Fenland District Council

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AGENDA

PLANNING COMMITTEE

WEDNESDAY, 15 OCTOBER 2025

1.00 PM

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

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

1 To receive apologies for absence.

2 Previous Minutes (Pages 5 - 26)

To confirm and sign the minutes from the previous meeting of 17 September 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/YR25/0274/F
Land West of Playing Field, Barton Road, Wisbech
Erect x 42 affordable dwellings, 1 x office/communal space including cycle stores, landscaping, highways improvements and associated works and demolition of all existing buildings (Pages 27 - 60)

To determine the application.

6 F/YR25/0505/F and F/YR25/0504/LB
Hare And Hounds Hotel, 4 North Brink, Wisbech
Change of use of Hotel to 6 x residential flats and erect a bin store and cycle store and Internal and external works to a Listed Building to form 6 x residential flats and to erect a bin store and cycle store (Pages 61 - 86)

To determine the application.

7 F/YR25/0594/O
Land North Of 450 To 454, March Road, Turves
Erect 3 x dwellings involving the formation of accesses (outline application with all matters reserved) (Pages 87 - 106)

To determine the application.

8 F/YR25/0089/F
Land East of March Airfield, Cross Road, March
Erect x 1 self-build/custom build dwelling in association with a new builder's yard (sui generis), including the erection of a shed, and 2.4m high palisade fence and gates, the siting of 6 x containers, and the formation of an access (Pages 107 - 124)

To determine the application.

9 F/YR25/0517/F
Land East of Oak Meadow, New Drove, Wisbech St Mary
Change of use of land to 1 x gypsy traveller's plot involving the siting of 1 x mobile home and 2 x touring caravans (Pages 125 - 136)

To determine the application.

10 F/YR24/0237/F
Land South West Of 16, London Road, Chatteris
Erect 5 x dwellings (single storey 4-bed) with detached garages, and repositioning and widening of existing vehicular access (Pages 137 - 168)

To determine the application.

11 F/YR25/0058/O
Land South Of 2B And 2C, Bridge Lane, Wimblington
Erect up to 9 x dwellings (outline application with all matters reserved) (Pages 169 - 204)

To determine the application.

12 F/YR24/0627/F
Lavender Mill Bungalow, Fallow Corner Drove, Manea
Erect 5 x dwellings (1 x single-storey 2-bed and 4 x 2-storey 2-bed), involving the demolition of existing dwelling and garage (Pages 205 - 238)

To determine the application.

13 F/YR25/0404/F
Garages At, River Drive, March
Erect 1 x self-build/custom dwelling with a 2.0m high boundary fence, involving the demolition of existing garages (Pages 239 - 258)

To determine the application.

14 F/YR25/0084/F
Update on Planning Application F/YR25/0084/F and Relevant Statutory Duties
(Pages 259 - 314)

To determine the application.

15 Items which the Chairman has under item 3 deemed urgent

Monday, 6 October 2025

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

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PLANNING COMMITTEE

Fenland
CAMBRIDGESHIRE
Fenland District Council

WEDNESDAY, 17 SEPTEMBER 2025 - 1.00 PM

PRESENT: Councillor C Marks (Vice-Chairman), Councillor I Benney, Councillor Mrs J French, Councillor R Gerstner, Councillor S Imafidon and Councillor N Meekins, Councillor M Purser (Substitute)

APOLOGIES: Councillor D Connor (Chairman),

Officers in attendance: Matthew Leigh (Head of Planning), David Rowen (Development Manager), Stephen Turnbull (Legal Officer), Jo Goodrum (Member Services & Governance Officer), Danielle Brooke (Senior Development Officer), David Grant, Kimberley Crow (Development Officer) and Zoe Blake (Development Officer)

P41/25 PREVIOUS MINUTES

The minutes of the meetings of the 6 August and 20 August 2025 were confirmed and signed as an accurate record.

P42/25 F/YR25/0111/O
LAND NORTH WEST OF COBBLE HOUSE, GULL ROAD, GUYHIRN
ERECT UP TO 24 DWELLINGS (OUTLINE APPLICATION WITH ALL MATTERS RESERVED)

Danielle Brooke presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from James Burton, the agent and Luke Boekestyn, the applicant. Mr Boekestyn explained that his company specialises in delivering affordable homes with a positive track record of delivering homes in Fenland. He added that his company is currently building 148 homes, and read out a statement from Azar Ahmed, Assistant Development Director at Accent Housing, who is the preferred partner for the site, which stated 'At Accent, we care, and we manage over 20,000 homes housing over 35,000 people. We aim to deliver a large programme of newbuild homes to provide quality homes in sustainable communities and Accent is aware that there is a high need for affordable homes of all types in Fenland. With support from Fenland Housing, there is a clear housing need, and this rural exception site will give priority to those with a local connection. Accent is a registered provider and strongly support the delivery of this 100% affordable housing scheme and provide sustainable homes which are genuinely affordable to the local people'.

Mr Burton stated that the rural exception scheme is for up to 24 100% affordable dwellings ensuring homes for local people in perpetuity, with the Council's Assistant Director and Housing Enabling Officer both supporting the scheme and recognising that the scheme meets identified need to provide ring fenced affordable homes for the parish and they consider that the scheme meets the requirements of the rural exception site under the National Planning Policy Framework. He added that he has consulted with the Parish Council throughout the application process and amended that scheme and as a result the Parish Council have given their support.

Mr Burton added that he has worked closely with the Council's Housing Team, and they have informed the housing mix so that it includes one-bedroom units and have confirmed the need for

176 dwellings in the area with 31 having a direct link with Guyhirn. He stated that a formal housing survey has not been conducted but the housing register data provides the most reliable baseline for assessing demand and it demonstrates a significant local need, making the point that if a survey was carried out then the Housing Officer has stated that in their opinion the figures would rise.

Mr Burton expressed the view that LP3 of the Local Plan typically restricts development in Guyhirn below the affordable threshold which effectively prevents any affordable homes being delivered but made the point normally LP3 development will be considered on its merits but be limited in nature and to residential infilling. He added that the glossary within the Local Plan defines residential infilling as development of a site between existing buildings and this application site is located between number 6 and Cobble House on Gull Road, making the point that there have been 86 dwellings approved in Guyhirn since 2011 with around 350 in the parish and to the best of his knowledge there has not been a single affordable home which has been provided.

Mr Burton expressed the opinion that the merits of the scheme are compliant with LP3 and it is an opportunity to provide much needed affordable homes which is evidenced by housing need with developers and registered providers who are able to deliver. He stated that this is the reason why rural exception sites exist in order to allow housing where it normally would not be permitted to meet local need.

Mr Burton explained that Guyhirn is linear, and the site is central and would not extend the village boundary as the site has natural boundaries and infills between existing dwellings, which is consistent with the piecemeal development which is located opposite as well as the development nearby located to the north. He explained that the site is located five minutes' walk from the shop, two minutes' walk away from the Public House and ten minutes' walk to the local school, with the nearest bus stop being two minutes' walk from the site and providing links to Wisbech, March, Peterborough, Kings Lynn and Norwich and with buses running every 30 minutes, in his view, means that Guyhirn is one of the best-connected villages in the district.

Mr Burton made the point that he considers that the proposal is in keeping with the form and character of the area, with the proposal including a footpath with crossing points as well as a maintenance strip for the ditch and there is adequate parking including visitor parking. He explained that the method and approach concerning the sequential test changed during the application and as a result an expanded sequential test was submitted which justified the search area as being the parish boundary.

Mr Burton explained that the scheme will have a local lettings policy secured by Section 106 and there is a clear local need, with it being his belief that it complies with the new approach and the NPPF. He explained that the sequential test concludes that there are no reasonably available alternative sites within the parish and that the site is also technically safe from flooding, and the indicative street scene shows that the proposed heights are comparable with neighbouring dwellings, and the land levels will not be raised above road level, which mirrors the approach of the approved dwellings which are located opposite the application site, and they have no issues.

Mr Burton stated that he has also agreed to accept a condition for an A Rated Energy Performance Certificate to enhance the sustainability of the scheme and to minimize the impact of fuel poverty. He referred to Section 106 contributions and explained that officers have confirmed that the Council's Supplementary Planning Document requires no contributions if the scheme is 100% affordable and feels it is unfair to say that the applicant will not provide any contributions as they will contribute in line with the viability assessment to be undertaken, with the applicant willing to offer £2,000 per plot as per the previous arrangements for open market housing in the area as well as the £5,000 contribution to the Parish Council.

Mr Burton added that the applicant has also submitted Heads of Terms to demonstrate their

commitment to enter into a legal agreement, with the scheme being, in his view, policy compliant, has no technical objections and has the support of the Parish Council. He stated that the proposal will not encroach into the open countryside and is in keeping with the form and character of the area along with delivering 100% affordable homes for local people for current and future generations.

Members asked the following questions:

- Councillor Benney asked for the associated timescales with regards to commencement of construction and occupation? Mr Boekestyn stated that the application is in outline form but if approved he would like to submit the reserved matters application as soon as possible. He added that Accent Housing are engaged as the housing provider and, therefore, they will work together to expediate the development as soon as is practicable, explaining that Accent Housing are the partner of the 148 homes in the district, and they have demonstrated that they can occupy the homes they manage very quickly.
- Councillor Benney asked for confirmation of the housing provider who will take on the dwellings when construction is complete? Mr Boekestyn confirmed it is Accent Housing.
- Councillor Mrs French asked whether North Level Internal Drainage Board have been in discussion concerning the proposal? Mr Burton stated that no further discussion has taken place apart from what is included as part of the application. He explained that further investigation has taken place with the Lead Local Flood Authority and the ditch to the east is a riparian ditch, with there being a maintenance strip all the way along the riparian ditch and the ditch to the north of the site runs east and then northward. Mr Burton explained that it is an adopted ditch, and the surface water will be going into here with the appropriate contributions. Councillor Mrs French started that the water will not be going into the ditch unless further communication takes place.
- Councillor Mrs French asked why a viability study has not been undertaken? Mr Boekestyn stated that at the current time due to the discussions with Planning Officers as well as the application being recommended for refusal the decision had been taken to wait for a positive outcome and then a viability study would be commissioned and submitted. He added that he has already confirmed the position on contributions ahead of that. Councillor Mrs French expressed the view the application could be considered as an incomplete planning application as a viability study has not been submitted.
- Councillor Gerstner asked, as there is no viability study, whether the agent and applicant could confirm that they are able to meet the contributions from Cambridgeshire County Council as detailed in the officer's report. Mr Burton stated that no they cannot commit to the figure of £617,000 which has been requested, and Mr Boekestyn has referred to the fact that it would form part of the viability assessment.
- Councillor Gerstner expressed the view that it would take a considerable amount of infill of earth or imported material to build up the land, and he questioned whether there is any knowledge of how much material would be required and how long it would take? Mr Boekestyn explained that some initial consultations have taken place with the engineers, and he added that he is quite well experienced in developing within Flood Zones 2 and 3 and are used to importing and dealing with that strategy. Councillor Gerstner reiterated that it would require a significant amount of material which would be required. Mr Boekestyn agreed that it would be significant. Councillor Gerstner asked where the materials would be sourced from? Mr Boekestyn stated that materials can be brought in from alternative sites in the district or elsewhere and he explained that construction of 500 homes is currently underway so materials can be sustainably recycled from other sites. He added that the other option is to work with local landfill sites to have the appropriate materials brought to the site. Councillor Gerstner asked whether that material would be inert? Mr Boekestyn stated that it would be clean inert material which would be compliant with any highway's guidance in order that appropriate materials were being brought onto the site and would also be in line with the Environment Agency permit requirements.
- Councillor Meekins stated that the Highway Authority have made comment regarding the vehicle splays which have not been shown on the plans for the proposal, and he asked

whether the splays are achievable? He added that the Highway Authority also appear to have concerns with regards to the number of access points along with a query over the footpath and bin collection arrangements. Mr Burton explained that all those aspects will be covered as part of the reserved matters application and added that the scheme has been updated as part of the outline application. He explained that there will be a footpath across the extent of the frontage of the site which will include dropped kerb crossing points to allow crossing to the main footpath opposite, with as many of the entrance points as possible grouped together so there are fewer entrance points onto Gull Road. Mr Burton made the point that this is consistent with the development located on the opposite side of the road and has not caused any issue, adding that the highways boundary plan demonstrates clearly that the visibility splays can be achieved along the whole length of the frontage. He explained that he has made a commitment to the Parish Council that he will apply to reduce the speed limit in that area to 30mph which will reduce the visibility splays even further.

