.
- 10.34 Thus, whilst comments regarding concerns over flooding and drainage are noted, given the above it is considered the scheme complies with Policy LP14 in respect of flooding and drainage, subject to compliance with the necessary conditions, and thus refusal on this basis is unjustified.

Parish Council Objection

- 10.35 The Parish Council consider that the proposal put forth is "just a revision of previous plans" they are in fact correct in this assertion, given this is a Reserved Matters submission on the basis of indicative plans approved under the Outline consent. Amendments to the size of dwellings and number of bedrooms etc, are perhaps to be expected during detailed design stage following an in principle approval for an indicative scheme and as such the detailed proposal put forward within this application is appropriate. Matters of scale and layout were considered in more detail in earlier sections of this assessment.
- 10.36 Concerns regarding foul and surface water drainage have been discussed above; concluding these matters are adequately addressed at this stage in accordance with policy. Conditions for final schemes have been already imposed, and will be subject to consultation with the appropriate statutory consultees.
- 10.37 The prospect of future rear development is not a material consideration. Applications are considered on their individual merits, and the above assessment concludes that the highways and access are appropriate for the scheme proposed herein. Future applications for additional development to the rear, if they are submitted, will be considered on the basis of current local and national planning policy at the time, and subject to additional consultation.
- 10.38 As such, the Parish Council concerns with respect to the current application appear unfounded when considered against the evidence and in accordance with Local and National Planning Policy. Accordingly, refusal of the scheme on the basis of the issues raised within the comments received is unjustified in this case.

Biodiversity Net Gain (BNG)

- 10.39 The Environment Act 2021 requires development proposals to deliver a net gain in biodiversity following a mitigation hierarchy which is focused on avoiding ecological harm over minimising, rectifying, reducing and then offsetting. This approach accords with Local Plan policies LP16 and LP19 which outlines a primary objective for biodiversity to be conserved or enhanced and provides for the protection of Protected Species, Priority Species and Priority Habitat.
- 10.40 There are statutory exemptions, transitional arrangements and requirements relating to irreplaceable habitat which mean that the biodiversity gain condition does not always apply. In this instance, one or more of the exemptions / transitional arrangements are considered to apply and a Biodiversity Gain Condition is not required to be approved before development is begun because the outline application was submitted prior to the requirement for statutory net gain coming into force.

11 CONCLUSIONS

11.1. On the basis of the consideration of the detailed matters of appearance, landscaping, layout and scale pursuant to outline permission

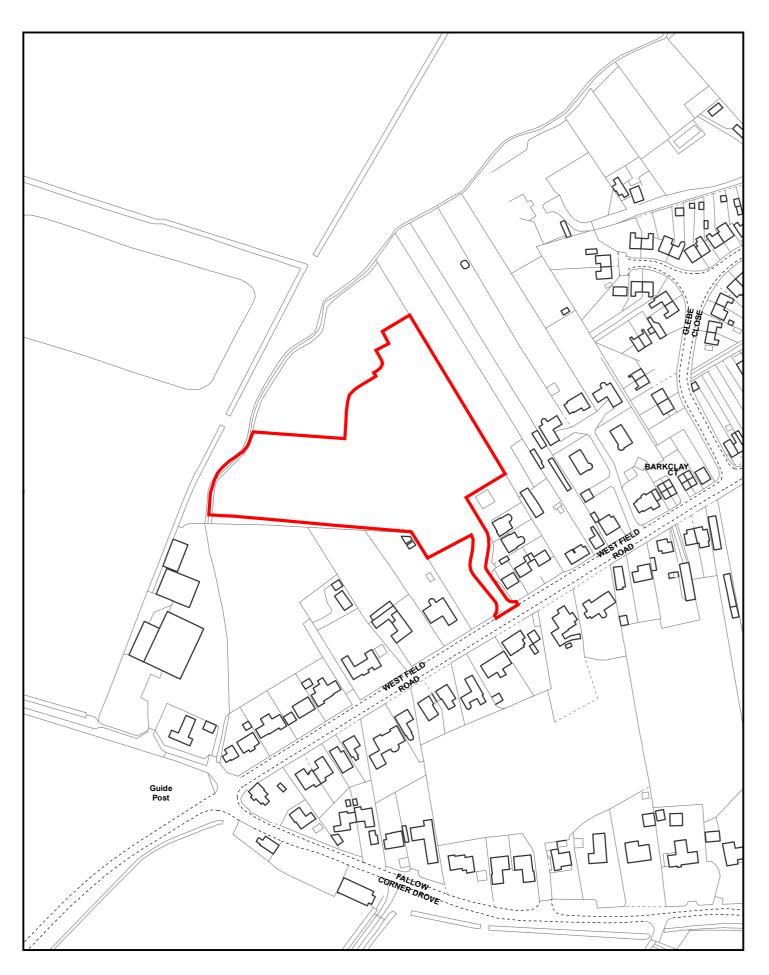
F/YR22/1156/O. It is considered that the proposed dwellings will not result in unacceptable impacts in respect of the necessary policies of the Fenland Local Plan (2014) as set out above, subject to appropriate conditions. Accordingly, a favourable recommendation is forthcoming.

12 RECOMMENDATION

Approve, subject to the following conditions

1	Prior to first occupation of the development hereby approved, the vehicular access road, footpaths, visibility splays, parking and turning areas within the site shall be completed fully in accordance with the details shown on submitted plan H8549/102G, and retained as such in perpetuity. Reason: In the interests of highway safety and to ensure satisfactory access into the site in accordance with Policy LP15 of the Fenland Local Plan (adopted May 2014).
2	The approved access road and all hardstanding within the site shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway and retained in perpetuity. Reason: To prevent surface water discharging to the highway in accordance with Policy LP15 of the Fenland Local Plan (adopted May
	2014).
3	Prior to first occupation of any dwelling hereby approved, pedestrian visibility splays of 2m x 2m shall be provided to serve the access to that dwelling in accordance drawing no. H8549/104 Rev F. This area shall be kept clear of all planting, fencing, walls and the like exceeding 600mm high.
	Reason: In the interests of highway safety in accordance with Policy LP15 of the Fenland Local Plan (adopted May 2014).
4	The development hereby approved shall be finished externally in materials as depicted on the approved plans, namely:
	Plots 1, 4, 5, 8 – 20, 24 Vandersanden Corum facing brickwork;
	Marley Mendip Old English Dark Red rooftiles;
	Plots 6, 7, 21, 22 Vandersanden Flemish Antique facing brickwork; Wienerberger Double Pantile Rustic rooftiles;
	Plots 2, 3, 23 Vandersanden Flemish Antique facing brickwork; Off White Render;

	Wienerberger Double Pantile Rustic rooftiles;
	Where included, detached garages shall be built in matching materials to associated dwelling as above.
	Reason: To safeguard the visual amenities of the area and ensure compliance with Policy LP16 of the Fenland Local Plan (adopted May 2014).
5	Notwithstanding the details on the approved plans, any proposed first floor windows on the side elevations of all dwellings shall be obscureglazed and so maintained as such in perpetuity thereafter.
	Reason: To safeguard the amenities of future occupiers and those currently enjoyed by the occupants of adjacent dwellings in accordance with Policies LP2 and LP16 of the Fenland Local Plan (adopted May 2014).
6	The boundary treatments hereby permitted shall be constructed in accordance with the details specified on approved plan H8549/103G. The boundary treatments shall be completed prior to the first occupation of the dwelling to which they relate and retained thereafter.
	Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with Policy LP16 of the Fenland Local Plan (adopted May 2014).
7	All hard and soft landscape works including any management and maintenance plan details, shall be carried out in accordance with the approved details. All planting seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased (except those contained in enclosed rear gardens to individual dwellings) shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the Local Planning Authority.
	Reason: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policy LP16 of the Fenland Local Plan (adopted May 2014).
8	Approved Plans



Created on: 13/08/2024

F/YR24/0635/RM

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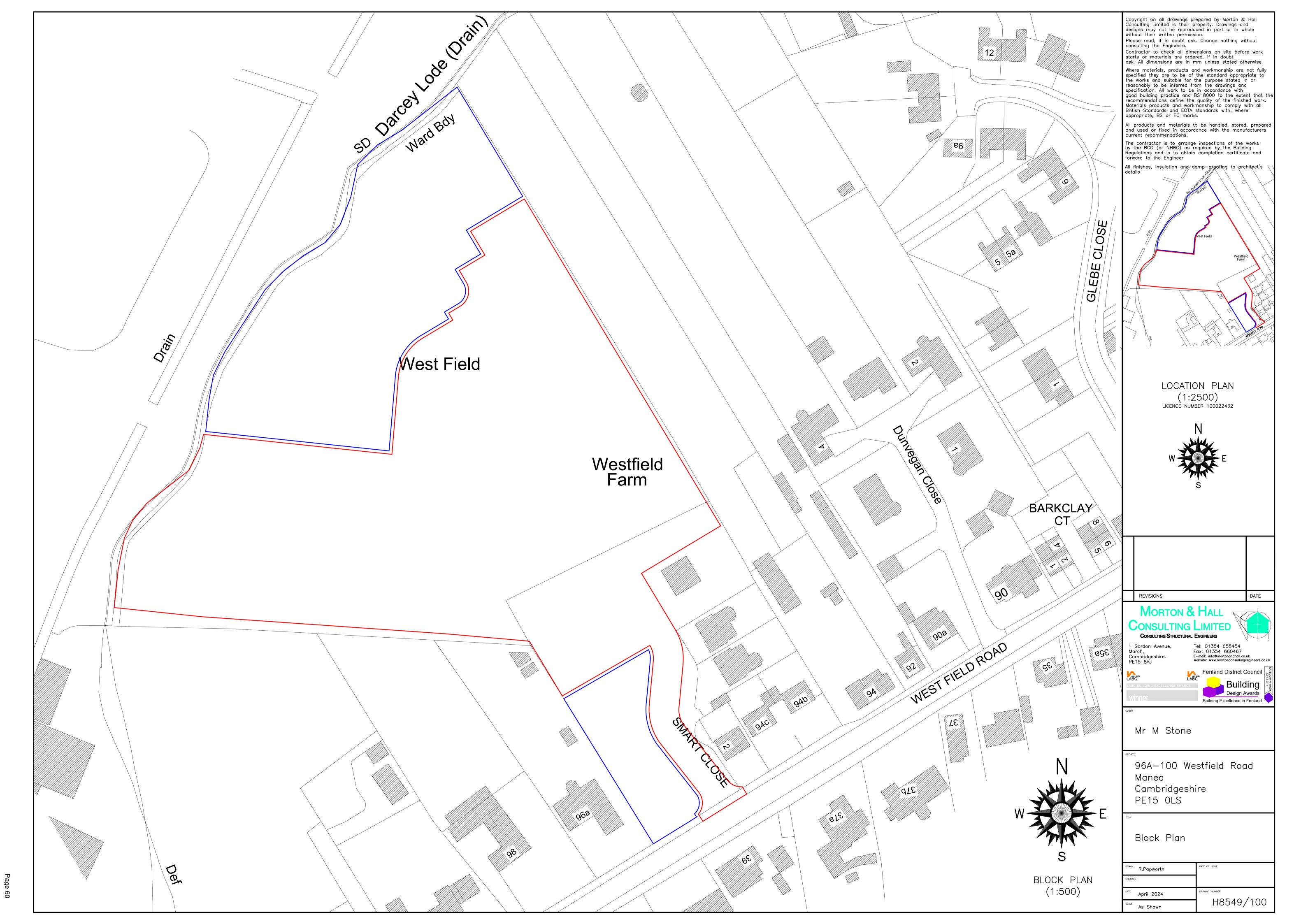
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Fenland

Fenland District Council





F/YR24/0525/O

Applicant: Mr & Mr Cliss Agent: Mr G Boreham

Morton & Hall Consulting Ltd

Mayflower, 12A Westfield Road, Manea, March Cambridgeshire PE15 0JG

Erect up to 7 x dwellings (outline application with matters committed in respect of access) involving the demolition of existing sheds, formation of a detention pond and associated drainage works

Officer recommendation: Grant

Reason for Committee: Parish Council comments contrary to Officer

recommendation.

Government Planning Guarantee

Statutory Target Date For Determination: 30 December 2024

EOT in Place: Yes

EOT Expiry: 14 March 2025

Application Fee: £4368

Risk Statement:

This application must be determined by 14 March 2025 otherwise it will be out of time and therefore negatively affect the performance figures.

1 EXECUTIVE SUMMARY

- 1.1. The application seeks outline permission (with matters of access committed) for the development of up to 7 dwellings involving the demolition of an existing shed, formation of a pond, on garden land attributed to Mayflower, 12A Westfield Road, Manea. The existing dwelling would be incorporated into the development
- 1.2. The below assessment considers the matters relating to principle of development, character and amenity, access, flooding and drainage, and biodiversity net gain, and concludes these are acceptable in accordance with local and national planning policy, subject to the imposition of relevant conditions or further information to be submitted during the reserved matters stage.
- 1.3. The Parish Council concerns with respect to the application appear unfounded when considered against the evidence and the relevant policies of the Fenland Local Plan 2014. Accordingly, refusal of the scheme on the basis of the issues raised within the comments received is unjustified in this case and thus, the application is recommended for approval.

2 SITE DESCRIPTION

- 2.1. Located in Flood Zone 1, the application site is currently garden land attributed to the host dwelling, 12A Westfield Road (Mayflower). The site is accessed via a private drive off the north side of Westfield Road. The host dwelling is a modest single storey dwelling constructed of red brick with a hipped pantile roof.
- 2.2. The overall site comprises a mix of maintained grassland and areas of mature trees and vegetation and is bounded by a mix of 1.8m fencing and vegetation/trees. The site also includes outbuildings and sheds, and an existing pond.
- 2.3. The site is surrounded on all sides by existing residential development.

3 PROPOSAL

- 3.1. This application is outline in nature with matters committed in respect of access only, and proposes residential development of up to seven dwellings including the demolition of existing sheds and the formation of a detention pond.
- 3.2. Indicative plans have been submitted indicating that the proposed dwellings would be detached properties including a mix of attached and detached garages. The development is intended to be served by a central private roadway with turning head, with improved access where it meets Westfield Road. The existing dwelling is to be incorporated into the development and will be accessed via the proposed roadway. The existing pond is intended to be enlarged and utilised as a detention basin for the site.
- 3.3. Drainage is indicated to be taken to the north east of the site where it will link with an existing surface water sewer to the north of Cox Way.
- 3.4. Full plans and associated documents for this application can be found at: https://www.publicaccess.fenland.gov.uk/publicaccess/

4 SITE PLANNING HISTORY

4.1 While there have been a number of planning applications in the vicinity of the site the only history pertinent to the site is set out below:

F/YR23/0268/O	Erect up to 7no dwellings (outline application with all matters reserved) and retain existing dwelling Mayflower 12A Westfield Road Manea	Withdrawn 22.09.2023
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5 CONSULTATIONS

5.1. Manea Parish Council

OBJECT. The proposed access is close to the bends in Westfield Road, inadequate details of disposal of surface water. No proposal to mitigate possible flooding of adjacent properties.

5.2. Anglian Water Services Ltd Section 1 - Assets Affected

Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

Section 2 - Wastewater Treatment

This development is within the catchment of Manea-Town Lots water recycling centre (WRC), which currently lacks the capacity to accommodate the additional flows that would be generated by the proposed development. However, Manea-Town Lots WRC is included within our submitted Business Plan as a named growth scheme with investment delivery planned between 2025-2030. Our Business Plan is waiting for approval from Ofwat, December 2024, and until such time we cannot confirm this scheme will be included. Once Final Determination has been received from Ofwat we will update stakeholders, if a scheme has subsequently not been identified for investment we will update our planning responses. To ensure there is no pollution or deterioration in the receiving watercourse due to the development foul flows we recommend a planning condition is applied if permission is granted.

[...]

Section 3 - Used Water Network

This response has been based on the following submitted documents: Sustainable Drainage Report Final Report dated March 2023 The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

[...]

Section 4 - Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

The preferred method of surface water disposal would be to a sustainable drainage system SUDS with connection to the sewer seen as the last option. The Sustainable Drainage Report Final Report dated March 2023 submitted with the planning application relevant to Anglian Water states that the surface water from the proposed development site is to be discharge onto Anglian Water surface water network at a restricted rate of 2l/s via a private surface water sewer. Before a connection can be considered into the Anglian Water surface water network the applicant is required to follow the surface water hierarchy. It is stated that infiltration testing has not been carried out. All the connections into Anglian Water surface water network is subject to satisfactory evidence which shows the surface water management hierarchy as outlined in Building Regulations Part H has been fully explored. This would encompass the results from the site-specific infiltration testing and/or confirmation that the flows cannot be discharged to a watercourse. These would be required to be carried out before a connection into our network can be considered. We request a condition be applied to the decision notice if permission is granted. Further assessment is required to establish whether network reinforcement is required. please note that this assessment and any necessary reinforcement work will be at the developers cost. We request a condition be applied to the decision notice if permission is granted. The purpose of the planning system is to achieve sustainable development. This includes the most sustainable approach to surface water disposal in accordance with the surface water hierarchy. It is appreciated that surface water disposal can be dealt with, in part, via Part H of the Building Regulations, it is felt that it is too late at this stage to manage any potential adverse effect. Drainage systems are an early activity in the construction process and it is in the interest of all that this is dealt with early on in the development process.

Section 5 - Suggested Planning Conditions

Anglian Water would therefore recommend the following planning condition if the Local Planning Authority is mindful to grant planning approval.

Wastewater Treatment (Section 2)

<u>Condition:</u> Prior to occupation written confirmation from Anglian Water must be submitted confirming the upgrades at Manea-Town Lots water recycling centre have been completed, and there is sufficient headroom to accommodate the foul flows from the development site.

<u>Reason:</u> To protect water quality, prevent pollution and secure sustainable development having regard to paragraphs 7/8 and 180 of the National Planning Policy Framework.

Surface Water Disposal (Section 4)

No development shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the strategy.

5.3. **CCC Archaeology**

Our records indicate that the site lies in an area of archaeological potential, located on Manea island, an important and favoured location for settlement in the fens. Archaeological investigations have been undertaken to the south, which revealed six phases of activity dating between the 12th and 18th centuries (Cambridgeshire Historic Environment Record reference. MCB24908). This included a number of pits including substantial quantities of domestic waste and fired clay, indicating the presence of an associated settlement in the vicinity. Further activity is known from archaeological investigations to the adjacent east which found further evidence for medieval pitting (CHER ref. MCB19940). A series of find spots to the north-east (CHER ref. 06048), including samian ware, coins and a pewter hoard (CHER ref. 05867) also indicates the presence of an earlier Roman settlement within the vicinity of the development area.

We recommend that due to the archaeological potential of the site a further programme of investigation and recording is required in order to provide more information regarding the presence or absence, and condition, of surviving archaeological remains within the development area, and to establish the need for archaeological mitigation of the development as necessary. Usage of the following condition is recommended:

Archaeology Condition

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

that is included within the WSI, no demolition/development shall take place other than under the provisions of the agreed WSI, which shall include:

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

REASON: To safeguard archaeological assets within the approved development boundary from impacts relating to any demolitions or groundworks associated with the development scheme and to ensure the proper and timely preservation and/or investigation, recording, reporting, archiving and presentation of archaeological assets affected by this development, in accordance with national policies contained in the National Planning Policy Framework (DLUHC 2023).

5.4. FDC Environmental Health

The Environmental Health team note and accept the submitted information and in principle have 'No Objections' to the proposed development. In the interests of protecting the amenity of existing nearby residents during the construction phase, this service would request the submission of a Construction Environmental Management Plan (CEMP). This should be in accordance with the template available on the Fenland District Council website.

5.5. **CCC Highways Authority**

The proposed junction layout is acceptable to the LHA as it is suitable for the proposed use and has the correct dimensions and visibility splays shown on the plans. Should the development gain the benefit of planning permission I would recommend the following conditions

Conditions

Access – Prior to first use the junction with the highway will be installed as per approved plan number H8616/04 Rev C.

5.6. **CCC Definitive Maps Team**

Public Footpath, Number 2, Manea, runs alongside two boundaries of the proposed site, to the north-west and south-west.

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

A number of informatives were included to append to any subsequent decision notice.

5.7. CCC Ecology

We welcome the submission of additional ecological information, which addresses our previous concerns.

The proposal is acceptable on ecology grounds, providing that mandatory biodiversity net gain is secured through suitably worded conditions / obligations:

- 1. Informative regarding national condition for Biodiversity Gain
- 2. Planning condition / Section 106 agreement to monitor delivery of "significant" on-site BNG, including 30 years management

- 3. Detailed landscape and biodiversity enhancement scheme
- 4. Wildlife sensitive lighting scheme
- 5. Time limit to ecological resurvey

5.8. Local Residents/Interested Parties

Objectors

Three letters of objection received from two local addresses within the Old Dairy Yard. Reasons for objection can be summarised as:

- Concerns over flooding and drainage & proposed drainage discharge route;
- · Highway safety concerns;
- · Possible overlooking; and
- Letters of support do not appear to be from local residents.

<u>Supporters</u>

This application garnered 20 letters of support for the application, most of which were in a pro-forma format, received from various address points within Manea including School Lane, Parkview Lane, Williams Way, Station Road, Cox Way, Westfield Road, High Street, Poppyfields, and Wisbech Road. The reasons for supporting the scheme can be summarised as:

- An ideal location close to amenities;
- Will aid in achieving housing target;
- Manea is identified growth village;
- No flooding concerns;
- Will not be out of character;
- Ties in with planning policy; and
- No highway safety concerns.

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

7 POLICY FRAMEWORK

7.1. National Planning Policy Framework (NPPF) 2024

Chapter 2 – Achieving sustainable development

Chapter 4 - Decision-making

Chapter 5 – Delivering a sufficient supply of homes

Chapter 8 – Promoting healthy and safe communities

Chapter 9 – Promoting sustainable transport

Chapter 11 – Making effective use of land

Chapter 12 – Achieving well-designed places

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

Chapter 15 – Conserving and enhancing the natural environment

7.2. National Planning Practice Guidance (NPPG)

Determining a Planning Application

7.3. National Design Guide 2021

7.4. Fenland Local Plan 2014

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

7.5. Cambridgeshire and Peterborough Minerals and Waste Local Plan 2021

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

7.7. Cambridgeshire Flood and Water SPD 2016

7.8. 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 49 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
- LP22: Parking Provision
- LP24: Natural Environment
- LP25: Biodiversity Net Gain
- LP32: Flood and Water Management

8 KEY ISSUES

- Principle of Development
- Character and Amenity
- Access and Parking
- Flooding and Drainage
- Parish Council Objection
- Biodiversity Net Gain

9 BACKGROUND

9.1. This application follows a similar previous application for development on the site, F/YR23/0268/O which was withdrawn owing to an outstanding Preliminary

Ecology Assessment that would delay determination. The current application includes the appropriate surveys.

10 ASSESSMENT

Principle of Development

- 10.1. The spatial strategy and settlement hierarchy for Fenland is set out in Policy LP3 of the Fenland Local Plan (adopted 2014) ('the local plan'). Manea is designated as a growth village whereby 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 is appropriate to the market towns.
- 10.2. The proposed site is set within the built settlement of Manea and would therefore meet Policy LP3 in principle whereby the site is located within a sustainable position within close proximity to bus stops and local village services. Therefore, in the broad terms as set out in Policy LP3, the principle of development would be acceptable.

Character and Amenity

- 10.3. Policy LP16 of the adopted local plan states that high quality environments will be delivered and protected throughout the district. LP16 (e) specifically states that development shall not adversely impact on the amenity of neighbouring users such as noise, light pollution, loss of privacy and loss of light, whilst LP16 (h) states that development shall provide sufficient private amenity space, suitable to the type and amount of development proposed. Policy LP2 echoes LP16 where it states that development should avoid adverse impacts.
- 10.4. Matters of Scale, Layout, Appearance and Landscaping (Design) are reserved matters which do not fall to be considered for the current outline application. However, the submitted indicative site layout plan shows how up to seven detached dwellings with a combination of garages and hardstanding parking spaces could be accommodated at the site to front the proposed spine access road in conjunction with the existing bungalow at No.12A that is due to remain.
- 10.5. The submitted Design and Access Statement states that a mix of house types, including bungalows, chalets and two-storey dwellings, would be provided and that an active street frontage would be maintained. This is broadly considered to be in keeping with the character of the surrounding area. It is expected that the proposed dwellings would reflect the local vernacular with the use of traditional materials and finishes, although specific matters of Appearance are a reserved matter. Additional landscaping and use of a detention basin would be provided to augment the existing pond and existing boundary vegetation would be retained/trimmed back where possible. It is stated that optimum use would be made of sustainable energy sources in accordance with Building Regulations.
- 10.6. The indicated proposed site layout shows that the site would be large enough to reasonably accommodate up to seven new dwellings with appropriately sized rear gardens, separation distances and general layout. Whilst comments regarding possible overlooking are noted, the submitted plans illustrate a scheme which with appropriate detailed design is considered to have the potential to be acceptable in this regard.
- 10.7. Any residential impacts which were to occur could be lessened were existing established flank vegetation to the site to be retained, which is indicated.

Additionally, a Construction Environmental Management Plan (CEMP) condition could be imposed on any planning permission granted for the submitted scheme to lessen the incidence of noise and disturbance arising from the development, such as working times, delivery times, storage of plant and machinery and dust prevention measures.

10.8. As such, it is considered that the issue of character and residential amenity could be satisfactorily dealt with through the submission of a subsequent reserved matters application to accord with Policies LP2 and LP16.

Access and Parking

- 10.9. Policy LP15 of the Fenland Local Plan 2014 seeks to ensure safe and convenient access for all within the district.
- 10.10. The application includes the improvement and widening of the existing access off Westfield Road to include extension of existing footpaths within the bell mouth to facilitate a crossing location, leading to a 6m wide private roadway to serve the development. There are suitable parking/turning areas indicated for each proposed dwelling. There is sufficient turning space shown to allow vehicles to enter and exit in a forward gear, and it is likely that the parking areas will offer sufficient parking in line with the parking provision requirements set out in Appendix A of Policy LP15. Notwithstanding, the exact parking requirement is unknown as matters of Layout and Scale are reserved for later approval.
- 10.11. Comments from the Highway Authority raised no concerns regarding highway safety, and had no objection to the proposed access arrangements subject to the access complying with the submitted plans as these depicted appropriate access geometry given the proposed level of use. Accordingly, it is considered that the scheme complies with Policy LP15.
- 10.12. Tracking details have been included to demonstrate that a refuse collection vehicle could satisfactorily access the site and to be turned around in the indicated turning head at the end of the proposed service road to egress the site in forward gear. Accordingly, subject to appropriate indemnities, Local Authority kerbside collections may be possible. Notwithstanding, given this, and that Layout is a reserved matter for the current outline application, it is considered that this issue can be sufficiently addressed at the detailed stage should planning permission be granted for the current outline application. However, it is considered prudent that any subsequent reserved matters submission be accompanied by a refuse collection strategy to inform the final design of the proposed scheme which can be conditioned on any planning permission granted for the current application.

Flooding and Drainage

- 10.13. Policy LP14 of the Fenland Local Plan (2014) and chapter 14 of the National Planning Policy Framework set out the policy approach towards development in areas of flood risk. Both of these policies seek to encourage development first within areas of lower flood risk, before considering development in areas at higher risk of flooding. They also seek to ensure developments remain safe from all sources of flooding.
- 10.14. The application site is located in Flood Zone 1, the area of lowest risk, and thus the development is acceptable with respect to current policy. This application is minor, and given its location in Flood Zone 1, does not trigger statutory consultation with the Environment Agency on this matter. Notwithstanding, it should be noted that the site is designated at "very low" risk of surface water,

fluvial or tidal flooding likelihood as detailed on the Environment Agency's flood risk summary guidance page.

- 10.15. Matters of surface water flooding and foul drainage were noted as concerns within representations received. The application includes an indicative sustainable drainage strategy that considers matters of surface water drainage for the site. The indicative scheme includes a proposed attenuation basin which would serve the proposed development in which surface water from permeable areas would collect before discharging by a flow control device to the surface water sewer to the north of Cox Way. Anglian Water has considered this proposal for surface water run-off and notes that the submitted drainage strategy does not appear to follow the SUDS hierarchy and that direct discharge into an Anglian Water sewer would be the least favourable/sustainable option. However, they did not object to the drainage strategy but recommended a condition regarding a suitable surface water drainage strategy, based upon the SUDs Hierarchy, be submitted.
- 10.16. The submitted drainage strategy indicates that while no infiltration testing has taken place on site other testing in the vicinity has identified the ground conditions as heavy clay which is not suitable for infiltration. The strategy also states that there are no existing watercourses adjacent to the site which could take surface water. As such the use of a surface water sewer would be the next tier on the hierarchy. While it would be preferable for the drainage hierarchy to have been more fully explored it is not considered unacceptable for this to be addressed via condition with the backstop position of the use of a surface water sewer being available.
- 10.17. With respect to foul drainage, Anglian Water confirmed that the application site is within the catchment of Manea-Town Lots water recycling centre (WRC), which currently lacks the capacity to accommodate the additional flows that would be generated by the proposed development. However, the Manea WRC is included within their Business Plan as a named growth scheme with investment delivery planned between 2025-2030. Consequently, they did not object to the development on the basis of foul drainage, however they did require imposition of a condition to ensure written confirmation of the upgrades to Manea WRC is obtained, and thus capacity available, prior to occupation of the development.
- 10.18. However, on review of this condition, it was considered it would not meet the tests as required by Para. 58 of the NPPF (2024), as it was considered unreasonable to preclude occupation of the development whilst awaiting the outcome of the Manea WRC improvements, that would ultimately be out of the applicant's control and may risk the development standing empty until such time that the infrastructure improvements were in place which could in itself bring additional issues notwithstanding the foul drainage.
- 10.19. As such, given the known issue relating to the lack of capacity within Manea WRC, and noting Anglian Water's intention to upgrade its infrastructure within Manea by 2030, should the application be approved, it is considered more reasonable in this circumstance to append a condition requiring an appropriate foul drainage scheme to be submitted for approval prior to commencement of the development.
- 10.20. Notwithstanding, it is considered that such matters can be appropriately controlled by condition to ensure the scheme will comply with Policy LP14 and the NPPF.

Parish Council Objection

- 10.21. Comments from Manea Parish Council in objection to the current outline application for up to seven dwellings is noted, and include concerns regarding highway safety, surface water drainage and possible flooding.
- 10.22. As can be seen in the above assessment, these matters are not subject to any technical objection, and details can be secured by appropriate condition.
- 10.23. As such, the Parish Council concerns with respect to the current application appear unfounded when considered against the evidence and in accordance with Local and National Planning Policy. Accordingly, refusal of the scheme on the basis of the issues raised within the comments received is unjustified in this case.

Biodiversity Net Gain (BNG)

- 10.24. The Environment Act 2021 requires development proposals to deliver a net gain in biodiversity following a mitigation hierarchy which is focused on avoiding ecological harm over minimising, rectifying, reducing and then off-setting. This approach accords with Local Plan policies LP16 and LP19 which outlines a primary objective for biodiversity to be conserved or enhanced and provides for the protection of Protected Species, Priority Species and Priority Habitat.
- 10.25. In accordance with statutory guidelines, the application was supported by a Preliminary Ecology Report (PEA) and a Biodiversity Net Gain Metric and statement. The PEA concluded that there is low potential for the site to support protected species and will benefit from the opportunity for enhancement. These findings were supported by Ecology Officers, who recommended conditions to ensure the scheme is compliant with Policy LP19 and National Policy.
- 10.26. The Biodiversity Statement Results show that there is the potential for the site to have a 10.25% net gain in habitat units and a 179.69% net gain in hedgerow units. As such, a Biodiversity Gain Condition is required to secure provision of these units, along with requirement for a Habitat Management and Monitoring Plan (HMMP) to be approved to ensure habitats (both on and off site) are appropriately managed to achieve their desired condition in perpetuity and ensure the scheme complies with Policies LP16, LP19 and the Environment Act 2021.

11 CONCLUSIONS

- 11.1. The objective of an outline application with all matters reserved is to determine if the principle of residential development is acceptable, subject to the reserved matters to be committed at a later stage. The principle of developing the site for residential use is considered acceptable with regard to Policy LP3 of the Fenland Local Plan. Matters of Access were committed within this application, and the scheme is considered appropriate with respect to Policy LP15 under consultation with the Highway Authority.
- 11.2. In other respects, the development could be made acceptable by imposing conditions if planning permission were granted, and there are no material considerations to justify refusal of the scheme. As such a favourable recommendation is forthcoming.

12 RECOMMENDATION

Grant, subject to the following conditions;

1	Approval of the details of:
	i. the layout of the site ii. the scale of the building(s); iii. the external appearance of the building(s); iv. the landscaping
	(hereinafter called "the Reserved Matters") shall be obtained from the Local Planning Authority prior to the commencement of development.
	Reason: To enable the Local Planning Authority to control the details of the development hereby permitted.
2	Application for approval of the Reserved Matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.
	Reason: To ensure compliance with Section 92 of the Town and Country Planning Act 1990.
3	The development hereby permitted shall begin before the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.
	Reason: To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.
4	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).

