



# **AGENDA**

**PLANNING COMMITTEE** 

WEDNESDAY, 23 JULY 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 3 54)

To confirm and sign the minutes from the previous meetings of 11 and 25 June 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/YR24/0857/F

Land South West of Thomas Clarkson Academy, Corporation Road, Wisbech Erect a secondary school (3-storey) with associated fencing (up to 3.0m high), PE courts, external lighting, parking, access, landscaping and drainage (Pages 55 - 92)

To determine the application.

6 F/YR23/1033/F

Land South Of 88 West Street, Chatteris
Erect 21 x dwellings (4 x 2-storey 2-bed, 15 x 2-storey 3-bed & 2 x 2-storey 4-bed)
with associated access works, parking and landscaping, and the formation of
attenuation ponds, involving the demolition of existing buildings.

(Pages 93 - 128)



Fenland District Council • Fenland Hall • County Road • March • Cambridgeshire • PE15 8NQ

Telephone: 01354 654321 • Textphone: 01354 622213 Email: info@fenland.gov.uk • Website: www.fenland.gov.uk

To determine the application.

#### 7 F/YR25/0223/F

Land South of 28-29 Juniper Close, Doddington Erect 9 x dwellings with associated estate road, garages, parking and landscaping involving the demolition of existing garage/store and change of use of land for domestic purposes for 9 Sutton Way (Pages 129 - 152)

To determine the application.

#### 8 F/YR25/0382/O

Land North of 14 Guildenburgh Crescent, Whittlesey Erect 1no dwelling and formation of a new vehicular access to 14 Guildenburgh Crescent (outline application with matters committed in respect of access) (Pages 153 - 166)

To determine the application.

9 Items which the Chairman has under item 3 deemed urgent

#### **CONFIDENTIAL - ITEMS COMPRISING EXEMPT INFORMATION**

To exclude the public (including the press) from a meeting of a committee it is necessary for the following proposition to be moved and adopted: "that the public be excluded from the meeting for Items which involve the likely disclosure of exempt information as defined in the paragraphs XX of Part I of Schedule 12A of the Local Government Act 1972 (as amended) as indicated."

10 ENFORCEMENT- Land West of 54 Church Street accessed off Park Lane (Pages 167 - 172)

To determine an appropriate course of action.

11 ENFORCEMENT - 10 Market Place, Wisbech (Pages 173 - 178)

To determine an appropriate course of action.

12 ENFORCEMENT - Fenview Lodge, 5 Fen View, Doddington (Pages 179 - 184)

To determine an appropriate course of action.

Monday, 14 July 2025

Members: Councillor D Connor (Chairman), Councillor C Marks (Vice-Chairman), Councillor I Benney, Councillor Mrs J French, Councillor R Gerstner, Councillor N Meekins and Councillor E Sennitt Clough

## PLANNING COMMITTEE

**WEDNESDAY, 11 JUNE 2025 - 1.00 PM** 



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

**APOLOGIES:** Councillor N Meekins

Officers in attendance: Richard Fitzjohn (Senior Planning Officer), Matthew Leigh (Head of Planning), Stephen Turnbull (Legal Officer) and Jo Goodrum (Member Services & Governance Officer)

#### P12/25 PREVIOUS MINUTES

The minutes of the meeting of the 14 May 2025 were confirmed and signed as an accurate record.

#### P13/25 F/YR21/1013/F

LAND WEST OF 180 TO 200 ELM ROAD, MARCH
HYBRID APPLICATION: FULL APPLICATION TO ERECT 37 X DWELLINGS (SIX
X TWO-STOREY TWO-BED, 18 X TWO-STOREY THREE-BED AND 13 X TWOSTOREY FOUR-BED) WITH ASSOCIATED PARKING, LANDSCAPING AND A
NEW ACCESS, AND OUTLINE APPLICATION WITH MATTERS COMMITTED IN
RESPECT OF ACCESS FOR THE ERECTION OF UP TO TWO SELF-BUILD
DWELLINGS

Richard Fitzjohn presented the report to members.

Members asked officers the following questions:

Councillor Mrs French stated that she does have concerns with regards to the flooding issues in Elm Road, with the last time it flooded being in 2020 with raw sewage, which was an issue for Anglian Water and she is surprised that the County Council Lead Local Flood Authority (LLFA) are sanctioning a pumping system. She added that for many years there was a pumping system, which still exists, but it has cost the County Council hundreds of thousands of pounds to correct it down Sycamore Close in March West and for over 20 years as soon as it rained heavily, the pump shut down and the houses were flooded. Councillor Mrs French expressed the opinion that it will be a case of buyer beware and the people who buy the properties should be made aware that they are going to have to maintain it and that should the pump develop a fault or break down then they are likely to be flooded. Harry Pickford from the County Council's LLFA stated that, with regards to the pump station, the applicants undertook some pump failure modelling which is a requirement for using pumps to remove water from off a site. He explained that the requirement is quite onerous, and it looks at the one hundred years plus climate change event with the storage at half capacity and zero discharge from the site. Harry Pickford added that they have looked at whether the water will pond on the site in that situation and it demonstrated to be held fully within the red line boundary and within the curtilage of the highway itself. He made the point that from the modelling which has been undertaken by the applicant it should not be flooding any properties in the development and should not be shedding any pumped water off site. Councillor Mrs French stated that there can be no guarantees that bad

- weather is not going to close the pumps down which is what happened at Sycamore Close for over 20 years and there were possibly 10 to 15 homes which suffered from constant flooding, so she is not convinced. She added that Middle Level Commissioners (MLC) are also not convinced, and she is pleased that they have provided an update.
- Councillor Marks stated that in the officer's report it explains that during a significant flood event, the downstream may take 5 to 10 days to return to normal and during this time discharge of any kind may not be possible with half drain times becoming unachievable. He asked officers to explain what happens to the water during the 5 to 10 days? Harry Pickford explained that the attenuation on site is provided to accommodate for the storm durations and the half drain times have also been included within the modelling. He made the point that when they have modelled the system it has been designed to accommodate the half drain times within the receiving network as well. Harry Pickford added that they have modelled it with half drain times and the calculations have all been included and they have demonstrated that they have the capacity during the 100 years plus climate change storm for the drain down time within the system.
- Councillor Gerstner stated that with regards to the pumping there are nationwide issues with regards to pumps breaking down as well as the automation not working correctly, the communication and data links not being configured correctly as well as a breakdown in the software. He added that this has happened a number of times in the Lake District and, in his view, modern technology today should ensure and test the resilience of the pumps, the communications and the data systems. Councillor Gerstner asked whether it is the normal now that modern technology is software driven and if a pump breaks down in the middle of the night would an on-call engineer be notified? Harry Pickford explained that with regards to pump functioning they do come with a residual risk, with the LLFA not generally supporting the use of pumps unless they are necessary to get water off a site and he appreciates the concerns regarding their functions during storm events. He added that with regards to their maintenance in perpetuity, they do generally have alarm systems which are triggered when they are failing. Harry Pickford explained that with regards to their long-time monitoring, the County Council do not take on pumps themselves and, therefore, they do not have any maintenance responsibilities. He explained that to the best of his knowledge of how pumps work if they do fail an alarm is triggered and normally within 24 hours an engineer is sent out to repair them and get them functioning again. Harry Pickford added that pumps do generally have a backup secondary pump as well which is driven from a different main circuit to what the main pumps use and the manufacturer does try to make them as robust as possible, but they are accompanied with that residual risk.
- Councillor Marks referred to 5.16 of the officer's report which refers to Network Rail, however, it does not mention that this railway line may become a live rail line in the future and he referred to the presentation screen, highlighting the boundary of the old rail line which is very close to the development and added that he has safety concerns and as a result would like to see a 6 or 8 foot fence erected along that length. He added that it needs to be specified now due to the fact that in years to come Railtrack will only erect a wire fence and that does concern him as it could become an issue in the future. Richard Fitzjohn expressed the view that Network Rail would have it in their gift to provide a fence along their land if they have any concerns about access or safety issues with the railway track. He added that the proposed houses would erect boundary treatments as part of their curtilage and there are publicly accessible areas where there would be access to the railway line. Richard Fitzjohn explained that if members wish to impose a planning condition which requires the developer to erect a fence along that boundary that is within their gift to ask for that condition to be added to the recommendation should they wish to.
- Councillor Mrs French stated that it is very unusual for there to be no applicant or agent present at the meeting to address the committee.
- Councillor Connor referred to the roads, path and lighting that are not due to be adopted by the Highway Authority and he does want to see the roadways left in a condition where they are not to adoptable standard. He added that he cannot see a path coming off of Elm Road into the application site. Richard Fitzjohn explained that as part of the scheme the Highway

- Authority have requested that some of the existing footpath is widened and he indicated on the presentation screen where there is a footpath which leads into the site on either side and follows the majority of the site apart from the shared surface areas.
- Councillor Connor stated that in the management plan there is a wheel wash facility but there is no direct request for a road sweeper. He added that Elm Road is a very busy road and when he undertook a site visit, he was surprised by the amount of traffic which was using the road. Councillor Connor added that if a wheel wash is used correctly, it will stop a great deal of the debris from going onto the road, however, he would still like to see a road sweeper at least twice a day. He stated that as it is a main road he does want to see any debris on the road, and he would like to see a robust management plan included as part of any conditions.
- Councillor Connor added that both he and Councillor Marks discussed at their briefing
  earlier that they did not wish to see lorries queuing on the road to access the site and it was
  felt that there should be somewhere for lorries to wait off the highway to prevent congestion
  issues on the busy highway. He added that this is another condition he would like to see
  added if the application is approved and he made the point that the condition needs to be
  robust.
- Councillor Marks stated that with regards to construction on a Saturday morning he believed that the commencement time was 8am, however, this time now appears to have altered to 7.30am and he is receiving numerous complaints with regards to construction works in Manea where deliveries are arriving early so he would like to see that time changed to 8am. He added that if the pavements are going to be extended then the likelihood is that there is going to be a situation where there will be half a road closure across the neighbouring properties which are already there and he has been made aware that the Highway Authority have changed the design of the kerb stones which are being installed where there appears just to be one continuous run of beam, which then means that properties cannot be entered for up to 3 to 4 days whilst it sets into place, which as a result causes parking problems and charging issues for any residents with electric cars. Councillor Marks added that he would like to see this built into any conditions that access needs to be permitted to residents during those periods of time.
- Councillor Mrs French responded to the point made by Councillor Marks and stated that in
  theory that would be welcomed but it will not work. She explained that at the current time
  work is taking place on Upwell Road which resulted in the road being closed for three or
  four days which had resulted in an ambulance having to undertake a 14-mile detour which,
  in her view, is totally unacceptable when new estates are developed.
- Councillor Mrs French made the point that it mentions in the officer's report that a new bus stop is being installed and it also mentions there was going to be a bus shelter, however, nobody would assume responsibility for it but March Town Council were never asked to adopt the maintenance of it and, in her view, the information is wrong although she made the point that they would not assume the responsibility for it anyway.
- Councillor Mrs French stated that the road has a 60mph speed limit on it and there is going to be a minimum of 50 to 60 cars coming out of the site and she would like a speed reduction implemented, even if the speed can be reduced to 40mph, because, in her view, it is a horrendous road.
- Councillor Mrs French added that she also has concerns with regards to road adoption and, in her view, she believes that it maybe end up becoming another road such as The Croft in Christchurch which was developed in 2003 and still has ironworks in place. She expressed the opinion that there will need to be some very stringent conditions applied to this application.
- Councillor Connor referred to the non-adoption of roads, paths and streetlamps and added that there are too many roads in Fenland which have been left with raised iron works which cannot be allowed to continue.
- Councillor Connor stated that he is going to propose that out of the 37 dwellings, the last 7
  cannot be occupied until the road, paths and street lighting have been brought up to an
  adoptable standard in order that residents are not left to pick up the pieces in a few years'

- time. Richard Fitzjohn stated that he considers that request to be acceptable.
- Councillor Purser stated that the officer's report refers to the fact that in extreme weather some of the pumps have a tendency to burn out which he does find worrying. Harry Pickford explained that this is not an ideal situation for managing surface water and they do come with a residual risk which is why the applicant has been asked to look at a pump failure scenario. He added that they do have back up pumps and safety pumps installed within them as standard and they come with alarms in the event of failure, however, that does not mean that they will not fail. Harry Pickford explained that due to the risk of failure the applicants have been asked to undertake the pump failure modelling to ensure that they can manage the water within the red line boundary to ensure that the properties do not suffer from flooding at all. Councillor Purser stated that the due to the modern technology that exists there would be equipment in place which can negate any issues prior to pumps burning out. Harry Pickford stated that he totally agrees but made the point that the pumps that are installed in sites are designed as a standard piece of equipment and his team does not have any influence on the pumps that are installed but explained that maintenance has been requested to be included as part of the conditions and, therefore, there should be further maintenance details which come forwards as part of a future conditions application.
- Councillor Purser stated that the report indicates that the site is located in Flood Zone 1 which is a low flood zone, however, the report does state that some of the site is prone to flooding and the flooding does not go away for several days. Councillor Purser made the point that the report also states that the drainage board require further detail with regards to on and off-site water levels could be risk managed and maintained, and he questioned whether officers have any details with regards to that request. Richard Fitzjohn stated that as Harry Pickford has mentioned there is a drainage condition regarding the maintenance of the drainage scheme and there is a detailed drainage scheme that would need to be agreed as part of a condition as well. He added that any information will be contained within any discharge of conditions application should the application be approved.
- Councillor Purser stated that he noted from his site visit that the width of the pathway is narrow and could cause issues for pedestrians, pram and wheelchair users and he questioned whether consideration has been given to the safety implications. Richard Fitzjohn stated that the views of the Highway Authority have been sought, and they have requested that there is some widening of the footpath along the frontage of the site as he indicated on the presentation screen. He explained that further south leading into March, the Highway Authority did comment that it is acknowledged that the footpath is narrower along there and there are some points along the footpath where they would not be able to viably widen the footway. Richard Fitzjohn explained that Highways did not consider it necessary in terms of highway safety that this planning application requires any sort of further widening of existing footway further to the south as part of the application. He added that any condition for widening of the footway would need an element of it being reasonable and necessary to the development and unless there is robust justification it would not be reasonable on the basis of Highway comments to request any sort of further footway widening other than what highways have requested.
- Councillor Marks referred to the presentation screen and the entrance of the two self-build properties and he questioned whether the Highway Authority have considered that should the railway line ever be reopened there will not be an issue due to the proximity to the new crossing point. Richard Fitzjohn stated that he has not received any specific comments from the Highway Authority with regards to the proximity to the railway line and any impacts of any future reopening of the railway line. He added that the Highway Authority have considered the details of the planning application, and he is not aware whether that includes any consideration or future reopening of the railway.
- Councillor Mrs French questioned whether a speed reduction can be insisted upon if the
  application is approved? Matthew Leigh stated that the Highway Authority have been
  consulted, and they have not indicated that it is something that they feel is necessary for
  this application and, therefore, that is not something that would be able to be requested
  because there is not any evidence according to Highways to state that there is a need.

Councillor Mrs French stated that she appreciates the point made by Mathew Leigh, but in the event of any issues on the A47 or the A141 then Elm Road is used as the road to get back into March and whilst the County Council only record incidents resulting in fatalities, there are very many other minor road traffic collisions accidents which do occur. She expressed the view that if the application should be approved then the developer should consider reducing the speed because it is a very fast road.

- Councillor Connor stated that he concurs because on the site visit he witnessed some of the speeding which was very excessive. He made the point that there will be an additional 70 or 80 cars at least once the dwellings are built out and a speed reduction should be considered. Councillor Connor stated that there does not appear enough detail in the report with regards to the provision of a management company and, is his view, the applicant must ensure a management company is formed as soon as possible and he would like to see the attenuation pond being adopted by Anglian Water ideally. He added that as other members have mentioned if the pump fails then the attenuation pond will need to take up all of the slack and as has already been mentioned it could take 5 or 10 days for the water level to recede and, in his view, maintenance and adoption of the attenuation pond is paramount. Richard Fitzjohn explained that one of the conditions which relates to drainage includes the requirement of the full details of the maintenance and adoption of the surface water drainage system which would include the attenuation basin. He explained that officers would not be able to insist that Anglian Water adopt the basin as that would fall under the jurisdiction of the applicant as it may end up with a private management company who assume responsibility for it but that would form part of the planning condition.
- Councillor Connor stated that there have been instances where attenuation ponds have not been adopted and probably not produced to the right specification to be adopted when application sites have been built out and have been lived in for several years. He asked whether there could be any timescales included as part of the condition to state that the basin needs to be adopted before the first house is occupied. Matthew Leigh explained that the condition already requires full details of the maintenance and adoption of the surface water drainage system to be provided to officers and to be agreed. He added that as part of that it would require an agreement of when the basin would be adopted and, therefore, if it was not adopted or not implemented it would conflict with any of the points that have been agreed through the maintenance and the adoption and would be a breach of planning control. He expressed the opinion that the condition already covers that matter and will be left to officers as part of the delegation process, but he does not think that it would be likely that an adoption would be accepted many years after development as that would not be reasonable.
- Councillor Mrs French stated that there are many sites within the District which have breached planning approvals and are not in accordance with the original plans and no action has been taken.
- Councillor Sennitt Clough stated that with regards to attenuation ponds she has seen many
  of them which do not contain any water, however, there are some that have water in. She
  added that when considering safety measures would it be possible to add a condition so
  that the developer takes steps to make it safe by adding a fence around the pond. Richard
  Fitzjohn stated that if members consider it to be a safety issue then a condition could be
  added requiring a fence to be erected around it.
- Councillor Gerstner stated that he notes from the officer's report that the land is agricultural
  and he asked whether officers could confirm when the land was used for such purposes or
  has the land been left fallow for a period? Richard Fitzjohn stated that he did not know when
  the land was last used for arable purposes.
- Councillor Mrs French stated that the land has not been used for many years and due to the size of the land it is not viable for farming.

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

• Councillor Marks expressed the view that fencing is a must along the rail track as looking forwards in years to come there could be issues regarding it. He added that with regards to

- the attenuation pond if a ball goes into the pond and it is fenced off then children will climb over the fence, but he agrees that it would be a deterrent.
- Councillor Marks stated that he thinks that it is imperative to have a waiting area for vehicles
  wishing to enter the application site due to the volume and speed of the vehicles that use
  Elm Road. He added that he would also like to see the working hours on a Saturday
  morning increased to 8am out of a courtesy to those residents who live in the vicinity of the
  site
- Councillor Gerstner stated that his main concern is that the developer has not attended the
  meeting in order to present to the committee and to give the committee the opportunity to
  ask questions.
- Councillor Mrs French stated that she also agrees that it is a pity that there is nobody for the committee to pose questions too. She made reference to the lack of Section 106 contributions, with it clearly stating that the three GP practices are full and cannot cope and she does not know how all the additional residents are going to find a doctor's surgery with space, making the point also that all the schools are full and there are no new schools which are coming forward. Councillor Mrs French stated that the £78,000 of contributions is going to be between the 39 dwellings and she questioned where those monies will be spent.
- Councillor Connor stated that during construction he would like to see a very robust flooding plan included from the start of build. He explained that management companies do worry him and they are put in place by the builder for the length of time the build takes place and then there have been instances where they have gone bankrupt and he would like a condition which sets out that a management company needs to be in place at the start of the build.
- Councillor Mrs French stated that there are going to be a high number of children who will live in the new houses and over the last couple of days she has been watching the Central Government debates concerning the new planning policy, with the Government appearing to be pushing the fact that there should be good play equipment installed, however, it is still not clear as to whether that will be legislated. She added that the application site is located nearly two miles outside of the town and, in her opinion, there should be some play equipment included on the development but she does not know whether it can be conditioned but she would like to see it if possible. Councillor Connor asked whether a condition would be possible? Richard Fitzjohn explained that in theory it can be conditioned, however, it should accord with planning policy requirements as set out within the Local Plan and that determines which type of application, including size of applications, require play equipment to conform with policy. He added that a condition can be added to provide play equipment but that is not to say that it would comply with planning policy in the Local Plan.
- Councillor Marks stated that there are two other aspects to consider which includes a speed reduction as, in his view, Elm Road is a fast road and he has researched as to whether you can have railway crossings in a 60mph zone and they are permitted. He made the point that should Network Rail reinstate the railway then consideration may or may not be given to reduce the speed limit along the road. Councillor Marks added that there also appears to be a lack of street lighting along the road and, therefore, the development is located two miles out of town with young and elderly residents with minimal street lighting.
- Councillor Purser referred to the attenuation basin and explained that many domestic
  dwellings have ponds located in their gardens which for safety reasons are netted and he
  wondered if that was possible instead of fencing. Matthew Leigh explained that it is
  important to note that most attenuation basins are empty and in theory that would mean that
  a piece of net would be lying on the ground and, in his view, the fence does not meet the
  planning test in relation to need.
- Councillor Connor added that theoretically the basins should be dry but in the weather
  episodes that sometimes occur there could be occasions where that is not the case. He
  added that it is difficult to consider conditions with no applicant or agent present to answer
  members questions for a decent size planning application in Fenland it is a disservice to the
  committee that nobody has chosen to attend the meeting.
- Councillor Mrs French referred to a supplementary planning document which was adopted

- from 26 February 2015 for developer's contributions and on Page 17 it makes reference to children's play areas and should the application be approved, she would like officers to investigate whether a quality play area can be insisted upon.
- Councillor Mrs French stated that she would like to make a proposal to approve the
  application, however, she added that she would like to add the following recommendation
  as set out in the officer's report so that 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 Section 106 legal agreement, or on the
  grounds that the applicant is unwilling to complete the obligation necessary to make the
  development acceptable.
- Councillor Connor stated that he is happy to second that proposal, however, he also wished to add further conditions to the application, he would like officers to explore the inclusion of play equipment on the development, that a management company be formed as soon as possible as well as a robust flood plan to include an attenuation pond and if officers feel that it is appropriate to include fencing around or a net over it as suggested. He added that Councillor Marks has requested that a 6ft or 8ft solid fence should be erected on the boundary with the rail line which he would like to see conditioned and he would also like to see a road sweeper twice a day to ensure that highway safety is maintained especially on a 60mph road. Councillor Connor stated that he would like it conditioned to reflect that only 30 houses are to be occupied until such times as the road, paths and lighting are brought up to adoptable standard.
- Councillor Marks added that he would also like a condition to reflect that working hours on a
  Saturday can only commence at 8am as well as off road parking for HGV vehicles on arrival
  at the site and he would like to see that from the commencement of development as he
  does not want to see HGV lorries waiting on Elm Road in order to deliver especially when
  considering it is such a fast road.
- Councillor Connor questioned whether the reduction of speed limit on Elm Road could be considered under a Local Highway Improvement (LHI)? Councillor Mrs French explained that March Town Council are no longer undertaking any more LHIs due to the significant time frame that it takes and the Town Council are still waiting on 22 applications for improvements.
- Councillor Mrs French referred to the point made by Councillor Marks concerning the
  delivery of supplies to sites, making the point that it did become an issue for a development
  in Wisbech Road for 118 dwellings which included a three-way traffic light system in
  operation, however, residents took it upon themselves to move the traffic lights. She added
  that the County Council had to make numerous trips to keep the road clean so there needs
  to be an element of monitoring when conditions are added to ensure that they are adhered
  to.
- Matthew Leigh stated that he has noted 8 suggested conditions which have been put forward by members and with regards to the play equipment, planning policy does not require it for a scheme of this size and the management company, flood plan and attenuation pond are all covered by conditions already.
- Councillor Marks added that the time period needs to be included because a management company can be set up on the last occupation and he would like it to set up from day 1.
   Matthew Leigh explained that the requirements for all of that level of detail has to be submitted to officers and that will be required as part of the agreement.
- Councillor Marks stated that means that the developer is advising officers what they are
  going to do as opposed to the committee telling the developer what they want. Matthew
  Leigh explained that is not how conditions work, and it is within the gift of the developer to
  make suggestions to officers and officers can then refuse to agree the details. He added
  that it does have to be reasonable and in accordance with planning policy and officers very
  rarely explicitly say what is required and it is in accordance with the details submitted.
  Matthew Leigh explained that this application is the same, the information will be required,
  and it will either be acceptable or not.
- Councillor Benney added that the committee are asking for conditions to be added,

however, the developer can appeal them as a variation of condition and ask for them to be removed and if the committee make the conditions too onerous then that means that officers are tied down with paperwork. He added that there has been a significant amount of debate which has never been the case before, and he stated that with regards to the play equipment it does not meet the criteria because there are not enough dwellings proposed to require it. Councillor Benney added that concerns regarding attenuation basins have never been raised before, and applications have just been passed, making the point that if conditions are made too onerous then the applicant will submit a variation of conditions application and if that then goes to appeal, he does not see how that is going to be supported.

- Councillor Connor stated that he does not recall an application for 39 houses where there
  has been no attendance from the agent or applicant to present to the committee. He added
  that whilst he takes the point made by Councillor Benney and appreciates that the applicant
  can appeal them, in his view, they are not excessive conditions.
- Matthew Leigh stated there needs to be consistency and several of the points being suggested by the committee are above what is required by planning policy, and they are above what has been required on any other application for larger schemes since he has been at the authority. He added that he is concerned that the committee appear to be taking a different approach and one of the key points about planning is supposed to consistency and a number of the suggested conditions appear to go above and beyond what policy requires or what the Council requires. Matthew Leigh stated that the fact that an applicant has not turned up at the meeting to address the committee is not a material consideration and should not impact the members thoughts on what conditions are applied to an application. He added that anything that an applicant states has no merit at all in the decision-making process and the application should be dealt with in the same manner as any other application.
- Councillor Connor stated that the play equipment and fencing around the attenuation pond
  will be disregarded as it appears that those conditions are not consistent. He added that the
  management company and a robust flooding plan still needs to be conditioned as well as
  the boundary fence by the rail track for safety reasons. Councillor Connor stated that he
  would still like to see a sweeper included for highway safety and for consistency as that has
  been included before in other applications, he would like a condition included so that it
  states that only 30 out of the 37 houses can be occupied until the roads are brought up to
  an adoptable standard.
- Matthew Leigh explained that the point with regards to the fencing by the railway line is very specific to this application, however, if members consider that it is necessary then it is within their gift to impose a condition in relation to that. He made the point that with regards to the request for a sweeper twice a day and off-road parking for lorries both of those aspects would normally be dealt with by the construction management plan. Matthew Leigh explained that there is a condition requiring that which can be amended to include those points but, in his view, it does not need its own separate condition. He added that he does have concerns with regards to the provision of a sweeper twice a day through the whole development because there will be times when that does not happen, explaining that if the road is adopted and the developer is still working on other properties then there could be a sweeper on site even though it may only be internal works being undertaken on the dwellings, with him having concerns in relation to the onerous level of such a blanket condition regarding road sweeping. Matthew Leigh added that when considering the point made concerning flooding and whether it is the management company or the flood plan, in his view, he considers the current conditions already cover those aspects like they do on every other application and there does not need to be additional ones for them.
- Councillor Connor referred to previous applications where the road surface did require a sweepers presence, and he stated that he would still like the sweeper condition included. He added that the road is a 60mph road and the fact hat it is unlikely that the speed limit will be reduced he would still like to see the lorries taken off the road for highway safety reasons.

- Councillor Marks stated that he is under the impression that the sweeper is for the highway and not the actual estate itself. He expressed the view that it is a health and safety issue as is the lorries parking up on the highway and the fence against the railway line.
- Matthew Leigh clarified that the point that he was trying to make was that members are requesting for a sweeper to attend the site twice a day where in theory the estate could be built out and it is just the internal works which are being undertaken. He added that the wording is not proportionate to what the harm is, and, in his view, it should just be as normal and dealt within the Construction Management Plan (CMP). Matthew Leigh added that within the CMP it can explicitly say that with regards to a sweeper and off-road parking that those details will be required to be agreed by officers and a standard condition which just states during construction a road sweeper must sweep twice a day is not proportionate to when there would be harm from dirt, mud and detritus. He stated that there is a requirement for it to be proportionate as it forms one of the six tests and it is part of the standard CMP. Matthew Leigh added that he is concerned that members feel that this application, which is a lot smaller than some of the others that members have determined, appears to be being seen as so much more harmful in relation to dirt.
- Councillor Connor expressed the view that members are being consistent with other applications which have been considered.
- Matthew Leigh stated that it is not consistent to add a specific condition regarding this and
  what is consistent is to have it included within the CMP which is what officers have
  suggested. He made the point that it would still require a sweeper to attend if there was
  detritus on the road through the normal process and the point he is trying to make is that to
  require a sweeper twice a day for the whole construction process is not appropriate.
- Councillor Purser stated that any mud on the road could be very dangerous and cause a serious accident, and he does feel quite strongly about that from a health and safety perspective.
- Matthew Leigh explained that the CMP will normally require sweeping and there will still
  need to be details, but to require sweeping for the whole of the construction period is not
  proportionate because there will be significant period of time when there will not be any
  construction work which lends itself to cause excess mud and dirt and that is where
  members need to be proportionate when considering the application.
- Councillor Connor stated that he takes the point being made and added that if it is a very robust CMP then he will agree.
- Councillor Benney expressed the view that the committee are being very harsh when considering the application and they have determined far bigger applications previously and they are never debated them like this. He added that a CMP is in place and are nearly always standardised and can be adapted to include specific requirements. Councillor Benney added that he agrees with the lorries being taken off the road, however, if the lorries are parked on the road it does slow the traffic down. He made the point that in all the time he has been a committee member he has never known a debate to go on for so long, with the application being just for 37 houses and the CMP will be what it is and it does not need adapting or adjusting as, in his opinion, it works in every other case.
- Councillor Marks questioned whether the CMP does actually work and he knows other
  application sites where the CMP was not specific enough and is now causing issues with
  local residents and, in his opinion, developers need to have it in writing as to the views and
  requirements of the committee.
- Councillor Connor stated that he agrees with Councillor Marks as the same issue arose at another site on Wisbech Road.
- Councillor Benney stated that if you have a good CMP and the agent places his contact number on the front of the site then if there are any issues local residents can make contact and, in his experience, they are very responsive and do come back. He added that if there is a good Site Manager they will take steps to alleviate issues and if there is a bad Site Manager he will not adhere to any number of conditions which are added to the CMP.
- Councillor Connor stated that those instances it is where enforcement action needs to take place, but he would like to see a robust CMP.

 Matthew Leigh expressed the opinion that the management company and the flood plan is already covered through the standard conditions. He added that out of the 8 original proposed conditions the ones which members are suggesting are the fence adjacent to the railway line, no more than 30 dwellings to be occupied in relation to highways and the change of working hours.

Proposed by Councillor Mrs French, seconded by Councillor Connor and agreed that the application be GRANTED as per the officer's recommendation with officers to apply the additional and amended conditions as agreed.

(Councillor Mrs French and Councillor Purser declared, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that they are members of March Town Council but take no part in planning)

#### P14/25 F/YR23/0477/O

LAND EAST OF HALFPENNY LANE, WISBECH
HYBRID APPLICATION: OUTLINE APPLICATION WITH MATTERS COMMITTED
IN RESPECT OF ACCESS TO ERECT UP TO 250 X DWELLINGS AND FULL
APPLICATION TO ERECT 102 X DWELLINGS (15NO. 1-BED, 41NO. 2-BED,
35NO. 3-BED AND 11NO. 4-BED) WITH ASSOCIATED PARKING, LANDSCAPING
AND PUBLIC OPEN SPACE, AND THE FORMATION OF A BUND AND AN
ATTENUATION BASIN, INVOLVING THE DEMOLITION OF EXISTING BUILDING

Richard Fitzjohn presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Councillor Tierney, District Councillor. Councillor Tierney made the point that he is not just speaking for himself but for both the other District Councillors who represent this ward. He expressed his amazement that he has to be at the committee meeting at all and that this proposal has been recommended for approval by officers and he urged committee to reject it immediately.

Councillor Tierney expressed the opinion that this is not just an ill-considered proposal, it is mad and in all the time he has been a councillor he cannot think of a proposal that has been crazier than this for lots of reasons. He made the point that the public often think they are at war with applicants and the planning officers, which he understands as increasingly, in his view, no common sense is applied.

Councillor Tierney stated that in the Local Plan it is very clear that South Wisbech developments would need to overcome pressure on Weasenham Lane and that the area will be predominantly for business purposes but this application proposes hundreds of houses. He feels this would create an enormous amount of additional traffic, with additional traffic for 300+ houses equating to hundreds and hundreds of cars, with these roads not being ready to take that level of traffic and no amount of the proposed changes is going to fix this and it would create so much congestion and an unacceptable impact on highway safety, contrary to LP15 of the Local Plan.

Councillor Tierney referred to the use of best and most versatile land (BMV), making the point that other applications have been refused because they were not good use of Fenland's brilliant agricultural land and this land cannot be kept being built on when it should be used for farming, making this contrary to Policy LP3 due to the advice in regard to the best use of agricultural land. He stated that the key point for him relates to flooding, the IDB have stated that they do not support this proposal and have objected, with, in his view, good reason, Councillor Hoy and himself were so worried about this development that she e-mailed the members of the committee to try and show members the big problems with this development and they would have seen the photos that he has seen which show that in the last year that area has completely flooded multiple times and there is no amount of fixing that, it is a natural problem for the low level of that land and

allowing houses to built here is allowing trouble for the future.

Councillor Tierney expressed the view that officers, experts and the applicant are trying to suggest that this is not true but they are wrong and he feels in a few years time when these houses are all completely flooded and hundreds of people are devastated and have huge expenses, none of those officers giving this advice will be culpable for it and there will be no consequences for them. He urged members to use their common sense, look at the photos which shows this is land that floods and if this application is allowed it is storing disaster for the future and it is crazy that it is even being considered.

Councillor Tierney expressed the view that if any members had this in their area proposed under the same circumstances they would be sitting where he is saying how mad it was. He feels in some circumstances common sense and local knowledge overrides whatever "flim flam" is given by officers and urged members to refuse the proposal.

Members asked questions of Councillor Tierney as follows:

- Councillor Sennitt Clough expressed concerns about the viability, with it being a very large proposal for 352 dwellings and as everyone is aware an incinerator has been given permission just a few hundred metres down the road. She asked, as a Wisbech councillor and in his opinion, what is the viability of this development in terms of are these houses going to be able to be sold, are they going to be left half built and the impact of the incinerator? Councillor Tierney expressed the opinion that he cannot imagine there will be a huge uptake of sales so close to the proposed incinerator, if it still goes ahead which he hopes it will not, and sales will not be easy and if people do buy he suspects they will not realise what they are letting themselves in for. He feels the location opposite the local school creates the additional traffic problem which will then be heightened by the vehicles to and from the incinerator, which will be using all the local roads so it is a cumulative problem and although he is not an expert believes sales of those properties will be difficult.
- Councillor Gerstner stated that his views are known on using agricultural land for development, although he is not pre-determined on this application. He asked if Councillor Tierney has any idea when the land was last used for agricultural purposes? Councillor Tierney responded that he would have to defer to officers as he does not follow what all the land is used for all the time but to the best of his knowledge it is used now or has fairly recently been used.
- Councillor Marks referred to Councillor Tierney having been involved previously with the Broad Concept Plan (BCP) for Wisbech and this proposal lies within that area and asked where he feels that these properties, bearing in mind that the District needs these properties, should be built? Councillor Tierney stated that he is not an expert but he does think the applicants could have showed that they had looked at other areas in the same way that they have looked at this location and then it could have been seen if others were suitable. He expressed the view that continually building and building on towns is something that should be challenged because eventually if it keeps happening there are no towns and everything is just one continuous mass of buildings. Councillor Tierney made the point that towns are communities with clearly defined limits and, in his view, it needs to be considered before permission is given to huge developments such as this whether there is damage to that community and in this case he would suggest there is. He added that he does not know of another area though and he does not know if he would support another area, but without the applicants giving any other options he cannot say for sure.
- Councillor Marks referred to the mention of commercial properties and an industrial area
  and asked if Councillor Tierney thinks it would be better being a commercial area bearing in
  mind where it is sited within the Weasenham Lane area or should it just be left as it is?
  Councillor Tierney expressed the opinion that he does not think it should be developed at all
  because it is good agricultural land and it should be used for that but this is just a personal
  view. He made the point that the Local Plan says it should be used primarily for business
  purposes and if the Council's own guidance is followed then why are applications being

allowed to come forward for hundreds of houses.

Members receive a presentation, in accordance with the public participation procedure, from Lee Russell, the applicant. Mr Russell stated this is a very complex scheme and bringing this site forward from the original BCP stage proposals at Local Plan level has taken a significant number of years and committed effort. He added that landowners have been involved along with numerous other parties for 20+ years, with Seagate Homes taking on the scheme in 2019 and have worked hard with several parties resolving difficult components to unlock the site and get to this stage.

Mr Russell stated that there have been 3 years' worth of consultations and statutory authority communications before this application was made in early 2023 to ensure that issues could be overcome with more detailed conversations and amendments throughout the planning process since then in order to ensure comments and requirements were addressed. He expressed the view that it is the most complex scheme he has worked on but without the dedication of his team and a team of specialist consultants this broad concept scheme would not have been able to have come forward.

Mr Russell made the point that the site has been earmarked in the emerging Local Plan as a potential allocation and he believes this is phase 1 of the Wisbech South BCP which is earmarked for residential as opposed to commercial or industrial. He stated that a suite of ecological surveys has been completed, some more than once to maintain their validity and extensive archaeological work has been undertaken to appease the County Council.

Mr Russell expressed the view that the highway works have taken a considerable amount of time to get agreement from the County Council, with consistent communications and adaptions to appease the various transport and engineering teams as the off-site Section 278 works are significant and an important element of this site. He added that road improvements and crossing points along with bus stop enhancements have all been incorporated as necessary with a contribution request of £150,000 to the Toucan crossing point that will inevitably be required for the proposed new school, for which he thinks the application is well progressed.

Mr Russell expressed the opinion that the site is incredibly well positioned for sustainable pedestrian access to the existing and new school and for access around the edge of the town, with great connections to lengthy pedestrian and cycle routes that run adjacent to the site and the historic Halfpenny Lane that runs through to Elm and the national cycle route 63 that comes along the western edge of the site and cuts across close to the access. He stated that the site is currently set to agricultural use with very few trees, although those that are there are generally being retained and fall along the edges of the small water courses and whilst there are five fields here he believes the cropping is very poor in this area probably due to the water issues.

Mr Russell stated that they have ensured that all existing natural dyke features in the IDB maintained watercourse to the east have required offsets for ease of maintenance respecting the 9 metres clear easement left to grass on the edge of the IDB watercourse. He referred to the concerns raised by the IDB and Middle Level on the effects of the watercourse as there have been some issues with upstream and downstream elements in the past and possibly currently, but the water course is restricted as it passes below the A47 to a 1 diameter pipe and where it comes from Weasenham Lane from a 1200 diameter pipe, there are also several culvert crossings to the 5 individual fields that make this application site, with the proposal being to remove these restricted culverts that form the current field accesses and to provide a water storage attenuation facility at the corner of the site to assist the IDB with additional storage capacity before the A47 crossing vastly improving what is there at the moment.

Mr Russell stated that there is a culvert proposed at the access of the site and through various discussions and the IDB and Middle Level they have requested that this culvert to be a 3 metre by 2 metre box culvert significantly larger than the 1200 diameter that feeds it and this requested size

was to ensure the highest water levels provided would be accommodated along with providing an ease of access and cleaning. He expressed the view that the development will offer a wide range of housing, bungalows and a few maisonettes in the detailed scheme, with the dwellings being arranged from one to four bedroom units together with a selection of affordable homes in Section 106 terms and affordability.

Mr Russell stated the scheme has been through a viability process and the Council's assessor has concluded around 14% affordable housing and £700,000 of contribution should be provided. He added that the Section 106 Heads of Terms have been discussed and adapted back and forth over the past weeks with the draft 106 currently held by the Council.

Mr Russell stated that the overall scheme will deliver approximately 350 dwellings and will provide some great areas of open space incorporating SUDs, water features, landscaping techniques inclusive of children's play areas. He added that a large of useable open space in the centre of the site will be delivered with all homes designed well to overlook this open space rather than backing onto it, with parts of the public open space falling into the detailed scheme area but that will be extended.

Members asked questions of Mr Russell as follows:

- Councillor Gerstner stated that, having attended last week a Medworth incinerator meeting, the operators seem to have a very good travel plan in place for delivering the incinerator and using only certain roads within Wisbech. He asked if Mr Russell has been talking to the Medworth incinerator operator at all? Mr Russell responded that they have not been directly talking to the Medworth incinerator but their transport assessment team were asked by Highways to incorporate all of their travel plan traffic updates and this has been included. He added that he has his civil engineer expert in drainage and highways in attendance should they need to answer any questions.
- Councillor Marks referred to the use of words appease regarding the engineers but has also read the objection by the Hundred of Wisbech IDB. He asked how much the proposed 200 metres of culvert will cost to put in? Mr Russell responded that the culvert that has been requested has gone out for three budget quotes for civil engineering as it had to be included in viability and it is in the region of £1.7 million. Councillor Marks expressed the opinion that it can be understood why a small IDB with very little money who pumps water is really concerned because the road is not being adopted so that culvert will fall to them for the upkeep going forward. He asked what provision has been made to give them monies for the upkeep? Mr Russell responded that there are various options, they have been in lengthy discussions with Highways throughout the process but commuted sums have not been discussed as yet and nothing has been requested but these usually come forward at the detailed application consent stage. He stated that the culvert process could go with either the IDB, Highways or a legal agreement with a management company. Councillor Marks asked if it is being said that they are looking at the option of having the culvert highway into the site adopted? Mr Russell responded that Highways are not keen on taking adoption of the culvert so that leaves IDB adoption or private adoption in perpetuity by a specialist management company, not a management company of the site. Councillor Marks expressed the view that the IDB would be less than happy to take a hole in a ground that they have no control over, bearing in mind that the IDB are good at what they do and that is moving water, they are not at management of culverts and items such as this. He referred to mention of a specialist management company and asked who is that, is the developer going to be this specialist management company that could go into administration in the future leaving the residents with a pipe and if it collapses it falls to them to repair, which he has experienced firsthand? Mr Russell responded that these structures have moved on and these substantial concrete structures are designed for hundred of years lifetime. He stated that they will push for adoption to either the IDB or Highways under commuted sums otherwise it will be a private adoption in perpetuity by a management company which will take a commuted sum also. Councillor Marks asked who is this management company

going to be, usually it is a developer who will take on that role and run that company and asked if he was saying that they are not prepared to? He acknowledges that things do move on and a lot of things in the Fens move as well, such as soil and pipes, and that is a really big concern to him, with the finger being pointed at the IDB which he feels is totally unacceptable for the upkeep of a pipe which they do not want and it is obvious that Highways do not want it either and it will fall to the residents probably to pick up the bill in the future. Mr Russell responded that there is no expectation but it will certainly be offered to them for adoption, the commuted sums are there for this reason.

- Councillor Sennitt Clough referred to the report where it says the contributions fall significantly short and asked why is this? Mr Russell responded that it is known around Fenland and north of the A47 that there are issues with making sites viable because of house prices due to the difference between build cost and the value of the houses being thin so along with other complications of this site adding to the viability, with all the contribution requests put into the viability assessment and it came out at zero but the Council's viability assessor has come back with something different, which they will provide.
- Councillor Sennitt Clough asked, if the incinerator is built and it does have an impact on house prices, will this development be left not finished? Mr Russell responded that the hopefully the due diligence has been undertaken on the incinerator project so not to affect residents' pollution wise. He stated that they are a well-established developer in the area, they have targeted this and invested substantial figures to get it to this stage so they are confident these houses will sell in this location. Mr Russell advised that they have built out other sites in the area too and he knows that Homes England are demanding properties from this development.
- Councillor Sennitt Clough stated that the Fenland Local Plan says that South Wisbech developments would need to overcome pressure on Weasenham Lane and she is not completely confident with the transport report that has been achieved at this stage. She continued that the Wisbech Access Study was supposed to allow access to this site through roundabout improvements but that has not been progressed. Mr Russell responded that transport is left to the transport specialists and Highways, which has followed a process where they have mitigated against what they require. He is unable to confirm numbers, facts and figures of vehicles but it has been through a substantially long process and reports have been revised several times to include different things that come online such as the incinerator. Mr Russell made the point that other developments that have come through Wisbech since 2019 means it has continually been updated and other matters included.
- Councillor Connor referred to Councillor Marks touching on the 200 metres long culvert and agrees with his comments, Highways will not take this and neither will the IDB and his concern is, with it being said that these pipes would last many years, what happens if no one will take this pipe on, a management company has been mentioned but what if it fails, with their appearing to be no Plan B and also what happens to the maintenance of the attenuation of the pond, feeling there are too many unanswered questions. He referred to the previous application where the roads, paths and street lighting are not being adopted and it concerns him when developers are not looking to enter into a Section 38 Agreement and to give him comfort he would request that only 80 be sold and the rest to be unoccupied until such time as the road is brought up to adoptable standard.
- Councillor Purser referred to Mr Russell stating that he was not too sure on the number of vehicles that would be entering and accessing the site and, in his opinion, if there are 250 houses there will probably be 300-400 vehicles. He asked if Weasenham Lane and the road leading down to the site is wholly adequate for that number of vehicles? Mr Russell responded that the numbers are in the report and it has been assessed and they have been in discussions with Highways for several years who find it to be acceptable and agree with what has been put forward. Councillor Purser made the point that at other meetings he has attended Highways have undertaken their assessment via desktop survey and have not been out on site to look at it, which makes a mockery of the survey.
- Councillor Purser referred to report stating that they are thinking of having a Toucan crossing at one part or an island at the other, two crossings where pedestrians and cyclists

can cross and have to press a button and asked why there cannot be a Toucan crossing on the island down the road and it be amalgamated into one? The applicant's engineer responded that there were discussions with Highways and the roads are not wide enough at that point so they put in a pedestrian and cycle refuge which is wider but the amount of people crossing is not representative of the Toucan unless the school extension comes forward, which was added at the request of Highways. Councillor Purser made the point that if it is wide enough to have an island down the road then surely it is wide enough to have a Toucan on it as well. The applicant's engineer responded that the location was moved at the request of Highways because the Toucan would not just serve the development but other areas and this is the location that they wanted it.

- Councillor Benney stated that he has concerns about the culvert and the maintenance thereof. He asked would they put £300,000 into a management company and ring fence it to safeguard it and keep the maintenance on it, which has happened in a similar situation in Fenland and has worked. Mr Russell responded that they have been talking to three specific management companies who they use on sites and all would have a commuted sum, which is the same in theory as putting a ring-fenced amount of money and they do not have a problem with this because it is expected.
- Councillor Mrs French asked when was the last time that they spoke to the IDB? The
  applicant's engineer responded that it was two weeks ago. Councillor Mrs French stated
  that most drainage boards are joining together and as from April next year this will transfer
  to North Level for the administration so she suggested, if this is approved, that they start
  talking to North Level.
- Councillor Marks stated that he has real concern over a management company and he does not like that a sum of money is going to be given to a management company because there is no guarantee that a management company is going to be there in the future but as developer they have an obligation if the money is ring-fenced. He asked if they are also going to be asking residents to pay towards the upkeep of a management scheme and is money going to be made available to the IDB for this culvert? Councillor Marks asked for some answers on what they are going to do as opposed to what they are thinking of doing? Mr Russell reiterated that they would prefer for Highways and the IDB to both be approached first. Councillor Marks asked if they had not already been approached and have said no? Mr Russell confirmed this to be correct but when the proposal goes to detailed design and application consents stage they are offering a commuted sum and the maintenance in perpetuity. He continued that there is a process, they would rather it go to Highways, then to the IDB but if they do not want it there are two last options for a management company, either residents paying but that is not their approach for the culvert element but just for on-site elements and the culvert element will be the commuted sum in perpetuity with a management company that deal with this type of thing. Mr Russell stated the funds would be ring-fenced and they use an element of the money for maintenance and an element of the money gains interest. Councillor Marks expressed the view that they are being very hopeful that the interest will cover the upkeep and any major expense.
- Councillor Sennitt Clough stated she has a lack of confidence regarding flooding and asked if they would commit to covering the residents' cost if these drainage plans fail and it does flood referring to pictures of the site showing it underwater. The applicant's engineer responded that the site is in Flood Zone One and they are aware from the IDB that there are issues with flooding but that is caused by the culvert under the A47 as it is a large open section of drain that then goes into a metre culvert under the A47, which is what causes the flooding on the site. She stated that in their proposal they have included a basin that would be linked to the main drain to take or to mitigate against that flooding and that together with the section of culvert provides in excess of double the amount of volume that is there at the moment. Councillor Sennitt Clough stated that this comes back to the point that Councillor Marks keeps making if it is going to double the volume and there is no guaranteed plan of responsibility for that culvert it leaves her lacking confidence, whilst it is appreciated it is Flood Zone One there is no clear plan going forward particularly in light of the fact that it is going to double the volume coming into that culvert. The applicant's engineer responded

- that she meant the attenuation volume is doubled so they are providing a betterment than what is there at the moment.
- Councillor Mrs French stated that if the IDB do give them permission they would not be able
  to build within 9 metres of their watercourse and their recommendations are actually 11
  metres if you are putting trees there due to the overhang. The applicant's engineer
  responded that they do have a 9 metre easement along the open section so allowance has
  been made in the plans.
- Councillor Marks requested clarification that an attenuation pond was being installed as it being said there is a culvert that cannot cope under the A47? The applicant's engineer responded that was what they were advised by the Hundred of Wisbech IDB. Councillor Marks questioned, if the development goes ahead, that this is going to take the extra water from the site which they are going to have to hold as well, with it being farmland at present so the runoff rate is a lot different to what it will be when the site is developed. The applicant's engineer responded that the water on site is attenuated to greenfield rates, there are two attenuation basins, one at the bottom of the site to help mitigate the culvert and one within the site that attenuates the flows, and there is also storage within the permeable paving sub-base within the site. She continued that the site is then restricted to existing greenfield rates QBAR for all storm events including climate change so the site developed will produce less discharge than it does now because at the moment it is producing greenfield for all storm events and they will be reducing that. Councillor Marks stated this is from the site but what cannot be legislated for is what happens before the site and when it gets to this culvert, this is an existing dyke which brings water already via this site to that culvert and has this calculation been taken into account. He added that it is being said that one of the attenuation ponds will hold water from the site as well. The applicant's engineer responded that directly upstream of the site is a culvert that goes from the small section of open watercourse along Weasenham Lane under New Drove and comes out into Halfpenny Lane so essentially any network upstream of that is restricted by the diameter of that culvert. She continued that whatever they do downstream that flooding upstream would still occur because that existing 1200 diameter culvert is still in place and they are proposing to install a 3 metre by 2 metre box section culvert after this so they can install the access road and then keep the existing open section and provide mitigation downstream for that existing culvert that goes under the A47.
- Councillor Mrs French asked who is responsible for that pipe currently? The applicant's engineer responded that the one upstream is the responsibility of the IDB. Councillor Mrs French asked if this has been discussed with the IDB and are they prepared to undertake any work to improve it? Councillor Marks stated that he went to one of the IDB meetings and at the minute the runoff rate is fine at the back of Weasenham Lane, however, there has been some pollution there but it is about what happens going forward and the culvert not being able to cope on the A47 as well.
- Councillor Sennitt Clough referred to her previous question and it was not answered about whether they would cover residents' costs should they flood. Mr Russell responded that it is not something he has heard of before, with the development being in accordance with planning policies and it would generally be down to residents to have their own home insurance.
- Councillor Connor expressed the view that there are lots of questions that have not been answered to his satisfaction. He referred to the culvert and it has not been said how much money would be set aside for its maintenance or repairs and they have been speaking to a specialist management company but there are no letters of intent for this, which does not mean that it will be taken forward. Councillor Connor stated that he is also concerned about the roads and asked if they would be happy, if this application was successful, that 20 remain unoccupied until such time as the road have been brought up to standard and a management company has been formed? Mr Russell responded that the attenuation basins would be put forward to Anglian Water for adoption when they undertake the Section 104 design but what they find is a management company on site look after those basins better than Anglian Water but it will be offered to Anglian Water first. He stated that, in regard to

road, this scheme has a spine road which has secondary roads off it feeding the houses and ordinarily Highways on a spine road during construction would not want that road topping before heavy construction traffic has finished using the spine road but this does not mean that they would not and will top the secondary roads that feed the houses and on the spine road they can install the iron works level from the start and raise them when that spine road is topped but they are restricted to Highways requirements on that element. Mr Russell added that from speaking with Highways when it comes to the detailed road design and adoption with sewers etc, which is all conditioned, they were happy to have a discussion to see if they would relax that topping to allow construction traffic before the end of the development. He referred to numbers of properties occupied and is more than willing to enter into a conversation to suggest a condition about a highway finishing programme against occupations so they could list occupations of each house and when each part of road would be finished just to give councillors and planners enough comfort that the road will be to adoptable standard as soon as it can be.