- Councillor Imafidon questioned why no contact has been made with North Level Internal Drainage Board? Mr Burton stated that he would make the appropriate application to the drainage board as part of the reserved matters application. He added that the drainage strategy which is being produced includes a mixture of attenuation crates and above the ground attenuation in the balancing pond, which will restrict the runoff rate from the site to green field rates by the riparian ditch and then further north. Mr Burton made the point that he will approach North Level and secure an agreement with them which will be subject to the appropriate contributions and any negotiations that need to occur at that point.
- Councillor Marks referred to viability and added that he does have concerns that this has not been undertaken. He added that there are thousands of tonnes of earth which will need to be brought to the site and should the proposal be approved and then prove to be non-viable what would then happen with the site. Mr Boekestyn explained that as part of the ongoing relationship with the registered provider all of the costs of the build are already factored into the development costs to create the residual land value. He stated that he has no concerns with regards to not being able to deliver and to engage in conversation with the housing associations there needs to be an assessment of the technical aspects of the build and there is no prospect that they would not further the site for development as he is already aware that the site needs raising.
- Councillor Marks asked what will happen if they cannot build? Mr Boekestyn stated that he cannot foresee any reason why he would not be able to build, and they are seeking outline approval with the intention of submitting a reserved matters application to develop for Accent Homes, adding that he should not be in a position where he is applying for planning permission that he cannot then deliver. He explained that his record as a business is that they follow through and deliver across various counties with various housing associations.
- Councillor Gerstner referred to the presentation screen which showed the land levels and road, and questioned whether the land located behind the strip of land is agricultural and being used at the current time? Mr Burton stated that the land to the east which is to the further part of the ditch is agricultural land which is currently being farmed. Councillor Gerstner asked whether the strip of land is not being used for agricultural purposes? Mr Burton explained that the piece of land is owned by the allotment charity, and they give grants out locally. He added that the piece of land is actually rented and used for grass growing but not for food production or agricultural purposes.
- Councillor Marks asked for further clarification on the statement that the grass is grown but not for agricultural purposes. Mr Burton confirmed that a local farmer grows the grass for round bales of hay and clarified that it is for agricultural purposes but not food production.

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

- Councillor Benney stated that his initial thoughts with regards to the application are that the site is in Flood Zone 3 and it has failed the sequential test, but he now feels that the site has several positives. He stated that with regards to the absence of a viability study to accompany the application, in his opinion, consideration needs to be given to the fact that it is an outline application and a proper viability study cannot be undertaken until it is known

what is going to be developed on the site. Councillor Benney stated that the sequential test has failed because it has been carried out over the whole of the district. He referred to the officer's report which indicates that there is a local need for housing, and he added that the Council has faced a significant cost to pay for bed and breakfast accommodation for those people in need of a home. Councillor Benney stated that it is a cost that the Council are having to endure, and those monies cannot be claimed back as bed and breakfast accommodation is not classed as a registered housing provider and, therefore, the money cannot be claimed back from Central Government. He expressed the view that the social misery for those people living in those circumstances needs to be considered and made the point that the applicant and agent have confirmed that the houses can be brought forward and there is a registered housing provider already engaging with the process. Councillor Benney added that with regards to building the land up, there will be a cost to get the works underway, and should it be decided that the costs cannot be met then the development will not take place regardless of whether the committee approve the application or not. He expressed the view that from a Council perspective, the houses are needed and there are people waiting the homes rather than residing in temporary accommodation and, in his opinion, the social need should override the lack of the sequential test because it is done over the whole district which really means that it will always fail. Councillor Benney made the point that with regards to building in the countryside, there are houses along the length of Gull Road which have been built over the last 20 years which have been developments of one of two dwellings. He made the point that there is no social housing in Guyhirn and there is a housing need for Fenland residents who want to stay in the area to be near their families. Councillor Benney stated that the scheme will move forward, and it does work although he appreciates that there will be costs to get the works underway and whether those costs prove to be prohibitive is not a concern for the committee as it is in outline form. He stated that the committee are looking at land usage and, in his view, it will bring forward some much-needed housing for the district and it will ease the burden financially on all the rate payers of Fenland who are having to finance the bed and breakfast accommodation costs.

- Councillor Mrs French stated that when she read the officers report initially, she whole heartedly agreed with the officer's recommendation.
- Councillor Mrs French asked officers to confirm whether the application site was involved with the Council's call for sites process for the emerging Local Plan? Danielle Brooke stated that the site did not form part of the call for sites process as far as she is aware.
- Councillor Mrs French stated that it is a rural exception site and, in her view, the issues of viability can be overcome. She made the point that she has never known an 100% affordable housing scheme to offer so much money as a Section 106 and, in her opinion, it is an unusual application. Matthew Leigh stated that viability is carried out at the outline stage of an application because it is a principal matter and whilst there maybe slight variances in relation to the change in the price of building materials through the lifetime of an application, whether or not a scheme is viable is something that is considered at the outline stage rather than at reserved matters. He added that with regards to the site being a rural exception site, the Council does not have a policy in relation to rural exception and officers have not explicitly stated that. Matthew Leigh explained that generally rural exception sites would be seen to be smaller than this application and contained within the NPPF (National Planning Policy Framework) it states that they should be quite proportionate to the scale of the development. He stated that you would normally expect a proper rural exception test to contain a greater deal of evidence and for it to be based around the need rather than just details of the Council's housing requirements. Matthew Leigh added that members can state that there are benefits to the scheme and there is weight to it but to use the terms rural exception, in his opinion, is not explicitly correct in this application.
- Matthew Leigh stated that in relation to the viability and the financial contributions at the present time there is no certainty with regards to those contributions, and the applicant and agent have only stated that in the future they may undertake a viability study but at the current time there is no definitive figure before the committee for consideration.

- Matthew Leigh stated that with regards to the point made concerning the fact that there are 31 people on the waiting list for accommodation and as the officers report has highlighted then you would normally expect a supporting statement to have been provided to evidence the local need and, in his opinion, there is no breakdown of the need of those people who are on the list for housing compared to what is being offered on the site. He added that whilst there may be several people who are on the housing list, they could be residing in temporary accommodation in one-bedroom properties, and the development may only consist of four bedroomed dwellings which would then not be suitable. Matthew Leigh added that it is all that finer detail of information which you would expect to see that would argue that point and it has not been provided to officers.
- Matthew Leigh stated that with regards to the sequential test, a need for a type of accommodation does not overcome the need for a sequential test and as stated in the officer's report it would move onto the exception test where it would state that the benefits of the scheme outweigh the conflict of the fact that they have not carried out the sequential test. He added that it does not mean that they should not do it, but it is the fact that have not chosen to do it and the harm from that is overcome by the benefits of delivering a certain scheme.
- Councillor Benney stated that the Council has many different elements which make up the authority, and they include housing and planning and he would expect them to work in conjunction to try and achieve the same goals and to try and provide housing for residents. He added that the Council should be people based and not property based and asked whether that further information had been requested from the applicant. Councillor Benney stated that everyone should be aware of what the targets and goals are of the Council and what we are trying to achieve, and he asked whether the applicant has been advised to provide that level of information so that it could be processed and form part of the application. Councillor Benney stated that every report that is requested from the agent costs them money and there is a certain element of doubt and uncertainty as to whether a proposal will receive approval when an application is submitted. He expressed the view that if an agent is asked to submit a further report they may choose not to do so unless there is a fair chance of an application being approved. Councillor Benney added that it all comes down to the viability of the site being brought forward and then as Councillors there is a lack of delivery of the much-needed homes and it those homes which elected members want to see. Matthew Leigh expressed the view if you are an agent who believes that there is a specific need of housing in an area then he does not believe that an agent would need to specifically approach the Council to ascertain what information is required in order to allow the committee to come to an informed decision especially when the officer recommendation is one of refusal. He added that the evidence officers have received is information from the Council's housing officers, however, that is not the only aspect which needs to be assessed and undertaking the assessment is not the responsibility of the Council as information has been passed to the applicant and it is their responsibility to progress that information and develop it and then provide it to the Council as the decision maker to assess.
- Matthew Leigh stated he appreciate that the reports are expensive but unfortunately the planning system does require a number of reports for an application to be acceptable.
- Councillor Mrs French stated that with regards to housing need, it does state in the officer's report at 5.8 the response from the Housing Strategy Manager. She added that whilst she appreciates that there is a need for housing and whilst there maybe homes required in Guyhirn there are over 3,000 people on the waiting list for some kind of home, and this application needs to be looked carefully. Councillor Mrs French stated that it does not have a viability study with it, and she is considering whether to ask for a deferment in order for viability information to be provided.
- Councillor Gerstner stated that he applauds the applicant for an application for affordable housing, but he has serious concerns that there are no contributions for education and health. He added that consideration does need to be given to the figure quoted by the applicant and also being mindful that the proposal is for 24 dwellings which could accommodate families with children who will need schooling and health facilities and there

appears to be no ability to contribute to that which causes him great concern.

- Councillor Gerstner added that he also has reservations on the amount of imported material which will be required to brought in by numerous vehicles to build up the land quite substantially to overcome flooding mitigation. He added that because of having to build the land up, in his view, the houses are going to look out of place.
- Councillor Mrs French stated that the policy for 100% affordable homes means that applicants do not have to supply a contribution even though she has raised the point over many years. She stated that 100% affordable is 100% affordable and she referred to the site in Upwell Road, where there are 110 affordable homes and there are no contributions being provided to education or other services.
- Councillor Benney stated that there is a live document which states £2,000 per unit south of the A47 and no contributions because of viability north of the A47 and as this site is located north of the A47 there are no contributions to pay. He added that with regards to the movement of materials, it is a one-off situation whilst the application site is being built out, and he does not foresee the number of lorry movements to be that much of an issue or concern. Councillor Benney referred to another site in Manea which was built up and, in his opinion, you would not know that the land has been built up due to the landscaping, and it fits in very well. He made the point that everything that is built changes the character of the area and does not necessarily mean that it is a negative change and that until the reserved matters application is submitted then the number of houses will not be confirmed but even if it is 24 dwellings, in his opinion, the social benefit outweighs any negative points and the application will deliver homes for people which is what councillors should be doing.
- Councillor Meekins stated that there appear to be various concerns the Highways Authority have and he added that relatively recently there have been three applications on this site for up to four houses which were all refused for various reasons and now the committee are being asked to consider up to 24 homes. He added that if four homes on the same piece of land were refused why would the committee want to consider granting 24 dwellings as to him that makes no sense, and he will not support the application.
- Councillor Marks stated that it is nice to see that the Parish Council are in favour of the application.

A proposal to refuse planning permission was made by Councillor Gerstner and seconded by Councillor Meekins, however, this was not supported by the majority and the proposal failed.

Proposed by Councillor Benney, seconded by Councillor Mrs French and agreed that the application be GRANTED against the officers' recommendation with authority delegated to officers to add appropriate conditions and completion of a legal agreement in relation to affordable housing.

Members did not support the officer's recommendation of refusal as they feel that there will still be ample areas of open countryside left, they believe that the application is an infill development, they do not consider that the application contravenes LP3 and LP16 and whilst it fails the sequential test, there is significant benefit to the people of Fenland by providing much needed homes to those in need.