	T
5	Prior to the commencement of any development, a scheme and timetable for the provision, implementation, management, and maintenance of foul and surface water drainage shall be submitted and approved in writing by the Local Authority. The foul water scheme must include written confirmation from Anglian Water that the upgrades at Manea-Town Lots water recycling centre have been completed and there is sufficient headroom to accommodate the foul flows from the development site. The works/scheme shall then be constructed and completed in accordance with the approved plans/specification at such time(s) as may be specified in the approved scheme and thereafter retained in perpetuity. Reason: To ensure a satisfactory method of foul and surface water drainage, to protect water quality, prevent pollution and secure sustainable development and to prevent the increased risk of flooding in accordance with the National Planning Policy Framework and Policy
	LP14 of the Fenland Local Plan (Adopted May 2014).
6	No development shall take place, including any works of demolition, until a Construction Environmental Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Plan shall be created in accordance with the Template available on Fenland District Council Website (https://www.fenland.gov.uk/planningforms).
	Reason: To prevent harm being caused to the amenity of the area in accordance with the provisions of Policies LP2 and LP16 of the Fenland Local Plan (Adopted May 2014).
7	The details submitted in accordance with Condition 01 of this permission shall include a proposed refuse collection strategy for the development hereby approved. Details shall include the location and design of any refuse storage areas and collection points. This should include provision for the storage of three standard sized wheeled bins for each dwelling and details of intended means of refuse collection, including any indemnities where necessary. The refuse collection strategy shall accord with the agreed details and thereafter be retained in perpetuity, unless otherwise agreed in writing.
	Reason: To ensure a satisfactory form of waste management and in the interests of amenity and sustainability as required by Policy LP16 of the Fenland Local Plan (Adopted May 2014).
8	Prior to commencement of the use of the development hereby approved, the access shall be fully constructed in accordance with approved plan H8616/04 Rev C, and thereafter retained in perpetuity.
	Reason: In the interests of highway safety in accordance with Policy LP15 of the Fenland Local Plan (Adopted May 2014).
9	Prior to the occupation of the first of the dwellings hereby approved, full details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be

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

Reason- To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard, in accordance with Policy LP15 of the Fenland Local Plan 2014.

- The details submitted in accordance with Condition 01 of this permission shall include full details of biodiversity enhancements and habitat improvements, including those recommended within the approved Preliminary Ecological Appraisal (Hillier Ecology, Feb 2023). The landscaping and biodiversity enhancement details to be submitted shall include:
 - a) planting plans to all areas, retained hedge and trees, species, numbers, size and density of planting; the planting shall be sufficient to result in overall no net loss of biodiversity,
 - b) placement, type, number and details of any recommended biodiversity enhancements and habitat improvements,
 - c) means of enclosure noting that all new garden fencing should be designed to allow hedgehogs to be able to pass through the fencing
 - d) details of bird and bat boxes (including elevation drawings)
 - e) details of siting and timing of all construction activities to avoid harm to all nature conservation features
 - f) a timetable for landscaping and biodiversity enhancement implementation, and
 - g) management and maintenance details.

The approved biodiversity enhancement scheme shall be carried out prior to the occupation of the dwellings and the soft landscaping shall be carried out within the first available planting season following completion of the development or first occupation (whichever is the sooner) or alternatively in accordance with a timetable for landscape implementation which has been approved as part of the submitted landscape scheme.

Reason: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policies LP16 and LP19 of the Fenland Local Plan 2014 (Adopted May 2014).

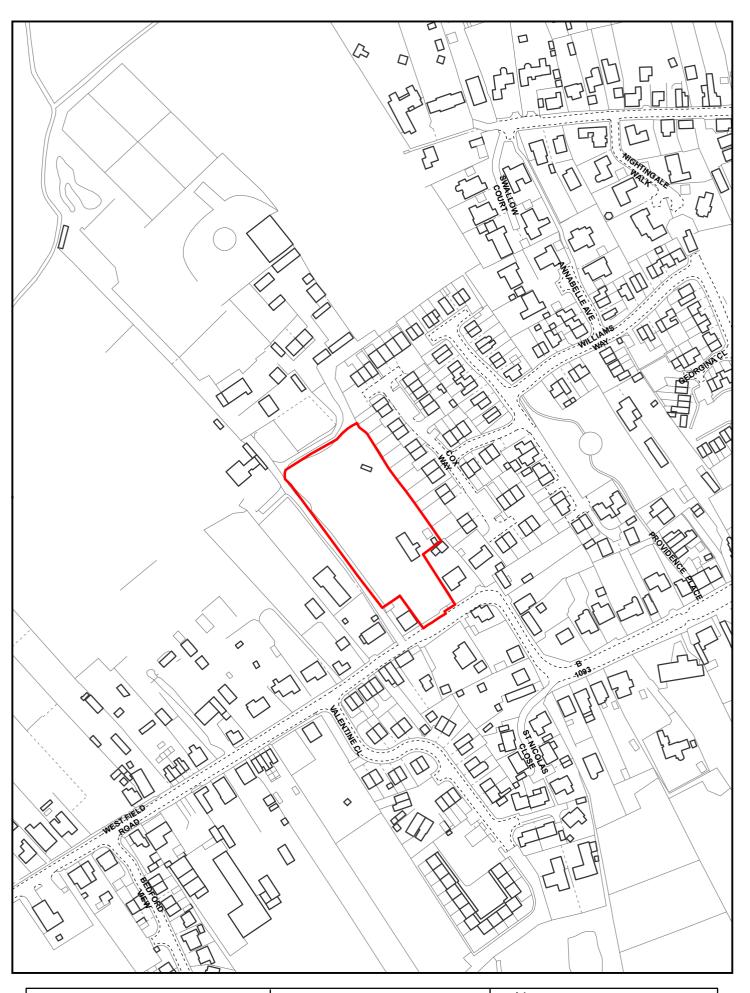
Within 6-months of the commencement of development hereby approved, a scheme for the provision of external lighting relating to all dwellings and common areas within the site shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior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

The external lighting shall be carefully designed for wildlife, in accordance with recommendation set out in the Preliminary Ecological Appraisal, and baffled downwards away from the retained trees,

boundary vegetation and hedgerows/scrub corridors. Reason: To protect the biodiversity value of the habitat within the site from ongoing operations in accordance with Policies LP16 and LP19 of the Fenland Local Plan 2014. 12 If the development hereby approved does not commence within 2 years from the date of this permission, the approved ecological measures secured through the condition above shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to establish if there have been any changes in the presence and/or abundance of breeding birds or bats; and identify any likely new ecological impacts that might arise from any changes. Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable. Reason: To ensure compliance with the Wildlife and Countryside Act and to protect features of nature conservation importance in relation to any on-site changes in accordance with Policy LP19 of the Fenland Local Plan 2014. 13 Prior to the commencement of any development, a Biodiversity Gain plan shall be submitted to and approved in writing by the Local Planning Authority; The Biodiversity Gain plan shall deliver a minimum of 10% biodiversity net gain and will include as a minimum, where applicable: i) Details regarding how the biodiversity gain hierarchy has been applied: ii) Details regarding proposed significant on-site biodiversity enhancements; and/or; iii) Details regarding proposed significant off-site biodiversity gains: iv) A completed pre and post development biodiversity metric calculation; and v) A Habitat management and monitoring plan for both on and off site improvements. The approved plan will be implemented within 1 year of the approval and so maintained for at least 30 years after the development is completed. Reason: To ensure compliance with Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021).

14

Approved Plans



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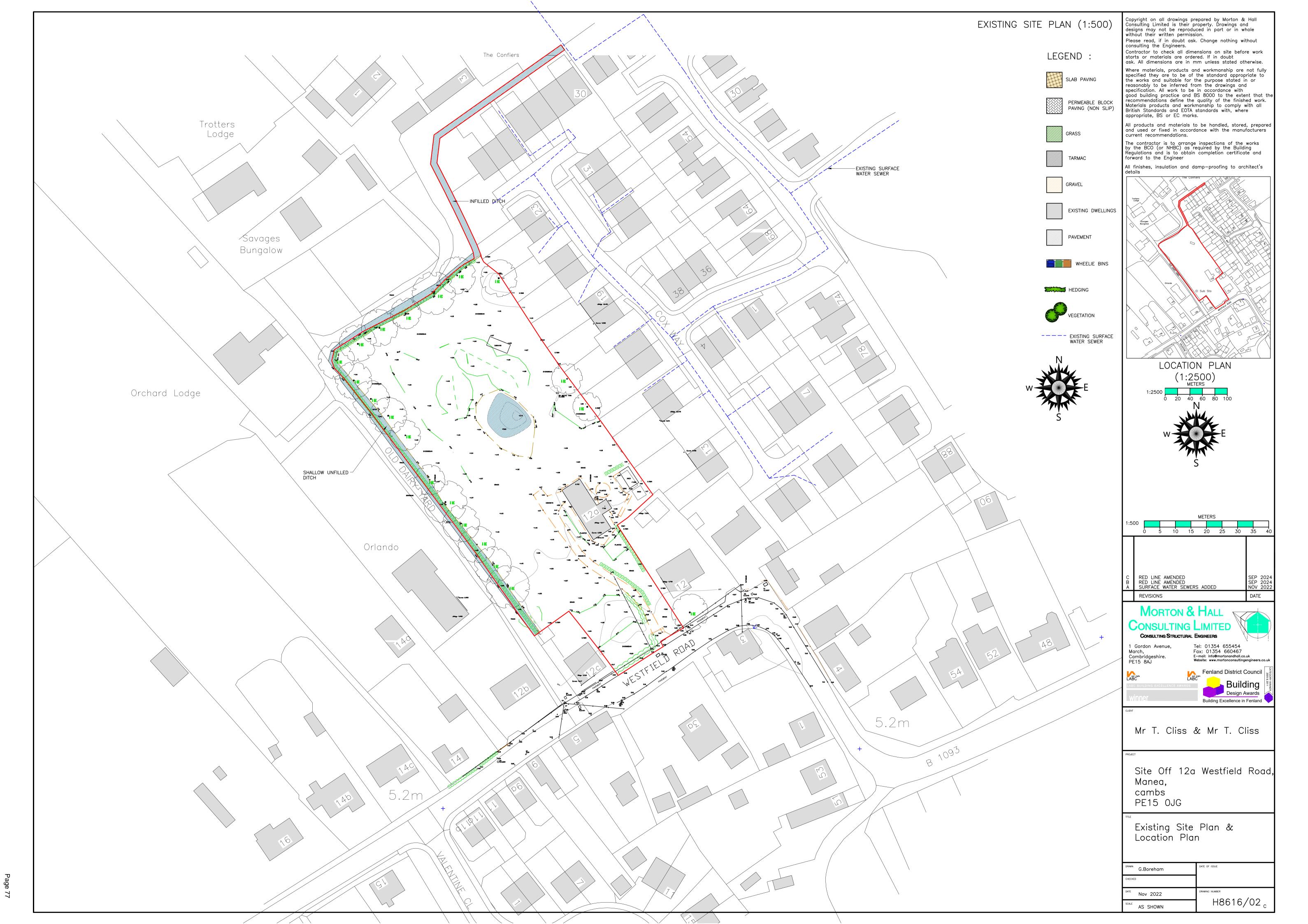
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Fenland

Fenland District Council





F/YR23/0811/F

Applicant: Mr Steven Flowers Agent: Mr Paul Dunthorne

Cambridge Housing Society The Design Partnership

Land East And South Of 47, Doddington Road, Wimblington, Cambridgeshire

Erect 14 x dwellings (2 x single-storey 1-bed, 2 x single-storey 2-bed, 8 x 2-storey 2-bed and 2 x 2-storey 3-bed) and associated works, including formation of vehicular access, footpath along Doddington Road and retention of public right of way through site

Officer recommendation: Grant

Reason for Committee: Letters of representation contrary to Officer

recommendation

Government Planning Guarantee

Statutory Target Date For Determination: 2 January 2024

EOT in Place: Yes

EOT Expiry: 14 March 2025

Application Fee: £6468

Risk Statement:

This application must be determined by 14.03.25 otherwise it will be out of time and therefore negatively affect the performance figures.

1 EXECUTIVE SUMMARY

- 1.1 The proposal seeks full planning permission for the erection of 14no. affordable dwellings on Land off Doddington Road, Wimblington.
- 1.2 The submitted scheme is considered to represent a small village extension on the southern edge of the settlement, which is classed as a 'Growth Village'. It is considered that the location of the site and scale of the development is acceptable in principle in accordance with Policy LP3.
- 1.3 The proposed dwellings are considered to be acceptable in keeping with the surrounding area in terms of their size, scale, external appearance and proposed palette of materials. Further, the proposed mix of dwellings is considered to be suitably varied across the site.
- 1.4 The submitted layout is considered to provide suitable private amenity space provision and the relationships between existing and proposed dwellings such that the amenities enjoyed by existing properties will not be duly harmed. The proposal is considered to satisfy Policy LP16 in terms of character and

appearance, and residential amenity.

- 1.5 The application site is located in Flood Zone 1 and is therefore not considered to be at risk of flooding, therefore complying with Policy LP14 and Chapter 14 of the NPPF.
- 1.6 Following the submission of the additional information throughout the application, it is considered that the proposal has appropriate regard to Policy LP19 in terms of its biodiversity impact.
- 1.7 Substantial positive weight is given in respect of the proposal to provide a wholly affordable housing scheme.
- 1.8 It is therefore considered in the overall planning balance that the scheme is acceptable in planning terms and is accordingly recommended for approval subject to completion of a S106 agreement.

2 SITE DESCRIPTION

- 2.1 The application site is located on Land East and South of 47 Doddington Road. The land currently comprises amenity land associated with the existing host dwelling and is currently undeveloped and covered in soft landscaping features.
- 2.2 There is existing residential development to the North, West and South of the site, with the Eastern boundary of the site abutting the A141. The main settlement of Wimblington is located to the North of the site, with 3no. bungalows to the south of the site representing the end of development in the settlement.
- 2.3 The site levels generally sit approximately 0.5m lower than the level of Doddington Road to the West, the road from which access to the site will be gained.
- 2.4 There is a designated public footpath located in the North-East corner of the site, joining from Parkfield Lane and dog-legging to the eastern boundary of the site, towards the A141.

3 PROPOSAL

- 3.1 The proposal seeks full planning permission for the erection of 14no. dwellings, comprising the following house types:
 - 2 x single-storey 1-bed
 - 2 x single-storey 2-bed
 - 8 x one and a half-storey 2-bed
 - 2 x one and a half-storey 3-bed
- 3.2 The proposal also includes the formation of two vehicular accesses onto Doddington Road, the creation of a footpath along Doddington Road, and the retention of the public right of way through the site.
- 3.3 The application advises that the development is 100% affordable dwellings, with 10no. of the properties being affordable rent, and 4no. being shared ownership.
- 3.4 The proposed palette of materials consists of red facing brickwork and dark roof slates.

- 3.5 The application has been amended during the life of the application, primarily to address concerns over visual impacts, residential amenity, drainage and ecology.
- 3.6 Full plans and associated documents for this application can be found at:

https://www.publicaccess.fenland.gov.uk/publicaccess/

4 SITE PLANNING HISTORY

4.1. There is no site history that is considered relevant to the determination of this application.

5 CONSULTATIONS

5.1 Wimblington Parish Council – 13.11.2024

Further to our Parish Council meeting last night, Councillors can find no reason to object to the above planning application.

However, we are mindful of residents objections and would ask that the leylandii hedge which is going to be removed is replaced either with native hedging or a closed board fence, to ensure privacy for current and new residents.

5.2 Environmental Health – 11.11.2024

The content of the Noise Assessment provided by Acoustic Associates (ref: SEM/J3792/18575-1) is noted and accepted. The noise mitigation measures appear acceptable to ensure compliance with nationally recognised acoustic standards, notably BS8233:2014 'Guidance on sound insulation and noise reduction for buildings' for both internal and external amenity areas.

Whilst the report is accepted, confirmation will be required to ensure that in the event planning consent is granted, the recommended noise mitigation measures are then implemented into the design to ensure adequate protection for future residents. This will be most appropriately achieved by securing a condition so that an exact noise mitigation scheme in accordance with the Recommendations set out in Section 3 of the report is submitted in writing and agreed by the Local Planning Authority prior to the commencement of habitation. For internal amenity given that the orientation of the rooms is already set, the appropriate minimum specified glazing, ventilation and façade materials will necessary, and for external amenity the mitigation measure of achieving a 2.4m high acoustic barrier constructed as specified in the report and depicted in Figure 9 – Acoustic Barrier Minimum Specification on p34.

5.3 Cambridgeshire County Council Highways - 06.11.2024

On the basis of the information submitted, from the perspective of the Local Highway Authority, I consider the proposed development is acceptable

5.4 Anglian Water- 05.11.2024

No objection subject to informatives

5.5 Tree Officer - 28.10.2024

I have no objections. If you are minded to approve I would suggest a pre commencement condition is included to provide a robust tree protection method statement for the trees to be retained. A condition for new planting would also be required to include new trees and shrubs to benefit wildlife in terms of food source and habitat as well as long term retention and amenity. The scheme will need to include tree and shrub species that offer seasonal flowers and berries, with consideration into where these are planted to ensure berry drop or out growing the location does not become a future issue.

5.6 Cambridge Fire & Rescue Service – 13.11.2023

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

5.7 Cambridgeshire County Council Archaeology – 18.10.2024

No objection subject to condition for 'Written scheme of investigation'

5.8 East of England Ambulance Service - 04.07.2024

No objection subject to financial contribution of £4,578 to be secured via S106

5.9 Cambridgeshire County Council Ecology - 01.03.2024

The application provides insufficient evidence to demonstrate the level of impact of the scheme on biodiversity. It is not possible to determine if the scheme accords with Fenland Local Plan 2014 policy LF-19 which seeks to conserve, enhance and promote the biodiversity interest. Nor, whether the LPA will meet its statutory duties to conserve biodiversity (Section 40, Natural Environment and Rural Communities Act 2006).

We therefore recommend refusal, unless the following information is provided:

- 1. Updated Preliminary Ecological Appraisal Report to reflect the submitted Site Plan (including change to red-line boundary and loss of existing trees)
- 2. Reptile surveys
- 3. BNG assessment

5.10 FDC Ecology

06.02.2025

Common Lizards

Reptile surveys undertaken to inform the application have found a good population of breeding Common Lizards on the site. Common Lizards carry a high level of legal protection under the terms of the Wildlife and Countryside Act 1981 (as amended). I would agree with the view of the ecological consultants who carried out the surveys that the population would be unlikely to be sustainable in situ if the development were to be permitted. The lizard population will therefore need to be translocated to a suitable alternative site, and this site will need to be managed in the long-term so as to be favourable for reptiles. I would advise that a Reptile

Mitigation Strategy needs to be prepared, giving full details of the translocation exercise, and other measures to be implemented to avoid any harm to reptiles. Details of potential translocation sites should be put forward before the application is decided, to provide confidence that it would be possible to conserve the lizard population if permission were to be granted.

<u>Habitats</u>

There are some locally valuable habitats on the site, including a remnant orchard. Efforts should be made to protect retained areas of habitat, and to compensate for habitat losses through new landscaping, as far as is possible. A Construction Environmental Method Statement should be required to be prepared by Condition, including details of measures to be taken to protect any retained habitats on the site during the course of any site clearance and construction works.

I would further advise that, as a Condition of any permission which may be granted to the proposals, a detailed Landscape Creation and Management Plan should be required to be prepared and, once approved, implemented in full. The Plan should include measures for wildlife conservation, for example the installation of bird nesting and bat roosting boxes, gaps in fence lines to allow small mammals to move through the site and wildlife-friendly native planting schemes. Since fruit trees will be lost to the scheme, any new tree planting proposed should include replacement fruit trees.

Biodiversity Net Gain

I note that since the application was submitted prior to Feb 2024 it is not subject to statutory biodiversity net gain. However, notwithstanding this, efforts should still be made to introduce biodiversity enhancement measures into the Landscape Plan as recommended above.

20.02.2025

I am reassured that there is a suitable receptor site available for the translocation of the common lizard population on the application site, and I would consider that the application could now go forward for determination.

However, currently I would not regard the plans for reptile translocation or future management of the receptor site as sufficiently comprehensive. For example, full details of the translocation exercise have not yet been provided, and I would consider that there are further enhancements of the receptor site which could be implemented (for example, creating new refuges and hibernacula). There is also limited information available concerning any existing lizard populations at or near the receptor site.

I would therefore advise that a Condition should be placed on any permission which may be granted to the proposals to require the preparation and implementation of a fully comprehensive Reptile Mitigation Strategy.

5.11 Refuse Service - 13.01.2025

Following the submission of a revised plan, no objections were raised to the scheme in terms of the ability of a refuse vehicle to safely use the site.

5.12 Definitive Maps Team - 20.11.2024

Public footpath 21, Wimblington runs through the east of the site. To view the location of the footpath, please view our interactive map online which can be found at http://my.cambridgeshire.gov.uk/myCambridgeshire.aspx.

There is no legally defined and recorded width for Public Footpath 21, Wimblington. 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.

It apears from the Block Plan that the developer aims to change the surface of part of the Public Footpath 21, Wimblington. We would like to make the developer aware that a change of surface authoritsation applicfation must be submitted to our rights of way team, before any works are undertaken. Secondly, a change in suirface would require the public footpath to have a legally defined width. Footpath 21 does not have a legally defined width, and so would require a Defintive Map Modification Order to determine this, which would take a number of years to complete.

5.13 Lead Local Flood Authority - 10.12.2024

We have reviewed the following documents:

• Flood Risk Assessment and Drainage Strategy, Rossi Long Consulting, Ref: 221536, Dated: July 2024

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

The above documents demonstrate that surface water from the proposed development can be managed through the use of permeable paving, restricting surface water discharge to a combined rate of 1.1l/s for both outfalls using 20mm orifice.

The LLFA is supportive of the use of permeable paving as in addition to controlling the rate of surface water leaving the site it also provides water quality treatment which is of particular importance when discharging into a watercourse.

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

We request that conditions are imposed.

5.14 Cambridgeshire County Council Waste and Minerals – 15.11.2023

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

leaving criterion (I), which states that:

"development will only be permitted where it has been demonstrated that there is an overriding need for the development (where prior extraction is not feasible) **".

In this instance the MWPA considers that, although the extent of the resource within the site is unknown that complete prior extraction is, in this case, is unlikely to be feasible.

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

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

5.15 Designing out Crime - 07.03.2023

No objection subject to conditions

5.16 Cambridgeshire County Council S106 Officer – 15.11.2023

No objection subject to financial contribution to be secured via S106

5.17 NHS - 26.10.2023

No objection subject to financial contribution of £11,534.59 to be secured via S106

5.18 Housing Strategy and Enabling Officer – 25.10.2023

On developments where 10 or more homes will be provided, the provisions of Policy LP5 of the Fenland Local Plan seeking 25% affordable housing apply. As I understand it, this application is coming forward as 100% wholly affordable housing.

We are pleased to see that the developers are working alongside CHS to deliver the proposal at Land East And South Of 47 Doddington Road Wimblington Cambridgeshire as an 100% wholly affordable housing scheme.

In the Design & Access Statement submitted as part of this application, I can see the schedule and tenure of accommodation proposed below:

We are also pleased to see a range of dwelling types and sizes are proposed for the site, comprising of 1,2,3 & 4 bedroom houses in order to accommodate a variety of households.

The above mix is proposing a tenure split of 10 affordable rent and 4 shared ownership tenure. We are happy to support the above housing and tenure mix.

If this site is unable to come forward as 100% affordable housing, we would like to see that Policy LP5 of the Fenland Local Plan is complied with.

5.19. Local Residents/Interested Parties

Objectors

A total of 26 letters of objection were received from residents in Wimblington (Doddington Road, Parkfield Lane & Eastwood End), with the following points raised:

- Existing bungalows will be overlooked by two-storey properties
- Increased parking on Doddington Road due to lack of visitor parking
- The properties will be out of keeping with those in the area
- Development appears cramped
- Increased noise disturbance and dust from construction
- Existing services and infrastructure cannot cope with added properties
- Harm to biodiversity in the area
- Two large estates currently being built close to the site
- Damage to the highway from construction vehicles
- Increased traffic on Doddington Road making it unsafe for existing properties to enter and exit their driveways
- Loss of value of existing properties
- Flooding issue on highway

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

7 POLICY FRAMEWORK

National Planning Policy Framework (NPPF)

Chapter 2 - Achieving sustainable development

Chapter 4 - Decision-making

Chapter 5 – Delivering a sufficient supply of homes

Chapter 9 – Promoting sustainable transport

Chapter 11 – Making effective use of land

Chapter 12 – Achieving well-designed and beautiful places

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

Chapter 15 – Conserving and enhancing the natural environment

Chapter 17 – Facilitating the sustainable use of minerals

National Planning Practice Guidance (NPPG)

Determining a Planning Application

National Design Guide 2021

Context
Identity
Built Form
Nature
Uses
Homes and Buildings

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

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

LP19 – The Natural Environment

Cambridgeshire and Peterborough Minerals and Waste Local Plan 2021

Policy 5 - Mineral Safeguarding Areas

Policy 10 - Waste Management Areas (WMAs)

Policy 14 - Waste management needs arising from residential and commercial Development

Policy 16: -Consultation Areas (CAS)

Delivering and Protecting High Quality Environments in Fenland SPD 2014

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

Developer Contributions SPD 2015

Cambridgeshire Flood and Water SPD 2016

Emerging Local Plan

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

LP1: Settlement Hierarchy

LP2: Spatial Strategy for the Location of Residential Development

LP5: Health and Wellbeing

LP7: Design

LP8: Amenity Provision

LP12: Meeting Housing Needs

LP20: Accessibility and Transport

LP21: Public Rights of Way

LP22: Parking Provision

LP24: Natural Environment LP25: Biodiversity Net Gain LP27: Trees and Planting

LP28: Landscape

LP32: Flood and Water Management

Wimblington and Stonea Neighbourhood Plan (Pre-Submission Draft October 2024)

Wimblington & Stonea Parish Council has carried out a pre-submission consultation on the draft plan, as required by Regulation 14 of the Neighbourhood Planning (General) Regulations 2012. The draft plan has not yet been submitted for examination. Given the very early stage which the draft plan is therefore at, it is considered, in accordance with Paragraph 49 of the NPPF, that the policies of this should carry very limited weight in decision making. Of relevance to this application are policies:

Policy RE1: Rural Character

Policy RE2: Rural Character: Public Rights of Way

Policy NE1: Protecting the Landscape

Policy NE2: Biodiversity

Policy SD1: Development and the Settlement Boundary

Policy SD3: High-Quality Design

Policy SD4: Provision of energy and water efficient buildings

Policy SD5: Flood Risk Policy H1: Housing mix Policy TT1: Car Parking

Policy TT2: Provision for pedestrians, cyclists and horse riders

8 KEY ISSUES

- Principle of Development
- Character and appearance
- Residential Amenity
- Flood Risk and Drainage
- Parking Provision and Highway Safety
- Public Right of Way
- Biodiversity Impact
- Biodiversity Net Gain (BNG)
- Community Infrastructure & Planning Obligations
- Resident's Concerns

9 ASSESSMENT

Principle of Development

- 9.1. The proposal seeks full planning permission for the erection of 14no. dwellings, comprising the following house types:
 - 2 x single-storey 1-bed
 - 2 x single-storey 2-bed
 - 8 x one and a half-storey 2-bed
 - 2 x one and a half-storey 3-bed

- 9.2. The proposal also includes the formation of two vehicular accesses onto Doddington Road, the creation of a footpath along Doddington Road, and the retention of the public right of way through the site.
- 9.3. The application site is located in Wimblington, which is identified as a 'Growth Village' in Policy LP3 the Fenland Local Plan (2014). Development in locations such as this will be supported where they are "within the existing urban area or as a small village extension."
- 9.4. It should be noted that Policy LP3 caveats the principle of development in the settlements of Wimblington and Doddington to ensure that there is capacity at, or in the sewerage network leading to, the Waste Water Treatment in Doddington, a matter that will be considered later in this report.
- 9.5. The application site is situated at the southern end of the built form of Wimblington, but is bounded by existing residential development to the North, South and West of the site. It is also noted that the site currently comprises an existing residential property and its associated amenity space.
- 9.6. The proposal seeks the erection of 14no. dwellings, which is considered to represent a small extension to the village and not excessive when considering the size of Wimblington as a settlement, nor disproportionate to the scale and nature of building form seen in the area immediately surrounding the site.
- 9.7. Given the nature of development seen in the surrounding area, comprising of residential development in the settlement of Wimblington, it is considered that the application site is located within the existing urban area of the settlement, and therefore the principle of residential development in this location is acceptable having regard to Policy LP3. This is, however, subject to the proposal being considered acceptable in respect of its technical details.

Character and appearance

- 9.8. The application site at present comprises a two-storey residential property and amenity land associated with this dwelling. The nature of residential development in the surrounding area comprises a mix of single-storey and two-storey properties, with development to the north, and closer to the nucleus of Wimblington consisting predominantly of two-storey dwellings. The development to the south, moving into the open countryside, is predominantly single storey properties, albeit with a number of two-storey properties also found to the south of the site.
- 9.9. The proposed mix of dwellings includes a total of 4no. single-storey properties and 10no. one and a half-storey properties It is proposed that the units offer a mix of 1-bed, 2-bed and 3-bed properties. Given the nature of the development as a fully affordable scheme, it is considered that this housing mix is acceptable in this instance. Further, it is considered that this mix of dwellings will offer a sensitive transition in the height of built form from the north to the south, resulting in a gradual step down from two-storey to bungalows before eventually reaching open countryside.
- 9.10. The bungalows are proposed to measure approximately 2.8m in height to the eaves, and 6.8m in height to the ridge. The larger properties are proposed to measure approximately 3.9m in height to the eaves and 7.9m in height to the ridge.
- 9.11. Topographical surveys have been carried out on the application site and surrounding, with these finding the site and surrounding area to be generally flat

- with only small changes to the levels. It is therefore considered that the height of dwellings proposed would respond well to the heights of the existing properties in this location and appear acceptable in the context of the street scene.
- 9.12. The submitted site layout plan identifies a single access road measuring 6m in width to serve all plots except plot 1, which will benefit from its own access directly onto Doddington Road. The development will take the form of a cul-de-sac, with properties situated on both sides of the spine road, terminating at a turning head on the Eastern End of the site.
- 9.13. It is proposed that all the bungalows are detached properties, with the majority of the larger properties being pairs of semi-detached dwellings with plots 4 & 9 the exception as detached dwellings. The properties along the southern side of the site will generally be served by tandem parking to the side of the dwellings, with the properties on the northern side of the site being served by frontage parking.
- 9.14. The proposed palette of materials has been identified as red facing brickwork and dark roof slates, although no specific details have been provided in respect of particular products that will be used. It is considered that these materials and colours proposed would be acceptable for use throughout the site and would be in keeping with the external appearance of nearby development, particularly on the Eastern side of Doddington Road, where these materials are particularly visible. It is recommended that a condition imposed on any permission granted requiring the submission of precise details of materials to be used on the development.
- 9.15. The application proposes 14 dwellings on a site measuring 0.6 hectares in size. This equates to approximately 23 dwellings per hectare. Whilst this is a slightly higher density that that seen in the surrounding area Parkfield Lane to the north has a density of approximately 16 dwellings per hectare it is not considered that this is excessive or an unacceptable density for an edge of village development. The site layout plan identifies plot sizes that do not appear cramped for the size of property proposed and offer suitably sized private amenity spaces.
- 9.16. Opportunities have been taken throughout the site to retain existing soft landscaping features, whilst also seeking to provide additional planting across the site, particularly on the grass maintenance strip that runs along the southern boundary of the site and up the eastern boundary of the site. It is considered that this helps to soften the visual appearance of the development and ties in with the street scene appearance of Doddington Road, which has a number of existing soft landscaping features to result in a transition between the urban development in Wimblington, and the countryside to the south.
- 9.17. It is overall considered that the proposal is acceptable in terms of its character, appearance and landscape impact, having regard to Policies LP12 and LP16 of the Fenland Local Plan (2014) and Chapter 12 of the NPPF.

Residential Amenity

9.18. Each of the plots proposed benefits from an area of private amenity space provision to the rear of the dwelling, the smallest of which measures approximately 35m2. It is considered that the garden sizes proposed are acceptable for the size and nature of the house types proposed on site and would provide sufficient private amenity space provision to offer a suitable level of amenities for future occupiers.

- 9.19. In terms of the relationships between the proposed dwellings on the site, these will not give rise to any unacceptable levels of overlooking above that which would generally be expected between two storey properties, particularly those that are semi-detached in nature.
- 9.20. The pairs of one and a half-storey dwellings have a single window at first floor level on the rear elevations which will result in a degree of overlooking on the adjoining property, but it is not considered that this would be unacceptable so as to warrant the refusal of the application.
- 9.21. In terms of the relationships between the proposed properties and existing dwellings adjacent to the site, the closest relationships are between plots 10-14 along the northern boundary of the site, and the adjacent dwellings on Parkfield Lane. These properties are separated by the rear gardens of plots 10-14, which measure approximately 7m in depth.
- 9.22. Plot 10 is a fully single storey property and as such will not have any windows that will result in any degree of overlooking on the property to the north. Plots 11-14 are chalet bungalows with accommodation in the roof spaces. However, the rear roof slope on these properties houses a single velux window that serves an en-suite. The sections of these properties as shown on drawing number CHS-892-P05 Rev C show these windows to start at approximately eye-level and extend upwards. As such, it is not considered that these would result in any degree of overlooking on the existing properties to the north of the site. Nonetheless, a condition restricting permitted development rights that would otherwise allow the alteration of roofs and insertion of roof windows would be necessary.
- 9.23. It is overall considered that the proposals have appropriate regard to Policy LP16 of the Fenland Local Plan in terms of the provision and preservation of residential amenity, and is therefore considered to be acceptable in this regard

Flood Risk and Drainage

- 9.24. The application site is located entirely within Flood Zone 1 but has areas of medium and high risk of surface water flooding on them.
- 9.25. Due to the location of the site within Flood Zone 1, there are no issues to be considered in this regard, giving consideration to Policy LP14 of the Fenland Local Plan and Chapter 14 of the NPPF (2025).
- 9.26. In terms of the surface water flood risk identified on site, it is considered that this is likely as a result of a slight depression in ground levels centrally within the site. It is expected that any works to level out the site as part of the development, along with a suitably designed scheme for surface water drainage would adequately address this.
- 9.27. It should be noted that the LLFA have raised no objections to the proposals based on the submitted Flood Risk Assessment but have requested that conditions be imposed on any permission requiring the submission of a detached scheme for surface water drainage.
- 9.28. In terms of foul water drainage, it is proposed to connect with the mains sewer, and Anglian Water have confirmed that the water recycling centre in Doddington has the capacity to accommodate the waste generated by the proposed dwellings.