• Councillor Purser referred to mention of Anglian Water and requested clarification. Mr Russell responded that this will be in regard to the adoption of the attenuation basins, with all the sewers being put forward for adoption together with the attenuation basins, which would be in the Section 104 detailed design. Councillor Purser stated that his point is that surely they have already spoken to Anglian Water before this application was submitted. The applicant's engineer responded that Anglian Water will not look at offering an approval in principle on an adoption until there is a full detailed design, which comes after this stage of planning.

#### Members asked questions of officers as follows:

- Councillor Benny referred to this being a hybrid application where there is an outline application for 250, assuming that it is 250 as this is a magic number in planning as if you go over that it triggers additional steps, and a full application committing to the access and 102 dwellings. He feels that until there is a full application for the full site a full drainage strategy cannot be undertaken as it is not known where the houses will be and the runoffs cannot be calculated and asked if this is correct? Richard Fitzjohn responded that what would normally happen, and is the case in this instance, is that there is a drainage strategy which takes into consideration the whole scheme and site, however, the actual detailed scheme would be reserved by a condition to deal with this later. Harry Pickford from the Lead Local Flood Authority (LLFA) stated there is the full application which has the basin design to volume to QBAR rate and the outline part would be subject to further details that would be secured through reserved matters, with there being conditions put on the permission and they would expect to see the details come through for the outline part of it through the reserved matters application.
- Councillor Mrs French stated that the last application had an update from the IDB and asked
  if there is an update for this application? Richard Fitzjohn responded that the IDB have
  provided further correspondence yesterday afternoon which reiterates the points they made
  within their original objection and raising no new issues.
- Councillor Marks referred to concerns regarding the culvert and asked if the LLFA advise Highways in relation to culverts? Harry Pickford responded that its responsibility around consenting and culverting sits outside of the IDB areas so if it was not an IDB area and Highways wanted to come forward for consent they would apply to his team and they would be the responsible authority for approving that. He added for a scheme like this, no is the short answer as they do not have the requirement because it is an application for the IDB and the IDB owning that structure currently and being responsible for the maintenance. Councillor Marks asked, as the applicant has said they have spoken to Highways and it seems unlikely that they would want to take it on, would they have been contacted regarding this? Harry Pickford responded that they would not be involved with this as it sits as a structure within the IDB area so outside of the County Council's responsibility. Councillor Marks asked that, if even if the top was adopted by County Council, they would still not be involved? Harry Pickford responded that it would be very unlikely.

- Councillor Mrs French stated there is a proposed new school and asked if there is any idea when this will come forward? Richard Fitzjohn responded that the planning application for the new Wisbech Free School is currently pending consideration and it is highly likely that it will be coming to Planning Committee next month, with them agreeing to the £150,000 contribution towards the Toucan crossing scheme as well. Councillor Mrs French questioned that the application was coming to Fenland Planning Committee and not County? Richard Fitzjohn responded that was correct as the applicant is the Department for Education.
- Councillor Gerstner asked how best use of land is evaluated, with in this case the land being used for agricultural purposes and what weight is given to housing over this? Richard Fitzjohn responded that specifically to this application he would give significant weight to the South Wisbech BCP that has been approved by the Council already for residential development in principle on this site, which outweighs the loss of the agricultural land. Matthew Leigh added that the Council has already accepted that the loss of agricultural land on this site is acceptable.
- Councillor Mrs French stated that she remembers the BCP but expressed the view that she
  thought this was for commercial/industry and not for housing on this piece of land. Richard
  Fitzjohn responded the BCP approved this site for residential development, referring to the
  presentation screen which showed this area in the BCP and the BCP also confirms that
  Phase 2 is for full residential development of approximately 350 dwellings which is what is
  being proposed by this application.
- Councillor Marks referred to the site being landlocked and would the BCP have said the land is for development thinking that somebody might put a roundabout in or better access than is being proposed? Richard Fitzjohn responded that the BCP states that the key proposals for the site are around 350 homes to the east of the site, around 54 hectares of employment land, a new east west roundabout from Cromwell Road and Newbridge Lane to the west along the site to link Newbridge Lane with Boleness Road to facilitate access into the whole of the south west Wisbech site but would also offer improved access for the whole of Wisbech, a new roundabout on the A47, new junctions or upgrades to existing junctions, the retention and enhancement of some of the existing high quality woodlands and mature orchards which can serve as multi-functional public open space areas and the location of pedestrian and cycleways within the proposed development linking to existing facilities elsewhere such as the town centre. He feels it is acknowledged that some of these things have not been brought forward but specifically in terms of the roundabout for the A47, officers have to look at the transport and highway impacts of this development in isolation and there are no objections from Highways on any transport or highway matters. Richard Fitzjohn expressed the view that there is no basis for any objection to this application because some of those other things have not been brought forward yet. Councillor Marks expressed the view that what speaks volumes is that Highways have said that they are not interested in adopting the road. Richard Fitzjohn confirmed that Highways will not adopt the access road because of the culvert, however, the Transport Assessment Team have reviewed the transport impacts in terms of the wider area and reviewed the applicant's transport modelling so have carried out a thorough review of the additional waiting times and car lengths at traffic lights and junctions and the wider implications of the proposal. He added that the new school has also been taken into account.
- Councillor Sennitt Clough asked whether the NPPF overrides the BCP as there are areas where this application is contrary, particularly in relation to sustainable development? Matthew Leigh responded that the starting point with any application is the development plan unless material considerations indicate otherwise and the NPPF is a material consideration. He is not sure why there is a conflict with sustainability as this has been assessed to be a sustainable location. Councillor Sennitt Clough stated that she specifically meant the loss of BMV land and how that conflicts with the BCP. Richard Fitzjohn responded that the majority of the District outside of the built areas is BMV land and to provide residential development on any major scale such as this would very likely be on BMV land, with it being very difficult in this District to avoid.

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

- Councillor Marks expressed concern regarding this proposal and feels it is an incomplete application because, in his view, members do not have all the information in front of them. He stated he is minded to ask for a deferral for the applicant to answer some of the questions that have been put to them today. Councillor Marks stated he is concerned regarding the culvert, there seems to be a major issue with the IDB and members need to be conscious of flooding, seeing the pictures of flooded fields and hearing that the culvert under the A47 has issues. He feels that questions are being asked by members but they are not receiving a 100% response and getting told what they want members to hear as opposed to what members need to hear.
- Councillor Benney stated that he welcomes this application as if you look around the District Whittlesey has built its BCPs out, March has 2,500 houses planned in its BCP and Chatteris has 1,700 houses planned so Wisbech needs to take its share of the housing market. He made the point that the site is in Flood Zone 1 and, therefore, there is no reason to refuse it on flooding and also if there is a flooding problem there is a technical solution to it, if not it would not be built. Councillor Benney expressed the view that the fact that it is agricultural land, the A47 is a natural boundary for building on and you will always fill in the bits of land before you start building outside in accordance with LP3, building in the open countryside. He feels that this land is ripe for development and it is within the BCP. Councillor Benney referred to Womb Farm in Chatteris which was earmarked for industrial land and that was changed to housing for 248 houses in its first phase and approved by committee several years ago, being Persimmons best selling site in East Anglia and he provided some statistics on this site. He stated that he is very much for private home ownership and feels that if houses are not approved, a generation is robbed of the opportunity for home ownership and the price is driven up for everybody. Councillor Benney stated that those were the positives but in relation to the negatives he feels this is an incomplete application as it does not answer the questions, with the culvert being an on-going issue for years and it is not fair to pass this problem down to another planning authority to deal with. He referred back to the 1,700 houses planned for Chatteris but theses will not all be built in his lifetime and it is planning for children's and grandchildren's lives. Councillor Benney expressed the opinion that he does not like the culvert and the access, if it was coming off the A47 it would be a much better access to this but that is not what is being proposed. He expressed the view that the finances and the way that this is being presented to committee is an incomplete application and unlike Councillor Marks, because it is incomplete, he does not think a deferral will answer these questions and thinks it should be refused.
- Councillor Mrs French stated whilst it is in a BCP area and Wisbech do need home, this is not the right site and proposals should not just be approved because Wisbech needs homes. She agreed that, in her view, it is not complete and she cannot support it.
- Councillor Connor agreed as there are too many unanswered queries and ifs and buts. He referred to a specialist management company but there is no agreement in place and no one is going to pick up the £1.7 million cost in the future and he is not filled with comfort. Councillor Connor expressed his lack of confidence with the status of the roads, a Section 38 agreement is not going to be entered into and it needs to be properly undertaken so comfort can be given to the residents in years to come. He referred to the two attenuation ponds and questioned whether they are going to be adopted by Anglian Water or maintained by a private developer, it is not known as there are no agreements in place. Councillor Connor stated that although the site is within the BCP area he cannot support this application.
- Councillor Sennitt Clough stated this discussion was started with a question about location
  and, in her view, it is not a good application because of its location near to the incinerator
  without a confidence inducing drainage strategy in place on BMV land and without a
  comprehensive transport plan or management company strategy. She added that she was
  not left with the greatest amount of confidence through the answers when she asked
  questions and felt the applicant was evasive and, therefore, she cannot support the

- application.
- Councillor Mrs French asked when looking at the emerging Local Plan has this site been removed from the allocation? Matthew Leigh responded that allocated sites are automatically discounted in the new plan.
- Councillor Gerstner stated he was also uncomfortable with the details, it works out that the culvert is going to cost £6,800 per property when all the dwellings are built and if the first 102 are built it equates to £16,000 per property and whilst members are not that interested in the viability of it all, it seems 'iffy' to him when they have all the other contributions to make as well on top of the cost of this culvert and it is somewhat concerning. He added that it is not just the build of it but the ongoing management of it as if this is what it costs to start with what is it going to cost to maintain and manage it.
- Councillor Marks expressed the opinion that what has not been discussed fully is that going
  forward it will not be the local IDB as in Middle Level but it will fall to North Level who will
  have a view on this. He stated that whilst he is 50/50, he is erring on the side of refusal as
  the applicant needs to be speaking to the relevant people as if in 12 months' time that IDB
  goes by the wayside and somebody else is picking up that problem should it become a
  problem.
- Councillor Benney made the point that there is an application in front of committee that needs determination today and has to be dealt with as it is. He feels the application has far too many question marks hanging over it and should come back as a full application with details of how the management company was going to be structured, what kind of funding they were going to have within that to protect this culvert and what the drainage strategy would be as there are too many variables. Councillor Benney referred to the other culvert on the A47 which may or may not take that water and a problem cannot be pushed onto somebody else and committee needs to deal with the problems in front of them. He stated that he does not like the access proposed but not liking something is not a reason to turn it down and feels in an outline application committee need more information than what it has got and it cannot be approved in its present form.
- Matthew Leigh understands that members have a number of concerns but these are things that are generally dealt with through conditions and the Section 106. He stated that it is a hybrid application, which legally can be done and they are common for large schemes, and as the Local Planning Authority officers consider there is all the information needed to determine this application. Matthew Leigh made the point that there are a lot of things he does not like and he is not a fan of outline applications but this is the planning system and the applicant is legally allowed to do this, with there being question marks with outline applications and the reserved matters and discharge of conditions is there to fill in those gaps.
- Councillor Marks expressed the view that he feels this application is in the grey area, although he understands what is being said and officers' point of view. Councillor Connor agreed.
- In formulating reasons for refusal, Councillor Marks stated that he has major concerns about
  the culvert and its management, the IDB and drainage feeling it is an incomplete application
  and a better access is needed. Councillor Sennitt Clough added that there is also the loss of
  BMV land and the pressure on Weasenham Lane particularly in light of the incinerator
  proposal. Councillor Connor added that not enough information has been provided and he is
  not happy with the inner roads and paths.
- The Legal Officer warned members that any reason for refusal needs to be supported by evidence so it is not enough to say I do not like the layout or there is not enough information, there has to be some explanation on why that lack of information should have been forthcoming and the harm and a decision cannot be made in the absence of that information. He expressed the view that it is making the officers job quite difficult to defend an appeal and from a cost application being submitted.
- Matthew Leigh expressed the opinion that there seems to be multiple reasons for refusal
  that have been mentioned so if it is put forward the issue of lack information, should this sit
  together as one or it is different things to a certain extent and also the structure of what it is

- members are objecting to is not clear and where members concerns are. He added that it is better to have one good reason for refusal than 10 bad ones.
- Councillor Benney expressed the view that the viability of the site does not comes into the committee's remit but the structure of the management company should do as it is pivotal on whether the ongoing maintenance can be undertaken to this culvert and there have not been any firm answers back from the applicant. He added that without knowing how the structure could be, committee could approve it and then end up finding that it is put into a management company that the residents have to pay into and members are here to represent the residents. Councillor Benney stated that for this reason committee owes it to its future residents to make the right decision and the answers have not been forthcoming. He stated that he is very wary of management companies and it is known that they fail.
- Matthew Leigh stated for clarity viability is a consideration for committee, the culvert is
  expensive and the scheme is providing lower affordable housing than other schemes
  because of the cost of delivery. He added that committee is not here for common sense
  reasons it is here to determine applications in accordance with the development plan unless
  there are material considerations.
- Councillor Benney expressed the opinion that because the site will have affordable housing
  it makes that problem worse for the market housing because people who lives in affordable
  housing will not contribute as it is not their house so is the housing association going to put
  money into this, he would doubt it.
- Councillor Marks referred to the IDB report, which is very clear in that they are not happy
  with the application and thinks this should be used as one of the reasons for refusing this.
  He made the point that the IDB know the area, pump the water keeping everybody dry and
  if they are unhappy it needs to be highlighted.
- Councillor Sennitt Clough added that unacceptable highway safety issues that have been discussed are contrary to LP15 of the Local Plan, Paragraph 111 of the NPPF and in terms of the inadequate flood risk management that is contrary to Policy LP14 and Paragraphs 167-169 of the NPPF.
- Councillor Gerstner stated that he agrees with Councillor Marks comments but it also raises concerns regarding biodiversity impact.
- Matthew Leigh made the point that Highways have not objected and as the Legal Officer said there needs to be evidence and Highways have said it is fine. He feels this also applies to the BNG as it does deliver what it needs to deliver and, therefore, these two reasons would be dangerous to progress.
- Councillor Connor expressed the view that incomplete applications should be built upon, who is going to manage the culvert if anything goes wrong, it is not known about the roads or the management company.
- Councillor Marks reiterated that the IDB have responded and are not in favour of the application.
- Matthew Leigh stated that officer's do not agree with that reasoning and the officer's report details why.
- Councillor Marks made the point that the Legal Officer has said it needs to be evidenced
  based and the evidence is in black and white from the IDB and committee feel the IDB is
  correct in what they are saying and also Councillor Benney mentioned what management
  companies are like and have been like in the past in Fenland. He expressed the view that it
  is incomplete application firstly and secondly it is the objection from the IDB.
- The Legal Officer stated that he feels the IDB reason is a weak reason because the statutory consultee, which is the LLFA, have not objected to the application. He feels that members are standing in judgement between a statutory consultee and the IDB and he suspect that reason will not carry much weight.
- Councillor Mrs French stated that she thought the LLFA said it would not get involved with that drain so asked who else is going to get involved if the IDB is not relied upon. She added that it is the IDB that keeps the District dry.
- Councillor Marks made the point that he asked the LLFA officer and was told that they had

not been involved so if they have not been involved surely the IDB should be listened to. Harry Pickford responded that the LLFA's involvement in this planning application is source management from the site and works to water courses are for the IDB to agree with the applicant when it comes to the works under the Land Drainage Act. He added that their involvement is reviewing the application from how they are managing water from the site itself and there is other statue under the Land Drainage Act that requires work to be done and consent to be given for work to water courses, which is a matter for the IDB to agree. Harry Pickford appreciated that there is crossover with planning but it is very much the case for the IDB to agree with the applicant.

- The Legal Officer felt that there may have been a misunderstanding, what has been said is that the IDB have control over giving consents for things being done or not done but the Development Management Procedure Order requires the Local Planning Authority to consult with the LLFA, which it has done and that authority has not objected to the application. He stated that if committee is relying on the IDB comments, it is more about this culvert and the likelihood of that being built out and maintained and that is a stronger reason.
- Councillor Marks requested clarification that County Council LLFA would have seen the IDB's response and then made its response? Harry Pickford responded that they do look at consultations on applications from the IDB and the works that are going to be carried out are outside their control and it is not really its position to comment as to whether that is acceptable or not as it is not its asset to input on.
- Matthew Leigh stated that the County have looked at it as a consultee just like they do on any scheme, looking at the technical information, assessing and considering it and they think it is acceptable, meeting policies. He advised that the consultation response from the IDB is that they would not adopt it as it does not meet their requirements, which is a separate matter and legislative role. Matthew Leigh referred to comments about Highways being involved being a moot point as it is all about who will adopt it, control it and manage it and this can be controlled by conditions.
- Councillor Mrs French stated that there is the Land Drainage Act which IDBs work from and
  in the present form with this application and from what Middle Level have said there is no
  way the drainage board would give consent and without consent the development is not
  going to happen.
- Councillor Gerstner made the point that the Hundred of Wisbech IDB have given 8 reasons for refusal and what is of concern to them.
- Councillor Benney referred to an application in Upwell Road which was refused on flooding
  and the Council had to pay £40,000 in costs because it was not refused for a good enough
  reason and if this is put in the reasons it gives weigh to the argument but it could be the
  same situation with this application. He feels that the proposal being an incomplete
  application without knowing the details of the management company is still a stronger and
  valid reason.
- Councillor Marks acknowledged the comments of Councillor Benney, however, there are
  two reasons, one being an incomplete application due to the management company and, in
  his view, the flooding. He feels as much as members need to be mindful of money if it went
  to appeal, they also need to be mindful that there could be 350+ homes in an inadequate
  situation of drainage, with Wisbech having flooded and millions is spent on the flood
  defences along the Nene and mindful of the people who are going to live there that are
  going to be put at risk.
- Councillor Connor stated that he thinks that the Planning Committee have got two reasons:
   the application in their view is incomplete regarding the maintenance and the detail concerning the management company which is paramount and also the fact that the application is going against the IDB.
- Councillor Benney stated this is surface water flooding and you can build in Flood Zone 3 in Wisbech so is this a good enough reason and feels it is about water management rather than flooding.
- Councillor Marks agreed with the comments of Councillor Benney, it is water management

but what is being missed is that there is not only the water off this site but managing the water coming to the site and through the site and members have been told that it holds up at the A47, which is why mitigation is required to try and hold water back because the culvert cannot cope on the A47. He made the point that he is proposing it and should it ever go to appeal he is happy to state the case.

- Matthew Leigh requested clarity on the second reason for refusal. In addition he stated that
  just to agree with the concerns raised by the IDB is not a reason to refuse the application
  and the committee need to consider what the actual harm would be.
- Councillor Marks stated that he felt that the committee should take forward the list of concerns of the IDB as the reasons for refusal.
- Matthew Leigh clarified that the IDB have raised multiple points in their response that are not all to do with water management and he advised members that it would be appropriate to just just agree with the IDB comments blanketly, but instead Members would need to pick out points within the consultation response that they agree with and that cause harm. In addition Matthew Leigh states thatit could put officers in a difficult position of trying to bring forward a reason for refusal. He made the point that members are able to determine applications as they see fit and officers will defend that decision if it came to an appeal but members need to verbalise what the reason for refusal is and what the harm is. Councillor French cited the detrimental effect of surface water runoff and overland flows from the site adversely impacting neighbouring properties and other locations which may be affected by the proposed ground raising / reshaping operations. Councillor Mrs French stated the NPPF does state that you do not pass something that is going to cause flooding further downstream.
- Matthew Leigh stated, for clarity, the first reason is lack of information in relation to the culvert management etc because of the high cost of the equipment, and the second reason is those key points from the IDB consultation response.

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

Members do not support officer's recommendation of grant of planning permission as they feel that there is a lack of information on how the culvert is going to be maintained in the future and if by a management company how is this going to be structured and the IDB, who are local water managers, have objected to the scheme due to the detrimental effect of surface water runoff and overland flows from the site adversely impacting neighbouring properties and other locations which may be affected by the proposed ground raising, reshaping operations.

(All members present declared, under Paragraph 2 of the Code of Conduct on Planning Matters, that they had been lobbied on this application)

(Councillor Connor declared that he did speak to the applicant yesterday regarding a perceived update from Middle Level but he had not been copied into the perceived e-mail and gave the applicant the Head of Planning's contact details. He did not speak to the applicant about this planning application and will keep an open mind about the application.

#### P15/25 CONFIDENTIAL - PREVIOUS MINUTES

The confidential minutes of the 14 May 2025 were agreed and signed as an accurate record.

5.00 pm Chairman



## PLANNING COMMITTEE

## **WEDNESDAY, 25 JUNE 2025 - 1.00 PM**



**PRESENT**: Councillor C Marks (Vice-Chairman), Councillor I Benney, Councillor Mrs J French, Councillor R Gerstner and Councillor E Sennitt Clough, Councillor M Purser (Substitute) and Councillor P Murphy (Substitute).

**APOLOGIES:** Councillor N Meekins.

Officers in attendance: Matthew Leigh (Head of Planning), David Rowen (Development Manager), Tom Donnelly (Senior Development Officer), Victoria Searle (Legal Officer) and Jo Goodrum (Member Services & Governance Officer).

#### P16/25 PREVIOUS MINUTES

The minutes of the 28 May 2025 were signed and agreed as an accurate record.

### P17/25 F/YR23/0648/F

LAND SOUTH OF 127-141 COATES ROAD, COATES
HYBRID APPLICATION: FULL PLANNING PERMISSION TO ERECT 18 X
DWELLINGS (2 X SINGLE-STOREY 2-BED, 1 X 2-STOREY 2-BED, 2 X SINGLESTOREY 3-BED, 4 X 3-STOREY 3-BED, 7 X 2-STOREY 4-BED 1 X 2-STOREY 6BED AND 1 X 3-STOREY 6-BED) INCLUDING 2 X SELF-BUILD DWELLINGS AND
THE FORMATION OF 3 X ACCESSES AND A PEDESTRIAN FOOTPATH.
OUTLINE APPLICATION WITH MATTERS COMMITTED IN RESPECT OF ACCESS
TO ERECT 2 X SELF-BUILD DWELLINGS

Tom Donnelly presented the report.

The Legal Officer provided an update on the habitat considerations and the relationship with Natural England. She stated that the Council is subject to a duty to consider the impact of the development on two special protection areas (SPAs) which are close to the application site though not within it. The Legal Officer added that the applicant has commissioned and submitted a shadow habitats regulations assessment and the Council shared that with Natural England in its capacity as a statutory consultee. She feels the applicant would take the view that this shadow habitat regulations assessment shows that this development would not have an adverse effect on either of the nearby SPAs but Natural England appears to have taken a slightly different view and is of the view that more information is needed for the Council to be fully satisfied that the application will not have an adverse effect on these two SPAs. The Legal Officer continued that given Natural England's particular specialism in habitats and species and in nature conservation more generally, committee should show reasonable deference to their opinion and are required to give considerable weight to their advice but nevertheless the decision is not Natural England's, the decision is for the committee to make and it is entitled to depart from Natural England's advice as long as there is cogent and compelling reasons for doing so. She referred to case law on cogent and compelling reasons and she is aware that there is a 2024 outline permission for a similar scheme on this site and it might be tempting to treat that as establishing the principle of development on this site and to a certain extent it does but drew members attention to a recent court of appeal case where it said where you have what might be considered a multi-stage consent that local planning authorities need to think about habitats impacts and the assessment of those impacts at each stage of the process, although this case law is being appealed. The Legal Officer stated that she is giving committee a little caution about relying too much on the 2024 fallback

position outline consent and she feels that the recommendation should be amended slightly to include a delegation to the Head of Planning to satisfactorily address the outstanding request for further information to satisfy the Council that a habitats regulations assessment can be passed before granting planning permission.

Members received a presentation, in accordance with the public participation procedure, from Roman Falinski, a supporter to the proposal. Mr Falinski explained that he has followed the application and its history over several years, with him currently residing in Coates and has regularly walked his dog around the area. He made the point that he has never seen any sort of habitat in that area, and added that when he previously lived in Whittlesey, there was a development which was due to be built and, in his view, that had even more reasons to have its planning permission refused but it was subsequently approved.

Mr Falinski explained that the application site did have all sorts of different habitat in the field and made the point that he does not see that as a reason in this case where Natural England have said for it to be looked at this site again as the local residents will state that there is nothing in the field and there never has been. He stated that he is interested in the application because he is looking to purchase a plot of land on the site subject to it being approved and it will be a self-build where he can employ local tradespeople from the area and he is looking for quality craftmanship similar to the Phase 1 development which is, in his view, outstanding compared to anything else in the area and he asked the committee to support the proposal.

Members received a presentation, in accordance with the public participation procedure, from Peter Webber, a supporter to the proposal. Mr Webber explained that the reason that he is interested in the development is because there are bungalows and single storey dwellings and as he has recently undergone a kidney transplant, he is looking to move into the area and there are very few types of those dwellings being built. He stated that he had hoped to have been able to purchase a dwelling on the adjacent site but was unable to and added that he used to work in Perkins in Peterborough and he has known the area for the past 30 to 40 years.

Members received a presentation, in accordance with the public participation procedure, from Gordon Smith, the agent. Mr Smith explained that whatever he had prepared to read in order to address the committee has been turned upside down by the most advanced information given by officers concerning the habitats assessment. He added that to attend a Planning Committee and be advised of something guite major is inhibiting any approval of the development.

Mr Smith stated that the outline permission took four years before the legal agreement was signed, following the approval given by the committee, and the delays were not because of the Council but were because of the County Council who did not have a solicitor or officers to deal with it. He referred to the habitats assessment and stated that he perceives that as being an incredible delay to the delivery of the site.

Mr Smith stated that Postland Developments have delivered Minuet Paddocks immediately to the east and it is a quality, interesting scheme, and something to be proud of. He made the point that with regards to the habitat assessment what is being asked for is the best part of a year of studies and the cost implication is tremendous and that a subplot here is a viability of the scheme and the cost to the developer in terms of delay as they are a small builder.

Mr Smith explained that committee have been advised that the decision is down to them providing that they have cogent and compelling reasons and by considering the objection which has been put forward from Natural England, with, in his view, the compelling and cogent reasons would be that there is a fallback outline planning permission which deals with the principle of putting a development on the site. He explained that he has also produced his own shadow habitat assessment, and his own ecologist was surprised that he had undertaken an assessment for a site such as this which is on the edge of a built-up area, with the habitats which would be looked at

would be swans and geese and whether they land here and whether the development would inhibit that behaviour.

Mr Smith stated that as the outline permission has already been granted, in his view, it is something that has already been dealt with and it is a matter of principle. He asked the committee that when determining the application that there are compelling and cogent reasons to grant planning permission based on fallback outline permission, the fact that a habitat assessment has been produced and that there are no objections from the Council's Wildlife Officer.

Mr Smith stated that the developer, Postland Developments, are a local company based in Coates and who operate in Fenland and South Lincolnshire, with them building about a dozen small sites at a time and employ local people, purchase materials from local suppliers and purchase British products, making the point that they are locally engaged and are not a remote regional or national company. He added that they will build a quality scheme which is evident from the scheme built out next door and the scheme will help the custom build market due to the fact that four of the units will be for custom build, two will be in the outline part of the site and two have been designed.

Mr Smith explained that a fifth of the houses are for the custom builder and the developer does not land bank and they will develop the site as they have a development team and have employees as they need to keep working as soon as they lose their skilled workers, they then have to go to the contract market and in that case, they do not get the same quality of worker. He stated that the developer can deliver promptly and with regards to the length of time a legal agreement can take, which was four years from the outline permission, he would hope that was an unusual case, but he does not think that it is, with if the committee choose to delay the application then that could be five years for the developer, and he would hope that the legal agreement would be faster this time.

Members asked Mr Smith the following questions:

- Councillor Mrs French asked Mr Smith if he could explain to the committee the delays caused with the previous legal agreement which took four years where he was proportioning the blame to the County Council due to there being lack of a solicitor. Mr Smith stated that he does not know what the issue was as there were no staff there at the time but the application came to the committee in 2020 and four years later the legal agreement was received. He explained that part of the legal agreement meant that it had to go to the County Council as the Highway Authority needed to agree to their issues being covered in the legal agreement and despite him providing the information there were no answers provided. Councillor Mrs French stated that she is still baffled and after being a County Councillor for eight years she can assure Mr Smith that there are numerous staff and legal staff at the County Council. She added that she is unsure why the Legal Agreement had to be signed by the County Council as that normally comes with the reserved matters under Section 278 for highways work and she added that she is still not satisfied.
- Councillor Mrs French stated that with regards to Natural England they are a statutory body, and the committee do consider the views of statutory bodies. She expressed the opinion that it would have been beneficial for members of the committee to have had the statement provided in writing which was read out by the Legal Officer as it has come as a surprise to everybody.
- Councillor Mrs French made reference to lack of Section 106 contributions regarding education, with the development could having up to 30 children who will reside there and she questioned where those children will attend school and why is it felt acceptable that there are no contributions towards education for them? Mr Smith explained that the whole issue concerning the Section 106, and the viability is being dealt with regards to what the scheme can afford and what there is in the scheme. He added that from the developer's point of view the scheme based on the current planning viability practice is unviable and that is if the whole offer is sought. Mr Smith explained that a long period of discussion has taken place including valuers on the Council side who are independent of the developer and independent of the Council officers', who exchanged reports and concluded that a fair sum

- was £133,000 for all Section 106 contributions whereas the original amount was £300,000. He made reference to the legal agreement and explained that the education authority was also party to that legal agreement too and, therefore, the lapse was not just down to the Highway Authority.
- Councillor Gerstner stated that he would like clarity with regards to the Section 106 monies and the viability study. He added that there was an agreement in place on the previous application for £300,000 and this was less than a year ago and he would like to know what has changed since that point in time. Mr Smith explained that the applicant would be able to provide a more detailed explanation, however, he believes that is down to construction costs which have vastly increased, and lots has changed with regards to the viability of the scheme. He added that the previous legal agreement which went on over a long period of time would have proceeded through various development cycles and the frustrating issue when dealing with viability is that it is at a point in time and currently that is what the values are based on sales price, construction cost and how it balances out. He added that is what the valuers would have looked at. Mr Smith explained that with regards to what has changed there are elements which change all the time and aspects are still changing and it will be very different next year too.
- Councillor Gerstner stated that being a former Coates resident he knows the area well, the
  White Cross Stone is going to be protected and is going to have a plaque on it, asking if this
  was correct? Mr Smith responded that this was correct, it is on the plan and they know
  about it. Councillor Gerstner asked that it is being protected during the construction period
  because it sits right at the entrance? Mr Smith indicated that it would.
- Councillor Gerstner referred to there being some difficulty selling some of the phase one
  housing. Mr Smith responded that the difficulty in selling often depends on the price and the
  prices anticipated for this site have now dropped from the first developer assessment, with
  prices changing all the time.
- Councillor Benney expressed his surprise at the information committee has been given last minute and asked at what point was he made aware of Natural England's standpoint on this application? Mr Smith responded that they knew about it as soon as it came in as they observe the Council's website and they tried to contact Natural England to review what they really meant but it is very difficult for them to get hold of. He stated that they took action rapidly and reluctantly produced a report that they thought was unnecessary, the shadow habitats assessment, it is something he believes the Council should do but they undertook it. Mr Smith made the point that they took action, it took a time to get a reply and they tried to point out to Natural England the circumstances of this site, it is on the edge of a built up area and based on their own studies so far there are no known impediments to development but they have stuck to their guns and want a further assessment. He added that this report will cost thousands of pounds and add another year to the development. Councillor Benney stated his question has not been answered, the fact that it appeared on a website does not tell him at what point they became aware. Mr Smith responded that the case has gone for a fair period of time and he does not have that date with him but believes it went on the website about a year ago.
- Councillor Marks referred to the roads on the site itself and asked if they are going to be adopted? Mr Smith responded that the grey area on the plan at the top of the site is the only area that the County want to be adopted but the rest of the development has been designed to adoptable standards and it is a point to be clarified as to whether that is to be adopted or left as a private road. He added that the recommendation covers the issue from the point of view of a scheme for refuse collection and asks them to resubmit all their drainage information. Councillor Marks stated that Fenland is plagued with private roads that have been built allegedly to adoptable standards and on previous applications committee has asked that for example the last 3 houses until the road is brought up to adoptable standard cannot be lived in. Matthew Leigh stated that committee has imposed conditions similar to this but it is site specific and it does depend upon the scale of the scheme and he would suggest that 3 would be comparable for a scheme of this size. Councillor Marks asked if they would be prepared to accept this as a condition? Mr Smith indicated that this would be

acceptable.

- Councillor Gerstner stated that the A605 is a very busy road and asked if there would be some sort of refuge coming out of the site to help people cross the road to access the footpath on the opposite side. Mr Smith responded that refuges in themselves can sometimes be a hazard but it is down to Highways who will look at detail at any precise geometry to the road that needs to be altered but what they know at the moment is that they are probably going to have to relocate the speed limit sign so this part of the road becomes part of the 30mph. He added that major crossings, islands etc has never been discussed, which he thinks is due to the nature of the road. Councillor Gerstner stated that he is not talking about a major crossing, just a small refuge where people can stand and has a good splay so they can see either direction as is if there is no refuge at the end of the road to cross over it could be a concern. Mr Smith responded that current behaviour needs to be observed with the 14-house site next door and having sat there for a long time at busy times people do want to turn right but the visibility is such that people see that vehicle as there is clear visibility. He feels that Highways are well versed in doing whatever they can to improve safety but does not think it is necessary for the Council to instruct on this other than to raise it as an issue for the County to scrutinise.
- Councillor Marks referred to construction and it being a busy road and asked that a road sweeper be put in place from day one? Mr Smith confirmed that it would and were the issue to arise they would be compelled to build a hardstanding as a drop zone for debris so that is the bit of road that would be cleaned not the public highway. He added that if there is debris on the road the County Highways could compel them to clean it up under their powers. Councillor Marks hoped that they would clean it up before Highways get involved and have a sweeper on site from day one as there has been numerous sites where there has been mud on the road and numerous issues so he would request this being part of this application.
- Councillor Marks referred to Natural England's comments and presumes the developer is the same developer who built the site next door and asked if Natural England responded on that application? Mr Smith confirmed that they did not.

#### Members asked questions of officers as follows:

- Councillor Mrs French asked why it has taken 4 years for a Section 106 as she has never known one to take this long and she does not accept it being lack of County Council officers. David Rowen responded that it is not material to the determination of this planning application, it relates back to the previous application on the site, however, the Section 106 Agreement did take an inordinately long period of time, there were delays with the County Council end in terms of their legal team turning around the agreement but there were also some delays on the applicant's side as well. He feels it is unfair to completely attribute the blame for that delay to the County Council, for example during the process of the Section 106 Agreement several of the plots on site were sold off so there were more signatories required.
- Councillor Benney made the point that committee have never received a legal warning like this before on an application and listening to the agent this was a year ago now. He puts faith in officers and there are sometimes incomplete applications with minor issues but something like this is a major thing from what committee has been told. Councillor Benney expressed the view that the fact the application has come before committee today he feels that officers would not have sent an application to committee with a major fault. He asked for officers' opinion on this and can a decision be reached today with the amendment to the wording as suggested by the Legal Officer and to get the wording right from the Head of Planning so a decision can be made on this today. He made the point that legal advice is advice and it is up to the individuals whether any notice is taken or not and from an officer's perspective this application has been looked at, it has been submitted for some time and again requested their opinion, does it change the recommendation or is it still for approval. Matthew Leigh responded that as explained by the Legal Officer this is a relatively new piece of case law, it was the Legal Officer that raised it with officers and if officers had been

aware of this before the agenda was published he would have been very reluctant for members to grant this as the recommendation. He continued that in relation to delegating the decision to officers, this is proposed to be delegated in relation to the Section 106 at the moment and there will still be a time if members were to grant it today for the decision to be issued and they would envisage that these could run in tandem with the additional information required. Matthew Leigh stated that it is important to note that it is not necessarily an objection regarding lack of information and engagement and there is confidence that there is a potential to overcome this, if there was not then the recommendation would be one of refusal but it is felt there some level of safety in moving it forward and it is within members' gift to delegate this issue to officers to resolve prior to determination. He stated that there is not a risk and it is not an unreasonable approach to dealing with the application. Councillor Benney clarified that the recommendation still stands to grant planning permission so long as authority is delegated to the Head of Planning to make sure that the paperwork trail is completed and ready. Matthew Leigh indicated this to be the case.

- Councillor Benney made the point that this issue is a big thing to be dropped on committee without any prior notification. He added that there is also an appeal on this decision which could be thrown out or be upheld and if that is hanging in the balance then this application is also, but the wheels of democracy should not stop because of an appeal case nor does it and, therefore, making a decision today is the right thing to do giving delegated authority to officers. Councillor Benney asked if he was correct in his way of thinking? The Legal Officer apologised to committee for springing her advice on them today and appreciates that committee did need prior warning of this. She made the point that officers work incredibly hard to get their papers together and circulated in good time and she did not forewarn them early enough that this issue needed to be addressed so the fault lies with her and not officers. The Legal Officer hoped that the compromise position being proposed gives the committee some comfort and that the principle can be established and it be resolved to grant subject to the delegations, which is not dissimilar to the position that officers originally recommended. She stated that there is no legal barrier to proceeding with resolving Natural England's questions on the HRA simultaneously with the Section 106 and she would hope that it would not protract the time between the resolution to grant and granting, although from her experience the Section 106 would probably take longer than this. Councillor Benney reassured the Legal Officer that it was not a criticism as they get updates the day before the meeting but it is guite significant due to the fact that it was a lengthy update with the consequences and the remedy to it, which carries weight and any judicial review will look at the process of arriving at the decision and that is why he required the sound advice.
- Councillor Mrs French referred to previous incomplete applications and feels this application is not complete as the relevant information has not been received.
- Councillor Gerstner stated that it appears the applicant was aware of this change a year ago. He referred to the Section 106 that has been put in place over 12 months, he appreciates that agreement has been concluded but he is uncomfortable with developments like this that all of sudden have a viability concern, these are good high-end developments, the developer has a good name and they can and do fetch a premium, with house prices in Coates not being the most expensive but they are in the premier division. Councillor Gerstner would have thought it would have attracted, especially on the education side, a lot more 106 money. Matthew Leigh responded that the policies set within the Local Plan require affordable housing, infrastructure contributions such as highways, NHS, education, etc., and they work with statutory consultees and the Council's own independent consultant to understand what the need is. He stated that planning requires at a starting point that an application should reflect the harm of the development, such as education as an example, but unfortunately Fenland does struggle with viability and viability is a material consideration in the determination of a planning application. Matthew Leigh added that the previous permission would not have been policy compliant per se in relation in every aspect but they have come forward with a viability report with this application stating that there is only a certain amount of excess money that is to be shared out. He continued that this report

stated a figure, it was independently assessed, the Council take the advice provided but it is not the Council's consultant and this required an uplift in the figures because the consultant found there was more money than had been stated, however, it is significantly short. Matthew Leigh advised that the recommendation takes into account the planning history, provision of dwellings and viability, with the shortfall in policy being acceptable but viability is a material consideration and if members feel that this is an issue then committee has the gift to refuse if harm can be demonstrated. He stated that the NHS consultation response clearly explains why they need their contribution, education is normally a little more difficult as to some extent there is a spreadsheet and they give you a figure and if members were to refuse it officers would have to work very hard with education for evidence and there is also an under provision of affordable housing so if members are not happy with this it can be a reason for refusal.

- Councillor Marks stated he has undertaken a quick maths calculation and it seems to be £200,000 short on the 106 money, going from £350,000 down to £133,000 and when listening to what the agent said some of the properties have already been sold and asked would that have been taken into consideration at the time the viability was undertaken as if people are already buying them there has to be viability in the price being asked. David Rowen responded that he cannot vouch for how the independent consultant has undertaken the assessment, however, as part of that assessment property prices would have been submitted and the assessor should have looked at those property values assessing whether they were realistic and accurate.
- Councillor Murphy stated that, having been on the committee for a long time, he has never seen anything like this happen before and he cannot see where the outcome is going to be any better, with if it carries on for another year it is going to be even worse. He asked if officers can see how anything better can be achieved than is on the table now? David Rowen responded that as the agent indicated viability is a snapshot in time and nobody can predict the future, all the committee can base its decision on and accept is the information that has been submitted and the assessment that has been undertaken. Councillor Murphy expressed the opinion that committee would be better accepting it now than it will in a year's time. Matthew Leigh clarified that it is not known.
- Councillor Benney stated that has been much talk about viability, there are companies that make a living out of challenging viability and local authorities know that there can be legal challenges to 106 agreements and if it is not a viable site and cannot make he thinks a 12% profit they cannot borrow the money and then build and, therefore, there could be no housing, which is not what the committee is here for and one of the Council's responsibilities is to deliver housing. He made the point that there has been inflation of 10% over the last two years and house prices have not risen that much to match that level of inflation so there is the fact that house prices have not gone up to match the viability that is there, build costs and materials have significantly increased and that reduces the number down so if the numbers do not work and committee goes against it, it could end up with a legal challenge. Councillor Benney continued that the Council has to defend all its decisions so it has to be realistic in expectations and in terms of the NHS it is the national health service and if people move here they are moving from somewhere else in the country which just means it is down to the NHS to move that service from one place to another so, in his view, if the money is not available for this it is down to Central Government. He asked if what he was saying was right and there is also a point that the land values part of the viability calculations use London land value as a benchmark for undertaking a viability report? Matthew Leigh responded that he would say no on mostly all of it, his understanding is that Government's published land values figures are used and they reflect each district and base figures are used as a benchmark for the value of properties in an area. He referred to the point regarding challenge, he stated it would not be a legal challenge, if members or the Council refused based around viability that would be an appeal rather than a legal challenge and this all comes down to evidence, a shortfall in provision can be clearly demonstrated and that would not be issue to show evidence so he believes there would not be a risk of costs at appeal but whether or not the Inspector would agree with the Council

that a shortfall in affordable housing, education and NHS contributions was enough to dismiss the appeal it not known, it is a balancing exercise. Matthew Leigh reiterated that viability is a struggle in the district but matters in relation to NHS are material consideration as the Council has a policy and Government's guidance is clear that a development should reflect this and could be a reason for refusal as it could be putting people in a situation where there is a struggle or inability to have access to a doctor as the two surgeries in close proximity are at capacity but officers have undertaken an assessment and said it does not warrant a reason for refusal but it is a material consideration for the committee and the responsibility of the applicant to negate harm. Councillor Benney expressed the opinion that this differs slightly to what his predecessor told members and thinks training on Section 106 might be a good thing for committee to ensure it is clear on policies and how it works. The Legal Officer stated that viability is incredibly challenging in lots of places and particularly in this District but at the same time committee will be aware that Fenland is in a relatively positive position of having a 5-year housing land supply and that does impact how viability is weighed along with other material considerations in the balance. She continued that because it can be demonstrated 5-year housing land supply the presumption in favour of sustainable development and tilt balance does not apply so there is more discretion here than many other local authorities who cannot demonstrate that 5-year housing land supply to weigh contributions to infrastructure, open space, services in the balance in a fair and equal way. The Legal Officer stated that committee is entitled to and may weigh viability and the contribution towards mitigating the harm of the development against the benefits of the development and that is a weighting exercise for the committee. She does not feel that the committee is in the territory of tipping into legal error, this is very much a matter of planning judgement where so long as committee does not act irrationally it has a significant amount of discretion. The Legal Officer brought to the committee attention, on the issue of NHS contributions, to the fact that there was a significant case about 18 months ago with NHS funding and the position generally is that the NHS should fund its own revenue costs, which is funded out of general taxation and generally Section 106 contributions or developer contributions should not sought towards NHS revenue and running costs, but what is sometimes needed is the delivery of physical infrastructure and capital expenditure, such as a new GP practice to support a new community, the NHS should pay the doctors and nurses to work in the surgery and fund the medicines and bandages but it is not unreasonable to ask the development to make a contribution towards the capital cost of building a new GP practice which the NHS will then take the costs of running. Councillor Benney stated that this clarifies it and agrees that developers should pay for infrastructure but there are times when it has been looked at before and committee was told it could not go against it because in the emerging Local Plan there was a viability report that came back and said anything below the A47, £2,000 per unit and above that nothing to pay and thinks this is the most recent document there is in planning. He appreciates that although this is not a live document it is appearing in the paperwork and is what committee has been told but it also comes back to this legal challenge again on viability and whilst he would love to obtain more from this scheme, it needs to be balanced against the delivery of homes, which are needed. Matthew Leigh agreed that there was a document in existence about 5 years ago that looked into viability for the District, which was given material consideration at the time, but things have changed significantly and now since November last year the Council is asking for site specific viability on all applications.

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

Councillor Mrs French expressed the opinion that there is lack of Section 106 and she does
not know where developers think the money is going to come from. She made the point that
there is a new infrastructure plan reform on the horizon and this is one thing that has been
highlighted repeatedly, developers obtain their outline planning application, promise the
world and then when it comes to reserved matters or a full application they backtrack.
Councillor Mrs French referred to the agent saying that it is up to Highways to clean road
and she disagrees it is up to the developer to clear the highways and developers need to

realise if they do not they are going to get fined because councillors will push for them to be fined. She stated that herself and the Chairman have gone through various developments and had to get the Highways involved to clean the roads. Councillor Mrs French expressed the view that she is not convinced that she can support this proposal yet.

- Councillor Marks stated he echoes Councillor Mrs French's feelings.
- Councillor Gerstner expressed the view that there is an application before committee that is not quite complete and in all his life living in the area he has never seen a swan or goose in that field, although it may be on the flight path but he does not know. He feels that every development in that zone surely would be subject to the same rule and how come all of a sudden this rule has arisen from the authority and the site adjacent was not subject to it and it is lack of consistency. Councillor Gerstner expressed the opinion that it has to be accepted, although he does not like it, how the independent consultant has come up with the viability. He feels it is a quality development, it is not going to land banked and the Nene and Ouse Washes are some considerable way away and he cannot understand how this issue has arisen.
- Councillor Marks agreed it is a quality design, however, questioned how they have got it so wrong with the figure for the Section 106 money, which to him is a concern.
- David Rowen stated in response to Councillor Gerstner's comments this is legislation that has only come in over the last few years so some of the older permissions that have been granted were not subject to this and some of the other applications in the vicinity, such as the Drybread Road application in the last 12 months, there was a requirement for that assessment to be carried out, which was undertaken. He feels the confusing factor here is that the site has got a planning permission in place as set out in the officer's report and it was considered that because of that fallback position that superseded the request that Natural England had submitted, however, as the Legal Officer has explained there is now this new emerging piece of case law that sets out that is not the correct approach to take.
- Councillor Gerstner clarified that what is being said is that a proper report is undertaken and if that report is running it would delay the granting of the application but as the Legal Officer stated the committee can give powers to the Head of Planning to implement that condition and irrespective of the inconvenience to the applicant, committee could pass this except for the issues around the Section 106 money and put conditions in place to satisfy Natural England. David Rowen responded that is the recommendation that officers are now looking to put in place as they are not seeing, particularly given that some of the other sites which have probably more closely related to the Nene Washes have been dealt with in terms of this legislation, anything here that is a showstopper in terms of progressing this application, it is purely getting the information to address this issue and it is hoped that information could be submitted to run concurrently with the legal agreement meaning there will be very limited further delays to being able to determine the application positively should the committee resolve to grant the application.
- Councillor Mrs French suggested that the application could be deferred or refused because it is incomplete.
- Councillor Benney stated that he puts his faith in the officers, they have given committee a recommendation, with the Section 106 and the numbers being what they are and members are not qualified to challenge them. He feels with the Legal Officer's recommendation to change the wording of the recommendation gives the officers the authority to make sure everything is correct. Councillor Benney expressed the view that the officer has undertaken a good job on the application, the development next door is an excellent development and he is sure these will be nice houses when they are built. He feels the officers are the experts and there is a recommendation to approve with the amendments highlighted by the Legal Officer and it should be approved.
- Councillor Mrs French stated that she does not disagree with what Councillor Benney has stated but she would certainly not want to see this application approved unless there are strong conditions attached to it and one being the maintenance plan instructing that this busy road is cleared. She referred to the agent blaming County Council officers and officers in this authority too which she takes exception to, that type of discussion should not be

- brought into the public domain. Councillor Mrs French stated that it has taken x amount of years to get to this Section 106 and if this is not resolved within 6-9 months for example, it comes back to this committee or officers just flatly refuse it.
- Councillor Benney stated that he agrees with Councillor Mrs French but equally to put a
  time limit on this is unfair, there are applications that take years especially with Section 106
  agreements as it is a complicated document and they do take time. He feels that officers will
  know if it is not progressing and can bring it back to committee with another
  recommendation, if 6 months is given it might take 7 and all that work that officers have put
  in will have to be started all over again if it is resubmitted.
- Councillor Marks clarified that he has spoken to the Legal Officer and a time limit can be applied should it be felt necessary to do so.
- Councillor Benney made the point that committee have been told that it could take a year to
  resolve the Natural England issue, if it takes two years it is not ideal and he would like it to
  be signed and started tomorrow but a lot of work is put into this and some of time lag is
  attributed to people not answering e-mails and waiting for things to happen and the agent is
  not in charge of that, with it sometimes being how busy other people and other consultees
  are and putting a time limit on it could be counterproductive.
- Councillor Mrs French disagreed with Councillor Benney, it can be time limited but the agent did refer to the fact that he did not think he should have to undertake it and Natural England should do it but this is nonsense, with Natural England being an important statutory consultee, especially with biodiversity net gain. She stated that she will support the application but only on the understanding of a 12-month limit because then the developer and agent will get their act together and get the information back to Natural England that is required.
- The Legal Officer stated that the committee can recommend that the delegations to officers are time limited and would expire after a certain period but that does create some legal risk as there may a position where it needs to come back to committee and a fresh decision made, either on the application or whether to extend the time limit, which may lead committee into slightly murky territory in a year's time if it is not quite there but committee may take the view that is a problem for a year's time and deal with it at that time. She continued that the alternative is that the committee could agree that they want officers to report back to them on Natural England and the Section 106 within 12 months and then committee is not calling into question the substance of the recommendation or the resolution to grant but making it clear that committee wants more democratic oversight.
- Councillor Mrs French asked if this satisfies the officers? Matthew Leigh responded that if that is the gift of the committee officers will support the committee where it can.
- Councillor Mrs French asked for a 10-minute recess for officers to come up with the conditions to be applied to this proposal. Matthew Leigh stated his understanding that it was only in relation to the construction environmental management plan for which there is already a condition suggested and the standard condition in relation to adoptable standards for the roads and access ways prior to the occupation of the last three dwellings so feels there is nothing much further to discuss but does agree that legally officers are able to do what she has suggested. Councillor Marks expressed the opinion that the wording needs to be correct for Natural England so that is worth a 10-minute break to get the correct wording.
- David Rowen expressed confusion about the need for a recess for the wording in relation to Natural England, the Legal Officer read that out earlier and that will be what goes verbatim into the recommendation section of the minutes in terms of delegating to the Head of Planning to satisfactorily resolve that and it is part of the process, which he believes Councillor Mrs French was in the process of making, to capture that committee wish for this matter to be reported back within 12 months for a progress update report. Councillor Marks made the point that there has been a lot of wording sprung upon committee from Legal and he would like to understand what that wording is and committee needs to be clear on it.
- Following a 10-minute recess, Matthew Leigh read out the new wording of the recommendation. Councillor Marks stated that the only other items are for the three houses not to be occupied until the road is brought up to adoptable standards, the road sweeper

during construction but believes this will already be included, and Councillor Mrs French wanted it brought back to committee after 12 months for a progress report.