P43/25 F/YR24/0627/F
LAVENDER MILL BUNGALOW, FALLOW CORNER DROVE, MANEA
ERECT 5 X DWELLINGS (1 X SINGLE-STOREY 2-BED AND 4 X 2-STOREY 2-BED), INVOLVING THE DEMOLITION OF EXISTING DWELLING AND GARAGE

This application was withdrawn from the agenda.

P44/25 F/YR25/0404/F
GARAGES AT RIVER DRIVE, MARCH
ERECT 1 X SELF-BUILD/CUSTOM DWELLING WITH A 2.0M HIGH BOUNDARY

FENCE, INVOLVING THE DEMOLITION OF EXISTING GARAGES

David Grant presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Gillian Bean, in support of the application. Ms Bean stated that she is a resident of River Drive, and she has spoken to every resident in the road and is addressing the committee on their behalf. She explained that numbers 8 and 9 of River Drive are in favour of the application and the proposal will, in her view, reduce the issue of vandalism, drugs, vermin and due to the lighting in the road, it would ensure that people could walk through the entrance way safely.

Ms Bean added that the Council's core priorities are to improve the environment and street scene as well as giving residents a safer neighbourhood by reducing crime and anti-social behaviour and, in her view, by accepting the application and letting the application develop the site then the committee would be satisfying the Council's core responsibilities. She stated that the applicant is trying to improve the area where the District and County Councils, in her view, have done nothing in the area where she has lived for the last six and a half years and feels that the area does need something doing to it, and it is down to the committee to make that decision.

Members asked the following questions:

- Councillor Mrs French stated that Ms Bean has referred to two residents who are in support of the proposal and she questioned whether they have officially written to the Council opposing the application in the first place. Ms Bean explained that not to her knowledge and they have both advised her that they have emailed the Planning Department to state that they are in support of the application and she also obtained their signature to state that they are happy for her to speak on their behalf.
- Councillor Gerstner stated from the presentation slides, it does look as though the area is ripe for anti-social behaviour and he asked Ms Bean whether she can provide any statistical information with regards to the instances of anti-social behaviour which have taken place? Ms Bean explained that she does not hold any statistics, but she made the point that she knows that the resident from number 8 took it upon themselves to ask some individuals to leave the area after playing loud music and drug taking earlier in the week and she added that it is not what the residents in any road wants in their area. She added that many of the residents in the road are elderly, and it is a quiet area with the residents just wishing to get on with life and to help each other out. Ms Bean stated that residents are finding rats in their gardens, and the residents want to see some change, adding that whilst the proposal will not look as though it is part of River Drive, it will look considerably better in her opinion.
- Councillor Benney asked whether Ms Bean is aware who the landowner is for the application site? Ms Bean stated that she is aware but has never met him prior to the meeting today. Councillor Benney asked Ms Bean whether she has considered approaching the landowner in order to try and get the site tidied up as when he undertook a site visit the brambles were so high that he could not reach the garage, however, the site was padlocked and, in his view, if Ms Bean would like to see the site tidied it would be worth contacting the landowner. Ms Bean stated that as far as she is aware before the applicant purchased the site it is her understanding that the Council owned the site as she believes the garages were rented out from the Council.
- Councillor Mrs French stated that the Council sold its housing stock in 2009, and she does not believe that the garages are something that the Council would own. She added that she does agree that the site is in a very bad state which she saw on her site visit. Ms Bean stated that is the main reason that the residents want something done about it.
- Councillor Imafidon stated that when he went to the site he walked from The Drive to the main road through the alley way and it would appear that number 8 uses the alley as an access. He asked Ms Bean whether that is correct and also whether any of the other residents also use that access? Ms Bean stated that there are no other properties who use that for vehicular access but there is a number of people from the road who use it as a

walkway.

- Councillor Imafidon stated that there several garages which appear to be padlocked even though they appear not to be used, and he asked whether Ms Bean knows who owns them. Ms Bean stated that they are likely to be used for anti-social behaviour purposes.

Members received a presentation, in accordance with the public participation procedure, from Nicholas Underwood, the applicant. Mr Underwood stated that the site sits 50 metres back from Deerfield Road, River Drive and Cotswold Close which are dead end cul-de-sacs only used by residents. He added that due to the back land setting and the existing building lines the site can only be glimpsed when passing directly in front of the three restricted view points and the proposal will have very little visual impact on the wider area but it will have a positive impact on the character of access road and improve the safety of the public realm for the benefit of the wider community.

Mr Underwood made reference to the presentation screen and added that the officer's report makes reference to comments made by the Inspector at the appeal, but they all relate to the previous scheme and are not relative to the revised proposal before the committee which has completely been changed to address the objections. He added that the report also fails to convey that four out of the six previous grounds for refusal were also dismissed by the Inspector and that that the Inspector's comments with regards to harm to local character all relate to the previous design being two storey which led to a concern over the bulkiness of the dormers on the first floor and also concern of overlooking into the garden of 29 Cotswold Close.

Mr Underwood made reference to the presentation screen and stated that by deleting those, the issues fall away and references to the linear form and cramped area all related to the car ports which significantly extended the building mass up to the south east boundary and this has also been deleted which reduces the building by a third and allows for a greater separation to all the boundaries. He stated that the points made with regards to overdevelopment and contrived layout related to the amount of private amenity space and that was also dismissed at appeal, with the Planning Inspector praising the innovative and novel approach and concluded that due to the quality and usability of the spaces, a reduction below the one third guideline was deemed to be both appropriate for the development and compliant with LP2, LP15, LP16 (h) as well as the March Neighbourhood Plan (h2).

Mr Underwood added that the private amenity space has also been increased to meet the one third guidance to add another twenty square metres and expressed the view that it is disappointing to see in the officer's report where it claims that the design is out of character, with the Inspector highlighting that there is no prevailing architectural style that is evident and many of the buildings in the area have already been modified and altered over time. He explained that the Inspector also agreed that the contemporary approach of design and architectural detailing is entirely appropriate for the location, referring to the presentation screen in terms of prevailing character, with River Drive consisting of two block types with various setbacks from the road and the proposal has now been revised to match the same scale and massing of the smaller block type and follows the precedent which has been set by the other corner plot such as one and two in the bottom corner.

Mr Underwood referred to the screen and stated that the outline of number 33 Cotswold Close is shown in red and when that is overlaid onto the ground floor plan, it is comparable and is slightly shorter and smaller. He explained that the street scene view can demonstrate that the height is now comparable to the adjacent buildings, having been reduced and the outlook from the properties in Cotswold Close falls well below the 25-degree rule from BRE, even when standing right against fence and dispels any claim of prominence.

Mr Underwood added the presentation screen shows that the previous application did not include the bamboo screening on the drawings for clarity and instead just relied on the description and the images in the design and access statement, which as a result failed to demonstrate to the

Inspector that this will form a continuous barrier rather than just isolated plants. He explained that in the current application shown on the presentation screen he has made it clear that the 2 metre high fence is extended to 2.4 metres high and uses the continuous bamboo screening and the sight line has been shown which demonstrates the prevention of any views below 2.4 metres and certainly not into the properties garden.

Mr Underwood made the point that when the appeal decision was issued 5 weeks ago on the 12 August, it raised concerns based on the previous scheme that planting would take too long to mature and it was only seen as a temporary measure. He added that he disagreed with that view and emailed the planning officer the following day reconfirming the intent to provide a 2.4-metre-high planting on day one and even when disregarding the contribution for the bamboo, the fence itself would also provide a restriction to any views.

Mr Underwood explained that drawings were provided to the Case Officer which demonstrated the change in height of 2.2 metres, but officers would not accept those drawings, even though it does resolve the problem. He referred to the presentation screen and explained that he was only aware of the massive hedge along the fence when the agenda was published.

Members asked the following questions:

- Councillor Mrs French asked Mr Underwood to confirm when he purchased the site and did, he purchase the site from the Council? He explained that the Council sold the site to Clarion Housing, and he purchased the site from Clarion.
- Councillor Mrs French asked Mr Underwood to confirm when he purchased the site? Mr Underwood responded 18 months ago when he commenced the planning application, he anticipated that permission would be sought quickly in order for him to demolish the garages and make the area better but he did not anticipate the process to take as long as it has done.
- Councillor Mrs French asked Mr Underwood to confirm why he has not chosen to tidy the site up as the Council could have chosen to serve a Section 215 notice on the applicant because of the condition it has been left in. She further asked Mr Underwood whether he will be living in the dwelling or is it something he is looking to build to sell on? Mr Underwood stated that the intention was for him to live in it and following his father's passing earlier this year, the original plan was to move his family in and now the intention is to move his mother in and have it for his retirement.

Councillor Marks stated that he would like the Legal Officer, Stephen Turnbull, to provide some advice and guidance to the committee. The Legal Officer stated that from the answers to members questions provided by the applicant this is not going to be a self-build in the sense that somebody else is going to be living in it. He added that consequently there needs to be a bio net gain assessment and obligations which have not been submitted by the applicant and, therefore, the application cannot be determined.

Councillor Marks asked the applicant to return to the public speakers table for further questions to be asked of him by the committee:

- Councillor Marks asked Mr Underwood to provide further clarity with regards to the points made by the Legal Officer. Mr Underwood stated that the intention is for him to live in the property in the first instance and then his mother will reside there.
- Matthew Leigh stated that members will be aware that appeal decisions have been quite clear that the only way to ensure a self-build is through a legal agreement. He added that there is now the requirement for applicants to sign an agreement and if that is not undertaken then that would result in a significant breach of the law.
- Councillor Marks stated that there appears to be a lack of information which has not been provided to officers and as a result of advice given by both the Legal Officer and Head of Planning, he would like to suggest that the application be deferred in order for the correct information to be provided to officers.

- Councillor Mrs French stated that the officers report states that there was an objection from River Drive and the public speaker has stated that there was no objection, and she would like officers to provide further clarification as, in her view, it would have a negative impact and an application should not be approved should it be detrimental to somebody else. David Rowen stated that with regards to the representations received from River Drive contained within the officer's report on Page 99, it states that there are seven supporting comments received from the residents of River Drive and then a further comment received from a resident of River Drive which has also been summarized. He added that he does not believe that there is anything within the report that indicates that there have been objections received from residents in River Drive.
- Councillor Benney expressed the opinion if the applicant is not going to reside in the dwelling then the committee have the wrong application in front of them, with a self-build dwelling being a different type of application to other housing and because of it being the wrong application there are several uncertainties. He added that whilst he appreciates the concerns of the supporter to the proposal wishing for the site to be tidied up, planning is concerned about land usage and whether the land is suitable and, in his opinion, the right application is not in front of the committee to determine.
- The Legal Officer stated that there appear to be too many question marks with regards to what the application involves and, in his opinion, a deferral would be the best course of action to ascertain whether it is actually a self-build dwelling and then deal with it appropriately at a future committee.

Proposed by Councillor Mrs French, seconded by Councillor Imafidon and agreed that the application be DEFERRED in order for further information to be obtained concerning the application.

(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)

P45/25 F/YR25/0396/F
LAND NORTHEAST OF 93 DARTFORD ROAD, MARCH
ERECT 1 X SELF-BUILD/CUSTOM BUILD DWELLING INCLUDING THE DEMOLITION OF EXISTING GARAGE

Zoe Blake presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Shanna Penney, the agent and Andrew Eastol, the applicant. Mr Eastol stated that he has a fond connection with the area in question and has made memories both happy and sad after losing his wife whilst living at 91 Dartford Road. He explained that he has now moved to 93 Dartford Road, and it has always been his wish to have a small retirement bungalow built on the large garden which is the land to the north east of 93.

Mr Eastol added that the reason that he has applied again for planning permission is because his existing property is far too big now for his needs as it is a four bedroomed house and he has no children. He explained that, as he is semi-retired, he now has more free time available to self-build a small single bedroomed home and he intends to compete much of the work himself as well as employing local tradesmen to undertake other aspects of the work.