9.29. It is overall considered that the proposal has appropriate regard to Policy LP14 of the Fenland Local Plan (2014) and Chapter 14 of the NPPF (2025) in terms of flood risk and drainage.

Parking Provision and Highway Safety

- 9.30. As previously highlighted, the proposal is to be served by a single spine road, except for plot 1 which will have its own access. The geometry of Doddington Road is such that both access points will be able to achieve the required visibility splay s on this stretch of road.
- 9.31. Each property will benefit from individual parking provision, with the majority of properties having space for a minimum of two vehicles each. The exception is for plots 11-14 which, due to their 1-bed nature, only require provision of one parking space. In addition to the on-plot parking, some provisions have been made for additional visitor parking, although this is limited to approximately 5 spaces across the site.
- 9.32. It is considered that the level of parking provision shown on the submitted site plan is sufficient to accommodate the needs of the dwellings proposed and should avoid the need for any off-site parking along Doddington Road.
- 9.33. It is noted that the Highway Authority have considered the proposal and have raised no objections subject to conditions ensuring that the development is carried out in accordance with the submitted details. The Highway Authority also noted that the spine road is proposed to be a private road and therefore would not be adopted.
- 9.34. It is overall considered that the proposal has appropriate regard to Policy LP15 of the Fenland Local Plan (2014) in terms of its parking provision and impact on highway safety.

Public Right of Way

- 9.35. Public Footpath 21, Wimblington runs through the eastern part of the site, entering from the northern boundary adjacent to Parkfield Lane, and exiting on the eastern boundary to the A141.
- 9.36. The Definitive Maps Team have advised that there is no legally defined width to this footpath, and therefore it is not possible to definitively confirm the impacts on the public right of way.
- 9.37. However, the site layout has been designed to ensure that development would not infringe on the public right of way. It would be the developer's responsibility to ascertain the legally defined width of the public right of way prior to the commencement of works on site, and to seek a diversion order from the Highway Authority if required. This would sit outside of planning controls.
- 9.38. It is therefore considered on balance that the proposal is acceptable in terms of its impact on the public right of way and would not warrant the refusal of the scheme, although it is recommended that appropriate informative notes are placed on any granted planning permission.

Biodiversity Impact

- 9.39. The application is supported by the submission of a Preliminary Ecological Appraisal and Reptile surveys.
- 9.40. The reports and surveys found that the site has a good population of breeding common lizards on the site, which have a high level of protection under the Wildlife and Countryside Act. The Council Ecologist requested details of potential translocation sites prior to the determination of the application to ensure that it is possible in principle for the lizards to be relocated to an appropriate location.
- 9.41. Details of such a site have been provided and reviewed by the Ecologist. They are satisfied that a suitable receptor site is achievable and as such raise no objection to this in principle. However, it is requested that a condition be imposed requiring the submission of a comprehensive strategy for the translocation of the common lizard population on site.
- 9.42. The Ecologist is satisfied that no other protected species or valuable habitats will be unacceptably harmed as a result of the development but has requested the imposition of conditions to ensure that suitable mitigation and enhancement measures are provided throughout the development.
- 9.43. Following the submission of the additional information throughout the application, it is considered that the proposal has appropriate regard to Policy LP19 in terms of its biodiversity impact.

Biodiversity Net Gain (BNG)

- 9.44. The Environment Act 2021 requires development proposals to deliver a net gain in biodiversity following a mitigation hierarchy which is focused on avoiding ecological harm over minimising, rectifying, reducing and then off-setting. This approach accords with Local Plan policies LP16 and LP19 which outlines a primary objective for biodiversity to be conserved or enhanced and provides for the protection of Protected Species, Priority Species and Priority Habitat.
- 9.45. There are statutory exemptions, transitional arrangements and requirements relating to irreplaceable habitat which mean that the biodiversity gain condition does not always apply. In this instance, one or more of the exemptions / transitional arrangements are considered to apply and a Biodiversity Gain Condition is not required to be approved before development is begun because the application was submitted prior to the requirement for statutory net gain coming into force.

Community Infrastructure & Planning Obligations

9.46. Local Plan Policy LP13 sets out that planning permission will only be granted if it can be demonstrated that there is, or will be, sufficient infrastructure capacity to support and meet all the requirements arising from the proposed development. Conditions or a planning obligation are likely to be required for many proposals to ensure that new development meets this principle. Developers will either make direct provision or will contribute towards the provision of local and strategic infrastructure required by the development either alone or cumulatively with other developments. Where a planning obligation is required, in order to meet the above principles of infrastructure provision, this will be negotiated on a site-by-site basis. This will be required in addition to the minimum 25% affordable housing requirement as set out in Policy LP5.

- 9.47. Having regard to the scale and nature of the proposal and further to consultation with statutory bodies to establish infrastructure requirement, in summary contributions towards the following is sought through this development (and as set out in the consultation section above);
 - Affordable Housing
 - Healthcare (NHS and Ambulance Trusts)
- 9.48. Such obligations would need to be sought via S106 legal agreement.
- 9.49. Section 4.2 of the Developer Contributions SPD sets out that for affordable housing led schemes (as in this case), planning obligations will not normally be sought, other than for the provision of affordable homes themselves. In other words, the SPD indicates that financial contributions will not normally be sought against affordable housing schemes of this nature.
- 9.50. This scheme is proposing to be fully affordable and delivered by a recognised housing provider. As such, it is envisaged that any section 106 legal agreement would seek to ensure that the scheme comes forward as 100% affordable, with the tenure and mix as proposed. In this instance therefore and as per the SPD, the healthcare infrastructure requirements would not be sought on this basis.

Resident's Concerns

9.51. Whilst most resident concerns raised have been addressed above, the following also require attention.

Construction-related issues

9.52. Whilst construction activities will often result in some degree of unavoidable inconvenience and nuisance at times, a Construction Environmental Management Plan (CEMP) is recommended to be secured via planning condition, to ensure that construction-related pollutants and highway impacts are minimised and mitigated.

Highway flood issues

9.53 The concerns raised in this regard appear to relate to existing ongoing issues that fall outside of the application site and beyond the remit of the developer to resolve. As set out above, the development has demonstrated that it can operate without increasing risk of flooding elsewhere.

Existing services and infrastructure cannot cope with added properties

9.54 Whilst it is acknowledged that some services in the district are under pressure, the scheme itself is not so significant as to warrant refusal on this basis, particularly on the basis that it is proposing to address some of the council's shortfall in affordable housing. Nonetheless it is not anticipated that a scheme of this scale would pose any significant risk to existing services.

Two large estates currently being built close to the site

9.55 Whilst it is acknowledged that a number of housing schemes in the locality are currently under construction, there is nothing to suggest that the addition of this proposed scheme would result in any significant issues as er the assessment above.

Loss of value of existing properties

9.56 It is established that this is not a material planning consideration as planning acts in the public interest, notwithstanding it has been concluded that residential

amenity, visual impacts and technical matters have been sufficiently addressed or can be made acceptable through compliance with planning conditions.

10. CONCLUSIONS

- 10.1. The proposal seeks full planning permission for the erection of 14no. affordable dwellings on Land off Doddington Road, Wimblington.
- 10.2. The submitted scheme is considered to represent a small village extension on the southern edge of the settlement, which is classed as a 'Growth Village'. It is considered that the location of the site and scale of the development is acceptable in principle in accordance with Policy LP3.
- 10.3. The proposed dwellings are considered to be acceptable in keeping with the surrounding area in terms of their size, scale, external appearance and proposed palette of materials. Further, the proposed mix of dwellings is considered to be suitably varied across the site.
- 10.4. The submitted layout is considered to provide suitable private amenity space provision and the relationships between existing and proposed dwellings such that the amenities enjoyed by existing properties will not be duly harmed. The proposal is considered to satisfy Policy LP16 in terms of character and appearance, and residential amenity.
- 10.5. The application site is located in Flood Zone 1 and is therefore not considered to be at risk of flooding, therefore complying with Policy LP14 and Chapter 14 of the NPPF.
- 10.6.Following the submission of the additional information throughout the application, it is considered that the proposal has appropriate regard to Policy LP19 in terms of its biodiversity impact.
- 10.7. The scheme as submitted proposes a wholly affordable housing scheme which is endorsed by the Council's housing strategy team. This carries substantial positive weight.
- 10.8. It is therefore considered in the overall planning balance that the scheme is acceptable having regard to the development plan taken as a whole and is accordingly recommended for approval.

10 RECOMMENDATION

- 11.1 Members are recommended to APPROVE the application in accordance with the following terms;
 - 1. The Committee delegates authority to finalise the terms and completion of the S.106 legal agreement and planning conditions to the Head of Planning; and,
 - 1. Following the completion of the S.106, application F/YR23/0811/F be approved subject to the draft planning conditions set out Appendix 1; or,
 - 3. The Committee delegates authority to refuse the application in the event that the Applicant does not agree any necessary extensions to the determination

period to enable the completion of the S106 legal agreement or on the grounds that the applicant is unwilling to complete the obligation necessary to make the development acceptable.

Appendix 1 - Draft Planning Conditions

1. The development permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2. No laying of services, creation of hard surfaces or erection of a building shall commence until a detailed design of the surface water drainage of the site has been submitted to and approved in writing by the Local Planning Authority. Those elements of the surface water drainage system not adopted by a statutory undertaker shall thereafter be maintained and managed in accordance with the approved management and maintenance plan. The scheme shall be based upon the principles within the agreed Flood Risk Assessment and Drainage Strategy prepared by Rossi Long Consulting (ref: 221536) dated July 2024 and shall also include:
 - a) Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events;
 - b) Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change), inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;
 - c) Detailed drawings of the entire proposed surface water drainage system, attenuation and flow control measures, including levels, gradients, dimensions and pipe reference numbers, designed to accord with the CIRIA C753 SuDS Manual (or any equivalent guidance that may supersede or replace it);
 - d) Full detail on SuDS proposals (including location, type, size, depths, side slopes and cross sections);
 - e) Site Investigation and test results to confirm infiltration rates;
 - f) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;
 - g) Demonstration that the surface water drainage of the site is in accordance with DEFRA non-statutory technical standards for sustainable drainage systems;
 - h) Full details of the maintenance/adoption of the surface water drainage system:
 - i) Permissions to connect to a receiving watercourse or sewer;
 - j) Measures taken to prevent pollution of the receiving groundwater and/or surface water

Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no increased flood risk on or off site resulting from the proposed development and to ensure that the principles of sustainable drainage can be incorporated into the development, noting that

	initial preparatory and/or construction works may compromise the ability to mitigate harmful impacts, in accordance with Policy LP14 of the Fenland Local Plan (2014) and Chapter 14 of the NPPF.
3.	No development, including preparatory works, shall commence until details of measures indicating how additional surface water run-off from the site will be avoided during the construction works have been submitted to and approved in writing by the Local Planning Authority. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved measures and systems shall be brought into operation before any works to create buildings or hard surfaces commence.
	Reason: To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development itself; recognising that initial works to prepare the site could bring about unacceptable impacts, in accordance with Policy LP14 of the Fenland Local Plan (2014) and Chapter 14 of the NPPF.
4.	Prior to the commencement of any development, a scheme for the provision and implementation of foul water drainage shall be submitted and agreed in writing with the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the relevant parts of the development are first brought into use and thereafter retained in perpetuity.
	Reason: To ensure a satisfactory method of foul water drainage and to prevent the increased risk of pollution to controlled waters in accordance with Policy LP14 of the Fenland Local Plan 2014.
5.	Prior to any work commencing on the site a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority regarding mitigation measures for noise, dust and lighting during the construction phase. These shall include, but not be limited to, other aspects such as access points for deliveries and site vehicles, and proposed phasing/timescales of development etc. The CEMP shall be adhered to at all times during all phases.
	Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policies LP2 and LP16 of the Fenland Local Plan, adopted May 2014. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
6.	Prior to the occupation of the proposed development hereby approved the accesses from the public highway will be constructed in accordance with the Site Plan, drawing no. CHS_892-P03 Rev. H.
	Reason: In the interests of highway safety and in accordance with Policy LP15 of the Fenland Local Plan 2014.
7.	The proposed accesses are to be constructed using a bound material, for 10 metres back from the adopted highway, to prevent debris spreading onto the adopted public highway.

	Reason: In the interests of highway safety			
8. Prior to the first occupation of the development hereby approved, vis splays shall be provided from the proposed access, in full accordance the details indicated on the submitted Site Plan, drawing no. CHS-89 Rev. H, and shall be maintained free from any obstruction over a he 600 mm.				
	Reason: In the interests of highway safety in accordance with Policy LP15 of the Fenland Local Plan 2014.			
9.	The proposed vehicular accesses shall be constructed so that its falls and levels are such that no private surface water from the site drains across or onto the adopted public highway.			
	Reason: for the safe and effective operation of the highway as required by Policy LP19 of the Fenland Local Plan (2014).			
10.	Prior to the occupation of the first dwelling, full details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an Agreement has been entered into unto Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established.			
	Reason: To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard, in accordance with policy LP15 of the Fenland Local Plan, adopted May 2014.			
11.	Prior to the first occupation of the development hereby permitted a footway of a minimum width of 2 metres shall be provided along Doddington Road, as shown in principle on Site Plan, drawing no. CHS-892-P03 Rev. H, in accordance with a detailed engineering scheme to be submitted to and approved in writing by the Local Planning Authority.			
	Reason: To ensure that the highway network is adequate to cater for the development proposed, in accordance with Policy LP19 of the Fenland Local Plan (2019).			
12.	Prior to the commencement of any works or storage of materials on the site all trees that are to be retained shall be protected in accordance with British Standard 5837:2012. Moreover, measures for protection in accordance with that standard, which shall be submitted to and agreed in writing by the LPA prior to commencement of works on site, shall be implemented and maintained to the Local Planning Authority's reasonable satisfaction until the completion of the development for Building Regulations purposes.			
	Reason: To ensure that retained trees are adequately protected in accordance with Policies LP16 and LP19 of the Fenland Local Plan, adopted May 2014.			

- 13. No development above slab level shall take place until a scheme for the hard and soft landscaping of the site has been submitted to and approved in writing by the Local Planning Authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:
 - a) proposed finished levels
 - b) means of enclosure
 - c) car parking layout
 - d) vehicle and pedestrian access and circulation areas
 - e) existing trees, hedges or other soft features to be retained
 - f) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife (including the bat and bird boxes, hedgehog domes and reptile habitat identified in the ecological surveys undertaken in respect of the development)
 - g) details of siting and timing of all construction activities to avoid harm to all nature conservation features
 - h) location of service runs
 - i) management and maintenance details

The approved hard landscaping shall be carried out with regard to the dwelling to which it relates, prior to the occupation of that dwelling and the soft landscaping shall be carried out within the first available planting season following completion of the development or first occupation (whichever is the sooner) or alternatively in accordance with a timetable for landscape implementation which has been approved as part of the submitted landscape scheme.

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.

14. Prior to the commencement of the development a scheme and timetable for the provision of fire hydrants shall be submitted to, and agreed in writing by, the Local Planning Authority in consultation with the Chief Fire Officer and provision of the fire hydrants shall be made in accordance with the scheme and timetable.

Reason: To ensure a satisfactory form of development in accordance with Policies LP2 and LP16 of the Fenland Local Plan (2014).

- 15. 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 Policy LP18 of the Fenland Local Plan (2014), and national policies contained in the National Planning Policy Framework (DLUHC 2023)

16. Prior to the commencement of any works above slab level, full details of the materials to be used for the external walls and roof shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved particulars and retained in perpetuity thereafter.

Reason: To safeguard the visual amenities of the area in accordance with Policy LP16 of the Fenland Local Plan, 2014.

17. Prior to the commencement of works above slab level, a biodiversity enhancement plan shall be submitted and approved in writing by the local planning authority, detailing the biodiversity enhancement measures to be provided on site and timescales for their implementation. The measures shall be carried out strictly in accordance with the approved scheme and timescales.

Reason: To ensure compliance with the requirements of Policy LP19 of the Fenland Local Plan (2014).

18. Prior to the commencement of the development hereby approved, a comprehensive Reptile Mitigation Strategy shall be submitted to an approved by the Local Planning Authority. Any such approved scheme shall be fully implemented in accordance with the timeframes set out in the strategy.

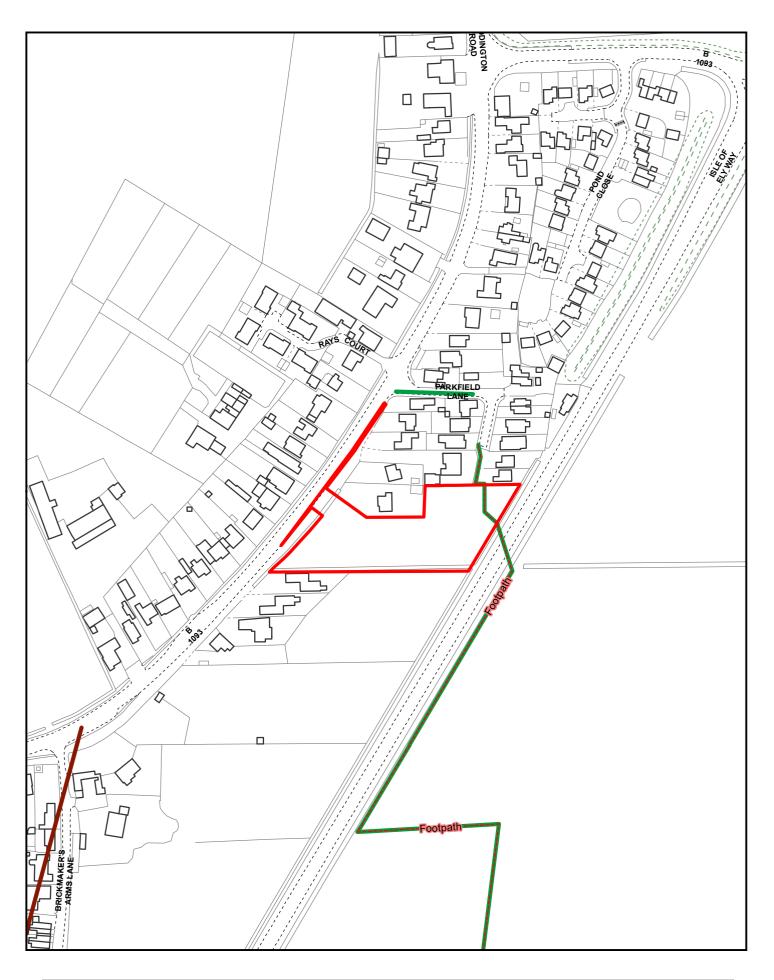
Reason: Conservation of species protected under the terms of the Wildlife and Countryside Act 1981 (as amended).

- Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015, (or any Order or Statutory Instrument revoking and re-enacting that Order with or without modification), planning permission shall be required for the following developments or alterations:
 - i) alterations including the installation of additional windows or doors, including dormer windows or roof windows (as detailed in Schedule 2, Part 1, Classes A and B);

Reasons:

To prevent overlooking of neighbouring properties, in the interest of the protection of residential amenity, as required by Policy LP16 of the Fenland

	Local Plan (2014).
20.	Approved Plans



Created on: 25/10/2023

F/YR23/0811/F

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Fenland

Fenland District Council



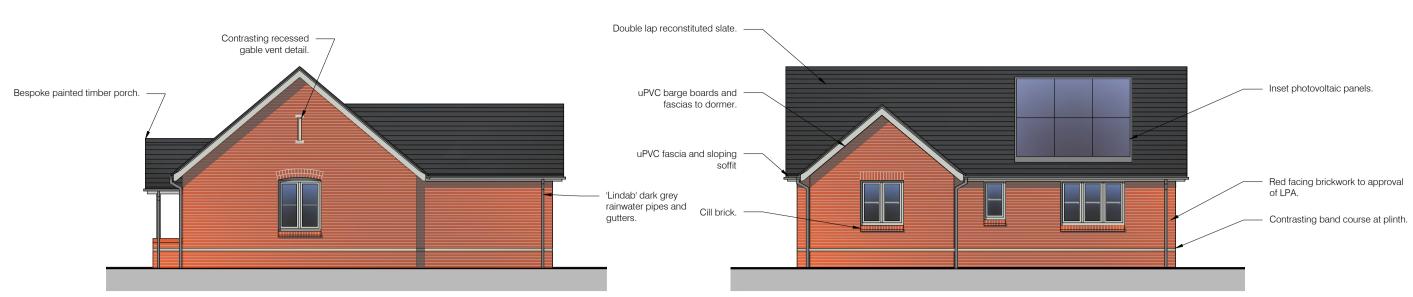
Page 103



Side Elevation Plots 1-3 & 10 (handed)

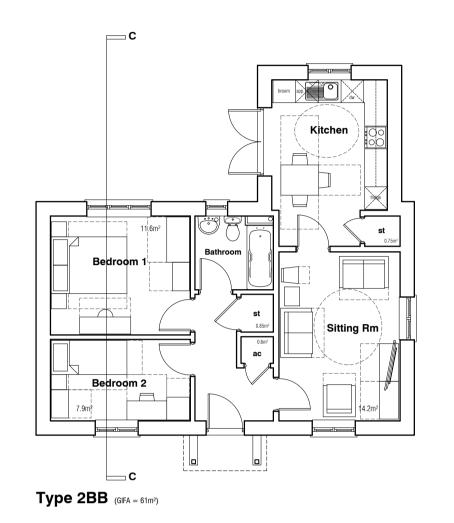


Front Elevation Plots 1-3 & 10

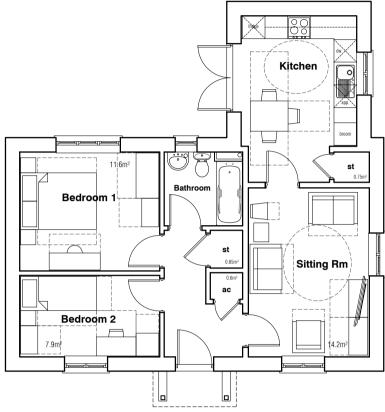


Side Elevation Plots 1-3 & 10 (handed)

Rear Elevation Plots 1-3 & 10 (handed)



Floor Plan Plots 1, 3 & 10 (handed)



Type 2BB (GIFA = 61m²)

Floor Plan Plot 2



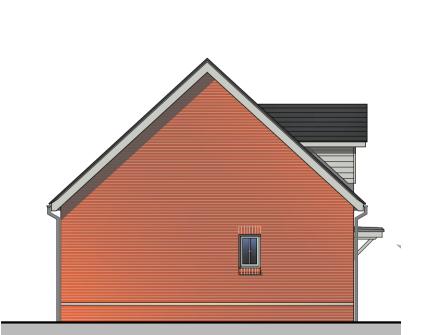
Section CC - Plots 1-3 & 10



Side Elevation Plot 2



Rear Elevation Plot 2



Side Elevation Plots 11-14



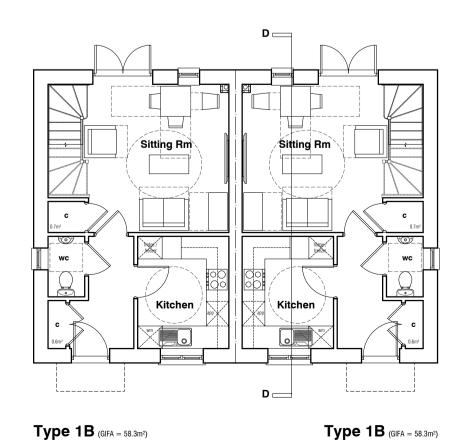
Front Elevation Plots 11-14



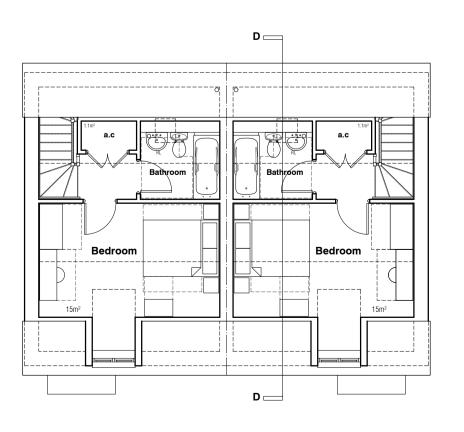
Side Elevation Plots 11-14



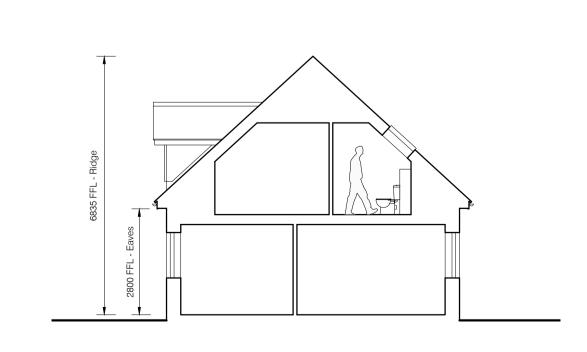
Rear Elevation Plots 11-14



Ground Floor Plan plots 11-14



First Floor Plan plots 11-14



Section DD - Plots 11-14

Revisions	1	
Suffix	Date	Amendments
Α	Feb 24	New Bungalow Layouts
В	18-04-24	New house types
С	12-06-24	Plot 2 Elevation - side window Handing note added.
Status	PI	anning Submission



The Design Partnership The Design Partnership (Ely) Ltd Claremont House,

10 Station Road,

Job Title

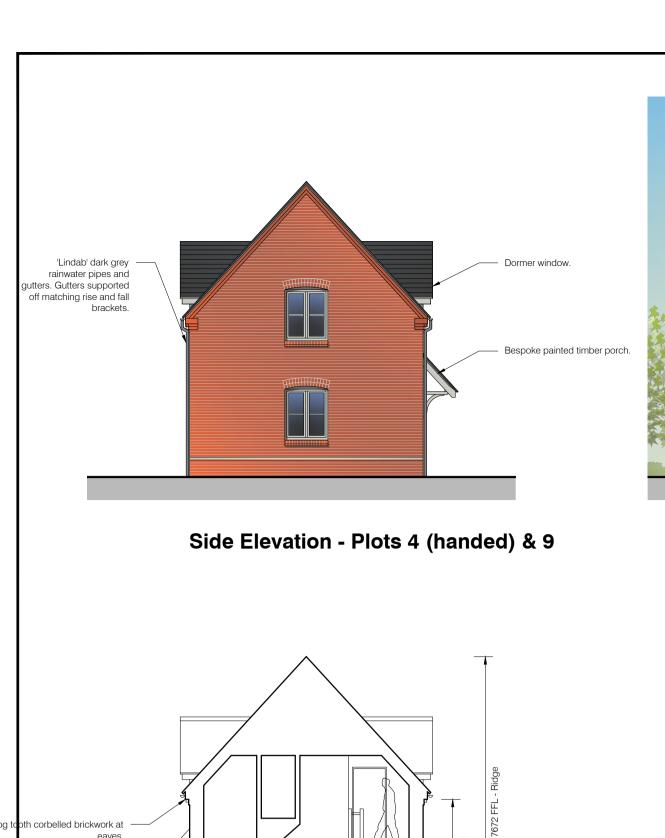
Proposed 14 Affordable Dwellings Land South of 47 Doddington Rd, Wimblington for Cambridge Housing Society

Drawing Title

PLANNING SUBMISSION Plans and Elevations One Bed Houses & Bungalows Plots 1-3 & 10-14

 Date
 Scale
 Drwn
 Dwg. No.
 Rev.

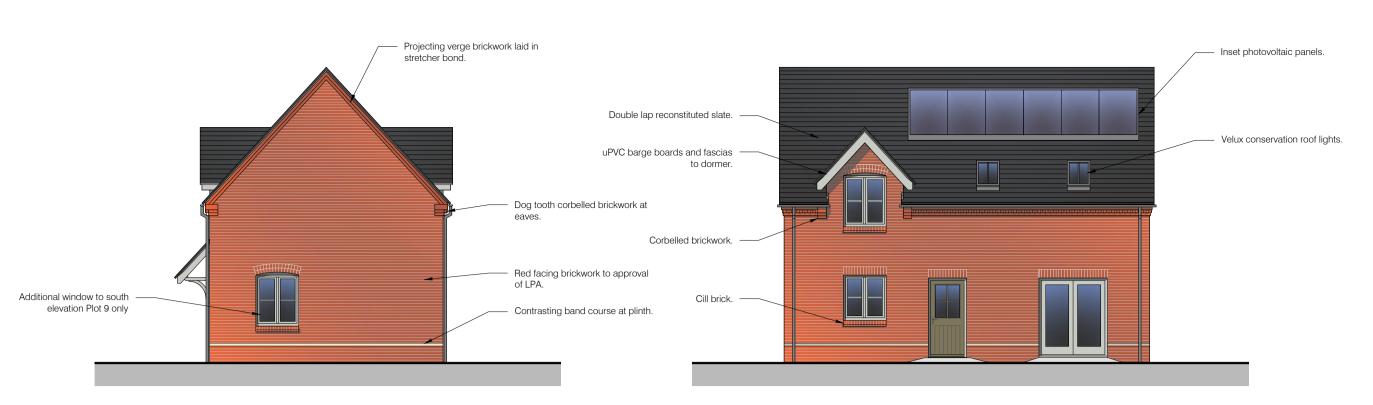
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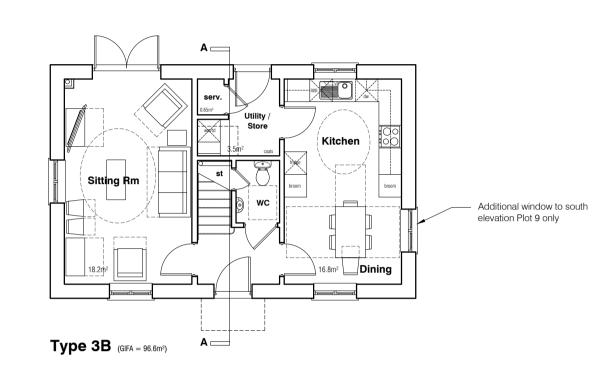


Front Elevation - Plots 4 & 9

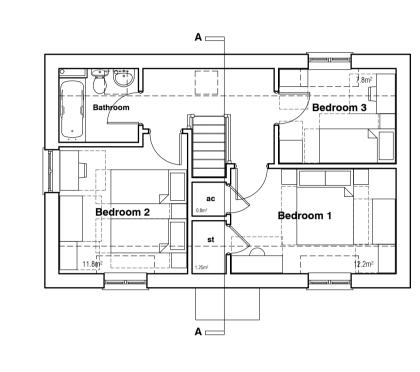


Side Elevation - Plots 4 (handed) & 9

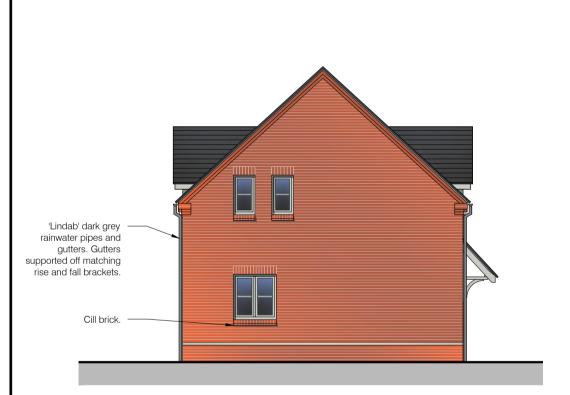
Rear Elevation - Plots 4 (handed) & 9



Ground Floor Plan - Plots 4 (handed) & 9



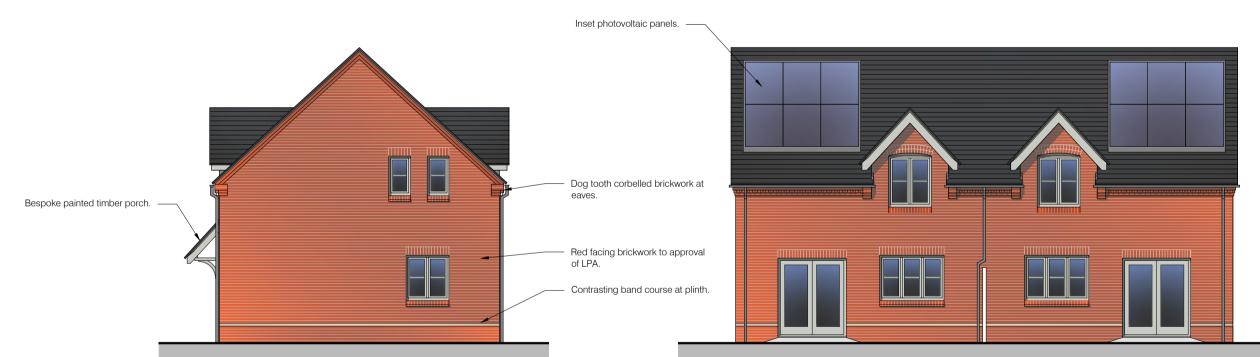
First Floor Plan - Plots 4 (handed) & 9



Side Elevation - Plots 5-8



Front Elevation - Plots 5-8



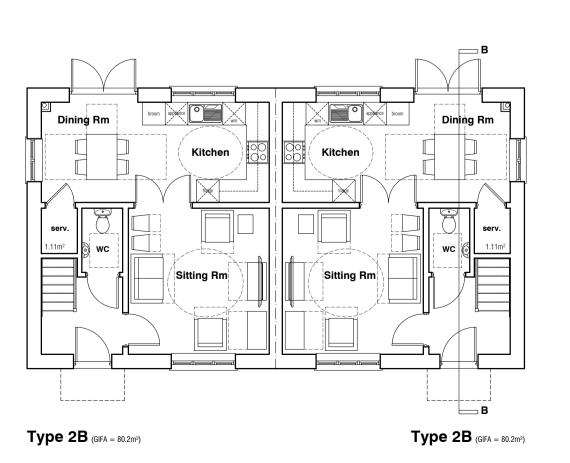
Side Elevation - Plots 5-8



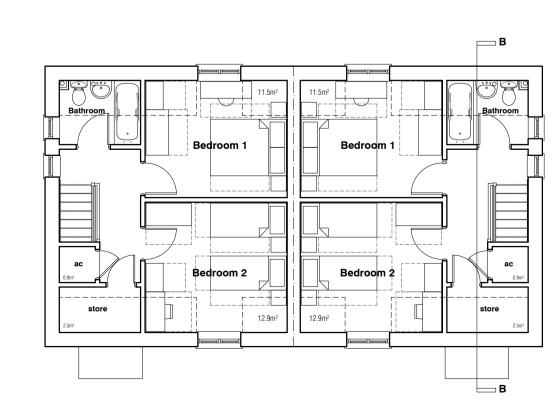
Rear Elevation - Plots 5-8



Section BB - Plots 5-8



Ground Floor Plan - Plots 5-8



First Floor Plan - Plots 5-8

Revisions		
Suffix	Date	Amendments
Α	15-03-23	do not scale removed, north point removed
В	Feb 24	Plot numbers amended to suit Site Plan
С	18-04-24	Plot numbers amended to suit Site Plan
D	12-06-24	Handing added Plot 4





The Design Partnership The Design Partnership (Ely) Ltd Claremont House,

10 Station Road,

Job Title

Proposed 14 Affordable Dwellings Land South of 47 Doddington Rd, Wimblington for Cambridge Housing Society

Drawing Title

PLANNING SUBMISSION Plans and Elevations Plots 4-9 Two and Three Bedroom House Types

 Scale
 Drwn
 Dwg. No.
 Rev.