Members agreed that authority be delegated to satisfactorily address the matters under the habitat regulations and to finalise the terms and completion of the Section 106 legal agreement and planning conditions to the Head of Planning and, following the satisfaction of the requirements under the habitat regulations and the completion of the Section 106, the application be APPROVED subject to the draft planning conditions.

Furthermore, authority is delegated to refuse the application in the event that the applicant does not satisfactorily address the matters under the habitat regulations and/or does not agree any necessary extensions to the determination period to enable the completion of the Section 106 legal agreement or on the grounds that the applicant is unwilling to complete the obligation necessary to make the development acceptable, or that the applicant is unwilling to agree to any necessary pre-commencement conditions associated with the FULL element of the permission, as per the requirements of S100ZA of the Act.

(Councillor Gerstner declared, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that he is a member of Whittlesey Town Council and occasionally attends Planning Committee meetings but this application has not been on the agenda at any meeting he has attended)

(Councillor Sennitt Clough was not present at the start of this application and took no part in the discussion and voting thereon)

# P18/25 F/YR25/0238/O

NORTH WEST OF CHERRYTREE HOUSE, FALLOW CORNER DROVE, MANEA ERECT UP TO 6NO DWELLINGS (OUTLINE APPLICATION WITH ALL MATTERS RESERVED) INVOLVING THE DEMOLITION OF EXISTING BUILDINGS

Tom Donnelly presented the report.

Members received a presentation, in accordance with the public participation procedure, from Shanna Penney, the agent. Ms Penney explained that the application is for outline planning permission for up to six dwellings and the officer's report states that the principle of development is acceptable. She added that members may recall the Planning in Principle (PIP) application was granted by the committee for five dwellings on the land to the immediate east of the site.

Ms Penney referred to the presentation screen and pointed out the neighbouring PIP is entirely reflective of what she is proposing both in terms of the suggested layout of development in depth and in general density. She explained that the neighbouring site is located entirely within Flood Zone 3, whereas the current application is located only partially in Flood Zone 3, with the remainder of the land being in Flood Zone 1.

Ms Penny referred to the presentation screen which points out the officer recommendation for the neighbouring PIP and it states that the back land nature of the development would be out of keeping with the character of the area and it further states that there is insufficient information to allow for development in Flood Zone 3, clarifying that no sequential test was submitted for the PIP. She referred to the presentation screen which displayed the extract from the decision notice for the PIP which shows that it was granted and the committee's reason for going against the officer's recommendation was 'the committee in consideration of the scheme deemed that the benefits of the scheme were considered to outweigh the harm caused to the character and appearance of the area. The development was therefore considered to comply with the Fenland Local Plan 2014'.

Ms Penney expressed the view that the similarities between her site and the PIP next door are such that the PIP is a material planning consideration, with her scheme having the added benefit that they have provided a sequential test and that there will be the removal of an industrial non-conforming use within a residential area. She added that in the committee report at paragraph 9.13 it says that the technical details for the PIP have not been submitted and as such only limited weight should be afforded to it in terms of the back land nature of the development but referred members to the presentation screen which shows an extract taken from the Government's planning practice guidance, which states that permission in principle is an alternative way of obtaining planning permission and the first stage relates to the principle of development and the second stage relates to technical details, with it at no point suggest that the first stage is a lesser permission.

Ms Penney explained that the adjoining PIP was granted on the 30 May 2024 and is, therefore, extant for nearly two more years. She added that contrary to the officer's report and given the Government guidance and despite the lack of technical details, in her opinion, she suggested that the length of time the adjoining PIP remains extant for means that it is allowed to be a material planning consideration.

Ms Penney made the point that when factoring those aspects in the tandem nature of the development is already established in this location as is the principle of development in Flood Zone 3. She expressed the opinion the proposal is entirely reflective of the character of the approval next door which has been demonstrated by a sequential test that there are no alternative sites which are suitably available to accommodate the development, with the proposal being for 6 plots which would remove a non-conforming business use from a residential locality, and this would represent a solution to the site which is in keeping and consistent with other decisions in the area.

Ms Penney asked members of the committee to afford the same considerations to this site as was given to the site next door by granting planning permission.

Members asked Ms Penney the following questions:

- Councillor Mrs French asked for an explanation with regards to the non-conforming use term which she has used in her presentation and whether she is implying that the business has not got planning permission? Ms Penney stated that the existing use for the site is industrial and is Class B2 which is noisy use typically. She added that by removing it from a residential area it would be to the benefit of the surrounding area.
- Councillor Mrs French asked how long the business has been located at the site? Ms
  Penney explained that it has been on site for a number of years and was there on its own
  originally and was purposefully sited there as it was noisy use but over time the area has
  evolved, and it is now residential.

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

- Councillor Mrs French stated that because of the new houses which have already been constructed and the other PIP application, in her view, by removing the building would actually be a community benefit and she would like to support the proposal in its entirety.
- Councillor Gerstner stated that he agrees with Councillor Mrs French and agreed that there
  has already been a PIP application which seemed to be acceptable. He explained that he
  cannot see any other way to move forwards other than grant the application and he feels
  that it would be a benefit.
- Councillor Purser stated that he agrees that the application will benefit the community and clean up the area whilst benefiting the residents who live in the locality, and he will support the application.
- Councillor Benney stated that the application further down the road was approved and Fallow Corner Drove is being developed. He expressed the opinion that there is other development at the end that is not of linear design and just because there is not a development of one particular style does not mean that something does not fit in or work.

Councillor Benney expressed the view that it is a good use of land and if he was living next door to the site then he would be pleased to have houses on the site, rather than an industrial unit which may be quiet at the moment but if it is occupied by another business it may turn out to be noisy all the time.

Councillor Benney stated that by removing the hard standing it will help with the surface
water issue. David Rowen explained that he is not aware of any recognised surface water
issue which has been identified. Councillor Benney stated that in the officer's report it states
that there is a lot of hard standing.

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

Members do not support the officer's recommendation of refusal of planning permission as they feel that the benefits of the proposal outweigh the objections by removing a noisy industrial building and adding a nice residential development, with a precedent already having been set.

(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 Marks further declared that the applicant is a customer of a business that he is director of and took no part in the discussion and voting thereon. Councillor Benney chaired this application)

## P19/25 F/YR25/0206/F

LAND WEST OF CROSS ROAD, KNIGHTS END ROAD, MARCH ERECT 1X SELF-BUILD/CUSTOM BUILD DWELLING AND DETACHED GARAGE

David Rowen presented the report.

Members received a presentation, in accordance with the public participation procedure, from Murray Graham, the applicant, and Rory Canham, the agent. Mr Graham stated that he purchased the 4-acre parcel of land in 2007 with the sole intention of keeping horses and chickens and for hobbies in a family, relaxing and stress freeway, with it never being the intention in the early years to apply for planning permission as the land was used just for stables. He explained that he is a March resident and has lived in the town all his life, with his wife being a third generation March resident.

Mr Graham stated that when he purchased the land in 2007 it was a small 4-acre parcel of agricultural land and was not sustainable for farmers on a commercial scale and his aspiration was to develop the land in a way which supported the environment. He explained that over the years a huge amount of work has been undertaken to transform the land which has included planting over 2000 native hedgerow plants across the front and some of the side boundaries, with some mature native trees also being planted in consultation with various organisations and following advice from environmental agencies he has planted all the boundaries with seed mix to encourage flora and fauna, and the boundaries are allowed to grow wild for most of the year.

Mr Graham explained that a few years ago he decided to plant 200 sapling tree and in addition there are two or three native honeybee colonies located in the bottom right-hand corner of the field. He stated that he has been adding nest boxes across the land to encourage nesting birds, and he leaves the stable doors open during the summer months to allow swallows and swifts to nest in the barns.

Mr Graham made the point that there are no main services on the land and that has been the case since 2007 and added that as a result he is using solar power and surface water for the animals. He stated that the reason he is looking to change the land use now is that he has suffered from many thefts and has submitted four crime reports because of break ins, with there being additional intruders on the site over the last few years and the losses he has encountered are estimated to be

around £20,000 so far.

Mr Graham explained that Crime Prevention Officers have attended the site, and he has taken the advice provided to him and implemented that, including CCTV on the site and extra security measures have been included on the buildings and doors on the site. He stated that even with all of those additional precautions in place there are still instances of intrusions on the site with ongoing break ins because of the rural proximity the intruders are going on to the site during the night and go undisturbed for large periods of time which has resulted in large significant losses.

Mr Graham explained that when he has suffered from the thefts, the offenders do not worry about the associated damage that they do, and he explained that the offenders have broken down fences in the past and have built bridges over the dykes to remove equipment from his storage containers. He added that offenders have also driven through crops of sugar beet fields to gain access to his equipment and the CCTV system that he has on site does not act as a deterrent, with the offenders wearing hoods and balaclavas.

Mr Graham expressed the view the only way in which he is going to be able to protect his property is by living on site and his intention is to keep giving back to the land by planting more trees and adding more bird boxes as well as planting more shrubs and native hedgerows.

Members asked Mr Graham and Mr Canham the following questions:

- Councillor Mrs French stated that she knows that side of March quite well and she asked whether the Internal Drainage Boards have been consulted with regards to the dykes and ditches. Mr Canham asked whether that was in connection with drainage for the proposal. Councillor Mrs French stated that if you are surrounded by dykes and ditches then there does need to be consultation undertaken and she questioned how the surface water from the site is going to be dealt with. Mr Canham stated that the proposal indicates soakaways and treatments plants and, therefore, the water will be kept away from all dykes and will be similar to the current situation. Councillor Mrs French asked for confirmation that the surface water will not be going into any of the dykes at all? Mr Canham confirmed that is correct, they will also be grey water harvesting where at all possible in accordance with what is already on site.
- Councillor Marks stated that, from the presentation, security appears to be a major issue, however, there does not appear to be any mention of crime reference numbers in the report, and asked for confirmation as to why that information is missing? Mr Canham explained that this was referred to in the design access statement, but it did not include any crime reference numbers as he was unable to obtain that information.
- Councillor Gerstner stated that he is a Chairman of Neighbourhood Watch scheme, and he explained that if something is not reported then it is not recorded. He added that Mr Graham had explained that he has been a victim of crime where he has lost in the region of £20,000 and if he had been in that position he would certainly have reported it. Mr Graham stated that he concurs with that view, and the four thefts that have taken place including the £20,000 loss which he referred to have all been covered by Police reporting and are all covered by crime report numbers. He made the point that during his presentation he was also referring to the multiple intrusions on the site which have been reported but he did not receive a crime number. Mr Graham added that all the thefts have been reported which needed to be done for insurance purposes.
- Councillor Gerstner asked Mr Graham to confirm that the plan will be to build and live in the
  dwelling himself and what are the likely timescales for the dwelling to be built should
  planning be approved? Mr Graham stated that he has owned the land since 2007, and the
  dwelling will be a family house which he will live in for the rest of his life. He added that with
  regards to timescales, if approved then the costing exercise needs to be undertaken but he
  would want to move at pace to commence the development.
- Councillor Sennitt Clough stated that Mr Graham had mentioned in his presentation that he had received advice from environment agencies regarding what to plant and how to develop

the site and asked Mr Graham to clarify whether he actually meant organisations? Mr Graham confirmed that the organisations he consulted with included the Woodland Trust who came and undertook a survey and provided a recommendation concerning what should be planted and where as well as advice concerning the diversification of the boundaries. Councillor Sennitt Clough stated that demonstrates how committed Mr Graham is to the site and how to develop it in the best way possible. She added that the trees and hedges will go towards assisting with any flooding issues should they occur.

- Councillor Benney stated that when the site was purchased in 2007, it was agricultural land, and asked Mr Graham whether he had taken into consideration the security of the land before he purchased it? Mr Graham stated that when he purchased the land it was fenced to keep the horses on site and when he built the stables, the security was considered, however, over a number of years it has become apparent that gates can be lifted off and be destroyed as well as wooden gate posts can be hooked up to a transit van and ripped out of the ground. He explained that as he has gone though that learning curve, he has installed brick pillars and welded the gates and a specialist welding companies have visited the site and secured the storage containers as well as introducing type 10 padlocks on all of the buildings and stables. Mr Graham stated that due to the security problems he is no longer able to leave any equipment on the site and in order to maintain the land it requires equipment such as small vintage tractors, ride on mowers and petrol-powered tools and these have to be taken to his home address following the end of every use.
- Councillor Benney asked whether it is a commercial enterprise which is in operation or is it more hobby based and just for his family's personal recreation? Mr Graham stated that he makes no money, and he keeps horses, chicken and bees. He made the point that if he charged the correct price for a jar of honey it would be £700 a jar, and he stated that he makes no money out of the piece of land and he never has done. Mr Graham explained that he has no intention of making any money from his land, but he does want to protect what is his and what he has worked hard for.
- Councillor Murphy stated that the land was purchased in 2007 and eighteen years later, the decision has been made that you now wish to add a building onto the land, and he questioned how many years it will be before the dwelling is built? Mr Graham explained that he sought pre-application advice several years ago from the council and Peter Humphrey Associates have visited the site over the last 10 years and have made suggestions in terms of what he needs to do with regards to making a planning application at some point. He stated that he would want to move quickly if approval was given, however, he cannot say that he would start building within the next 6 months as he has not yet had the property costed or secured a builder but the sooner he is on site the better as it means he can protect his property.
- Councillor Mrs French stated that Peter Humphrey Associates are a very well-known established company, and she asked Mr Graham to confirm what advice Mr Humphrey provided to him bearing in mind that the Fenland Local Plan was adopted in 2014 and it clearly states that there will be no development in the open countryside. Mr Graham stated that the advice given replicates the point made by Councillor Mrs French and that given the current circumstances it would be very unlikely that he would receive planning permission. He added that the reason that he is in attendance is to demonstrate to the committee that the piece of land is no longer viable because of all the thefts that are taking place and the only way that he can continue to be passionate about the hobbies that his family have is to live on site. Mr Graham stated that if officers come back with some recommendations he would except those as he wants to do everything possible to be sensitive to nature but also be able to secure the property.
- Councillor Marks stated that Mr Graham has made the point that he wishes to be sensitive
  to nature, however, the proposal is to erect a dwelling in the middle of nowhere and he
  questioned whether that is seen as being sensitive to nature? Mr Graham explained that the
  proposal will include solar panels, grey water recovery and he will continue to plant
  boundaries and more trees, and, in his view, he can offset some of the potential harm. Mr
  Canham added that he has added some modest architectural size and massing to the

proposal which has been referred to in the officer's recommendation given the fact that the site is 4 acres and he has tried to create a modest detached dwelling for the applicant. He expressed the opinion that he has deliberately not created something that is excessively big and large which would be unnecessary for the site.

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

- Councillor Mrs French stated that she sympathises with the applicant for having to endure
  the break ins and burglaries on his land, however, the site is in the open countryside. She
  added that she is pleased to hear that the advice provided to the applicant from Peter
  Humphrey Associates was the correct advice. Councillor Mrs French made the point that
  there is nothing within the officer's report with regards to reported crimes and she added
  that she cannot support the application as it will set a very dangerous precedent across the
  whole of Fenland.
- Councillor Benney stated that, with regards to LP3 of the Local Plan which refers to building
  in the open countryside, it can be interpreted in different ways, however, it is in the middle of
  the open countryside and the site is 4 acres of agricultural land. He stated that the reason a
  Legal Officer is present at the committee is because if the committee grant planning
  permission, the legal entity of the land is changed. Councillor Benney expressed the view
  that the application site is agricultural land, and the application is for a dwelling in the wrong
  place.
- Councillor Gerstner stated that on many occasions the committee have granted applications
  which are located in Flood Zone 3 and according to the officer's report this application fails
  to comply with the sequential test. He added that when considering that fact as well as the
  application being located in an elsewhere location, whilst he feels sorry for the applicant
  who has taken steps with regards to biodiversity, in his view, the location is not the right
  place to build a dwelling.
- Councillor Sennitt Clough stated that she would like to support the application as she has
  seen how genuine the applicant is with regards to the commitment he has to the site,
  however, it would set a dangerous precedent for building in the countryside. She stated that
  she would like it noted that she has a lot of empathy for the applicant, and she would have
  liked to have supported the proposal.
- Councillor Purser stated that he also sympathised with the applicant and had concerns with regards to the potential hazard from the hay bales on the site. He added that he agrees with the other members of the committee that it would set a precedent, and he will support the officer's recommendation.
- Councillor Murphy stated that he concurs with the other points raised by members of the committee.
- Councillor Purser stated that it also appears the site is being used solely for hobby purposes rather than a business.

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

(Councillors Mrs French and Purser declared, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that they are members of March Town Council but take no part in planning)

P20/25 F/YR25/0251/PIP

LAND SOUTH WEST OF WOODBURY, MANEA ROAD, WIMBLINGTON PERMISSION IN PRINCIPLE FOR 5 X DWELLINGS

This item was withdrawn.

## P21/25 F/YR25/0328/F

108 HIGH STREET, MARCH

ERECT 1 X SELF-BUILD/CUSTOM BUILD DWELLING INVOLVING DEMOLITION OF SHED WITHIN A CONSERVATION AREA

David Rowen presented the report.

Members received a presentation, in accordance with the public participation procedure, from Mr Phil Clark, a supporter of the proposal. Mr Clark explained that he was in attendance on behalf of his father who was not able to attend the meeting due to illness. He stated that the application is for a considerate bungalow at the bottom of the garden of 108 High Street in March which has been the family home for 43 years.

Mr Clark stated that the existing house is now becoming impractical due to his parent age and the fact that the house is split over three storeys and the size of the house is becoming too big, with the purpose of the bungalow being to provide them with a more suitable home within the town where they have lived for the last 43 years. He made the point that his parents understand the concerns which have been raised, and he added that nearby properties have access with lesser widths than their driveway one of which is the pub next door which has a car park, with the High Street remaining unchanged from the time he has ever lived in the house including a 30mph speed limit.

Mr Clark explained that his parents raised him and his siblings in the property, and they have grown up, lived and worked from the house which have meant multiple cars leaving the house daily. He stated that to the best of his parents' knowledge throughout the 43 years that they have lived in the property there has been no serious accidents or incidents on the High Street.

Mr Clark explained that his parents feel that the application does not have any impact and there have been others approved on the road. He added that his parents have tried to take all the advice which has been provided to them concerning the design to reduce any impact that the proposed bungalow may have.

Members asked Mr Clark the following questions:

- Councillor Marks stated that he would like to take the opportunity on behalf of the committee to pass on their best wishes to Councillor Clark.
- Councillor Sennitt Clough asked Mr Clak whether he still resides in the property? Mr Clark stated that he does not reside there currently, but it is where he grew up and he lived there up until 2004 or 2005.
- Councillor Marks asked Mr Clark, from his experience of having lived in a Listed Building, how suitable does he feel that it would be to renovate or modify to include stairlifts and is the house on more than three levels if it has any further steps inside? Mr Clark explained that there are various steps inside the building and one main wooden staircase which is partly timber frame and part masonry although he is unsure how old the building is. He explained that it is a solid wall construction and there is no insulation, and it has single pane windows, and he recalls that he remembers as a child that the floors are all creaky.
- Councillor Marks stated that the Highways Team are concerned with regards to the 2.9 metre access point and he asked whether Mr Clark is aware of any difficulties when taking vehicles in and out of the driveway. Mr Clark explained that he is aware that there have been concrete lorries who have used the access for deliveries, and he is not aware of anybody having any issues entering and exiting and the only issue would be if somebody parked across the driveway which is why the white lines were introduced as a preventative measure.
- Councillor Purser stated that from recollection he believes that the house is 150 to 200 years old and he asked what the intention would be with regards to the current property at the front? Mr Clark stated that he does not know, however, it is his understanding that the

- house would be sold, and his parents would move into the bungalow and then put the house up for sale.
- Councillor Marks referred to the presentation screen and stated that one of the photographs
  demonstrates that there are a number of newer properties to the rear and he asked whether
  Mr Clark knew how close those properties were located to the boundary of the application
  site? Mr Clark stated that he does not know the distance but believes the property had an
  extension added to their property and that is the closest building to the rear.
- Councillor Purser stated that buildings at the back are located in Stonecross Way.

Members received a presentation, in accordance with the public participation procedure, from Matthew Hall, the agent. Mr Hall stated that there have been no objections to the application from members of the public and the site is all located within Flood Zone 1. He added that there have been no objections made by either the Tree or Ecology Officer and at 10.20 of the report it states that there is no overlooking or overshadowing onto neighbouring properties.

Mr Hall explained that the proposed bungalow would not be able to be seen from the street scene which has been referred to by officers in their report for the adjacent site which had dwellings approved, with, in his opinion, the proposal relating more to Stonecross Way and Elwyndene Road at the rear of the site rather than the High Street. He referred to the presentation screen and highlighted the Grade 2 Listed Building and pointed out that two dwellings were passed in 2008 which was a conversion of an existing outbuilding to two one-bedroom dwellings which is set back from the Listed Building and is detached from the Listed Building.

Mr Hall referred to the yellow dot on the presentation screen which indicated a building located two doors away from the application site, which is a fish and chip shop, and two additional properties were approved there in 2012 joined to the Listed Building. He explained that the green dot on the presentation screen relates to the pub car park which also has a restricted access and has 15 parking spaces which were approved in 1997.

Mr Hall stated that the purple dot on the screen relates to an application in 2024 where seven flats which were 3 storeys high were approved and directly opposite there is, in his opinion, one of the best Grade 2 Listed Buildings in March. He stated that directly to the south of that there is a further Listed Building adjacent at 93 High Street and when you walk up and down the High Street there are further examples which include 38/40 High Street which was the former Minstrels Nightclub and is Grade 2 Listed in a Conservation Area where 8 flats were approved in the rear of the curtilage in 2014.

Mr Hall added that at 36 High Street there were seven two storey dwellings which were approved which are also located in a Conservation Area and in a Grade 2 Listed Building, accessed in the rear of what would have been the curtilage of 36 High Street. He expressed the opinion that many of those examples are far closer to the Grade 2 Listed Building than the current proposal, with the proposed bungalow being 60 metres away from the principal Grade 2 Listed Building which the officer has mentioned in the report.

Mr Hall referred to the presentation screen and explained that the first photo displayed is two doors down from the application site and it is a Grade 2 Listed Building with access off of the High Street, with, in 2012, it having an outbuilding approved to be converted to a new dwelling in the rear and also a new dwelling which was built on the end of that also approved in 2012. He explained that the access is less in terms of width than the application site and two additional buildings were built out there which is also listed.

Mr Hall added that in 2008 there was a highways objection to that proposal due to the width in the access and increase in vehicle movements, however, the application was approved under delegated powers. He referred to the presentation screen and pointed out the pub car park which is directly to the north of the application site, and explained that it was approved in 1997 for 15 car

parking spaces in the rear and the access is also quite restricted.

Mr Hall explained that the next photograph shows Norland House and that is located directly next door to the application site and is Grade 2 Listed, maybe Garde 2 Star Listed and approval was given in 2008 for 2 one bedroom dwellings at the rear of the site which converted a barn, with the access point is 2.5 metres wide which is 500mm less than the access in the current application. He stated that the Highways Authority at that time recommended refusal due to manoeuvrability and width of the access and the application was approved under delegated powers.

# Members asked Mr Hall the following questions:

- Councillor Benney stated that he undertook a site visit and along with Councillor Mrs French they measured the access, and 108 High Street was 50mm wider than the pub access next door. He explained that he drove into the pub car park without any issue and then turned around again without any problems, however, they did not look at the other side and he asked Mr Hall to reiterate the widths of the buildings on the other side as there appears to be a conflict where permission was given to one building for car parking for 15 spaces. Mr Hall explained that the presentation screen shows the site which is directly next door to the application site which is to the south and is called Norland House and the access is 2.5 to 2.6 metres wide which is what is stated in the officer's report. He referred to the presentation screen and explained that the site located two doors away from the application site has an access point which is a lesser width than the access for the current application and two properties were passed in the rear of that building where one was an outbuilding which was converted but the other dwelling was building an end terrace onto what was there.
- Councillor Murphy stated that nowadays building in the back gardens must be a common occurrence and people do build in the back in order to have a smaller house than they have at the front. He added that the rear garden is 160 feet long which is a long way down and is quite exposed as there is an orchard or garden down one side of it which is virtually the whole length, with the site not being overlooked, is on its own and, in his view, will not cause any issues whatsoever. Councillor Murphy made the point that exiting the site will cause no issues as it stands back anyway and you can see if something is coming and asked Mr Hall whether he agrees? Mr Hall confirmed that he agrees with Councillor Murphy.
- Councillor Marks asked Mr Hall if he is aware whether this has been another Cambridgeshire County Council Highways desk top survey or does he know whether officers visited the site? Mr Hall explained that he does not know, but does not think that they visited the site.
- Councillor Marks asked Mr Hall whether he believes that the existing property could be
  altered and changed in any way to make it more suitable for elderly and disabled residents.
  Mr Hall explained that it is a Grade 2 Listed Building which is set over three floors, and he
  is unaware whether there is basement or cellar. He added that the dwelling contains a lot of
  original features, and explained that he could apply for Listed Building consent, however, it
  would not be very easy to adapt the existing building.
- Councillor Marks stated that he is reflecting back on a previous committee where a Grade 2
  Listed Building was involved and he asked Mr Hall if he could explain how close to the
  existing house will the bungalow be located should permission be granted by the
  committee? Mr Hall stated that that application in Morley Way in Wimblington was for 5
  dwellings and the Listed Building was 30 metres away from the new bungalows. He added
  that this dwelling will be 60 metres away which is 180 feet and is a long way from the
  existing dwelling.

## Members asked officers the following questions:

Councillor Mrs French stated that in the Conservation Officer's report it refers to the fact that
a heritage statement has been submitted with the application that just about meets the
requirement of Section 207 of the NPPF, and she asked officers to confirm what is needed

to complete it. David Rowen stated that his interpretation is that the submitted report is not of a particularly high standard, but it just about does the job. Councillor Mrs French stated, therefore, it could satisfy it.

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

- Councillor Mrs French stated that she visited the site with Councillor Benney and measured the access which she recalls is 3 inches larger than what is stated in the officer's report. She expressed the view that where the proposed dwelling is going to be located is a long way away from the actual Listed Building and in her view, there was more harm done probably when Stonecross Way was built which was many years ago. Councillor Mrs French expressed the opinion that she cannot see an issue with the proposal as there is the pub next door which has 15 car parking spaces and there are other buildings which are closer to that, and she may consider supporting the proposal.
- Councillor Benney stated that as people grow older it gets more difficult to live in multi floor dwellings, the applicant owns the house and the land and if wishes to build a house at the bottom of his garden and live in it then he wishes the applicant the best of luck. He added that in terms of access the pub next door has parking spaces for 15 cars and in 1997 a new Local Plan was introduced but the highway requirements have not changed. Councillor Benney stated that when considering the other accesses along the High Street and the fact the committee passed an application near Leonardos Pizza outlet some time ago which also has a Listed Building in front of it, in his opinion, it is a minor reason compared to the earlier application where development was in the open countryside. He made the point that whenever you build something there is always a detrimental side and this will affect the Grade 2 Listed Building but, in his opinion, it will not be so detrimental that it could not be built. Councillor Benney expressed the view that the dwelling will be far enough away from the Listed Building, and he does take on the board the officers view, but he is considering the human side of the application which does need to be taken into consideration. He expressed the opinion that he does not see any considerable harm and the committee have passed tighter applications compared to this including the building at Chatteris, where there was, in his view, a very unsightly building which had been constructed next to a Grade 2 Listed Building under delegated authority and does more harm than the application being determined now. Councillor Benney added that his opinion is subjective, but he will be supporting the application.
- Councillor Purser referred to a house in St Peters Road where he has noticed that there
  have been bungalows built with a much smaller entrance to them and, in his view, St Peters
  Road is far more dangerous than the current application and he is considering supporting
  the application.
- Councillor Marks stated that he presumes that the Highways Authority have not visited the site and have only carried out a desk top survey. He added that whilst the access is tight, he does not see much of an issue and a car can still access the access without any issues. Councillor Marks explained that if required a car could pull up on to the frontage and wait there and whilst it would take up some of the pavement, pedestrians could be easily seen. He made the point that the proposed dwelling is to be located in the back and, therefore, it does not detract from the Listed Building and, in his opinion, from looking at the distances you would struggle to see the Listed Building from anywhere around that and he will be supporting the application.
- Matthew Leigh clarified that the setting of a Listed Building varies depending on the Listed Building, making the point that if you are in a very tight area such as London the setting of one Listed Building would be quite small whereas a large building on its own in isolation the setting would be much greater. He explained that the amenity space and garden areas are generally in most cases part of the setting of a Listed Building and just because it cannot be seen from public views would not impact on the setting of a Listed Building per se. Matthew Leigh added that it is not about the visual characteristics of the Listed Building it is about the legal definition of what would be the setting. He added that Councillor Benney had accepted that there is an element of harm and he does not think that you can argue that there is not

some level of harm from building in the garden of a Listed Building but then consideration must be given to the two tests laid out in the NPPF. Matthew Leigh explained that officers have recommended that the harm is at the lower end of the two test and, in his opinion, the two tests wording is guite different, making the point that there is substantial harm which is obviously very significant and is at paragraph 214 and then there is less than which is dealt with under paragraph 215 and that deals with anything that basically is not significant down to almost non-existent. He explained that it is a very broad term but as decision makers whether it is officers, members or Planning Inspectors consideration needs to be given to the level of harm on that scale and then take into account paragraph 215 which states that 'where a proposal will lead to less than substantial harm to the significance of its designated heritage asset, the harm should be weighed against the public benefits of the proposal'. Matthew Leigh stated that if members are looking to allow planning permission then members need to be conscious of what the requirements of the NPPF are and members need to balance the level of harm, which cannot be argued that there is none, and he is sure that everyone agrees that it is less than substantial on the scale. He stated that to some extent it is a subjective matter but members need to consider the public benefits, and generally personal circumstances are not considered to be public benefits and should only be considered in very special circumstances, and age and ill health are not normally taken into consideration to weigh in favour of a development.

- The Legal Officer stated that she totally concurs with explanation provided by Matthew Leigh, and she added that members have the test before them that they need to apply. She added that officers have identified the correct policy provisions in the NPPF and they have set out the tests correctly and provided an accurate explanation of how the tests are typically applied. The Legal Officer added that from a legal perspective there is not much more to be added and this is now a matter for planning judgement in terms of the level of the harm that members assess and then how members weigh any public benefits that they can identify. She made the point that the advice provided by officers with regards to what benefits might be taken into account are correct and, therefore, it is now a matter for the committee to weigh the balance itself.
- Councillor Gerstner stated that he is sure that the applicant is aware that it is 61 metres from the Listed Building and he will need to take his bins quite some considerable distance for collection.
- David Rowen stated that a number of the access points referred to by Mr Hall, the agent, all have a slightly different context or different history to them. He added that the pub was referenced but historically the yard to the pub has been round the back and, therefore, there would be some vehicular movements associated with that. David Rowen added that the issue with the current application is that there is one dwelling at the moment which is served by the access and effectively the use of the access is being doubled which is where the Highway Authority have raised concerns. He stated that as Mr Hall also acknowledged a number of the decisions that he highlighted were historic some dating back to the 1990s and all of them have slightly different contexts, backgrounds and usages at the time and a decision has to be made on a case-by-case basis.
- Councillor Marks referred to the presentation screen and stated that there appears to be a modern building behind the roadside and he asked whether officers know the distance of that building from the Listed Building in front of it. David Rowen stated that he does not know the distance but added that it is somewhat irrelevant and he made the point that if Councillor Marks was trying to demonstrate that the particular dwelling was within the setting of the Listed Building in question, each building has its own setting and in some scenarios having a new building within a few metres maybe appropriate and in others it would not be. Councillor Marks expressed the opinion that it should be taken into consideration as it is next door and within a very close area.
- Councillor Mrs French stated that the design of that dwelling includes the star and the cross and it is an old building and not relatively new.
- Matthew Leigh stated that he does not know the history, however, Mr Hall did state in his
  presentation that one dwelling was a conversion which would be completely different to a

- new building for any material consideration and the weight that it should be given.
- Councillor Marks stated that if it was a barn previously there are more vehicles entering and
  exiting. David Rowen stated that having looked at the history of some of the properties and
  when they were originally granted a planning permission there is definitely a reference in
  there to already existing multiple dwellings being accessed down the narrow access points.
  He added that potentially when the actual conversions took place there was no actual
  intensification of use or any intensification was certainly less than doubling it.
- The Legal Officer advised members that when making a proposal they need to be very clear and need to identify some public benefits because it is a balance weighed against public benefit.
- Councillor Benney stated that additional housing is a public benefit.
- Councillor Marks stated that it is subjective and added that the committee believe that it is keeping with somebody within the curtilage of their own home. Matthew Leigh stated that is a personal benefit not for public benefit. Councillor Marks stated that it will mean that a further property will be made available once the bungalow is developed out as the house will then become available and, therefore, it becomes a public benefit for people to purchase the house.
- Councillor Murphy stated the proposal is just for somebody who wishes to build in their back garden like so many others have done all over the town and all over the country without any personal benefit to anybody else and they just want to do it on their own property. He expressed the view that there is no personal benefit to anybody else in March and the benefit is only to the person who wants to build in his own back garden.
- Councillor Marks clarified that the Legal Officer has stated that members need to outline the
  public benefit the proposal will bring, and, in his view, it is releasing another property into
  the market and that to him is one public benefit.
- Councillor Sennitt Clough stated that she is the Chairman of the Culture, Arts and Heritage Committee, and heritage is a concern for her. She added that she has been considering the application with an open mind and at previous meetings members have discussed Listed Buildings. Councillor Sennitt Clough stated that Listed Buildings are expensive to run, and they need to be viable and in this case the house is no longer viable for the family who are living in it. She expressed the view that from her perspective the public benefit is that they are offering a solution by building alternative accommodation which allows the building to potentially be sold and, therefore, will not be left to deteriorate in its condition. Councillor Sennitt Clough stated that it is not known whether the current owners will be able to continue to maintain the property and it is very important for the building to remain in a good condition and for it to be kept as part of the town of March. She made the point that from her perspective the public benefit is viability going forward.
- Councillor Marks stated that he understands the points made by Councillor Sennitt Clough
  and added that the committee are trying to consider what public benefit is there by releasing
  the property into the open market which, in his view, must be a public benefit. He added that
  whether the residents can afford to live there is not a planning consideration whereas
  releasing one property is a public benefit.
- Matthew Leigh stated that with regards to the point made concerning viability and Listed Buildings, there is no evidence to suggest that there is an issue with the Listed Building or any evidence concerning the viability with the occupiers of the building. He stated that position brought forward by the committee would mean that in theory development could take place everywhere adjacent to a Listed Building because there could be a risk and there is no evidence around that for this application. Matthew Leigh explained normally when there is situation like this it would be classed as an enabling development and there is no legal definition as it is just a term which has come forward through the planning profession. He added that normally a certain course of action would be undertaken in order to raise funding to offset something else and then there would be a legal agreement and that money is then protected to deliver that. Matthew Leigh stated that is the only way he could suggest would work but there is no evidence in relation to the application that would tie into that.
- Councillor Benney stated that the public benefit is more and additional housing is needed.

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

Members do not support the officer's recommendation of refusal as they feel that the detriment to the Listed Building is very much at the lower end scale of harm and they also feel that there is consistency when taking into account the other applications in the vicinity, that will weigh more in favour than that of the public benefit.

(All members present declared that the applicant is a fellow councillor, but they do not socialise with him and will consider the application with an open mind)

(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)

(Councillors Mrs French and Purser declared, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that they are members of March Town Council but take no part in planning)

(Councillor Purser declared that the agent is undertaking work for him, but he is not predetermined and will consider the application with an open mind)

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

## P22/25 F/YR25/0347/F

20 NENE PARADE, MARCH

ERECT 2X SELF-BUILD/CUSTOM BUILD DWELLINGS INVOLVING DEMOLITION OF EXISTING DWELLING AND GARAGE WITHIN A CONSERVATION AREA

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

Members received a presentation, in accordance with the public participation procedure, from Matthew Hall, the agent. Mr Hall stated that the existing property is an out of keeping 1960's bungalow which the applicant purchased and when the applicant purchased the property, he had a structural engineers report undertaken in August 2024 which concluded under Building Regulation Digest 251, assessment of damage of low-rise buildings, that the damage to the property is severe and it has suffered from foundation settlement and ground subsidence. He explained that the report concluded that the property would require demolition and the purchase was a cash property due to the fact that the property is non mortgageable.

Mr Hall added that there are no objections raised by the Planning Officer or the Conservation Officer concerning the demolition of the property. He referred to the presentation screen and pointed out that the property has slipped off its damp proof course which is something that cannot be remedied very easily and the photograph which shows the interior of the dwelling demonstrates that the whole floor inside the building has dropped, the other photo demonstrated a large diagonal crack in the masonry, and it shows that it has not only cracked through, but it is also distorted quite heavily which would mean the demolition and rebuild of the property.

Mr Hall explained that over the last ten years the applicant has had two major health issues and at the current time he cannot always work full time, with the applicant currently living on Whittlesey Road in March, and he wishes to move to the town centre with this site being the ideal location and being in Flood Zone 1. He stated that there was one original objection to the proposal which was

with regards to the unofficial turning head in one of the driveways being lost and he is aware that residents in the vicinity do use it, however, the application will keep that and will widen it.

Mr Hall added that the site will also benefit from a rear access right of way to Lambs Place which then leads to Creek Road. He stated that there is no objection in the officer's report from the Conservation or Planning Officer with regards to setting two dwellings on the site, but he referred to the presentation screen, pointing out the application site and the row of properties which are on the same side as the application site and immediately adjacent there is a one and a half storey property with Dorma windows which is the same as the proposal.

Mr Hall added that along the road there are various styles of properties, and he pointed out the photograph of the bungalow proposed to be demolished where the large Sainsburys Supermarket can be seen in the background which is a very large building, with there being a public walkway public cut through between the application site and Sainsburys. He referred to the site plan on the presentation screen and indicated the red hatching which is the bungalow proposed to be demolished and the grey hatching to the northwest is the Sainsburys site which is right next door to the site, with the character of the area needing to be taken into consideration as that building is massive in scale and is far higher than the proposed site.

Mr Hall expressed the view that the officer's report is quite positive and states that there is no impact on neighbouring amenity in terms of loss of light, overbearing or loss of privacy. He added that there are no concerns with regards to the amenity space of each plot and the Tree Officer has confirmed that the proposal is satisfactory in relation to all of the trees and all of them are going to be kept as some of them have got Tree Preservation Orders attached to them and they are located outside of the application site.

Mr Hall stated that one of the gardens proposed is 17 metres long and the other one is 34 metres long which is far greater than the third area which is required. He made the point that there are no objections from any of the consultees to the application except from the Conservation Officer.

Mr Hall stated that that the property that is being demolished is a 1960s bungalow, and the report has confirmed that there is no impact on the adjacent properties, with the proposal being a similar height to adjacent properties. He made the point that he is happy to agree the type of brick, roof tiles and any brick detailing with officers and he reiterated that there are no objections to the two properties on the site.

Members asked Mr Hall the following questions:

- Councillor Gerstner stated that the bungalow was built in the 1960's and now appears to have substantial subsidence damage and he asked Mr Hall to clarify whether there have been any attempts to underpin the property or has it undergone any other major works to try to correct it? Mr Hall explained that he has seen a Structural Engineers report and the whole building would require renovation as parts of it would need to be taken out and all of the floors broken out. He added that the building is distorted, has slipped off the damp course and it would not be cost effective to repair. Mr Hall explained that when you underpin a property there is a requirement to obtain insurance again and the property could be blighted, and some insurers would only provide specialist insurance could prove to be expensive if indeed the property is able to be insured again.
- Councillor Mrs French stated that the bungalow is awful, and she asked whether Mr Hall feels that the drawings provided demonstrate a sympathetic design in a Conservation Area. Mr Hall expressed the opinion that he feels that is an improvement as the heights are similar, he has taken dormer windows off of other properties along there and he added that there are other things that he could add to the proposal such as brick plinths, and he would be happy to work with officers to consider if it was a concern. Councillor Mrs French expressed the view that she does think that it is an improvement, but she does not think it is enough.

- Councillor Purser stated that he does have concerns with regards to the condition of the road along Nene Parade and the riverbank. He asked whether construction traffic and delivery vehicles are going to be using Lambs Place or down Nene Parade? Mr Hall stated that at the current time the property has access down Nene Parade, and he is aware that the riverbank is not in the best of conditions. He added that the property has got access off Nene Parade but also a right of way down Lambs Place and off of Creek Road so there would be two access points for construction traffic which would have to be limited to very small vehicles due to the difficulties of getting down Nene Parade.
- Councillor Marks expressed the view that with regards to the proposed design which is an improvement but there could be further improvements made so that it is aesthetically better. He asked Mr Hall to explain what further improvements could be made to the design so that it blends more to the Conservation Area? Mr Hall explained that some further brick detailing could be added as well as stone sills, brick plinth and he added that the size of the properties would not need to be altered. Councillor Marks asked Mr Hall whether he worked with officers to come up with the current design? Mr Hall confirmed that he did not submit a pre-application and upon submission of the application and four or five weeks after that he emailed the Planning Officer, and the officer advised that the application was proceeding towards determination.

# Members asked officers the following questions:

- Councillor Mrs French stated that she does not personally like the proposed design and she does not think it is sympathetic to the area. She asked officers whether it would be an application that could be deferred in order for officers to work with the agent to achieve a better design. Matthew Leigh stated that the applicant chose not got through the preapplication process and to submit something to the Council for determination, with the NPPF encouraging pre-application advice and engagement which there is a fee for. He explained that by submitting the application officers have provided their recommendation and, in his view, the application would require a large number of alterations and amendments. Matthew Leigh added that the agent has stated that he does not disagree with the officer and whilst there is no official objection to the provision of two dwellings on the site, it is the proposed dwellings and his advice is that members should determine the application before them, however, if it is a case of approve or defer for a redesign then he would encourage members to defer the application for a redesign.
- Councillor Marks expressed the view that there is a 1960's dwelling on the site and he feels as though the application has been submitted for a modern type building which would have been compared to what else is there and is in the vicinity. Matthew Leigh explained that Conservation Areas did not exist until 1967 and then it was different to the current day. He added that any application which was submitted prior to that would not have been located in a Conservation Area and, therefore, the need to preserve and enhance would not have been a requirement. Matthew Leigh stated that planning has changed significantly over the years and the 1990 Act brought in the need to preserve or enhance the special character and appearance of the Conservation Area, making the point that it is well known that there are many Conservation Areas with many buildings that do not reference or enhance the area and that is why sometimes Conservation Areas are imposed as there are instances where degradation starts and buildings start to deteriorate which is when Article 4 legislation could be implemented to remove permitted development rights. He explained that just because there is a building or an example of not perfect architecture included in a scheme does not mean that the Conservation Area should be forgotten and he does not think that the proposal is more of a modern approach in a traditional area.

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

• Councillor Benney stated that he recalls attending a meeting some years ago where the Agent made the point that you should be able to read architecture and by looking down a road you should be able to tell the period of when the houses were built due to the material used and the methods of construction that were used at that time. He made the point that

the existing bungalow is a very good classic example of 1960's architecture and unfortunately it is now in a poor condition. Councillor Benney expressed the view that the proposed two houses are in line and in keeping with todays building standards and by making a few additions it will not mean that the footprint of the build will alter. He added that if those additions such as brickwork and sills were added then he would happily support the proposal but he would not be happy to see the application refused in order that the applicant needed to start again and could officers could work with the agent to make the proposed dwellings look more aesthetically pleasing.

- Matthew Leigh stated that he does agree to some extent with regards to being able to read a property and things are different when you are in a traditional street and in an area where all the houses are the same and there is an infill gap there it would still be expected that a property reflects that character. He explained that even though houses may date from the 1920's and one hundred years have passed, you would expect to see something very similar to that because that is the prevailing character of the area. Matthew Leigh added that this site is in a Conservation Area, and there is the need to preserve and enhance the special character of the area, with the design of the properties, in his professional view, not being very good examples of architectural design and style at the time and the officer report has highlighted that they have limited architectural merit. He made the point that he would advise members to look at the dominance of the roof scape compared to the ground floor level as it would not be a particularly good sign of good architecture, and the dormers are relatively dominant in the street scene. Matthew Leigh explained that in the officer's report it states that the pitch is relatively low and extended out and the double garage on the property on the lefthand side is, in his opinion, not subservient and a small addition to the property. He made the point that overall he would struggle to recommend the dwellings for approval in a normal street and in a Conservation Area, in his professional opinion, the proposal does not preserve or enhance the area which the committee needs to consider. Matthew Leigh explained that there is no objection to properties on the site or to the demolition and the provision of two properties on the site, however, it is the design of the properties which members need to consider. He added that Mr Hall made a point of stating that there is no overlooking which is not a problem, however, there is a significant issue with regards to the appearance of the properties in a Conservation Area and the materials do not reference the area.
- Councillor Benney asked officers whether they could work with Mr Hall to make changes to the design to include stone sills or is that something that officers cannot do? Matthew Leigh expressed the view that it needs more than just some minor tweaks including the requirements of looking at the proportions of the garage but should members wish to delegate to officers or defer subject to a redesign then that is members choice, however, in his opinion, members should determine what is in front of them. He stated that the applicant has not undertaken a pre-application and has submitted a scheme that does not meet the architectural standards that the Council require as a district. Matthew Leigh expressed the view that the Conservation Area should not be eroded and the places which actually have value, and he stated that is his professional opinion.
- Councillor Marks referred to the presentation screen and added that he is finding it hard to decipher the dwellings as demonstrated in the drawings. David Rowen stated that he agrees that the drawing and plans are not ideal and, in his professional opinion, he wholeheartedly agrees with the points made by Matthew Leigh that the dwellings are significantly out of keeping in terms of design in this location. He added that without wishing to critique Mr Hall, one of the suggestions that he put forward was to look at putting brick plinths in. David Rowen referred to the presentation screen and pointed out that none of the dwellings either side of the proposed dwellings have brick plinths and with regards to reference to detail in trying to make the dwellings a little more sympathetic to the Conservation Area that in itself appears to indicate that there needs to be a great deal more thought given to dealing with the site and the design of the dwellings themselves.
- Councillor Mrs French stated that she does not like the design and the committee have two
  choices, in her view, of either refusing the application or deferring it for the agent to

- undertake a total design which is sympathetic to the area, and she added that she would like to see the application deferred.
- Councillor Murphy stated that he agrees that the design is not ideal, but he questioned how
  much needs to be enhanced when there is a very large supermarket located on one side
  and an electricity substation located on the other side.
- Matthew Leigh stated that that members are dealing with this site and this application, and
  he added that officers are not saying that the Conservation Area is perfect but, in their view,
  they do not think that it should be made worse. He added that the proposal is not attractive,
  and officers are not objecting to the principle, but their opinion is that a better scheme needs
  to come forward.
- Councillor Marks stated that he is still struggling to picture them in situ and the drawing provided, in his opinion, is very poor and he is having difficulty seeing whether the proposed dwelling match in with the street scene.
- Councillor Benney stated that normally before development commences the materials need to be agreed including the colour of brick and, in his view, consideration could be given to changing the colour of the brick so that it matches in with the terraced houses at the side of the site. He expressed the view that it would be a small change to make if the actual footprint does not alter and, in his opinion, the street consists of two up two down housing which does not accord to modern living anyway. Councillor Benney expressed the opinion that if the application cannot be deferred for the amendments and changes to be made to the design then he would look for the application to be approved as it is.
- David Rowen stated that there is a greater element to the changes to improve the design of the proposal as outlined by Matthew Leigh who provided a detailed critique of the various issues including the scale, roof pitches, Dorma details, attached garage and the visual dominance. He added that with regards to enhancing the Conservation Area there is a requirement to do that and he advised the committee to consider that rather then trying to bring down the quality of architectural standard to the lowest common denominator and, in his opinion, the committee ought to be using the lowest common denominator as an example of why there needs to be higher quality going forward.
- Councillor Marks stated that he has sought the advice of the Head of Planning and if the committee are minded deferring the application then the officers would be happy to work with the applicant and agent.
- Councillor Mrs French stated that she disagrees with the point made by Councillor Benney
  as there is no way that she is going to support the application in its current form as the
  design is poor and she would propose that the application is deferred for decent plans to be
  submitted.

# Proposed by Councillor Mrs French, seconded by Councillor Murphy and agreed that the application be DEFERRED for the scheme to be redesigned.

(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)

(Councillors Mrs French and Purser declared, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that they are members of March Town Council but take no part in planning)

(Councillor Purser declared that the agent is undertaking work for him, but he is not predetermined and will consider the application with an open mind)

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

4.50 pm

Chairman



#### F/YR24/0857/F

Applicant: Department for Education Agent: Miss Abigail Tucker

**DPP** 

Land South West Of Thomas Clarkson Academy, Corporation Road, Wisbech, Cambridgeshire

Erect a secondary school (3-storey) with associated fencing (up to 3.0m high), PE courts, external lighting, parking, access, landscaping and drainage

Officer recommendation: Grant

Reason for Committee: Town Council comments contrary to Officer

recommendation

#### 1 EXECUTIVE SUMMARY

- 1.1 The application seeks full planning permission for the erection of a new secondary school and associated works.
- 1.2 Wisbech Town Council object to the application due to reasons relating to overdevelopment of the site and impacts on the residential amenity of nearby residents during construction and operation of the proposed school. There are no outstanding objections to the application from any other consultees and no representations have been received from any nearby residential or commercial properties.
- 1.3 The Fenland Infrastructure Delivery Plan identifies a critical need for new secondary school provision within the Wisbech / March area, due to demographic pressures on secondary schools. The proposed development would provide a new secondary school with capacity for up to 600 pupils within one of the district's most sustainable settlements, which would contribute towards addressing an identified need for additional secondary school capacity in the locality.
- 1.4 The proposed development would broadly accord with the development plan in respect of the principle of development and its impacts in relation to flood risk and drainage; highway safety, transportation and parking provision; sports facilities provision; the character and appearance of the area; residential amenity; resource use; biodiversity and trees; and biodiversity Net Gain.
- 1.5 It is therefore recommended that planning permission is granted.