Mr Eastol added that the proposal will also help with the Council's supply of self-build properties and made the point that he feels that the proposed design is very well thought out internally with plenty of light coming into the property and rear and front external gardens and space around the perimeter for maintenance purposes. He explained that parking is located away from surrounding properties and it will have good vehicle turning space and existing site access, which is already

used for number 93, with the large garage being demolished.

Mr Eastol stated that he has secured the land to make it safe from anti-social behaviour and unwanted wildlife by erecting three sturdy fences to neighbours' properties which they were unable to do. He explained that this is his last opportunity to build a home for himself due to an arthritic condition, adding that he does not have a great deal of money as his business collapsed whilst he was caring for his late wife, but he explained if he is granted planning permission by selling 93 Dartford Road it will enable him to cover all of the building costs and enable him to spend the rest of his life in a home which he has built himself and can be proud of.

Ms Penney explained that the proposal is for a bespoke dwelling for Mr Eastol and it is located within the built-up settlement of March, adding that it is different from the previous schemes as it is now for a self-build plot and the application has been recommended for refusal due to the alleged cramped nature of the scheme. She stated that she acknowledges that the dwelling is small, however, it is designed for a single person and is directly comparable to the footprint of other properties in Dartford Road.

Ms Penney stated that the nationally prescribed space standards require a dwelling for a single person to be 39 square metres, and the size of the proposed unit is 49.6 square metres which exceeds those required standards, with parking being provided in accordance with the Local Plan and a garden space which is more than one third of the plot. She explained that from a technical perspective the proposal provides all of the necessary amenities required by local and national standards and she fails to see how it can be defined as cramped, making the point that the proposal will barely be seen from a public view, and she questioned how it can be deemed as being out of keeping with the character of the area when it will be barely visible.

Ms Penney expressed the opinion that the second reason for refusal is not reasonable, and she added that there is case law within the district which states that the RECAP guidance of wheeling a bin for more than 30 metres is not a reason enough for refusal and, therefore, that reason should be disregarded. She expressed the view that the third reason for refusal relates to the failure to provide a Section 106 to secure the self-build nature of the project but made the point that this is a last-minute reason which has been added due to the changes to the Council's guidance, and should the application be granted then they would be happy to provide a Section 106 within an agreed timeframe.

Ms Penney stated that the proposal complies with all the adopted size standards, will barely be visible from a public perspective, the issues regarding RECAP are a misnomer and explained that the self-build status can be secured by a Section 106 agreement which can be provided. She added that the scheme is acceptable in principle, and it will provide self–build housing within a primary market town on Flood Zone 1 land and asked for the application to be approved.

Members asked the following questions:

- Councillor Gerstner asked Mr Eastol how he proposes to move his waste bins backwards and forwards to the collection point due to his dexterity problems? Mr Eastol stated that he is not disabled, and he can build the house and move bins, but he is forward planning for the future as in a few years he may not have the same strength as he does now.
- Councillor Meekins asked for clarification as to why the fencing was 2.4 metres whereas he was of the understanding that most smaller height fences were 2 metres? Mr Eastol explained that the fences are already erected, and they all have a concrete lintel at the bottom and then the fence is 6ft. He added that is the height of all the fences in the locality and he just matched the fencing that was already there.

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

- Councillor Mrs French stated that there appears to be several self-build applications coming forward to the committee and as a result they appear to be missing information relating to

Section 106. She stated that this application appears to be like the last application, and she stated that maybe consideration should be given to deferring the application for the legal agreement to be prepared and brought back to the committee.

- Councillor Benney asked officers to confirm the numbers of self-build dwellings which are held on the Council's register at the current time. David Rowen stated that he is aware that there is an excess supply of self-build properties relative to the people that are registered on the list.
- Councillor Mrs French asked for the exact figure to be provided to members of the committee at the next meeting as it could prove useful for future applications. Matthew Leigh stated that the figure will be provided to the committee, but he is aware that the Council does have above the minimum necessary requirement of self-build dwellings.
- Councillor Purser stated that he knows the area well and the proposal cannot be seen from the road. He added that by Mr Eastol choosing to build a small one bedroomed property, he is freeing up his existing home for a larger family, which, in his opinion, is positive.
- Councillor Benney stated that he would like to see the application refused as it is a small site and it is ruining the garden of a nice four bedroomed dwelling. He added that it is about land use, and he feels that officers have made the correct recommendation.

Councillor Benney stated that he would like to propose to go with the officer's recommendation and refuse the application. This proposal was not supported by members and, therefore, the proposal failed.

- Councillor Mrs French stated that she would like to see the application deferred to give the applicant the opportunity which has been afforded to the last application.
- Matthew Leigh stated that best practice is when there is a Section 106 required for an application, should the application be refused a reason for refusal is imposed that ties into the need for that. He added that should members choose to approve this application or any other applications in future for self builds, against officers' recommendation, then rather than delegating conditions to officers there would be a request that the delegation would be to give authority to officers to enter into Section 106/Unilateral Undertaking for self-build. Matthew Leigh explained that the difference between this application and the previous application on the agenda which was deferred is that the applicant has not brought into question the fact that it is a self-build. He added that members do not need to defer the application they could delegate the authority to officers to complete that agreement.
- Councillor Mrs French stated that after considering the point made by Matthew Leigh, then she will recommend approval of planning permission on the site subject to the delegated authority being given to officers for the Section 106.
- Councillor Mrs French stated that the committee have previously approved a bungalow on a site in Chatteris which was far smaller that the application being determined.

Proposed by Councillor Mrs French, seconded by Councillor Purser and agreed that the application be GRANTED against the officer's recommendation, subject to the legal agreement, Section 106 and appropriate conditions to be delegated to officers.

Members do not support the officer's recommendation of refusal as the committee have passed other applications previously with smaller areas and they believe that the proposed dwelling has more than the minimum required space standards both internally and externally and, therefore, do not believe the proposal can be classed as cramped. Members feel that should the applicant require assistance in the future with regards to bin collection then the Council operate an assisted collection service and the amount of refuse and recycling generated for one person will be minimal.

(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)

P46/25 F/YR25/0454/F
46 ELWYNDENE ROAD, MARCH
ERECT A SINGLE-STOREY EXTENSION TO EXISTING GARAGE AND CONVERSION TO FORM AN ANNEXE, ADDITION OF NEW SOLAR PANELS TO ROOF SLOPE, AND CHANGES TO FENESTRATION

Zoe Blake presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Councillor John Clark, the Ward Councillor for the application site. Councillor Clark stated that 18 years ago he became a Fenland District Councillor to represent and speak up on behalf of residents and especially those of March, making the point that he cannot think of anything more deserving than to support this planning application after receiving a request from the applicant who is a resident of his ward. He explained that the applicant, Mr Haydon, is a former partner of Whiting Accountants who retired after working for them for 40 years and he is also one of his neighbours whose property is located at the bottom of his garden where he has lived for 40 years.

Councillor Clark stated that ten months ago Mr Haydon's wife passed away and he is looking to support his family along with his own wellbeing, explaining that Mr Haydon has a severely dyslexic son who needs help and guidance with simple tasks such as reminding him to eat and not miss meals. He added that his daughter has a son who is autistic and has also been diagnosed with ADHD who also needs frequent support, and Mr Haydon would like to see his daughter and family move into the main dwelling, with his son already living in Stonecross Way, which abuts his garden so if approved Mr Haydon would move into the proposed annexe to create an intergenerational family welfare support unit.

Councillor Clark stated that Mr Haydon has applied to convert his garage into an annexe to the main property and the first application was refused, with the officers' reasons for refusal being considered prior to submitting the current application and addressed by reducing the size of the application by 50% with only a modest single storey side addition. He stated that the application includes a large community space and garden, and the parking area remains unchanged.

Councillor Clark explained that officers have concerns that this could be sold as a separate dwelling and in order to address the concerns Mr Haydon is content to enter into a legally binding agreement to tie the proposed annexe to the main dwelling in order to stop the unlikely event of it ever being sold as a separate dwelling. He referred to LP16 of the Local Plan and expressed the view that the proposal meets all the fourteen A to N criteria with the only area for discussion being part D but, in his view, it does not adversely impact either in design or scale of the street scene, settlement pattern or landscape character of the surrounding area.

Councillor Clark stated that the application has 11 letters of support including many from neighbours and is, therefore, very unlikely to be legally challenged and he asked the committee to support the proposal.

Members asked the following questions:

- Councillor Mrs French asked whether the personal circumstances of the applicant had been highlighted when the application was submitted? Councillor Clark consulted the agent who stated that they were not included as part of the application.
- Councillor Mrs French asked whether the Listed Building referred to is Councillor Clark's home? Councillor Clark stated that the Listed Building extends for the whole of his garden and the properties either side do not, and he clarified that that the application site abuts his land.
- Councillor Imafidon asked what visual impact the extension will have on his property? Councillor Clark stated that he was content with the first application, and he did not consider it to be overpowering, and he knows all the residents in the neighbouring

properties, and he has not had any negative feedback and, in his view, it will not make any difference at all to the area.

- Councillor Imafidon asked whether Councillor Clark considers the proposal to be out of character with other buildings in the area? Councillor Clark explained that he does not consider it to be out of character and the type of brick in the building will compliment all of the other buildings in the vicinity.

Members received a presentation, in accordance with the public participation procedure, from Matthew Hall, the agent and Mark Haydon, the applicant. Mr Hall read out a statement on behalf of Mr Haydon, 'My family's life dramatically changed suddenly and unexpectedly late last year when COVID struck down my wife after 47 years of happy marriage and now I need to ask for your help by allowing me to support my family and for them to be able to support me over the coming years'.

Mr Hall stated that Councillor Clark has outlined the personal circumstances of the applicant very well and made the point that the officer said there is a material planning change, with the first-floor windows being removed following concerns with them and the modest extension has been scaled back to single storey. He added that there are no objections to the application and as highlighted on the plan the garden and all the parking has been kept open, together with the existing dwelling and the annexe remaining open with no fencing separating them, making the point that the officer's report confirms that there is no impact on neighbouring properties and the building can barely be seen from the street scene and 80% of it is there already.

Mr Hall explained that there is no overlooking from the proposal and there is no overshadowing from a single storey extension. He referred to the map displayed on the presentation screen, and he indicated the application site outlined in red which is one of the largest plots in Elwyndene Road, explaining that the white outlined area is the actual annexe and, in his opinion, the site is substantial and not overdeveloped.

Mr Hall indicated on the map to the east there is another white rectangle which is a single storey annexe and that property is currently listed for sale, marketed as an annexe and the plot is far smaller than the application site and on the same side of the road is a single storey annexe which is located two doors further up on a much smaller plot. He expressed the view that the committee have in the past been sympathetic in the past to annexe proposals and a larger annexe was approved at Honeysome Road in Chatteris which is far larger than the current application and in a rural location as well as a two bedroomed annexe at Lynwood Farm in March.

Mr Hall stated that the current application is within the built-up form of March for a modest one-bedroom annexe and if approved it will free up the space in the applicant's existing five-bedroom house for his family to move into. He made the point that he has just received notification of a delegated approval in Norwood Road for a former double garage to be converted into a one and half storey annexe which is very similar to the application being determined.

Mr Hall stated that the proposal has always been submitted for an annexe, and a separate residential property has never been considered even though the site is large. He stated that the applicant would be happy to accept a condition if the proposal was approved to ensure the annexe is not sold off separately and is not subservient to the main residence.

Members asked the following questions:

- Councillor Benney asked whether the annexe will be on the same supply as the house for its utility services or will it be a separate supply? Mr Hall explained that all the drainage would be connected to the existing drainage for the main house as well as the utilities. Mr Haydon explained that there is already a toilet in place and the sewerage and water as well as the electricity are all connected to the main house.