 1:100@A1
 PD
 CHS-892-P04
 D
 Nov.2022



PLANNING	PLANNING COMMITTEE		
Date	05/03/2025		
Title	TPO05/2024		

1. PURPOSE

The purpose of this report is to advise members of the current situation in respect of confirmation of a Tree Preservation Order (TPO) Vicarage Close, Chatteris

2. SUMMARY

- 2.1 A provisional Tree Preservation Order was placed on a single Sycamore Tree at Vicarage Close, Chatteris on 12th December 2024. The tree is situated partially within the rear garden of 13 St Martins Road and straddles the eastern boundary of the site which runs parallel to Vicarage Close.
- 2.2 The Council's Arboricultural Officer was alerted to potential works to the Sycamore tree and has requested that T1 1 x Sycamore tree has a Tree Preservation Order placed on it as there is therefore a potential risk of the tree being removed, that offers wider public amenity without suitable arboricultural justification for its removal. The tree is considered to offer wider public amenity as it is highly visible from within Vicarage Close, but also along St Martins Road.
- 2.3 Matters relating to the issue and confirmation of a TPO are normally dealt with by delegated powers and confirmations are only referred to this Committee where objections to the Order are received.

TPO objection

2.4 1 objection and 1 letter of response was received from address points along Vicarage Close.

3. RECOMMENDATION

It is recommended that Members confirm the TPO in respect of the T1 1x Sycamore Tree

4. BACKGROUND

- 4.1 The Council's Arboricultural Officer was alerted to potential works to the Sycamore tree and has therefore requested that T1 1 x Sycamore tree has a Tree Preservation Order placed on it.
- 4.2 The Council's Arboricultural Officer has rated the condition and suitability of the tree for a TPO as fair/satisfactory.

5. PROPOSAL

- 5.1 The Order encompasses T1 1x Sycamore Tree A provisional Tree Preservation Order was placed on the tree on 12th December 2024.
- 5.2 The tree is situated partially within the rear garden of 13 St Martins Road, however does straddle the eastern boundary of No. 13 which borders onto Vicarage Close. Chatteris Conservation Area is situated to the north-west of the site, however does not encompass the site or tree itself.
- 5.3 The Arboricultural Officer has noted that the tree offers wider public amenity and there is not suitable arboricultural justification for the removal of the tree. The tree offers wider public amenity as it is highly visible from within Vicarage Close, but also along St Martins Road.

6 PLANNING HISTORY

6.1 No pertinent planning history on site.

7 CONSULTATIONS

7.1 FDC Arboricultural Officer

There is a potential risk of the tree being removed, that offers wider public amenity without suitable arboricultural justification for its removal.

7.2 Local Residents/Interested Parties

The objection received from 3 Vicarage Close stated the following:

With regard to the tree in question we haven't any issues other than it appears to be dying with the branches becoming brittle, there is a lot of lvy that seems to be choking it. We have in the past picked the odd branch up which has fallen/broken off.

You can see there has previously been some branches cut off before we moved here which we assume was due to them being dangerous.

The only concern we have is who is responsible should there be further branches that fall off that cause damage or worse hurt someone, there are always cars parked in the close vicinity which is the shared access road for 4 houses not to mention the families and their children.

- The letter of response received from 5 Vicarage Close stated the following:

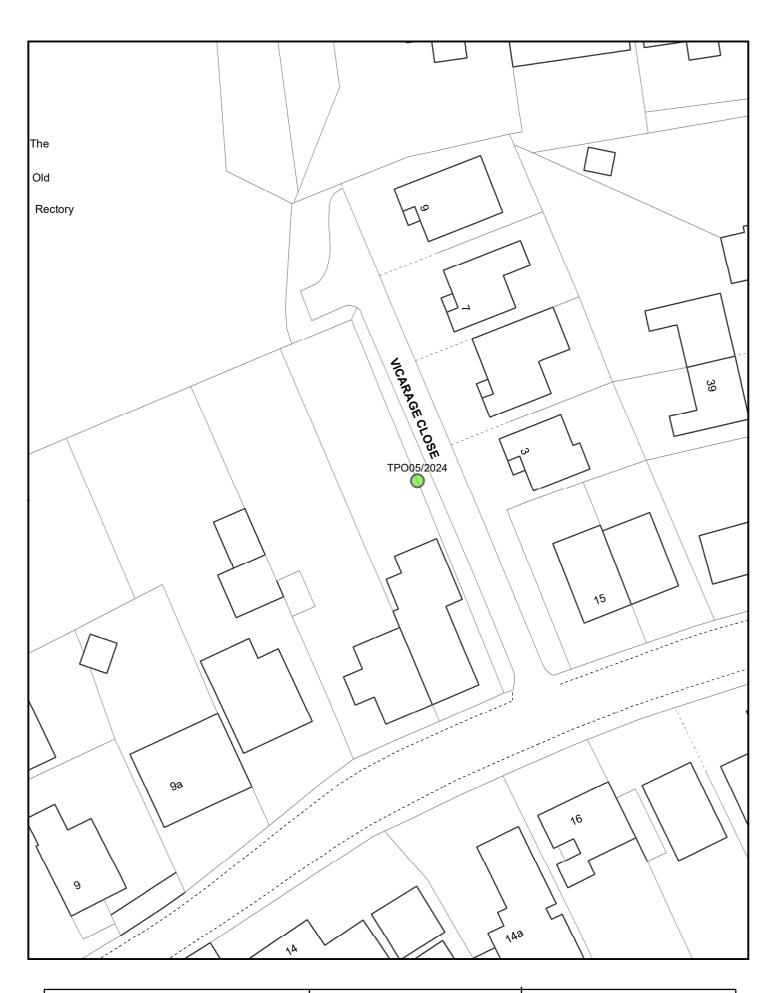
I reside at 5 Vicarage Close and have done for roughly 8/9 years. The tree although has never caused me an issue, has grown tremendously in the time I have lived there as has the Ivy growing up and around it. There has also been fallen branches during high/strong winds.

I as do another neighbour have concerns over who is responsible for the tree should there be injury or damage should a branch fall and either hit someone or damage property etc. I am also aware the trees roots are growing under the opposite neighbours shed, again who is responsible for damage caused?

Has or is there going to be an inspection of the tree?

8 CONCLUSION

- 8.1 Matters relating to the issue and confirmation of a TPO are normally dealt with by delegated powers and confirmations are only referred to Committee where objections to an Order are received, as in this case.
- 8.2 One objection and one letter of response have been received from address points along Vicarage Close. These letters predominantly raised concerns regarding who responsibility falls on, should the condition of the tree deteriorate.
- 8.3 The maintenance and general responsibility of TPO tree is the owners'. Due consideration has been given to the objection from the resident at Vicarage Close, however the tree is considered important to the wider public amenity surrounding the site and is considered to be in good health with good longevity.
- 8.4 The placement of a TPO does not prevent tree works or even removal but gives the Local Planning Authority control over 'inappropriate' or uncontrolled works. Applications can be made to undertake regular maintenance. Applications for works to TPO trees are free of charge.
- 8.5 It is therefore recommended that the TPO is confirmed.



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Vicarage Close, Chatteris T01 - 1x Sycamore Tree

TPO05/2024

Fenland

CAMBRIDGES HIRE

Fenland District Council

F/YR24/0557/F

Applicant: Mr J Doran Agent: Mr Nigel Lowe

Peter Humphrey Associates Ltd

Land South Of Swan Cottage Benwick Road Accessed From, Dykemoor Drove, Doddington, Cambridgeshire

Erect a hay store, 1.5m high weld mesh and 1.8m high close board boundary fencing (retrospective)

Officer recommendation: Refuse

Reason for Committee: Deferral from January 2025 in order for CCC Highways to

be consulted

Government Planning Guarantee

Statutory Target Date For Determination: 3 September 2024

EOT in Place: Yes

EOT Expiry: 14 March 2025

Application Fee: £578

Risk Statement:

This application must be determined by 14th March 2025 otherwise it will be out of time and therefore negatively affect the performance figures.

1 EXECUTIVE SUMMARY

- 1.1 This application was heard at planning committed on 8th January 2025 where it was agreed to defer the application to allow for consultation with CCC Highways.
- 1.2 CCC Highways provided comments suggesting further information is submitted with the application, including providing empirical speed and volume data which may result in a reduction in the speed limit dependant on the survey results. Notwithstanding this, the Highways Officer noted within their comments that the visibility splays provided on site are less than 30 metres. The required visibility splay for a 30mph road is 43 metres, therefore even with a speed reduction in place, the site would not be able to provide required visibility splays.
- 1.3 Consequently, the recommendation is to refuse this application with an additional reason for refusal on highway grounds.

2 UPDATE

- 2.1 This application was presented at Planning Committee on 8th January 2025 where it was agreed that the application be deferred to allow for consultations to be undertaken with CCC Highways.
- 2.2 The agent has also confirmed that the Hay Store has been painted green in the meantime.
- 2.3 Contained within Appendix A is the Officer's original committee report.

3 CONSULTATIONS

3.1 CCC Highways

I visited site yesterday with a colleague and note the position of the fence. Regarding its location in relation to the highway boundary, colleagues in our Highway Records Team have reviewed this. With the records available to the County Council at present, they wouldn't be able to definitively state whether the fence is encroaching the highway extent or not.

I note the visibility constraints regarding the new fence and expect the applicant to provide visibility splays in accordance with DMRB standards. For context, the required visibility for a de-restricted road is 215m in either direction, at our site visit, we observed visibility was less than 30m.

That said, it is accepted that vehicle speeds along Dykemoor Drove are unlikely to that of the speed limit, so if the applicant was to provide empirical speed and volume data, we would be able to consider reducing this in accordance with DMRB or Manual for Streets dependant on the results of the survey.

4 ASSESSMENT AND CONCLUSIONS

Highway Safety

- 4.1 The deferral in January was to allow for consultations to be undertaken with CCC Highways.
- 4.2 The Highways Officer notes that visibility of less than 30m was observed, rather than the 215m required for a 60mph road. This is clearly short of the required standard.
- 4.3 It is noted that the Highway Officer suggests that speed data could be provided to demonstrate that the actual speeds of vehicles on the road are less than the speed limit and that lesser splays may therefore be appropriate. However, given their observation that visibility is less than 30m and the required visibility for a 30mph road is 43m it is not considered that this would serve any purpose.
- 4.4 Policy LP15 of the Fenland Local Plan (2014) requires that developments provide well designed, safe and convenient access for all. The lack of adequate visibility and a likelihood of emerging vehicles from the application site would create unacceptable highway safety impacts contrary to policy LP15 of the Fenland Local Plan 2014.

Appearance

- 4.5 Members will recall from the 8th January committee meeting that the agent indicated that the hay store would be painted green, which has now taken place.
- 4.6 The green colour used to paint the hay store may be considered a more traditional colour commonly associated with agricultural buildings, however the building still does not reflect the design or appearance of a more traditional agricultural building. The hay store is still therefore considered to create an incongruous, highly visible feature within the street scene given its location, scale and materials used and is therefore considered to be unacceptable in a countryside location.
- 4.7 Given the above, the application is recommended for refusal with an additional reason for refusal relating to highway impact.

5 RECOMMENDATION

- 5.1 **Refuse**; for the following reasons:
 - Policy LP16 of the Fenland Local Plan requires development to 'make a positive contribution to the local distinctiveness and character of the area, enhancing its local setting, responding to and improving the character of the local built environment, providing resilience to climate change, reinforcing local identity and not adversely impacting on the street scene, settlement pattern or landscape character of the surrounding area'.

The proposal by its very nature and location would detract from the relationship between Dykemoor Drove and its rural and undeveloped surroundings. Both the Hay Store and 1.8m close boarded fencing create significant incongruous features within the streetscene detracting from the open countryside character. As such, the scheme is considered to be contrary to Policy LP16 of the Fenland Local Plan in this regard.

Policy LP15 of the Fenland Local Plan 2014 requires development schemes to demonstrate that they have had regard to several criteria, including providing a well-designed, safe and convenient access for all. The NPPF states (at paragraph 116) that developments should ensure that safe and suitable access to the site can be achieved for all users and development should create places that are safe, secure and attractive which minimise the scope for conflicts between pedestrians, cyclists, and vehicles.

The visibility splays provided as a result of the development lead to poor visibility and a likelihood of emerging vehicles from the application site conflicting with other road users. As a result, safe and suitable access to the site for all people as required in the NPPF would not be achieved. Policy LP15 (c) is consistent with the NPPF in requiring well designed, convenient and safe access for all. The proposal would conflict with Policy LP15 (c) of the Fenland Local Plan 2014, and paragraph 116 of the NPPF.

Appendix A – Case Officer's report to committee on 8th January 2025

F/YR24/0557/F

Applicant: Mr J Doran Agent: Mr Nigel Lowe

Peter Humphrey Associates Ltd

Land South Of Swan Cottage Benwick Road Accessed From, Dykemoor Drove, Doddington, Cambridgeshire

Erect a hay store, 1.5m high weld mesh and 1.8m high close board boundary fencing (retrospective)

Officer recommendation: Refuse

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

Chairman

Government Planning Guarantee

Statutory Target Date For Determination: 3 September 2024

EOT in Place: Yes

EOT Expiry: 17 January 2025

Application Fee: £578

Risk Statement:

This application must be determined by 17th January 2025 otherwise it will be out of time and therefore negatively affect the performance figures.

1 EXECUTIVE SUMMARY

- 1.1 This application seeks retrospective planning permission for the erection of a hay store, 1.5m high weld mesh and 1.8m high close boarded fence.
- 1.2 The proposal by its very nature and location would detract from the relationship between Dykemoor Drove and its rural and undeveloped surroundings. Both the Hay Store and 1.8m close boarded fencing create significant incongruous features within the streetscene detracting from the open countryside character.
- 1.3 As such, the application is considered to be contrary to Policy LP16 of the Fenland Local Plan and is therefore recommended for refusal.

2 SITE DESCRIPTION

- 2.1 The application site is situated on the eastern side of Dykemoor Drove, which is situated to the south-west of the built-up settlement of Doddington.
- 2.2 The site is currently enclosed by a 1.8m high close board boundary fence along the boundary of the site adjacent to Dykemoor Drove, with a hay store currently in situ.
- 2.3 To the north-east of the site is an existing dwelling, as well as a site with extant permission for the erection of a dwelling which appears to be in the early stages of development.
- 2.4 The application site is situated within Flood Zone 3.

3 PROPOSAL

- 3.1 This application seeks retrospective planning permission for the erection of a hay store, 1.5m high weld mesh and 1.8m high close board boundary fencing. The application form states that development commenced on the 20th May 2024.
- 3.2 The hay store is situated to the north-east of the site. The maximum height of the hay store is approximately 4.8 metres, with a footprint of 10.2 x 7.3 metres approx. The hay store is finished in a white metal cladding.
- 3.3 The 1.8m high close board boundary fence is situated on the north-east, south-west and north-west of the site and the 1.5m high weld mesh is situated on the south-east boundary of the site.
- 3.4 The Hay Store is proposed to be used to store Hay to feed horses in an adjacent field.
- 3.5 Full plans and associated documents for this application can be found at: https://www.publicaccess.fenland.gov.uk/publicaccess/

4 SITE PLANNING HISTORY

Reference	Description	Decision
F/YR23/0886/F	Erect a dwelling (2-storey 5-bed) with detached 2-storey triple garage involving demolition of existing dwelling	Granted 21/12/2023
	(Swan Cottage, Benwick Road, Doddington)	

5 CONSULTATIONS

5.1 **Doddington Parish Council**

Doddington Parish Council at its meeting last night supported the above planning application but would like a caveat included in any approval that the hay store would at no time in the future be converted or used for residential accommodation.

5.2 FDC Environment & Health Services

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.

5.3 **CCC Archaeology**

As the pill box is no longer extant, we would have no comment or objection for the scheme. I will ensure our records of the pillbox are also updated to reflect this change

5.4 Local Residents/Interested Parties

No comments received.

6 STATUTORY DUTY

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014) the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021).

7 POLICY FRAMEWORK

7.1 National Planning Policy Framework 2024 (NPPF)

Chapter 2 - Achieving sustainable development

Chapter 4 - Decision-making

Chapter 12 – Achieving well-designed and beautiful places

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

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP12 – Rural Areas Development Policy

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

Fenland

LP16 – Delivering and Protecting High Quality Environments across the District

LP19 – The Natural Environment

7.5 Emerging Local Plan

The Draft Fenland Local Plan (2022) was published for consultation between 25th August 2022 and 19 October 2022, all comments received will be reviewed and any changes arising from the consultation will be made to the draft Local Plan. Given the very early stage which the Plan is therefore at, it is considered, in accordance with Paragraph 49 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

LP7: Design

LP18: Development in the Countryside

LP24: Natural Environment LP25: Biodiversity Net Gain

LP32: Flood and Water Management

8 KEY ISSUES

- Principle of Development
- Design and Visual Amenity of the Area
- Residential Amenity
- Flood Risk
- Biodiversity Net Gain (BNG)

9 ASSESSMENT

Principle of Development

- 9.1 This application seeks retrospective planning consent for the erection of a hay store, 1.5m high weld mesh and 1.8m high close board boundary fencing. Policy LP3 of the Fenland Local Plan denotes the site as an 'Elsewhere' location as it does not fall within any of the Town or Village categories detailed within the settlement hierarchy. Development in such locations will be restricted to that which is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services; and to minerals or waste development in accordance with separate Minerals and Waste Local Development Documents (LDDs).
- 9.2 The proposed use of the site for a hay store is considered to fall within the remit of local agriculture.

Design and Visual Amenity of the Area

9.3 Policy LP16 of the Fenland Local Plan requires development to 'make a positive contribution to the local distinctiveness and character of the area, enhancing its local setting, responding to and improving the character of the local built environment, providing resilience to climate change, reinforcing local identity and not adversely impacting on the street scene, settlement pattern or landscape character of the surrounding area'.

- 9.4 Dykemoor Drove is predominantly characterised by agricultural fields, with few sporadic dwellings therefore presenting a strong open countryside character. The proposed hay store is situated in close proximity to Dykemoor Drove and therefore is significantly visible from the street scene given this proximity and the height of the Hay Store at 4.8 metres. The Hay Store is also finished in a white metal cladding and does not reflect the design of a traditional agricultural building. The proposed Hay Store therefore is considered to create an incongruous, highly visible feature within the street scene given its location, scale and materials used and is therefore considered to be unacceptable in such a countryside location.
- 9.5 The scheme also includes the provision of a 1.8m high close boarded boundary fencing, which encloses the majority of the site. As aforementioned, Dykemoor Drove has a strong open countryside character. The dwelling to the north of the site has an open frontage to Dykemoor Drove and the extant permission F/YR23/0886/F does not include the provision of any boundary treatments adjacent to Dykemoor Drove. The introduction of the expanse of close-boarded fencing creates a significant incongruous feature within the streetscene, extending into the countryside which appears intrusive and unsympathetic to the surrounding countryside. The proposed close-boarded fencing is therefore considered to be out of character with the existing countryside character and is therefore considered to be unacceptable in this location due to the impact upon the character of the open countryside.
- 9.6 The 1.5-metre-high weld mesh fencing on the south-east boundary of the site is currently predominantly obscured from view by the expanse of close-boarded fencing. However, it is not considered that the weld mesh fencing significantly impacts upon the character of the area.
- 9.7 The proposal by its very nature and location would detract from the relationship between Dykemoor Drove and its rural and undeveloped surroundings. Both the Hay Store and 1.8m close boarded fencing create significant incongruous features within the streetscene detracting from the open countryside character. As such, the scheme is considered to be contrary to Policy LP16 of the Fenland Local Plan in this regard.

Residential Amenity

9.8 The closest neighbouring properties are situated to the north-east and south-east of the application site. However, there is sufficient distance between these properties and the Hay Store. The view of the Hay Store is also partially obscured by existing vegetation on site. As such, it is unlikely that the scheme would detrimentally impact on adjacent neighbouring amenity.

Flood Risk

9.9 The site is situated within Flood Zone 3, the highest level of flood risk. As agricultural development, the proposal is categorised as being less vulnerable in terms of flood risk vulnerability and as such is appropriate within this location.

Biodiversity Net Gain (BNG)

9.10 The Environment Act 2021 requires development proposals to deliver a net gain in biodiversity following a mitigation hierarchy which is focused on avoiding ecological harm over minimising, rectifying, reducing and then off-setting. This

- approach accords with Local Plan policies LP16 and LP19 which outlines a primary objective for biodiversity to be conserved or enhanced and provides for the protection of Protected Species, Priority Species and Priority Habitat.
- 9.11 There are statutory exemptions, transitional arrangements and requirements relating to irreplaceable habitat which mean that the biodiversity gain condition does not always apply. In this instance, one or more of the exemptions / transitional arrangements are considered to apply and a Biodiversity Gain Condition is not required to be approved before development is begun because the application is a retrospective planning permission.
- 9.12 The Environment Act 2021 requires development proposals to deliver a net gain in biodiversity following a mitigation hierarchy which is focused on avoiding ecological harm over minimising, rectifying, reducing and then off-setting. This approach accords with Local Plan policies LP16 and LP19 which outlines a primary objective for biodiversity to be conserved or enhanced and provides for the protection of Protected Species, Priority Species and Priority Habitat.
- 9.13 In this instance a Biodiversity Gain Condition is required to be approved before development is begun.

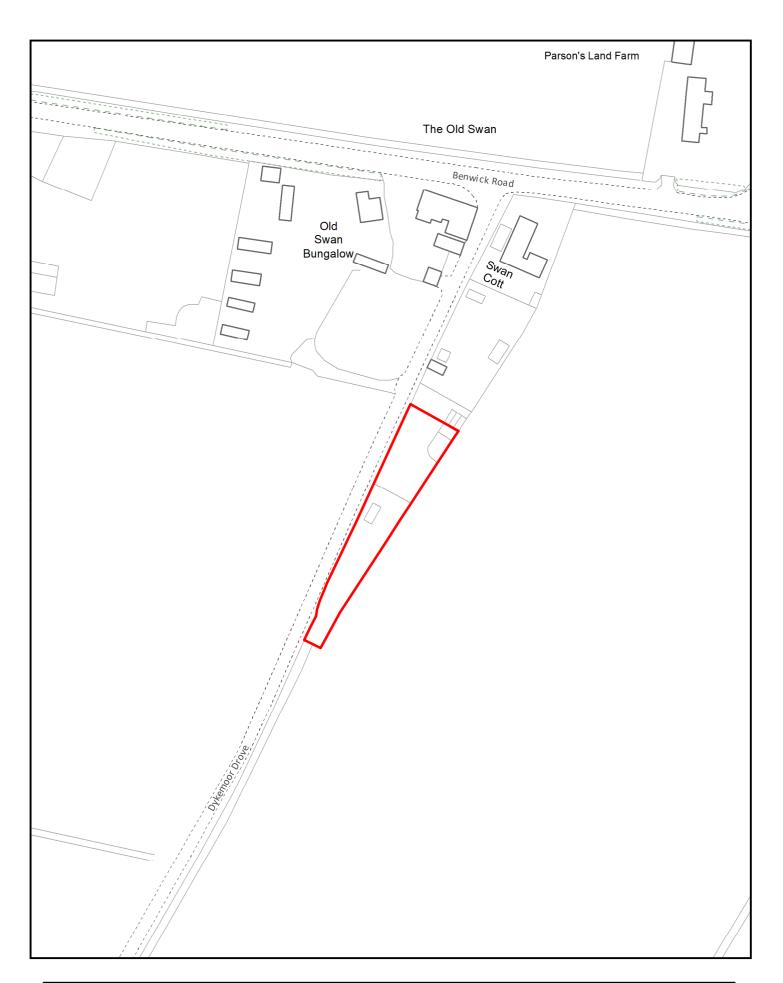
10 CONCLUSIONS

10.1 This application seeks retrospective planning consent for the erection of a hay store, 1.5m high weld mesh and 1.8m high close board boundary fencing. The proposal by its very nature and location would detract from the relationship between Dykemoor Drove and its rural and undeveloped surroundings. Both the Hay Store and 1.8m close boarded fencing create significant incongruous features within the streetscene detracting from the open countryside character. As such, the scheme is considered to be contrary to Policy LP16 of the Fenland Local Plan in this regard.

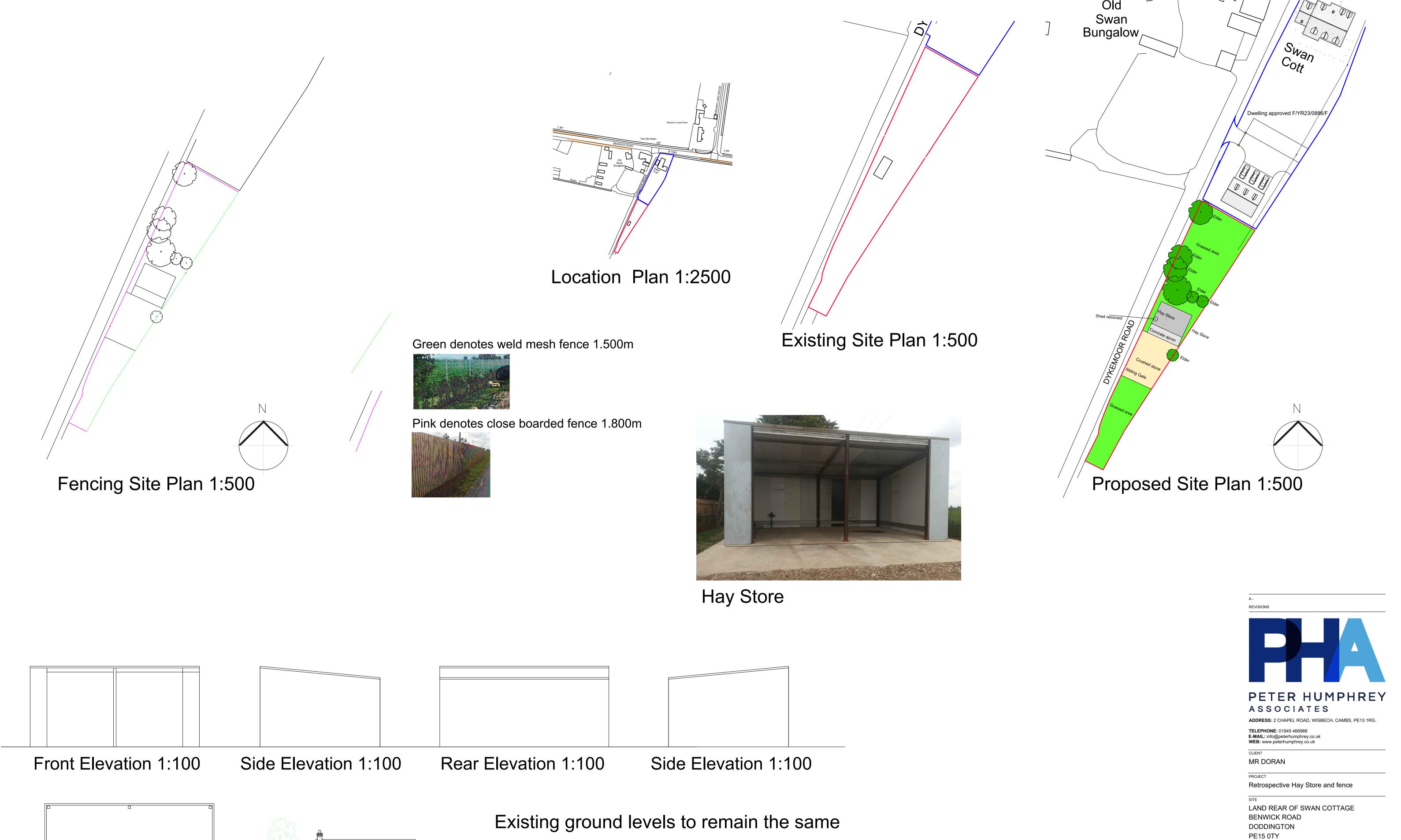
11 RECOMMENDATION

- 11.1 **Refuse**; for the following reason:
 - Policy LP16 of the Fenland Local Plan requires development to 'make a positive contribution to the local distinctiveness and character of the area, enhancing its local setting, responding to and improving the character of the local built environment, providing resilience to climate change, reinforcing local identity and not adversely impacting on the street scene, settlement pattern or landscape character of the surrounding area'.

The proposal by its very nature and location would detract from the relationship between Dykemoor Drove and its rural and undeveloped surroundings. Both the Hay Store and 1.8m close boarded fencing create significant incongruous features within the streetscene detracting from the open countryside character. As such, the scheme is considered to be contrary to Policy LP16 of the Fenland Local Plan in this regard.



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ensure it is printed to the correct paper size. All dimensions to be checked on site prior to commencing work and any discrepancies to be highlighted immediately.

The Construction (Design and Management) Regulations 2015:

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

Hay Store



F/YR24/0970/FDC

Applicant: Fenland District Council Agent: Mrs Rebecca White Rhochi Architecture & Design Ltd

Land To The South Of 8, Crown Avenue, Christchurch,

Erect 1x dwelling

Officer recommendation: Refuse

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

Chairman

Government Planning Guarantee

Statutory Target Date For Determination: 31 January 2025

EOT in Place: Yes

EOT Expiry: 14 March 2025

Application Fee: £578

Risk Statement:

This application must be determined by 14th March 2025 otherwise it will be out of time and therefore negatively affect the performance figures.

1 EXECUTIVE SUMMARY

- 1.1 This application is a full planning application for a dwelling.
- 1.2 The application site is situated within the settlement of Christchurch, which is designated as a small village under Policy LP3. In these settlements, development will be considered on its merits but will normally be of a very limited nature and normally be limited in scale to residential infilling or a small business opportunity.
- 1.3 The application site is situated to the rear of 8 Crown Avenue and therefore would constitute backland development rather than residential infilling. As such, the scheme is considered to be contrary to Policy LP3. The immediate surrounding area along Crown Avenue is characterised by 2-storey, semi-detached dwellings situated close to the footway along Crown Avenue with substantial rear gardens. As such, backland development in this instance would appear out of character and incongruous within the surrounding street scene given the strong building line along Crown Avenue and thus is considered to be contrary to Policy LP16.
- 1.4 The access to the application site is situated within Flood Zone 2 and therefore at medium risk of flooding. Therefore, the flood risk impacts of the proposed development would only be acceptable if the application demonstrated that the Sequential Test has been passed. The application is not accompanied by a Sequential Test and the Local Planning Authority considers that there are reasonably available sites appropriate for the proposed development in areas with

a lower risk of flooding and that would accord with the spatial strategy policies of the Local Plan. The application is therefore considered to be contrary to Policy LP14.

1.5 Subsequently, the recommendation is to refuse this application.

2 SITE DESCRIPTION

- 2.1 The application site is situated to the south of Crown Avenue, within the settlement of Christchurch.
- 2.2 The site is situated to the south of No. 8 Crown Avenue and is accessed to the west of No. 8 which served the original pumping station that was previously situated on this site. The Townley Primary School is situated to the south of the site.
- 2.3 The site was historically used as an Anglian Water compound.
- 2.4 The application site is situated within Flood Zone 1 and 2.

3 PROPOSAL

- 3.1 This application is for full permission for the erection of 1 dwelling.
- 3.2 The proposed dwelling would be a 2-storey, 2-bed dwelling, with accommodation situated within the dormer space. The dwelling would have footprint of 9.5 x 6.5 metres approx. The dwelling would be finished with a pitched roof with an eaves height of 3 metres and a ridge height of 6.2 metres approx.
- 3.3 Tandem parking for 2 cars is proposed to the south-west of the dwelling. Private amenity space is proposed to the north-east of the dwelling.
- 3.4 Full plans and associated documents for this application can be found at: https://www.publicaccess.fenland.gov.uk/publicaccess/

4 SITE PLANNING HISTORY

Reference	Description	Decision
F/YR22/1194/FDC	Erect a dwelling (outline	Refused
	application with matters	23/12/2022
	committed in respect of	
	access)	

5 CONSULTATIONS

5.1 Christchurch Parish Council

The Members of the Parish Council considered this application at their recent meeting and resolved to offer no objection.