#### 2 SITE DESCRIPTION

2.1 The application site is located to the north and west of Weasenham Lane, and to the west of Corporation Road, within the settlement of Wisbech. The application site contains two vehicular accesses, two car parking areas, playing fields and

sports courts associated with the existing Thomas Clarkson Academy. The application site is enclosed by metal railings and wire mesh fencing. There are large mature trees located along the southern boundary of the site. There is an open watercourse located to the north-west and east of the application site, which adjoin each other via a culvert located underground along the western and southern boundaries of the application site.

2.2 The surrounding area comprises predominantly commercial and industrial uses to the south and west, and residential uses to the south and east. The existing Thomas Clarkson Academy building is located to the north / north-east of the application site.

#### 3 PROPOSAL

- 3.1 The application seeks full planning permission for the erection of a new secondary school and associated works. The proposed secondary school would be a separate school to the Thomas Clarkson Academy, however it is understood that it would operate under the same academy trust. The application states that the proposed school would have capacity for of up to 600 pupils aged 11-16 years and approximately 50-70 full-time equivalent staff.
- 3.2 The proposed school building would comprise a three-storey building with a flat roof (circa 15.3 metres in height) and an elongated form in a north-south orientation. The principal elevation of the proposed school building would face eastward, and the rear elevation of the proposed building would face westward, with these elevations containing the majority of glazing serving the proposed school building. The roof of the proposed school building would contain a large photovoltaic solar array and plant equipment.
- 3.3 The proposed school building would be immediately surrounded by amenity landscaping and includes areas for social space, cycle storage, a horticulture area and services. The proposed development includes improvements to the existing sports court and playing field to the west of the proposed school building, in addition to external canopies containing renewable energy generation infrastructure. The proposed development would retain the majority of existing boundary treatments and erect additional boundary treatments.
- The proposed development includes alterations to the existing car parking layout of the Thomas Clarkson Academy, including the creation of a vehicular connection between the existing bus/drop-off car park (accessed from the south) and the main car park (accessed from the east) which are currently segregated in terms of vehicular access. The proposed school would be accessed via those two existing accesses.
- 3.5 Full plans and associated documents for this application can be found at: <a href="https://www.publicaccess.fenland.gov.uk/publicaccess/">https://www.publicaccess.fenland.gov.uk/publicaccess/</a>

#### 4 RELEVANT SITE PLANNING HISTORY

F/YR25/0296/BNGP - Details reserved by condition 14 (Biodiversity Net Gain Plan) of planning permission F/YR25/0097/F (Erect a 2-storey temporary modular school building) — Condition discharged 16.04.2025

F/YR25/0097/F - Erect a 2-storey temporary modular school building - Granted 04.04.2025

F/YR25/0023/BNGP - Details reserved by condition 15 (BNG) of planning permission F/YR24/0729/F (Siting of 2 x temporary modular school buildings with associated access ramps (for up to 2 years) and the formation of hardstanding, erection of fencing and gates and a cycle shelter, and the widening of an existing internal access road) – Condition discharged 27.02.2025

F/YR24/0729/F - Siting of 2 x temporary modular school buildings with associated access ramps (for up to 2 years) and the formation of hardstanding, erection of fencing and gates and a cycle shelter, and the widening of an existing internal access road – Granted 07.11.2024

F/YR24/0663/SC - Screening Opinion: 3-storey secondary school with associated alterations to existing PE courts, parking, access, landscaping and drainage - Environmental Statement Not Required 02.09.2024

F/02001/10/CC - Demolition, redevelopment and extension of Thomas Clarkson Community College and refurbishment of administrative building on Corporation Road to provide a 10 form of entry 11 to 18 school with Community facilities, including an enlarged school hall that will also function as a Community Theatre, provision of new car park, improved sports facilities and associated works. Temporary buildings to provide teaching and office space and hard play area for duration of construction – Granted 11.05.2010 (by Cambridgeshire County Council)

F/YR09/0135/SC - Screening Opinion: Rebuild/Refurbishment Development under the Building Schools for the Future (BSF) Programme - Environmental Statement Not Required 24.02.2009

F/YR06/0319/F - Erection of 8 separate fences within existing school grounds - Granted 04.05.2006

F/YR05/0957/F - Erection of part 2.4 metre high and part 1.8 metre high galvanised steel palisade fencing to Milner Road/Elm Road boundary, 1.8 metre high chain link fence to staff car park boundary and 1.8 metre high chain link fence to hardcourt area and Weasenham Lane exit - Granted 01.11.2005

F/YR04/3579/F - Construction of full size synthetic football pitch and erection of 5.0 and 3.0 metre high galvanised fencing and 8 no 16.0 metre high floodlights - Granted 12.08.2024

## 5 CONSULTATIONS (Summarised)

#### 5.1 Wisbech Town Council

Object due to:

- Overdevelopment of the site;
- Detrimental impact on the amenity of nearby residents at daily school opening and closing times because of the additional traffic and the likelihood of inconsiderate parking;

• Detrimental impact upon the amenity of nearby residents during the construction phase because of contractor vehicle movements.

# 5.2 Cambridgeshire County Council Transport Assessment Team

[Originally requested that the application be refused due to it not being accompanied by an adequate assessment of the highway impacts (with specific concerns raised regarding junction capacity and increased on-street parking) and not proposing any pedestrian improvements to encourage or aid pupils to walk or cycle to the proposed school.]

Following receipt of additional information from the applicant during the course of the application, it has been demonstrated that the proposal should have no significant detrimental impact on junction capacity.

Retain concerns regarding the proposals, especially around existing pupil numbers and the lack of walking and cycle improvements proposed as part of the development.

Do not wish to object to the application subject to the following:

- 1. Prior to first occupation of the development by pupils, the applicant shall pay £150,000 (one hundred and fifty thousand pounds) contribution towards Cambridgeshire's Local Cycling and Walking Infrastructure Plan (LCWIP) pedestrian and cycle improvements along Weasenham Lane.
- 2. Within 3 months of first occupation of the Secondary School, the occupiers shall be responsible for the provision and implementation of a School Travel Plan to be agreed in writing with the Local Planning Authority. The School Travel Plan shall include suitable measures and incentives to promote sustainable travel. The School Travel Plan is to be monitored annually, with all measures reviewed to ensure targets are met.

## 5.3 Cambridgeshire County Council Highways Development Management Team

The Transport Assessment Team are leading on this application on behalf of the Local Highway Authority. No further comments from Highways Development Management perspective.

## 5.4 **Lead Local Flood Authority**

No objection in principle, based on the following documents:

- Flood Risk Assessment and Drainage Strategy, HEXA, Ref: 600796, Rev: P01, Dated: August 2024
- Geotechnical Ground Investigation Report, Wood, Rev: 02, Dated: 12th July 2024
- SuDS Operations and Maintenance Manual, HEXA, Ref: 600796, Rev: P01.
   Dated: August 2024

The above documents demonstrate that surface water from the proposed development can be managed through the use of a system of tanked permeable paving, attenuation tanks and swales. Surface water will then be discharged at a restricted rate of 2.0l/s via flow control device into the existing IDB drain. A detailed maintenance plan outlining maintenance practices, frequency and adoption details of all surface water drainage features has been submitted.

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

Water quality has been adequately addressed.

Request conditions are imposed requiring a detailed scheme of surface water drainage, and a scheme for surface water during construction, to be agreed with the Local Planning Authority.

Provide informatives in relation to IDB consent, pollution control and Construction Surface Water Maintenance.

#### 5.5 Middle Level Commissioners

No objection.

The Board originally had several concerns but following proactive discussions these have largely been allayed.

The Board comments as follows:

- A. The site of the proposed school buildings is extremely small and severely constrained by the existing TCA, to the north; the bus park to the east; and Weasenham Lane to the south. This just provides suitable space for the existing arrangement but would not allow future growth of the school and/or the ability to upgrade the drainage system to facilitate this and/or accommodate the impacts of climate change as predicted in the Tyndall Report.
- B. The surface water design meets current accepted design standards, but these do not allow for the "Fenland Situation" and/or and the circumstances of more extreme events such as those experienced in December 2020, Storm Babet etc.
- C. Due to the changes in land ownership/maintenance responsibility it is hoped that an improved, more sustainable and efficient access route will result for both the day to day and emergency situations. Some changes have been made to fence lines and the provision of larger gates to permit this.
- D. The provision of a detailed maintenance plan and agreement covering all aspects of the on site drainage and not limited to the SUDS facilities has been requested.
- E. There are some encroachments within the Boards 9.0m wide maintenance access strip. These are currently being discussed and formal applications, as required under the Boards Byelaws, are currently awaited.
- F. The Boards piped and open District Drains are becoming increasingly important as the area that it serves becomes further urbanised by a mix of development including housing, retail, manufacturing, food production and industrial based development, including some of the larger employers within the town.

Therefore, the applicant has been asked to undertake an Assessment which identifies any hazards and measures, processes and controls taken to reduce the impact of any risk that could negatively affect:

- 1. The efficiency and future integrity of the Boards pipelines and associated system together with the applicant's property for the current situation.
- 2. As 1 but for emergency works and/or a replacement/uprated pipeline on the same alignment.
- 3. As 2 but on a new alignment between the current route and the sports facilities to the north.
- 4. Ensure that the health, safety and welfare requirements of all parties are met during both the construction and in the long term including the replacement / upgrading of the pipeline.

Any restrictions such as minimum working distances when working in close proximity to utilities must be identified.

The failure to consider these items would have a significant impact on the local community and economy.

Discussions concerning several Byelaw Consent related issues are continuing and further information together with the applications themselves are awaited. Any consents must be submitted and issued before work on this school commences.

It should be noted that to reach an amicable situation both the location of the utilities and fencing/access gates are likely to be repositioned and not as shown on the current planning application submission documents.

Whilst some of these issues have the potential to detrimentally affect flood risk it is hoped that these can be dealt with during the consenting approval process and on this basis the Board withdraws its opposition to the planning application.

## 5.6 **Anglian Water**

Wastewater treatment - West Walton Water Recycling Centre has available capacity for the flows.

Used water network - The sewerage system has available capacity for the flows.

Surface water disposal - The proposed method of surface water management does not relate to Anglian Water operated assets. As such, do not provide comments on the suitability of the surface water management.

## 5.7 **Environmental Health**

No objections.

Accepts the content of the Construction Environmental Management Plan (CEMP). Recommends a condition to ensure the CEMP is complied with in the interests of amenity protection.

The Air Quality Survey is satisfactory. The recommended mitigation measures during the construction phase can be addressed by complying with the CEMP.

Accept the findings of the Environmental Noise Impact Assessment. A condition will be required to secure a follow-up noise impact assessment when the specifications of the building services plant are known, to ensure amenity of nearby noise sensitive receptors are not adversely affected, and to confirm the required specification for ventilation and glazing to ensure adequate protection for teaching rooms.

Accepts the findings of the Geotechnical and Geoenvironmental Ground Investigation Report and the Geo-Environmental Assessment. Accepts the lower risk ground gas threshold level due to the location of the elevated carbon dioxide levels remaining as a grass area. Ground gas protection measures are not required.

In respect of site safety, is satisfied with the findings of the Stage 1 preliminary unexploded ordnance risk assessment report.

Accepts the external lighting details.

## 5.8 **Sport England**

No objection as the application meets exception 5 of Sport England's Playing Felds Policy and accords with paragraph 104 of the National Planning Policy Framework, subject to the following conditions being appended to any grant of planning permission:

- 1. (a) The approved scheme shall be carried out in full and in accordance with the document submitted titled A feasibility study for the proposed relocation of a natural turf pitch at Thomas Clarkson Academy, Corporation Road, Wisbech, PE13 2SE undertaken by TGMS dated 3rd November 2023 [Revision 1, 30th August 2024], including the development options and work programme, before first occupation of the new educational establishment development. (b) Use of the development shall not commence until a schedule of playing field maintenance, management and monitoring including a programme for the implementation for a minimum period of five years starting from the commencement of use of the development has been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. Following the commencement of use of the development the approved schedule shall be complied with in full. Reason: To ensure that the playing field is first established as a functional playing field to an adequate standard and is fit for purpose. Informative: It is recommended that the maintenance schedule and programme for implementation is developed by a specialist turf consultant. The applicant should be aiming to ensure that any new or replacement playing field is fit for its intended purpose and should have regard to Sport England's technical Design Guidance Note entitled 'Natural Turf for Sport' (2011) and relevant design guidance of the National Governing Bodies for Sport e.g. performance quality standards produced by the relevant pitch team sports, for example the Football Association.
- No development above ground level shall commence until a scaled drawing showing the court line markings in the sports hall have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport

England. The sports hall shall not be constructed other than in accordance with the approved details. Reason: To ensure the development is fit for purpose and sustainable.

- 3. Prior to first occupation of the multi use games area, sports hall and football pitch hereby permitted, a community use agreement prepared in consultation with Sport England will be submitted to and approved in writing by the Local Planning Authority, and a copy of the signed completed approved agreement will be provided to the Local Planning Authority. The agreement shall apply to the artificial grass pitch, natural turf playing fields, multi-use games areas, sports hall and supporting ancillary facilities and include details of pricing policy, community use programming, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review, and anything else which the Local Planning Authority in consultation with Sport England considers necessary in order to secure the effective community use of the facilities. The development shall not be used at any time other than in strict compliance with the approved agreement. Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Development Plan Policy \*\*. Informative: Guidance on preparing Community Use Agreements is available from Sport England. http://www.sportengland.org/planningapplications/ For artificial grass pitches it is recommended that you seek guidance from the Football Association/England Hockey/Rugby Football Union on construction when determining the community use hours the artificial pitch can accommodate.
- 4. The multi-used games area and replacement playing field (including the 5v5 grass football pitch) shall be constructed and laid out in accordance with the [planning application \*, Section \* and Drawing No. \*\*] and details approved under condition 1 (playing field provision) and shall be made available for use before first use of the development hereby permitted. Reason: To ensure the quality of pitches is satisfactory and they are available for use before development (or agreed timescale).

## 5.9 Fenland District Council Principal Ecologist

[Following review of the Cambridgeshire County Council Ecology Advisory Service consultation response and the additional information received from the applicant subsequent to those comments]:

Accepts the revised Biodiversity Net Gain (BNG) Metric and BNG information and agrees that the development could achieve the required BNG on site.

Accepts the conclusions of the Ground Level Tree Assessment (for bats), that none of the trees scheduled for removal has the potential to support bats. No further surveys are required prior to deciding the planning application.

If permission is to be granted, advises the following:

• The application is subject to the statutory Biodiversity Gain Condition. Accepts that the development could achieve the required 10%+ biodiversity net gain through the provision of on-site Landscaping. Does not regard the habitats to be created and/or enhanced as part of the scheme to be 'significant' and therefore future management and monitoring of the habitats does not need to be secured for

30 years by means of an S106 agreement. However, the preparation and implementation of a general long-term Landscape Management Plan should be secured by condition.

• The draft Construction Environmental Management Plan provided to inform the application should be required to be finalised and, once agreed, implemented in full.

## 5.10 Cambridgeshire County Council Ecology Advisory Service

Recommended refusal, unless the following information be provided prior to determination:

- Completion of further survey work (bats) recommended in the Extended Phase 1 Habitats Survey (Preliminary Ecological Appraisal) Report. This should include assessment of trees scheduled for tree works or that will be affected by lighting.
- Updated Biodiversity Net Gain assessment.

# 5.11 Cambridgeshire Constabulary Crime Prevention Design Team

Considers the area to be of medium/high risk to the vulnerability of crime.

Security and Crime Prevention measures should incorporate 'Secured by Design' (SBD) standards and demonstrate how the development proposals address the following issues to design out and reduce the incidence and fear of crime:

- · Physical protection
- Access and movement
- Safe routes
- Structure
- Lighting
- Private space
- Surveillance
- Ownership
- Activity
- Management and maintenance

External lighting - Whilst the plan and layout appears to be acceptable, requested a copy of the full lighting plan, including lux levels and calculations. Provides recommendations regarding types of external lighting.

Potential conflict between two schools - Requested clarification of the proposed school times, and process or procedure to stagger start and finish times, to reduce risks of anti-social behaviour resulting from potential conflict of two schools within close proximity.

Access – Proposed fencing and gates are acceptable. Provides recommendations regarding security features for access.

Bin storage – Proposed bin storage appears to be acceptable. Provides recommendations regarding security features for bin storage.

Landscaping – Provides recommendations regarding landscaping to ensure surveillance.

Alarm – Provides recommendations regarding types of alarm systems.

CCTV – Provides recommendations regarding CCTV standards and locations. Requests to see final details of CCTV once available.

Cycle parking - The proposed cycle shelter appears acceptable. Provides recommendations for cycle parking standards.

Signage – Provides recommendations regarding types of security. Construction Phase Security – Recommends that security measures are in place prior to, and during, construction.

Community safety and crime reduction can be achieved by conditions

# 5.12 Cambridgeshire Fire and Rescue Service

Requests that adequate provision for fire hydrants is secured by a Section 106 agreement or planning condition.

## 5.13 FDC Tree Officer

The arboricultural report identifies the constraints of the trees and their quality satisfactorily.

No objection to the removal of the trees to facilitate the scheme. This will not impact on wider public amenity.

A pre-commencement condition requiring an Arboricultural Method Statement is required, to demonstrate the trees to be retained will be suitably protected.

The proposed planting is considered acceptable and is suitable for the scheme.

#### 5.14 Environmental Services

No objections.

## 5.15 Cambridgeshire County Council Area Education Officer

The Education Service at Cambridgeshire County Council is supportive of this planning application and the development of the new school accommodation.

There has been and forecast to continue to be an increase in secondary aged children living in Wisbech. Consequently, there is a need for a further school to serve this community. This project will deliver the capacity needed to meet the demand.

#### 5.16 Local Residents/Interested Parties

53 neighbouring properties (comprising residential and commercial properties) were directly notified of the planning application by letter. In addition, two site notices were displayed in separate locations near to the application site.

No representations have been received from local residents / interested parties.

#### 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

# 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)**

# **National Design Guide 2021**

## Fenland Local Plan 2014

- LP1 A Presumption in Favour of Sustainable Development
- LP2 Facilitating Health and Wellbeing of Fenland Residents
- LP3 Spatial Strategy, the Settlement Hierarchy and the Countryside
- LP8 Wisbech
- LP13 Supporting and Managing the Impact of a Growing District
- LP14 Responding to Climate Change and Managing the Risk of Flooding in Fenland
- LP15 Facilitating the Creation of a More Sustainable Transport Network in Fenland
- LP16 Delivering and Protecting High Quality Environments across the District
- LP17 Community Safety
- LP19 The Natural Environment

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

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

## Resource Use and Renewable Energy SPD 2014

**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 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

LP4: Securing Fenland's Future

LP5: Health and Wellbeing

LP6: Renewable and Low Carbon Energy Infrastructure

LP7: Design

LP8: Amenity Provision

LP11: Community Safety

LP19: Strategic Infrastructure

LP20: Accessibility and Transport

LP22: Parking Provision

LP24: Natural Environment

LP25: Biodiversity Net Gain

LP27: Trees and Planting

LP28: Landscape

LP31: Open Space and Recreational Facilities

LP32: Flood and Water Management

LP33: Development on Land Affected by Contamination

LP34: Air Quality

#### 8 KEY ISSUES

- Principle of development
- Flood risk and drainage
- Highway safety, transportation and parking provision
- Playing field provision
- Character and appearance of the area
- Residential amenity
- Contamination
- Resource use
- Biodiversity and trees
- Biodiversity Net Gain (BNG)

#### 9 BACKGROUND

## Pre-application advice

- 9.1 On 22<sup>nd</sup> August 2024, the Local Planning Authority provided a pre-application advice response in relation to the following proposal:
  - 'Proposed construction of a new 3-storey, 4 form entry secondary school with sociated works to improve and reconfigure existing parking arrangements, access, sports facilities and landscaping.'
- 9.2 The Local Planning Authority's pre-application advice response was provided on the basis of a very limited level of detail comprising only a proposal description and a proposed site plan, however it was supportive of the principle of development subject to other material planning considerations being satisfied.

# Environmental Impact Assessment Screening Opinion

- 9.3 On 2<sup>nd</sup> September 2024, the Local Planning Authority issued a Screening Opinion in relation to the following proposal:

  '3-storey secondary school with associated alterations to existing PE courts, parking, access, landscaping and drainage'
- 9.4 The Screening Opinion confirmed that an Environmental Statement was not required.

## Temporary school buildings

9.5 There are extant planning permissions for temporary modular school buildings and associated works within the application site (planning permission references: F/YR24/0729/F and F/YR25/0097/F). The temporary modular school buildings are currently under construction and will provide temporary school accommodation for students enrolling to the proposed new school.

#### 10 ASSESSMENT

## Principle of development

- 10.1 Policy LP1 of the Local Plan states that, at the heart of the strategy for Fenland, there is a desire to deliver sustainable growth; growth that is not for its own sake, but growth that brings benefits for all sectors of the community for existing residents as much as for new ones.
- 10.2 Policy LP2 of the Local Plan requires that development proposals positively contribute to creating a healthy, safe and equitable living environment by creating an environment in which communities can flourish, facilitating healthy lifestyles and considering the equality of residents / local communities.
- 10.3 Policy LP3 of the Local Plan states that the overall strategy is for sustainable growth in order to facilitate the health and wellbeing of Fenland's residents. In addition, policy LP3 of the Local Plan states that development should create strong, sustainable, cohesive and inclusive communities, making the most effective use of previously developed land (except where that land is of high environmental value), and enabling a larger number of people to access jobs, services and facilities locally. Policy LP3 of the Local Plan focuses the majority of the district's growth, including wider service provision (i.e. educational facilities), in and around the district's four market towns, of which Wisbech is one.
- 10.4 Policy LP8 of the Local Plan states that all development [within Wisbech] should contribute to the promotion of Wisbech into a strong, safe and community focussed market town.
- 10.5 Paragraph 100 of the National Planning Policy Framework (NPPF) states the importance of a sufficient choice of school places being available to meet the needs of existing and new communities. In addition, it states that Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education, by giving great weight to the need to create, expand or alter schools through decisions on planning applications.

- 10.6 Paragraph 101 of the NPPF states that significant weight should be placed on the importance of new, expanded or upgraded public service infrastructure when considering proposals for development.
- 10.7 Paragraph 4.88 of the Fenland Infrastructure Delivery Plan identifies a need for new secondary school provision within the Wisbech / March area, stating the following:

"The greatest pupil pressures will be from housing growth, but also from the existing larger primary school cohorts ageing through the school system, which are predominantly in the Wisbech / March area. Housing growth in March will mean that Neale-Wade Community College will fill from within its own catchment area. This will restrict the current pattern of parental preference under which a number of parents in Wisbech choose to send their children to Neale-Wade. This trend, coupled with higher rates of house building in Wisbech, suggests that new secondary school provision should be made in the Wisbech / March area to ensure that the County Council can meet the overall demand for secondary school places arising from growth which is likely to require a site of around 8ha."

- 10.8 The Fenland Infrastructure Delivery Plan includes a schedule (the Independent Delivery Plan Schedule) which provides a detailed list of infrastructure which is likely to be required within the district. The Independent Delivery Plan Schedule identifies a critical need for 9-10 form entry secondary capacity to serve March and Wisbech, due to demographic pressures on secondary schools.
- 10.9 The proposed school has been designed to accommodate 600 secondary school pupils aged 11 to 16 years. The Planning Statement accompanying the application states that the proposed new school will provide much needed additional pupil spaces for Wisbech, as well as improvements to the sports facilities that will be shared by both schools.
- 10.10 The proposed development would provide a new secondary school, to contribute towards addressing an identified need for additional secondary school capacity, within one of the district's most sustainable settlements. It is therefore considered that the principle of development is acceptable, in accordance with policies LP1, LP2, LP3 and LP8 of the Local Plan and paragraph 100 of the NPPF.

## Flood risk and drainage

- 10.11 The proposed development is located within Flood Zone 1 and an area of very low risk of other sources of flooding, where the principle of development is acceptable in flood risk terms.
- 10.12 Paragraph 181 of the National Planning Policy Framework states that, when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.
- 10.13 Paragraph 182 of the National Planning Policy Framework states that applications which could affect drainage on or around the site should incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff, and which are proportionate to the nature and scale of the proposal. In addition, paragraph 182 states that sustainable drainage systems provided as part of proposals for major development should:- a) take account of advice from the Lead Local Flood

- Authority; b) have appropriate proposed minimum operational standards; and c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development.
- 10.14 Policy LP14 of the Local Plan requires that all development proposals adopt a sequential approach to flood risk from all forms of flooding. Furthermore, it requires major development proposals to be accompanied by a Flood Risk Assessment and a Drainage Strategy demonstrating that suitable consideration has been given to surface water drainage, appropriate arrangements for attenuating surface water run-off can be accommodated within the site, and issues of ownership and maintenance are addressed. In addition, policy LP14 of the Local Plan states that the use of Sustainable Drainage Systems (SuDS) will be required to ensure that runoff from the site (post development) is to greenfield runoff rates for all previously undeveloped sites, which should include sufficient area within the site to accommodate SuDS for the short term management of surface water drainage.
- 10.15 Policy LP16 of the Local Plan requires proposals for all new development to demonstrate that the site is suitable for its proposed use with layout and drainage taking account of ground conditions, with no significant surface water impacts.
- 10.16 Figure 6.8 of the Cambridgeshire Flood and Water SPD provides a surface water drainage hierarchy, which is consistent with the surface water drainage hierarchy contained within National Planning Practice Guidance (NPPG). Figure 6.8 of the Cambridgeshire Flood and Water SPD states that rainwater shall discharge to the following, listed in order of priority:
  - 1. To ground in an adequate soakaway or some other adequate infiltration system; or where that is not reasonably practicable
  - 2. A watercourse; or where that is not reasonably practicable
  - 3. A surface water sewer, highway drain or other drainage system; or where that is not reasonably practicable
  - 4. A combined sewer.
- 10.17 Local and national planning policies and guidance steer new development towards areas with the lowest risk of flooding from all sources, through the application of a sequential test and an exception test (where necessary). Due to the application site being located within Flood Zone 1 and being at low risk of flooding from all other sources, the application passes the sequential test and the exception test is not necessary.
- 10.18 The application is accompanied by a Flood Risk Assessment and Drainage Strategy. The Flood Risk Assessment and Drainage Strategy indicates that there is an existing private surface water drainage system within the site which discharges the majority of surface water into the Internal Drainage Board culverted watercourse at the southern boundary of the site.
- 10.19 The Flood Risk Assessment and Drainage Strategy states that, based on the investigated site geology and recorded shallow groundwater levels, it is unlikely that discharging surface water into the ground will be a suitable solution for the proposed development and therefore infiltration has been discarded as a surface water discharge solution on this site. The application therefore proposes to discharge surface water into the culverted Internal Drainage Board watercourse, in accordance with the surface water drainage hierarchy set out within Figure 6.8 of the Cambridgeshire Flood and Water SPD.

- 10.20 The drainage strategy comprises a system of tanked permeable paving, underground attenuation tanks, swales and filter drains to attenuate surface water, prior to discharging into the existing Internal Drainage Board watercourse at a restricted rate of 2.0 litres per second via a gravity connection. The Lead Local Flood Authority support the application, stating that it demonstrates that surface water from the proposed development can be managed through the use of these SuDS features.
- 10.21 The application is also accompanied by a SuDS Operations and Maintenance Manual which comprises a detailed maintenance plan outlining maintenance practices, frequency and adoption details of all surface water drainage features. This indicates that the long-term maintenance responsibilities for the system are expected to be dealt with by the client's management team, which is understood to be the current arrangement for the Thomas Clarkson Academy.
- 10.22 Within their most recent consultation responses (received 7<sup>th</sup> and 8<sup>th</sup> July 2025), the Middle Level Commissioners state that many of the Boards previous concerns have been allayed and they have withdrawn their opposition to the application. Notwithstanding this, the Boards outstanding drainage concerns, and requests for additional information, are summarised below:
  - Lack of space for future growth of the school and / or ability to upgrade the drainage system to facilitate this and accommodate climate change.
  - Surface water design meets current accepted design standards, but these do not allow for the "Fenland Situation" and/or the circumstances of more extreme events.
  - Request a detailed maintenance plan and agreement covering all aspects of on-site drainage.
  - There are some encroachments within the Boards nine metre wide maintenance access strip. These are currently being discussed and formal applications, as required under the Boards Byelaws, are currently awaited.
  - Has requested the applicant undertake an assessment which identifies any hazards and measures, processes and controls taken to reduce the impact of any risk that could negatively affect:- the efficiency and future integrity of the Boards pipelines and associated system together with the applicant's property for the current situation; emergency works and/or a replacement/uprated pipeline on the same alignment; a new alignment between the current route and the sports facilities to the north; and health, safety and welfare requirements.
- 10.23 In respect of the Middle Level Commissioners' concerns regarding the ability to upgrade the drainage system to facilitate future growth of the school, this would be a matter for consideration as part of any potential future planning application for growth of the school. The Middle Level Commissioners acknowledges that the site provides suitable space for the existing arrangement and that the surface water design meets current accepted design standards. With consideration given to the individual merits of the current planning application (and not the impacts of speculative future development proposals), and the consultation responses from the Lead Local Flood Authority and Middle Level Commissioners, it is considered that an acceptable surface water drainage scheme could be secured by a planning condition. In addition, a detailed maintenance plan for all aspects of on-site drainage, as recommended by the Middle Level Commissioners, could also be secured by a planning condition.

- 10.24 The most recent comments received from the Middle Level Commissioners also suggest that there are discussions ongoing, outside of this planning application, relating to encroachments into the Boards maintenance access strip and relevant byelaw consents, and also relating to the undertaking an assessment to reduce the impact of any risks in relation to the efficiency and future integrity of pipelines, in addition to heath, safety and welfare requirements. The Middle Level Commissioners have not requested that these matters be addressed as part of the planning application. Any requirements for approval of separate consents under the Land Drainage Act, or under any other Acts or legislation, fall outside of the scope of this planning application.
- 10.25 The Middle Level Commissioners have stated that, whilst some of the issues have the potential to detrimentally affect flood risk, it is hoped that these can be dealt with during the [Internal Drainage Board] consenting approval process. The Middle Level Commissioners have stated that discussions concerning several Byelaw Consent related issues are continuing; that further information, together with the applications themselves, are awaited; and that any consents must be submitted and issued before work on this school commences.
- 10.26 Furthermore, the Middle Level Commissioners have stated that, to reach an amicable situation, both the location of the utilities and fencing/access gates are likely to be repositioned and not as shown on the current planning application submission documents. Notwithstanding the boundary treatment details accompanying the planning application, a condition can be appended to any grant of planning permission requiring details of boundary treatments to be agreed with the Local Planning Authority prior to first use of the development. This condition would provide flexibility to the applicant to progress with construction of other parts of the development whilst separate consents are being sought from the Internal Drainage Board.
- 10.27 With consideration given to the submitted Flood Risk Assessment and Drainage Strategy, and the recommendations of the Lead Local Flood Authority (the statutory consultee for surface water drainage on major planning applications) and the Middle Level Commissioners, it is considered that an acceptable detailed surface water drainage strategy could be reasonably secured by a planning condition prior to commencement of any development.
- 10.28 The application proposes to discharge foul water into a main foul sewer, which is the most sustainable form of foul water disposal. Anglian Water state that the sewerage system has available capacity for the flows from the proposed development. With consideration given to the submitted Flood Risk Assessment and Drainage Strategy, and the recommendation of Anglian Water (the relevant water and sewerage undertaker), it is considered that the proposed development would be served by acceptable and sustainable foul water drainage arrangements.
- 10.29 It is therefore considered that the proposed development would have acceptable flood risk and drainage impacts, with appropriate minimum operational standards and maintenance arrangements to ensure an acceptable standard of operation for the lifetime of the development, in accordance with policies LP13, LP14 and LP16 of the Local Plan, paragraphs 181 and 182 of the National Planning Policy Framework, and guidance contained within the Cambridgeshire Flood and Water SPD and National Planning Practice Guidance.

## Highway safety, transportation and parking provision

- 10.30 Policy LP8 of the Local Plan states that the growth of Wisbech is constrained by the capacity of the highway network both internal (i.e. within the town) and external (i.e. the A47). As such, all Wisbech development proposals must have an exceptionally strong focus on the provision of deliverable measures which should result in a modal shift to sustainable transport modes.
- 10.31 Policy LP15 of the Local Plan states that the Council is seeking to deliver an integrated approach to transport in Fenland that is sustainable, facilitates growth, links town and country, encompasses cross boundary transport issues and improves accessibility for everyone by all modes of travel. An overarching aim of the Council is to reduce the need to travel, but, where travel is necessary, to minimise the distance needed to travel and increase the options available to undertake such journeys. All development proposals are expected, in proportion to the size and impact of the development being proposed, to contribute to the delivery of this vision. In addition, policy LP15 requires all development proposals to, inter alia, contribute to:
  - Delivering robust networks and facilities for walking and cycling, which are suitably linked and integrated into the wider transport network and which help facilitate other schemes such as Safe Routes to Schools and travel plans.
  - Providing well designed, safe and convenient access for all, giving priority to the needs of pedestrians, cyclists, people with impaired mobility and users of public transport by providing a network of pedestrian and cycle routes and green corridors that give easy access and permeability to adjacent areas.
- 10.32 The application site is located within the built settlement of one the district's main market towns, where it is generally well served by public footway links and public transport comparative to most other locations within the district. Therefore, the location of the application site provides an opportunity to ensure that the proposed development is suitably linked and integrated into the wider transport network, providing well designed, safe and convenient access for all, and providing a network of pedestrian and cycle routes to encourage active travel, subject to any necessary improvements or contributions which may be necessary to mitigate the impacts of the proposed development. The site is also well-located to both the local road network and wider strategic routes (most notably the A47) via the A1101 Churchill Road/ Elm High Road and the B198 Cromwell Road. Weasenham Lane is a single carriageway road with a 30 miles per hour speed limit in the location of the existing vehicular access to the school, which increases to 40 miles per hour to the west. There are existing public footways on the north and south sides of Weasenham Lane, along the frontage of the school grounds.
- 10.33 The application states that the proposed school would have capacity for of up to 600 pupils aged 11-16 years and approximately 50-70 full-time equivalent staff.
- 10.34 The application is accompanied by a Transport Assessment report. Some of the key information contained within the Transport Assessment is summarised below:
  - The proposed new school shall utilise the existing vehicular access via Weasenham Lane. However, the proposals include changes in internal roads between the two school sites to allow access for buses, servicing and parking (with buses to depart the site via the Thomas Clarkson Academy egress onto Corporation Road).
  - A segregated pedestrian and cycle access will be provided from Weasenham Lane.
  - Cambridgeshire Road Traffic Collision Data indicates there were 15 recorded incidents of road traffic collisions in the period between 2017-July

- 2023, comprising one fatal incident, five serious incidents and nine slight incidents. Three incidents involved child casualties, including the fatal accident, of which all were pedestrians. One incident involved a cyclist casualty. All other incidents only involved motorised vehicles.
- The recorded incidents are considered to be infrequent and not in consistent locations. Therefore no clear pattern of highway safety concerns can be discerned that would warrant further review in the context of this development. The proposed school also benefits from an existing level of infrastructure along Weasenham Lane that is deemed suitable to accommodate the uplift in cross-modal demand without resulting in a worsening of highway safety.
- The surrounding highway network can satisfactorily accommodate the
  existing traffic flows and the future traffic flows from the proposed
  development without detriment to safety on the surrounding highway
  network (or the need for additional mitigation). There is no existing safety
  issue that is likely to be exacerbated by the proposed development.
- To help deliver improvements and better support the school community, the Travel Plan prepared by the school proposes measures to educate pupils on highway safety and cycle confidence training. These measures will help to ensure that site users are best placed to access the site safely.
- TCA currently has an existing parking provision of circa 190 spaces plus an additional five accessible spaces. The proposed scheme includes the provision of 66 parking spaces for the new Wisbech Free School. The 66 spaces consisting of 15 echelon parking spaces within the access loop which will permit pick-up and drop-off in addition to visitor spaces during the day, including 4 accessible spaces, with the remaining 51 spaces comprising 9 newly created parking spaces and 42 parking spaces reallocated from the existing parking provision from TCA. An additional row of 12 echelon parking spaces will therefore be provided for TCA on the western side of the existing parking area to replace some of this loss. The resulting parking provision for the TCA is 160 spaces with 4 bus drop off bays. While the 160 spaces represent a 30-space reduction in total, it is noted that TCA was originally consented for 1,800 etc pupils and thus would have required more parking based on that capacity. Due to the current enrolment and subsequent staff levels being less than this, there is currently an overprovision of parking serving the TCA element of the site. This is supported by staff parking surveys conducted by the Trust as part of the Travel Plan.
- The TCA currently accommodates circa 1,440 pupils, including sixth form pupils. 150 of these secondary pupils would be moving across to the proposed school, resulting in approximately 1,200 secondary pupils and up to 300 sixth form students at the TCA site. The Trust have confirmed that the approved capacity of the TCA is 1,800 pupils, a capacity that was approved and assessed under a planning application to expand the school in 2010, however it has been highlighted that the school does not operate at this capacity and the Trust have confirmed that the PAN will revert to 240 per year once the Wisbech Free School opens. This would result in a maximum intake of 1,500 pupils including sixth form pupils. When considering the existing 1800 pupil capacity at the site, the provision of 600 new pupil places would represent, in real terms across the combined site, a net increase of 300 pupils across the school campus. However, for robustness, the assessment has considered an increase of 450 pupils in order to provide a robust assessment and to demonstrate the acceptability of the proposals in highways terms.

- The 66 parking spaces are deemed to be an appropriate level of parking to accommodate staff and visitor parking demands.
- The trip generation considered in Section 5.0 suggest a potential maximum parking demand of 62 spaces by staff. Considering the potential lower staff numbers and teaching staff acting across both sites this demonstrates that there is sufficient parking available to deter any potential parking on the local highway network.
- The development proposals include the creation of 20 secure and sheltered cycle parking spaces for pupils.
- Whilst the school proposes a capacity of 600 pupils, this will only represent
  a net uplift of 450 pupils when considering that TCA is currently operating
  above its PAN by 30 pupils per year. Once the new school opens, TCA will
  revert to its typical PAN. All trip generation set out below therefore reflects
  the net uplift in pupils of 450, as the additional 150 will already by captured
  in baseline highway conditions around the site.
- Based on a Hands Up Survey carried out at TCA, makes assumptions that approximately 22% of pupils (approximately 99 pupils) will travel to the proposed new school by car.
- Based on a Hands Up Survey carried out at TCA and National Travel Survey Data, makes assumptions that up to 50 pupil two-way vehicle trips (both departing and arriving within the peak hour) could occur as a result of the proposals.
- A small amount of short-stay pick-up and drop-off is likely to occur in nearby unrestricted streets. However, the provision of the drop off area within the access loop will provide a more attractive proposition within the site.
- Based on a Hands Up Survey carried out at TCA, makes assumptions that school buses are likely to cater for 33% of pupil trips and 38% will likely arrive on foot.
- Staff vehicle trips of up to 65 movements may occur in the morning and afternoon respectively, however these are expected to mainly occur outside of the typical peak periods (expected to be 08:00 – 09:00 and 15:00 – 16:00).
- All junctions can accommodate the proposed development without significant detrimental impact on the capacity or safety. The Elm Highroad Crossroads are due to benefit from an improvement scheme conditioned against the Linnet Drive housing development which will provide further benefit once delivered. The implementation of the Travel Plan will serve to reduce both staff and pupil-related car trips in favour of sustainable modes of transport.
- The car trips generated by the proposed development can be accommodated by the existing local highway network without resulting in severe detrimental impacts. The proposed development will have a negligible impact on the local highway network and the access junction and local highway junctions will all operate within capacity during the development peaks.
- 10.35 Cambridgeshire County Council Transport Assessment Team have reviewed the application, including the Transport Assessment and junction capacity assessments carried out by the applicant. They originally requested that the application be refused due to it not being accompanied by an adequate assessment of the highway impacts (with specific concerns raised regarding junction capacity and increased on-street parking) and not proposing any pedestrian improvements to encourage or aid pupils to walk or cycle to the proposed school. However, following a review of additional highway information

submitted by the applicant during the course of the application, Cambridgeshire County Council Transport Assessment Team confirms that the proposal should have no significant detrimental impact on junction capacity and that they do not wish to object to the application subject to the following:

- Prior to first occupation of the development by pupils, the applicant shall pay £150,000 (one hundred and fifty thousand pounds) contribution towards Cambridgeshire's Local Cycling and Walking Infrastructure Plan (LCWIP) pedestrian and cycle improvements along Weasenham Lane.
- 2. Within 3 months of first occupation of the Secondary School, the occupiers shall be responsible for the provision and implementation of a School Travel Plan to be agreed in writing with the Local Planning Authority. The School Travel Plan shall include suitable measures and incentives to promote sustainable travel. The School Travel Plan is to be monitored annually, with all measures reviewed to ensure targets are met.
- 10.36 With consideration given to the recommendations of the Local Highway Authority, it is considered that the LCWIP contribution and School Travel Plan condition are necessary to ensure that the proposed development has acceptable impacts on highway safety and the local transport network. The applicant has provided written agreement to enter into a legal agreement with the Council to provide the £150,000 contribution towards the LCWIP, and agreement of a School Travel Plan can be secured by a planning condition. Therefore, there is no objection to the proposed development from the Local Highway Authority.
- 10.37 In respect of parking provision, policy LP15 of the Local Plan states that development proposals should provide well designed car and cycle parking appropriate to the amount of development proposed, ensuring all new development meets the Council's defined parking standards set out in Appendix A of the Local Plan. However, Appendix A of the Local Plan does not provide parking standards for schools.
- 10.38 Planning permission F/02001/10/CC approved 203 car parking spaces within the TCA main car park. From the observation carried out during the case officers' site visit, the approved 203 car parking spaces appear to have been laid out in accordance with the approved plans relating to that planning permission. In addition, the TCA drop-off car park contains a further 17 car parking spaces.
- 10.39 The Transport Assessment accompanying the current application states that the existing car parking capacity was provided to accommodate an intake of 1,800 pupils. Therefore, due to the current intake at TCA being circa 1,440 pupils and the maximum intake at TCA (following opening of the proposed new school) being 1,500 pupils, the Transport Assessment suggests that there is capacity within the existing TCA site to accommodate additional car parking demand. The Transport Assessment states that, when considering the existing 1800 pupil capacity at TCA, the provision of 600 new pupil places at the proposed new school would represent a net increase of 300 pupils in real terms across the combined site. However, for robustness, the Transport Assessment provides an assessment based on an increase of 450 pupils.
- 10.40 The application proposes 66 car parking spaces for the proposed new school, comprising 51 car parking spaces within the existing TCA main car park and 15 car parking spaces within the existing TCA drop-off car park. This would reduce the

car parking provision retained by TCA to 160 car parking spaces within the existing TCA main car park and zero car parking spaces within the existing TCA drop-off car park.

- 10.41 The Transport Assessment accompanying the application includes travel mode data obtained from Hands Up Surveys carried out by TCA. The pupil travel mode data obtained from the Hands Up Surveys indicates that it is likely that circa 78% of pupils would travel to school via school bus, walking, cycling or taxi / public bus, with circa 22% travelling to school by private car which the Transport Assessment predicts to be circa 50 two-way private car trips per day occurring during peak hours. The staff travel mode data obtained from the Hands Up Surveys indicates that it is likely that circa 92% of staff would travel to school by private car which the Transport Assessment predicts to be circa 65 two-way private car trips per day occurring mainly outside of peak hours.
- 10.42 A Parking Accumulation survey was carried out on 4<sup>th</sup> December 2024 and the results were submitted to the Local Planning Authority in relation to a separate planning on the application site (reference: F/YR25/0097/F), which established the peak parking demand with the existing TCA main car park was 162 car parking spaces for a 15 minute period between 14.45pm-15:00pm, and was less than 160 car parking spaces at all other times of the day. The results of that Parking Accumulation survey indicate that the proposed development would likely result in sufficient car parking capacity being retained for TCA for all periods of the day, with the exception of a 15 minute period where capacity would be exceeded by demand by circa two car parking spaces (based on TCA's intake remaining consistent the December 2024 intake levels).
- 10.43 Due to the location of the proposed new school being within the grounds of TCA and having a similar pupil catchment, it is a reasonable assumption that TCA and proposed new school would generate a comparative ratio of school capacity to car parking demand. Therefore, based on the results of the Parking Accumulation survey referenced above, in addition to Hands Up Surveys carried out by TCA in relation to pupil and staff travel modes, it is a reasonable assumption that the peak parking demand of the proposed new school would be 66 car parking spaces. As the application proposes 66 car parking spaces for the proposed new school, it is considered that the proposed development would likely result in sufficient car parking capacity to serve the proposed new school during all periods of the day. Furthermore, the provision of 66 car parking spaces exceeds the maximum parking demand of 62 car parking spaces estimated within the Transport Assessment accompanying the current application for the new school.
- 10.44 The application is also accompanied by a Framework School Travel Plan identifying various methods which can be implemented by the school to further encourage sustainable travel and minimise the levels of private car travel to the school. However, with consideration given to the consultation response from the Local Highway Authority, it is considered necessary to append a condition to any grant of planning permission requiring a Travel Plan for the proposed school, containing suitable measures and incentives to promote sustainable travel. The Local Planning Authority consider this condition is necessary to ensure that the final Travel Plan is robust and enforceable.
- 10.45 The proposed development would provide 20 secure, sheltered cycle parking spaces. The pupil travel mode data obtained from the Hands Up Surveys indicates that it is likely that circa 5% of pupils (circa 23 pupils would travel to school by

bicycle). In order to ensure that the proposed development provides adequate cycle parking provision and encourage active modes of travel to the school, it is considered necessary to append a planning condition to any grant of planning permission requiring additional cycle parking provision to be agreed with the Local Planning Authority.

10.46 It is therefore considered that, subject to the LCWIP contribution and School Travel Plan being secured by a legal agreement and planning condition respectively, and a planning condition requiring additional cycle parking provision, the proposed development would have acceptable highway safety and transportation and parking impacts, in accordance with policy LP15 of the Local Plan.

## Playing field provision

- 10.47 Paragraph 104 of the NPPF states that existing open space, sports and recreational buildings and land, including playing fields and formal play spaces, should not be built on unless:
  - a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
  - the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
  - c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.
- 10.48 Sport England's Playing Fields Policy and Guidance states that Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:
  - all or any part of a playing field, or
  - land which has been used as a playing field and remains undeveloped, or
  - land allocated for use as a playing field

unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.

- 10.49 One of the five exceptions (Exception 5) states:
  - "The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field."
- 10.50 The proposed development would replace an existing five court Multi-Use Games Area (MUGA) with a four court MUGA and would replace the partial loss of a playing field with the provision of replacement playing field. In addition, the proposed development includes a new sports hall.
- 10.51 Sport England has no objection to the application, confirming that it meets exception 5 of Sport England's Playing Felds Policy and accords with paragraph 104 of the National Planning Policy Framework, subject to conditions securing full implementation of the approved scheme; a schedule of playing field maintenance, management and monitoring to be agreed with the LPA; a drawing showing court line markings in the sports hall to be agreed with the LPA; a community use agreement to be agreed with the LPA to secure effective community use of the facilities; and construction of the multi-used games area and replacement playing field to be constructed in accordance with the plans accompanying the application.

- 10.52 It is considered necessary to append conditions (albeit reworded to ensure they meet the relevant tests for planning conditions) to secure the recommendations of Sport England and to ensure that the proposed development would secure sports facilities of sufficient benefit to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.
- 10.53 With consideration given to the recommendation from Sport England, and subject to conditions, it is considered that the proposed development would provide sports facilities of sufficient benefit to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field, in accordance with paragraph 104 of the NPPF and Exception 5 of Sport England's Playing Fields Policy and Guidance.

## Character and appearance of the area

- 10.54 Policy LP16 of the Local Plan requires proposals for new development to make a positive contribution to the local distinctiveness and character of the area, enhance its local setting, respond to and improve the character of the local built environment, reinforce local identity and not adversely impact, either in design or scale terms, on the street scene, settlement pattern or the landscape character of the surrounding area. In addition, policy LP16 requires proposals for new development to provide well designed hard and soft landscaping.
- 10.55 The site is located within an urban area and is surrounded by built form. The scale, character and pattern of surrounding development is mixed. The surrounding area comprises a mix of commercial and residential uses. There are a large number of nearby commercial buildings with substantial footprints and elongated forms. The nearby commercial buildings are single-storey and two-storey, though some of heights which could accommodate three-storeys. The adjacent Thomas Clarkson Academy building has mixed heights, including three-storey elements with a maximum height of approximately 12.8 metres.
- 10.56 The siting of the proposed school building is in keeping with the mixed pattern of built form in the surrounding area. The proposed school building has a substantial footprint and elongated form, which is characteristic of nearby commercial buildings. The proposed school building is three-storeys and the main flat roof element of the building measuring approximately 12.8 metres in height, which is broadly in keeping with the heights of the Thomas Clarkson Academy and a large number of substantially sized commercial buildings located along Weasenham Lane.
- 10.57 With consideration given to the height, scale, siting and design of the proposed school building and associated development in relation to the visual context of the surrounding area, it is considered that the proposed development would respond appropriately to the character of the local built environment, reinforce local identity and not adversely impact, either in design or scale terms, on the street scene, settlement pattern or the landscape character of the surrounding area.
- 10.58 The proposed landscaping scheme demonstrates that high quality soft and hard landscaping would be provided as part of the proposed development, with the soft landscaping providing suitable mitigation for the proposed tree removals and aiding assimilation of the development into the surrounding area.
- 10.59 It is therefore considered that the proposed development would have acceptable impacts on the character and appearance of the area, in broad accordance with policy LP16 of the Local Plan.