Members asked questions made comments and received responses as follows:

- Councillor Benney expressed the view that families who choose to support other members of their family should be supported by the committee as looking after a family member is a very time-consuming activity but a very worthwhile thing to do to look after elderly or younger people. He expressed the opinion that he does not believe that there are enough families who support and look after each other and there is too much abandonment of older people. Councillor Benney made the point that when an application comes before the committee such as this, in his opinion, is why as councillors they should view the application with a human heart. He stated that the application is worthy of support, and the family have their own issues to deal with and manage and, in his view, as councillors they should be doing everything they can to support the proposal. Councillor Benney made the point that if it was looking to be sold to develop you would not put a bungalow on the site as something far larger could be built. He added that it has been confirmed that the utilities are going to be fed from the same supply as the house and it is only going to be an annexe, feeling that this is a very genuine and worthwhile case and he asked members of the committee to support him by approving the application. Councillor Benney made the point that it is a shame that the previous application had not been approved as it has probably caused the applicant some distress and he urged members to support the application.
- Councillor Marks stated that he concurs with the views of Councillor Benney and he added that the family are looking to the future, with the annexe freeing up the larger house for the family to live in and he will fully support the proposal.
- Councillor Gerstner stated that he will also support the proposal and added that this application is significantly different to the previous one which was refused as it is 50% smaller. He made the point that the applicant has gone away and has considered the required criteria for the application, and he will support it.
- Councillor Imafidon stated that he undertook a visit to the site and from a street view perspective he could not see the site, and he had to go right to the front of the property to see where the application site was located. He stated that, from a human perspective, by allowing the application to proceed it is likely to take a large burden away from Social Services and whilst that might not be planning consideration from a human perspective, he will fully support the proposal.
- Councillor Purser stated that he concurs with the views of Councillor Benney and added that it appears that the detail concerning the applicant's family had not been included in the initial application. He stated that had it been included then, in his view, there would not have been an issue with the proposal, and he will fully support the application.
- David Rowen stated it appears that a lot of the personal information which has been presented to the committee today is the first time that it has been raised as part of the application. He added that it is becoming a regular occurrence from several agents where the application is being presented at committee meetings rather than at the submission stage. David Rowen stated that if the committee decide to grant the application then a reference had been made earlier with regards to entering in a legal agreement to secure the accommodation as related to the dwelling. He added that if members make a proposal to grant the application then they do need to consider whether that needs to be included within the proposal.
- Councillor Marks suggested that the issue of information being presented at committee rather than within the application at submission stage could be raised at the Fenland Developer Forum. David Rowen stated that it should be obvious to experienced agents that if an application is being refused because of a lack of connectivity to a main dwelling in terms of assessing an annexe accommodation then that should be one of the obvious aspects to potentially address with the subsequent application.
- Matthew Leigh stated that, when information is presented to members, they take that information as being factually accurate. He added that part of the process for a planning application is that the information should be given to officers to process it and consider it in order that it can be included within the officer's report to give members a fair and balanced understanding of the situation and that is not what is happening. Matthew Leigh made the point that this is becoming a regular monthly occurrence and is very frustrating for officers

and it has already been raised with Agents and Developers at the forum, however, it is within the gift of members to say that they cannot give any weight to something being presented to them for the first time at committee.

- Councillor Marks stated that he does take some comfort today with the information which has been presented to the committee as it has been provided by the Ward Councillor for the application site.
- Councillor Mrs French stated that she is sure that the committee support the proposal, but she would like to see a condition put in place to ensure that full information is received prior to committee. Councillor Marks asked whether Councillor Mrs French means a condition for future applications? Councillor Mrs French stated that she would like something put in place to clarify the personal circumstances for applications going forward to give officers comfort when considering applications.
- Councillor Benney stated that he takes on board the point made by officers but there is also the issue to be considered where applicants need to come and explain their difficult circumstances to the committee for an application which should have been looked at favourably, making the point that it is an annexe and not a separate dwelling.
- Councillor Marks stated that agents should be providing the information to officers during the application process and not at committee which would mean that applicants do not have to address the committee.
- David Rowen stated that such personal information could be included as part of a confidential submission with the application.

Proposed by Councillor Benney, seconded by Councillor Imafidon and agreed that the application be GRANTED against the officer's recommendation with delegated authority to officers to add appropriate conditions and a legal agreement to tie the annexe to the existing property.

Members did not support the officer's recommendation of refusal as they do not consider that the application is contrary to LP16 as they believe that the size and scale is for an annexe and will be used for its intended purpose and they believe it is a worthy application.

(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 Imafidon and Purser declared that the agent has undertaken work for them both personally, but they are 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)

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

P47/25 F/YR25/0499/F
8 BRAMBLE WALK, MARCH
ERECT A SINGLE STOREY REAR EXTENSION AND PART TWO STOREY AND PART FIRST FLOOR SIDE EXTENSION TO EXISTING BUILDING

Zoe Blake presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Matthew Hall, the agent. Mr Hall explained that the applicant moved into the property in 2020 with her parents who have lived in the property since 2011 and the applicant has now purchased the

property from her parents and resides with them to provide support. He stated that there have been changes made since the previous application was refused by reducing the first-floor element and, in his opinion, he considers that to be a material planning change.

Mr Hall referred to the presentation screen and the proposed elevations and explained that the proposed left hand corner elevation has no first-floor windows, with the two windows downstairs already being there and there are no windows on that side meaning that there is no overlooking. He stated that the proposal is 12.5 metres away from the two-storey element of the neighbouring property and the proposed extension will be the same height as the existing building and will have the same ridge line and materials.

Mr Hall referred to the presentation screen and a photo of the property and indicated that the proposal is to build over the existing garage and there have been no statutory consultee objections to the proposal. He stated that in the officer's report at 10.8 it states that the front extension from the street scene is of an appropriate size and scale to the host dwelling and it also states that the extension would not have an adverse impact on the character of the area.

Members asked the following questions:

- Councillor Imafidon stated that within the officers report it appears to refer to 2 The Hollies a great deal and he asked whether any objection had been received to the proposal that he is aware of? Mr Hall stated that the residents of that property did object to the application, however, the applicant has advised him that her father had discussed the proposal with the residents prior to the submission of the application and they stated that they did not object. He explained that the residents have objected during the application process, and it is only that property who have raised an objection.
- Councillor Marks referred to the presentation screen and questioned whether the elevation depicts extractor fans? Mr Hall stated that he believes that they are air conditioning units.
- Councillor Marks referred to the photos taken by officers from the applicant's garden. Mr Hall stated that he agrees that the neighbouring property does look to be in proximity.

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

- Councillor Benney stated that he does not see any issues or concerns with the application and whilst the brickwork will be coming forward slightly further, on the plan as the sun sets in the west it would be at the end of the day if it were to cast any shadow. He added that there is already brickwork there with the garden and everything you build can be detrimental to somebody whilst having a positive effect for somebody else.
- Councillor Mrs French started that there is only one reason for refusal, and it comes down to interpretation.
- Councillor Imafidon expressed the view the proposal is in keeping with the street scene and other properties in the area. He added that it is an extension over the garage, and it is the same height as the existing building and will not increase the footprint of the original property.
- Councillor Gerstner stated that he does not see any issue with the proposal but has slight reservations with regards to the air conditioning units due to the noise impact.
- Councillor Marks stated that they will be located on the other side of the building so will not have an impact.

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

Members did not support the officer's recommendation of refusal as they feel that the proposal will have very little impact to the neighbouring building, will be in keeping with what is already there and is not contrary to LP16 of the Local Plan.

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

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

(Councillor Purser declared that due to personal reasons he would take no part in this item in its entirety and took no part in the discussion and voting thereon)

P48/25 F/YR25/F/YR25/0458/A
18 BROAD STREET, MARCH
DISPLAY OF 1 X INTERNALLY ILLUMINATED FASCIA SIGN (RETROSPECTIVE)

Kimberley Crow presented the report to members.

Members asked officers the following questions:

- Councillor Gerstner referred to the presentation screen and questioned whether the sign above Domino's Pizza business has an illuminated sign? It was confirmed that the sign is externally illuminated.
- Councillor Gerstner stated that the application site has an internally illuminated sign. Councillor Marks clarified that the sign in question is backlit. David Rowen stated that sign above Domino's Pizza has lights above it which externally illuminates the sign whereas the signing on the application site has lighting which is inbuilt within the sign.
- Councillor Imafidon asked officers to clarify how long the sign has been in place? David Rowen explained that it has been erected between 6 and 12 months. Matthew Leigh explained that the application is before the committee as a result of an enforcement complaint and as a result officers have advised the applicants that they needed advertisement consent.

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

- Councillor Benney stated that he does see that there is anything wrong with the sign and the whole of Broad Street has undergone significant change because of the regeneration works. He stated that if businesses are not supported then they will close, and he made the point that anybody who chooses to invest anything in business should be supported. Councillor Benney referred to the presentation screen and stated that the signage is hiding the keystones above three windows and he added that the keystones will still be there long after the sign comes down. He stated that signs are above businesses for a reason as they are supposed to attract custom and the sign fulfils its need. Councillor Benney expressed the opinion that he sees nothing wrong with the sign and it brightens up the High Street.
- Councillor Purser stated that he is aware of comments made by members of the public who have commented on the significant brightness of the sign. He added that whilst he appreciates that businesses do need to be supported, the business owners in this case do not appear to be taking any notice of advice and guidance being provided to them by the Council which, in his opinion, needs to be addressed. Councillor Purser added that he thinks business owners need to submit proper planning permission before they undertake any works to their business rather than retrospectively.
- The Legal Officer stated that retrospective planning permission is not a material consideration and should not influence the members decision when determining the application.
- Councillor Imafidon stated that he is very much in support of local businesses and their efforts to grow and advertise. He added that he knows how difficult the current economic

climate is for businesses such as this, but he has to agree with the officers, and made the point that when you compare the previous NatWest sign which, in his view, was very sympathetic and the heritage aspect was still visible especially when considering that the site is in a Conservation Area. Councillor Imafidon stated that the NatWest sign was far more presentable, and the new sign is not acceptable to him as it does not consider the Conservation Area and, in his opinion, the heritage value of the building is diminished by the sign. He stated that he will not support the application and the officer's recommendation, in his view, is correct.

- Councillor Meekins referred to the officer's report and stated that March Town Council object to the sign due the location being in a Conservation Area. He expressed the view that if signage such as this is permitted there is no point in having Conservation Areas and he will be supporting the officer's recommendation of refusal.
- Councillor Purser referred to the Domino's sign which has lighting that directs downwards whereas the signage in question is illuminating the whole street. He added that the previous NatWest sign did not cover the whole building and cover all of the architecture and he will not be supporting the application.
- Councillor Marks stated that the sign is in place to attract people out of normal daytime hours to bring in custom when it is mainly dark. He referred to the presentation screen and stated that the NatWest sign is taken before the regeneration works. Councillor Marks added that as a result of the regeneration works to Broad Street the flow of traffic is now a lot further away from the businesses and he appreciates why the sign is now larger. He made the point that he agrees that the sign does cover some of the architecture but there is also another veterinary business with a neon green sign which he believes is also in a Conservation Area.
- Councillor Benney stated that the Council has just applied to demolish Barclays Bank which is in a Conservation Area and the committee supported that application albeit against the officer's recommendation. He stated that at the time the NatWest sign was erected it probably would have been in keeping with it at that time, but things change and evolve. Councillor Benney expressed the view that it brightens the High Street up and questioned whether the new High Street wants to include empty shops or wants to see new businesses thrive.
- Matthew Leigh stated that this is a Conservation Area and as decision makers there is a duty to preserve and enhance the special character of the Conservation Area, He explained that the Council has decided to protect this area, and it considers that the surrounding area and the architectural features have something worthy of protection. Matthew Leigh stated that if that was not the opinion of the Council then they would choose to remove the Conservation Area, however, as one is in place then it is a material consideration of significant weight when determining the application. He stated that when members are coming to their decision, they do need to weigh the difference between the fact that they are discussing 'this sign' or 'a sign'. He made the point that there is no objection to the principle of a sign on the building and there is no objection to the principle of the business trying to attract customers and members need to determine whether the current sign is acceptable. Matthew Leigh stated that the members debate appears to be with regards to the principle of a sign and the need to attract customers rather than the sign that is in place, which are two different matters, and it is a commercial area and there was a sign erected previously. He stated that there is no objection in principle from the authority, however, there needs to be consideration as to whether the sign fits with the character of the area and generally internally illuminated signs are not acceptable in Conservation Areas which is standard practice due to the level of illumination, the materials, what they attract and the way that they appear does not generally fit in with the traditional character and setting of a Conservation Area. Matthew Leigh added that generally there are very bespoke specialist signs on the buildings which have lights illuminated onto them rather than internal lighting. He made the point that significant weight must be given to that special character and appearance of this area when developments are looked at as it is something which is a requirement as there are architectural features of this building which are being hidden.