5.2 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 or adversely impact the amenity due to artificial lighting.

Due to the proposed development site having been an Anglian Water pumping station compound, I concur with comments from environmental health colleagues on previous site applications that engineers within Fenland District Council's Property and Assets Team should be invited to comment on the application owing to the Council land ownership, as they will be best served to determine what infrastructure still exists and whether any further detailed site assessments are required.

Should planning permission be granted, given the existence of nearby residents it is recommended that the following conditions are imposed in the interests of protecting the local amenity:

o During the period of development that includes any site clearance, demolition of structure(s) and/or construction, no burning of any waste materials including vegetative matter shall take place on site.

o 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.

5.3 **CCC Archaeology**

Thank you for the consultation with regards to the archaeological implications of the above referenced planning application. We have reviewed the plans and have no objections or recommendations.

5.4 **CCC Highways**

On the basis of the information submitted, from the perspective of the Local Highway Authority, I consider the proposed development is acceptable.

Comments

Crown Avenue is adopted highway. The access is located at the end of the road with no route passed for pedestrians. As such it is not essential for the inclusion of pedestrian visibility splays on this occasion, for safe access to be achieved.

Informatives

Works in the Public Highway

This development may involve work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicant's responsibility to ensure that, in addition to planning permission, any

necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council.

5.5 Local Residents/Interested Parties

2 letters of objection have been received from properties along Crown Avenue. The reasons for objection are summarised as follows:

- Additional traffic
- Privacy concerns
- Wildlife
- Noise and disruption
- Access
- Impact on health

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

7 POLICY FRAMEWORK

7.1 National Planning Policy Framework (NPPF) 2024

Chapter 2 - Achieving sustainable development

Chapter 4 - Decision-making

Chapter 9 – Promoting sustainable transport

Chapter 12 – Achieving well-designed places

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

Chapter 15 – Conserving and enhancing the natural environment

7.2 National Planning Practice Guidance (NPPG)

Determining a Planning Application

7.3 National Design Guide 2021

Context

Identity

Built Form

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
- LP19 The Natural Environment

7.5 **Emerging Local Plan**

The Draft Fenland Local Plan (2022) was published for consultation between 25th August 2022 and 19 October 2022, all comments received will be reviewed and any changes arising from the consultation will be made to the draft Local Plan. Given the very early stage which the Plan is therefore at, it is considered, in accordance with Paragraph 49 of the NPPF, that the policies of this should carry extremely limited weight in decision making. Of relevance to this application are policies:

LP1: Settlement Hierarchy

LP2: Spatial Strategy for the Location of Residential Development

LP5: Health and Wellbeing

LP7: Design

LP8: Amenity Provision

LP20: Accessibility and Transport

LP22: Parking Provision LP24: Natural Environment LP25: Biodiversity Net Gain

LP32: Flood and Water Management

8 KEY ISSUES

- Principle of Development
- Design and Visual Amenity
- Residential Amenity
- Parking and Access
- Flood Risk
- Ecology
- Biodiversity Net Gain (BNG)

9 BACKGROUND

9.1 Outline permission was refused on site on 23rd December 2022, planning reference F/YR22/1194/FDC. The reasons for refusal were as follows:

1 Policy LP3 designates Christchurch as a small village. Development within these settlements is considered on its merits but is usually of a very limited nature and normally limited in scale to residential infilling or small business opportunities. The application site constitutes backland development rather than residential infilling. As such, the scheme is considered to be contrary to the aforementioned policy.

2 Policy 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 proposal would introduce backland residential development. Crown Avenue is characterised by 2-storey, semidetached dwellings situated close to the footway with substantial rear gardens. Backland development in this instance would appear out of character and incongruous within the surrounding street scene given the strong building line along Crown Avenue and would therefore fail to make a positive contribution to the local distinctiveness and character of the area and thus would be contrary to the aforementioned policy.

Policies LP2 and LP16(h) of the Fenland Local Plan seeks to ensure that the development provides sufficient amenity space for future occupiers. The scale and

- positioning of the proposed development will result in insufficient levels of private amenity space owing to the constraints of the site, which will result in harm to future occupiers and is therefore contrary to the aforementioned policies.
- 9.2 Prior to the above application, a pre-app application was received in February 2022 regarding the erection of a dwelling on the site. The pre-app response concluded that the proposed scheme was unlikely to be supported by the LPA on the basis of character harm and residential amenity concerns.

10 ASSESSMENT

Principle of Development

- 10.1 Policy LP3 of the Fenland Local Plan 2014 identifies Christchurch as a small village. In these settlements, development will be considered on its merits but will normally be of a very limited nature and normally be limited in scale to residential infilling or a small business opportunity.
- 10.2 The application site is situated to the rear of 8 Crown Avenue and therefore would constitute backland development rather than residential infilling. As such, the scheme is considered to be contrary to Policy LP3.
- 10.3 The submitted Design and Access statement identifies the site as Brownfield land. The NPPF at Annex 2 defines Previously Developed Land (brownfield land) as follows:
 - Land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). It also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed. Previously developed land excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.
- 10.4 The Design and Access statement notes that the site was made redundant following a replacement compound being erected adjacent to the site. The statement also acknowledges that the site has not been maintained allowing for dense scrub of weeds and brambles to grow, including photographs of the old Klargester within the site barely being visible. The redundancy of the site has resulted in the land blending into the surrounding landscape. It is therefore considered that the site does not fall within the definition of previously developed land as set out within the NPPF, given the low-level, fixed surface structure has blended into the landscape. Therefore, no weight can be afforded to this.

10.5 In summary, the site's location relative to built form is not supported by spatial policies of the development plan and the principle of development is therefore not acceptable.

Design and Visual Amenity

- 10.6 Policy LP16 of the Fenland Local Plan seeks to deliver and protect high quality environments across the district. Policy LP16(d) states that development should make a positive contribution to the local distinctiveness and character of the area, enhancing its local setting and responds to and improves the character of the local built environment.
- 10.7 Crown Avenue is characterised by 2-storey, semi-detached dwellings situated in close proximity to the footway, with substantial rear gardens situated to the rear of each dwelling. The application proposes to erect a 2-storey detached dwelling, with accommodation in the dormer space to the rear of 8 Crown Avenue and therefore represents backland development. Backland development in this instance would appear out of character and incongruous within the surrounding street scene given the strong building line along Crown Avenue. As such, the application fails to make a positive contribution to the local distinctiveness and character of the area, enhance the local setting or respond to and improve the character of the local built environment and is thus considered contrary to Policy LP16.

Residential Amenity

- 10.8 Neighbouring property is situated to the north and north-east of the application site
- 10.9 The submitted site plan details the proposed private amenity space to the northeast of the dwelling. Whilst the proposed dwelling may be somewhat visible to the dwelling to the north-east, it is unlikely to introduce any adverse impacts upon neighbouring property.
- 10.10 The dwelling to the north of the application site would be situated approximately 24 metres from the proposed dwelling. The dwelling is a 2-storey dwelling, however given that the first-floor is situated within the dormer space, the height of the proposed dwelling is less of that of a traditional 2-storey dwelling. Given the clearance between the neighbouring dwelling and proposed dwelling, it is unlikely that any adverse overbearing or overshadowing impacts would be introduced. A roof light is proposed to the front of the dwelling which would serve the bathroom. Given the angle at which the window is set, it is unlikely to introduce any adverse overlooking impacts.
- 10.10 Policy LP2 and LP16(h) states that development should provide sufficient private amenity space, suitable for the type and amount of development proposed and for dwellings other than flats, a minimum of a third of the plot curtilage should be set aside as private amenity space. The submitted site plan appears to detail a third of the plot curtilage set aside for private amenity space.
- 10.11 Consultation comments received from FDC Environmental Health raised no objections to the proposed development. They did however request a working times condition to be included should permission be granted due to the close proximity of noise sensitive receptors. These comments are acknowledged,

however given that the proposal is for a single dwelling, such condition would not be considered to be reasonable.

10.12 As such, there are no issues to address with regards to Policy LP16 in this instance.

Parking and Access

10.13 The site will be accessed via an existing access to the west of 8 Crown Avenue. The submitted site plan details the provision of 2 parking spaces and a turning area to the front and side of the dwelling. The parking spaces will measure 2.5 x 5 metres approx. and are therefore considered to be a sufficient size to accommodate appropriate parking on site. There is sufficient space to the front of the dwelling to provide on-site turning and therefore there are no issues to address with regard to Policy LP15.

Flood risk and drainage

- 10.14 The application site is located within Flood Zones 1 and 2 (low and medium probability of flooding from rivers and sea, respectively), with the proposed access road within Flood Zone 2 as confirmed in the applicant's Flood Risk Assessment.
- 10.15 Policy LP12 of the Local Plan states that any proposal will need to satisfy the applicable Local Plan policies and not put people or property in danger from identified risks. Policy LP14 of the Local Plan states that all development proposals should adopt a sequential approach to flood risk from all forms of flooding and development in areas known to be at risk from any form of flooding will only be permitted following:
 - (a) the successful completion of a sequential test (if necessary), having regard to actual and residual flood risks
 - (b) an exception test (if necessary),
 - (c) the suitable demonstration of meeting an identified need, and
 - (d) through the submission of a site specific flood risk assessment, demonstrating appropriate flood risk management and safety measures and a positive approach to reducing flood risk overall, and without reliance on emergency services.
- 10.16 Policy LP14 of the Local Plan is consistent with the requirements set out within the NPPF and guidance set out within NPPG in that they require the Sequential Test (and the Exception Test, if necessary) to be applied, where development is proposed in areas at risk from any form of flooding. NPPF Paragraph 175 was updated in December 2024 and is particularly relevant in this case, where it states;

The sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk).

10.17 Paragraph 023 of National Planning Practice Guidance, states:

"The approach is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. This means avoiding, so far as possible, development in current and future medium-high flood risk areas considering all sources of flooding including areas at risk of surface water flooding."

- 10.18 Due to the proposed development being located within a medium risk of flooding, the flood risk impacts of the proposed development would only be acceptable if the application demonstrated that the Sequential Test has been passed. The application is not accompanied by a Sequential Test and the Local Planning Authority considers that there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding and that would accord with the spatial strategy policies of the Local Plan.
- 10.19 The proposed development therefore has unacceptable and unwarranted flood risks, contrary to policies LP12 and LP14 of the Local Plan, Section 4 of the Cambridgeshire Flood and Water Supplementary Planning Document and the flood risk avoidance aims of the NPPF. Whilst it is recognised that this didn't form a reason for refusal on the previous application, it is clear that flood risk avoidance policies have been strengthened through the recently updated NPPF which post-dates the Council's previous refusal.

Ecology

10.20 The application has been accompanied by a Preliminary Ecological Assessment Report. The report identifies that additional surveys are only required if clearance works are carried out during the bird breeding season or if significant works are required for drainage to the ditch to the west of the site. It may be possible to establish, through further surveys of the site, if the existing if water voles are present or whether they would be adversely impacted upon, however due to the failure of the proposal to comply with other policies of the Fenland Local Plan, it would not result in the alteration of the recommendation for the application, and therefore it was not considered appropriate to require a survey to be completed at this time. Should a further application be made, or an appeal in relation to the current scheme be submitted, it would be appropriate for a survey to accompany the submissions to ensure full consideration of biodiversity matters. As it stands, the development does not comply with the requirements of Policy LP19 of the Fenland Local Plan (2014).

Biodiversity Net Gain (BNG)

- 10.21 The Environment Act 2021 requires development proposals to deliver a net gain in biodiversity following a mitigation hierarchy which is focused on avoiding ecological harm over minimising, rectifying, reducing and then off-setting. This approach accords with Local Plan policies LP16 and LP19 which outlines a primary objective for biodiversity to be conserved or enhanced and provides for the protection of Protected Species, Priority Species and Priority Habitat.
- 10.22 In this instance a Biodiversity Gain Condition is required to be approved before development is begun.

11 CONCLUSIONS

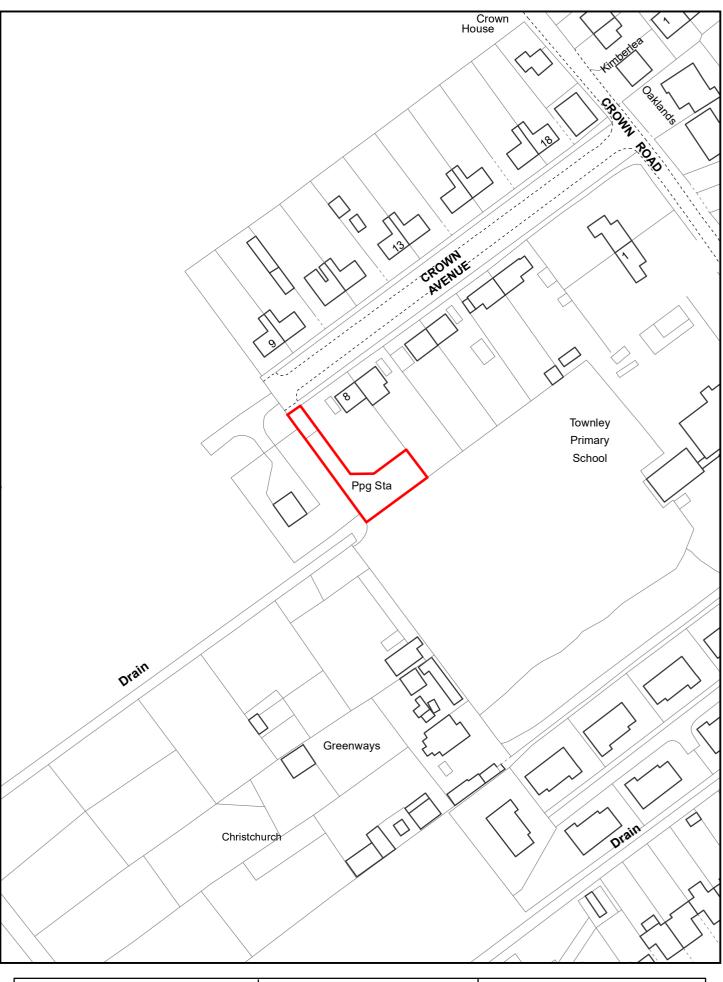
- 11.1 The proposal has been considered in line with policies contained within the Fenland Local Plan 2014 and the National Planning Policy Framework. It is considered that the proposal to erect a dwelling in this location conflicts with Policies LP2, LP3, LP12, LP14 and LP16 of the Fenland Local Plan, in that the development would cause harm to the form and character of the area, would cause detrimental impacts to residential amenity and would place occupiers at an unwarranted risk of flooding.
- 11.2 In applying the planning balance it is considered that the modest benefits of this proposal and other material considerations do not outweigh the significant policy conflicts and associated disbenefits. As such, in accordance with the statutory duty under Section 38(6) of the Planning and Compulsory Purchase Act 2004 the proposal does not warrant a decision otherwise than in accordance with the development plan and the application should be refused.

12 RECOMMENDATION

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

Policy LP3 designates Christchurch as a small village. Development within these settlements is considered on its merits but is usually of a very limited nature and normally limited in scale to residential infilling or small business opportunities. The application site constitutes backland development rather than residential infilling. As such, the scheme is considered to be contrary to the aforementioned policy. 2 Policy 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 proposal would introduce backland residential development. Crown Avenue is characterised by 2storey, semi-detached dwellings situated close to the footway with substantial rear gardens. Backland development in this instance would appear out of character and incongruous within the surrounding street scene given the strong building line along Crown Avenue and would therefore fail to make a positive contribution to the local distinctiveness and character of the area and thus would be contrary to the aforementioned policy. 3 Policy LP14 (Part B) of the Local Plan and Paragraph 175 of the NPPF require development in areas at risk now or in the future from any flooding to undergo a sequential test to demonstrate that the development cannot be delivered elsewhere in the area at lower risk areas of flooding. The site lies in an area at high risk of flooding and fails to successfully demonstrate through the application of the sequential test that the development could not be located elsewhere in a location at a lower risk of

flooding. Consequently, the development would place people and property at an unwarranted risk of flooding contrary to policy LP14 of the Fenland Local Plan (2014) and the flood risk avoidance requirements of the NPPF.



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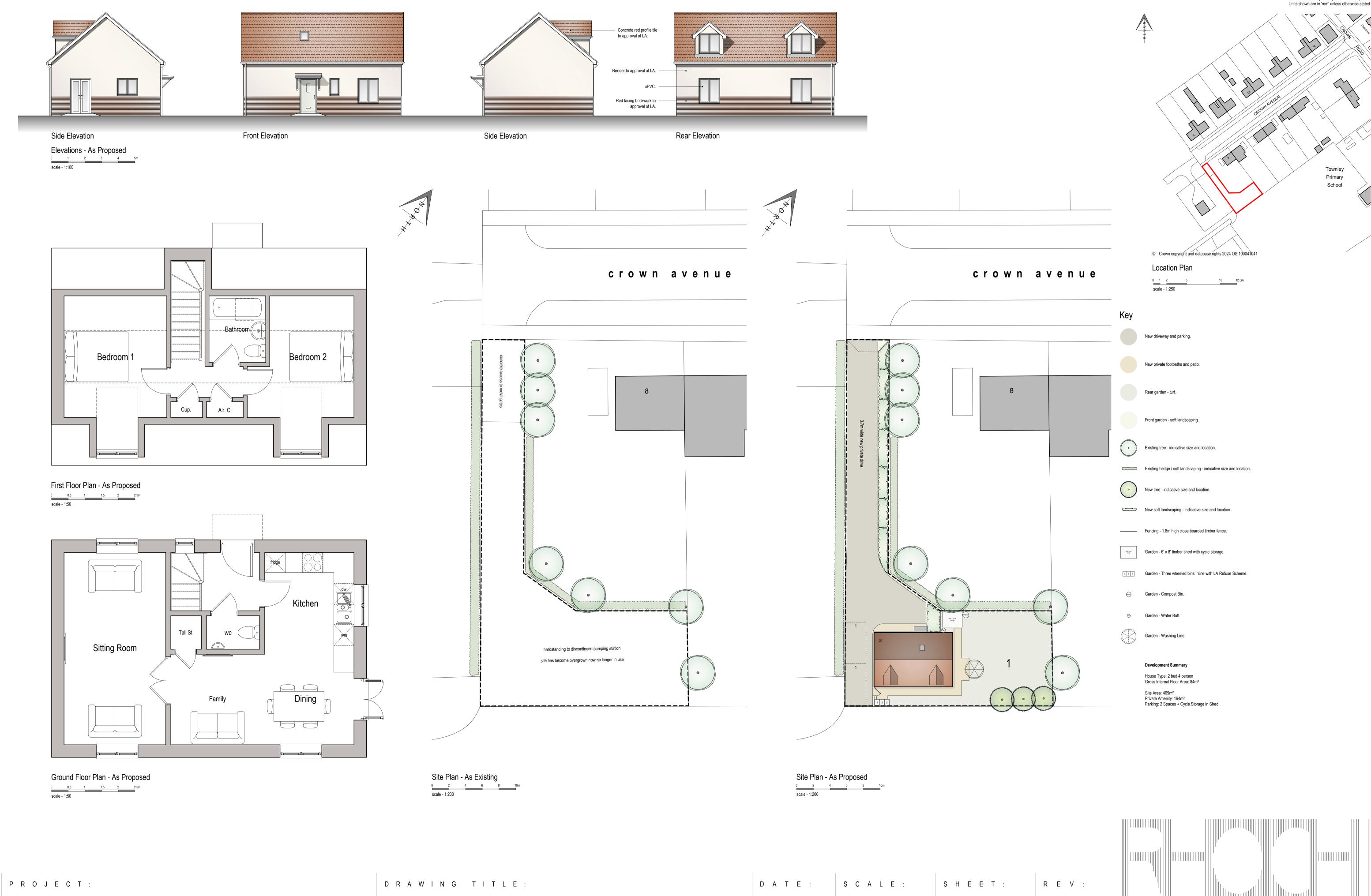
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N

CAMBRIDGESHIRE Fenland District Council

All dimensions to be checked on site and any discrepancies to be reported.



As Existing Site Plans and As Proposed Site Plan, Floor Plans and Elevations

Sept 24 Var @ A1 FD-187-P01



RHOCHI ARCHITECTURE & DESIGN LTD W W W . R H O C H I . C O . U K 0 1 3 5 4 7 4 2 7 0 3

F/YR24/0662/F

Applicant: Mr Colin Roberts Agent : Mr Malcolm Horswill Flower Garden Group Limited Marden Ash Planning Limited

Site Of Former Gas Distribution Centre, Gas Road, March, Cambridgeshire

Erect 9 x single-storey dwellings (3 x 1-bed and 6 x 2-bed)

Officer recommendation: Refuse

Reason for Committee: March Town Council comments contrary to officer

recommendation.

Government Planning Guarantee

Statutory Target Date for Determination: 7 October 2024

EOT in Place: No

EOT Expiry: 11 February 2025

Application Fee: £5202

Risk Statement:

This application is out of time.

1 EXECUTIVE SUMMARY

- 1.1 This full planning application seeks to provide nine single storey dwellings to be accessed from Gas Road. Three of dwellings will be 1 bed bungalows, with the remaining six to be 2 bed bungalows. The boundaries of the site will be bordered by hedging, with grassed gardens located to the rear of each dwelling. The southwestern corner of the site will contain an area of wildflower grassland. Each two bedroom dwelling is to be allocated two off road parking areas, with the one bedroom dwellings at Plots 1, 2 and 3 to be provided one parking space each. Each parking space measures 2.4 metres wide by 4.8 metres in depth. Two disabled parking bays have also been provided measuring 3.6 metres wide by 6 metres in depth.
- 1.2 A previous planning application for a 19-unit development in 2018 was granted consent under reference F/YR17/0616/F but is now lapsed. That scheme was considered by the applicant to be non-viable. It would have required 'significant and expensive' protection of both the high and medium pressure gas mains running underground through the site, as the proposed housing units encroached within the safety zone determined by Cadent Gas and the Health and Safety Executive. The new site layout has been designed to ensure that no units are sited within the building proximity zone.
- 1.3 The latest proposal results in a development that would appear cramped and incongruous when assessed against the established local built environment, with dwellings (including in some case entrance doors) in very close proximity to one

another. Proposed future occupants of the majority of the plots will have to travel excessive distances to access parking provision, which is of particular concern for the amenity of potentially elderly and / or less-mobile occupants. Additionally, the proposed layout provides a lack of natural surveillance over parking areas and a public footpath, generating community safety concerns. As such, the scheme is considered to be contrary to Policies LP2, LP15, LP16 and LP17 of the Fenland Local Plan and Policy H2 of the March Neighbourhood Plan (2017), as well as Chapters 8, 9, and 12 of the National Planning Policy Framework.

- 1.4 As such, the scheme is considered to raise significant conflict with policies of the development plan and those of national policy which otherwise seek to secure good design and high levels of amenity.
- 1.5 The recommendation is to refuse the application.

2 SITE DESCRIPTION

- 2.1 The application site is located to the south and east of a former gas distribution station. The site is bordered by mesh fencing and barbed wire at the northern boundary of the site facing Kirk Ogden Close, which solely contains single storey properties. The eastern boundary at Gas Road is bordered by mesh fencing with established trees to the front. The adjacent development is a single storey shop named One-Stop, and single storey properties. The western boundary of the site is bordered by timber fencing and established trees. The majority of the adjacent dwellings at Springfield Avenue are single storey with two storey sheltered housing accommodation at Bradshaw Court predominantly facing the grassed open space beyond the southern boundary of the site. The southern boundary is bordered by established trees with grassed open space beyond. On the opposite side of Springfield Avenue, approximately 47 metres away, 40 two storey dwellings are currently under construction, under the approved application F/YR18/1136/F. The application site contains an amount of gravel and bark chippings with sparse vegetation growing in between.
- 2.2 The application site and surrounding area is located entirely in Environment Agency Flood Zone 1. An area of the rear gardens of Plots 4 and 5 is subject to a low chance of surface water flooding, with Plots 1, 2 and 3 subject to a low, medium and high chance of surface water flooding on the Environment Agency mapping.

3 PROPOSAL

3.1 This full planning application seeks to provide nine single-storey dwellings to be accessed from Gas Road. Three of the dwellings will be 1 bed bungalows, with the remaining six to be 2 bed bungalows. Plots 1 and 2, which are semi- detached and Plot 3 in the north-east corner of the site will contain a bedroom, bathroom and combined kitchen, living and dining area. Plots 4 and 5 are semi-detached and are located to the south-west in a row of six bungalows. These plots contain two bedrooms, a bathroom and a combined kitchen, living and dining area. Plots 6 and 7 are semi-detached and are to contain two bedrooms, a bathroom and a combined kitchen, living and dining area. Plots 8 and 9 are in the south-eastern corner of the site are semi-detached and will contain two bedrooms, a bathroom and a combined kitchen, living and dining area. The proposed brick and tiles of all the dwellings are to be addressed by condition.

- 3.2 The boundaries of the site will be bordered by hedging, with grassed gardens located to the rear of each dwelling. The south-western corner of the site will contain an area of wildflower grassland. Each two-bedroom dwelling is to be allocated two off road parking areas, with the one-bedroom dwellings at Plots 1, 2 and 3 to be provided one parking space each. Each parking space measures 2.4 metres wide by 4.8 metres in depth. Two disabled parking bays have also been provided measuring 3.6 metres wide by 6 metres in depth.
- 3.3 Paragraph 4.4 of the Planning, Design and Access Statement states:

 The principle of development of this site was firmly established by the granting of planning consent for the 19 unit development in 2018. However, that scheme ultimately proved to be non-viable. It would have required significant and expensive protection of both the high and medium pressure gas mains running underground through the site, as the proposed housing units encroached within the safety zone determined by Cadent Gas and the Health and Safety Executive. The building layout now being submitted to the District Council has been designed to ensure that no units fall within that building proximity zone. Cadent has been consulted about the layout and agreed that the proposed scheme would be acceptable from their operational perspective.
- 3.4 Full plans and associated documents for this application can be found at: https://www.publicaccess.fenland.gov.uk/publicaccess/

4 SITE PLANNING HISTORY

Reference	Description	Decision
F/YR14/0744/F	Erection of an industrial building to house a	Refused -
	20MW electricity generation plant involving the	27/10/2014
	erection of a 2.4m high palisade security	
	boundary fence and gate.	
F/YR17/0616/F	Erection of 19 dwellings comprising 1 single-	Granted –
	storey 2-bed; 5 x 2-storey 2-bed; 5 x 3-storey 3-	05/10/2018
	bed and 8 flats; comprising a 3-storey apartment	
	block consisting of 6 x 2-bed flats and 2 x 1-bed	
	flats; and a cycle store, bin store and parking area	

5 CONSULTATIONS

5.1 March Town Council – 22nd October 2024 Approval.

5.2 Anglian Water – 4th September 2024

Advises that they have no comments to make, as the application falls outside of the remit for comments by Anglian Water. Advises that the applicant should check for any Anglian Water assets which cross or are within close proximity to the Site and factor this in to the design/ layout.

5.3 Cadent Gas - 15th October 2024

No objection in principle.

Advises that a 168mm ST HP pipeline and MP mains in the works area will need to be protected at all times this has an easement in place. No mechanical

excavation within 3m of the pipeline or mains. The ground levels must not be altered over the pipeline or in the easement. Refers LPA and developer to the planting guide to ensure no trees are planted to close to assets.

Informatives provided for the developer regarding building distances from assets

Cambridgeshire County Council – Highways – 12th November 2024 Considers the proposed development is acceptable.

Advises that the submitted Transportation note responds to the concerns previously raised.

Maintains concerns regarding the parking arrangement adjacent to Plot 4, as the updated drawing, drawing ref. SK03 Rev A, demonstrates that the 2m x 2m visibility splays extend across the proposed dwelling. However, given the proposed internal access road will be a low trafficked environment, with low vehicle movements along the adjacent footway, 1.5m by 1.5m would be achievable and would be accepted at this location. Noted that the red line boundary presented on drawing ref. SK03 Rev A does not match the boundary presented on other drawings, including the location plan and site layout, and therefore if the LPA were to grant planning consent drawing ref. SK03 Rev A should not form part of that permission.

Advises that the amended plan does not clearly demonstrate the proposed link to the wider footways along the western side of Gas Road, which is considered necessary to provide connectivity between the site and local services. The installation of the footway link and proposed dropped kerbs could form part of a short form Section 278 legal agreement with the County Council for works within the public highway and is recommended to be conditioned accordingly.

Recommended Conditions

A scheme detailing the construction and surfaces of the roads and footpaths to be completed prior to first occupation.

Prior to first occupation vehicular and pedestrian visibility splays shall be provided and maintained.

Vehicular access constructed so that no private surface water from the site drains across or onto the adopted public highway.

Prior to the first occupation, a footway of a minimum width of 2 metres shall be provided along the western side of Gas Road to connect to the existing provision to the south and associated dropped kerb crossing to the north at the junction with Kirk Ogden Close, in accordance with a detailed engineering scheme to be agreed.

No gates or other means of enclosure shall be erected across the vehicular access hereby approved.

Prior to first occupation details of the proposed arrangements for future management and maintenance of the proposed streets to be agreed.

Environmental Health – 13th January 2025 5.5

No objections in principle.

Re: Further consultation regarding noise and contaminated land.

Contaminated Land

Notes that there is an inconsistency between consultees advice on the depth of the cover on site. Notes that Cadent Gas require a depth of soil above its network of no more than 300mm and Environmental Health require a depth no less than 600mm for the protection from contaminates in the soil.

Considers a 300mm capping will not be sufficient or in line with the contaminated land report provided. Regarding the submitted remediation statement (which proposed 600mm of capping); The report identified contaminates on site that do not have safe levels of exposure. The remediation plan provided was to leave these contaminants in situ, and to protect the residents from exposure from these contaminates by preventing contact or contamination of water supplies. The site in question is contaminated with a range of materials and pollutants relating to the lands previous use, including asbestos, hydrocarbons and heavy metals as well as unknown imported materials.

If the identified remediation measures cannot be achieved, I recommend an alternative approach is submitted for consideration. Continues to suggest a robust set of contaminated land conditions are applied and once works are completed the site undertake a validation report to ensure that there has been no mixing of soils or transfer of contaminants from contaminated sub layers below the installed membrane to the imported clean layer.

Construction

Due to close proximity or nearby residual properties and receptors, a robust CEMP will be required, with specific dust control measure to ensure no contaminated soils become airborne. The report should also include the impact of noise and vibration on nearby receptors.

Noise

The amended noise impact assessment identifies that the mitigation measures of an acoustic fence and double glazed windows with trickle ventilation will be sufficient to protect amenity. Recommended to be secured via condition.

Conditions also required for the following;

- Asbestos removal
- Demolition and Construction Site Deliveries
- Piling
- Working Hours
- Burning
- Plant, Machinery and Equipment Noise Assessment (This may form part of the CEMP)
- Dust

5.6 FDC Ecology – 19th February 2025

Protected species

The Preliminary Ecological Assessment is acceptable and reasonable; with precautionary measures for bats, birds, badgers, small mammals, and GCN. There are also enhancement recommendations for plants and habitats, invertebrates and herptiles, birds, bats, and small mammals

Suggested condition for a CEMP: Biodiversity (Construction Environment Management Plan)

BNG

Requires the BNG metric for auditing purposes. Initial commentary prior to audit: The Biodiversity Net Gain report is acceptable and reasonable. On-site net gain is achievable - with a major net gain for the habitat units (>0.5 units) and minor net gain for the hedgerow units (<0.5 units)

A Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan is required to be secured via condition.

5.7 Local Residents/Interested Parties

Objectors

One objection has been received from Springfield Avenue, March. They have expressed concerns with regard to:

- Overdevelopment
- Gas safety

Supporters

None

Representations

One representation has been received from Kirk Ogden Close. They do agree with the principle of developing this site but have concerns with regard to water pressure which they state is already low.

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) and the March Neighbourhood Plan (2017), and the Cambridge & Peterborough Waste and Minerals Local Plan 2021.

7 POLICY FRAMEWORK

National Planning Policy Framework (NPPF) 2024

Chapter 5 – Delivering a sufficient supply of homes

Chapter 8 – Promoting healthy and safe communities

Chapter 9 – Promoting sustainable transport

Chapter 11 – Making effective use of land

Chapter 12 – Achieving well-designed places

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

Chapter 15 - Conserving and enhancing the natural environment

National Planning Practice Guidance (NPPG)

Determining a Planning Application

National Design Guide 2021

Context Identity

Built Form

Uses

Homes and Buildings

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
- LP14 Responding to Climate Change and Managing the Risk of Flooding in Fenland
- LP16 Delivering and Protecting High Quality Environments across the District
- LP17 Community Safety

March Neighbourhood Plan 2017

H2 – Windfall Development

Delivering and Protecting High Quality Environments in Fenland SPD 2014

- DM3 Making a Positive Contribution to Local Distinctiveness and character of the Area
- DM6 Mitigating Against Harmful Effects

Cambridgeshire Flood and Water SPD 2016

Cambridge & Peterborough Waste and Minerals Local Plan 2021

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

- LP1: Settlement Hierarchy
- LP2: Spatial Strategy for the Location of Residential Development
- LP7: Design
- LP8: Amenity Provision
- LP11: Community Safety
- LP12: Meeting Housing Needs
- LP20: Accessibility and Transport
- LP22: Parking Provision
- LP25: Biodiversity Net Gain
- LP27: Trees and Planting
- LP32: Flood and Water Management
- LP33: Development on Land Affected by Contamination
- LP34: Air Quality

8 KEY ISSUES

Principle of Development

- Layout and Design
- Impact on Residential Amenity / Land Users
- Highway Safety and Parking
- Flooding Considerations / Drainage
- Contamination
- Biodiversity Net Gain (BNG)

9 BACKGROUND

9.1 A previous application was approved on the site for 19 dwellings under F/YR17/0616/F, albeit with a larger red line boundary. This permission has now lapsed.