## Residential amenity

- 10.60 Paragraph 135 of the National Planning Policy Framework (NPPF) states that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 10.61 Policy LP16 of the Local Plan requires proposals for new development to demonstrate that they would not:
  - Adversely impact on the amenity of neighbouring users such as noise, light pollution, loss of privacy and loss of light; and
  - Result in any unreasonable constraint(s) or threaten the operation and viability
    of existing nearby or adjoining businesses or employment sites by introducing
    "sensitive" developments.
- 10.62 The proposed school building would be three-storeys in height, with significant levels of glazing within its east and west elevations. The proposed school building would be located approximately 43 metres in distance from the boundaries of the nearest residential properties to the east, approximately 31 metres and 40 metres respectively from the nearest commercial and residential properties to the south, and approximately 90 metres from the nearest commercial properties to the west. There are extensive grounds within the Thomas Clarkson Academy to the north of the proposed school building.
- 10.63 The north and south elevations of the proposed school building do not contain any windows above ground-floor level. With consideration given to the proposed window arrangements, and the significant separation distances between the proposed school building and the sensitive uses to the north and south, it is considered that the proposed development would not adversely impact the amenity of neighbouring uses to the north and south.
- 10.64 The windows within the west elevation would provide views towards the sports courts and playing fields within the site, and towards commercial uses in excess of 90 metres away. Due to the significant separation distance from the commercial uses, it is considered that the proposed school building would not adversely impact on the amenity of the neighbouring commercial uses. In addition, as the application site already comprises a secondary school use, the proposed school would not result in any unreasonable constraint to, or threaten the operation and viability of, any existing nearby or adjoining businesses or employment sites through the introduction of a sensitive development.
- 10.65 The windows within the east elevation would provide views towards residential properties adjacent to the eastern boundary of the site, however there would be a minimum separation distance of 43 metres between the proposed windows and the nearest boundaries of those residential properties. Due to the significant separation distance from the residential properties to the east, it is considered that the proposed school building would not result in any significant overlooking of those properties or adversely impact their amenity.
- 10.66 The Council's Environmental Health department accepts the findings of the Environmental Noise Impact Assessment, though they state that a follow-up noise impact assessment will be required when the specifications of the building services plant are known. With consideration given to the recommendation of the Council's

Environmental Health department, in order to ensure the amenity of nearby noise sensitive receptors are not adversely affected by noise, and in order to confirm the required specification for ventilation and glazing to ensure adequate protection for the classrooms within the proposed school building, it considered necessary to append a condition requiring a follow-up noise impact assessment to be agreed by the Local Planning Authority.

- 10.67 The application is accompanied by an external lighting plan and lighting specifications, which have been reviewed and accepted by the Council's Environmental Health department. With consideration given to the external lighting information accompanying the application and the recommendation of the Council's Environmental Health department, it is considered that the proposed development would not adversely impact on the residential amenity of nearby properties as a result of light overspill and glare. Notwithstanding any external lighting details which may be approved as part of any grant of planning permission, should any unacceptable external lighting impacts occur in the future, it is acknowledged that the Council's Environmental Health department may take action under statutory nuisance legislation.
- 10.68 It is acknowledged that construction of the proposed development would result in additional traffic, noise, light, air pollution, and other potential nuisances to existing neighbouring properties during the construction period. However, such impacts would be temporary and could be mitigated to acceptable levels by appending a condition requiring a Construction Environment Management Plan (CEMP) to be agreed by the Local Planning Authority. The application is accompanied by a draft CEMP; however, due to the major scale of the proposed development, and its location in relation to roads and neighbouring properties, it is considered necessary for a final CEMP to be agreed with the Local Planning Authority, in order to ensure acceptable highway impacts and protect the residential amenity of neighbouring properties during the construction phase. The Council's Environmental Health department accepts the contents of the draft CEMP and indicates that compliance with the CEMP would also ensure compliance with the satisfactory mitigation measures specified within the Air Quality Survey accompanying the application.
- 10.69 It is therefore considered that the proposed development would not cause any significant adverse impacts to the amenity of neighbouring users, and it would provide a high standard of amenity to future users of the proposed school, in accordance with policies LP2 and LP16 of the Local Plan and paragraph 135 of the National Planning Policy Framework.

### Contamination

- 10.70 Policy LP16 of the Local Plan requires proposals for new development to identify, manage and mitigate against any existing or proposed risks from sources of contamination. In addition, it requires that the site is suitable for its proposed use taking account of ground conditions, contamination and gas risks.
- 10.71 The application is accompanied by a Geotechnical and Geoenvironmental Ground Investigation Report, in addition to a Geo-Environmental Assessment.
- 10.72 The Council's Environmental Health department accepts the findings of these assessments and accepts the lower risk ground gas threshold level due to the location of the elevated carbon dioxide levels remaining as a grass area.

Therefore, the Council's Environmental Health department recommends that ground gas protection measures are not required.

10.73 With consideration given to the proposed use being the same as the existing use of the site, the information contained within the Geotechnical and Geoenvironmental Ground Investigation Report and the Geo-Environmental Assessment, and the recommendation from the Council's Environmental Health department, it is considered that the site is suitable for its proposed use and the application satisfactorily identifies and manages contamination risks, in accordance with policy LP16 of the Local Plan.

### Resource use

- 10.74 Policy LP14 of the Local Plan states that, in order to address the following:
  - (a) the urgent need to combat the causes of, and adaptation to, climate change;
  - (b) the chronic levels of fuel poverty in selected parts of the district;
  - (c) the need to compensate for the embodied energy of new buildings;
  - (d) the need to create local jobs in Fenland;
  - (e) the increasing need to use water more efficiently;
  - (f) the desire to develop skills and experience in the 'green economy';
  - (g) the desire to minimise, as a result of new development, the need for costly and resource intensive upgrades and capacity increases to the wider power infrastructure network, and
  - (h) the need, generally, to upgrade existing dwellings to better energy performance (acknowledging the fact that 85% of today's existing, mostly energy inefficient, homes in the UK will likely still be in existence in 2050), the Council will expect all developments of 100 square metres or more, for non-dwellings, to explicitly demonstrate what reasonable contribution the development will make towards minimising resource consumption above and beyond what is required by Building Regulations and/or other standard planning policies.
- 10.75 The Resource Use and Renewable Energy Supplementary Planning Document provides guidance on measures to meet the 'reasonable contribution' test specified within policy LP14 of the Local Plan.
- 10.76 The proposed development demonstrates that it would provide a reasonable contribution towards minimising resource consumption through implementation of the following measures which are specified within the measures listed within the Resource Use and Renewable Energy Supplementary Planning Document:
  - Photovoltaic solar array on the roof space of the proposed school building and external canopies;
  - Renewable energy generation infrastructure on the roof space external canopies;
  - Cycle storage in a prominent, overlooked position;
  - Electric vehicle charging points;
  - Native species soft landscaping.
- 10.77 It is therefore considered that the proposed development demonstrates a reasonable contribution towards minimising resource consumption above and beyond what is required by Building Regulations and/or other standard planning policies, in accordance with policy LP14 of the Local Plan and the Resource Use and Renewable Energy Supplementary Planning Document.

### **Biodiversity and trees**

- 10.78 Policy LP16 of the Local Plan requires proposals for new development to retain and incorporate natural features, such as trees, and to protect and enhance biodiversity on and surrounding the site, taking into account locally designated sites and the special protection given to internationally and nationally designated sites, in accordance with policy LP19.
- 10.79 Policy LP19 of the Local Plan states that the Council will conserve, enhance and promote the biodiversity interest of the natural environment throughout Fenland and, through the processes of development delivery (including the use of planning obligations), will ensure opportunities are taken to incorporate beneficial features for biodiversity in new developments.

### **Biodiversity**

- 10.80 The application was originally accompanied by an Extended Phase One Habitat Survey, a Biodiversity Net Gain Metric and a Biodiversity Net Gain Assessment.
- 10.81 The Extended Phase One Habitat Survey confirmed no evidence of protected species on the site which could be affected by the proposed development. However, it included a recommendation for completion of a Bat Roost Assessment of all trees to be removed which was require prior to determination of the application. A Ground Level Tree Assessment was received during the course of the application, in order to address the recommendation for a Bat Roost Assessment within the Extended Phase One Habitat Survey. The Ground Level Tree Assessment concludes that none of the trees to be removed as part of the proposed development have the potential to support bats. The Council's Principal Ecologist has confirmed acceptance of the conclusions of the Ground Level Tree Assessment and that no further bat surveys are required. Therefore, this has addressed the recommendation for a Bat Roost Survey contained within the Extended Phase One Habitat Survey.
- 10.82 In addition, the original consultation response from Cambridgeshire County Council Ecology Advisory Service recommended that an amendment was required to the original Biodiversity Net Gain assessment accompanying the application. The Council's Principal Ecologist has confirmed acceptance of a revised Biodiversity Net Gain assessment, received by the Local Planning Authority during the course of the application, and agrees that the development could achieve the required Biodiversity Net Gain on site.
- 10.83 The Council's Principal Ecologist recommends that conditions are appended to any grant of planning permission to secure Biodiversity Net Gain, a long-term Landscape Management Plan and a final Construction Management Plan. With consideration given to the recommendations of the Council's Principal Ecologist, it is considered necessary to append conditions to secure these details in order to ensure that the proposed development protects and enhances biodiversity.
- 10.84 It is therefore considered that the proposed development would protect and enhance biodiversity, in accordance with policies LP16 and LP19 of the Local Plan.

**Trees** 

- 10.85 There are a number of trees within the site, however none of them are afforded any statutory protection as they are not subject to a Tree Preservation Order or located within a conservation area.
- 10.86 The application is accompanied by an Arboricultural Impact Assessment (AIA) which identifies 14 individual trees and one hedge to be removed in order to facilitate the proposed development (AIA references: T5, T6, T14, T15, T16, T17, T60, T61, T73, T74, T75, T89, T90, T91 and H1) and one additional tree to be removed due to its condition (AIA reference: T78). The AIA proposes to retain and protect all other trees and hedging within the site.
- 10.87 With the exception of one Category B tree (AIA reference: T89) and one Category U tree (AIA reference: T78), all other trees and hedgerows to be removed as part of the proposed development are classified as Category C and therefore are of a low quality which can be adequately compensated for by replacement planting.
- 10.88 With consideration given to the detailed contained within the Extended Phase One Habitat Survey and the Ground Level Tree Assessment, and the recommendations of the Council's Tree Officer and Principal Ecologist, it is considered that the proposed development would provide adequate protection and enhancement of biodiversity and trees, in accordance with policies LP16 and LP19 of the Local Plan and the National Planning Policy Framework, subject to a final CEMP and Biodiversity Net Gain plan being secured via planning conditions.

# **Biodiversity Net Gain (BNG)**

- 10.89 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.
- 10.90 In this instance a Biodiversity Gain Condition is required to be approved before development is begun.

### 11 CONCLUSIONS

- 11.1 The Fenland Infrastructure Delivery Plan identifies a critical need for new secondary school provision within the Wisbech / March area, due to demographic pressures on secondary schools.
- 11.2 The proposed development would provide a new secondary school with capacity for up to 600 pupils within one of the district's most sustainable settlements, which would contribute towards addressing an identified need for additional secondary school capacity in the locality.
- 11.3 The proposed development would broadly accord with the development plan in respect of the principle of development and its impacts in relation to flood risk and drainage; highway safety, transportation and parking provision; sports facilities provision; the character and appearance of the area; residential amenity; resource use; biodiversity and trees; and biodiversity Net Gain.
- 11.4 It is therefore recommended that planning permission is granted.

### 12 RECOMMENDATION

- 12.1 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 legal agreement and planning conditions to the Head of Planning; and,
  - 2. Following the completion of the legal agreement, planning application F/YR24/0857/F be approved; 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 legal agreement, or on the grounds that the applicant is unwilling to complete the obligation necessary to make the development acceptable.

# Appendix 1 – Recommended planning conditions

#### Commencement

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 Surface water during construction

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 policies LP14 of the Fenland Local Plan 2014. The condition is pre-commencement to ensure acceptable surface water drainage impacts during the construction phase of the development.

### 3 Arboricultural Method Statement

No development shall take place until a detailed Arboricultural Method Statement (AMS) has been submitted, and approved in writing by, the Local Planning Authority. The AMS shall include justification and mitigation for any tree removal proposed and details of how trees will be protected at all stages of the development. Recommendations for tree surgery works and details of any tree surgery works necessary to implement the permission will be required as will the method and location of tree protection measures, the phasing of protection methods where demolition or construction activities are essential within root protection areas and design solutions for all problems encountered that could adversely impact trees (e.g. hand digging or thrust-boring trenches, porous hard surfaces, use of geotextiles, location of site compounds, office, parking, site access, storage etc.). All works shall be carried out in accordance with the agreed AMS.

Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies LP16 and LP19 of the Fenland Local Plan 2014. The condition is precommencement in order to ensure that the protection measures are implemented prior to any site works taking place to avoid causing damage to trees to be retained on site.

# 4 Construction Environmental Management Plan

Prior to any work commencing on the site a Construction Environmental Management Plan (CEMP) shall be submitted to, and agreed in writing by, the Local Planning Authority. The CEMP shall include, but shall not be limited to, mitigation measures for noise, dust and lighting during the construction phase. The CEMP shall be adhered to at all times.

Reason: To mitigate environmental and amenity impacts during the construction phase of the proposed development, in accordance with Policies LP2 and LP16 of the Fenland Local Plan 2014. The condition is precommencement to ensure acceptable environmental and amenity impacts during the construction phase of the development.

### 5 Piling Method Statement

In the event of piling works being required, no piling works shall commence until a method statement detailing the type of piling, mitigation measures and monitoring to protect local residents from noise and/or vibration has been submitted to, and approved in writing by, the Local Planning Authority. Potential noise and vibration levels at the nearest noise sensitive locations shall assessed in accordance with the provisions of BS 5228:2009+A1:2014 Code of Practice for noise and vibration control on construction and open sites.

Development shall be carried out in accordance with the approved statement.

Reason: To protect the residential amenity of the neighbouring properties, in accordance with policies LP2 and LP16 of the Fenland Local Plan 2014. The condition is pre-commencement to ensure acceptable amenity impacts during the construction phase of the development.

# 6 Detailed surface water drainage scheme

No laying of services, creation of hard surfaces or erection of a building shall commence until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment and Drainage Strategy, HEXA, Ref: 600796, Rev: P01, Dated: August 2024 has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall subsequently be implemented in full accordance with the approved details prior to first use of the development hereby approved.

Reason: To prevent the increased risk of flooding, and to improve and protect water quality, in accordance with policies LP14 of the Fenland Local Plan 2014.

# 7 Management and maintenance of surface water drainage scheme

Prior to first use of the development hereby approved, a management and maintenance plan for the on-site surface water drainage system required by condition 6 of this planning permission shall be submitted to, and agreed in writing by, the Local Planning Authority.

Reason: To prevent the increased risk of flooding, and to improve and protect water quality, in accordance with policies LP14 of the Fenland Local Plan 2014.

### 8 External materials

No development shall take place above slab level until full details of the materials to be used for the exterior walls and roofs of the development have been submitted to, and approved in writing by, the Local Planning Authority.

The development shall be carried out in accordance with the approved details unless minor variations are otherwise first agreed in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of the area, in accordance with Policy LP16 of the Fenland Local Plan 2014.

## 9 Landscape Management and Maintenance Plan

Prior to first use of the development hereby approved, a Landscape Management and Maintenance Plan, including details of measures to protect and enhance existing flora, fauna and habitats within the development site, shall be submitted to, and approved by, the Local Planning Authority. The Landscape Management and Maintenance Plan shall be carried out as approved in accordance with the specified schedule contained therein.

The plan shall include the following details:

- Long term design objectives
- Management responsibilities
- Maintenance schedules

Reason: To ensure the visual impacts of the development are appropriately managed and that biodiversity is protected and enhanced, in accordance with Policies LP16 and LP19 of the Fenland Local Plan 2014.

# 10 | Vehicle parking and turning

Prior to the first use of the development hereby approved, the on-site vehicle parking and turning areas shall be laid out in accordance with the approved plans, surfaced in a bound material and drained within the site. The parking and turning areas shall thereafter be retained as such, and for that specific use, in perpetuity.

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

# 11 | Cycle parking details

Prior to first use of the development hereby approved, full details of a scheme for cycle storage shall be submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be implemented in full prior to the first use of the development hereby approved.

Reason: In the interests of security, the convenience of cyclists at the premises, and to encourage sustainable forms of active travel, in accordance with Policies LP15 and LP16 of the Fenland Local Plan 2014.

## 12 | Fire hydrants

Prior to first use of the development hereby approved, details for the provision of fire hydrants shall be submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be implemented prior to first use of the development hereby approved.

Reason: To ensure a satisfactory form of development and ensure public safety, in accordance with Policy LP16 of the Fenland Local Plan 2014 and the National Planning Policy Framework.

### 13 | School Travel Plan

Prior to first use of the development hereby approved, a School Travel Plan containing suitable measures and incentives to promote sustainable travel shall be submitted to, and approved in writing by, the Local Planning Authority. The Travel Plan shall be implemented prior to first use of the development hereby approved.

Reason: To encourage sustainable modes of travel, in accordance with Policy LP15 of the Fenland Local Plan 2014.

# 14 | Follow-up Noise Impact Assessment

Prior to first use of the development hereby approved, a Noise Impact Assessment containing specifications of the building services plant and confirming the required specification for ventilation and glazing shall be submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure adequate protection of the residential amenity of nearby noise sensitive receptors, and adequate protection of teaching rooms, from noise generated by the proposed development, in accordance with Policies LP2 and LP16 of the Fenland Local Plan 2014.

# 15 | Relocation of playing field

Prior to first use of the development hereby approved, the scheme to relocate the playing field shall be carried out and completed in full accordance with the document titled 'A feasibility study for the proposed relocation of a natural turf pitch at Thomas Clarkson Academy, Corporation Road, Wisbech, PE13 2SE' undertaken by TGMS and dated 3rd November 2023 [Revision 1, 30th August 2024], including the development options and work programme.

Reason: To ensure that the playing field is first established as a functional playing field to an adequate standard and is fit for purpose, and to ensure that the proposed development would provide sports facilities of sufficient benefit to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field, in accordance with paragraph 104 of the National Planning Policy Framework and Exception 5 of Sport England's Playing Fields Policy and Guidance.

# 16 | Playing field maintenance, management and monitoring

Prior to first use of the development hereby approved, a schedule of playing field maintenance, management and monitoring, including a programme for the implementation for a minimum period of five years starting from the commencement of use of the development, shall be submitted to, and approved in writing by, the Local Planning Authority. Following the commencement of use of the development, the approved schedule shall be complied with in full.

Reason: To ensure that the playing field is first established as a functional playing field to an adequate standard and is fit for purpose, and to ensure that the proposed development would provide sports facilities of sufficient benefit to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field, in accordance with paragraph 104 of the National Planning Policy Framework and Exception 5 of Sport England's Playing Fields Policy and Guidance.

## 17 | Community use agreement

Prior to first occupation of the multi-use games area, sports hall and football pitch hereby permitted, a community use agreement shall be submitted to, and approved in writing by, the Local Planning Authority. The agreement shall apply to the artificial grass pitch, natural turf playing fields, multi-use games areas, sports hall and supporting ancillary facilities and include, but shall not be limited to, details of pricing policy, community use programming, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review. The development shall not be used at any time other than in strict compliance with the approved agreement.

Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport, and to ensure that the proposed development would provide sports facilities of sufficient benefit to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field, in accordance with paragraph 104 of the National Planning Policy Framework and Exception 5 of Sport England's Playing Fields Policy and Guidance.

# 18 | Court line markings for sports hall

Prior to first use of the Sports Hall, a scaled drawing showing the court line markings in the sports hall shall be submitted to, and approved in writing by, the Local Planning Authority in consultation with Sport England. The sports hall shall not be constructed other than in accordance with the approved details.

Reason: To ensure that the proposed development is fit for purpose and sustainable, and to ensure that it would provide sports facilities of sufficient benefit to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field, in accordance with paragraph 104 of the National Planning Policy Framework and Exception 5 of Sport England's Playing Fields Policy and Guidance.

# 19 | Construction and laying out of the MUGA and playing field

The Multi-Use Games Area and replacement playing field (including the 5v5 grass football pitch) shall be constructed and laid out in accordance with drawing no. FS1018-ONE-XX-ZZ-SK-L-0001 and the details approved under condition 15 of this planning permission, and shall be made available for use prior to first use of the development hereby permitted.

Reason: To ensure the quality of pitches is satisfactory and they are available for use before development (or agreed timescale), and to ensure that the proposed development would provide sports facilities of sufficient benefit to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field, in accordance with paragraph 104 of the National Planning Policy Framework and Exception 5 of Sport England's Playing Fields Policy and Guidance.

### 20 | Trees and hedgerow removal

No trees or hedgerow removal works shall take place between 1st March and 31st August inclusive in any year, unless it is carried out under a watching brief by an Ecological Clerk of Works.

Reason: To protect biodiversity, in accordance with policies LP16 and LP19 of the Fenland Local Plan 2014.

## 21 | Implementation and maintenance of hard and soft landscaping

All hard and soft landscaping works 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 first use of the development hereby approved. Any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development, in accordance with Policy LP16 of the Fenland Local Plan 2014.

### 22 | Construction hours

Construction hours and deliveries, with the exception of internal fit-out, shall be limited to the following hours:- 08:00-18:00 each day Monday-Friday, 08:00-13:00 on Saturdays and none on Sundays or Bank / Public Holidays.

Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policies LP2 and LP16 of the Fenland Local Plan 2014.

## 23 | Biodiversity Net Gain

Development may not be begun unless:

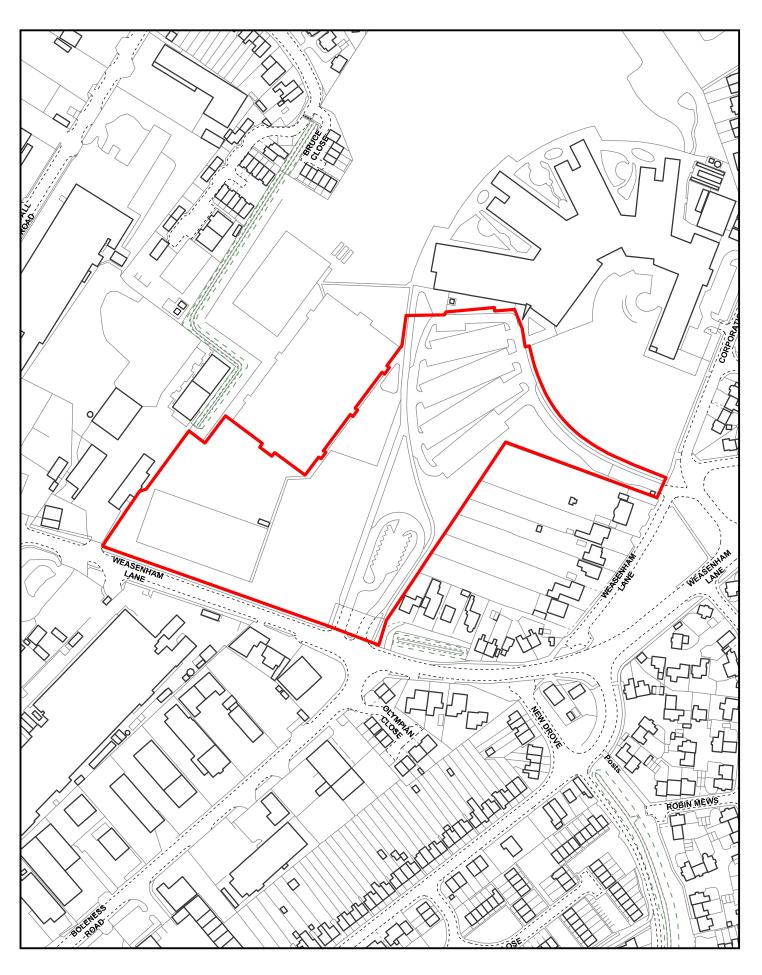
- (a) a biodiversity gain plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

Reason: To ensure compliance with Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021).

# 24 | Approved Plans

The development hereby permitted shall be carried out in accordance with the approved plans and documents.

Reason: For the avoidance of doubt and in the interest of proper planning.



Created on: 29/10/2024

F/YR24/0857/F

© Crown Copyright and database rights 2023 Ordnance Survey 10023778

F/YR24/0857/F

Scale = 1:2,500

N
Fenland

Fenland

Fenland District Council



### F/YR23/1033/F

Applicant: Urban Developments Agent: Ms Kate Wood

Peterborough Ltd Eddisons Barker Storey Matthews

Land South Of 88 West Street, Chatteris, Cambridgeshire

Erect 21 x dwellings (4 x 2-storey 2-bed, 15 x 2-storey 3-bed & 2 x 2-storey 4-bed) with associated access works, parking and landscaping, and the formation of attenuation ponds, involving the demolition of existing buildings.

Officer Recommendation: Grant

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

### 1 EXECUTIVE SUMMARY

- 1.1 The application seeks full planning permission for 21 x 2-storey dwellings, works are proposed to upgrade West Street with a footpath being provided and a pedestrian link is also provided through the site. The development also involves the formation of attenuation ponds and the demolition of existing buildings. The principle of development is considered to be acceptable in this location as the proposal constitutes a small extension to an established market town. A previous application for this site and a similar form of development under reference F/YR22/0381/F was refused with the sole reason for refusal being the uncertainty regarding the width of the Right of Way and therefore the uncertainty of the delivery of the necessary highway improvement works. The previous refusal reason has now been satisfied and there is not considered to be a material character or amenity impact from the proposed layout and design of the site in the context of this previous decision.
- 1.2 There are no significant issues in relation to flood risk, drainage for the development site, or ecology, subject to suitable conditions. Part of the site is in Flood Zones 2 and 3, yet the majority of the built form, excluding parts of the turning areas and car parking are in Flood Zone 1. It is not considered that this would expose the future residents to unacceptable flood risk and on balance would be acceptable despite the failure of the application to adequately address the sequential or exceptions tests.
- 1.3 There are no significant issues in relation to the residential amenity of future residents or the existing dwellings in the vicinity. The submitted plans show acceptable separation distances to existing properties and fenestration is appropriately sited to prevent material overlooking. As such the proposal would not result in a significant detrimental impact to the residential amenity of future residents or the existing dwellings in the vicinity.
- 1.4 County Highways are content that the internal layout is acceptable, and the required parking provision is provided for each property. The realigned legal width of the public right of way was confirmed with a Definitive Map Modification Order

(DMMO) on the 24th January 2025.

1.5 There are not considered to be any further technical or other issues which cannot be addressed either via a condition or within the Section 106 document and consequently the recommendation is to grant planning permission.

### 2 SITE DESCRIPTION

- 2.1 The application site is located on the western side of West Street adjacent to the built-up settlement of Chatteris. The rear of the properties on Fairview Avenue are located on the opposite side of the road, and the site is accessed via a byway that links West Street and Blackmill Road. The route of the byway of West Street has been modified via a Definitive Map Modification Order which was confirmed on the 24<sup>th</sup> of January 2025. This byway then becomes a public footpath leading to Little Acre Fen Pocket Park and out of the town. The current access road is narrow and partially unmade.
- 2.2 The site consists of 3 large commercial type buildings constructed in block and what appears to be asbestos with lean-tos linking the buildings, in front of which is a gravel and concrete hardstanding area and to the rear and side an area of informal storage. The remainder of the site is paddock type land which does not appear to be actively farmed and contains a desire line to Little Acre Fen Drove, cutting off the corner (though it is acknowledged that this is private land). The site slopes down from east to west and there is a drain forming the western boundary of the site.
- 2.3 The eastern side of the site is located in Environment Agency Flood Zone 1, sloping west into Flood Zones 2 and 3. Areas of high, medium and low surface water flood risk are located along the drain to the western boundary, with a further area to the front of the existing buildings of site, adjacent to the public byway.

## 3 PROPOSAL

- 3.1 This application seeks to erect 21 x dwellings (4 x 2-storey 2-bed, 15 x 2-storey 3-bed & 2 x 2-storey 4-bed) with associated works. These works include access, parking and landscaping and the formation of attenuation ponds, involving the demolition of existing buildings. The development will comprise a mix of detached and semi-detached two-storey dwellings, with 5 of the 21 dwellings to provide affordable housing.
- 3.2 Works are proposed to upgrade West Street to facilitate access to the development, with works proposed both within the adopted highway to the north of the development and to the public right of way running adjacent to the site.
- 3.3 The development involves alterations to site levels (the main site will be raised by up to 1.5m, whilst the access will be raised by a slightly lower level), the formation of attenuation ponds and the demolition of existing buildings. A strip of land adjacent to the western edge of the site would be utilised as open space and the footpath link and attenuation ponds are located within this.
- 3.4 Full plans and associated documents for this application can be found at: <a href="https://www.publicaccess.fenland.gov.uk/publicaccess/">https://www.publicaccess.fenland.gov.uk/publicaccess/</a>

#### 4 SITE PLANNING HISTORY

Reference	Description	Decision
F/YR22/0381/F	Erect 22 x dwellings (4 x 2-storey 2-bed, 15 x	Refused – 17 <sup>th</sup>
	2-storey 3-bed & 3 x 2-storey 4-bed) with	November 2022
	associated parking and landscaping, and the	
	formation of attenuation ponds, involving the	
	demolition of existing buildings.	

### 5 CONSULTATIONS

# 5.1 Chatteris Town Council – 25th September 2024

Recommend Refusal. This application is premature as the width of the byway has still not been agreed. As it stands the application fails to overcome access problems as there is still no guarantee that the road shown can be delivered. Have other options to access the site been considered? There are also concerns about the impact of more cars on West Street which has existing traffic problems.

# 5.2 Fenland District Council – Housing Strategy – 19th September 2024

I note that there has been a reduction on the number of affordable units from the original 6.....to 5, .....Whilst I am disappointed to see this reduction, 5 affordable units would still be inline with policy. The tenure split I would expect to see on 5 dwellings would be 4 affordable rent and 1 shared ownership.

Further discussion with Housing Strategy on the 1<sup>st</sup> of July 2025 confirmed that there may be difficulties for the developer in securing a Registered Provider (RP) for this number of units and that an alternate form of affordable provision in the form of rent to buy or First Homes may be appropriate.

# 5.3 Cambridgeshire County Council – Planning and Sustainable Growth Service – 23<sup>rd</sup> June 2025 (Summary table of S106 contribution request)

	Contribution	Project	Indexation date	Trigger
Early Years	£32,226	New 1FE primary school, with 2FE core and purpose-build early years accommodation.	1Q2022	100% prior to occupation of 50% of the development
Primary	£76,749	New 1FE expansion of Cromwell Community College primary school phase.	1Q2022	
Secondary	£77,022	1FE expansion to Cromwell Community College	1Q2022	
Libraries	£3,098	Remodel Chatteris Library to increasing the floor space available to the community.	1Q2019	100% prior to occupation of 50% of the development
Monitoring	£150			_

# 5.4 Cambridgeshire County Council – Archaeology – 11th December 2024

No objections but request a pre-commencement condition securing a programme of archaeological work.

### 5.5 Fenland District Council – Environmental Health – 12th December 2024

The Environmental Health Team note and accept the information submitted in respect of the above re-consultation and have 'No Objections' to the latest content.

Comments received on the 17<sup>th</sup> of December 2023 set out no objections but requested conditions regarding contaminated land, asbestos removal, construction and delivery hours, complaints procedure, vibration impact assessment, and a lighting scheme.

# 5.6 Cambridgeshire Constabulary – Designing Out Crime Officer – 12<sup>th</sup> December 2024

Thank you for the opportunity to comment on this revised planning proposal. Having viewed the documents my previous comments still stand dated 3rd October 2024. I currently have no additional comments.

The comments from the 3<sup>rd</sup> of October 2024 stated that the scheme is an acceptable layout in relation to crime prevention and the fear of crime. The Officer requests a cycle storage condition and a lighting condition.

# 5.7 Cambridgeshire Fire & Rescue – 17th December 2024

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. They also provide guidance on fire service access and building 11 metres or greater in height.

## 5.8 National Health Service – 17th December 2024

Further to the revision of a reduction in number of dwellings to 21, our revised mitigation is as follows:

The development of 21 dwellings would see an increase patient pressure circa 50 new residents.

CAPICS calculates the level of contribution required, in this instance to be £18,054.14 (3.456 sqm at £5224/m2)

## 5.9 Middle Level Commissioners Internal Drainage Board – 18th December 2024

Please be advised that neither the Middle Level Commissioners nor our associated Boards are, in planning terms, statutory consultees and, therefore, do not actually have to provide a response to the planning authority and receive no external funding to do so. However, it is considered that a response is provided due to the location of the development.

Following the Board's meeting in July 2024, the Board issued the following statement regarding the disposal of surface water from developments in this location:

- \* The above development is within the rateable area of the Board's system, close to the Washways Pumping Station.
- \* In a high rainfall event, water from the highland area near the villages of Warboys and Pidley can take 12 hours to reach the Washways Pumping Station, which then runs at capacity to discharge the water to the Middle Level system. Please see the map below showing the Board's system and the position of the development site.
- \* As the above development is close to the Washways Pumping Station, the Board feel that it would cause less of a flood risk to the system, if the water from the development could reach the pumping station before the 12-hour peak, when the station could better cope with the discharge. This would require a discharge higher than the proposed attenuated rate.
- \* As a rule, the Board request discharges from new developments to be at greenfield rates, but for the above reasons, an exception could be made in this case. \* This would not set a precedent for discharges over greenfield rate, but the Board may consider a similar solution if further development were proposed in this area south of Chatteris.
- \* The receiving ditch may need improvement to accept the discharge to enable it to meet the Board's system. These works would be consented as part of the discharge and byelaw consent applications and separate agreements would also need to be made between the developer and landowner.
- \* The proposed attenuation pond would not be reduced in size, but the Hydro-brake flow control diameter could be enlarged to increase the discharge rate to be agreed.
- \* Any discharge of surface water over the greenfield rate will require Discharge Consent from the Warboys, Somersham & Pidley IDB \* Any discharge of treated foul water via the Chatteris WRC will require Discharge Consent from Nightlayers IDB

Extract from Board's District Plan, development shown Parsons' dwg 21159-001 Rev P11 has been considered, and the following points are noted:

- \* The receiving ditch to the west of the development is not a Board's drain, although it is considered that a maintenance strip should be included next to any watercourse. The receiving ditch meets the Board's system at the SW corner of the site, at point 23 on the plan above.
- \* There is very little room allowed around the attenuation pond for maintenance, particularly close to the fencing around the back gardens.
- \* A freeboard of 150mm for the attenuation pond is not considered to be sufficient. Although the agent's Technical Response to the LLFA dated 9th December advises that 150mm will be added to the freeboard, only 150mm is shown on dwg 21159-001 Rev P11.

## 5.10 Anglian Water – 21st December 2024

A condition is requested with regard to development close to Anglian Water assets. Comment is made that Nightlayer Fen water recycling centre can accommodate the flows from this development.

Conditions and informatives are recommended in relation to further details of surface water disposal, a sewer diversion application and impact on Anglian Water assets.

# 5.11 Environment Agency – 23<sup>rd</sup> December 2024

We have reviewed the submitted site plan dated October 2023 and wish to make the following additional comments:

Although the site plan indicates that the proposed dwellings are located within Flood Zone 1, parts of the development, including some garden areas, access roads and SUDS features, are shown to be located within Flood Zones 2 and 3. As such, we consider that the Sequential Test should be applied to this development, in line with paragraph 175 of the NPPF.

Previous comments from the 4<sup>th</sup> of January 2024 stated:

We do note that the proposals have been designed to avoid the areas of flood risk onsite and that the flood risk in the area is reduced due to the presence of defences along the River Nene and The Great Ouse. There is some uncertainty over the risk of flooding from the adjacent IDB drain, although none of the available mapping indicates that there is a risk associated with this. The IDB may hold more information on the standard of protection their drains are designed for.

### 5.12 Fenland District Council - Trees Consultant - 31st December 2024

No objection.

# 5.13 Cambridgeshire County Council – Lead Local Flood Authority – 22<sup>nd</sup> January 2025

As Lead Local Flood Authority (LLFA) we have no objection in principle to the proposed development.

Further comments from the LLFA consider that surface water can be adequately managed through the suggested details. They request a detailed surface water scheme condition to be submitted, agreed and implemented, including the future maintenance and management of the scheme. They also request technical informatives.

## 5.14 Cambridgeshire County Council – Highways Officer – 24th February 2025

No Objection, but recommends conditions related to street management, highway boundary markers, construction of West Street where it traverses the byway, construction of vehicular accesses and driveways, the first 5 metres of driveways, visibility splays, planting adjacent the highway and the provision of temporary facilities. They also request an informative concerning works in the public highway.

## 5.15 Fenland District Council - Ecology - 4th March 2025

In relation to my previous comments on the above planning application I have now been provided with a reptile survey of the site by the applicant (attached). While the survey is a little dated (2021), I am prepared to accept the survey results as sufficiently up-to-date to inform the current application. The survey did not record any common lizards, although a single grass snake was recorded on one occasion at the periphery of the site. I would advise that, providing the mitigation measures described in section 5.2 of the Reptile Survey Report are required to be implemented in full by Condition, the development will not cause harm to reptiles.

Reason for Condition – conservation of protected species

Biodiversity Net Gain

I would accept that the proposals could achieve a meaningful Gain in Biodiversity, given the current character of the site and the planned new landscaping. The long-term management of the new landscaping (the biodiversity gain) should be secured by a Condition placed on any permission granted to the proposals. The Condition should require the preparation of a long-term Landscape Management Plan for the development

## 5.16 Cambridgeshire County Council – Definitive Map Team – 19th June 2025

I am writing to confirm that as Public Byway 22, Chatteris now has an established legal width, we withdraw our objection.

They have requested various informative notes be included with any permission.

### 5.17 Local Residents/Interested Parties

### **Objectors**

11 individual objections and a 167-person petition of objection have been received. The individual objections are from various addresses close to the site. One objection from Blackthorn Close, eight objections from Fairview Avenue, one from Fairview Gardens and one from West Street raising the following issues:

- Impact on road network from additional traffic, large vehicles, on-street parking and damage to the road surface on narrow road
- Lack of amenities and services in Chatteris
- Flood risk
- Lack of sewage capacity
- Loss of open space and consequent impact on ecology and environment
- · Loss of open space used as public recreation facility
- Outside built form of settlement and out of character with the area
- Amenity issues including overlooking
- Over development with adverse visual impact
- Light pollution
- Loss of agricultural land
- No material change from previous decision
- Ecology surveys outside breeding season
- Cumulative impact
- Loss of employment land

- Housing targets already achieved
- · Impact during construction, including health impacts
- Property devaluation
- · Loss of views

# **Supporters**

One communication of support has been received from London Road in Chatteris on the following grounds:

- Existing buildings are unsightly.
- The development will contribute positively to the local area.

### **6 STATUTORY DUTY**

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

### 7 POLICY FRAMEWORK

## National Planning Policy Framework (NPPF) 2024

Chapter 2 - Achieving sustainable development

Chapter 5 – Delivering a sufficient supply of homes

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
- LP5 Meeting Housing Need
- LP6 Employment, Tourism, Community Facilities and Retail
- LP10 Chatteris
- LP13 Supporting and Managing the Impact of a Growing District
- LP14 Responding to Climate Change and Managing the Risk of Flooding in Fenland
- LP15 Facilitating the Creation of a More Sustainable Transport Network in

### Fenland

- LP16 Delivering and Protecting High Quality Environments across the District
- LP17 Community Safety
- LP19 The Natural Environment

## 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

# **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 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
- LP18: Development in the Countryside
- LP20: Accessibility and Transport
- LP21: Public Rights of Way
- LP22: Parking Provision
- LP24: Natural Environment
- LP27: Trees and Planting
- LP28: Landscape
- LP31: Open Space and Recreational Facilities
- LP32: Flood and Water Management
- LP33: Development on Land Affected by Contamination

### 8 KEY ISSUES

- Principle of Development
- Layout and Design
- Impact on Residential Amenity / Land Users
- Highway Safety and Parking
- Flood Risk and Drainage
- Developer Contributions
- Other Matters for Consideration
- Biodiversity Net Gain (BNG)

### 9 BACKGROUND

9.1 A previous application for 22 dwellings on this site was submitted under F/YR22/0381/F. This application was reported to Planning Committee on the 16<sup>th</sup> of November 2022 with three recommended reasons for refusal. The sole reason for refusal accepted by the Committee is shown below with other proposed reasons for refusal concerning rural character and amenity concerns arising from alterations to land levels not being accepted:

Policy LP2 and LP15 of the Fenland Local Plan 2014 and para 110 of the NPPF 2021 seek to achieve a safe, suitable and sustainable access for all users. The legal width of the Byway is unknown and as such there is no guarantee that it could be improved as indicated. As such, it has not been demonstrated that a well-designed, safe and sustainable access can be achieved, contrary to the aforementioned policies.

9.2 Planning permission was granted in June 2025 for 70 dwellings to the north of the site (F/YR23/0940/F) accessed between 74 and 84 West Street.

### 10 ASSESSMENT

## **Principle of Development**

- 10.1 Chatteris is identified within the Settlement Hierarchy as a Market Town; Market Towns are identified within Policy LP3 of the Fenland Local Plan 2014 as the focus for housing growth as the most sustainable locations within the District. The proposal is for 21 dwellings, which for the purposes of Policy LP4 is a small scale (less than 250 dwellings) housing proposal. Therefore, in the broad terms set out in these policies, the proposal would be acceptable in principle. This is however on the basis that the development is in keeping with and reflects the character of the area and that there are no significant issues in respect of residential or visual amenity, design, parking, highways, flood risk or ecology.
- 10.2 The National Planning Policy Framework (2024) outlines, within paragraph 61, that "To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet an area's identified housing need, including with an appropriate mix of housing types for the local community".
- 10.3 Paragraph 73 of the NPPF also emphasises the importance that the contribution of small to medium sized sites can make in meeting the housing requirements. ("Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, are essential for Small and Medium Enterprise housebuilders to deliver new homes and are often built out relatively quickly"). This policy seeks to ensure that there is a sufficient supply of homes and advises that sites of all sizes make a contribution to the housing requirement of an area.
- 10.4 Part of the application site encompasses three linked commercial buildings which the applicant's agent advise have been in use by an engineering company for the past 10 years and as such would be in B2 (general industrial) use.
- 10.5 Policy LP6 states that the Council will seek to retain for continued use high quality land and premises currently in use for B2 employment purposes. Information submitted with the application sets out that the company are currently in the

process of relocating, hence the business will not be lost, and it has also been stated that the buildings are in poor condition and nearing the end of their useful life. This information was also submitted with the previous application F/YR22/0381/F. This was not refused on LP6 issues and therefore the position regarding the loss of a business in this location is accepted.

10.6 To this end paragraph 125 of the NPPF 2024 states that substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs. The site of the current buildings would be considered brownfield or previously developed land as defined in the NPPF. Furthermore, the site is located on the edge of the settlement. As such, on balance, the redevelopment of this area of the site for housing is appropriate and potentially more compatible with the adjoining residential use, subject to other policy considerations including the appropriateness of the design, sustainability of the site and suitability of access.

## **Layout and Design**

- 10.7 The application proposes to create an extension to the existing highway of West Street. This will provide the main access road for the development along the alignment of the byway running south from West Street with Plots 1 and 2 directly fronting this. An access road is proposed to run east-west into the wider site from this to serve plots 3-10. South of this access road the main access road continues before diverging from the public right of way to turn into the site on an east-west alignment with the public right of way remaining, linking to Blackmill Drove. This southern part of the access road would serve the remaining plots with Plots 11-14 fronting onto the main access road on its north-south element. To the west of the housing development is the open space, incorporating the SUDs features as well as a footpath which would link the two east-west roads and then link to Little Acre Fen Drove. The affordable housing is shown in two pairs of semi-detached dwellings and a detached unit in the southeastern part of the site.
- 10.8 This area of West Street to the north features a linear development of 5 detached, single-storey dwellings on good sized plots with views of the open countryside beyond afforded between dwellings. The properties on Fairview Avenue to the east are a mix of 2-storey and single-storey dwellings, with single-storey dwellings at Fairview Avenue to the south, and dwellings with ancillary buildings to the west separating the main built form from the open countryside. There are then 2 large, detached properties on substantial plots to the south of the Fairview estate off the Blackmill Road Byway, hence there is a looser knit, more spacious form of development as the settlement is exited marking the transition between the town and the countryside.
- 10.9 The West Street properties are served by an adopted highway up until the southern boundary of No.88 and this then becomes a byway of tarmac construction which is in poor repair, and which is proposed to be incorporated into the access road for the development, and then becomes a narrower gravelled track with grass verge linking to a public footpath which leads to Little Acre Fen Pocket Park. There is also a Bridleway to the west of the site, hence the area is prominently visible by users of the rights of way around the site.
- 10.10 As part of the consideration of application F/YR22/0381/F concerns were raised regarding the impact of the development upon the character of the area given this loose knit, 'edge of settlement' character and the visual prominence of the site. As

that application was not refused on this basis, it would be unreasonable to introduce this as a reason for refusal now.

10.11 When considering the design and appearance of the development itself, the application proposes 2-storey development at between 8.6m and 9m in height, compared with the single-storey dwelling of 88 West Street (as can be seen on the submitted street scene) and the 2-storey dwellings on Fairview Avenue at around 7.2m in height (measurement taken from application F/YR21/1508/F) which it would be seen against. The proposed dwellings are of a design of a similar design to the 2-storey dwellings on Fairview Avenue though of a more modern appearance and the materials proposed are as follows: Plots 1-11 Vandersanden Woodland Mix Bricks Horizontal Fibre Cement Board in Slate Grey Sandtoft 20/20 Flat Interlocking Clay Plain Tile in Antique Slate Plots 12-22 Vandersanden Corum Bricks Horizontal Fibre Cement Board in Light Grey Marley Edgemere Interlocking Concrete Slate in smooth Grey 9.14 The properties on Fairview Avenue are mix of buff, gold and red brick with grey pantile roofs. The properties along West Street closest to the site are constructed in red brick with grey tile roofs. Given the variety of materials in the area those proposed are considered to be acceptable. The surrounding area is characterised by modest, detached dwellings of varying styles, but generally simple and unassuming in architectural appearance. The proposed properties are not considered to be visually incongruous when assessed against the built character of dwellings to the north, east and south-east of the site and the previous decision on the site did not reference this as being an area of concern.

# Impact on Residential Amenity / Land Users

- 10.12 Policy 16(h) of the Local Plan requires that one-third of any new residential plot is devoted to private amenity space. All of the properties meet this requirement, save for the affordable dwelling at Plot 21 in the south-east corner of the site which is approximately 1.5 sqm below the necessary area. This is considered to be such a negligible shortfall in provision as to render the policy complied with.
- 10.13 When assessing the relationships between the proposed dwellings it is considered that there is no unacceptable overlooking between the properties, and it is considered that there is appropriate separation distances to ensure that there is no undue overshadowing or limitation of light. A condition relating to obscure glazing the first floor window in the side elevation of some of the plots could be imposed to address the potential overlooking from this.
- 10.14 The application proposes the raising of land levels; previously this raised concerns in terms of the possible relationship between the dwellings adjacent to the northern boundary of the site and the neighbouring dwelling, 88 West Street. This was not a reason for refusal previously, as the land levels now proposed are the same there is a greater separation between 88 and its nearest neighbour the proposal is considered to be acceptable. As above a condition could be imposed to secure the obscure glazing of the first-floor side window in Plot 3 facing the rear garden of 88.
- 10.15 The slope toward the existing drain at the western boundary will be less pronounced and land will be raised in the areas of the site within Flood Zone 1. The land will then slope away to the proposed attenuation ponds and public open space toward the western extent of the site, upon which no dwellings are to be sited. The areas of the site where land will be raised by approximately 1 metre near to Flood Zone 2 are not in close proximity to existing dwellings and will provide a greater uniformity to the height of the proposed two storey dwellings on

site. Notwithstanding the above considerations, a detailed analysis of the impact of raised site levels cannot be made as a proposed topography plan showing site levels and adjacent site levels has not been provided. To address this matter a condition requiring full details of existing and proposed site levels could be imposed on any permission.

- 10.16 With regard to the dwellings at Fairview Avenue, the closest separation distance to a dwelling is 35 metres, which is an acceptable distance to mitigate any harm. The rear boundaries of Fairview Avenue are bordered by a 1.8 metre high timber fence. The properties on Fairview Avenue will experience a change in outlook and some loss of privacy as a result of the development, however the distances are such that this would not be considered significantly detrimental to their residential amenity.
- 10.17 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 future residents or the occupiers of adjacent properties. As such, the proposal is considered to accord with the provisions of Section 12 of the National Planning Policy Framework (2024), and Policy LP16 of the Fenland Local Plan (2014).

## **Highway Safety and Parking**

- 10.18 The adopted highway of West Street stops just north of the application site and to facilitate the development improvements are proposed to this section of road to the north. For approximately 100m West Street will be widened to 5 metres and a new 1.8 metre wide footpath added to the highway. These works will alternate between the east and west side of West Steet and will link to the existing footway network. This road will then continue beyond the extent of the adopted highway within the byway and following the alignment of this before diverging into the wider site with the public right of way continuing on its current alignment southeast.
- 10.19 The previous application was refused as the legal width of the byway was unknown and consequently there was no certainty that the highway scheme shown could be delivered:

Policy LP2 and LP15 of the Fenland Local Plan 2014 and para 110 of the NPPF 2021 seek to achieve a safe, suitable and sustainable access for all users.

The legal width of the Byway is unknown and as such there is no guarantee that it could be improved as indicated. As such, it has not been demonstrated that a well-designed, safe and sustainable access can be achieved, contrary to the aforementioned policies.

- 10.20 The applicant subsequently applied to the County Council for a Definitive Map Modification Order which has been made by the County Council, and which has had the effect of confirming the legal width of the byway. This has demonstrated that the works to the byway to facilitate the road to serve the development can be delivered within its legal width. As such the previous reason for refusal is considered to have been addressed.
- 10.21 Information submitted with the application advises that the estate roads would be built to an adoptable standard, although there is an area of road serving Plots 3-6 which does not appear to be of an adoptable nature. The submitted plans

demonstrate that a refuse vehicle can enter and turn within the site for collection. A suitable bin collection area is detailed near the turning head to serve Plots 3-6 as these are accessed via a private drive. All units have separate rear access so that bins and bicycles can be moved from rear gardens to the front of the property without having to move through the house.

- 10.22 The Highway Authority have commented on the application and raised no objections subject to the imposition of conditions.
- 10.23 It is considered that the development proposed allows continued connectivity via the byway to Blackmill Drove to the southeast of the site and also provides pedestrian routes through the development and connecting to Little Acre Fen Drove to the south of the site.
- 10.24 Each dwelling meets the minimum of two off road parking provision for the twoand three-bedroom dwellings, with the four-bedroom dwellings at Plots 1 and 2 meeting the minimum requirement of three off road parking spaces. This accords with Appendix A of the Fenland Local Plan. The provision of on-site parking to all units also facilitates convenient access for disabled car users. Adequate parking space dimensions are provided for each dwelling on site.
- 10.25 The Fire Authority have requested adequate provision be made for fire hydrants on site which will be secured by condition.
- 10.26 The application is therefore considered to be acceptable with regards to matters pertaining to highways and would not have an unacceptable impact on highway safety in accordance with Local Plan Policies LP2 and LP15, as well as Section 9 of the National Planning Policy Framework (2024).