Matthew Leigh stated that he agrees with the point that Councillor Benney made with regards to the fact that those features will still be there, however, they are not there now for the benefit of the public. He added that the Council has invested significant money to improve the area and aspects such as the sign will erode the special character and features and he stated that members need to consider this very carefully when determining the application and remembering that it is an area that the Council has decided to protect.

- Councillor Marks stated that as well as the large sign there are also three smaller signs, however, the focus is on the large sign which is covering up architectural features. He questioned that if the large sign was moved so that it was located above the features would it then be deemed as acceptable. Matthew Leigh stated that a smaller sign would be acceptable, however, there would still be concerns with regards to an internally illuminated sign. He added that the officer's report states that a number of the signs on the building do benefit from consent and where they do not need to come to the Council to gain permission. He added that it is the extra signs as well as the larger sign which exacerbates the harm to the character of the Conservation Area and the proliferation of advertisements on the one single elevation which is what the Council has concerns with.
- Councillor Benney made the point that there appears to be other commercial businesses in the Town Centre who have internally illuminated signage and he questioned whether enforcement action is going to be taken against other businesses as a precedent has already been set. Matthew Leigh explained that he will investigate this further as some of the businesses may have already obtained consent.
- David Rowen stated that to the best of his knowledge the majority of the signage in March Town Centre is externally illuminated and if there are internally illuminated signs and whether they are lawful or not is a moot point. He added that the committee needs to focus its debate on the application site as it has a number of signs and combined with the architectural features it is very much a bespoke building, especially when comparing it to the Domino's building next door. David Rowen added that the application site is a far grander building with far nicer architectural features to it and, in his opinion, the committee need to consider that fact.
- Councillor Gerstner stated that the High Street in March has completely changed and has now been modernised. He made the point that he feels that the applicant needs to be considered, and he questioned that if the internally back lit signage is not deemed as acceptable would an externally lit sign like the one at Domino's be acceptable. David Rowen stated that he feels that the committee are roaming into the realms of designing an alternative signage scheme rather than focussing on the determination of the application.
- Councillor Imafidon stated that the committee are not just considering the internal illumination of the sign, they also need to consider that the sign covers the architectural and historic features of the building. He added that size of the sign is massive in comparison to what was there before and he understands the importance of passing trade but if your business is in a Conservation Area then that does need to be respected. Councillor Imafidon stated that this is an enforcement matter and this needs to be dealt with as it has been flagged up to officers and the building is far grander than some of the others in Broad Street. He expressed the view it will be a failure of the committee if they do not support the recommendation of officers and enforce the issue, acknowledging that the street has been modernised, but Conservation Areas exist for a reason and as he is the Portfolio Holder for Heritage it would not sit well with him if he does not support the officer's recommendation.

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

(Councillor Purser declared, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that he is a member of March Town Council, but take no part in Planning)

(Councillor Mrs French declared, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that she is a member of the Broad Street Regeneration Committee and has also

been involved with the grant funding for shop fronts which is something that the applicant could apply for should the application be refused, and took no part in the discussion or voting on this application)

4.05 pm Chairman

F/YR25/0274/F

Applicant: Bowsall Developments Ltd & Housing 21	**Agent: Mrs Beverley Moss Hourigan Planning**

Land West of Playing Field, Barton Road, Wisbech, Cambridgeshire

Erect x 42 affordable dwellings, 1 x office/communal space including cycle stores, landscaping, highways improvements and associated works and demolition of all existing buildings

Officer recommendation: Grant

Reason for Committee: Town Council comments contrary to Officer recommendation

1 EXECUTIVE SUMMARY

1.1. This application is a full application for 42 affordable dwellings on previously developed land located in the West Wisbech broad location for growth.

1.2. The proposed development seeks to provide a total of 42 single storey dwellings for occupation by over-55s only within a 100% social rent development in the West Wisbech broad location for growth. The 100% social rent dwellings will be secured by a S.106 agreement and due to the fact that the whole site will be for affordable dwellings no additional S.106 obligations are sought.

1.3. The site lies within Flood Zone 3. At the time the application was submitted and validated the Draft Approach to the Sequential Test for Housing' (DAST) guidance was in place, meaning that at the time no Sequential or Exception Test were required. Notwithstanding the lack of a Sequential and Exception Test, it is concluded that there are no sequentially preferable sites within the West Wisbech broad location for growth that could provide for 42 social rent dwellings with on-site management arrangements. It has been demonstrated that the proposal would pass both criteria of the Exception Test by virtue of providing six M4(3) dwellings, which would be a sustainable community benefit, in accordance with the Cambridgeshire Flood and Water SPD.

1.4. The application site is located within the West Wisbech broad location for growth and therefore residential development on this site is considered to be acceptable in principle.

1.5. It is demonstrated below that when taking all elements of the proposal into consideration that, on balance, the benefits that would arise from the proposal outweigh the harms, such as the site being located within Flood Zone 3, which can be mitigated through measures identified in the Flood Risk Assessment submitted as part of the application, in addition to the public benefits of six M4(3) dwellings, which are fully wheelchair-user adapted.

2 SITE DESCRIPTION

2.1. The application site is located on the south side of Barton Road, less than 1 mile to the west of Wisbech town centre. The site is accessed from Barton Road and is bounded by Barton Road playing fields to the east, Magazine Lane to the south and Grove Park to the west.

2.2. The site is approximately 1.87 hectares and is currently in use as a plant nursey with retail sales. The site comprises a mix of greenhouses and open fields for the growing of plants and some single storey brick outbuildings to the south of the site which have also been used for the purposes of growing plants/shrubs for the nursery business.

2.3. The site is relatively flat, with a slight fall from north to south, although there are localised higher points within the site, albeit the variance in height is minimal.

2.4. The existing dwellinghouse, no. 67 Barton Road, which is associated with the existing business and is located to the northeast of the site, does not form part of the planning application.

2.5. The site is crossed with existing drainage for the greenhouses and footpaths to and from the greenhouses, which are in varying states of repair. There are also a number of areas of hardstanding, which are the previous footprints of former greenhouses.

2.6. Fronting onto Barton Road are a number of existing mature trees including at either side of the existing vehicular access to the site. On the eastern boundary of the site there is also a line of mature trees. The western boundary, between the site and Grove Park, is a 1.8-metre-high timber fence. The southern boundary is heavily vegetated and screens views of the site from Magazine Lane.

3 PROPOSAL

3.1. The application proposes the development of 42 no. affordable dwellings with the following description of development:

3.2. *"Demolition of all existing buildings and structures and the erection of 42 no. affordable dwellings to be occupied by people aged 55 and over, 1 no. unit functioning as a manager's office, landscaping, highways improvements and associated works".*

3.3. The scheme comprises a total of 42 no. residential single storey dwellings in the form of bungalows with a mix comprising of 35 no. 1 bed bungalows and 7 no. 2 bed bungalows. All of the proposed dwellings would be occupied social rent dwellings and all residents would be aged 55 or older.

3.4. The site will be accessed from the north, along Barton Road, and this will function as the main vehicular access to site, along with footpath connections to the east and west along Barton Road. There will be a secondary pedestrian/cycle entrance to the south onto Magazine Lane.

3.5. In the northwest corner of the site, to the west of the Barton Road entrance, there will be a small area of amenity space, which will function as a landscaped gateway into the site. To the south of this area of Public Open Space (POS) there will be a narrow, linear swale to provide drainage as part of an on-site Sustainable Urban Drainage System (SuDs) for the development.

3.6. There are two main existing boundaries to the site from where the site is publicly visible. These boundaries are the northern, onto Barton Road, and the southern, onto Magazine Lane. The layout of the site has been designed so that the northern boundary will have the landscape gateway with dwellings fronting onto it presenting on Barton Road. The southern boundary will have dwellings fronting towards Magazine Lane, thereby both boundaries positively address the areas which they front onto.

3.7. In addition to the 42 dwellings proposed, Plot 6 would provide a site manager's office to be available on site and for the site manager to perform their daily managerial work in supporting the residents with their tenancy needs. Plot 6 would also provide an internal communal space and kitchen facilities so that residents can meet.

3.8. 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:

Reference	Description	Decision	Date
F/YR06/0034/O	Residential Development (1.61 ha)	Withdrawn	21.02.2006
23/0099/PREAPP	Erect 42 dwellings, 1x unit functioning as a managers office and providing communal space and kitchen facilities for residents; landscaping, highways improvements and associated works involving demolition of existing buildings	Advice Given	

5 CONSULTATIONS

5.1. Wisbech Town Council

Object for the following reasons:

- The proposal would constitute overdevelopment of the site
- There is insufficient highway infrastructure to support additional residential development in this area
- There is inadequate drainage infrastructure in the vicinity of the site
- There is insufficient community infrastructure to support development of this scale

5.2. FDC Housing Strategy and Enabling Officer

Support this application as it provides 100% affordable housing with much needed 1 and 2 bed bungalows for over 55-year-olds, with all dwellings being offered as social rent.

5.3. **CCC Archaeology**

14.04.2025: Support, as follows:

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

14.08.2025 Update:

Thank you for your consultation in regard to the amendments made to the above referenced planning application.

The amendments include an approved Written Scheme of Investigation. Please note that the WSI is for the evaluation phase of works only, which will determine the need for further mitigation. If required these works will need to be led by a new WSI.

Therefore our comments remain the same as previously advised, namely that due to the archaeological potential of the site a further programme of investigation and recording is required in order to provide more information regarding the presence or absence, and condition, of surviving archaeological remains within the development area, and to establish the need for archaeological mitigation of the development as necessary.

5.4. **Cambridgeshire and Peterborough Integrated Care System (ICS)**

The proposed development is likely to have an impact on the services of the 3 x GP Practices operating within the vicinity of the application: Clarkson Surgery, Trinity Surgery, North Brink Practice. There is zero capacity in the Wisbech area to take on additional patients and this development of 42 dwellings would see an increase in patient pressure of circa 100 of new residents, which would require additional Whole Time Equivalent GP/Nurse / Admin support workforce to support increase in appointments as follows: GP = 0.05 / Nurse = 0.03 and Admin = 0.10 with a resulting increase on estate demand of 6.91sqm net internal area.

A developer contribution will therefore be required to mitigate the impacts of this proposal. CAPICS calculates the level of contribution required, in this instance to be £36,108.29 (6.91sqm at £5224 per sqm). A developer contribution will therefore be required to mitigate the impacts of this proposal. CAPICS calculates the level of contribution required, in this instance to be £36,108.29 (6.91sqm at £5224 per sqm).

5.5. **FDC Ecology**

No objection but propose conditions requiring a Construction Environmental Method Statement (CEMP), the statutory BNG requirements and a Habitat Management and Monitoring Plan (HMMP).

5.6. **Cambridgeshire Fire and Rescue**

No objection. Advise that a condition requiring fire hydrants is imposed should permission be granted.

5.7. **Environment Agency**

No objection:

Flood Risk

We strongly recommend that the development should be carried out in accordance with the submitted Flood Risk Assessment (FRA) (Ref: 23007-FRA-001 Rev A; dated February 2025; submitted by Dart Engineers LTD) and the following mitigation measures it details:

- *Finished floor levels shall be set to 3.0mAOD*

Sequential Test

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

Flood Resilience

We strongly recommend the use of flood resistance and resilience measures. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage.