10 ASSESSMENT

Principle of Development

- 10.1 The application seeks full planning permission for residential development in a predominantly resident area, in the built-up settlement of March, which is a Primary Market Town in the settlement hierarchy of the Fenland Local Plan (2014). Policy LP3 identifies March as one of the main areas of housing growth.
- 10.2 The principle of development is therefore considered acceptable, subject to the policy considerations set out below.

Layout and Design

- 10.3 This full planning application seeks to provide nine single storey dwellings to be accessed from Gas Road. The proposed brick and tiles of all the dwellings are to be addressed by condition.
- 10.4 The potential site layout is somewhat constrained by the requirement to avoid high and medium pressure gas mains that run underground through the site. However, there are material planning concerns with regard to layout and scale of the proposal.
- 10.5 The proposed layout of the site means that Plots 5, 6, 7, 8 and 9 do not have parking provision close to the property access. Given that the proposed dwellings are to be bungalows it is anticipated that there is a greater chance that future occupants will be elderly, or persons wishing to remain in their homes as they grow older. The occupants may also have mobility restrictions and a justification as to the long walking distances of up to 71 metres for the occupants of Plots 5 to 8 has not been provided. Additionally, disabled occupants would be required to travel over 60m (example Plot 9) to access the disable parking provision. This is a material concern for the amenity of potentially elderly and / or disabled occupants. It is acknowledged that whilst it cannot be assumed that elderly or less mobile residents would occupy the units, nonetheless Local Plan policy LP2 requires development proposals to reflect the changes that occur over a lifetime so people are not excluded by design as they grow older and frailer or as their circumstances change. It is considered that alternative layout designs are available which could overcome a number of these concerns.
- 10.6 There are also concerns as to the cramped layout of the design with regard to the proximity of the bungalows to each other. Plots 5 and 6 share a pedestrian access as do Plots 7 and 8. These accesses are very narrow measuring only 1.1 metres in width. The main (side) access doors serving Plots 7 and 8 are sited

- almost immediately opposite each other which is considered to result in poor amenity and cramped environment.
- 10.7 Taking account of the design, scale and nature of the development, as detailed above, the proposal is considered to be unacceptable. The proposed layout would provide impractical parking provision and a cramped and incongruous dwelling layout that is at odds with the prevailing character of the surrounding area. The proposal would therefore not be in accordance with Policies LP2 and LP16 of the Fenland Local Plan, Policy H2 of the March Neighbourhood Plan and Chapter 12 of the National Planning Policy Framework (2024).

Impact on Residential Amenity / Site Users

- 10.8 The proposal is for single storey development that is located 15.5 metres away from the nearest dwelling at 22 Gas Road. Due to the separation distance and the height of the bungalows there is not considered to be a material overbearing or overshadowing impact on neighbouring properties or between the proposed bungalows which are predominantly semi-detached.
- 10.9 With regard to overlooking, there is not considered to be an overlooking impact between the proposed bungalows. Plots 8 and 9 face the southern side elevation of Plot 3, however, this is a blank elevation so there is no overlooking impact. The east facing frontage elevations of Plots 1 to 3 contain a bedroom window and a front door. These windows face the garages and rear parking provision for 25 to 35 The Causeway, as well as the 1.8 metre high frontage brick wall of 22 Gas Road. Whilst the bedroom window of Plot 1 is 16 metres from a frontage window at 22 Gas Road, this is at an obtuse angle at a standard separation distance, so is not considered to constitute a material overlooking impact.
- 10.10 When the private amenity space of each bungalow is measured, each dwelling is above the minimum of a third of each plot devoted to private amenity space required under Policy LP16(h) of the Fenland Local Plan (2014). Between 50% to 60% of each plot is devoted to private amenity space.
- 10.11 A concealed 1 metre wide footpath runs to the rear of Plots 1, 2 and 3, adjacent to the boundary with the gas distribution station. This path is to be bordered by 1.8 metre high fencing on both sides. Criterion d of Policy LP17 states all footpaths should be well lit and, if possible, overlooked by dwellings. Footpaths to the rear of properties should be avoided where possible. This footpath is neither lit nor overlooked by any dwelling. This has a negative impact on community safety and creates opportunities for damage and theft away from natural surveillance. No justification has been given as to why this footpath is considered necessary.
- 10.12 As detailed above, the scale and design of the proposal is considered to be such that there would be no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties. As such, the proposal is considered to accord with the relevant provisions of Section 12 of the National Planning Policy Framework (2024), and Policy LP16 of the Fenland Local Plan (2014). However, due to the community safety concerns regarding the proposed footpath to the rear of Plots 1, 2 and 3 there is considered to be a negative security impact that is not in accordance with Policy LP17 of the Fenland Local Plan and Policy H2 of the March Neighbourhood Plan and appears to be unwarranted.

Highway Safety and Parking

- 10.13 There is not considered to be a material highway safety impact from the proposal. The County Highways Officer has no objections but has requested a number of conditions regarding visibility splays to ensure adequate levels of visibility for vehicles when moving around the site. The Highways Officer also requests conditions regarding a footpath along Gas Road, as well as details of materials of construction for the roads and footpath.
- 10.14 Paragraph 8.3.58 of the guidance document Manual for Streets states: The recommended dimensions of off-street parking bays are that they are laid out as a rectangle at least 4.8 m long by 2.4 m wide for the vehicle, along with additional space as set out in *Inclusive Mobility*. Whilst the parking spaces on site all accord with this measurement, some are placed immediately adjacent to fencing or other parking spaces which will make entry and exit of vehicles cramped and provide a poor level of amenity for future occupants.
- 10.15 Additionally, the parking spaces for all plots except 1, 2 and 3 are not covered by any natural surveillance deterrent which may reduce the likelihood of damage or theft. This does not accord with Policy LP17(h) of the Fenland Local Plan which states car parks should be designed for both vehicle and personal safety through being well lit, have clear line of sight and avoid opportunities for concealment.
- 10.16 Policy LP15, to be read in conjunction with Appendix A of the Fenland Local Plan, sets out minimum vehicle parking standards and requires at least two spaces for dwellings of up to three bedrooms and three spaces for dwellings with four or more bedrooms. There are two parking spaces for Plots 4 and 9 in or adjacent to the residential curtilage. There are nine unassigned parking spaces to cover the requirements of Plots 5 to 8 which meets with minimum vehicle parking standards. However, Plots 1, 2 and 3 do not provide a minimum of two off road parking spaces and therefore do not accord with Appendix A and Policy LP15 of the Fenland Local Plan.
- 10.17 It is considered that whilst there would not be an unacceptable adverse impact on highway safety; the location, size and level of provision of parking spaces within the site fails to demonstrate well-designed car parking appropriate to the development, thereby conflicting with Local Plan Policies LP2, LP15 and LP17, Policy H2 of the March Neighbourhood Plan and Chapter 9 of the National Planning Policy Framework.

Flooding Considerations / Drainage

- 10.18 The application site and surrounding area is located entirely in Environment Agency Flood Zone 1. An area of the rear gardens of Plots 4 and 5 is subject to a low chance of surface water flooding, with Plots 1, 2 and 3 subject to a low, medium and high chance of surface water flooding on the Environment Agency mapping.
- 10.19 As the site is located in Flood Zone 1, within the built-up settlement of March, there is not a requirement to undertake a sequential or exceptions test.
- 10.20 The application form states that surface water and foul water will be addressed by mains sewerage. There are areas of the site prone to surface water flooding. It is however considered that surface water drainage can be addressed through robust drainage and site levels conditions. This is because the areas prone to flooding are not connected to a flow path, and therefore not a matter that requires a sequential test. Provided the requisite information was brought forward to

satisfy drainage and levels conditions, the application would be in accordance with Policy 14 of the Fenland Local Plan (2014) and Chapter 14 of the National Planning Policy Framework (2024).

Contamination

- 10.21 Due to the previous use of the site and presence of the adjacent gas distribution station, there is contamination present on site. A substantial response has been given by Environmental Health. They have no objections to the proposal provided a robust set of contaminated land conditions are applied and strictly adhered to. A validation report should be submitted and evidence all remediation works that have been completed on site. This should include photos and documents to demonstrate all measures have been fully complied with in the remediation report, including all test certificate of imported soils.
- 10.22 Furthermore, a suite of conditions have been recommended by the Environmental Health Officer to ensure construction pollution and general residential amenity are safeguarded both during construction and for the lifetime of the development.
- 10.23 It is considered that in following the recommendations as set out by the Environmental Health team, the development would be acceptable having regard to the requirements of policies LP2 and LP16 of the Fenland Local.

Ecology

10.24 A Preliminary Ecological Assessment has been submitted to support this application. This report recommends protections for birds, bats, badgers and small animals, as well as plants, habitats, invertebrates, reptiles and amphibians. The Council's Ecology Officer is satisfied with the information provided and has requested conditions for a (Biodiversity) Construction Environment Management Plan. On the basis of the submitted information and the consultation response, this application is considered to accord with Policies LP16 and LP19 of the Fenland Local Plan.

Biodiversity Net Gain (BNG)

- 10.25 The Environment Act 2021 requires development proposals to deliver a net gain in biodiversity following a mitigation hierarchy which is focused on avoiding ecological harm over minimising, rectifying, reducing and then off-setting. This approach accords with Local Plan policies LP16 and LP19 which outlines a primary objective for biodiversity to be conserved or enhanced and provides for the protection of Protected Species, Priority Species and Priority Habitat.
- 10.26 There are statutory exemptions, transitional arrangements and requirements relating to irreplaceable habitat which mean that the biodiversity gain condition does not always apply. In this instance, one or more of the exemptions / transitional arrangements are considered to apply and a Biodiversity Gain Condition is not required to be approved before development is begun because the pre-development biodiversity value is too low to require statutory net gain.
- 10.27 The FDC Ecology Officer is satisfied that the Biodiversity Net Gain report is acceptable and reasonable, with a net gain achievable. They have requested a condition that development shall not commence until a Habitat Management and Monitoring Plan is prepared in accordance with the approved Biodiversity Net Gain plan.

10.28 It is considered that a minimum of a 10% biodiversity net gain can be secured on site and therefore the proposal is considered to be in accordance with Policies LP16 and LP19 of the Fenland Local Plan (2014)

11 CONCLUSIONS

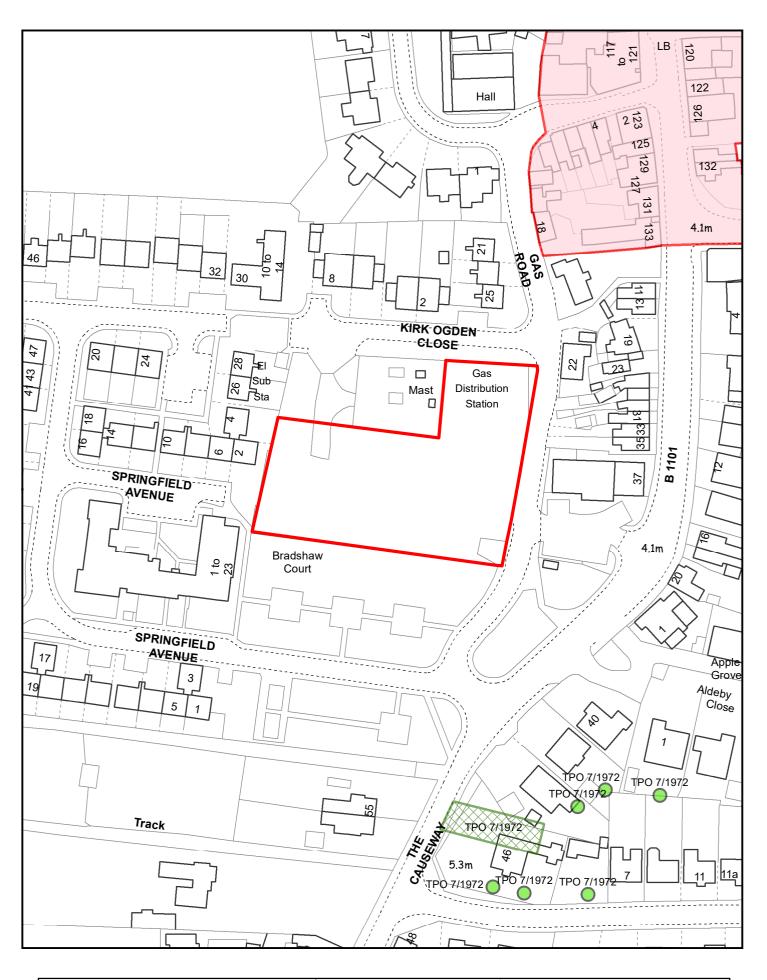
- 11.1 The proposal would bring about development of currently unused land and would provide a modest stock of housing against a national drive to significantly boost housing delivery. Furthermore, there are short-term benefits during the build out, with the possibility of local businesses providing trade and materials. Modest long-term benefits would accrue from future occupiers accessing local services and facilities and through local spend. This carries moderate positive weight based on the quantum proposed.
- 11.2 However, it is considered that the proposed layout generates material concerns with regard to amenity; through the close proximity of adjacent bungalows and the location and size of parking provision, cumulatively resulting in a cramped form of development. In addition, the scheme results in a lack of natural surveillance, generating community safety concerns for the occupants of the site. Ultimately the development fails to achieve a well-designed place or a high-quality living environment.
- 11.3 Therefore, this application is considered to be in direct conflict with policies LP2, LP15, LP16 and LP17 of the Fenland Local Plan (2014), Policy H2 of the March Neighbourhood Plan (2017), as well as Chapters 8, 9, and 12 of the National Planning Policy Framework. The material benefits of the scheme are not considered to be outweighed by these conflicts.
- 11.4 As such, in accordance with the statutory duty under Section 38(6) of the Planning and Compulsory Purchase Act 2004 the proposal does not warrant a decision otherwise than in accordance with the development plan and the application should be refused.

12 RECOMMENDATION

- 12.1 Refuse for the following reason;
 - Policy LP16 of the Fenland Local Plan requires development to 'make a positive contribution to the local distinctiveness and character of the area, enhancing its local setting, and respond to and improve the character of the local built environment. Furthermore, LP16 together with LP2 seek to ensure that high quality living environments are achieved, the latter also requiring that housing is designed to reflect the changes that occur over a lifetime so people are not excluded by design as they grow older, or as their circumstances change. Furthermore, policy LP17 seeks to ensure that development designs out the risk of crime and LP15 seeks to ensure that schemes incorporate well-designed car parking. Policy H2 of the March Neighbourhood Plan requires, amongst development to be of a high standard.

The submitted layout is considered to be substandard in nature as the proposed dwellings would appear cramped and incongruous when assessed against the established local built environment, with dwellings (including in some case entrance doors) in very close proximity to one another and restricted parking

spaces. Furthermore, future occupants of the majority of the plots will have to travel excessive distances to access parking provision, which is of particular concern for the amenity of potentially elderly and/ or less-mobile occupants. Additionally, the proposed layout provides a lack of natural surveillance over parking areas and a public footpath, generating community safety concerns. As such, the scheme is considered to be contrary to Policies LP2, LP15, LP16 and LP17 of the Fenland Local Plan, Policy H2 of the March Neighbourhood Plan (2017), as well as Chapters 8, 9, and 12 of the National Planning Policy Framework.



Created on: 20/08/2024

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| Cambridge Shire Fenland District Council



Notes:

THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL OTHER RELEVANT DRAWINGS, DETAILS, SCHEDULES AND SPECIFICATIONS. ALL DIMENSIONS TO BE CHECKED ON SITE PRIOR TO STARTING OF WORKS.

STREET ELEVATION TO ACCESS ROAD.



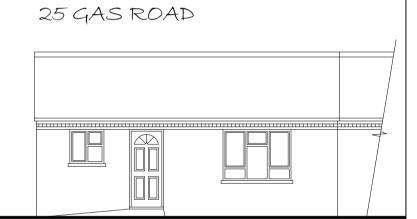
STREET ELEVATION TO GAS ROAD.



ACCESS ROAD



KIRK OGDEN CLOSE



May '24 25 Gas Road added to street elevation and Do not scale note removed. Date Description



Three Square Design Ltd Architectural Designers

6 The Meadows
Dunmow Road
Little Canfield, Essex. CM6 1TA
Tel: 01279 870767
Email: andrewtate.threesquaredesign@gmail.com

Project Land to South side of Kirk Ogden Close March PE159NP

Drawing Street Elevations.

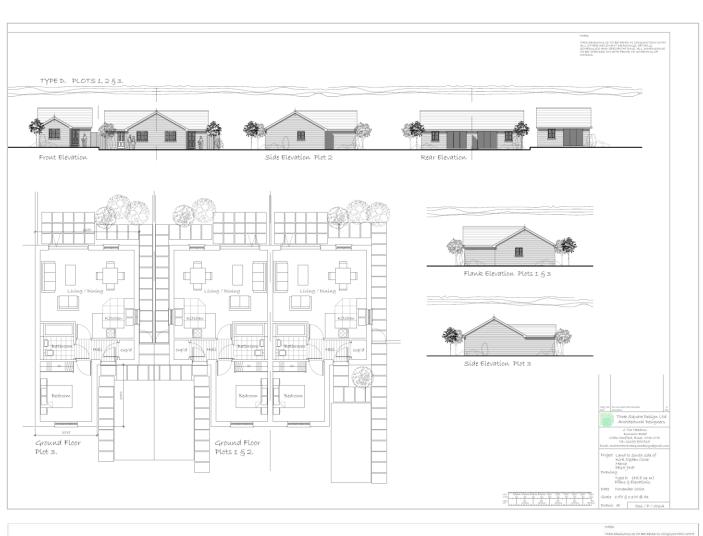
Date May 2024 Scale 1:100 @ A1

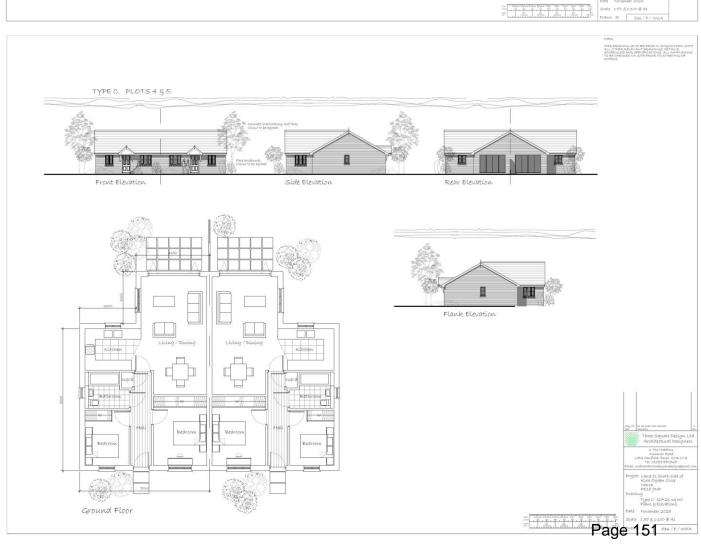
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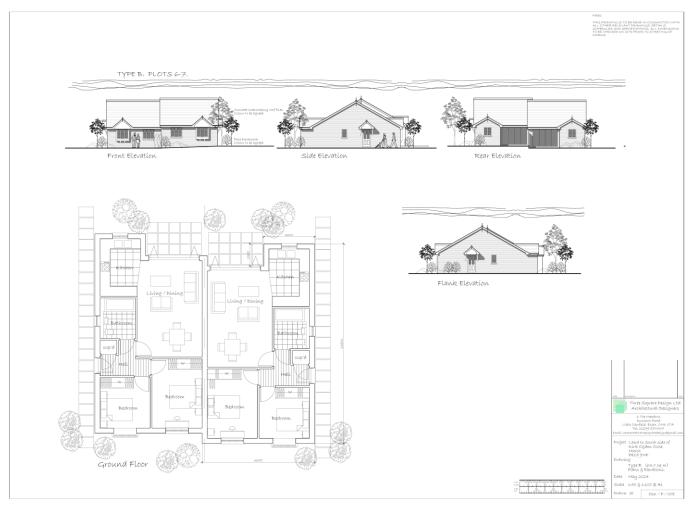
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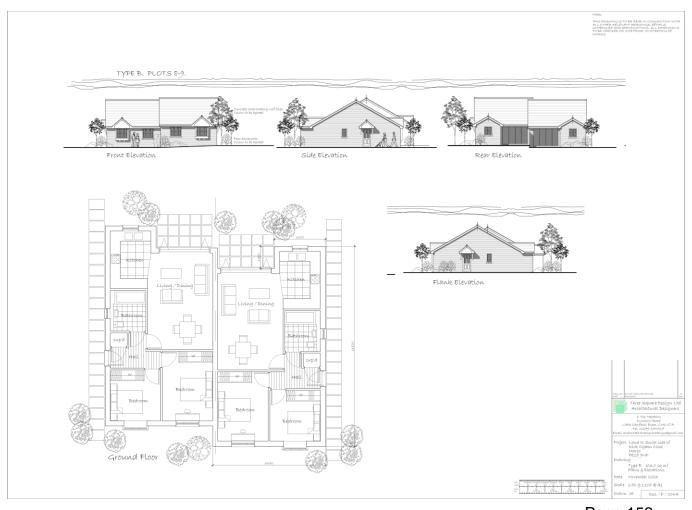
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F/YR24/0707/O

Applicant: Mr Colin Ronald Agent : Matthew Hall Morton & Hall Consulting Ltd

94 Westfield Road, Manea, March, Cambridgeshire PE15 0LS

Erect up to 4 x dwellings (outline application with matters committed in respect of access and scale)

Officer recommendation: Refuse

Reason for Committee: Number of representations and Town Council comments contrary to Officer recommendation

Government Planning Guarantee

Statutory Target Date For Determination: 25 October 2024

EOT in Place: Yes

EOT Expiry: 14 March 2025

Application Fee: £2890

Risk Statement:

This application must be determined by 14 March 2025 otherwise it will be out of time and therefore negatively affect the performance figures.

1 EXECUTIVE SUMMARY

- 1.1 The application seeks outline planning permission for up to 4 dwellings with matters committed in respect of access and scale only.
- 1.2 Whilst the development is in outline form with matters only committed in respect of access and scale, it is necessary to demonstrate that the site is suitable for the development proposed. Given the constraints of the site, it is not considered that the submitted information adequately demonstrates up to 4 dwellings could be accommodated without creating significant detrimental impacts in respect of the character of the area and the residential amenity of existing and proposed dwellings, nor that a suitable access, parking and turning arrangement can be achieved within the site.
- 1.3 The application is not considered to demonstrate that there will be no net loss to biodiversity as a result of the development, due to inconsistencies with submitted information and the fact that an appropriate assessment has not been provided to display how the shortfall of biodiversity on-site will be adequately mitigated or compensated for. Furthermore, given the deficit of biodiversity units highlighted and the failure to submit sufficient detail to demonstrate how the shortfall of biodiversity on-site will be compensated, and the 10% BNG will be achieved, the current calculations and proposals do not demonstrate that Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) has been met.

1.4 As such, it is recommended to refuse the application.

2 SITE DESCRIPTION

2.1 The application site is located on the northern side of Westfield Road and forms a narrow linear site. There is an existing 2-storey dwelling to the south east of the site and existing gated, tarmac access along the western side of the site leading to a tarmac parking and turning area and detached double garage (which is also to remain) to the rear, there are a number of outbuildings which are proposed to be demolished and some significant trees along the western boundary of the site, the area to the north of the outbuildings is overgrown and there are overhead cables which cross the site. The site is predominantly in Flood Zone 1, with only the northern link to Darcey Lode drain in Flood Zones 2 and 3.

3 PROPOSAL

- 3.1 The application seeks outline planning permission for up to 4 dwellings with matters committed in respect of access and scale only.
- 3.2 An upgraded access is proposed to the west of the site and the proposed dwellings are single-storey in nature with a maximum height of 5.075m, widths of between 17m-20.5m and depths of between 9.8m-11.5m.
- 3.3 An indicative site layout has been submitted which indicates a 6m wide access along the western side of the site with a turning head approximately 130m from Westfield Road with the dwellings located along the east and north of the site, with gardens to the sides of plots 2-4 and an area for Biodiversity Net Gain to the north of plot 1.
- 3.4 Full plans and associated documents for this application can be found at:

https://www.publicaccess.fenland.gov.uk/publicaccess/

4 SITE PLANNING HISTORY

4.1 Application site:

F/YR08/0144/O Erection of a dwelling involving Granted

demolition of existing buildings 28/4/2008

F/YR07/0871/O Erection of 2 x 2-bed detached bungalows Refused

25/9/2007

4.2 Of relevance in respect of the adjoining land to the west:

F/YR24/0635/RM Reserved Matters application relating to Pending detailed matters of appearance, Decision

landscaping, layout and scale pursuant to outline permission F/YR22/1156/O to erect 24 x 2-storey dwellings (4 x 2-bed, 6 x 3-bed

and 14 x 4-bed)

Erect up to 26 x dwellings, involving the formation of a new access (outline application with matters committed in respect of access)

Granted 23/2/24

5 CONSULTATIONS

5.1 Parish Council (24/9/24)

Object.
Inadequate access

5.2 Parish Council (19/11/24)

Members have no objection

5.3 Cambridgeshire County Council Archaeology (24/9/24)

Thank you for the consultation with regards to the archaeological implications of the above referenced planning application. The proposed development is within a wider area of archaeological potential due to its position on the Fen Island of Manea, with ground dropping away to the north into fen. These areas are known to have been heavily exploited in the past. However we now have Archaeological Evaluation results from either side of the proposed development, with the site to the north east showing only post medieval drainage ditches (Cambridgeshire Historic Environment record ECB1867). The larger site to the west, and south west has very recently been evaluated and so reporting is not yet available however the results showed a similar picture of largely post medieval drainage systems (CHER ECB7394).

We therefore have no objections or recommendations for this application.

5.4 Cambridgeshire County Council Highways

Original comments from the LHA required further information to clarify whether the visibility splays could be achieved either within land owned by the applicant or the public highway; following receipt of further details the following comments were provided:

It is unclear from the submitted information whether the required inter vehicle visibility splays can be achieved wholly within land either under the control of the applicant or the public highway

Recommendation

Following a careful review of the documents provided to the Local Highway Authority as part of the above planning application, the effect of the proposed development upon the Public Highway would likely be mitigated if the following conditions form part of any permission that the Planning Authority is minded to issue in regard to this proposal.

Conditions

Prior to commencement, visibility splays shall be provided each side of the vehicular access in full accordance with the details indicated on the submitted plan H9533/03D; The splays shall thereafter be maintained free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.

Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2018.

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

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

Prior to occupation of the use hereby approved the access road shall be constructed to a minimum width of five metres for a minimum distance of ten metres measured from the near edge of the highway carriageway and thereafter maintained in perpetuity.

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

Prior to occupation of the use hereby approved, the access road shall be constructed using a bound material, for the first 5 metres from the boundary of the public highway into the site, to prevent debris spreading onto the public highway.

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

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):

(a)

Class A – no gates or other means of enclosure shall be erected across the vehicular access hereby approved;

Reason: In the interests of highway safety and to ensure compliance with Policies LP15 and LP16 of the Fenland Local Plan, adopted May 2014.

5.5 UK Power Networks

We note there are HV overhead cables on the site running within close proximity to the proposed development. Prior to commencement of work accurate records should be obtained from our Plan Provision Department at UK Power Networks, Fore Hamlet, Ipswich, IP3 8AA.

In the instance of overhead cables within the vicinity, GS6 (Advice on working near overhead powerlines) and a safety visit is required by UK Power Networks. Information and applications regarding GS6 can be found on our website https://www.ukpowernetworks.co.uk/safety-equipment/power-lines/working-near-power-lines/advice-on-working-near-overhead-power-lines-gs6#Apply

Should any diversion works be necessary because of the development then enquiries should be made to our Customer Connections department. The address is UK Power Networks, Metropolitan house, Darkes Lane, Potters Bar, Herts, EN6 1AG.

You can also find support and application forms on our website Moving electricity supplies or equipment.

https://www.ukpowernetworks.co.uk/i-already-have-electricity-commercial/moving-electricity-equipment

5.6 National Grid (2/10/24 and 21/11/24)

Regarding planning application F/YR24/0707/O, there are no National Grid Electricity Transmission assets affected in this area.

If you would like to view if there are any other affected assets in this area, please raise an enquiry with

https://scanner.topsec.com/?d=1978&r=show&u=www.lsbud.co.uk&t=2b7cfeca09 9436ca065f57238747c176a1a48f5b. Additionally, if the location or works type changes, please raise an enquiry.

Please note this response is only in reference to National Grid Electricity Transmission assets only. National Grid Electricity Distribution (formerly WPD) and National Gas Transmission (formerly National Grid Gas) should be consulted separately where required.

5.7 Environmental Health (FDC) (8/9/24 and 8/11/24)

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

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

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

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

5.8 Natural England

Original comments from Natural England advised that further information was required in order to assess the potential recreational pressure impacts to Sites of Special Scientific Interest (SSSIs) in Cambridgeshire and Peterborough; following the submission of a statement in this respect the following comment have been received:

SUMMARY OF NATURAL ENGLAND'S ADVICE

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.

European Sites

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on statutorily protected sites

and has no objection to the proposed development. To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out.

Sites of Special Scientific Interest

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on statutorily protected sites and has no objection to the proposed development.

Sites of Special Scientific Interest Impact Risk Zones
The Town and Country Planning (Development Management Procedure)
(England) Order 2015 requires local planning authorities to consult Natural
England on "Development in or likely to affect a Site of Special Scientific Interest"
(Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be
used during the planning application validation process to help local planning
authorities decide when to consult Natural England on developments likely to
affect a SSSI. The dataset and user guidance can be accessed from the

5.9 Arboricultural Officer (FDC)

data.gov.uk website

Initial comments received advised that it was agreed that the removal of the trees identified would have limited impact on wider public amenity, further details would be required in relation to protection measures and that the report required updates in respect of the revised scheme; the most recent comments are provided in full below:

I have no objections in relation to the tree protection measures. Details of suitable landscaping with tree and shrubs to suit the location and appropriate information to detail their establishment will need to be considered as this project develops.

5.10 Environment Agency (19/2/25)

The Environment Agency originally objected to the scheme (full details of which are available to view on public access), the most recent comments are provided in full below:

Thank you for advising us that you need to determine this planning application. We previously raised an objection on Water Quality grounds in our letter referenced AC/2024/132368/01 and dated 02 October 2024. Unfortunately, since submitting our previous response, we have not yet been able to consider waste water disposal for this application in detail. Therefore, we are withdrawing our objection and are providing the following informative advice.

Waste Water Disposal

This site falls within the catchment of Manea (Town Lots) Wastewater Treatment Works (WWTW). We note Anglian Water Services' (AWS) 2023 Dry Weather Flow (DWF) data, shows that this works is currently operating in exceedance of its environmental permit for discharge volume. The Manea WWTW discharges into the Counter Drain (Manea and Welney IDB) waterbody, which is classified as 'moderate' ecological status as defined within Water Environment (Water Framework Directive) (England & Wales) Regulations 2017.

We understand that Manea WWTW was identified within AWS' AMP8 (2025-2030) business plan for investment, however, we do not yet know the details and timescales of any investment proposed. Ofwat published their Final Determination (FD) on 19 December 2024, and following the 18 February 2025 deadline to decide whether to accept or challenge it, AWS have announced their board decision requesting Ofwat to refer its PR24 Final Determination to the Competition and Markets Authority (CMA).

Until we have a clear understanding of AWS' plans to accommodate growth within this catchment, we are unable to comment on the impact to the water environment.

Capacity at this WWTW could have implications for this development and we recommend you consult with Anglian Water for an updated view on this proposal before determining the application. You should be satisfied that any growth can be delivered without harm to the water environment.

5.11 Anglian Water

ASSETS

Section 1 - Assets Affected

Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

WASTEWATER SERVICES

Section 2 - Wastewater Treatment

This development is within the catchment of Manea-Town Lots water recycling centre (WRC), which currently lacks the capacity to accommodate the additional flows that would be generated by the proposed development. However, Manea-Town Lots WRC is included within our submitted Business Plan as a named growth scheme with investment delivery planned between 2025-2030. Our Business Plan is waiting for approval from Ofwat, December 2024, and until such time we cannot confirm this scheme will be included. Once Final Determination has been received from Ofwat we will update stakeholders, if a scheme has subsequently not been identified for investment we will update our planning responses. To ensure there is no pollution or deterioration in the receiving watercourse due to the development foul flows we recommend a planning condition is applied if permission is granted.

Condition: Prior to occupation written confirmation from Anglian Water must be submitted confirming the upgrades at Manea-Town Lots WRC water recycling centre have been completed, and there is sufficient headroom to accommodate the foul flows from the development site

Reason: to protect water quality, prevent pollution and secure sustainable development having regard to paragraphs 7/8 and 180 of the National Planning Policy Framework.

Section 3 – Used Water

This response has been based on the following submitted documents: Flood Risk assessment FINAL REPORT ECL1332/MORTON & HALL CONSULTING DATE AUGUST 2024 The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

1. INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. 2. INFORMATIVE - Protection of existing assets — If public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It would then be recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water. 3. INFORMATIVE - Building near to a public sewer - No building will be permitted

within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087. 4. INFORMATIVE: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

Section 4 - Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

From the Flood Risk assessment FINAL REPORT ECL1332/MORTON & HALL CONSULTING DATE AUGUST 2024 submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. It is stated that surface water drainage at the site discharges to riparian drains, the Darcey Lode is at the northern boundary of the site As such, we are unable to provide comments in the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. We must advise that Anglian Water has no designated surface water sewers in the area of the proposed site and therefore we are not able to offer surface water solution at a later stage.