## Flood Risk and Drainage

- 10.27 National planning policy does not prohibit the granting of planning permission for developments in areas at high risk of flooding. While guidance exists to ensure that flood risk is appropriately assessed and mitigated, there are no absolute legal restrictions preventing development in such locations. The central and eastern area of the proposal site is located in Environment Agency Flood Zone 1. The western side of the site is located in Flood Zones 2 and 3 and is therefore considered to be at a high probability of fluvial flooding.
- 10.28 Policy LP14 of the Local Plan as well as Paragraph 175 of the NPPF seek new developments to adopt a sequential approach to flood risk, where new developments are steered to areas with the lowest possibility of flooding. The Sequential Test is based on flood risk vulnerability and land availability within a defined search area. It is a site-based and policy-driven test.
- 10.29 The Planning Practice Guidance (PPG) advises that a Sequential Test is required for planning applications in areas at risk from flooding from any source. In the case of river and sea flooding, this specifically includes land within Flood Zones 2 and 3. The fundamental objective of the Sequential Test is to steer new development to areas with the lowest risk of flooding (i.e. Flood Zone 1), in line with the risk-based approach advocated by paragraph 172 of the National Planning Policy Framework (2024).
- 10.30 The western side of the application site lies within an area of identified flood risk and, as such, the application site is at risk of flooding. While it is acknowledged

that the majority of built development is located outside of Flood Zones 2 and 3 this does not, in itself, disapply the requirement to undertake the Sequential Test. A Sequential Test has been submitted by the Applicant in support of the application.

- 10.31 The Courts have confirmed that whilst it is generally accepted that the siting of development, in relation to flooding, should be lead through a sequential risk-based approach there may be times when it is acceptable to not take such an approach. However, this will need to be for very special circumstances and would be the exception rather than the norm.
- 10.32 In accordance with the national flood risk guidance, a sequential test has been submitted by the applicant assessing potential alternative sites within Chatteris. Within the report, the Applicant has provided some reasoning behind the parameters that they have based the Sequential Test upon. It states that "In the context of this sequential sites assessment the developer and Applicant (Urban Developments Peterborough Limited) is a company which does not build new homes at large scale (i.e. not akin with large scale national house builders). Their business model succeeds on developing smaller scale proposals with this proposal for 21 dwellings reflecting the upper limit of their business model."
- 10.33 The report goes on to state:
  - "It is also worth noting here that the Applicant does not hold any land interests within Chatteris, March, Whittlesey nor Wisbech other than at the Application Site. The Application Site has a site area of 1.34 hectares. For robustness this assessment considers land areas with the range of 0.75 to 1.5 hectares which is considered to be a reasonable range of site areas for a scheme of up to 21 dwellings. For example, the density of a 21 dwelling scheme on a land area of 0.75 hectare would be 15.75 dwellings per hectare."
- 10.34 It is considered that the basis for the parameters assigned by the agent is flawed and does not reflect relevant guidance or case law. The approach suggested would materially limit the number of sites available which could accommodate the comparable quantum of housing through the provision of a larger development located entirely with Flood Zone 1 in or adjacent to built-up settlements.
- 10.35 When applying the Sequential Test under the NPPF, the key principle is that the test should be undertaken objectively, based on flood risk and the suitability of alternative sites for the proposed use. It should not be tailored to reflect the applicant's individual circumstances. In this case, the Sequential Test submitted places weight on matters such as the applicant's business model, specifically, the size of developments typically pursued, and their lack of control over other land holdings. These factors are not relevant to the application of the Sequential Test as set out in national policy and guidance.
- 10.36 The Sequential Test must be applied in accordance with national policy and should be based on an objective assessment of site availability and flood risk. The Applicant's personal, financial, or operational circumstances, including land ownership, business model, or site preferences, are not considered valid reasons to bypass or fail the test.
- 10.37 On this basis, it is concluded that the submitted Sequential Test is not robust and does not comply with national policy or the expectations established through case law. It must also be noted that the submission demonstrates that there are other

- sites in preferable locations that are and can deliver housing. As such, it is not considered that the proposal has passed the Sequential Test.
- 10.38 The NPPF confirms that where it is not possible to locate development in zones of lower flood risk, the Exception Test may be applied. This test provides a framework for assessing whether development can proceed safely, whilst recognising the wider sustainability needs of a community.
- 10.39 Whilst the proposal is not acceptable in principle, it is considered that the exception test should still be considered in the interests of completeness. The Exception Test comprises two elements, both of which must be satisfied:

  a) Development to demonstrate that it achieves wider community sustainability benefits having regard to the district's sustainability objectives, and
  b) That it can be made safe for its lifetime and will not increase flood risk elsewhere ('flood risk management')
- 10.40 (a) Wider community sustainability benefits

The first limb of the Exception Test requires that the development provides wider sustainability benefits to the community that clearly outweigh the flood risk. In this case, the proposal would make a direct contribution to meeting housing targets for the district on an area of partially brownfield land, immediately adjacent to the built-up settlement of Chatteris. However, this must be considered in the context of the Council being able to demonstrate a deliverable five-year housing land supply, alongside a consistent pattern of windfall development significantly exceeding Local Plan expectations. While it is acknowledged that the five-year supply represents a minimum requirement rather than a cap on development, it is not considered that the provision of additional housing in this location, within an area at risk of flooding, would deliver sufficient community benefit to outweigh the identified harm and policy conflict, or to justify a departure from national policy and the adopted development plan.

## 10.41 (b) Flood safety

The second limb requires that the development will be safe for its lifetime, taking account of the vulnerability of its users, without increasing flood risk elsewhere, and where possible, reducing overall flood risk. There is a small amount of built development within Flood Zones 2 and 3. This consists of a parking area between Plots 4 and 5, paved areas to Plots 3 to 7, as well as Plots 16 to 17. The parking areas for Plots 7, 16 and 17 are also in Flood Zone 2. Additionally, the end of the two estate road spurs are to be located in Flood Zones 2 and 3.

- 10.42 These areas of flood development do not lead to further development within Flood Zones 2 and 3 and are at the periphery of the flood risk classification lines. Due to the topography of the site, it is not considered that the areas of built development will retain water in the event of heavy rainfall. The topography of the site gently slopes in a westward direction passing through the parking areas and estate roads to the attenuation ponds and drain beyond via soakaways and natural drainage. The areas to the front of every property are located in Flood Zone 1. Additionally, the parking areas and estate road spurs do not lead to further development with Flood Zones 2 and 3. All of the dwellings on site are located in the Flood Zone 1 and the estate road connecting to West Street to the north does not pass through any other areas within Flood Zones 2 and 3.
- 10.43 For the reasons given above, it is considered that these areas of built development do not increase the vulnerability of the occupants of the site and do

not increase flood risk elsewhere. It is therefore considered that the second limb of the Exceptions Test has been satisfactorily addressed.

Lack of an adequate Sequential Test

- 10.44 Case law has established that there may be circumstances in which a decision-maker can lawfully grant planning permission notwithstanding a failure to satisfy, or undertake, the Sequential Test. Such circumstances may include situations where the proposed development is supported by a wider strategic context—such as regeneration priorities or site-specific allocations within the Local Plan—where it addresses an identified and justified need, or where other material considerations are judged to outweigh the policy conflict.
- 10.45 In this instance it must be noted that a similar scheme was submitted to the Council (reference F/YR22/0381/F) at this site. Whilst this application was refused by the Council, flooding and the associated risk did not form a reason for refusal. Given that the site boundary has not been altered and the application is assessed against the same Fenland Local Plan (2014), and a largely unaltered NPPF, in relation to flooding, the previous determination of the Council weighs heavily in favour of this application.

Foul and surface water drainage

- 10.46 It is proposed to filter runoff from private driveways parking spaces through a filter media within permeable surfacing and discharge to the existing Drain / Watercourse at the western side of the site. Runoff from proposed residential properties shall be collected with rainwater pipes which will also be filtered through the silt traps upstream of attenuation features. Final filtration will be conducted via forebays connected to adoptable swales. Attenuated water shall be stored in a combination of Swales, Ponds and Type 3 Subbase located underneath the private parking spaces.
- 10.47 With regard to drainage, Middle Level Commissioners (MLC) have provided guidance as to discharge rates. MLC have considered that whilst the drain to the western boundary is not maintained by them, a maintenance strip should be included. MLC also observe that there is little room for attenuation pond maintenance, in particular close to the residential boundaries. With regard to the freeboard for the attenuation pond, MLC state that a freeboard of 150mm is not sufficient, although the agent's response to the LLFA states that the freeboard will be 300mm. This is not considered to be a substantive concern and can be addressed within the further drainage details to be confirmed by condition. The Lead Local Flood Authority has no objections to the submitted drainage strategy.
- 10.48 Foul sewerage is to be addressed by a mains sewer. A proposed new manhole along the eastern section of the access road will connect to the existing system and be the start point of a sewer diversion to an area beyond the western boundary. It is considered that the proposed surface water and foul water drainage details are acceptable, and no objections have been received from standard drainage consultees. Further details of foul and surface water drainage will be addressed by condition.

Conclusion to flood risk and drainage

10.49 Having regard to the planning history of the site, the limited and contained nature of the existing built form within Flood Zones 2 and 3, and the limited benefits

arising from the delivery of dwellings on previously developed land, it is considered that, subject to the imposition of appropriate conditions, the material considerations in favour of the proposal outweigh the identified harm and policy conflict.

# **Developer Contributions**

- 10.50 A 25% affordable housing provision required under Policy LP5 Part A for a development of this scale. Five affordable units are proposed, consisting of 4 x 2-bed dwellings and 1 x 3-bed dwellings as detailed on Plots 11 to 14, and Plot 21. This level of provision is considered to be policy compliant.
- 10.51 The Council's preference would be that these are provided as a 4:1 split between affordable rent and shared ownership and this will be included within a Section106 legal agreement should planning permission be granted. However, it is acknowledged by the Council's Housing Strategy Team that there are difficulties in securing a Registered Provider (RP) to take on the affordable units where there are less than 10 on a development. As such they suggest that the affordable units could be provided as 'rent to buy' as an alternative model of delivery. This option can be built into any legal agreement. As this is not a regularly used option by the Council for delivery of affordable housing it is recommended that an alternative fallback option of a financial contribution in lieu of on-site delivery could also be included in the agreement.
- 10.52 In addition to the above the Developer Contributions SPD 2015 sets out that 22% of a development site area should make provision for open space. In this case due to the size of the site this would usually be an off-site contribution, however due to the constraints of the site an area of open space is provided on site, this is in excess of 22% though its usability is reduced due to the presence of drainage attenuation features, however it does provide some benefit/provision and due to the level of contributions put forward Officers are not seeking anything further in this regard.
- 10.53 Further contributions have been requested from the National Health Service and Cambridgeshire County Council for education purposes. The NHS request a contribution of £18,054.14 to cater for circa 50 new residents. Cambridgeshire County Council request a £32,226 contribution for early years provision, a primary contribution of £76,749, a secondary contribution of £77,022, library contribution of £3,098 and a monitoring fee of £150. These contributions are to be secured through a Section 106 Agreement.
- 10.54 The agent has agreed to the proposed financial contribution requests on the 20<sup>th</sup> of June 2025.

# **Other Matters for Consideration**

- 10.55 While the majority of issues raised within the responses received from members of the public have been addressed elsewhere within this report there are several issues which still need to be considered.
- 10.56 Concerns have been raised about disturbance during construction. A Construction Management Plan has been submitted which is not considered to be fully adequate and a condition requiring a further CMP to be submitted will be secured. Notwithstanding this, disturbance during construction will be controlled

- through this condition and therefore it is considered that this should assist in safeguarding amenities during the build period.
- 10.57 A number of objectors have expressed concerns with regard to the need for the development. Need is not a matter which carries material planning weight. Concerns have also been expressed about a loss of view. People do not have the right to view of land outside of their ownership; therefore, this concern does not carry material planning weight.
- 10.58 Finally, the loss of a pedestrian access from a gate in a rear boundary fence at Fairview Avenue as a result of the highways works is not a material planning concern. The properties in Fairview Avenue which border the eastern site boundary have access to the east facing frontages of their property, so there is not considered to be a material loss of access to a dwelling if a rear gate is lost as a result of the proposal.

# **Biodiversity Net Gain (BNG)**

- 10.59 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.
- 10.60 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.

#### 11 CONCLUSIONS

- 11.1 The principle of developing the site for 21 dwellings is considered acceptable given the site's location adjacent to the built form of Chatteris and in accordance with the settlement hierarchy of the Local Plan.
- 11.2 The previous decision of the Council regarding the development of the site for 22 dwellings under reference F/YR22/0381/F, is considered to be a significant material consideration. Given that the decision on this application raised no issues regarding the visual or wider character impact of development in this location or nor did it raise any amenity it is considered that the current application for 21 dwellings it is considered that the current application should also be found acceptable on these grounds. This is as there have been no changes to planning policy or the site context that would outweigh the weight given to this material consideration.
  - 11.3 The previous reason for refusal regarding the lack of certainty of delivery of the necessary highway infrastructure within the public byway has been resolved and no objections from the Highway Authority were raised to the application. With this in mind it is considered that the previous reason for refusal has fallen away.

- 11.4 Whilst it is acknowledged that the application fails to satisfy the requirements of the sequential test as set out in national policy, it is considered, having regard to the site's specific points highlighted above, that a reason for refusal on this basis alone would be unlikely to be sustained at appeal.
- 11.5 The design and appearance of the development is considered to be in keeping with the character and appearance of the area. Furthermore, the dwellings would provide an acceptable level of amenity for existing and future residents.
- 11.6 There are no other outstanding technical issues which cannot be addressed via condition or the proposed Section 106 legal agreement.
- 11.7 For the above reasons this application is considered to be in accordance with Policies LP1, LP2, LP3, LP4, LP5, LP6, LP10, LP13, LP14, LP15, LP16, LP17 and LP19 of the Fenland Local Plan (2014), as well as Chapters 2, 5, 12, 14 and 15 of the National Planning Policy Framework (2024).

#### 12 RECOMMENDATION

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 Section 106 legal agreement and planning conditions (proposed draft conditions are included below) to the Head of Planning; and,
- 2. Following the completion of the Section 106, application F/YR23/1033/F be approved subject to the draft planning conditions set out below,
- 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 Section 106 legal agreement, or on the grounds that the applicant is unwilling to complete the obligation necessary to make the development acceptable.

#### **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 development other than groundworks and foundations shall take place until full details of the materials to be used in the development hereby approved for the walls and roofs are submitted to and approved in writing by the Local Planning Authority. The details submitted for approval shall include the name of the manufacturer, the product type, colour and reference number. The development shall then be carried out in accordance with the approved details and retained in perpetuity thereafter.
	Reason: To safeguard the visual amenities of the area in accordance with Policy

	LP16 of the Fenland Local Plan, adopted May 2014.
3	The first floor side elevation windows in Plots 3, 10, 11 and 15 shall be glazed with obscure glass and so maintained in perpetuity thereafter.
	Reason - To safeguard the amenities of future residents and the amenity currently enjoyed by the occupants of adjoining dwellings.
4	Prior to first occupation of the development hereby permitted the areas of Public Open Space, including footpaths, as shown on the approved plans will be delivered in full and retained in perpetuity and shall be managed and maintained in accordance with details to have previously been submitted to and agreed in writing with the Local Planning Authority.  Reason: To safeguard the visual amenities of the area in accordance with Policy
	LP16 of the Fenland Local Plan, adopted May 2014.
5	Prior to the first occupation of the relevant dwelling hereby approved, the associated on-site parking shall be provided in accordance with the approved plans. Thereafter, these spaces shall be permanently retained and available for the parking of vehicles of occupiers for each dwelling of the approved scheme and shall not be used for any other purpose.
	Reason: In the interests of highway safety and in accordance with Policy LP15 of the Fenland Local Plan (2014).
6	Prior to the first occupation of the development hereby approved a refuse collection strategy shall be submitted to and approved in writing by the Local Planning Authority. The approved refuse collection strategy shall be implemented in accordance with the agreed details in full and thereafter be retained in perpetuity unless otherwise agreed in writing.
	Reason: To ensure a satisfactory form of refuse collection and compliance with Policy LP16 of the Fenland Local Plan 2014.
7	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).

#### Informative

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

- No development shall take place above slab level 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) hard surfacing, other hard landscape features and materials
  - b) existing trees, hedges or other soft features to be retained
  - c) planting plans, including specifications of species, sizes, planting centres number and percentage mix
  - d) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife
  - e) details of siting and timing of all construction activities to avoid harm to all nature conservation features
  - f) location of service runs
  - g) management and maintenance details

The approved hard landscaping scheme 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.

Before the commencement of the development hereby permitted, full details of the existing and proposed site levels and proposed floor levels of the buildings, hard surfaced areas and garden/amenity areas, including any mitigation measures arising as a consequence (for example increased height of boundary treatment), shall be submitted to and approved in writing by the Local Planning Authority. A proposed topography plan shall be provided which shows the site topography for

the approved site and adjacent neighbouring land. The development shall be constructed and retained in accordance with the details so approved.

Note: Site levels and finished floor levels have not been approved. Where levels are raised above existing ground levels, the submission shall be supported by cross-sectional drawings showing the relationship with adjoining uses and buildings to enable the Local Planning Authority to be satisfied that sufficient mitigation measures will be in place.

Reason: To reduce the risk of flooding of the development. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works. This Condition is imposed in accordance with Policy 14 of the Fenland Local Plan, 2014 and Section 14 of the National Planning Policy Framework, December 2023.

Prior to the first occupation of the relevant dwelling hereby approved, boundary treatment shall be installed in accordance with the approved plan 6343/PL20D and retained in perpetuity.

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

- 11 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), planning permission shall be required for the following developments or alterations:
  - i) the erection of any walls, fences or other means of enclosure to the frontage boundary to all plots (as detailed in Schedule 2, Part 2, Class A).

#### Reasons:

- 1. To ensure that the Local Planning Authority retains control over the future extension and alteration of the development, in the interests of its architectural and visual integrity and character of this part of the area in which it is set in accordance with Policies LP16 and LP18 of the Fenland Local Plan 2014.
- 2. To prevent the restriction of movement along the West Street public byway at the open frontage of Plots 1 and 2 of the approved development.
- Notwithstanding the submitted details, no development shall commence until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall include the consideration of the following aspects of construction:
  - a) Construction programme;
  - b) Contractors' access arrangements for vehicles, plant and personnel including the location of construction traffic routes to, from and within the site, details of their signing, monitoring and enforcement measures; c) Details of a temporary facilities area clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting the site during the period of construction;
  - d) Details of restricted Construction hours:
  - e) Details of restricted Delivery times and collections;
  - f) Noise impact assessment methodology, mitigation measures, noise monitoring

and recording statements in accordance with the provisions of BS 5228-

- 1:2009+A1:2014 Code of Practice for noise and vibration control on construction and open sites;
- g) 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. Details of any piling construction methods / options, as appropriate;
- h) Dust mitigation, management / monitoring and wheel washing measures in accordance with the provisions of Control of dust and emissions during construction and demolition, and road sweepers to address depositing of mud on immediate highways;
- i) Use of concrete crushers;
- j) Prohibition of the burning of waste on site during demolition/construction;
- k) Site artificial lighting including hours of operation, position and impact on neighbouring properties;
- I) Drainage control measures including the use of settling tanks, oil interceptors and bunds.
- m) Screening and hoarding details;
- n) Access and protection arrangements around the site for pedestrians, cyclists and other road users;
- o) Procedures for interference with public highways, including permanent and temporary realignment, diversions and road closures; p) External safety and information signing and notices;
- q) Implementation of a Stakeholder Engagement/Residents Communication Plan, Complaints procedures, including complaints response procedures;
- r) Storage of materials, including soil, in areas of the site liable to flood, and:

The approved CMP shall be adhered to throughout the construction period and must demonstrate the adoption of best practice.

Reason: In the interests of protecting highway safety and residential amenity in accordance with policies LP2, LP15 and LP16 of the Fenland Local Plan, 2014.

- Notwithstanding the submitted details, no development shall take place (including demolition, ground works and vegetation clearance) until a detailed Construction Ecological Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority.
  - The CEMP (Biodiversity) shall incorporate recommendations of the Preliminary Ecological Appraisal and Preliminary Roost Assessment (Arbtech 2023) and Bat Survey Report (Allied Ecology 2023) and must include the following
  - A) Risk assessment of potentially damaging construction activities.
  - B) Identification of "biodiversity protection zones".
  - C) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction this may be provided as a set of method statements
  - D) The location and timings of sensitive works to avoid harm to biodiversity features
  - E) The times during which 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 (ECoW) or similarly competent person
  - H) Use of protective fences, exclusion barriers and warning signs if applicable

The approved CEMP 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

Reason: To protect biodiversity in accordance with policies LP16 & LP19 of the Fenland Local Plan 2014.

No development above slab level shall take place until details for the provision of fire hydrants has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before any dwelling within the development is occupied.

Reason: To ensure a satisfactory form of development and in accordance with Policy LP16 of the Local Plan.

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 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 the National Planning Policy Framework and Policy LP14 of the Fenland Local Plan 2014.

A pre-commencement condition is necessary in order to ensure that foul water drainage is adequately dealt with and thereafter retained in perpetuity.

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

The scheme shall be based upon the principles within the agreed Drainage Strategy prepared by Parsons Consulting Engineers (ref: 21159-001) dated 10th January 2025 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. This condition is imposed in accordance with Policy LP14 of the Fenland Local Plan, 2014.

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. This condition is imposed in accordance with Policy LP14 of the Fenland Local Plan, 2014.

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

Reason: To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard. This condition is imposed in accordance with Policy LP16 of the Fenland Local Plan, 2014.

Prior to the first occupation of any dwelling the road(s), footway(s) and cycleway(s) required to access that dwelling shall be constructed to at least binder course surfacing level from the dwelling to the adjoining County road in accordance with

	the details approved on 6343/PL11D.
	Reason: In the interests of highway safety and to ensure compliance with Policies LP15 and LP16 of the Fenland Local Plan, adopted May 2014.
20	No development above slab level shall take place at Plots 1 & 2 until a scheme to secure the highway boundary markers (as referenced on 6343/PL11D Rev D – Site Plan) has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall detail the type and location of boundary markers. The development shall be carried out in accordance with the agreed details prior to occupation of Plots 1 & 2.
	Reason: For the safe and effective operation of the highway. This condition is imposed in accordance with Policy LP16 of the Fenland Local Plan, 2014.
Before development commences a timetable for the delivery of the road improvement scheme for West Street, including the byway, shall be sub and agreed in writing by the Local Planning Authority. The scheme show approved plans shall be delivered in accordance with the agreed timetal shall be retained in perpetuity thereafter.	
	Reason: In the interests of highway safety and to ensure satisfactory access into the site. This condition is imposed in accordance with Policy LP16 of the Fenland Local Plan, 2014.
22	Accesses to the public highway as shown on approved plan 6343/PL11B are to be provided before first occupation of the relevant dwelling and should be constructed so as to prevent discharge of water to highway.
	Reason: For the safe and effective operation of the highway. This condition is imposed in accordance with Policies LP14 and LP16 of the Fenland Local Plan, 2014.
23	Vehicular accesses and driveways 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. This condition is imposed in accordance with Policy LP16 of the Fenland Local Plan, 2014.
24	Two 2.0 x 2.0 metres pedestrian visibility splays shall be provided as shown on drawing 6343/PL11D Rev D – Site Plan. This area shall be kept clear of any obstruction to visibility exceeding 600mm high and retained as such throughout the lifetime of the development.
	Reason: In the interests of highway safety. This condition is imposed in accordance with Policy LP16 of the Fenland Local Plan, 2014.
25	The mitigation measures concerning reptiles described in section 5.2 of the Preliminary Ecological Appraisal – Final Report are required to be implemented in full prior to first occupation of the site and retained in perpetuity so that the development will not cause harm to reptiles.
	Reason: Conservation of protected species. This condition is imposed in

accordance with Policy LP19 of the Fenland Local Plan, 2014.

# 26 No development shall commence until:

(a) A site investigation report detailing all investigative works and sampling on site, together with the results of the analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the Local Planning Authority (LPA). The LPA shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment including any controlled waters. No development approved by this permission shall be occupied prior to the completion of any remedial works and a validation report/s being submitted to the LPA and receipt of approval of the document/documents from the LPA. This applies to paragraphs (b), (c) and (d).

In the event that a remediation scheme is required, this should also be conditioned at this stage as follows:

- (b) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance.
- (c) If, during the works, contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA.
- (d) Upon completion of the works, this condition shall not be discharged until a validation/closure report has been submitted to and approved by the LPA. The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from site, and what has been brought on to site.

Reason: To ensure that the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecosystems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in the NPPF and Policies LP2, LP16 and LP19 of the Fenland Local Plan 2014.

#### 27 | Approved Plans





SUDs Features ■■ Bin Collection Point ■ 1.8m Access Gate Byway 22 Width D - 29.01.25 - Amendments following planning consultant comments.
C - 28.01.25 - Amendments following LHA comments dated 17.01.25.
B - 13.11.24 - Amendments to access road.
REVISIONS



ASSOCIATES

ADDRESS: 2 CHAPEL ROAD, WISBECH, CAMBS, PE13 1RG. **TELEPHONE**: 01945 466966

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

URBAN DEVELOPMENTS PETERBOROUGH LTD PROJECT

PROPOSED DEVELOPMENT

LAND SOUTH OF No.88 WEST STREET **CHATTERIS** CAMBS PE16 6HR

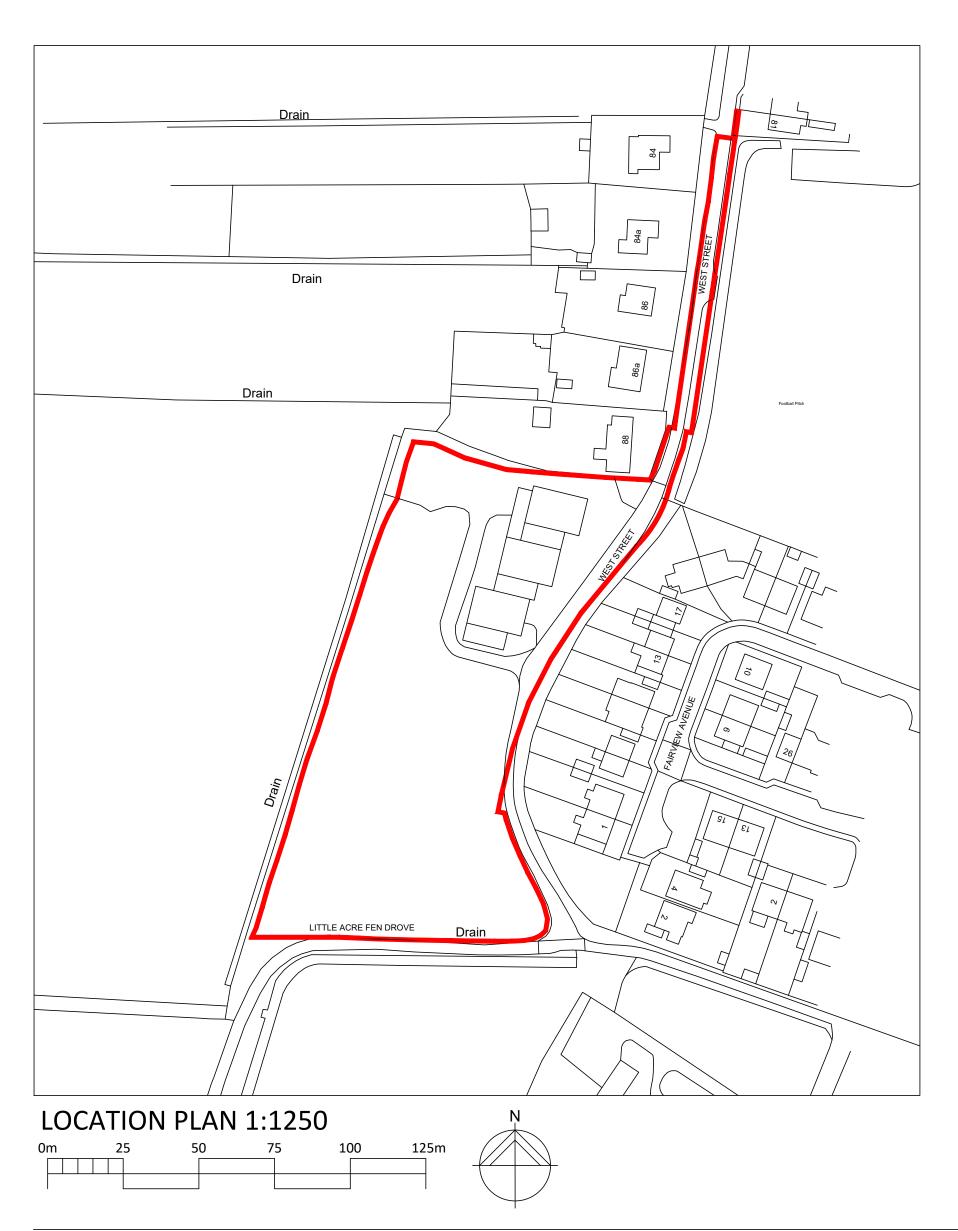
DRAWING PLANNING DRAWING 1 (SITE PLAN)

PAPER SIZE OCT 2023 6343/PL11D A1

This drawing is the permission of Peter Humphrey Associates Ltd. and may not be reissued, loaned or copied in whole or part without written consent. All dimensions shown on the drawing are in millimeters unless stated otherwise. If the drawing is received electronically (PDF) it is the recipient's responsibility to ensure it is printed to the correct paper size. All dimensions to be checked on site

prior to commencing work and any discrepancies to be highlighted immediately.

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



B - 13.11.24 - Amendments to redline for access road realignment. REVISIONS

JOB NO. PAPER SIZE OCT 2023 6343/L02A А3

Notes:

This drawing is the permission of Peter Humphrey Associates Ltd. and may not be reissued, loaned or copied in whole or part without written consent.

All dimensions shown on the drawing are in millimeters unless stated otherwise. If the drawing is received electronically (PDF) it is the recipient's responsibility to ensure it is printed to the correct paper size. All dimensions to be checked on site prior to commencing work and any discrepancies to be highlighted immediately.

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

CLIENT

URBAN DEVELOPMENTS PETERBOROUGH LTD

PROPOSED DEVELOPMENT

SITE

LAND SOUTH OF No.88 **WEST STREET CHATTERIS CAMBS** PE16 6HR

DRAWING

**LOCATION PLAN** 

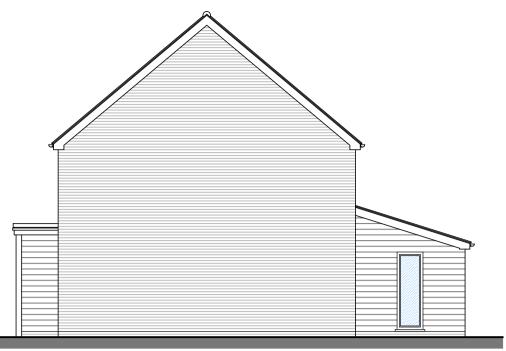


# PETER HUMPHREY ASSOCIATES

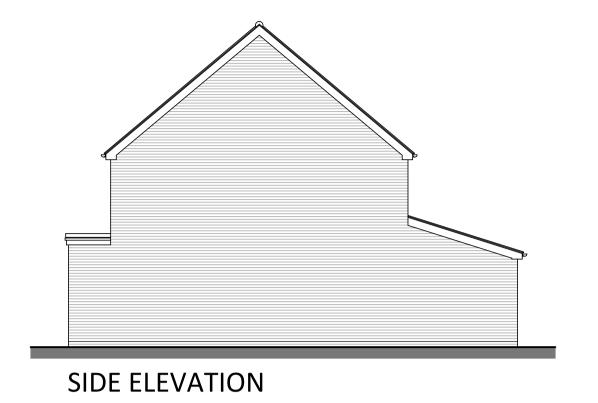
ADDRESS: 2 CHAPEL ROAD, WISBECH, CAMBS, PE13 1RG.

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

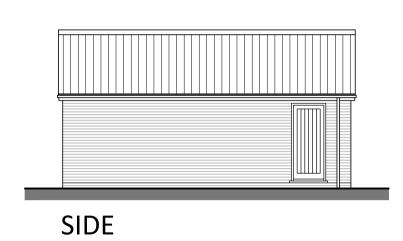


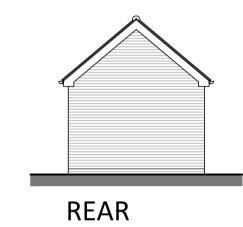




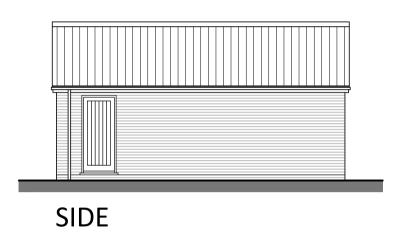


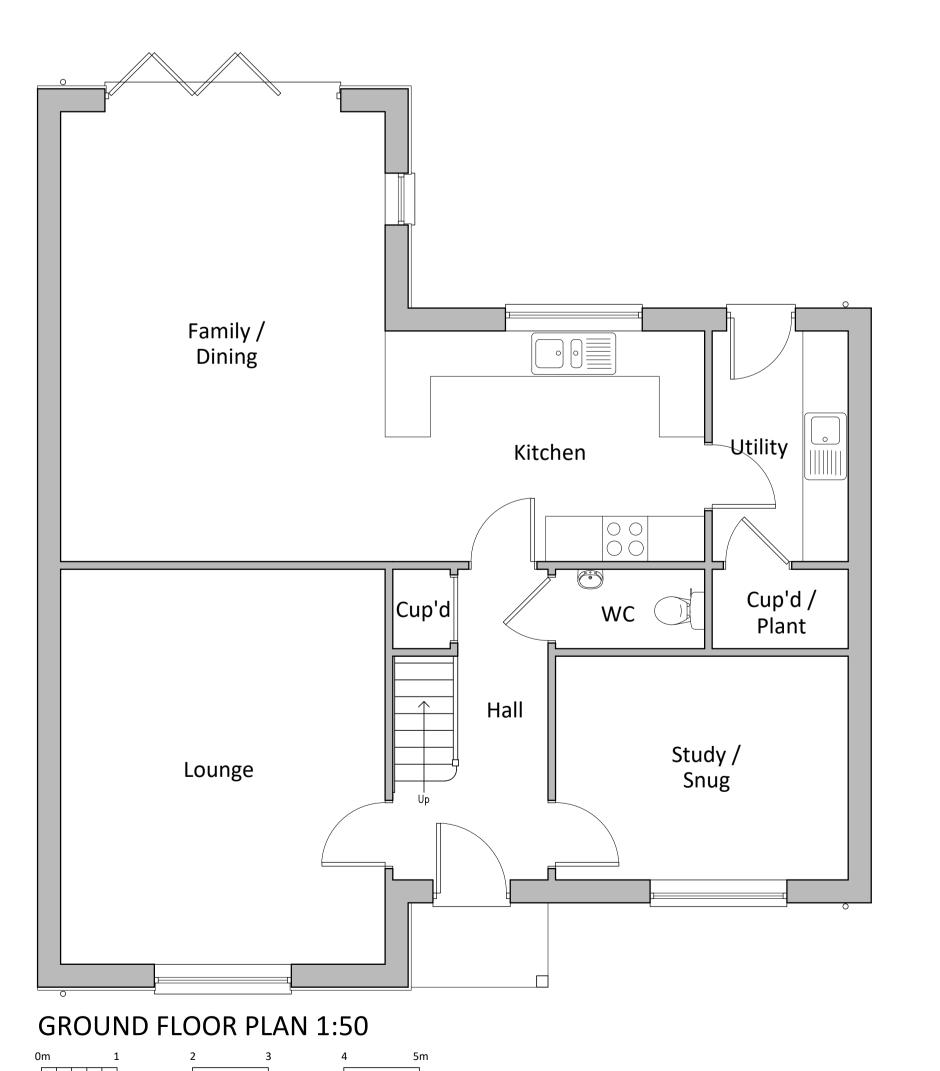
FRONT 1:100

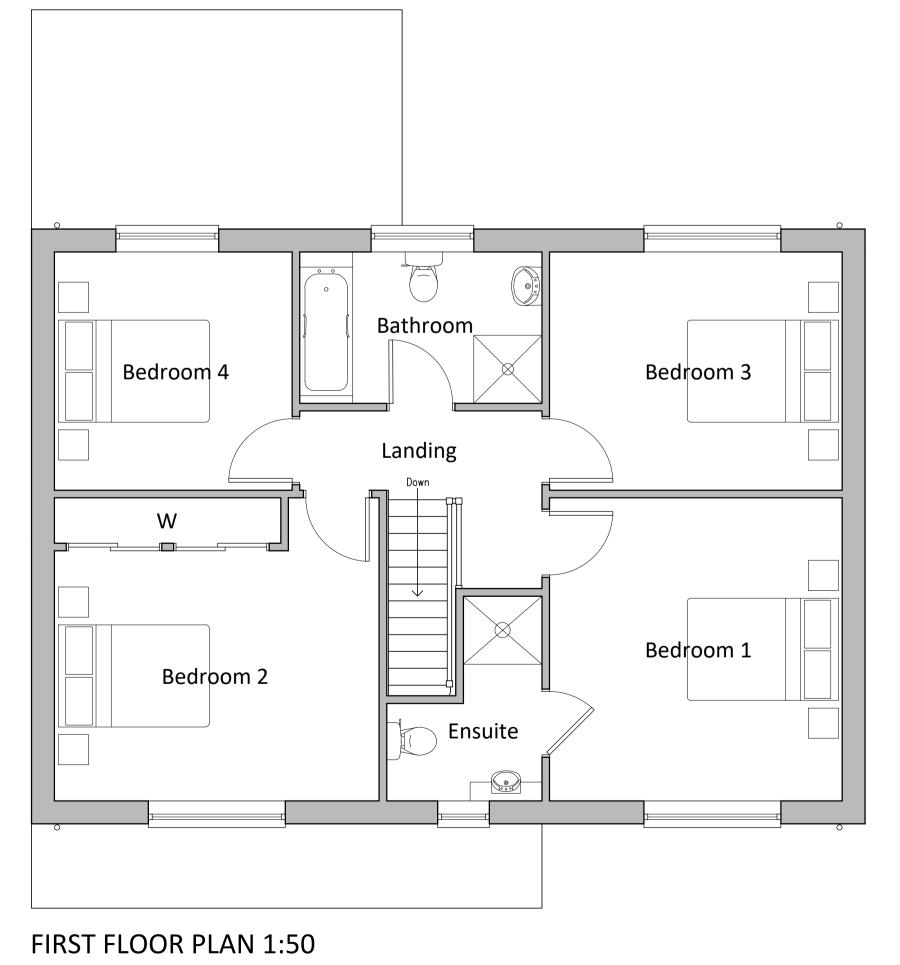


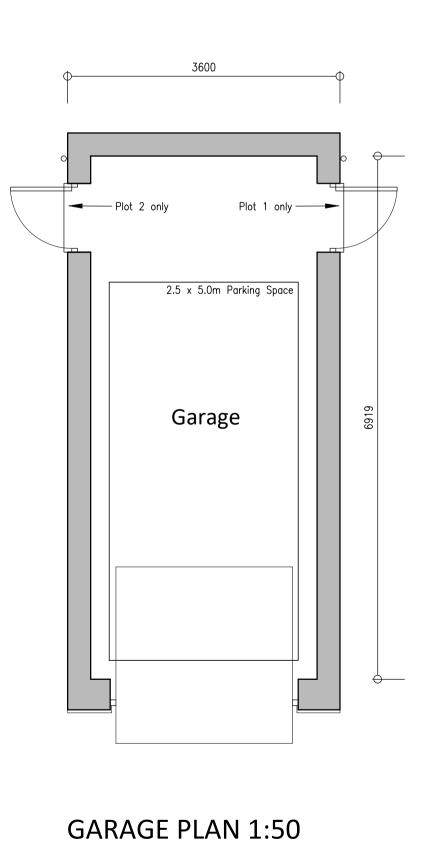


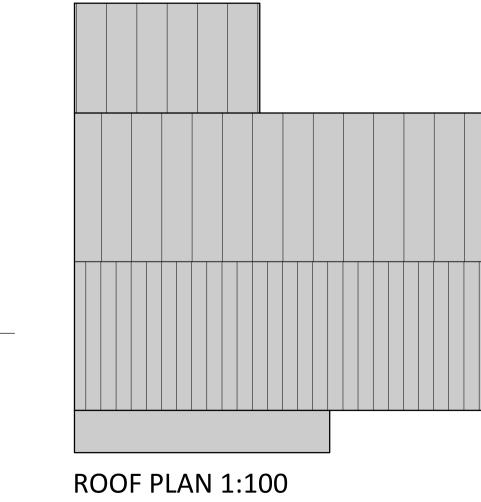
SIDE ELEVATION











ROOF PLAN 1:100

Plot Schedule:

As Drawn Plots 1 & 2

Room Schedule:	
Ground Floor Lounge Kitchen Family / Dining Utility Study WC Cup'd / Plant	5.22m x 4.29m 3.05m x 4.22m 5.95m x 4.29m 3.05m x 1.80m 2.95m x 3.87m 1.05m x 1.97m 1.05m x 1.80m
GIA =	92.87m² / 999ft²
First Floor Bedroom 1 Ensuite  Bedroom 2 Bedroom 3 Bedroom 4 Bathroom	4.00m x 3.87m 2.70m (1.29m) x 2.05m 3.30m x 4.29m 3.15m x 3.87m 3.15m x 3.14m 2.00m x 3.20m
GIA =	75.63m² / 813ft²

A - 15.05.24 - Type A re-designed. REVISIONS



GIA TOTAL =  $168.50 \text{m}^2 / 1812 \text{ft}^2$ 

# PETER HUMPHREY ASSOCIATES

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

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

URBAN DEVELOPMENTS PETERBOROUGH LTD

PROPOSED DEVELOPMENT

LAND SOUTH OF No.88 WEST STREET CHATTERIS CAMBS PE16 6HR

PLANNING DRAWING 2 (TYPE A)

6343/PL12A A1 OCT 2023

Notes: This drawing is the permission of Peter Humphrey Associates Ltd. and may not be reissued, loaned or copied in whole or part without written consent.

All dimensions shown on the drawing are in millimeters unless stated otherwise. If the drawing is received electronically (PDF) it is the recipient's responsibility to ensure it is printed to the correct paper size. All dimensions to be checked on site prior to commencing work and any discrepancies to be highlighted immediately.

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



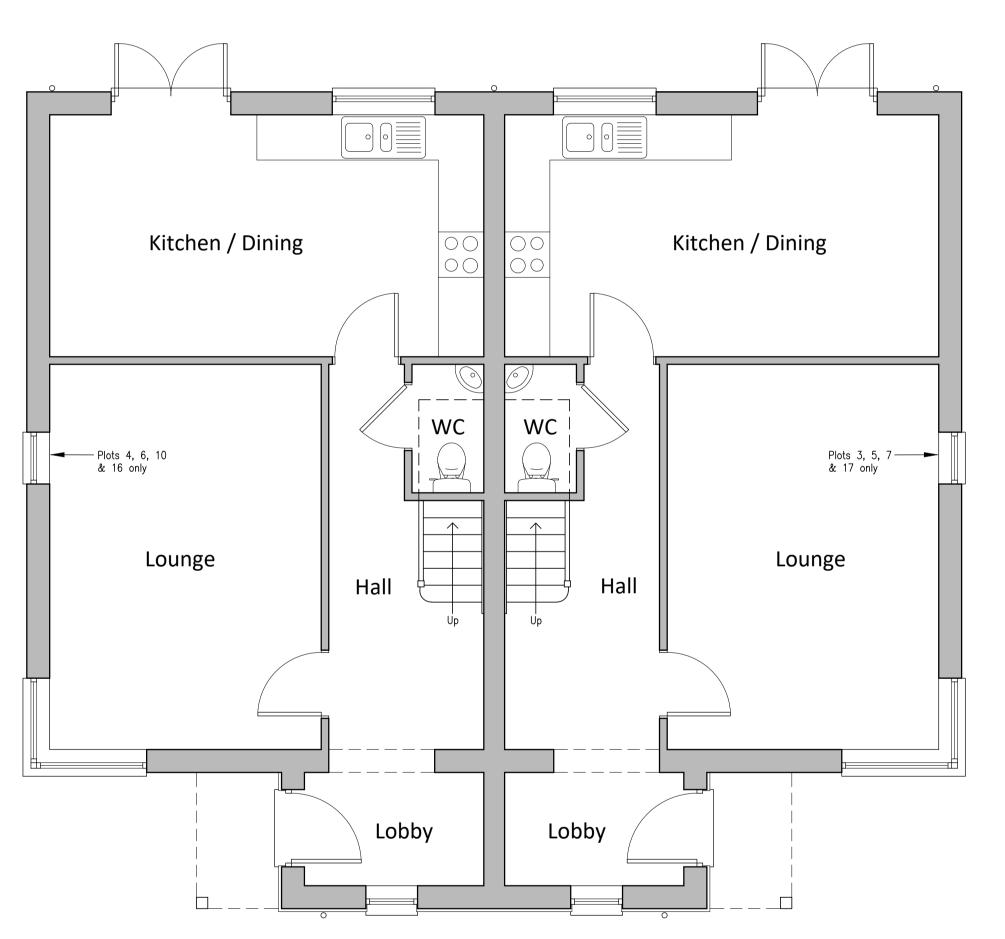
**GROUND FLOOR PLAN 1:50** 



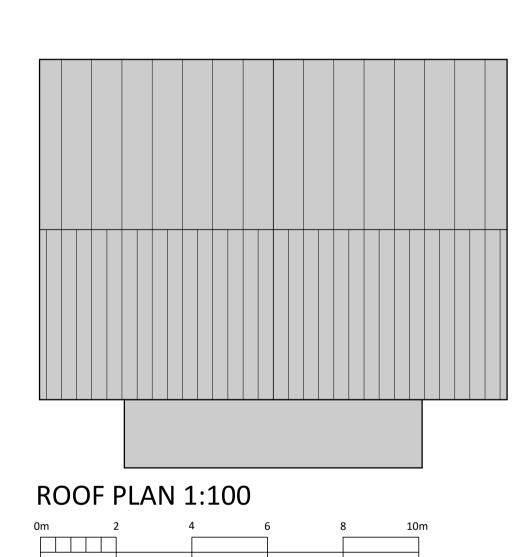




REAR ELEVATION SIDE ELEVATION







FIRST FLOOR PLAN 1:50

Plot Schedule:

As Drawn Plots 3 to 10 & 15 to 18

<u>Handed</u>

**Room Schedule: Ground Floor** Lounge 5.09m x 3.59m Kitchen / Dining 3.20m x 5.74m 1.70m x 0.95m GIA = 52.46m<sup>2</sup> / 564ft<sup>2</sup> First Floor 3.74m x 3.49m 1.20m x 2.72m Bedroom 1 Ensuite 3.25m x 3.49m 2.65m x 2.15m Bedroom 2 Bedroom 3 2.10m x 2.15m Bathroom 48.19m<sup>2</sup> / 518ft<sup>2</sup> GIA TOTAL = 96.87m<sup>2</sup> / 1082ft<sup>2</sup>

A - 15.05.24 - Amendments following site layout revisions.
REVISIONS



# PETER HUMPHREY ASSOCIATES

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

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

URBAN DEVELOPMENTS PETERBOROUGH LTD

PROJECT

PROPOSED DEVELOPMENT

LAND SOUTH OF No.88
WEST STREET
CHATTERIS
CAMBS

PE16 6HR

RAWING

 JOB NO.
 PAPER SIZE
 DATE

 6343/PL13A
 A1
 OCT 2023

PLANNING DRAWING 3 (TYPE B)

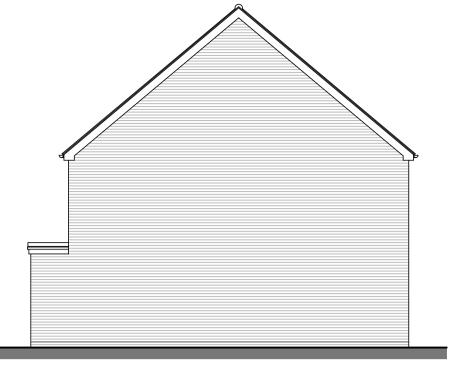
This drawing is the permission of Peter Humphrey Associates Ltd. and may not be reissued, loaned or copied in whole or part without written consent.

reissued, loaned or copied in whole or part without written consent.

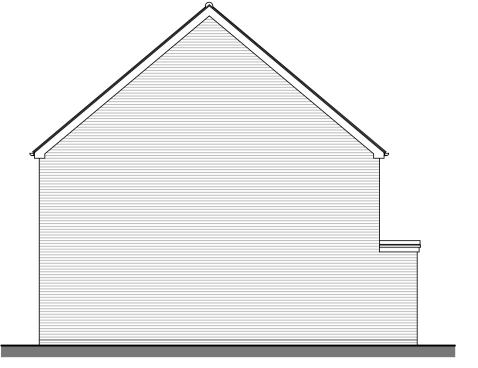
All dimensions shown on the drawing are in millimeters unless stated otherwise. If the drawing is received electronically (PDF) it is the recipient's responsibility to ensure it is printed to the correct paper size. All dimensions to be checked on site prior to commencing work and any discrepancies to be highlighted immediately.