Water Resources

The location of this development is in an area of serious water stress (as identified in our report Water stressed areas – 2021 classification) and has the potential to increase abstraction from groundwater sources. We have evidence which indicates that groundwater abstraction to meet current needs of the population is already in some cases causing ecological damage to Water Framework Directive designated waterbodies or there is a risk of causing deterioration in the ecology if groundwater abstraction increases. Therefore, the water resource demand of the development should be considered. This supply needs to be sustainable and have no adverse impact to WFD waterbodies including chalk streams.

Residential/Domestic

We strongly support all efforts to make new residential developments as water efficient as possible. As a minimum, the higher standard of a maximum of 110 litres per person per day should be applied to this development as set out in the Building Regulations &c. (Amendment) Regulations 2015. This standard is already a requirement of Policy LP7, Part J in the Fenland Local Plan and can be checked by Local Planning Authority's Building Regulations teams for compliance.

5.8. **North Level IDB**

29.04.2025: Holding objection to the proposal for the following reason:

It is noted that the planned surface water systems for this development discharge to an Anglian Water surface water sewer in Magazine Lane. That sewer runs

generally westwards before outfalling into a Board-maintained watercourse known as Cox's Lane Drain.

Concerns have been raised in recent months by Anglian Water about watercourse levels and water levels/flows in this area. Any proposed discharge from this development will need to be agreed with Anglian Water and the Board.

Pending at least an 'in principle' agreement for how surface water run-off will be effectively discharged from this development, the Board must note a holding objection to the application. Should you wish to favourably determine this application in advance of surface water matters being resolved, the Board would request that appropriate pre-commencement conditions are attached to any permission.

Update 29.05.2025:

Thank you for your re-consultation about these proposals. Comments made by North Level District Internal Drainage Board in its letter of 29 April 2025 still apply. I would be grateful if you would continue to take them into account when considering this application.

5.9. **FDC Arboriculture**

24.05.2025: No objection, subject to a condition requiring the submission of a comprehensive Arboricultural Method Statement:

The arboricultural report satisfactorily identifies the quality and constraints of the existing tree stock and acknowledges that some tree losses will occur. These losses are considered acceptable in the context of the overall scheme. Replacement planting has been incorporated into the soft landscape design, which provides suitable mitigation.

The submitted method statement outlines the required tree protection measures; however, it lacks sufficient detail regarding how ground disturbance within root protection areas (RPAs) will be managed.

To ensure the protection measures are clearly understood and properly implemented, more robust guidance is required. This should include detailed methodologies in line with BS5837:2012, supported by a supervision schedule setting out when an arboricultural consultant is to be present on site to oversee critical stages, including the installation and maintenance of protective measures.

30.06.2025 Update:

No objection: The Tree Report identifies suitable measures that will be put in place to protect the trees to be retained.

5.10. **CCC Lead Local Flood Authority**

30.04.2025, 03.06.2025 and 10.07.2025: Comments received objecting to the application. Further information has been received and updated comments provided.

07.08.2025 Update:

We have reviewed the following documents:

- *Drainage Strategy, DART, Ref: 23007-DR-C-0100, Rev: P8, Dated: January 2025*
- *Impermeable Area, DART, Ref: 23007-DR-C-01010, Rev: P4, Dated: January 2025*
- *Construction Drainage Strategy, DART, Ref: 23007-DR-C-0102, Rev: P1, Dated: January 2025*
- *Flood Risk Assessment, DART, Ref: 23007-FRA-001, Rev: A, Dated: February 2025*

Based on these, as Lead Local Flood Authority (LLFA) we have no objection in principle to the proposed development. The above documents demonstrate that surface water from the proposed development can be managed through the use of a swale and geocellular attenuation before discharging via flow control at 2l/s into the existing surface water sewer. A maintenance plan has also been provided detailing maintenance practices and adoption details of the surface water drainage features on site.

We request the imposition of three conditions.

5.11. **Education, Library and Strategic Waste**

The following table sets out the requested s106 contributions:

	Contribution	**Project**	**Indexation Date**	**Trigger**
Early Years	N/A	N/A	N/A	N/A
Primary Ed.	N/A	N/A	N/A	N/A
Secondary Ed.	N/A	N/A	N/A	N/A
SEND Ed.	N/A	N/A	N/A	N/A
Libraries	£6,195	Enhancement of Wisbech Library	1st Quarter 2019	100% prior to occupation of 50% of the development
Strategic Waste	N/A	N/A	N/A	N/A
Monitoring Fee	£600	N/A	1st Quarter 2025	10 days after commencement of development

The contributions sought are towards libraries only and Cambridgeshire County Council provide justification for the above figure based on Department of Culture, Media and Sport guidelines.

5.12. **Designing Out Crime**

No objection, provided that should the proposal be approved a condition requiring the development to be undertaken in accordance with Secured by Design is imposed.

5.13. **CCC Highways**

No objection for the following reasons:

- *References have been made to the relevant policies and guidance.*
- *The access arrangements through the site are noted. The two sets of uncontrolled crossing points on Barton Road and Magazine Lane are noted. The internal network of footways will be accessible to residents and nearby residents connecting Barton Road to Magazine Lane are noted. The details of this section are acceptable.*
- *The applicant during the pre-app phase was asked to redo their trip generation assessment on TRICS using Retirement and Care Community category. The submitted details for this application highlight the trip rates to be 0.152 arrivals in the AM Peak (10 two-way trips) and 0.102 departures (6 two-way trips) in the PM peak are low but are noted and acceptable.*

5.14. **Anglian Water**

06.05.2025 and 09.06.2025: Comments received objecting to the proposal.

01.08.2025: Updated comments received with no objection to the proposal. The comments are as follows:

Based on the above assessment West Walton WRC is within the acceptance parameters and can accommodate the flows from the proposed growth.

Informatives are suggested to protect Anglian Water's assets, to manage connections to the public sewer network and regarding surface water disposal.

5.15. **FDC Environmental Health**

No objection subject to the imposition of conditions covering the following mattes, should permission be granted:

- No occupation of the development until the recommendations of the e3p Phase II Geoenvironmental Site Assessment dated March 25th 2025 (Ref 30-048-R1) have been undertaken.
- A Construction Environmental Management Plan (CEMP) shall be submitted.
- A lighting scheme shall be submitted.

5.16. **East of England Ambulance Service**

No objection. Financial contributions are requested as follows:

This proposed development is likely to impact on the services of 3 ambulance stations (Wisbech, March and Peterborough Hub) operating within the vicinity: travel times from Wisbech Ambulance Station in rush hour traffic to the development location are circa 10 minutes, 20 minutes from March and 30 minutes

from Peterborough Hub (Reference ShapeAtlas) (NB this is a standard reference point and does not mean ambulances come from these locations in order to respond to calls). Wisbech Ambulance Station has capacity for 4 emergency ambulance vehicles and more will be required to manage population growth from this development. Each ambulance requires 78.46m2 GIA at a cost of £5,167 per m2 and additional ambulance vehicles are likely to be supplied from the Peterborough Hub.

This application for 42 dwelling development could generate another 92 residents and will generate an anticipated additional 5 calls per annum which combined with other developments in Fenland places significant pressure on March and Wisbech ambulance stations and others in the local area to maintain mandated response times. 2023/24 activity is currently calculated at population level across the East of England (residents 6.3m) / number of Incidents in (1.4m) = 0.23 incidents per person per annum. This is an increase of 10.5% per annum compared to existing activity, postcode area PE131 indicates 986 incidents per annum between 1st April 2024 and 31st March 2025.

A developer contribution will be required to mitigate the impacts of this proposal and is calculated at £9,520 (discounted rate).

18.07.2025 Clarification: The sum requested is not £9,520, but £13,734 as referred to in the response.

5.17. **Local Residents/Interest Parties**

A total of 4 letters of objection have been received from residents of Grove Park and Ashdale Park, Wisbech and one set of comments from an address in Magazine Lane, Wisbech. The objections raise the following concerns:

Comment Received	Officer Comments
Increased volumes of traffic in the local area.	Covered in Transport Statement
Construction phase will exacerbate existing traffic levels.	CEMP required by condition
Insufficient capacity in existing GP surgeries.	Addressed in s106 considerations below
Existing sewerage systems cannot cope.	Drainage details provided and conditions proposed
Noise and dust from construction.	CEMP required by condition
Impact upon local wildlife.	See Ecology section below
Overdevelopment of the area.	Covered in Principle section bellow
Insufficient infrastructure.	Covered in s106 considerations below

In addition to the concerns raised above the following points, which are not considered to be material planning considerations, were made:

- Unattractive views out onto the proposed development.
- The impact upon the foundations of existing parkhomes to the west.

6 STATUTORY DUTY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan

unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014) the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021).

7 POLICY FRAMEWORK

National Planning Policy Framework (NPPF) 2024
Chapter 2 - Achieving sustainable development
Chapter 4 – Decision-making
Chapter 5 – Delivering a sufficient supply of homes
Chapter 8 – Promoting healthy and safe communities
Chapter 9 – Promoting sustainable transport
Chapter 11 – Making effective use of land
Chapter 12 – Achieving well-designed places
Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
Chapter 15 – Conserving and enhancing the natural environment

National Planning Practice Guidance (NPPG)
Determining a Planning Application

National Design Guide 2021
Context
Identity
Built Form
Movement
Nature
Homes and Buildings
Resources
Lifespan

Fenland Local Plan 2014
LP1 – A Presumption in Favour of Sustainable Development
LP2 – Facilitating Health and Wellbeing of Fenland Residents
LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside
LP4 – Housing
LP5 – Meeting Housing Need
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

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
LP12: Meeting Housing Needs
LP20: Accessibility and Transport
LP21: Public Rights of Way
LP22: Parking Provision
LP25: Biodiversity Net Gain
LP27: Trees and Planting
LP28: Landscape
LP32: Flood and Water Management
LP36: Residential Site Allocations for Wisbech

8 KEY ISSUES

- **Principle of Development**
- **Flood Risk and Drainage**
- **Housing Need and Supply**
- **Affordable Housing and Housing Mix**
- **Design, Character and Appearance**
- **Residential Amenity**
- **Highway Safety**
- **Archaeology**
- **Ecology**
- **Landscape**
- **Contamination**
- **Developer Contributions**
- **Biodiversity Net Gain (BNG)**

9 BACKGROUND

9.1. A planning application was submitted for this site in 2006 under reference F/YR06/0034/O for residential development. The application was subsequently withdrawn on 21.02.2006.

9.2. The applicant applied for pre-application advice for this scheme in 2023 under reference 23/0099/PREAPP. The advice offered was positive and at that time the site was considered to be acceptable in policy terms as the proposal could be brought forward as a stand-alone development, which would not hinder the strategic planning of the West Wisbech BCP.

10 ASSESSMENT

Principle of Development

10.1. The proposal seeks full planning permission for 42 single storey affordable dwellings along with 1 x office/communal space including cycle stores,

landscaping, highways improvements and associated works and demolition of all existing buildings on site.

10.2. The application site is located on the edge of the town of Wisbech, which is identified as one of the two main 'Market Towns' along with March in Policy LP3 of the Fenland Local Plan, with the two 'Other Market Towns' being Chatteris and Whittlesey. As such, it is one of the main areas for growth within the district. The key statement in Policy LP3 in respect of the location of the proposal is that 'the focus for the majority of growth is in and around the four market towns. 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'.

10.3. The site is currently a plant nursery and features a number of internal roads and driveways, areas of hardstanding and greenhouses and also areas of grass and for the growing of plants and flowers. For the purposes of this planning application it is considered to be a mix of brownfield and greenfield land, although given the quantum of existing buildings and structures onsite there are more previously developed areas than not. The applicant has provided both a Planning Statement and appendix to it which clarify why the site is considered to be previously developed. In the appendix the applicant refers to appeal decision APP/H1033/W/23/3317979, which concerned the proposal for 2 no. dormer bungalows in Charlesworth, Derbyshire. The site was a former nursery and garden centre. The inspector confirmed that no definition of 'previously developed site' was provided as part of the appeal. However, the inspector did state the following:

At the time of my visit, the site was occupied by a large, dilapidated building on the eastern boundary, a greenhouse, sections of a collapsed building, various pieces of equipment and significant areas of hardstanding. There was a substantial amount of vegetation and self-seeded bushes on the site. Nevertheless, the buildings and equipment are visible, and I was largely able to traverse the site on hard standing such that I do not consider the site has returned to its natural state or that structures on site blend into the landscape. For these reasons, I find that for the purposes of LP Policy EQ 3 the appeal site is previously developed.