5.12 Ecology Officer (FDC)

Original comments from the Ecology Officer highlighted concerns with the details submitted, following receipt of further details the following comments have been received:

BNG

Though the initial concern from CCC has been addressed regarding calculations being incorrect; there is a disparity between the BNG excel metric and the Ecological Impact Assessment declaring "no significant adverse effects are predicted as a result of the proposed". The report may need to be reviewed and updated.

Currently it is determined that a deficit of 1.65 biodiversity units (-42.61% net unit change) is to occur as result of the proposed works to take place on the site. Also, an appropriate BNG Assessment has not been provided to display how the shortfall of biodiversity on-site will be compensated.

As a result, the current calculations and proposals <u>do not</u> display that Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) has been met.

Development proposals of 10% Biodiversity Net Gain will need to be achieved before ecological requirements are met. It is also recommended that a major increase of biodiversity units (0.5 units) will need to be achieved.

If a section 106 agreement is needed, we recommend the applicant provides sufficient information for the heads of terms of an agreement prior to determination of the application. In addition to the information already provided, this information would comprise:

- A plan that follows the UK Habitat Classification showing the spatial locations
 of the habitats represented in the enhancement and/or creation tabs of the
 biodiversity metric (i.e. the target habitats).
- The georeferenced spatial data used to create both of the above plans (in either .ship or .pig format) and written permission to share this data with Cumbria Biodiversity Data Centre (CBDC).
- A 30-year Habitat Management and Monitoring Plan (HMMP)

CEMP

I concur also with Cambridge Country Council's initial recommendations that mitigation measures in the Ecological Impact Assessment report should be implemented in full (e.g. construction mitigation & bird / bat boxes and planting) in full as part of detailed construction environment management plans / biodiversity and ecological enhancement scheme.

Please see wording below:

A condition for a CEMP: Biodiversity (Construction Environment Management Plan) is advised, e.g.

No works shall take place until a Construction Environmental Management Plan (CEMP: Biodiversity) should be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Summary of potentially damaging activities
- b) Identification of "biodiversity protection zones"
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (these may be provided as a set of method statements)
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (Eco) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs. The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

5.13 Local Residents/Interested Parties

Two objections have been received (from two sources at Smart Close, Manea), in relation to the following:

- Removal of trees/destruction of habitat
- Impact of surrounding developments during construction, in particular in relation to noise
- Cumulative impact of developments on the sustainability of the village/pressure on services
- Overlooking
- Impact of access given proximity
- Devaluation of property

Comments, where they relate to planning matters will be considered in the sections below, however it should be noted that devaluation of property is not a planning consideration and the development is not of a scale which can secure infrastructure contributions.

Ten supporting comments have been received (from 8 sources in High Street, Westfield Road, Station Road and School Lane, Manea), in relation to the following:

- The site is garden land that has not been maintained
- Not at risk of flooding
- Ideal site for development/bring derelict site back into positive use
- Would remove existing buildings which are in disrepair
- Adequate off street parking
- sensitive application, few select houses out of view
- Would increase natural surveillance
- Well laid out
- Infill development
- Much needed bungalows/family homes

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

7 POLICY FRAMEWORK

National Planning Policy Framework (NPPF) 2024

Chapter 2 - Achieving sustainable development

Chapter 4 - Decision-making

Chapter 5 – Delivering a sufficient supply of homes

Chapter 8 – Promoting healthy and safe communities

Chapter 9 – Promoting sustainable transport

Chapter 11 – Making effective use of land

Chapter 12 – Achieving well-designed places

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

Chapter 15 – Conserving and enhancing the natural environment

National Planning Practice Guidance (NPPG)

Determining a Planning Application

National Design Guide 2021

Context

Identity

Built Form

Movement

Nature

Homes and Buildings

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

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

Cambridgeshire Flood and Water SPD 2016

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

- LP1: Settlement Hierarchy
- LP2: Spatial Strategy for the Location of Residential Development
- LP5: Health and Wellbeing
- LP7: Design
- LP8: Amenity Provision
- LP11: Community Safety
- LP12: Meeting Housing Needs
- 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
- LP49: Residential site allocations in Manea

8 KEY ISSUES

- Principle of Development
- Design considerations and visual amenity of area
- Residential Amenity/Health and wellbeing
- Highways and parking
- Flood Risk and Drainage
- Ecology
- Biodiversity Net Gain (BNG)

9 BACKGROUND

9.1 The scheme has been amended during the course of the application to reduce the maximum number of dwellings from five to four, commit 'scale', clarify the extent of the highway in respect of visibility splays, update plans in respect of trees and hedges, revise BNG and Arboricultural details and provide a response in respect of the Ouse Washes recreational impacts.

10 ASSESSMENT

Principle of Development

- 10.1 Manea is identified within Policy LP3 of the Fenland Local Plan 2014 and the settlement hierarchy as being a 'growth village', for these settlements development and new service provision 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 advises that for villages new development will be supported where it contributes to the sustainability of that settlement and does not harm the wideopen character of the countryside.
- 10.3 This policy also advises 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 15% or more then the proposal should have demonstrable evidence of clear local community support for the scheme. Manea has already exceeded its 15% threshold. 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 an otherwise acceptable scheme being refused and against this backdrop the absence of community support does not render the scheme unacceptable in planning terms.
- 10.4 Given the principle of in-depth development extending north along Westfield Road has already been established, including a scheme for up to 26 dwellings (F/YR22/1156/O) immediately to the west of the application site, it is considered that the principle of development on this site could be supported by Policies LP3 and LP12 of the Fenland Local Plan 2014. This is however subject to compliance with all other relevant planning policies and material considerations.
- 10.5 Whilst the policies of the emerging local plan carry extremely limited weight in decision making:
 - Policy LP1, Part A identifies Manea as a large village; Part B advises that proposals within the settlement boundary will be supported in principle. The application site is predominantly outside the settlement boundary in the emerging local plan, which extends only so far as the existing outbuildings.

Design considerations and visual amenity of area

10.6 Policies LP2, LP12 and LP16 of the Fenland Local Plan 2014, DM3 of the Delivering and Protecting High Quality Environments in Fenland SPD 2014, para 135 of the NPPF 2024 and Chapters C1, I1 and I2 of the NDG 2021 seek to ensure that developments avoid adverse impacts, create high quality

- environments, which provide a positive contribution to local distinctiveness and are informed by the settlement pattern and local built environment.
- 10.7 The area of Westfield Road in the vicinity of the site comprises predominantly frontage development of detached, 2-storey dwellings, though there are some semi-detached and single storey properties, particularly on the southern side of the road, hence the introduction of single-storey dwellings on this site would not be entirely out of character and would limit visibility of the development from the public realm.
- 10.8 There is an extant outline permission (F/YR22/1156/O) on the land immediately to the west for an in-depth development of up to 26 dwellings, and an ongoing application for the associated Reserved Matters for 24 dwellings (F/YR24/0635/RM) which is to be determined elsewhere within this Committee agenda; the proposed application does not extend significantly beyond the extent of the adjoining permission. However, the adjoining site currently remains undeveloped, as such this application is considered premature, and is in isolation an inappropriate encroachment into the open countryside incongruous with the character and pattern of existing development. It is not considered appropriate or reasonable to impose a condition to withhold development on this site until such time as the adjoining development is implemented. The proposed development is therefore currently considered contrary to Policy LP12, Part A, (c) and (d).
- 10.9 During the course of the application, it was confirmed that the mature trees alongside the western boundary of the site are located within the application site and can be retained (along with the TPO'd tree to the front of 96 Westfield Road) with appropriate protection/mitigation measures as set out Arboricultural Impacts Assessment. The scheme would result in the loss of some trees, which is regrettable, however the Council's Arboricultural Officer has no objection to this advising that their removal would have limited impact on wider public amenity.
- 10.10 Whilst layout has not been committed the constrained, narrow and linear nature of the site (along with the proposed siting and scale of the development to the west) is such that in all likelihood the only scheme feasible for the site would be similar to that submitted and shoehorned into the site. The development would rely on an access road running the length of the site (approximately 200m) likely sandwiched between high boundary treatments, as due to the narrowness of the site three of the plots feature side gardens along the access along with the garden to the host dwelling which would require a suitable boundary treatment, only a single turning head has been indicated approximately 130m from Westfield Road, with two of the plots extending north of this with limited opportunity for turning, an area of open space is indicated in order to avoid development around the overhead cables, dwellings are indicated in very close proximity to the boundary with potential for poor outlook and amenity and the parking arrangements indicated are barely workable. As such, the application has failed to demonstrate that a high-quality development can be achieved on this site for the number of dwellings applied for.

Residential Amenity/Health and wellbeing

- 10.11 Policies LP2 and LP16 of the Fenland Local Plan 2014 and para 135 of the NPPF 2024 seek to ensure that developments avoid adverse impacts and create high quality environments with high levels of residential amenity.
- 10.12 The application was revised to also commit 'scale' and confirm that single-storey dwellings are being applied for, as such, subject to suitable site/Finished Floor Levels and boundary treatments it is not considered that unacceptable overlooking would be derived from the proposed development. Similarly, whilst it will be likely

- necessary for proposed dwellings to be located close to the boundary, this is unlikely to result in a significant detrimental impact on the residential amenity of existing/proposed surrounding dwellings as currently sited.
- 10.13 The host dwelling (94 Westfield Road) retains amenity space to the rear, albeit this is segregated by the parking area and garage and as such not all is particularly usable. It will be necessary to provide boundary treatments to secure this area and provide adequate privacy, whilst still retaining visibility to the parking area. It is acknowledged that there will be some noise and disturbance to this existing dwelling (along with those to the west on Smart Close) by virtue of the use of the access in such close proximity, however, this is not considered significantly adverse in respect of the traffic movements for 4 additional dwellings. There are 2 windows in the side elevation of the host dwelling which face towards the access and the applicant's agent advises (email of 10/10/24) that these serve a hall and landing area rather than habitable rooms, and there is scope to secure an appropriate boundary treatment or obscure glazing to the ground floor window to avoid a loss of privacy.
- 10.14 The proposed development has failed to demonstrate that a high-quality living environment can be achieved for future residents, the proposed dwellings are sited in close proximity to the boundary with limited opportunity for an acceptable outlook/level of light, dwellings and gardens are overlooked by the existing 2/3-storey dwellings on Smart Close and to a lesser extent Dunvegan Close (along with potential dwellings on the adjoining development site to the west), the impact on which is compounded by the constrained nature of the site/development and the proximity of the access.
- 10.15 Local residents have raised concerns regarding the impact of the construction phase of the development. The Council's Environmental Health Team have no objections to the scheme but do recommend Construction Environmental Management Plan (CEMP) is conditioned in the event the application is granted. Ordinarily this would not be secured on a development of this scale, however given the constraints of the site and the adjoining development which may come forward this is considered warranted in this case.

Highways and parking

- 10.16 Access is being committed as part of this application and a single 5m x 10m access point to Highways specification is proposed in a similar position to the existing access off Westfield Road, with visibility splays of 2.4m x 43m in both directions. This is acceptable to the Local Highways Authority (LHA), who recommend conditions in respect of visibility splays, drainage, construction and ensuring the access is not enclosed.
- 10.17 The indicative layout details a 6m wide shared surface within the site, which was widened during the course of the application to be suitable as a shared surface and enable the parking spaces to be more useable. Nevertheless, the access, parking and turning arrangements within the site are far from ideal due to the constraints of the site, access being sandwiched between high boundary treatments and the length of the access with limited opportunities for turning. Tracking has not been provided for the full length of the access and the current arrangement is unlikely to be suitable for collection by Council refuse vehicles, with limited scope for a collection area. As such, the scheme has failed to demonstrate that a suitable access, parking and turning arrangement can be achieved within the site.

Flood Risk and Drainage

- 10.18 Policy LP14 of the Fenland Local Plan (2014) and chapter 14 of the National Planning Policy Framework set out the policy approach towards development in areas of flood risk. Both of these policies seek to encourage development first within areas of lower flood risk, before considering development in areas at higher risk of flooding. They also seek to ensure developments remain safe from all sources of flooding.
- 10.19 The site is predominately within Flood Zone 1 and has a very low risk of surface water flooding. The application site includes a trip of land to enable a discharge pipe to be taken to Darceys Lode drain to the north and this is the only area located within Flood Zones 2 and 3. Due to this the application is accompanied by a Flood Risk Assessment which sets out that the mitigation measures recommended are that floor levels are set at 0.3m above ground level with 0.3m of flood resilient construction above finished floor level. Given that the entirety of the proposed access and dwellings are located at the lowest risk of flooding it is not considered necessary in this case to undertake the sequential and exception tests
- 10.20 With respect to foul drainage, Anglian Water confirmed that the application site is within the catchment of Manea-Town Lots water recycling centre (WRC), which currently lacks the capacity to accommodate the additional flows that would be generated by the proposed development. However, the Manea WRC is included within their Business Plan as a named growth scheme with investment delivery planned between 2025-2030. Consequently, they did not object to the development on the basis of foul drainage, however they did require imposition of a condition to ensure written confirmation of the upgrades to Manea WRC is obtained, and thus capacity available, prior to occupation of the development.
- 10.21 However, on review of this condition, it was considered it would not meet the tests as required by Para. 58 of the NPPF, as it was considered unreasonable to preclude occupation of the development whilst awaiting the outcome of the Manea WRC improvements, that would ultimately be out of the applicant's control and may risk the development standing empty until such time that the infrastructure improvements were in place.
- 10.22 As such, given the known issue relating to the lack of capacity within Manea WRC, and noting Anglian Water's intention to upgrade its infrastructure within Manea by 2030, should the application be approved, it is considered more reasonable in this circumstance to append a condition requiring an appropriate foul drainage scheme to be submitted for approval prior to commencement of the development. Furthermore, noting the timescales involved for improvements to be undertaken, the LPA propose a proactive approach to foster appropriate growth within the district (in accordance with the aims of the NPPF) by extending the life of the permission from 3 years to 5 years to allow the infrastructure improvements to be completed prior to submission of Reserved Matters.
- 10.23 Notwithstanding, it is considered that such matters can be appropriately controlled by condition should the application be granted, to ensure the scheme will, on balance, comply with Policy LP14 and the NPPF.

Ecology

- 10.24 The site is located with a SSSI impact zone (Ouse Washes) and Natural England have advised that there should be appropriate consideration of recreational pressure impacts.
- 10.25 The process of Appropriate Assessment involves an initial screening which considers whether or not a project is likely to have a significant effect on a

European protected site either alone or in combination with other projects. If the project is not likely to have any significant effects on a European protected site, the Appropriate Assessment process is complete and there will be no further constraint to granting permission under the UK Habitats Regulations.

- 10.26 Following initial comments from Natural England a statement was provided by the applicant's Ecologist and it is on this basis that Natural England have advised that a likely significant effect in respect of recreational impacts can be ruled out.
- 10.27 The application is also accompanied by an Ecological Impact Assessment which concluded that no further surveys for protected species are required and that based on successful implementation of mitigation measures and other safeguards, no significant adverse effects are predicted. However, this is inconsistent with the BNG metric submitted which sets out that a deficit of 1.65 biodiversity units (-42.61% net unit change) is to occur as result of the proposed works to take place on the site.
- 10.28 Policies LP16 (b) and LP19 of the Fenland Local Plan 2014 and para 187 of the NPPF 2024 seek to conserve, enhance and promote biodiversity and para 193 of the NPPF 2024 advises that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. The application is not considered to demonstrate that there will be no net loss to biodiversity as a result of the development, due to inconsistencies with submitted information and the fact that an appropriate assessment has not been provided to display how the shortfall of biodiversity on-site will be adequately mitigated or compensated. As such, the application should be refused in accordance with the aforementioned policies.

Biodiversity Net Gain (BNG)

- 10.29 The Environment Act 2021 requires development proposals to deliver a net gain in biodiversity following a mitigation hierarchy which is focused on avoiding ecological harm over minimising, rectifying, reducing and then off-setting. This approach accords with Local Plan policies LP16 and LP19 which outlines a primary objective for biodiversity to be conserved or enhanced and provides for the protection of Protected Species, Priority Species and Priority Habitat.
- 10.30 As referred to in the section above, currently it is determined that a deficit of 1.65 biodiversity units (-42.61% net unit change) is to occur as result of the proposed works to take place on the site. Given the deficit of biodiversity units highlighted and the failure to submit an appropriate BNG Assessment to demonstrate how the shortfall of biodiversity on-site will be compensated, and the 10% BNG will be achieved, the current calculations and proposals do not demonstrate that Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) has been met.
- 10.31 While a BNG condition is required to be imposed on relevant permissions and could allow for, in all likelihood, off-site mitigation to be provided the issue of BNG is one which needs to be considered as part of the determination of an application and there needs to be a reasonable prospect of suitable mitigation being deliverable. The application is not considered to have demonstrated this.

11 CONCLUSIONS

11.1 Whilst the development is in outline form with matters only committed in respect of access and scale, it is necessary to demonstrate that the site is suitable for the

development proposed. Given the constraints of the site, it is not considered that the submitted information adequately demonstrates up to 4 dwellings could be accommodated without creating significant detrimental impacts in respect of the character of the area and the residential amenity of existing and proposed dwellings, nor that a suitable access, parking and turning arrangement can be achieved within the site.

11.2 The application is not considered to demonstrate that there will be no net loss to biodiversity as a result of the development, due to inconsistencies with submitted information and the fact that an appropriate assessment has not been provided to display how the shortfall of biodiversity on-site will be adequately mitigated or compensated for. Furthermore, given the deficit of biodiversity units highlighted and the failure to submit sufficient detail to demonstrate how the shortfall of biodiversity on-site will be compensated, and the 10% BNG will be achieved, the current calculations and proposals do not demonstrate that Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) has been met.

12 RECOMMENDATION

Refuse, for the following reasons:

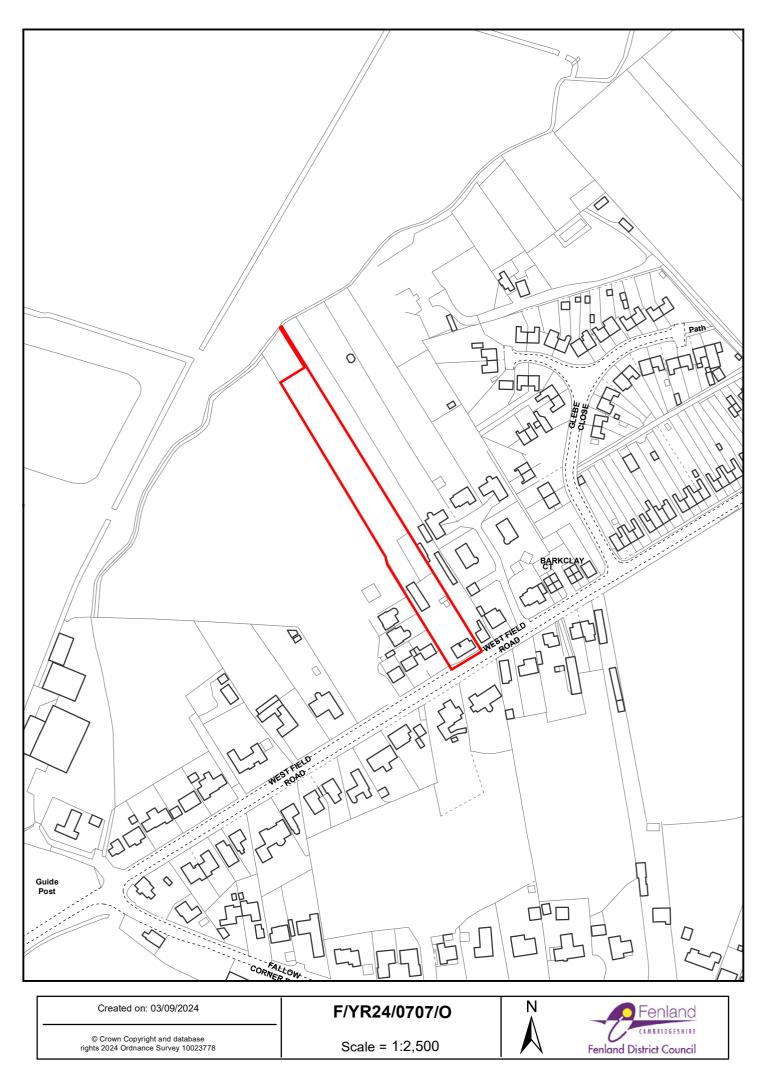
1. Policies LP2, LP12, LP15 and LP16 of the Fenland Local Plan 2014, DM3 of the Delivering and Protecting High Quality Environments in Fenland SPD 2014, para 135 of the NPPF 2024 and Chapters C1, I1 and I2 of the NDG 2021 seek to ensure that developments avoid adverse impacts, create high quality environments with high levels of residential amenity, which provide a positive contribution to local distinctiveness and are informed by the settlement pattern and local built environment and provide well designed, safe and convenient access for all, along with well-designed parking arrangements.

Given the constrained, narrow, linear nature and location of the site, it is not considered that the submitted information adequately demonstrates that up to four dwellings could be accommodated without creating significant detrimental impacts in respect of the character of the area and the residential amenity of existing and proposed dwellings. Furthermore, it has not been demonstrated that a suitable access, parking and turning arrangement can be achieved within the site. As such, the development is contrary to the aforementioned policies.

2. Policies LP16 (b) and LP19 of the Fenland Local Plan 2014 and para 187 of the NPPF 2024 seek to conserve, enhance and promote biodiversity and para 193 of the NPPF 2024 advises that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. The application is not considered to demonstrate that there will be no net loss to biodiversity as a result of the development, due to inconsistencies with submitted information and the fact that an appropriate assessment has not been provided to display how the shortfall of biodiversity on-site will be adequately mitigated or compensated for. As such, the application should be refused in accordance with the aforementioned policies.

The Environment Act 2021 requires development proposals to deliver a net gain in biodiversity following a mitigation hierarchy which is focused on avoiding ecological harm over minimising, rectifying, reducing and then offsetting. This approach accords with Local Plan policies LP16 and LP19 which outlines a primary objective for biodiversity to be conserved or enhanced and provides for the protection of Protected Species, Priority Species and Priority Habitat.

It is currently determined that a deficit of 1.65 biodiversity units (-42.61% net unit change) is to occur as result of the development. Given the deficit of biodiversity units highlighted and the failure to submit an appropriate BNG Assessment to demonstrate how the shortfall of biodiversity on-site will be compensated, and the 10% BNG will be achieved, the current calculations and proposals do not demonstrate that Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) has been met and as such the development is contrary to the aforementioned policies.









Agenda Item 13

Agenda Item No:	13	Fenland
Committee:	Planning Committee	
Date:	5 March 2025	CAMBRIDGESHIRE
Report Title:	Planning Decision - Legal Advice Relating to Sequential Test and Paragraph 175 of the NPPF	

1 Purpose / Summary

1.1 This report seeks to provide clarity on the interpretation of Paragraph 175 of the National Planning Policy Framework (NPPF) (December 2024) in relation to planning application F/YR24/0879/O, concerning the proposed development of garden land at Honeybank, Second Drove, Swingbrow, Chatteris. Specifically, the report considers the implications of this paragraph of the NPPF within the decision-making process and assesses whether a Sequential Test is required in determining the application and similar applications.

2 Key issues

- Following the Planning Committee's resolution to grant planning permission for application F/YR24/0879/O at Honeybank, Second Drove, Swingbrow, Chatteris, in direct conflict with the Local Planning Authority's (LPA) understanding of paragraph 175 of the NPPF the Council has sought independent legal advice on the correct interpretation of this paragraph.
- To ensure that appropriate weight is given to the as a material consideration, and to prevent the determination of this application, in conflict with national policy, from setting a precedent for future decision-making.

3 Recommendations

3.1 The recommendation is to refuse planning permission for the reason set out in section 7 of this report.

Wards Affected	All
Forward Plan Reference	N/A
Portfolio Holder(s)	Cllr Mrs D Laws
Report Originator(s)	Matthew Leigh
Contact Officer(s)	Matthew Leigh - Head of Planning mleigh@fenland.gov.uk
Background Paper(s)	N/A

4 Background / introduction

- 4.1 On 5th February 2025, the Planning Committee considered an outline planning application (reference F/YR24/0879/O) for the erection of a single dwelling at Honeybank, Second Drove, Swingbrow, Chatteris. The Officer's Report, which provided the relevant planning policy context, assessment, and recommendations, is attached as Appendix A.
- 4.2 The planning application was recommended for refusal for the following three reasons:
 - 1 "The proposed dwelling is to be located in the open countryside. Policy LP3 of the Fenland Local Plan supports development in the open countryside ('Elsewhere') where it is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services. The proposal fails to demonstrate that the development is essential for any of the operations as identified in Policy LP3 and therefore would result in unwarranted residential development in an unsustainable location contrary to Policy LP3 of the Fenland Local Plan (2014).
 - 2 "The Cambridgeshire Flood and Water SPD 2016 and Policy LP14 (Part B) of the Local Plan requires development in Flood Zone 3 to undergo a sequential test to demonstrate that the development cannot be delivered elsewhere in the area at lower risk areas of flooding. Policy LP2 seeks to deliver high quality environments, ensuring that people are not put at identified risks from development thereby avoiding adverse impacts in the interests of health and wellbeing. The site lies within Flood Zone 3 which is a high risk flood area. The applicant has failed to undertake a substantive and evidenced sequential test, and has therefore failed to demonstrate that the development could not be delivered in an area of lower flood risk, thereby failing LP14 (Part B). Consequently, the proposal fails to satisfy policy LP2 of the Fenland Local Plan as it fails to deliver a high quality environment and unjustifiably puts future occupants at higher risk of flooding.
 - 3 "Policy LP15 requires all development with transport implications to identify deliverable mitigation measures and secure arrangement for their implementation in order to make the development acceptable in transport terms. A swept path analysis is required to demonstrate that the application site can be accessed safely from both directions. The lack of a tracking analysis means that the application fails to demonstrate that a safe and suitable access can be delivered to serve the development and as such the proposal fails to satisfy Policy LP15 of the Fenland Local Plan (2014)."
- 4.3 As part of the Planning Committee process at Fenland District Council, the Applicant or their representative is permitted to speak for up to five minutes in support of their planning application. On this occasion, the Applicant's Planning Agent addressed the Committee to present arguments against the proposed reasons for refusal, including specifically challenging Reason for Refusal 2, which related to the requirement for a Sequential Test.
- 4.4 In their representation, the Planning Agent argued that a Sequential Test was not required for the application, referring the Committee to Paragraph 175 of the NPPF (December 2024). It was their opinion that this policy states a Sequential Test is unnecessary where a Flood Risk Assessment (FRA) demonstrates that the site is safe.

- The Planning Agent asserted that the submitted FRA confirms the site is safe from flooding and, therefore, the Sequential Test should not apply in this instance.
- 4.5 For completeness, the Planning Agent further stated that the submitted FRA had, in fact, addressed the Sequential Test, concluding that the site is technically safe from flooding due to the existing flood defences in the area. On this basis, they contended that the actual risk of flooding is low and that the site should be considered sequentially preferable in the context of flood risk policy.
- 4.6 The Officers of the LPA and the Council's Legal Representative strongly refuted the stance presented by the Applicant's Planning Agent regarding the requirement for a Sequential Test.
- 4.7 Council Officers clarified that the need for a Sequential Test is determined based on an assessment of flood risk before considering the presence of flood defences. The NPPF and Planning Practice Guidance (PPG) establish that the Sequential Test is intended to steer new development towards areas of lower flood risk, regardless of existing flood mitigation measures.
- 4.8 Furthermore, Officers emphasised that a lack of recent flooding does not negate the requirement for a Sequential Test. The principle of the Sequential Test is to assess whether there are reasonably available sites in areas at lower flood risk, ensuring that development is located in the most sustainable and least vulnerable locations in the long term. Therefore, the Council maintained that the Sequential Test remains a necessary requirement in this case, in accordance with national policy and best practice.
- 4.9 While Elected Members are not obligated to follow Officer recommendations or advice, they are nevertheless bound by the same planning policies and legislation that govern the LPA in the decision-making process. It is a well-established principle in planning law that decision-makers have discretion in assigning weight to competing material considerations. However, this discretion must be exercised reasonably, and any material consideration relied upon must be legally sound and aligned with national and local planning policy.
- 4.10 In this context, Members must ensure that their decision-making is rational, evidence-based, and defensible. Any departure from policy requirements, must be supported by clear and robust planning justification to withstand scrutiny, including potential judicial review.
- 4.11 The Planning Committee found the Planning Agent's argument, which conflicted with the officer advice, to be compelling and was inclined to grant planning permission for the dwelling. However, it is important to ensure that any decision made is consistent with both local planning policy and national guidance, while also considering the material considerations that may outweigh the planning agent's perspective.
- 4.12 In accordance with established case law, applicants have a right to expect consistency in the decision-making process. The Planning Committee's interpretation of Paragraph 175 of the NPPF is a material consideration in the determination of future planning

- applications. It is therefore imperative that the interpretation is both reasonable and consistent with the provisions of the NPPF. This ensures that decisions are made transparently, fairly, and in compliance with the legal framework governing planning.
- 4.13 The decision notice for the application has not yet been issued. While the Planning Committee has resolved to approve the application, this does not yet constitute the formal decision of the Council. In view of the Officer concerns regarding the Applicant's interpretation of the NPPF, and the potential implications for future applications, it was deemed prudent to seek a Legal Opinion on the correct interpretation of Paragraph 175 of the NPPF. Consequently, the matter will be referred back to the Planning Committee for further consideration.
- 4.14 The Legal Opinion is attached as Appendix B.
- 4.15 The Courts have accepted that a Planning Committee can review a resolution and potentially change its mind following new evidence including legal advice as to the prospects on appeal (R. v Aylesbury Vale D.C. & Another, ex parte Chaplin & Others [1996]).
- 4.16 The Committee are advised to fully read the Legal Opinion and to consider the clear advice within, including paragraph 14, which states that "The upshot is that the presence of flood mitigation measures will not generally be a factor in the Council's determination as to whether NPPF §173 requires the sequential test to be applied".
- 4.17 Whilst it is acknowledged that the Officer's Report outlined three reasons for refusal, the Officer concerns about the robustness of the decision-making process does not address the other two reasons for refusal. As a result, the assessment provided above, along with the recommendation outlined below, does not consider these additional grounds for refusal.

5 Effect on corporate objectives

- 5.1 The granting of planning permission in conflict with guidance within the NPPF, and the potential for resultant legal challenge, would impact of the following corporate objective:
 - a) Promote and enable housing growth, economic growth and regeneration across Fenland

6 Community impact

6.1 The delivery of housing in areas at risk of flooding poses a significant concern for the safety of future occupiers throughout the lifetime of the development. In the event of a flood, the addition of new housing would exacerbate the risks to both residents of the development and to emergency responders. The increased number of properties in flood-prone areas could place additional strain on rescue operations, potentially compromising the health and wellbeing of both rescuers and existing residents in already flooded areas.

6.2 Furthermore, the potential need to defend any future legal challenge would result in additional financial costs to the Council. The burden of these costs would inevitably fall on the residents of the District, as they are ultimately responsible for funding the Council's activities through Council Tax. In fulfilling their duties, both Members and Officers are bound by a fiduciary duty to act in the best interests of the Council Taxpayer, ensuring that decisions are made with consideration of the financial implications for the local community.

7 Conclusions

- 7.1 Whilst the Planning Committee is not bound by the Officer's recommendation or advice, it is required to adhere to the same policies, legislation, and guidance. If the Planning Committee were to be misdirected by the Planning Agent's legally flawed interpretation of Paragraph 175 of the NPPF, it could result in a decision that is open to challenge. Such a decision would also serve as a material consideration in the determination of future planning applications within Fenland, potentially setting a position that could impact subsequent decisions.
- 7.2 It is recommended that Planning Committee REFUSE the application for the following reason:
 - 1. The Cambridgeshire Flood and Water SPD 2016 and Policy LP14 (Part B) of the Local Plan requires development in Flood Zone 3 to undergo a sequential test to demonstrate that the development cannot be delivered elsewhere in the area at lower risk areas of flooding. Policy LP2 seeks to deliver high quality environments, ensuring that people are not put at identified risks from development thereby avoiding adverse impacts in the interests of health and wellbeing. The site lies within Flood Zone 3 which is a high risk flood area. The applicant has failed to undertake a substantive and evidenced sequential test, and has therefore failed to demonstrate that the development could not be delivered in an area of lower flood risk, thereby failing LP14 (Part B). Consequently, the proposal fails to satisfy policy LP2 of the Fenland Local Plan as it fails to deliver a high quality environment and unjustifiably puts future occupants at higher risk of flooding.

F/YR24/0879/O

Applicant: Mr Jack Shepherd Agent : Swann Edwards

Swann Edwards Architecture Limited

Garden Land At Honeybank, Second Drove, Swingbrow, Chatteris, Cambridgeshire

Erect up to 1no self build dwelling (outline application with all matters reserved)

Officer recommendation: Refusal

Reason for Committee: Number of representations contrary to Officer

recommendation.

Government Planning Guarantee

Statutory Target Date For Determination: 27 December 2024

EOT in Place: Yes

EOT Expiry: 12 February 2025

Application Fee: £1156

Risk Statement:

This application must be determined by 12 February 2025 as it will be out of time and therefore negatively affect the performance figures.