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







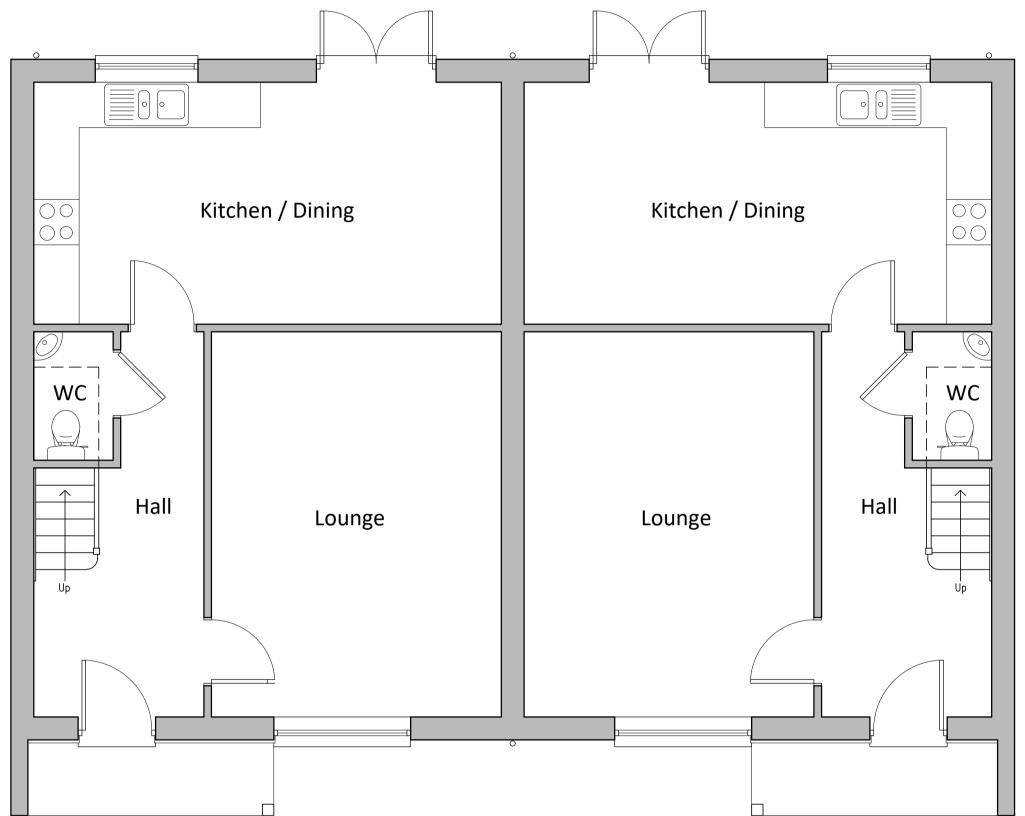


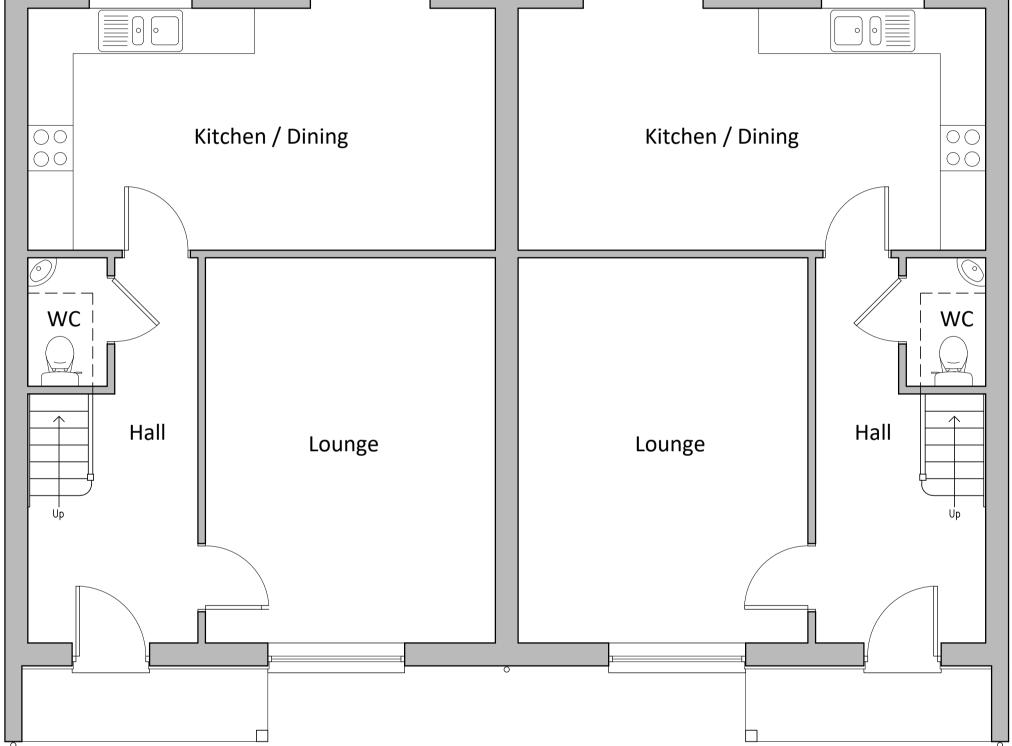
FRONT ELEVATION 1:100

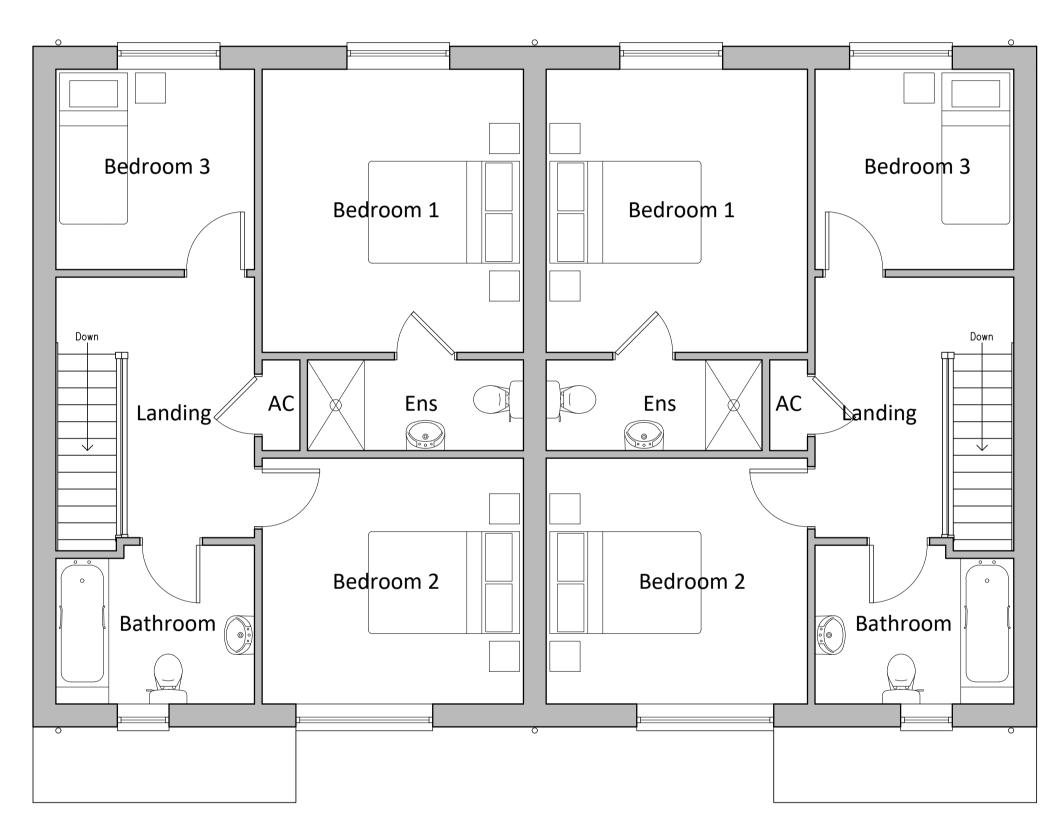
SIDE ELEVATION

**REAR ELEVATION** 

SIDE ELEVATION



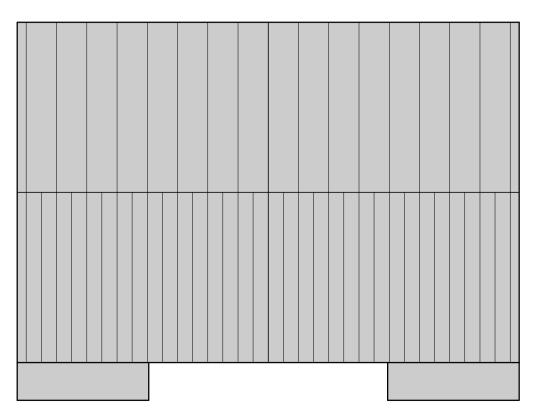




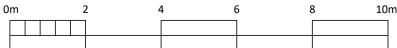
**GROUND FLOOR PLAN 1:50** 



FIRST FLOOR PLAN 1:50



ROOF PLAN 1:100



Plot Schedule:

As Drawn Plots 19 & 20 <u>Handed</u> N/A

**Room Schedule:** 

**Ground Floor** Lounge Kitchen / Dining WC

5.09m x 3.83m 3.20m x 6.18m 1.70m x 1.05m

51.91m<sup>2</sup> / 558ft<sup>2</sup>

2.10m x 2.62m

First Floor

Bathroom

GIA =

3.74m x 3.45m Bedroom 1 1.20m x 2.84m 3.25m x 3.45m 2.65m x 2.62m Ensuite Bedroom 2 Bedroom 3

51.91m<sup>2</sup> / 558ft<sup>2</sup>

GIA TOTAL =  $103.82 \text{m}^2 / 1116 \text{ft}^2$ 

A - 15.05.24 - Amendments following site layout revisions.



# PETER HUMPHREY

ASSOCIATES

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

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

URBAN DEVELOPMENTS PETERBOROUGH LTD

PROPOSED DEVELOPMENT

LAND SOUTH OF No.88 WEST STREET CHATTERIS

CAMBS PE16 6HR

PLANNING DRAWING 4 (TYPE C)

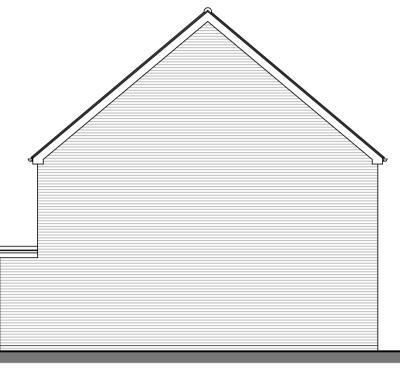
JOB NO.	PAPER SIZE	DATE
6343/PL14A	A1	OCT 2023

**Notes:**This drawing is the permission of Peter Humphrey Associates Ltd. and may not be reissued, loaned or copied in whole or part without written consent.

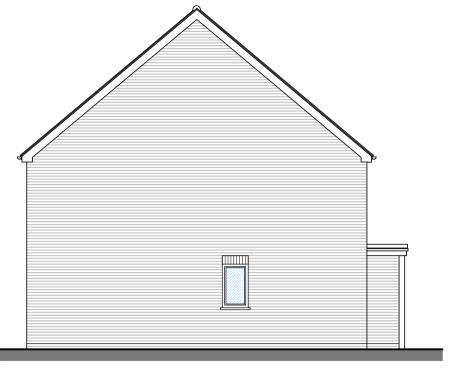
All dimensions shown on the drawing are in millimeters unless stated otherwise. If the drawing is received electronically (PDF) it is the recipient's responsibility to ensure it is printed to the correct paper size. All dimensions to be checked on site prior to commencing work and any discrepancies to be highlighted immediately.

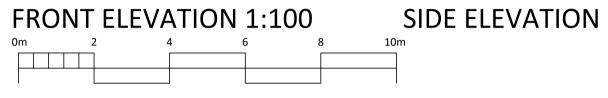
The Construction (Design and Management) Regulations 2015:
Peter Humphrey Associates' form of appointment with the client confirms whether the agent is appointed as 'Designer' or 'Principal Designer' under these regulations. Nevertheless, the design phase has been carried out with due consideration for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





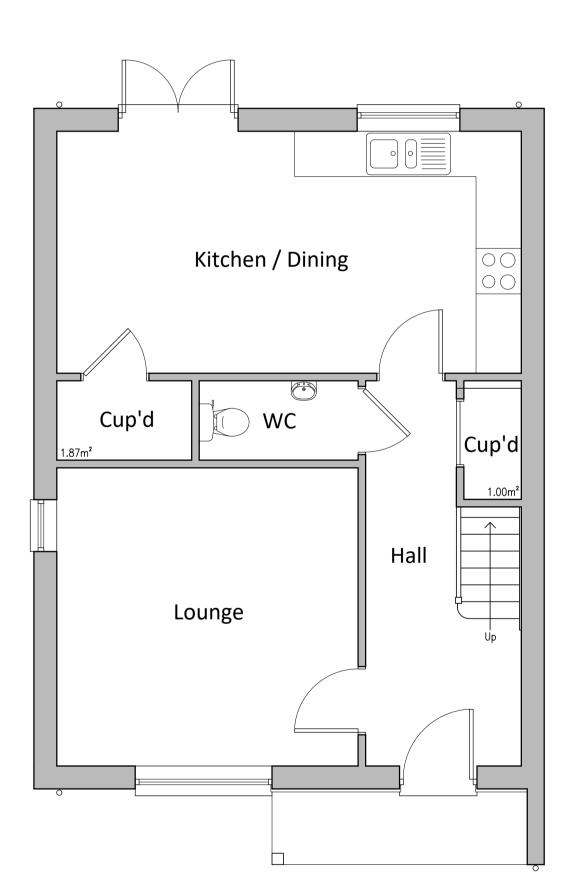


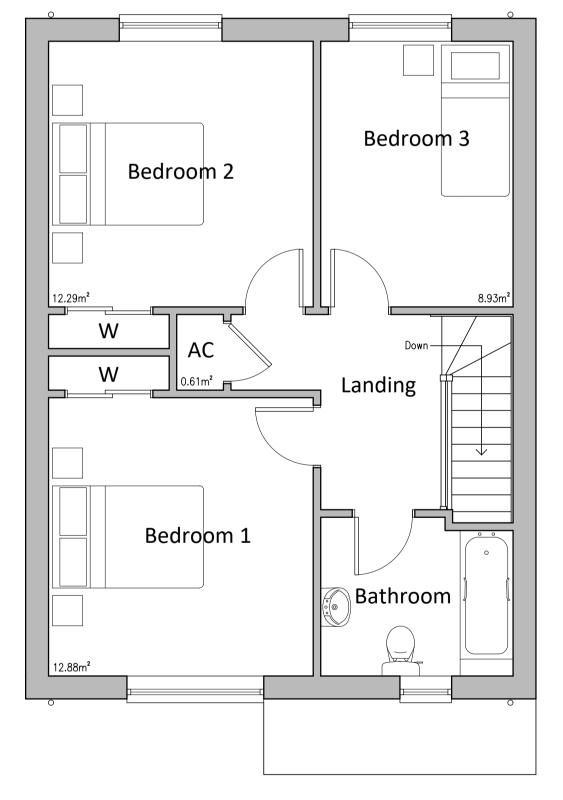


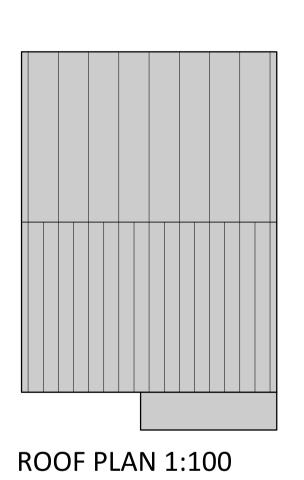




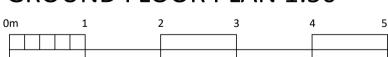
SIDE ELEVATION







**GROUND FLOOR PLAN 1:50** 



FIRST FLOOR PLAN 1:50

Plot Schedule:

As Drawn Plot 21

<u>Handed</u> N/A

**Room Schedule:** 

Ground Floor
Lounge 3.94m x 3.94m
Kitchen / Dining 3.20m x 6.14m 1.05m x 2.10m

Storage = GIA =

2.87m² / 30ft² 51.57m² / 554ft² First Floor 3.68m x 3.50m 3.51m x 3.50m Bedroom 1

Bedroom 2 Bedroom 3

Storage =

2.51m x 2.54m 2.10m x 2.54m Bathroom

0.61m<sup>2</sup> / 6ft<sup>2</sup>

51.57m<sup>2</sup> / 554ft<sup>2</sup> GIA = Storage TOTAL = 3.48m<sup>2</sup> / 36ft<sup>2</sup>

GIA TOTAL = 103.14m<sup>2</sup> / 1108ft<sup>2</sup>

A - 15.05.24 - Type D re-designed. REVISIONS



# PETER HUMPHREY

ASSOCIATES

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

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

URBAN DEVELOPMENTS PETERBOROUGH LTD

PROPOSED DEVELOPMENT

LAND SOUTH OF No.88

WEST STREET CHATTERIS CAMBS

PE16 6HR

PLANNING DRAWING 6 (TYPE D)

JOB NO.	PAPER SIZE	DATE
6343/PL16A	A1	OCT 202

Notes:
This drawing is the permission of Peter Humphrey Associates Ltd. and may not be

reissued, loaned or copied in whole or part without written consent. All dimensions shown on the drawing are in millimeters unless stated otherwise. If the drawing is received electronically (PDF) it is the recipient's responsibility to ensure it is printed to the correct paper size. All dimensions to be checked on site prior to commencing work and any discrepancies to be highlighted immediately.

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







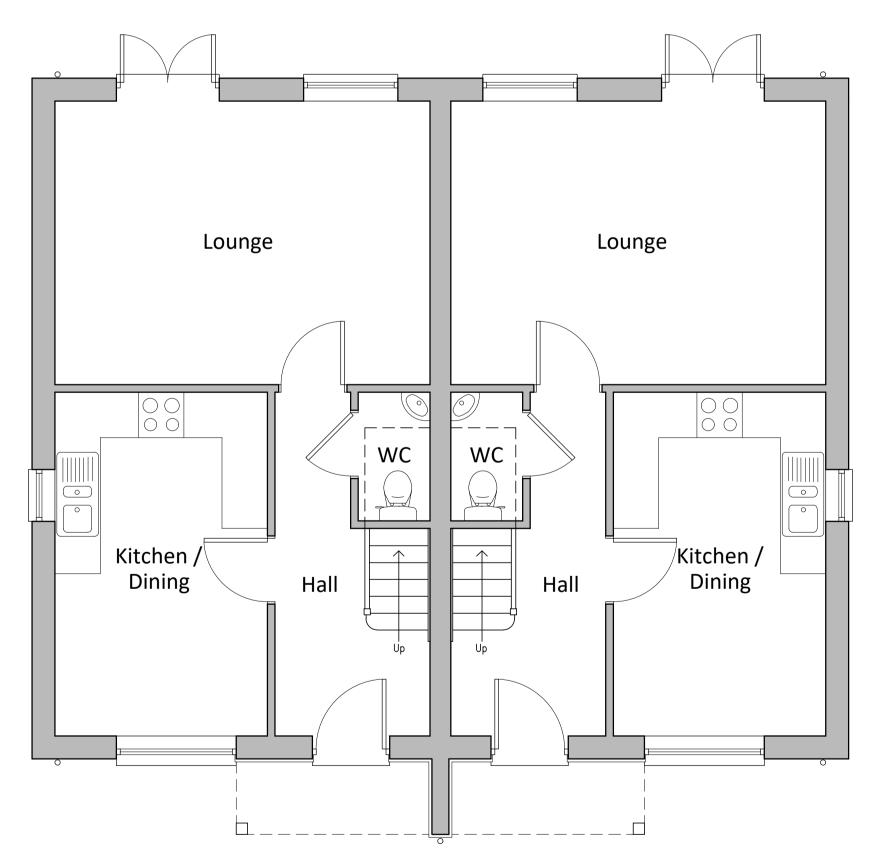


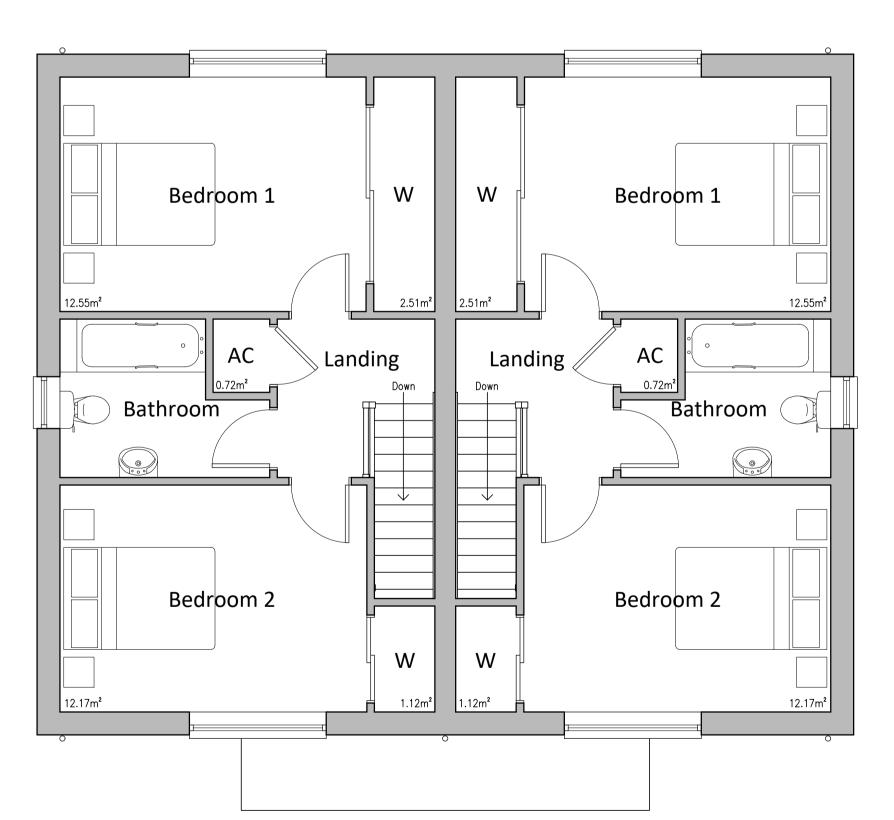
FRONT ELEVATION 1:100

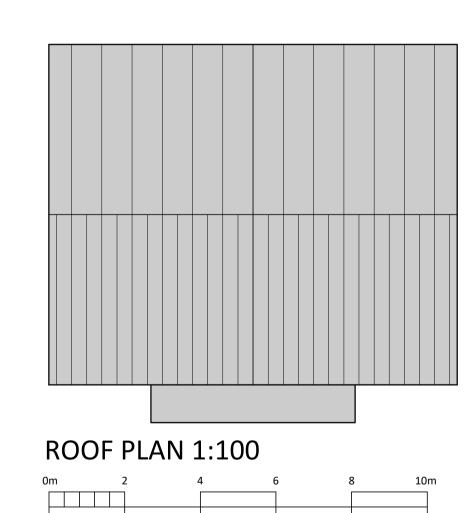
SIDE ELEVATION

REAR ELEVATION

SIDE ELEVATION







**GROUND FLOOR PLAN 1:50** 



FIRST FLOOR PLAN 1:50

LAND SOUTH OF No.88 WEST STREET CHATTERIS CAMBS PE16 6HR

**Plot Schedule:** 

**Room Schedule:** 

Ground Floor

GIA =

First Floor

Bedroom 1 Bedroom 2

Bathroom

Storage =

Storage TOTAL =

A - 15.05.24 - Amendments following site layout revisions.

ASSOCIATES

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

PETER HUMPHREY

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

URBAN DEVELOPMENTS PETERBOROUGH LTD

GIA TOTAL =

GIA =

Lounge Kitchen / Dining

As Drawn Plots 11 to 14 Handed N/A

3.75m x 4.95m

4.54m x 2.80m 1.70m x 0.95m

41.63m² / 447ft²

3.10m x 4.04m 3.00m x 4.04m

2.09m x 1.92m

4.35m² / 46ft²

41.63m<sup>2</sup> / 447ft<sup>2</sup>

4.35m<sup>2</sup> / 46ft<sup>2</sup>

83.26m<sup>2</sup> / 894ft<sup>2</sup>

PLANNING DRAWING 7 (TYPE E)

PROPOSED DEVELOPMENT

JOB NO.	PAPER SIZE	DATE
6343/PL17A	A1	OCT 2023

**Notes:**This drawing is the permission of Peter Humphrey Associates Ltd. and may not be reissued, loaned or copied in whole or part without written consent.

the drawing is received electronically (PDF) it is the recipient's responsibility to ensure it is printed to the correct paper size. All dimensions to be checked on site prior to commencing work and any discrepancies to be highlighted immediately.

All dimensions shown on the drawing are in millimeters unless stated otherwise. If

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



#### F/YR25/0223/F

Applicant: Mr David Wyatt Agent: Mr Lee Bevens
Construct Reason Ltd L Bevens Associates Ltd

Land South Of 28 - 29, Juniper Close, Doddington, Cambridgeshire

Erect 9 x dwellings with associated estate road, garages, parking and landscaping, involving the demolition of existing garage/store, and change of use of land for domestic purposes for 9 Sutton Way

Officer recommendation: Refuse

Reason for Committee: Number of representations contrary to Officer

Recommendation

#### 1 EXECUTIVE SUMMARY

1.1. This application is a full application for 9 dwellings.

- 1.2. The application site is located within the village of Doddington, which is designated as Growth Village under Policy LP3 of the Fenland Local Plan. In these settlements, development and new service provision either within the existing urban area or as small village extensions will be appropriate albeit of a considerably more limited scale than that appropriate to the Market Towns.
- 1.3. The application site is situated to the north of the rear of the High Street and would be adjacent to the existing settlement. As such, the scheme is considered to be accord with Policy LP3 as a location for residential development. The area immediately surrounding the site to the north and east is typified by a mix of single and two storey twentieth and twenty-first century dwellings. To the south of the site is Doddington Conservation Area and the rear gardens of the dwellings along the High Street. To the west is a Grade II listed windmill, along with open fields to the west and northwest, which lead out into arable fields and open countryside.
- 1.4. The proposed development would substantially change the character of the meadow that provides the Grade II listed windmill to the west of the site with its historic agrarian setting. The level of harm which would be caused to the significance of the setting is considered to be less than substantial (medium on the spectrum) as outlined in Paragraph 212 of the National Planning Policy Framework as a result of the loss of setting and erosion of the 'spatial buffer. It would also result in less than substantial harm upon the character and appearance of Doddington Conservation Area.
- 1.5. The public benefits of the development amount to 9 private market dwellings and a small area of open space that has dual use as an attenuation pond and trim trail from where views of the Grade II listed windmill would be visible. It is acknowledged that these are benefits, but not so significant as to outweigh the harm to both the setting of the listed building and Doddington Conservation Area.

#### 2 SITE DESCRIPTION

- 2.1. The application site is located close to the centre of the village of Doddington, to the north of the High Street, which is approximately 4 miles to the southwest of the market town of March. The site can be accessed from the north from Juniper Close. The site measures approximately 1.07 hectares.
- 2.2. The site is an undeveloped greenfield site, covered in scrub and a number of trees at varying levels of maturity. To the north is Juniper Close, a recently constructed residential development of bungalows, to the east is The Larches, a modern development of two storey dwellings, to the south is the existing dwellings along the High Street and to the west is open countryside, Mill House and the Grade II listed Doddington Windmill.
- 2.3. In addition to the Grade II listed windmill that is located to the west of the application site, Doddington Conservation Area lies to the immediate south of the proposed development site.
- 2.4. There are a number of mature trees on site. However, none of these trees are covered by Tree Protection Orders (TPOs) or are protected by virtue of being located within Doddington Conservation Area.
- 2.5. The site is located in Flood Zone 1.

#### 3 PROPOSAL

- 3.1. The application proposes the development of 9 bungalows at land south of Juniper Close.
- 3.2. It is proposed to construct 7 three-bedroom bungalows and 2 two-bedroom bungalows, all with associated garages and car parking.
- 3.3. The site will be accessed from the north via Juniper Close, which will provide both vehicular and pedestrian access to the site by linking with the existing carriageway and footpath to the north. An additional pedestrian link will be provided to the east to connect with Sutton Way.
- 3.4. In addition to the above a small area to the northeast of the site is proposed to be changed from agricultural use to residential land to increase the existing rear garden for no. 9 Sutton Way.
- 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

4.1. The site has a long planning history, the most pertinent applications relevant to this proposal being as follows:

F/90/0015/O	Residential Development 0.67 ha. (1.7 acres) comprising of 17 dwellings, ancillary and additional car parking with associated highway improvements.	Refused	12.09.1990
F/YR17/0406/F	Erection of 28 x single-storey dwellings with associated garages and parking, comprising of: 11 x 2-bed and 17 x 3-bed, and landscaping and surface water drainage reservoir.  (Note: This application concerns the site to the immediate north of the application site.)	Granted	26.10.2018
F/YR21/0065/F	Erect 16 x dwellings (5 x single-storey, 2- bed and 11 x single-storey, 3-bed) with associated garages, parking and landscaping.	Withdrawn	10.05.2021
F/YR21/1386/F	Erect 16 x dwellings (4 x single-storey, 2- bed and 12 x single-storey, 3-bed) with associated garages, parking and landscaping.	Refused	08.11.2022
F/YR23/0500/F	Erect 14 x dwellings (2 x single-storey, 2- bed and 12 x single-storey, 3-bed) with associated garages, parking and landscaping, involving demolition of existing outbuildings.	Refused	26.07.2024

#### **5 CONSULTATIONS**

# 5.1. **Doddington Parish Council**

Object to this application for the following reasons:

- The risk of surface water flooding on the site.
- Increased parking on Sutton Way.
- The housing is not required; Fenland has a 5 year Housing Land Supply and Doddington has already exceeded its village housing threshold.
- Development will result in the loss of an open meadow from the centre of the village.
- Impact upon the Conservation Area and setting of the Grade II listed windmill.

# 5.2. CCC Highways

No objection.

# 5.3. **FDC Ecology**

No objection, subject to proposed conditions covering the need for a Construction Ecological Management Plan (CEMP: Biodiversity) to be submitted, a Lighting

Design Strategy for Biodiversity and a Habitat Management and Monitoring Plan (HMMP).

# 5.4. Anglian Water

No objection.

#### 5.5. FDC Conservation

**12**th May 2025: Objection for the following reasons:

"Whilst the applicant has sought to make amendments to the layout of the proposal by moving the proposed dwellings further away from the mill, these are considered to be token, with the proposals still substantially changing the character of the meadow that provides the GII listed mill its essential historic agrarian setting There is a clear disagreement with the findings of the heritage statement in relation to the level of harm identified, which is considered by the LPA conservation officer to be less than substantial (medium on the spectrum).

In conclusion, given the level of detrimental impact on the setting of the grade II listed mill and the character and appearance of the conservation area, this development remains unsupported in principle. Furthermore, given the very close proximity of the proposal to the identified designated heritage assets and the design of the development, it is not considered that the development would make a positive contribution to local character and distinctiveness in accordance with paragraph 203 of the NPPF.

The development would amount to less than substantial harm (medium on the spectrum) as outlined in paragraph 212 of the NPPF, as a result of the loss of setting and erosion of the 'spatial buffer'. It therefore results in considerable and cumulative less than substantial harm on the significance of the mill and the character and appearance of the conservation area.

Furthermore, paragraph 212 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and thus any harm, irrespective of whether 5 the harm amounts to substantial harm or less than substantial harm to its significance should result in a strong presumption to refuse.

Finally, paragraph 213 of the NPPF states that any harm to the significance of a designated heritage asset should require clear and convincing justification. From the submitted information, no convincing justification is considered to have been offered in this case and so no assessment of public benefit outweighing that harm can be made. Local Plan Policies LP16(a) and (d) and LP18 of the local plan are also relevant."

**2<sup>nd</sup> July 2025:** Response to applicant's heritage rebuttal:

Objection maintained. A number of corrections were confirmed, before the following advice was offered:

Whilst attempts have been made to overcome the objections to the proposals, as outlined by myself and previous Conservation Officers assessing the proposal in respect of this site, there remains an in-principle objection to the proposal.

The development would amount to less than substantial harm (medium on the spectrum) as outlined in paragraph 212 of the NPPF, as a result of the loss of setting and erosion of the 'spatial buffer'. It therefore results in considerable and cumulative less than substantial harm on the significance of the mill and its setting.

Furthermore, paragraph 212 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and thus any harm, irrespective of whether the harm amounts to substantial harm or less than substantial harm to its significance should result in a strong presumption to refuse.

Finally, paragraph 213 of the NPPF states that any harm to the significance of a designated heritage asset should require clear and convincing justification. From the submitted report, justifications have indeed been put forward, however, there remains a divergence of professional opinion on this matter.

#### 5.6. FDC Environmental Health

No objection subject to a number of proposed conditions including the requirements for a Construction Environmental Management Plan (CEMP), a condition covering unsuspected land contamination, details of piling and a working hours condition.

# 5.7. **CCC Archaeology**

No objection to development from proceeding in this location provided that the permission is subject to a programme of archaeological investigation secured through the inclusion of a negative condition.

#### 5.8. Local Residents/Interested Parties

A total of 25 objections have been received from a total of 17 addresses in Doddington, with some from addresses in Wimblington and Manea. The objections concern the following:

- Lack of existing and proposed infrastructure
- No proposed affordable housing
- Overdevelopment of the site/poor layout
- Disruption during construction period
- Flood risk
- Noise disturbance
- Overlooking, loss of privacy and light to existing properties
- Highway safety
- Impact on ecology and biodiversity
- Impact on Grade II listed building
- No community benefit (lack of s106 agreement)
- 5.9. A total of 11 letters of support from 8 different addresses in Doddington, along with responses from Wimblington and March, have been received which refer to the following:
  - Improvement to an overgrown field
  - · New housing will visually improve the area
  - Well-designed layout
  - Will help to tidy up the area

#### **6 STATUTORY DUTY**

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014) and the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021).
- 6.2. Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require Local Planning Authorities when considering development to pay special attention to preserving a listed building or its setting and to the desirability of preserving or enhancing the character or appearance of a conservation area.

# 7 POLICY FRAMEWORK

# National Planning Policy Framework (NPPF) 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

Chapter 16 - Conserving and enhancing the historic 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

LP5 - Meeting Housing Need

LP12 - Rural Areas Development Policy

LP13 – Supporting and Managing the Impact of a Growing District

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

LP16 – Delivering and Protecting High Quality Environments across the District

LP17 - Community Safety

LP18 – The Historic Environment

LP19 – The Natural Environment

### 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 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

LP18: Development in the Countryside

LP20: Accessibility and Transport

LP22: Parking Provision

LP23: Historic Environment

LP24: Natural Environment

LP25: Biodiversity Net Gain

LP27: Trees and Planting

LP28: Landscape

LP30: Local Green Spaces and Other Existing Open Spaces

LP32: Flood and Water Management

LP48: Residential site allocations in Doddington

#### 8 KEY ISSUES

- Principle of Development
- Heritage Impact
- Design, Character and Appearance
- Highway Safety
- Residential Amenity
- Flood Risk and Drainage
- Landscape and Open Space
- Ecology
- Arboriculture
- Contamination
- Biodiversity Net Gain (BNG)

#### 9 BACKGROUND

- 9.1. Planning permission was granted for 28 dwellings to the immediate north of the application site, now known as Juniper Close, on 26<sup>th</sup> October 2018 under reference F/YR17/0406/F. This development has now been constructed and as stated in the applicants' Design and Access Statement this application seeks to extend that permission as a 'second phase' of development. The submitted application proposes access to the site from Juniper Close.
- 9.2. A planning application was submitted in 2021 for this site which proposed a total of 16 dwellings under reference F/YR21/0065/F. The application was withdrawn.
- 9.3. Application F/YR21/1386/F was submitted subsequently for a very similar proposal of 16 dwellings and this was refused on the 8<sup>th</sup> of November 2022.
- 9.4. On the 26<sup>th</sup> of July 2024 application F/YR23/0500/F planning permission was refused at Planning Committee for a total of 14 dwellings on this site. The reason for the application being refused was that the loss of the open character of the site, and its proximity to the adjacent Grade II listed mill and Doddington Conservation Area, would fail to preserve the significance of the settings of the heritage assets. The reason given was as follows:

The proposed development by reason of the loss of the open character of the site and its proximity to the adjacent Grade II Listed mill and the conservation area, fails to preserve the significance of the settings of these heritage assets. The proposal causes less than substantial harm to the setting of the heritage assets and there are insufficient public benefits to the scheme which would outweigh the harm caused. As such the proposal is contrary to policies LP16 (a) and LP18 of the Fenland Local Plan which require the preservation of heritage assets and their settings; and Section 16 of the NPPF.

9.5. In the previous application the proposal was considered to cause less than substantial harm to the setting of the heritage assets and there were insufficient public benefits to the scheme to outweigh the harm caused, contrary to policies LP16(a) and LP18 of the Fenland Local Plan.

#### 10 ASSESSMENT

#### **Principle of Development**

- 10.1. Doddington is identified as a Growth Village as set out in the spatial strategy and settlement hierarchy within Policy LP3 of the Fenland District Local Plan. 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 at the Market Towns.
- 10.2. The application site is not within the existing urban area as such, although to the immediate north, east and south of the site would be adjacent to existing residential development. It is only the west boundary of the site that gives way to sporadic development and then open countryside to the northwest of the site. Notwithstanding the existing residential development in three directions, the site is still considered to be located in open countryside. Paragraph 187(b) of the National Planning Policy Framework (NPPF) refers to the need for 'planning decisions to

- contribute to the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services...'
- 10.3. Whilst the site is considered to be open countryside its setting, surrounded by development in three directions, means that the principle of developing this site for housing would comply with Policy LP3 of the Local Plan as it adjoins the existing urban area to the north, east and south.
- 10.4. The proposal to change the use of a small area of land in the northeast corner of the site to residential land to form an extended rear garden for no. 9 Sutton Way is small scale when assessed against the proposed development as a whole and therefore is considered to be acceptable in principle.
- 10.5. The application site is included as one of the proposed residential allocations in the emerging Local Plan. At present, as previously detailed in the policy section of this report, the emerging Local Plan can be given little weight. Additionally, the consideration given to including this site for residential purposes during the Local Plan process would not be as in depth as the considerations undertaken as part of the assessment of this planning application.
- 10.6. The two previously refused planning applications for this site did not state that development of this site for housing was unacceptable in principle. Whilst the NPPF has been updated since, there are no other significant planning policy changes since these previous applications which would indicate that development of this site for housing is unacceptable in principle.
- 10.7. The proposal is for nine private market dwellings, all of which will be bungalows and seven will be three bed and two will be two beds. There are no specific requirements for bungalows in the Local Plan and anecdotal information suggests that Fenland has a relatively large supply of bungalows. Due to the scale of the proposal no affordable housing is proposed. However, for market housing the most up-to-date Strategic Housing Market Appraisal identifies the greatest need for 3 bed dwellings, followed equally by 2 and 4 bed dwellings. This proposal is for primarily 3 bed, with some 2 bed dwellings, thereby proposing dwelling sizes for which there is greater need for within the district.
- 10.8. Fenland District Council can currently demonstrate in excess of a 5 Year Housing Land Supply and therefore whilst the principle of developing this site for is considered to be acceptable, the tilted balance of Paragraph 11(d) of the National Planning Policy Framework is not engaged.

# **Heritage Impact**

- 10.9. To the west of the site is the Grade II listed Doddington Mill and to the south of the site is the Doddington Conservation Area. Consideration therefore needs to be given to the impact of the proposal on the architectural and historic interests of the listed building, with special regard paid to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses, according to the duty in law under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 10.10. In respect to the impact upon Doddington Conservation Area consideration must be given to the impact of this proposal on its character and appearance, with special attention paid to the desirability of preserving or enhancing the character or

- appearance of that area, according to the duty in law under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 10.11. Paragraph 208 of the NPPF states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 10.12. Paragraph 215 then states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 10.13. Policy LP18 sets out that the Council will protect, conserve and seek opportunities to enhance the historic environment throughout Fenland. This will be achieved by consideration of planning applications amongst other things. The policy states that all proposals that would affect any designated or undesignated heritage asset will be required to:
  - Describe and assess the significance of the asset and/or its setting to determine its architectural, historic or archaeological interest; and
  - Identify the impact of proposed works on the special character of the asset;
  - Provide clear justification for the works, especially if these would harm the asset or its setting, so that the harm can be weighed against public benefits.
- 10.14. The two heritage assets that will be impacted by the proposal are Doddington Windmill and Doddington Conservation Area. Doddington Windmill is a Grade II listed building located to the immediate west of the site. The application site is not within Doddington Conservation Area. However, the southern site boundary borders it. Due to the constraints of the site the layout includes a central spine road running north-south around which the dwellings are located. There is a proposed surface water attenuation basin and open space in the northwest of the site, which would be in close proximity to the listed windmill.
- 10.15. The submitted Heritage Statement concludes that the proposed development will have no physical impact on either designated heritage asset as the development will be located wholly outside of the Conservation Area and there are no works proposed to the mill structure itself, or any structure within its curtilage. The statutory test at Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 therefore does not apply. The duty at Section 66 regarding development that affects a listed building or its setting is however engaged.
- 10.16. The statement adds that the proposed development has to be assessed against the current situation which has significantly changed as a result of the ongoing expansion of the village, including the recent development of Juniper Close (Paragraph 6.3). The effect of this development has been to isolate the site from the wider landscape setting to the north such that it no longer connects either the mill or the Conservation Area to the wider agricultural Fenland setting. Paragraph 6.5 then concludes that the proposed development has therefore been found to result in only a low level of substantial harm.

- 10.17. Fenland District Council's Conservation Officer has assessed the impact of the proposal on both the setting of the listed windmill and Doddington Conservation Area, with specific reference to the submitted Heritage Statement. Doddington Conservation Area itself focuses on the High Street, Benwick Road and curtilages associated with properties on these streets. It is advised that when considering the application for the site to the north (the 2017 development) it was understood that the site, which is the focus of this proposal, would act as a buffer between the 2017 development and Doddington Conservation Area.
- 10.18. The 2017 development relates predominately to the existing mid-late 20th Wood Street residential area to the north of this site. However, the current proposed development, which would be hard up against the Conservation Area boundary, would wholly erode the buffer effect of the meadow and close off the remaining views into or out of the Conservation Area to the open countryside beyond, which is so much part of its setting and agricultural past, and which contributes to the character and appearance of the Conservation Area.
- 10.19. In respect of the impact upon the setting of the listed building the Conservation Officer's assessment states that the windmill sits on the settlement edge to the north side of High Street and it maintains an important isolated position in views looking towards the windmill from surrounding fields despite recent residential development nearby. The assessment adds:
  - The tower mill is best appreciated from its immediate setting in close range where it can be appreciated in full view sitting in the immediate context of a couple of modern agricultural buildings and when viewing the mill close up you do not immediately take in views of the countryside beyond as these are blocked by a 6ft vertically boarded fence and trees forming the boundary on the windmills north side immediately adjacent to the windmill. However, it is clearly evident that the mill sits at the edge of the settlement and that open countryside lies beyond. This open setting contributes to the significance of the mill, in that it reflects the historic character of the area, the agricultural surroundings and the practical necessity for open land around the mill for wind.
- 10.20. The assessment adds that Historic England guidance on setting states that where the significance of a heritage asset has been compromised in the past by unsympathetic development affecting its setting, such as is the case with Juniper Close, that in order to accord with NPPF policies consideration still needs to be given to whether additional change will further detract from the significance of the asset. Negative change could include severing the last link between as asset and its original setting, as would be the case here.
- 10.21. It is advised that the development would amount to less than substantial harm (medium) in accordance with Paragraph 215 of the NPPF, but this loss of setting and 'buffer' is a considerable and cumulative impact on the significance of the mill and the character and appearance of the conservation area. Paragraph 213 of the NPPF states that any harm to the significance of a designated heritage asset should require clear and convincing justification. There is considered to be no clear and convincing justification as to how the public benefits of this scheme outweigh the harm.
- 10.22. It is considered that the proposal substantially changes the character of the meadow that provides the Grade II listed mill its essential historic agrarian setting. It is considered there will be less than substantial harm (medium on the spectrum)

- to the heritage assets, whereas the applicant's Heritage Statement states that it will be, at most, only a low level of substantial harm.
- 10.23. The applicant has provided a Heritage Statement Update, which has sought to clarify a number of points raised by the Conservation Officer. The Conservation Officer has been consulted on this update and confirms that the advice given continues to be correct, namely that there is an in-principle objection to the proposal on heritage grounds. The development would amount to less than substantial harm (medium on the spectrum) as outlined in Paragraph 212 of the NPPF, as a result of the loss of setting and erosion of the 'spatial buffer'. In addition, Paragraph 213 of the NPPF states that any harm to the significance of a designated heritage asset should require clear and convincing justification. From the submitted report, justifications have indeed been put forward. However, the justification provided, as the public benefits of the scheme, does not outweigh the harm to the significance of the heritage asset (Paragraph 212 of the NPPF).
- 10.24. Paragraph 215 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The following sections of this report will assess whether the proposal will provide public benefits which would outweigh the less than substantial harm to the designated heritage assets.

# Design, Character and Appearance

- 10.25. The proposed layout for the nine dwellings is based on a single access road from the existing residential development to the north, Juniper Close. The proposed road runs in a north-south direction, culminating at the southern end of the site with a turning head. The northwest corner of the site will feature an attenuation basin and open space surrounding it. Four dwellings will be located on the western side of the proposed road, with five on the eastern side along with a proposal pond, which will be located to the west of no. 8 The Larches.
- 10.26. The nine dwellings proposed are all bungalows and are a variety of four designs. The bungalows are 'true' bungalows, consisting of single storey dwellings with no accommodation proposed within the roofs of the dwellings. As such, with the exception of the chimneys, the overall height of the proposed dwellings is set relatively low, with the Waveney house type for example, having a ridge height of 5.6 metres and total height when adding the chimney of 6.9 metres.
- 10.27. The development is therefore considered to be relatively low-rise and, given its position behind existing development along the High Street, The Larches and Juniper Close, it will be relatively screened from view from the surrounding area, although it will be visible in views from the northwest back towards the site including from the Public Right of Way to the west, from where the listed mill is visible and the proposed development will form its setting. However, the proposed layout has a large area in the northwest of the site that is for the attenuation pond and open space only. The nearest dwelling to the listed mill, which is Plot 1, will be 31 metres from the mill and this will largely be screened by existing vegetation along the western boundary of the site.
- 10.28. The layout is based around the road through the development, which will have a 5.5-metre-wide carriageway and 1.8-metre-wide footpath either side. This footpath will also link to Sutton Way. The proposed dwellings all front onto the access road and feature parking and landscaping at the front or side of the dwelling, ensuring

that all plots positively address the access road. As such, the design, character and appearance of the proposal, including the proposed dwellings, is considered to accord with Policy LP16 of the Fenland District Local Plan.

# **Highway Safety**

- 10.29. The proposed development would be accessed from Juniper Close which itself is accessed from Wood Street. There will also be a pedestrian access from Sutton Way. Paragraph 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 10.30. Policy LP15 (c) of the Local Plan requires that all development proposals provide safe, well designed and convenient access for all including promotion of non-car modes of transport.
- 10.31. The proposal is for 7 x 3 bed bungalows and 2 x 2 bed bungalows. Appendix A of the Local Plan requires at least 2 no. parking spaces per dwelling, which may include a garage. The proposal provides for either a double or single garage per dwelling and a driveway with two parking spaces for each 3 bed and one space for each 2 bed. The proposed garage sizes are 7.3 metres by 3.4 metres for a single garage and 6.5 metres by 6.5 metres for a double garage. Whilst the double garages cannot be counted towards the parking spaces only the 3 bed dwellings have double garages; all proposed 3 bed dwellings have two parking spaces clear of the highway in addition to the double garages and therefore the proposal accords with Policy LP15 of the Local Plan in respect of parking.
- 10.32. Objections to the proposal have been received from residents based on the access to the site from Juniper Close. However, Cambridgeshire County Council Highways have been consulted on the proposal and have raised no objections to the access to the proposed development, nor the development itself. Given the lack of objection from the Local Highway Authority there are insufficient grounds to recommend refusal for these reasons. It is therefore considered that the proposal will meet the requirements of the NPPF and Policy LP15 of the Local Plan.

# **Residential Amenity**

- 10.33. The proposed development comprises all bungalows, with residential development primarily located in the south of the site, although two dwellings are located on the east of the site bordering no. 7 Sutton Way. Plot 7 will be located near the boundary of no. 9 The Larches, with the gable end of Plot 7 being located 9.7 metres from the boundary with no. 9 The Larches. A proposed double garage will be located, at its closest, 1 metre from the boundary with no. 9 The Larches. Objections have been received from neighbouring residents that the proposed dwellings, Plots 7, 8 and 9 specifically, will have a detrimental impact upon the amenity of the residents of these dwellings by virtue of loss of privacy, loss of daylight, overbearing impact and general disturbance due to proximity.
- 10.34. It is considered that due to the single storey nature of the proposed dwellings, the various separation distances from rear and side elevations to the existing dwellings on the eastern boundary to provide rear gardens for the proposed dwellings, and the inclusion of a pond between Plots 7 and 8 and an area of planting to the east of Plot 7, that the development will not result in a detrimental impact upon the amenity of existing residents by virtue of loss of privacy, loss of daylight,

- overbearing impact and general disturbance. The existing dwellings to the south are located a significant distance from the proposed dwellings, at an average of 30 metres when combining the existing rear gardens with the proposed rear gardens, ensuring that there will be no detrimental impact upon the amenity of existing residents to the south of the development.
- 10.35. Nos. 8 and 9 The Larches are two storey dwellings which both have primary elevations facing the application site, situated only approximately 2 metres from the boundary which contains existing 1.8m high fencing belonging to the occupiers of nos. 8 and 9. Both properties contain several habitable room windows in the elevation facing the site with no. 9 also benefitting from a conservatory along its southern elevation. It is to be noted that the application site is set at a slightly lower level than the neighbouring properties with the height of the existing fencing allowing for sufficient daylight and sunlight to enter the principal windows at ground floor level to both neighbouring properties as well as enabling a reasonable outlook.
- 10.36. The proposed layout of the site means that the dwellings will all sit either side-by-side or fronting onto each other, ensuring that there is no overlooking or overbearing impact upon neighbouring dwellings. Plots 6 and 7 have slightly more awkward arrangements, with their rear gardens visible from two directions. However, due to the single storey nature of the proposed development neither of the rear gardens of these dwellings will be overlooked by neighbours.
- 10.37. All plots have private rear gardens, and the overall amenity space provided for each of the plots is at least one third of the overall plot. That said, some of the rear gardens are not particularly deep; Plots 1, 2, 3 and 6 all have rear gardens that are 8 metres deep. Fenland does not have prescriptive policies on garden depths, but it is considered that 8-metre-deep gardens would not usually provide sufficient private amenity space. However, in this case, due to all of the proposed dwellings being single storey and the site not being overlooked from elsewhere, the 8 metre rear garden depths of these particular plots would not result in a detrimental impact on the amenity of future occupants of the proposed development.
- 10.38. The small area of land in the northeast of the site, the use of which is proposed to be changed from agricultural to residential to enable the land to form part of the residential curtilage of no. 9 Sutton Way would be beneficial in terms of the amenity of the occupants of no. 9 Sutton Way, reducing the likelihood of overlooking, loss of privacy or overbearing impact as a result of the proposed development and therefore is considered to be a positive attempt at mitigation of the impact of the proposed development on an existing neighbouring dwelling.
- 10.39. Additional traffic and construction traffic will (temporarily for the latter) travel past existing residences in Juniper Close and beyond in order to access the site. The proposed site is for 9 dwellings. Given the nature and scale of the proposed development, concern has been raised from the Council's EHO surrounding noise, dust and possible vibration during the construction phase. Therefore, should the application be approved, a condition is to be imposed requesting submission of a robust Construction Environmental Management Plan (CEMP).
- 10.40. In conclusion, it is considered that the proposed site layout and scale of dwellings sufficiently addresses the concerns raised by neighbouring residents in respect of impact upon amenity. Through the provision of a pond and added landscape buffering to the eastern boundary the layout ensures there will be no perceived detrimental impact upon the neighbouring properties to the east and therefore the

application is considered to accord with Policy LP16(e) of the Local Plan regarding residential amenity.

### Flood Risk and Drainage

- 10.41. Policy LP14 of the Local Plan covers flood risk and requires that development sites are adequately drained by Sustainable Drainage Systems (SuDS) to ensure than run off from sites is to greenfield run off rates for all previously undeveloped sites, such as this. The site lies within Flood Zone 1 which is the area at least risk of flooding and at a low risk from surface water flooding.
- 10.42. The application is accompanied by a Flood Risk Assessment/Sustainable Drainage Strategy which demonstrate that the surface water from the proposed development can be managed through the use of permeable paving on all private parking and shared access areas which will then be drained to an attenuation basin proposed in the northwest section of the site.
- 10.43. Surface water from the adoptable highway, private access/parking and roof areas will be to the basin prior to discharge to the adjacent drain at the discharge rate of 2.0l/s. Any storm water will be retained to limit the discharge into the watercourse.
- 10.44. A number of objections to the proposal have been received from neighbouring residents who have raised concerns with waterlogging of the site and water logging and flooding of adjacent gardens during periods of bad weather.
- 10.45. The applicant's Flood Risk Assessment confirms that a Phase 1 Ground Conditions Survey has been undertaken, which identifies that the ground consists of underlaying clay, which would adversely affect the infiltration of water on site. For this reason, infiltration is not proposed as a drainage solution. This also explains how the proper working of any soakaways at neighbouring properties would have been affected.
- 10.46. Therefore, the proposal to intercept surface water through permeable paving and direct it towards the attenuation pond in the northwest of the site at a controlled discharge rate is considered to address this issue. It is therefore considered that the site is acceptable in terms of flood risk and surface drainage and could not be refused for this reason as the development will comply with policy LP14 of the Local Plan.

# **Landscape and Open Space**

- 10.47. In addition to the on-plot landscaping, the proposed development includes a number of areas of open space. These include the area surrounding the attenuation pond in the northwest corner of the site, the pond on the eastern boundary and the area of planting to the east of Plot 7. Whilst the Design and Access Statement identifies these areas as open space there is no clarification whether this would be public open space and if it were, whether it would be useable. The only area that could be useable, if it were for public use, is the trail which surrounds the attenuation pond. This could potentially be secured by a planning condition for public use, were permission to be granted.
- 10.48. Pedestrian access to the site will be from Juniper Close and Sutton Way. As such, routes to the site from the existing village are somewhat convoluted and were the open space intended to be for public benefit it is debateable as to how many people from outside of the development would use it. In addition, there is no

mechanism proposed as to how this open space would be secured for public use or benefit and therefore it is likely to be primarily used by residents of the development only and potentially those in the immediate vicinity, such as residents of Juniper Close. Whilst it can be considered that the open space will be a positive for the residents of the development it cannot be considered that this is a public benefit for the wider community.

10.49. It is concluded that whilst the proposed landscaping and open space would contribute to a green and pleasant environment in accordance with Policy LP16 of the Local Plan, this would primarily be for the benefit of the residents of the proposed development and would have little benefit for the wider community.

# **Ecology**

- 10.50. The application is supported by a Preliminary Ecological Appraisal, a Biodiversity Checklist and a Biodiversity Net Gain Supporting Statement, along with a number of detailed landscaping plans.
- 10.51. FDC's Ecologist has been consulted on this application and raises no objections to the proposal provided that conditions are imposed requiring a Construction Ecological Management Plan (CEMP: Biodiversity), a Lighting Design Strategy for Biodiversity and a Habitat Management and Monitoring Plan (HMMP) to be submitted, should permission for this proposal be granted.

#### **Arboriculture**

- 10.52. A Tree Survey and Arboricultural Impact Assessment accompanies this application. It identifies that several hedges and bramble will need to be removed, as will trees T4, T5 and T7-T10 to facilitate development in the south of the site. A number of existing trees are proposed to be retained.
- 10.53. Those trees and hedges to be removed are classified as Category B and C trees and their removal will not result in the removal of the best quality specimen trees from site. As such, the proposal is considered to accord with Policy LP16 of the Local Plan as a number of natural features of the site are to be retained.

#### Contamination

10.54. Environmental Health has been consulted on this application and raises no objection to the proposal in relation to contamination provided a condition is imposed, should permission be granted, requiring all work to pause should unexpected contamination be found until an appropriate remediation scheme has been submitted to and approved by the Local Planning Authority. It is considered that with the imposition of this condition the proposal complies with Policy LP16 in respect of contamination.

# **Biodiversity Net Gain (BNG)**

10.55. 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. 10.56. In this instance a Biodiversity Gain Condition is required to be approved before development is begun, should permission be granted.

## **Other Considerations**

10.57. Other matters raised including impact on house prices and electricity demand are not material planning considerations.

### 11 CONCLUSIONS

- 11.1. The proposed development would substantially change the character of the meadow that provides the Grade II listed windmill with its historic agrarian setting. The level of harm which would be caused to the significance of the setting is considered to be less than substantial (medium on the spectrum) as outlined in Paragraph 212 of the National Planning Policy Framework as a result of the loss of setting and erosion of the 'spatial buffer. It would also result in less than substantial harm upon the character and appearance of Doddington Conservation Area.
- 11.2. Planning permission was previously refused by planning committee at this site under reference F/YR23/0500/F for the same reason, namely that the proposal would have an unacceptable impact upon the setting of the Grade II listed windmill.
- 11.3. Paragraph 213 of the National Planning Policy Framework states that any harm to the significance of a designated heritage asset should require clear and convincing justification. From the submitted information, no convincing justification is considered to have been offered in this case.
- 11.4. In terms of the planning balance the positives of the scheme amount to 9 private market dwellings and a small area of open space that has dual use as an attenuation pond with small trim trail around it from where views of the Grade II listed windmill would be visible. It is acknowledged that these are benefits, but are not considered so significant as to outweigh the harm to both the setting of the listed building and Doddington Conservation Area that would result from the proposal.
- 11.5. Paragraph 215 of the National Planning Policy Framework states that 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'. The proposal fails to demonstrate that the public benefits of the proposal outweigh the harm to the significance of the asset.
- 11.6. In addition, under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) the Local Planning Authority has a duty, in considering whether to grant planning permission for development that affects a listed building or it's setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

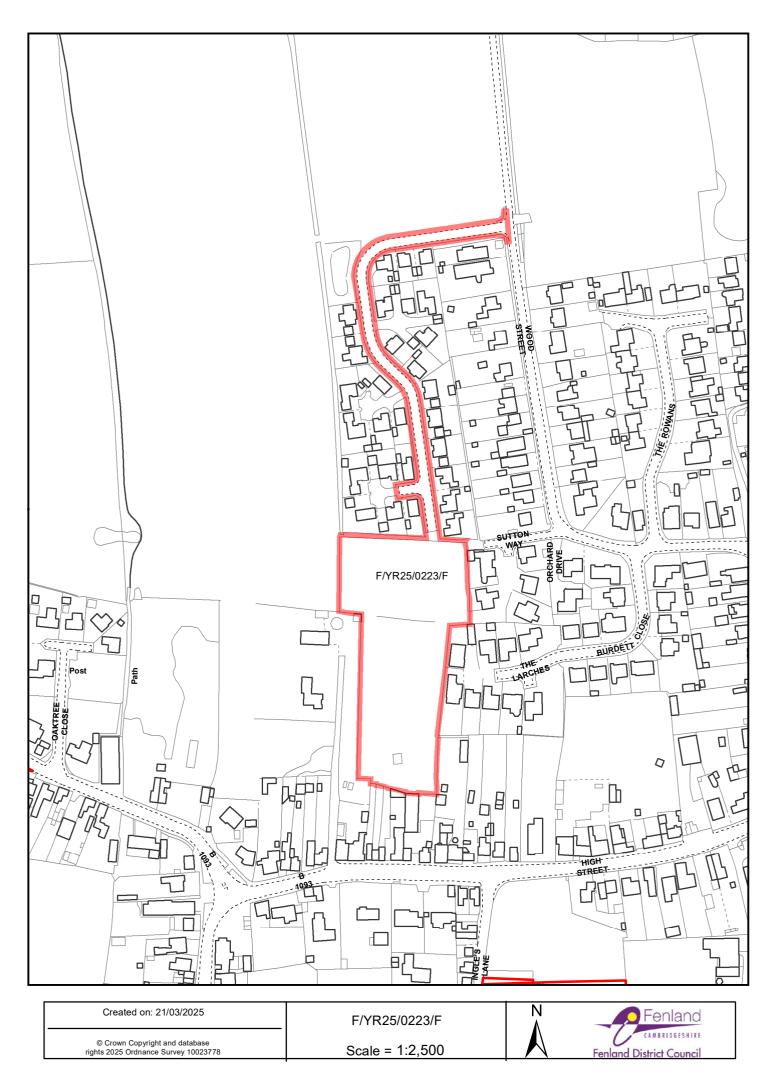
#### RECOMMENDATION

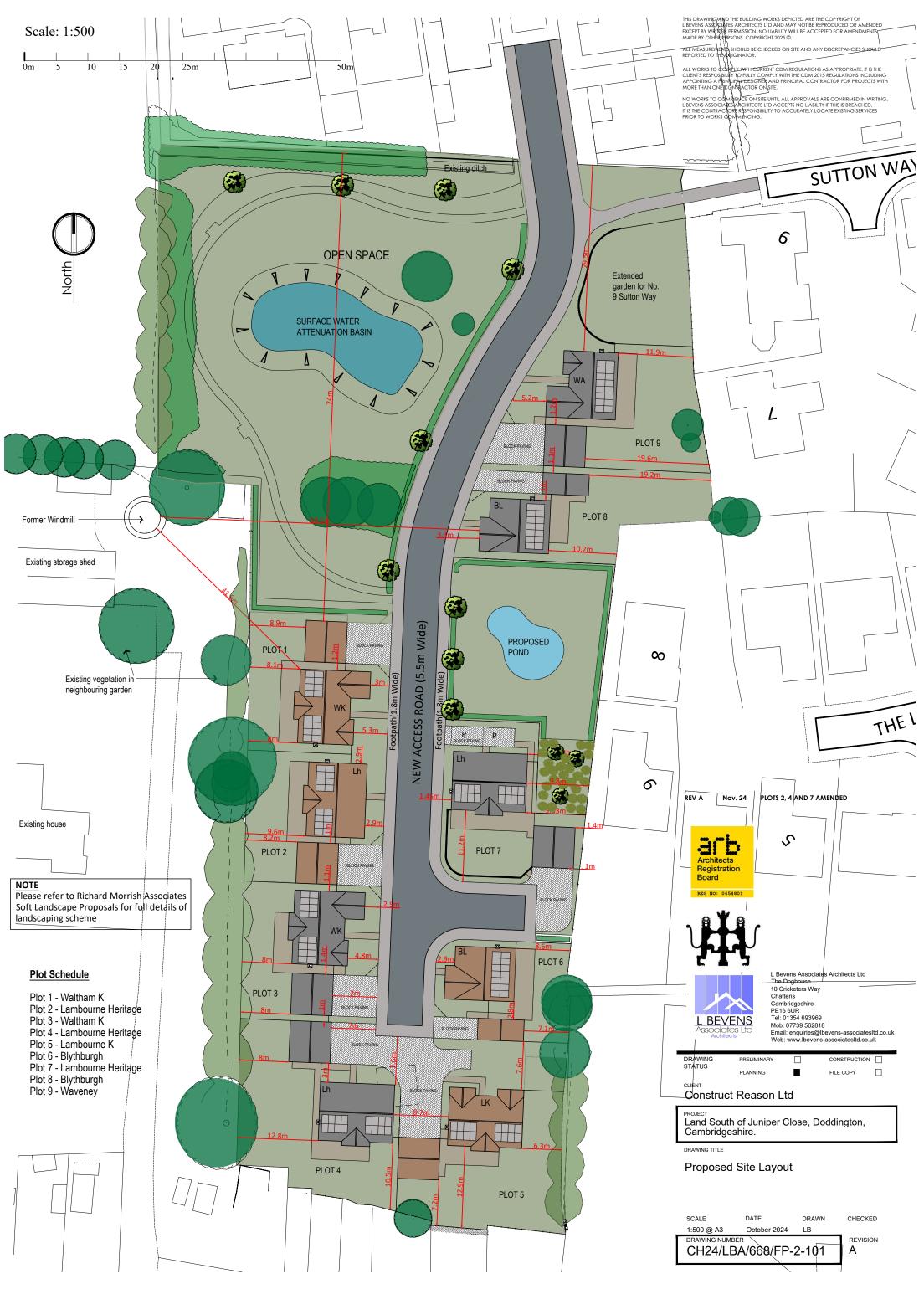
## 12.1. **Refuse**; for the following reasons

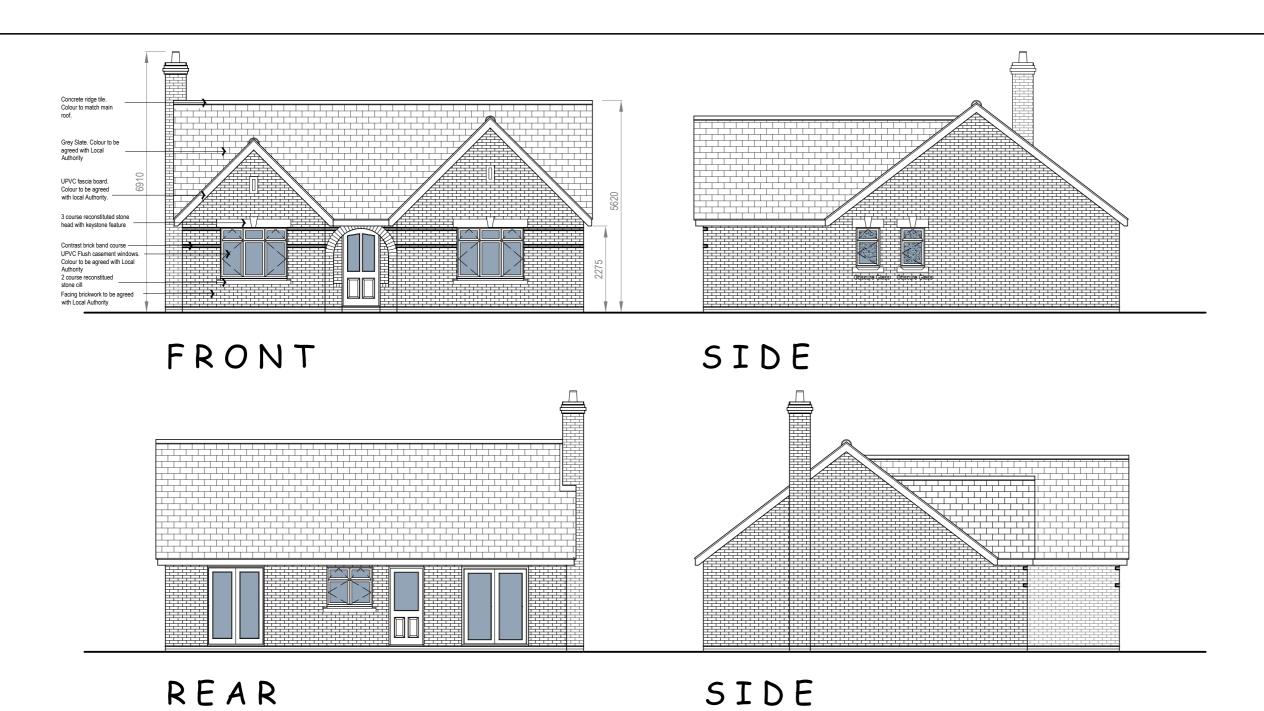
The development would amount to less than substantial harm (medium on the spectrum) as outlined in Paragraph 212 of the National Planning Policy Framework, as a result of the loss of setting of the Grade II listed windmill and erosion of the 'spatial buffer' around it. It therefore results in considerable and cumulative 'less than substantial harm' on the significance of the windmill and the character and appearance of Doddington Conservation Area.

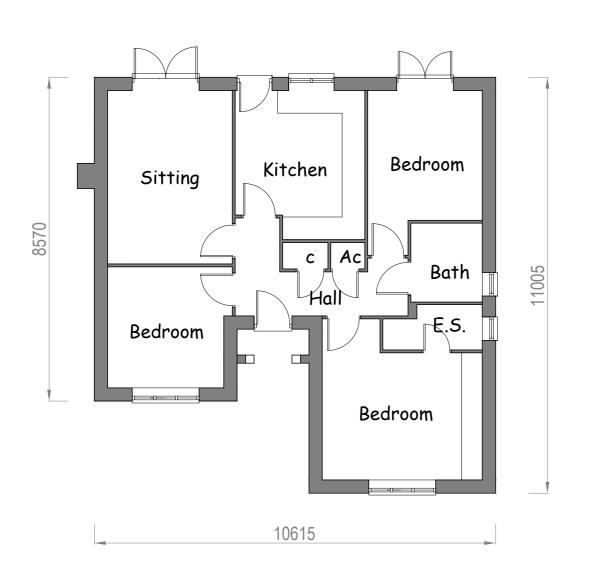
Paragraph 213 of the National Planning Policy Framework states that any harm to the significance of a designated heritage asset should require clear and convincing justification. No convincing justification is considered to have been offered in this case. The public benefit of the proposal would not outweigh the harm to the significance of the setting of the Grade II listed windmill and character and appearance of Doddington Conservation Area.

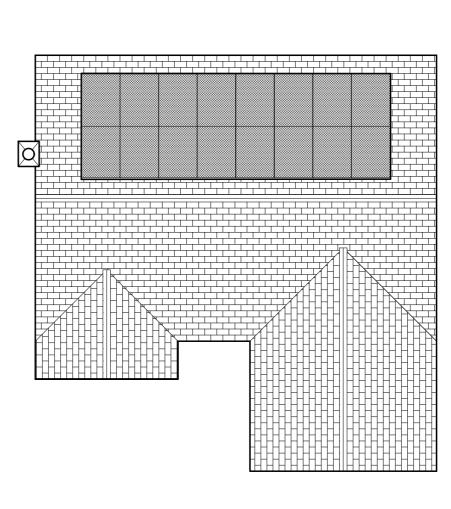
The proposal therefore conflicts with Paragraphs 212, 213 and 215 of the National Planning Policy Framework and Local Plan Policies LP16 a) and d) and LP18.



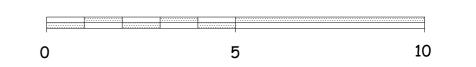




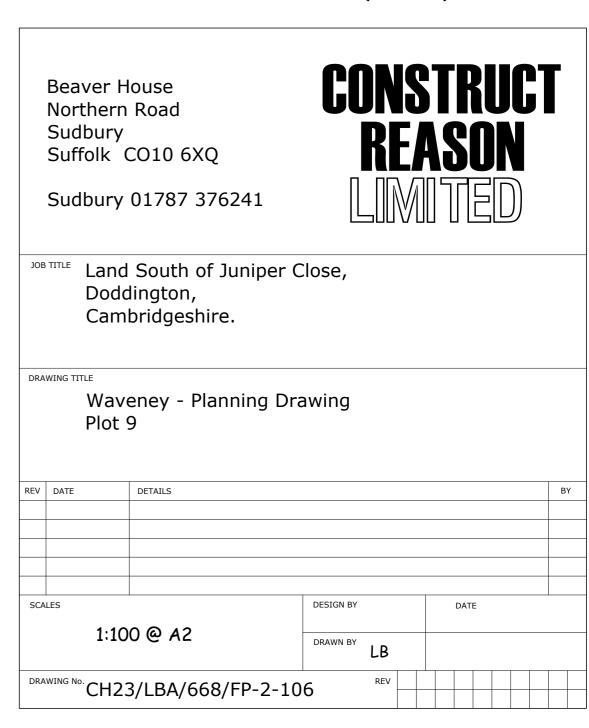




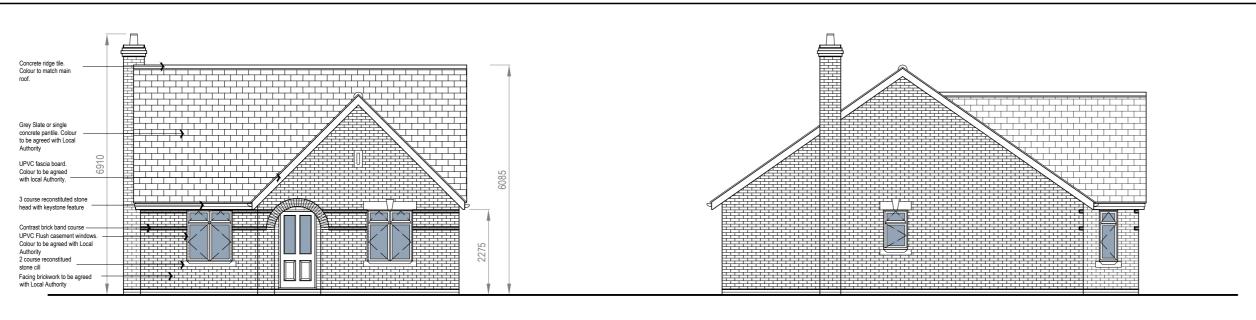
FLOOR PLAN ROOF PLAN



BUNGALOW TYPE 'WAVENEY' floor area 83.36m<sup>2</sup> (897ft<sup>2</sup>)

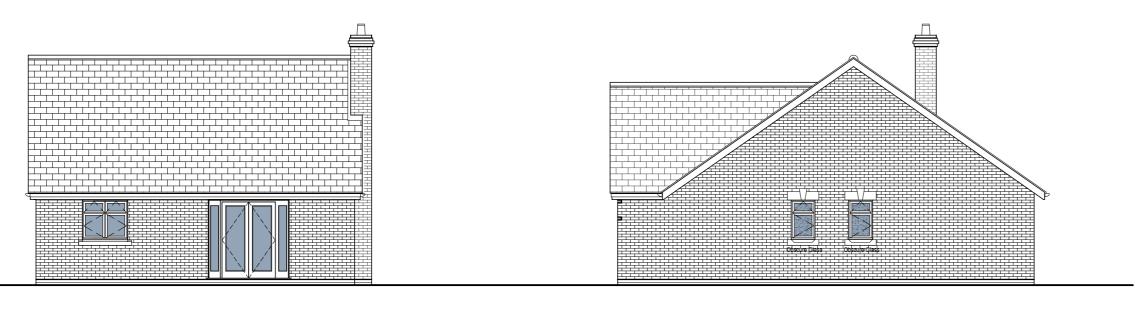


Page 149



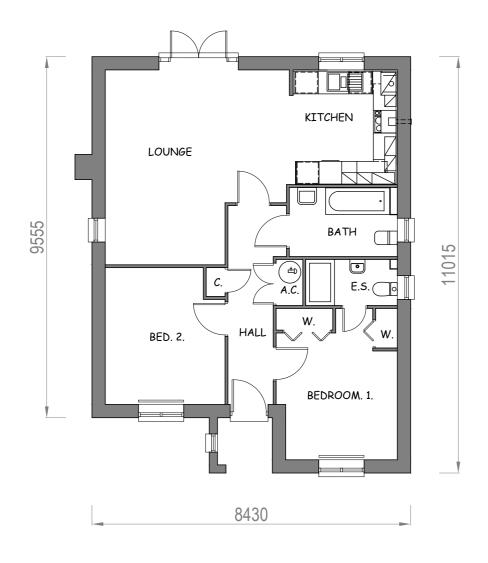
FRONT

SIDE

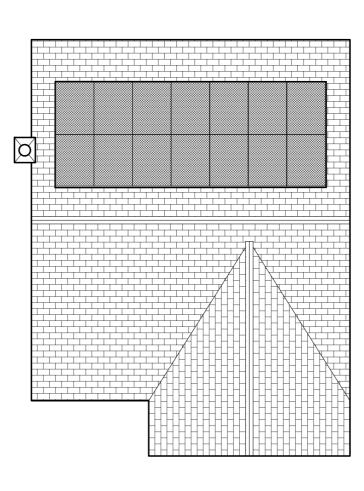


REAR

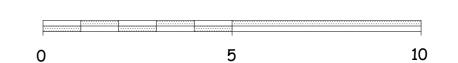
SIDE



FLOORPLAN



ROOFPLAN



Bungalow Type 'BLYTHBURGH' floor area 72.73m² (783ft²)

Beaver House
Northern Road
Sudbury
Suffolk CO10 6XQ
Sudbury 01787 376241

CONSTRUCT
REASON
Limit Land South Junior Class

Land South Juniper Close,
Doddington,
Cambridgeshire.

DRAWING TITLE

Blythburgh - Planning Drawing Plots 6 and 8



FRONT

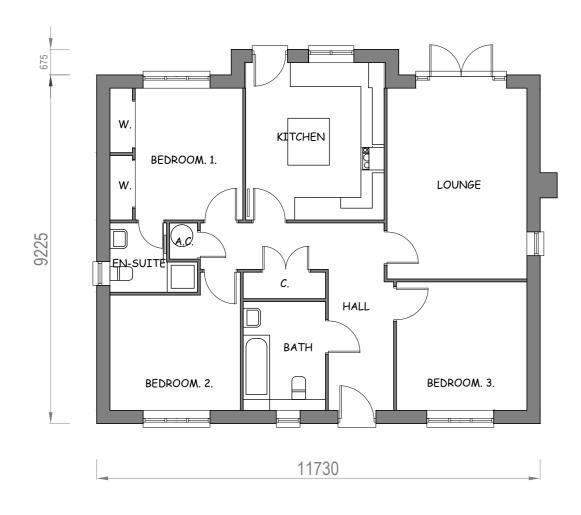
SIDE

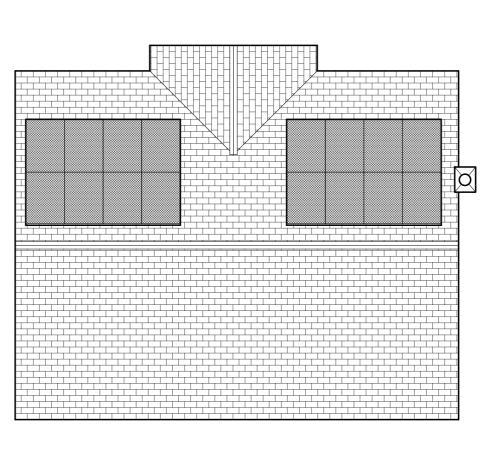


Discario Glass

REAR

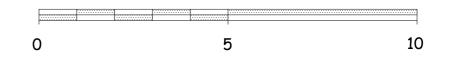
SIDE





FLOORPLAN

ROOFPLAN



BUNGALOW TYPE 'LAMBOURNE K' floor area 96.5m² (1039ft²)

Beaver House Northern Road Sudbury Suffolk CO10 6XQ CONSTRUCT REASON

Sudbury 01787 376241

LIMITED

Land South of Juniper Close,
Doddington,
Cambridgeshire.

DRAWING TITLE

Lambourne Heritage - Planning Drawing Plots 2, 4 and 7

REV	DATE	DETAILS								В١	′
SCA	LES		DESIGN BY				DATE	E			
1:100 @ A2											
		1.100 @ AZ	DRAWN BY	LB							
DRAWING No. CH23/LBA/668/FP-2-102											
C1123/ LDA/ 000/11 2 102											

Page 151

This page is intentionally left blank

#### F/YR25/0382/O

Applicant: Mr A Redhead Agent : Mr R Papworth Morton & Hall Consulting Ltd

Land North Of 14, Guildenburgh Crescent, Whittlesey, Cambridgeshire

Erect 1no dwelling and the formation of a new vehicular access to 14 Guildenburgh Crescent (outline application with matters committed in respect of access)

Officer recommendation: Refuse

Reason for Committee: Number of representations contrary to Officer

recommendation

#### 1 EXECUTIVE SUMMARY

- 1.1 The application seeks outline planning permission (with all matters reserved except access) for the erection of one detached dwelling on a corner plot at 14 Guildenburgh Crescent, Whittlesey. The proposal includes a new vehicular access to serve the existing dwelling. Indicative plans have been provided which, given the site constraints, are considered broadly reflective of the likely scale and layout.
- 1.2 The site lies within a Market Town where residential development is supported in principle under Policies LP1 and LP3 of the Fenland Local Plan and Policy 1 of the Whittlesey Neighbourhood Plan. However, the provision of a dwelling on this plot, is considered to represent overdevelopment of a constrained plot, introducing a detached form that is out of keeping with the prevailing semi-detached character of the area. The loss of openness, staggered building line, and visual prominence of the dwelling would detrimentally harm the character and appearance of the streetscene.
- 1.3 Further concerns relate to the relocated parking for the host dwelling, which would be situated to the rear resulting in a lack of natural surveillance and an impractical layout accessed via patio doors, raising usability and safety issues.
- 1.4 While acceptable in terms of flood risk, highway safety (subject to conditions), and amenity space provision, the harm identified above is not outweighed by the limited benefits of delivering a single market dwelling.
- 1.5 The proposal is therefore contrary to Policies LP15 and LP16 of the Fenland Local Plan and Policy 7 of the Whittlesey Neighbourhood Plan and is recommended for refusal.

#### 2 SITE DESCRIPTION

2.1 The application site forms part of a corner plot, to the northwest of Guildenburgh Crescent within a predominately residential area. The site is occupied by part of

the garden of a semi-detached two storey dwelling, with a detached outbuilding to the northwestern corner of the plot.

2.2 The site is not subject to constraints; however, there is a tree to the northern boundary which is publicly visible. The surrounding area is predominately characterised by pairs of semi-detached properties however, adjacent to the site there are larger detached properties.

### 3 PROPOSAL

- 3.1 Outline planning permission with all matters reserved besides access, is sought for the construction of one dwelling and the formation of a new vehicular access to serve 14 Guildenburgh Crescent. The existing parking area to the side of the dwelling is shown as forming the access for the proposed dwelling.
- 3.2 Indicative drawings have been provided, which given the constraints of the site are considered to be reflective of the proposed scale and layout of the site.

Full plans and associated documents for this application can be found at:

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

#### 4 SITE PLANNING HISTORY

There is no recent, relevant planning history pertaining to this site.

## **5 CONSULTATIONS**

## 5.1 Whittlesey Town Council

Recommends refusal as over intensification of the site, not in keeping with the existing streetscene, loss of trees, parking concerns and sewage and drainage issues

### 5.2 Environment & Health Services (FDC)

No objections subject to a condition limiting construction hours should the application be approved.

## 5.3 Ecology (FDC)

No objection.

# 5.3 Cambridgeshire County Council (Highways)

No objections, subject to the inclusion of a condition securing a 2 metre x 2 metre pedestrian visibility splay to serve the new access, should the application be approved.

#### 5.4 Local Residents/Interested Parties

Seven letters in support of the application have been received (from residents at Windmill Street, Violet Avenue, Glenfields, Monk's Close, Owls End and East Delph, Whittlesey and Thornham Way, Eastrea) . These comments are summarised below:

- We need to encourage small households and get people on the property ladder
- Design well thought out
- Good use of existing space
- Construction temporary so no long term problems
- Single addition within an existing estate
- Good opportunity for first time buyers
- Low risk of flooding
- Low ecological impact
- No loss of neighbouring privacy
- Positive outweigh the negatives
- Walking distance from facilities and services

20 Letters of Objection have been received (14 of these were received from residents of Guildenburgh Crescent, with others received from Cemetery Road, Feldale Place, Coates Road, Oldfield Gardens, Bellmans Grove, Whittlesey and one from Manchester). These are summarised below:

- Can't maintain existing property shouldn't be allowed to build more to fall into a state of disrepair. No.14 has a drainage leak waste water overflows structure/foundation issues as a result
- Overlooking/Loss of privacy
- Noise/disruption from construction works
- Highway safety
- Parking concerns
- New accesses will impede existing residents accessing their driveways
- Impact on condition of the Road
- Health and Safety during construction
- Impact on neighbouring residents mental wellbeing
- This is not affordable housing.
- Land was previously open public green space
- Potential restrictive covenants on the land
- Impact on avian and terrestrial wildlife
- Site opposite my driveway and no letter has been received (No.45 Gilden)
- Guildenburgh crescent does not need any further housing built
- Impact on neighbouring house prices
- Several new build estates in Whittlesey which offer affordable housing
- Supporting comments are coming from people who do not live nearby

Two letters commenting on the application have been received from a resident on Guildenburgh Crescent and are summarised below:

- It is not necessary to remove all the trees on site.
- Definite need for the fence/division between No.16 and the new driveway
- Concerns regarding structure and foundations of neighbouring properties

#### **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) and the Whittlesey Neighbourhood Plan (2023)

#### 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 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

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
- LP6 Employment, Tourism, Community Facilities and Retail
- LP11 Whittlesey
- 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

## Whittlesey Neighbourhood Plan 2021-2040

Policy 1 - Spatial Planning

Policy 2 - Local Housing Need

Policy 7 – Design Quality

Policy 10 – Delivering Sustainable Transport

Policy 11- Adapting to and Mitigating Climate Change

# 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

## **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

LP20: Accessibility and Transport

LP22: Parking Provision

LP25: Biodiversity Net Gain

LP27: Trees and Planting

LP28: Landscape

LP32: Flood and Water Management

#### 8 KEY ISSUES

- Impact on Character and Appearance of the Area
- Access, Parking and Highway Safety

## 9 ASSESSMENT

### **Principle of Development**

- 9.1 Policy LP3 of the Fenland Local Plan (2014) sets out the settlement hierarchy within the District, setting out the scale of development appropriate to each level of the hierarchy. The application site is located within Whittlesey which is identified as a 'Market Town', whereby Policy LP3 sets out housing development should be directed, this stance is supported by Policy 1 of the Whittlesey Neighbourhood Plan. Therefore, it is considered the principle of providing an additional dwelling in this location is acceptable in principle, subject to other material considerations as discussed below.
- 9.2 Policy LP5 sets out the housing targets for the District and the Council has undertaken a full assessment of the Five Year Housing Land Supply in the District and has concluded that the Council is able to demonstrate a supply of specific deliverable sites sufficient to provide for more than Five Years' worth of housing against the Council's identified requirements. This stance is supported by Policy 2 of the Whittlesey Neighbourhood Plan. This is material consideration and means that any application for new development must be determined in accordance with the development plan unless material considerations indicate otherwise.

# Design and Impact on Character and Appearance of the Area

- 9.3 Policy LP16 of the Fenland Local Plan, sets out a number of criterion which proposals are required to meet, to ensure that high quality environments are provided and protected. Most relevant to the proposal are:
  - (d) makes a positive contribution to the local distinctiveness and character of the area, enhances its local setting, responds to and improves the character of the local built environment, provides resilience to climate change, reinforces local identity and does not adversely impact, either in design or scale terms, on the street scene, settlement pattern or the landscape character of the surrounding area.
- 9.4 The above stance is supported by Policy 7 of the Whittlesey Neighbourhood Plan. Further guidance is provided within the Delivering and Protecting High Quality Developments SPD.
- 9.5 Given the outline nature of the proposal the assessment of the application on design grounds is limited. Ultimately, design considerations are limited to whether the quantum of development proposed is appropriate in the context of the site and whether the application demonstrates that the site is capable of successfully accommodating the quantum of development proposed in an appropriate manner.
- 9.6 Notwithstanding the above, it is acknowledged that the immediate locality is primarily characterised by pairs of semi-detached dwellings, which contribute to a consistent and coherent streetscape. However, it is recognised that detached properties do exist within the wider streetscene, including Nos. 37, 37a, and 37b located directly opposite the site, as well as Nos. 2, 4, 6, and 17 situated further to the south. These examples, however, are relatively limited in number and do not override the prevailing pattern of development, which is defined by the predominance of semi-detached forms.
- 9.7 The introduction of a detached dwelling on this plot would significantly diminish the spatial character and visual openness of the corner, which currently contributes positively to the streetscene. The built form would result in a pronounced alteration to the established character, introducing a bulk and massing that would appear discordant and at odds with the rhythm and layout of surrounding area.
- 9.8 In respect of the indicative siting of the proposed dwelling, it is noted that the building has been set back slightly within the plot, seemingly to preserve a sense of openness at this prominent corner location and to provide appropriate parking provision. However, the resultant staggered building line created by the proposed siting would disrupt the visual continuity of the street frontage, introducing an incongruous element that fails to respond sympathetically to the prevailing pattern of development.
- 9.9 While the scale and overall proportions of the proposed dwelling are broadly comparable to those of the host property and other nearby semi-detached dwellings, the detached form does not reflect the architectural typology of these neighbouring properties. This divergence from the established pattern undermines the coherence and legibility of the streetscene, particularly in this location where a strong sense of uniformity and design consistency is evident.

- 9.10 The proposal indicates provision for two on-site parking spaces, which would occupy a significant portion of the frontage and contribute to a visually cardominated appearance. Whilst it is acknowledged that similar parking arrangements are observed at a number of nearby properties, this should not automatically justify further erosion of the visual quality of the streetscape. However, in this instance, the parking provision alone is not considered to result in significant visual harm, when viewed in the context of the surrounding pattern of development.
- 9.11 In conclusion, the proposed development of a single, detached dwelling on this prominent corner plot is considered to result in a detrimental impact on the character and appearance of both the site and the wider area. Whilst the drawings provided are indicative, it is considered giving the limited size of the plot, that these would be reflective of the proposed formal layout of the development. The proposal fails to respond appropriately to the established form, pattern, and spatial characteristics of the locality, and would introduce features that are incongruous and visually disruptive. The development is therefore considered contrary to Policy LP16 of the Fenland Local Plan and Policy 7 of the Whittlesey Neighbourhood Plan, which together seek to ensure high quality design that reinforces local distinctiveness and preserves the character of the area.

## **Residential Amenity**

- 9.12 Policy LP2 of the Fenland Local Plan seeks to promote high levels of residential amenity. Similarly, Policy LP16 requires development proposals to not adversely impact on the amenity of neighbouring users such as noise, light pollution, loss of privacy and loss of light.
- 9.13 The application site is bordered by twelve neighbouring properties. To the north are No.37b 43 Guildenburgh Crescent, to the west are No.31-37a Guildenburgh Crescent, to the south is No.12 Guildenburgh Crescent and to the east is No.16 Guildenburgh Crescent.
- 9.14 This is a matter that will be dealt with via the reserved matters as the layout is only for indicative purposes. However, based on the indicative layout of the proposal, it is unlikely that the provision of a dwelling in this location would have a detrimental impact, by way of overlooking, loss of light, loss of privacy or an overbearing nature, on neighbouring occupants. Notwithstanding this, careful consideration should be given as part of any detailed proposal to window positioning to ensure the private amenity spaces to No.14 and No.16 are not overlooked.

### **Amenity Space**

- 9.15 It is pertinent to note that any plans submitted as part of this application are for indicative purposes only and any detailed assessment would take place under the subsequent reserved matters application. However, as previously stated, based on the site constraints these are considered to be reflective of the proposed scale and layout of the site.
- 9.16 Policy 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.

9.17 The provision of a dwelling on site would remove a large proportion of private amenity space associated with 14 Guildenburgh Crescent. Based on the indicative site plan, the resultant plot area for No.14 would be 231.7m² with the amenity space measuring 84.8m² (36%), the proposed new dwelling would have a plot area of 200.3m² with an amenity space measuring 84.1m² (42%) and therefore, it is considered that sufficient amenity space could be provided for both dwellings as part of a subsequent reserved matters application, in accordance with Policy LP16.

## Parking, Access and Highway Safety

- 9.18 Policy LP15 requires all new development proposals to contribute to the delivery of the sustainable transport network by providing well designed, safe, convenient access for all. Development proposals should provide well designed car and cycle parking appropriate to the amount of development proposed, ensuring parking provision is provided in accordance with the standards. Appendix A sets out that for up to three bedroom properties, parking provision for two vehicles is required.
- 9.19 Based on the indicative layout provided, the proposed parking spaces to serve No.14 are shown as measuring 3.2 metres in width. This accords with the dimensional requirements outlined in Appendix A for spaces enclosed by physical boundaries, such as fences or walls on either side, which may otherwise constrain ease of use. As such, in terms of dimensions, the proposed parking spaces are considered acceptable.
- 9.20 However, the overall parking arrangement for the host dwelling (No.14) raises concerns. The relocation of existing parking to the rear of the property—within an enclosed area surrounded by 2-metre-high close-boarded fencing—is considered suboptimal. It is likely that this would result in a lack of natural surveillance in this rear parking area, in conflict with Secured by Design principles. Additionally, from a usability perspective, access from the parking area into the dwelling is shown to be via patio doors leading directly into the main living space. This is unlikely to represent a convenient or practical point of entry for future occupiers, and it is not considered realistic that regular access would be taken via the formal front entrance. As a result, the proposed arrangement could result in poor user experience and limited functionality.
- 9.21 The Local Highway Authority has been consulted on the proposal and has not raised any objections in principle. However, to safeguard pedestrian and highway safety, they have recommended the imposition of a planning condition requiring the provision of visibility splays on either side of the proposed new access. Specifically, pedestrian visibility splays to the east and west must be maintained free of obstruction exceeding 600mm in height for the lifetime of the development. This condition is considered both reasonable and necessary to ensure the development does not result in any adverse impact on highway safety. Should the application be approved, the inclusion of this condition would therefore be required.

### Flood Risk

9.22 Policy LP14 of the Fenland Local Plan and paragraphs 170-182 of the National Planning Policy Framework set out the approach to developing land in relation to flood risk, with both documents steering development in the first instance towards land at a lower risk of flooding.

9.23 The application is located within Flood Zone 1 and therefore, there are no objections to the proposal in this respect.

# **Biodiversity Net Gain (BNG)**

- 9.24 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.
- 9.25 The accompanying biodiversity net gain report advises that the proposal will result in loss of hard standing and vegetated garden and would therefore, result in a slight increase in the area of vegetated garden, which will achieve a 14.37% gain. This is shown in Appendix B of the document. Therefore, there are no objections in this respect and the Biodiversity Gain Condition is required to be approved before development is begun.

#### **Other Matters**

- 9.26 It is noted that a number of neighbouring representations have raised the issue over land ownership. Reviewing the information available, the LPA can confirm that this area is not registered as being FDC maintainable or as a designated park/open space. It is also noted that another resident who has made a representation has looked into the land registry and whilst the 1970's title does not show it as being owned by No.14 more recent plans do. Notwithstanding the above, land ownership and restrictive covenants do not directly impact on the ability of the LPA to determine the planning application and are not material planning considerations.
- 9.27 Other issues raised are that supporting comments are being made by people who do not reside on Guildenburgh Crescent and should be ignored. The planning process allows for anyone to comment on planning applications and regardless of where they reside, all material considerations will be taken into consideration
- 9.28 Lastly, one neighbour raised concerns that they did not receive a letter despite living opposite. Having reviewed the letters of consultation sent out, the LPA can confirm that all properties abutting the site, including that of the person who raised concerns were sent letters regarding the application.
- 9.29 It is also pertinent to note that the proposal would result in the loss of existing vegetation at the site, which could impact on protected species and habitats. However, FDC's ecologist has raised no objections to the proposal and has not recommended any conditions in this instance. Therefore, there are no objections in this respect.

## **Planning Balance**

9.30 In terms of sustainability the National Planning Policy Framework (NPPF) states that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives; economic, social and environmental, which are interdependent and need to be pursued in mutually

- supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives)
- 9.31 This stance is supported by Local Plan Policy LP1. In respect of the first of these, the current proposal would provide economic benefits, for example in respect of employment during the construction phase, as well as support for existing and future businesses, services, and facilities by introducing additional residents that would make use of them and provide future spend in the local economy. However, given the proposal would relate to one unit, it is considered this would be negligible.
- 9.32 In respect of the social strand, it is noted that the proposal would result in one smaller unit being provided, however, again, as this would be a market dwelling this is considered to be negligible.
- 9.33 Lastly, in respect of the environmental objective; it is considered that the site is well located in terms of access to services and facilities. However, given the constraints of the site, it is considered that the proposed development of the corner plot would have a detrimental impact on the site and its contribution to the character and appearance of the surrounding area. This is exacerbated by the siting of parking provision to serve both dwellings and is therefore, considered to represent the overdevelopment of the site. This harm is not outweighed by any prevailing benefits.

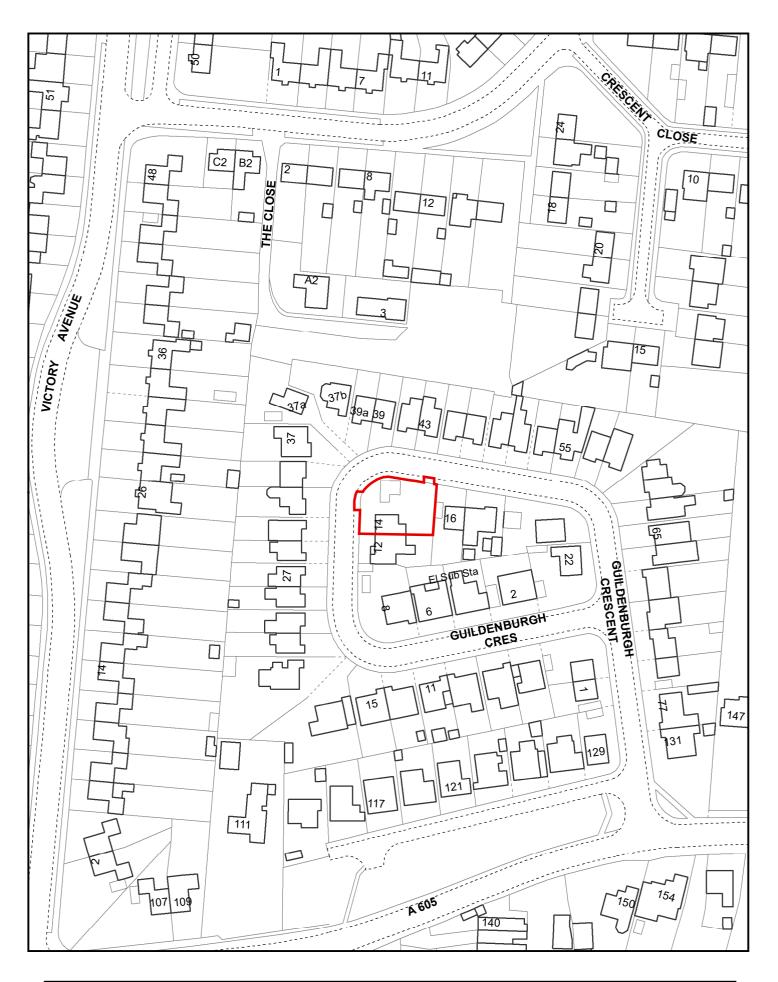
## 10 CONCLUSIONS

- 10.1 Taking into account the above assessment, the proposed development, by reason of its siting, scale, form and layout, is considered to represent an overdevelopment of a visually prominent corner plot. The introduction of a detached dwelling in an area predominantly characterised by semi-detached properties would appear incongruous within the streetscene and would significantly erode the openness and spatial character of the existing site. The resulting staggered building line and overall design fail to respect the established pattern of development, to the detriment of the character and appearance of the surrounding area.
- 10.2 Furthermore, the associated parking arrangements for the host dwelling (No.14) are considered substandard, with spaces relocated to the rear of the site in an enclosed area with limited natural surveillance. This raises concerns in relation to safety, and usability, particularly given the reliance on access via patio doors directly into the main living area. This further exacerbates the harm identified above.
- 10.3 It is therefore considered, the proposed development would constitute overdevelopment and is contrary to Policies LP15 and LP16 of the Fenland Local Plan (2014) and Policy 7 of the Whittlesey Neighbourhood Plan, which collectively require development to deliver high-quality, contextually appropriate design and well-planned access and parking that contributes positively to the character and functionality of the area.

#### 11 RECOMMENDATION

**Refuse**, for the following reasons:

1. The proposed development represents overdevelopment of a prominent corner plot, resulting in a form of development that fails to respect the established character and pattern of development of the surrounding area. The introduction of a detached dwelling, in an area primarily characterised by semi-detached properties, would appear visually incongruous and erode the openness of the corner location. The resultant staggered building line and overall layout as a result of the constrained site and space would further disrupt the streetscene. In addition, the proposed parking arrangements are poorly designed, with rear parking provision lacking natural surveillance and convenient access, raising concerns regarding safety, security, and functionality. The proposal therefore fails to demonstrate that any development of the site would not result in a cramped and visually intrusive form of development, contrary to Policies LP15 and LP16 of the Fenland Local Plan (2014) and Policy 7 of the Whittlesey Neighbourhood Plan, which seek to ensure high-quality, contextually appropriate development.



Created on: 19/05/2025

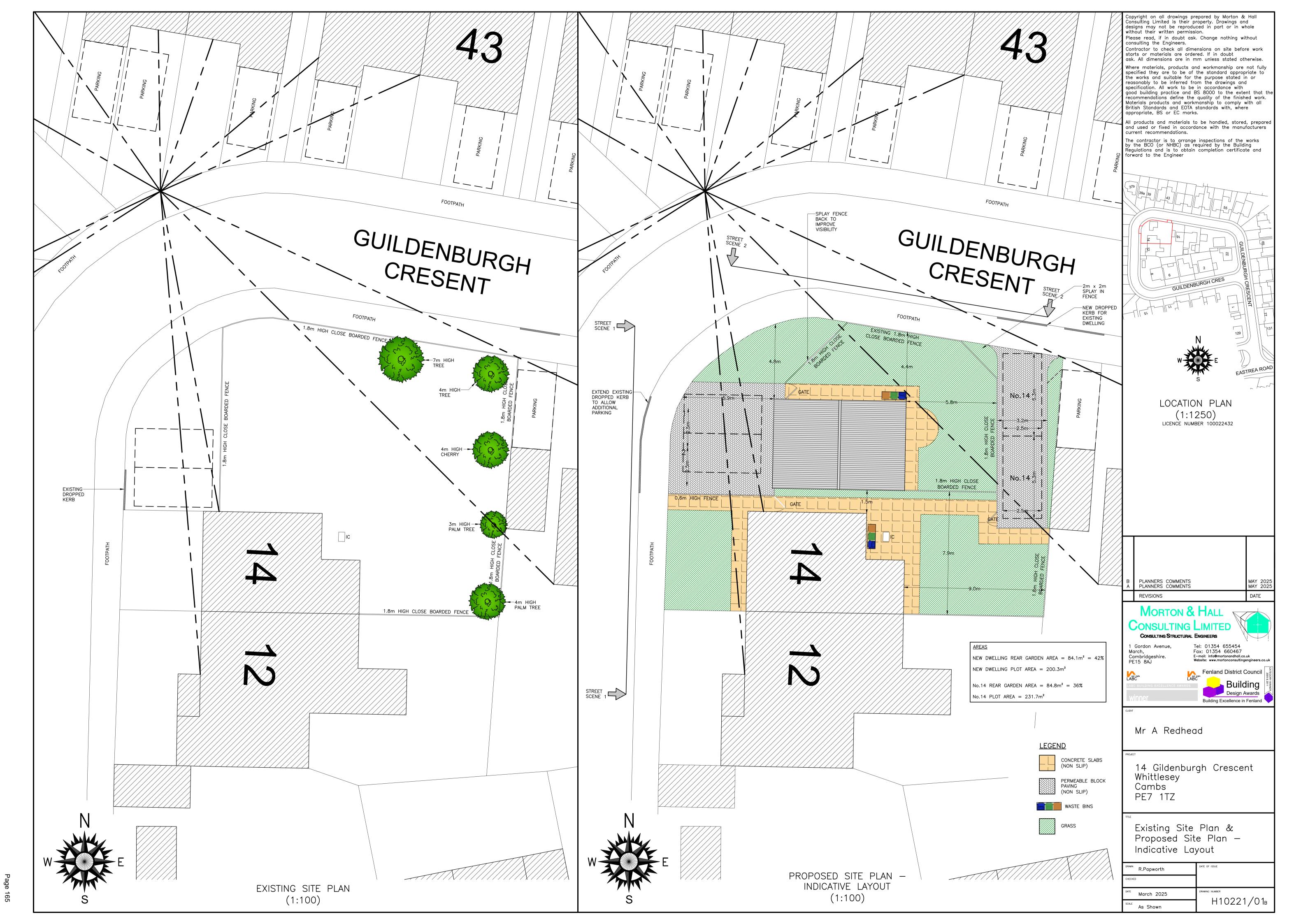
© Crown Copyright and database rights 2025 Ordnance Survey 10023778

F/YR25/0382/O

Scale = 1:1,250

N

(AMBRIDGES HIRE Fenland District Council





Page 166

# Agenda Item 10

By virtue of paragraph(s) 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted



# Agenda Item 11

By virtue of paragraph(s) 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted



# Agenda Item 12

By virtue of paragraph(s) 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