1 EXECUTIVE SUMMARY

- 1.1 The proposed dwelling is to be located in the open countryside. Policy LP3 of the Fenland Local Plan supports development in the open countryside ('Elsewhere') where it is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services. The proposal fails to demonstrate that the development is essential for any of the operations as identified in Policy LP3 and therefore would result in unwarranted residential development in an unsustainable location contrary to Policy LP3 of the Fenland Local Plan (2014).
- 1.2 The Cambridgeshire Flood and Water SPD 2016 and Policy LP14 (Part B) of the Local Plan requires development in Flood Zone 3 to undergo a sequential test to demonstrate that the development cannot be delivered elsewhere in the area at lower risk areas of flooding. Policy LP2 seeks to deliver high quality environments, ensuring that people are not put at identified risks from development thereby avoiding adverse impacts in the interests of health and wellbeing. The site lies within Flood Zone 3 which is a high risk flood area. The applicant has failed to undertake a substantive and evidenced sequential test and has therefore failed to demonstrate that the development could not be delivered in an area of lower flood risk, thereby failing LP14 (Part B). Consequently, the proposal fails to satisfy policy LP2 of the Fenland Local Plan as it fails to deliver a high quality environment and unjustifiably puts future occupants at higher risk of flooding.

- 1.3 Policy LP15 requires all development with transport implications to identify deliverable mitigation measures and secure arrangement for their implementation in order to make the development acceptable in transport terms. A swept path analysis is required to demonstrate that the application site can be accessed safely from both directions. The lack of a tracking analysis means that the application fails to demonstrate that a safe and suitable access can be delivered to serve the development and as such the proposal fails to satisfy Policy LP15 of the Fenland Local Plan (2014).
- 1.4 The Local Planning Authority recommendation is one of **refusal**.

2 SITE DESCRIPTION

- 2.1 The site is located with the open countryside, off Second Drove and fronting Forty foot Bank. The site at the time of the officer site visit appeared to have been used as a garden and was overgrown and unkempt. Subsequently the site has been cleared, a boundary fence now surrounds the site, and a concrete pad has been constructed to the northern rear of the site with a package treatment plant adjacent. This is a matter which the Council's Planning Enforcement team are aware of.
- 2.2 There is a small group of historic residential properties located to the west, east and north of the site. Ramsey Forty Foot Drain is located beyond Forty Foot Bank to the south of the site. Beyond the vicinity of the site is open land in arable use. The land levels differ from the road at Forty Foot Bank significantly and are lower into the site. The site lies within Flood Zone 3 and is within a Flood Warning Area. The nearest area of potential surface water flood risk on the Environment Agency mapping, is an area of low flood risk to the east, in the rear garden of 4 Forty Foot Bank.

3 PROPOSAL

- 3.1 This application seeks outline planning permission (with all matters reserved) for a dwelling on land at Honeybank, Swingbrow, Second Drove, Chatteris. An indicative site plan has been submitted which appears to show a chalet bungalow and a detached garage. No elevational drawings have been supplied. An indicative site access to the property is shown at the south-west corner of the plot.
- 3.2 The application has been amended to seek to address access concerns expressed by Cambridgeshire County Council Highways.
- 3.3 Full plans and associated documents for this application can be found at: https://www.publicaccess.fenland.gov.uk/publicaccess/

4 SITE PLANNING HISTORY

Reference	Description	Decision
F/1108/88/O	Erection of one bungalow on garden	Refused – 10 th November
	Adj Honeybank Swingbrow Forty	1988
	Foot Bank Chatteris	
F/1486/89/O	Erection of a bungalow and	Approved – 17 th October
	improvement to access roadway	1990
F/93/0503/O	Erection of a bungalow and	Approved – 9 th December
	improvement to access roadway	1993
F/96/0552/O	Erection of a bungalow and	Approved – 4 th December
	improvement to access roadway	1996
F/99/0641/O	Erection of a bungalow and	Approved – 29 th
	improvement to access roadway	November 1999
F/YR02/0856/O	Erection of a bungalow and	Approved – 6 th
	improvement to access roadway	September 2002
F/YR04/4240/O	Erection of a bungalow and	Approved – 5 th January
	improvement to access roadway	2005
F/YR16/0157/O	Erection of a dwelling (Outline	Approved – 27 th April
	application with all matters reserved)	2016

5 CONSULTATIONS (summarised)

5.1 Chatteris Town Council – 5th December 2024

Support

5.2 Middle Level Commissioners Internal Drainage Board

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

However, the above application appears to involve development within the Commissioners' 20m byelaw strip.

During the decision-making process both the applicant and your Council must acknowledge the close proximity of important watercourses and/or associated maintenance access strips to the application site. These watercourses are protected by Byelaws made in accordance with the Land Drainage Act.

Development within, over, or under a Commissioners maintained watercourse, or within the Commissioners' maintenance strip, requires the Commissioners' prior written consent.

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

Please be advised that a more detailed response concerning other relevant Conservation, Environmental, Biodiversity Enhancement and Net Gain Issues; Navigation (where appropriate); Water level and flood risk management matters may be issued to supplement this reply and better inform the parties concerned.

In view of the above, the applicant is urged to contact us to discuss the proposed works via the post-application consultation process as a matter of urgency. Further information on this and other development control issues can be on our website: Consents & Byelaws – Middle Level

5.3 Environment Agency

We have no objection to the proposed development on flood risk grounds but wish to make the following comments:

We consider that the main source of flood risk at this site is associated with watercourses under the jurisdiction of the Internal Drainage Board (IDB). As such, the IDB should be consulted with regard to flood risk associated with watercourses under their jurisdiction and surface water drainage proposals.

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

NPPF Flood Risk Sequential Test:

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

5.4 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 the local amenity from the standpoint of air quality and light pollution or be affected by ground contamination.

This service would however welcome a condition on construction working times due to the close proximity to existing noise sensitive receptors, with the following considered reasonable:

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

5.5 Cambridgeshire County Council Highways – 17th December 2024

Recommendation

The applicant is referred to the previous consultation of the Local Highway Authority dated 9th December, which still requires attention.

Comments

Following the previous consultation response, dated 9th December, revised site location and visibility splay drawings have been submitted. It is accepted that the proposed junction arrangement will achieve the acceptable visibility splays, however, whilst egress from the site can be achieved in either direction, it is the responsibility of the applicant to demonstrate that the junction can be accessed from either direction from Forty Foot Bank.

Further consideration will be given to this application following the receipt of swept path analysis which demonstrates that this site can be suitably accessed from either direction from Forty Foot Bank. Should the tracking demonstrate that the access arrangement is unsuitable, it will be the responsibility of the applicant to amend the width and alignment of the access arrangement accordingly.

5.6 Local Residents/Interested Parties

Supporters

There have been 13 letters (three from Forty Foot Road and one from Second Drove in the vicinity of the site, with two comments received from residents of March Road and Chapel Lane in Wimblington and further letters from Curf Fen Drove, Farriers Gate, Millfield Close and Pound Road in Chatteris, New Street in Doddington, Glebe Close in Manea and Millfield Close in March) supporting the application on the following grounds:

- There has been no recent flooding in the area.
- The dwelling will transform an area of neglect.
- The land is going to waste.
- The land has being laying dormant for over thirty years.
- The proposed design will contribute positively to the area.
- The proposal will not be out of character as there are houses either side.
- It will complete a line of homes.
- The proposal will benefit my business.
- The dwelling is for a young family.
- This dwelling will help someone get on the property ladder.

Representations

Two representations have been received from Forty Foot Road, Chatteris raising the following issues:

- Manoeuvrability on and around the site.
- Access must not be hampered during construction.

6 STATUTORY DUTY

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

7 POLICY FRAMEWORK

National Planning Policy Framework (NPPF) 2024

Chapter 2 - Achieving sustainable development

Chapter 5 – Delivering a sufficient supply of homes

Chapter 9 – Promoting sustainable transport

Chapter 12 – Achieving well-designed places

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

Homes and Buildings

Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 - Housing

LP5 - Meeting Housing Need

LP12 - Rural Areas Development Policy

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

Delivering and Protecting High Quality Environments in Fenland SPD 2014

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

DM6 – Mitigating Against Harmful Effects

Cambridgeshire Flood and Water SPD 2016

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

LP1: Settlement Hierarchy

LP2: Spatial Strategy for the Location of Residential Development

LP7: Design

LP8: Amenity Provision

LP12: Meeting Housing Needs

LP13: Custom and Self Build

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

8 KEY ISSUES

- Principle of Development
- Layout and Design
- Impact on Residential Amenity / Land Users
- Highway Safety and Parking
- Flooding Considerations / Drainage
- Biodiversity Net Gain (BNG)

9 BACKGROUND

9.1 A number of outline applications for a dwelling on this site were made and approved between 1988 and 2004. A further application for an outline dwelling was made under reference F/YR16/0157/O. This application was assessed under the current Fenland Local Plan (2014) and was refused due to the site being an Elsewhere Location, lack of a sequential test, lack of a biodiversity study and the need to materially amend the access onto Forty Foot Bank to facilitate adequate access and visibility.

10 ASSESSMENT

Principle of Development

- 10.1 The site is located within an area known as Swingbrow, which for planning policy purposes is designated as open countryside. Policy LP3 of the Local Plan establishes a settlement hierarchy for the district, defining market towns and various categories of villages. The site falls in none of these, and the Policy states that development elsewhere will be restricted to specified categories of development i.e. agriculture. The proposal would not amount to any of these categories and it therefore follows that the proposal would be in obvious and significant conflict with Policy LP3. It would also conflict with the NPPF (2024), which at Paragraph 83 states: *To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services.* There are no local services within walking distance of the site. Paragraph 84 states that:
- 10.2 Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:
 - a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
 - b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets:
 - c) the development would re-use redundant or disused buildings and enhance its immediate setting;

- d) the development would involve the subdivision of an existing residential building; or
- e) the design is of exceptional quality, in that it:
 - i) is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
 - ii) would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.
- 10.3 The proposal as submitted meets none of the above criteria. Whilst the site is not physically isolated given the proximity of other dwellings it is functionally isolated as it is located away from established settlement, is not served by a footpath and has no services in the vicinity. Therefore, the principle of development in this location is not supported by local or national planning policy.

Layout and Design

10.4 The application has been made in outline form (with all matters reserved); as such the external appearance and scale have been reserved for subsequent consideration. It is accepted that the principle of developing the site would not have an adverse character impact, due to the nearby dwellings, and there not being a requirement to materially raise finished floor levels. An indicative footprint has been provided, which would appear to suggest an appropriate scale of development for the size of the plot. However, a determination as to whether the external appearance is in keeping with that of the surrounding area cannot be made as no indicative elevational drawings have been provided.

Impact on Residential Amenity / Land Users

10.5 The application has been made in outline form (with all matters reserved); as such the external appearance and scale have been reserved for subsequent consideration. Notwithstanding the principle of developing the site (as discussed above), the site could potentially accommodate a two-storey development. However, careful consideration would be required to provide a development which would be sympathetic to the bungalow at 4 Forty Foot Bank to the east, and the two storey dwelling at 6 Forty Foot Bank to the west. It is considered that the site could accommodate a dwelling without compromising the amenity of neighbouring dwellings, and as such would comply with Policy LP16 in this respect.

Highway Safety and Parking

- 10.6 Although 'access' has not been committed, the amended location plan shows the red development boundary line around the existing vehicular access which appears to serve 4 and 6 Forty Foot Bank, as well as Bumble Cottage, Second Drove. The speed limit along this section of the Forty Foot Bank is 50mph and there are no footpaths. The Highway Authority has advised that improvements to the existing access and visibility splays (2.4m x 215m) would be required in order to make the development acceptable. The improvements include widening and re-aligning the existing access to ensure that vehicles accessing the site from a westerly direction can do so safely.
- 10.7 Following amendments to address the above the matters a further response was received from the Highway Authority dated 17th December 2024 stating: Further consideration will be given to this application following the receipt of swept path analysis which demonstrates that this site can be suitably accessed from either direction from Forty Foot Bank. Should the tracking demonstrate that the access

- arrangement is unsuitable, it will be the responsibility of the applicant to amend the width and alignment of the access arrangement accordingly.
- 10.8 The applicant's agent confirmed on 2nd January 2025 that they were not prepared to make further amendments if the application was likely to be refused and wished for this matter to be conditioned should the application be approved. This approach is considered unacceptable as Policy LP15 of the Fenland Local Plan (2014) states that any development that has transport implications will not be granted planning permission unless deliverable mitigation measures have been secured which will make the development acceptable in transport terms. Currently the Local Planning Authority has insufficient evidence to demonstrate that the site can be safely accessed and a such planning permission cannot reasonably be granted.

Flooding Considerations / Drainage

- 10.9 The application site and surrounding area lies entirely within Environment Agency (EA) Flood Zone 3. A Flood Risk Assessment accompanies the application, proposing finished floor levels of 500mm, which has been accepted by the EA. However, they do advise consultation with the Internal Drainage Board and implementation of a Sequential Test.
- 10.10 As the site is located in Flood Zone 3, the approach of the supporting planning documents is not to rely on mitigation measures in areas at high risk of flooding, but instead to make development safe and therefore direct new development away from such areas. For that reason, the proposal is required to be subjected to the Sequential Test to establish whether there are reasonably available sites with Zone 1 (and Zone 2 if no land is available in Zone 1). The guidance states that the developer should justify, with evidence, what area of search has been used. There is no evidence within the submitted sequential test that an area of search has been identified. The text within the Sequential Test states: Large parts of Fenland District Council between the River Nene and River Great Ouse, around the towns of March and Chatteris, lie in Flood Zone 3. As such the opportunities to undertake the development at an alternative site within Flood Zone 1 are limited..... The Fenland Local Plan defines the housing distribution for new dwellings across the District. Within the district there is a target of 11,000 new dwellings over the period from 2011 to 2031. The proposed development will provide wider sustainability benefits by meeting the demand for rural housing.
- 10.11 The above text is not considered to demonstrate that the application site meets the Sequential Test. The area known as Swingbrow is entirely within Flood Zone 3. The Local Planning Authority stance on developments in the open countryside is that the suitability for development should be assessed district wide under the sequential test. In the absence of the submission of such information the application is clearly contrary to Policy LP14 in this regard and the Sequential Test has not been passed. The submitted FRA Argues that the need to provide 11,000 homes across the district between 2011 and 2031, as well as the need to provide rural housing means that the application delivers wider sustainability benefits which would presumably be deemed to meet the requirements of the exception test. Notwithstanding that the Local Planning Authority can currently demonstrate a Five Year Housing Land Supply, the SPD is clear that to pass the exception test, wider sustainability benefits over and above the delivery of the housing itself should be delivered. No other sustainability benefits are proposed as part of the application. It is therefore considered that this application fails to pass both the sequential and exceptions test.

Self-Build / Custom Build Properties

- 10.12 Policy LP5, Part C seeks to provide, in appropriate circumstances, housing solutions that meet market expectations including self build homes, which is supported by Para 63 of the NPPF (2024). Under Section 1 of the Self Build and Custom Housebuilding Act 2015, local authorities are required to keep a register of those seeking to acquire serviced plots in the area for their own self-build and custom house building. They are also subject to duties under sections 2 and 2A of the Act to have regard to this and to give enough suitable development permissions to meet the identified demand. Weight would therefore be given to this, the amount dependant on identified demand.
- 10.13 The proposal is for self/custom build dwellings, however the Council can currently demonstrate that the number of permissions given for self/custom builds exceeds identified demand, and as such very limited weight can therefore be reasonably afforded to the delivery of this form of housing when determining the application.

Biodiversity Net Gain (BNG)

- 10.14 The Environment Act 2021 requires development proposals to deliver a net gain in biodiversity following a mitigation hierarchy which is focused on avoiding ecological harm over minimising, rectifying, reducing and then off-setting. This approach accords with Local Plan policies LP16 and LP19 which outlines a primary objective for biodiversity to be conserved or enhanced and provides for the protection of Protected Species, Priority Species and Priority Habitat.
- 10.15 There are statutory exemptions, transitional arrangements and requirements relating to irreplaceable habitat which mean that the biodiversity gain condition does not always apply. In this instance, one or more of the exemptions / transitional arrangements are considered to apply and a Biodiversity Gain Condition is not required to be approved before development is begun because the nature of the development being self / custom build is exempt from statutory net gain.

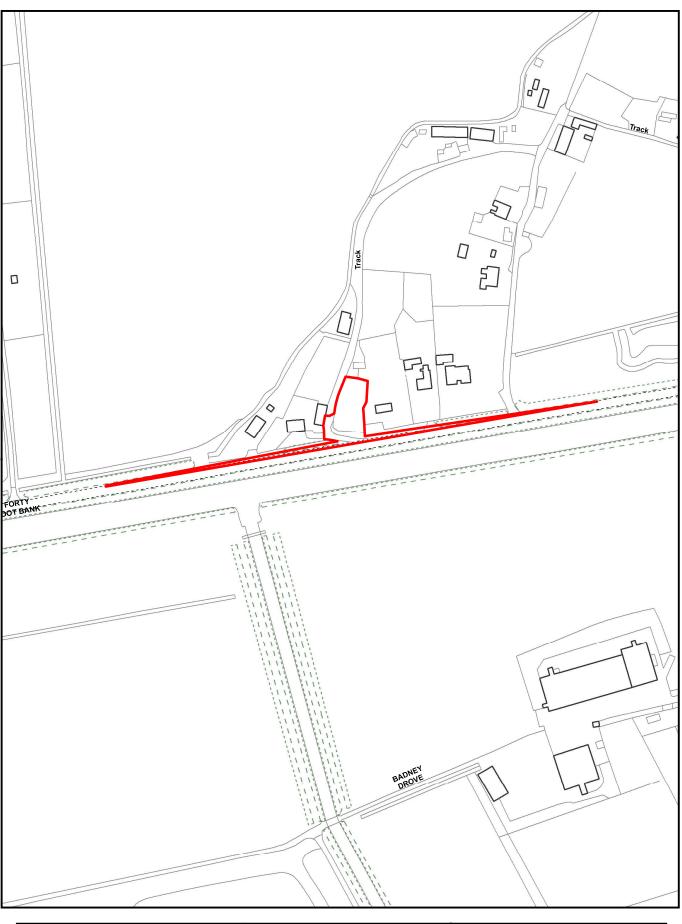
11 CONCLUSIONS

- 11.1 The proposed scheme is considered to be unacceptable for a number of reasons. Firstly by virtue of its location in the open countryside, the proposal would not be close to any existing facilities, and the occupant would likely have to rely on private transport to access the nearest facilities and services.
- 11.2 Secondly, the site is located within Flood Zone 3 and no evidenced argument has been given within the Sequential Test to demonstrate that there are no sequentially preferable sites in the vicinity.
- 11.3 Finally, the scheme also requires improvements to the existing access to ensure that an acceptable development could be achieved from a highway safety perspective. A swept path analysis has not been submitted to demonstrate that vehicles entering the site from the west will not be encroaching onto the opposite side of highway at Forty Foot Bank.
- 11.4 The application is therefore not considered to accord with Policies LP1, LP3, LP4, LP5, LP12, LP14, LP15 and LP16 of the Fenland Local Plan (2014), as well as Sections 2, 5, 9, 12 and 14 of the National Planning Policy Framework (2024).

12 RECOMMENDATION

Refuse; for the following reasons:

- The proposed dwelling is to be located in the open countryside. Policy LP3 of the Fenland Local Plan supports development in the open countryside ('Elsewhere') where it is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services. The proposal fails to demonstrate that the development is essential for any of the operations as identified in Policy LP3 and therefore would result in unwarranted residential development in an unsustainable location contrary to Policy LP3 of the Fenland Local Plan (2014).
- The Cambridgeshire Flood and Water SPD 2016 and Policy LP14 (Part B) of the Local Plan requires development in Flood Zone 3 to undergo a sequential test to demonstrate that the development cannot be delivered elsewhere in the area at lower risk areas of flooding. Policy LP2 seeks to deliver high quality environments, ensuring that people are not put at identified risks from development thereby avoiding adverse impacts in the interests of health and wellbeing. The site lies within Flood Zone 3 which is a high risk flood area. The applicant has failed to undertake a substantive and evidenced sequential test, and has therefore failed to demonstrate that the development could not be delivered in an area of lower flood risk, thereby failing LP14 (Part B). Consequently, the proposal fails to satisfy policy LP2 of the Fenland Local Plan as it fails to deliver a high quality environment and unjustifiably puts future occupants at higher risk of flooding.
- Policy LP15 requires all development with transport implications to identify deliverable mitigation measures and secure arrangement for their implementation in order to make the development acceptable in transport terms. A swept path analysis is required to demonstrate that the application site can be accessed safely from both directions. The lack of a tracking analysis means that the application fails to demonstrate that a safe and suitable access can be delivered to serve the development and as such the proposal fails to satisfy Policy LP15 of the Fenland Local Plan (2014).



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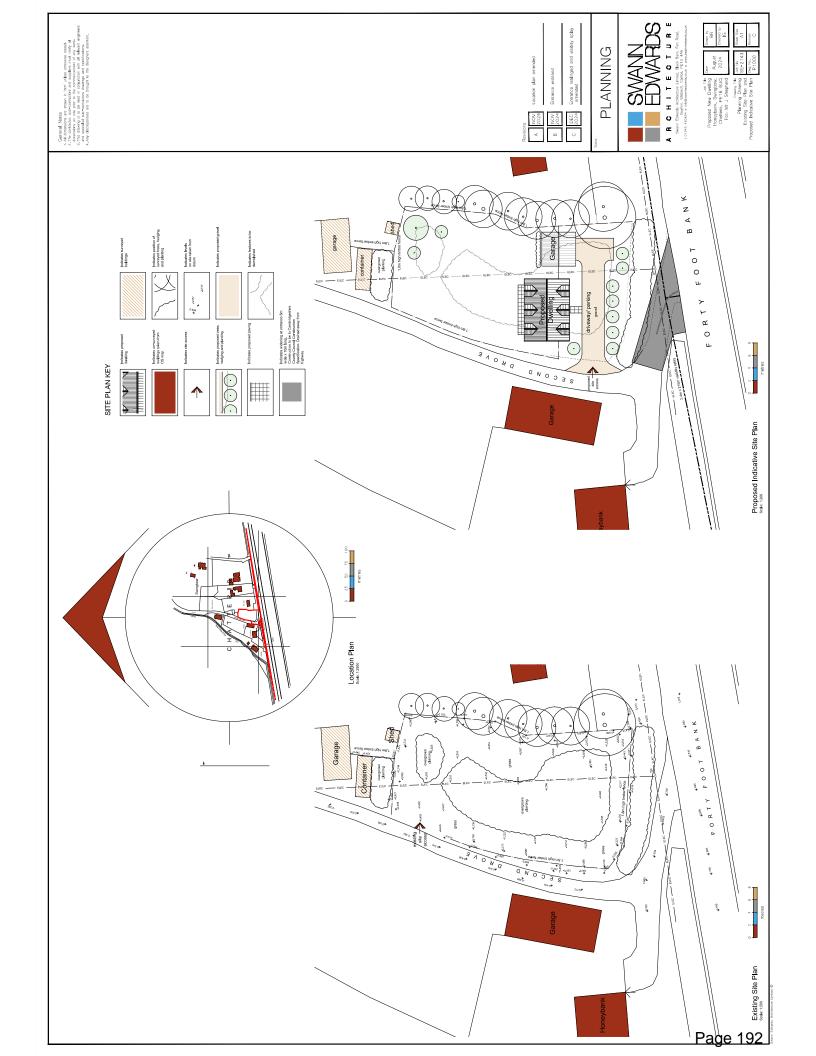
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N
Fenland

Fenland District Council



RE: APPLICATION OF SEQUENTIAL APPROACH (FLOODING)

ADVICE	

- 1. I am asked to advise Fenland District Council ("**the Council**") in relation to the interpretation and application of the sequential flood risk test.
- 2. The Council's request does not involve a particular application. Instead, it relates to the application of the sequential approach when determining planning applications generally. The Council is concerned that certain developers have begun to interpret the sequential test in a way that leads the Council to believe that the test has not been satisfied.
- 3. This includes an interpretation of §175 of the National Planning Policy Framework ("NPPF"), which interpretation has gained traction with certain members of Planning Committee, to the effect: (a) that there is no need to undertake a sequential test if a flood risk assessment ("FRA") confirms that the site is safe from flooding; and (b) that site is not known to be at risk of flooding if it has no recorded history of flooding whether anecdotally, or due to existing flood defences.
- 4. In particular, I am asked to advise:
 - a. as to whether the presence of flood defences or other mitigation measures should be taken into account when deciding whether the sequential test applies to the site in question;

- whether a developer's starting point should be that the sequential test should be applied district-wide and whether, if restricted to a specific area, the rationale for the restriction should be evidenced during the developer's submission;
- c. whether a site's history of flooding demonstrates that it is not "known to be at risk now or in the future from any form of flooding" (within the meaning of NPPF §175);
- d. whether a site's history of flooding should be a moot point given the requirements of NPPF §175 ("having regard to potential changes in flood risk");
- e. whether it amounts to an exception under NPPF §175 that a site-specific FRA demonstrates that built development would not be at risk (if e.g. areas at risk are used for open space rather than being built upon), notwithstanding that strategic-level information suggests the site is generally at risk.

5. In summary, I advise:

- a. that the effects of flood mitigation measures are generally not relevant to whether the sequential test must be applied, subject to one PPG-based exception which I discuss below;
- b. that a developer is not strictly required to apply the sequential test in the context of the whole LPA area, but it is for the Council to determine the appropriate search area having regard to its strategic FRA and other relevant information;

- c. that the lack of any recorded flooding history for a site does not necessarily mean that it is not at risk of flooding in future;
- d. that the presence of a flooding history may however mean that the site is at risk;
- e. that, under NPPF §175, a developer can escape the sequential test for a generally at-risk site by showing that there would be no built development on any at-risk parts of the site.

POLICY FRAMEWORK

- 6. Chapter 14 of the NPPF contains the provisions on planning and flood risk. Key provisions for present purposes are as follows:
 - a. NPPF §170, which provides, among other things, that development that is necessary in areas at highest risk of flooding should be made safe for its lifetime without increasing flood risk elsewhere;
 - b. NPPF §172, which requires plans to apply a sequential, risk-based approach to the location of development;
 - c. NPPF §173, which requires individual applications to apply a sequential risk-based approach "in areas known to be at risk now or in future from any form of flooding";
 - d. NPPF §174, which provides that the purpose of the sequential test is to "steer new development to areas with the lowest risk of flooding from any source", such that development should not be allocated/permitted

"if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding"; and, further, that the "strategic flood risk assessment will provide the basis for applying this test";

- e. NPPF §175, which provides that the sequential test should be used "in areas known to be at risk now or in the future from any form of flooding", except where "a site-specific flood risk assessment demonstrates that no built development within the site boundary... would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk)";
- f. NPPF §§177-179, which provide for the exception test to be applied where a proposal fails the sequential test.
- 7. These provisions are supplemented by the Planning Practice Guidance ("**PPG**"), which is examined further below.
- 8. The PPG was last updated in August 2022, when a previous iteration of the NPPF was in force. But where it has not been superseded by the new NPPF, it remains relevant to the interpretation and application of the NPPF provisions. As the Court of Appeal recently held, there is no formal distinction between the legal status of the NPPG and NPPF: *Mead Realisations Ltd v Secretary of State for Housing, Communities and Local Government* [2025] EWCA Civ 32, at §33 (Sir Keith Lindblom SPT).

ANALYSIS

<u>Issue (a): Flood Mitigation Measures Including Flood Defences</u>

- 9. NPPF §173 requires a sequential risk-based approach to individual areas "known to be at risk of flooding now <u>or in the future</u> from any form of flooding" (emphasis added). The question is whether it is relevant to consider the positive effects of flood mitigation measures including flood defences when determining this issue.
- 10. The PPG states as follows (at ID:7-005-20220825, emphasis added):

"What to consider when determining whether a proposed development will be safe for its lifetime?"

. . .

Where flood risk management infrastructure such as flood defences form part of the strategy for addressing flood risk, strategic <u>and site-specific</u> flood risk assessments should, where appropriate:

- identify how this infrastructure will be operated, funded and maintained;
- ensure that there is space for future maintenance or new flood risk management infrastructure that is likely to be needed;
- consider the consequences of flood risk management infrastructure failing or its design standard being exceeded;
- consider the likelihood of defences keeping pace with climate change, e.g. is funding available and what are the funding options (e.g. Community Infrastructure Levy, planning obligations/S106 agreements, or Partnership Funding... This should inform the nature of the residual risk to be considered".
- 11. Later, the PPG states (at ID:7-024-20220825):

"How can the Sequential Test be applied to the location of development?

...

Initially, the presence of existing flood risk management infrastructure should be ignored, as the long-term funding, maintenance and renewal of this infrastructure is uncertain. Climate change will also impact upon the level of protection infrastructure will offer throughout the lifetime of the development."

- 12. Although this second passage concerns the <u>application</u> of the test (as opposed to the present issue, of whether the test should be applied in the first place), it is useful guidance. Together, these two passages illustrate the importance of focusing not just on the current level of flood risk but also the risk into the future. The mere existence of flood mitigation measures today does not necessarily mean the ongoing reduction of flood risk into the future, having regard to funding issues, the impact of climate change, and so on.
- 13. In my view it would, however, be open to a developer to try to satisfy the Council that a development would be safe for its lifetime having regard to the factors mentioned in the first passage (funding of the mitigation measures, maintenance, keeping pace with climate change, and so on), assuming it can provide convincing information on these factors (and assuming that it can address flooding from "any" form, as per NPPF §173). This might be easier to do with shorter-lifetime developments, where the future state of mitigation measures might be easier to predict, than developments with a longer lifespan.
- 14. The upshot is that the presence of flood mitigation measures will <u>not</u> generally be a factor in the Council's determination as to whether NPPF §173 requires the sequential test to be applied, unless the developer can demonstrate to the Council's satisfaction that the development would be safe from flood risk for its lifetime having regard to the factors mentioned above. Whether the developer can

do this would be a question for the Council's planning judgment having regard to the information provided in the application.

<u>Issue (b): Geographical Coverage of the Sequential Test</u>

- 15. NPPF §174 provides that the sequential test aims to steer new development to areas with the lowest risk of flooding, and that development should not be allocated or permitted if "there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding". It further provides that the basis for applying the test is the strategic FRA.
- 16. The PPG provides further guidance at ID:7-029-20220825. It is matter for the LPA's judgment as to whether the development passes the sequential test. Among other things, the LPA "will need to determine an appropriate area of search, based on the development type proposed and relevant spatial policies".

17. The same PPG passage continues:

"Local planning authorities may find it helpful to prepare guidance on the appropriate area of search for common development types. They may also find it helpful to keep an up-to-date register of 'reasonably available' sites, clearly ranked in flood risk preference. This could be part of their housing and/or economic land availability assessments or as a separate document. This should be informed by the strategic flood risk assessment with any ranking methodology agreed with the Environment Agency. Such an approach could increase certainty for developers and save time at application stage."

18. It follows that there is no strict requirement for a developer to apply the sequential test in the context of the entire LPA area. However, in determining the appropriate

search area for the application in question, the Council would need to be guided by the strategic FRA (as per NPPF §174) alongside any guidance it has published, and any register it has kept, concerning appropriate search areas for common development types.¹

19. The Council would also need to apply whatever requirements are contained in its development plan, with the usual caveat that the NPPF (and PPG) are material considerations that should be taken into account if they are at odds with the development plan.

Issues (c) and (d): the Site's History of Flooding

- 20. These issues are similar and are taken together.
- 21. In short, I agree with the Council's suggestion that a site's history is unlikely to take a developer very far. The mere fact that a site has not flooded since records began, or for some time, does not mean that it is not at risk of flooding in the future having regard to the effects of climate change and other potential changes in flood risk. Even the effectiveness of current flood mitigation measures cannot be presumed into the future, as discussed above.
- 22. The Council is right to question any suggestion by a developer to the contrary. There is a difference between a site not being known to have flooded and a site not being known to be at risk of flooding in future.
- 23. If of course a site does have a recorded history of flooding, then this may well demonstrate that it is in fact at risk of flooding in future. For that reason I would

¹ It is of course expected that the Council would apply the sequential test to the whole LPA area when preparing strategic policies (see PPG ID:7-025-20220825).

stop short of saying that the flooding history of a site is always beside the point. But the absence of a recorded history does not of itself answer the NPPF's concern that future flood risk should be avoided.

Issue (e): Flood Risk and Built Development

- 24. NPPF §175 is clear that a sequential test is unnecessary if a site-specific FRA demonstrates that that there would be no built development on any areas of the site that would be at risk of flooding now or in the future. This is an express exception to the requirement that the sequential test should "be used in areas known to be at risk now or in the future from any form of flooding".
- 25. In my view it follows that this constitutes an exception even if strategic-level information indicates that a general risk exists on site. In other words, it is open to a developer to design a scheme that avoids the flood risk for built development on at-risk parts of the site, in which case the developer can escape the usual requirement to satisfy the sequential test.
- 26. Any such developer would of course need to demonstrate that all built development including access and escape routes was free from present and future flood risk from all sources.
- 27. I should point out that the exception provided by NPPF §175 is new to the December 2024 version. To that end, it clearly aims to supersede the relevant passage of the August 2022 PPG, which states (at ID:7-023-20220825) that the sequential approach should be satisfied "[e]ven where a flood risk assessment shows the development can be made safe throughout its lifetime without increasing risk elsewhere".

28. I should also point out that NPPF §175's apparent focus on built development within the site does not displace other provisions (chiefly NPPF §170) that emphasise the importance of development avoiding increasing flood risk elsewhere. At least theoretically, it may be possible for a development to come within the exception in NPPF §175, and not have to satisfy the sequential test, but nevertheless be problematic in flood risk terms for increasing the off-site risk.

CONCLUSION

- 29. A summary of my conclusions can be found at paragraph 5 above.
- 30. Those instructing me are welcome to contact me if I can assist further.

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28 February 2025