10.4. The officer's site visit for this application took place during ordinary working hours and the garden centre/nursery was trading, with several staff on site and a large range of plants and flowers for sale, along with a number of greenhouses with plants and flowers at various stages of maturity. The site was walked both from north to south and east to west and was predominantly carried out whilst walking on existing hardstanding.

10.5. Like the appeal site referred to above by the applicant, it was possible to traverse the site on hardstanding and the site continued to function as an operating business with a number of permanent structures on site including sheds, greenhouses, other storage buildings and reception area for payments etc. As such, the site has not blended back into the landscape as would be the case had the current use ceased, and it is considered to be more developed that an area for growing of plants functioning as a plant nursery would expect to be. As such, it is considered to accord with Policy LP3 as the location is 'in and around' the town of Wisbech and the site itself is predominantly previously developed.

10.6. In addition to Policy LP3 directing development to the larger towns within the district, Policy LP8 of the Fenland Local Plan, which covers Wisbech specifically,

identifies the area within which the site is located, as part of the West Wisbech broad location for growth. It states that 'the area will provide a high-quality living environment and be predominantly open space and residential although there may be opportunities for some business use'. The policy then adds that the area indicated on the Key Diagram is 'very indicative, with the final extent subject to the preparation of a broad concept plan for the area. This scheme should be informed in particular by an assessment of flood risk and transport issues'. It is considered that Policy LP8 of the Fenland Local Plan supports the principle of developing this site for housing, subject to satisfactorily addressing flood risk and transport.

10.7. Changes to the National Planning Policy Framework (NPPF) since 2018 have placed greater emphasis on the acceptability of re-developing brownfield sites. Paragraph 125 of the NPPF states that "planning policies and decision should… give substantial weight to the value of using suitable brownfield land within settlements for homes… proposals for which should be approved unless substantial harm would be caused." Again, it is considered that due to the site primarily consisting of previously developed land the proposal is acceptable in principle.

Flood Risk and Drainage

Context

10.8. The site lies within Flood Zones 1 and 3, with the area of low flood risk at the front (north) end of the site connecting onto Barton Road, and the area of highest flood risk, Flood Zone 3, to the south of this area comprising the rest of the site. Furthermore, there are some areas of the site that may be subject to a low chance of surface water flooding, as depicted on the Environment Agency flood maps. The application proposes a 42 dwelling scheme comprising 100% affordable housing units.

Policy Considerations

10.9. Policy LP14 of the Fenland Local Plan (2014) and Chapter 14 of the National Planning Policy Framework (NPPF) set out the policy approach towards development in areas of flood risk. Policy LP14 states that all development proposals should adopt a sequential approach to flood risk from all forms of flooding and development in areas known to be at risk from any form of flooding will only be permitted following:

(a) the successful completion of a sequential test, having regard to actual and residual flood risks

(b) an exception test (if necessary)

(c) the suitable demonstration of meeting an identified need, and

(d) through the submission of a site-specific flood risk assessment, demonstrating appropriate flood risk management and safety measures and a positive approach to reducing flood risk overall, and without reliance on emergency services.

10.10. The NPPF includes an over-arching principle that development should be directed away from areas at highest risk of flooding. To achieve this a sequential, risk-based approach is to be taken to individual applications in areas known to be at risk now or in the future from flooding. Planning Practice Guidance (PPG) confirms that this means avoiding, so far as possible, development in current and

future medium and high flood risk areas. The PPG furthermore confirms that the underlying purpose includes placing the least reliance on measures like flood defences, flood warnings and property level resilience features. Therefore, even where a flood risk assessment shows the development can be made safe throughout its lifetime without increasing risk elsewhere, the Sequential Test still needs to be satisfied.

Sequential Test

10.11. The north section of the site, from where the development will be accessed, lies in Flood Zone 1 and the rest of the site to the south, where the proposed dwellings will be situated, lies within Flood Zone 3. The NPPF seeks to direct development away from areas at highest flood risk. Paragraph 173 of the NPPF states that 'a sequential risk-based approach should also be taken to individual applications in areas known to be at risk now or in future from any form of flooding'. In addition to Section 14 of the NPPF regarding flood risk, Part B of Policy LP14 of the Local Plan states that all development proposals should adopt a sequential approach to flood risk from all forms of flooding and should be informed by a Sequential Test and Exception Test if necessary, along with the suitable demonstration of meeting an identified need and the submission of a site specific flood risk assessment.

10.12. The applicant has not submitted a Sequential Test or Exception Test with this application due to the fact that at the time of the submission the 'Draft Approach to the Sequential Test for Housing' (DAST) guidance document was in place. The guidance document has since been withdrawn, but this application had been validated and consultations provided by the time the guidance was withdrawn on 27th June 2025. Whilst confirmation of the withdrawal of the guidance stated that it is no longer a material planning consideration it is deemed reasonable to not expect the applicant to undertake a Sequential Test for this proposal so far into the process.

10.13. Taking the DAST guidance into consideration no Sequential Test is required for this proposal as it lies within an urban extension site identified in Policy LP8 of the Local Plan and the guidance states 'these sites do not have to go through sequential testing in terms of the principal of development as this was done at the time the sites were identified for inclusion in the adopted Local Plan. However, site specific flood risk assessments should be undertaken so that the higher risk areas within the sites are avoided as far as possible and these can be made safe from flooding and do not cause flooding elsewhere'. A site-specific flood risk assessment has been carried out and has been submitted with this application and this is discussed in further detail in the Flood Risk section of this report.

10.14. Returning to the need for a Sequential Test for this site, given that the majority of the site where dwellings will be located is Flood Zone 3, it is considered that the area of search for a Sequential Test would be the West Wisbech broad location for growth, which is defined by Policy LP8 as the area broadly to the north of Mile Tree Lane, south of the B1169, and east of Gadd's Lane and Barton Road. A significant portion of this broad location for growth is Flood Zone 3. The National Planning Practice Guidance (PPG) for flood risk was recently updated, on 17.09.2025. It clarifies the area for search and, in this case, the implications for the area of search for this site is that it would remain the West Wisbech broad location for growth.

10.15. Therefore, were the applicant to undertake a Sequential Test within the broad location for growth it is unlikely that a site for 42 dwellings that is sequentially preferable would be identified and thus the Sequential Test would be passed.

Nevertheless, a Sequential Test has not been undertaken and there may be sequentially preferable sites; in addition, if the area of search were to be expanded to include the whole of Wisbech then it is almost certain that a sequentially preferable site would be identified, and the Sequential Test would be failed.

Exception Test

10.16. Notwithstanding the fact that the applicant has not undertaken a Sequential nor Exception Test, had the Sequential Test have been deemed to have been passed, it would then be necessary for the application to pass the Exception Test, which comprises of demonstration of the following:

(a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and

(b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and where possible, will reduce flood risk overall.

10.17. In respect of (a); the most recent Fenland District Council Five Year Housing Land Supply (June 2025) demonstrates a 6.6-year supply of housing land over the five-year period within the district. The Council therefore has a sufficient supply of housing delivery land and is meeting its requirement as demonstrated through recent housing delivery test results. The SPD explicitly states that "the general provision of housing itself would not normally be considered as a wider sustainability benefit". Therefore, whilst the community benefits of the provision of housing are noted these are considered to be of very limited weight in this context.

10.18. In terms of part a) the test in Paragraph 178 of the NPPF requires applications to demonstrate that 'the development would provide wider sustainability benefits to the community that outweigh the flood risk'. The Cambridgeshire Flood and Water SPD seeks to define what constitutes 'wider sustainability benefits' at a local level and lists the following:

- Land and water resources
- Biodiversity and green infrastructure
- Landscape, townscape and historic environment
- Climate change mitigation and renewable energy
- Flood risk and climate change adaptation
- Pollution
- Healthy and inclusive and accessible communities
- Economic activity
- Transport

10.19. The proposal seeks to regenerate an existing previously developed site and would provide 42 affordable dwellings, proposed to be for social rent, for over 55's. The Cambridgeshire Flood and Water SPD is clear; in Paragraph 4.5.9 it states that the general provision of housing by itself would not normally be considered as a wider sustainability benefit to the community which would outweigh flood risk. However, the themes and issues are quite broad and there is no specific, detailed requirements to achieve the objectives and thus every proposal is assessed on its own merits.

10.20. The proposed scheme provides accommodation exclusively for residents aged 55 and over, addressing a clear and growing demand within the community for accommodation that meets the need of the aging population. With this ageing

population, there is increasing demand for housing specifically designed to meet the needs of older people, including considerations of accessibility, safety and appropriate scale. By delivering a dedicated 55+ development, the scheme will help meet this demographic requirement, ensuring that older residents have suitable and sustainable housing options**.**

10.21. In addition, the scheme will facilitate greater churn within the wider housing market. By providing older residents with housing tailored to their needs, at this scale, the proposal is likely to free up larger family homes elsewhere, thereby helping younger households and families access accommodation more appropriate to their requirements. This dual benefit supports a more efficient and responsive local housing market while also enhancing wellbeing and independence for older residents.

10.22. The proposal is seeking to provide six dwellings which would be M4(3) compliant under Building Regulations. This means that they would be fully adapted for wheelchair use. For a development of this scale a total of six dwellings to be M4(3) is considered to be significant and would fall within the theme of 'healthy and inclusive and accessible communities' of the Cambridgeshire Flood and Water SPD and so, were the proposal be required to demonstrate it could pass the Exception Test if it was considered to fail the Sequential Test, it is considered that it would provide a wider sustainability benefit by virtue of providing six M4(3) compliant dwellings – i.e. fully adapted for wheelchair use.

10.23. It is noted, however, that the scheme will offer 42 affordable housing units, as the primary benefit of the development, which will be for over 55's and 6 of the dwellings will be M4(3), which means that they are fully adapted for wheelchair users. The scheme represents a sizeable contribution to the district's overall affordable housing needs. In addition, the site is located within an area identified for housing growth, it is sustainably located being close to the centre of Wisbech and it involves the reuse of previously developed land.

10.24. It is generally expected that housing is delivered on suitable, low-risk sites in respect of flooding. Development on a high-risk site requires exceptional circumstances that demonstrate the public benefits outweigh the harm. In this case weight should be given to the quantum of affordable housing units, the fact that this housing is for over 55's and the fact that a significant number of these dwellings will be adapted for wheelchair use (M4(3)).

10.25. As discussed below, where a scheme is wholly comprised of affordable housing, the Council would not normally seek s106 obligations. The absence of any contributions, for this application, is considered to be less problematic with this proposal than might be in other cases. This is because the proposal is for over 55's housing and therefore, there will be no burden placed on the education system and thus contributions towards education would be unjustified.

10.26. However, although the absence of NHS contributions is consistent with the Council's policy, the additional pressure this development would place on already overstretched NHS services, without the benefit of financial support, weighs against the scheme when considering its overall public benefits.

10.27. In respect of criterion (b) of the Exception Test The inclusion of flood mitigation measures including raised finished floor levels, flood resilient construction measures and sustainable drainage systems within the proposal are highlighted within the flood risk assessment technically address the need for safety in times of flooding at the site, and as such would satisfy the Exception Test in this regard.

10.28. Overall, having considered the relevant policies, material considerations, and the specific circumstances of the site and scheme, it is concluded that, on balance, the development satisfies the exceptions test.

10.29. Accordingly, it is considered that the proposal is acceptable in principle having regard to policies LP3, LP8 and LP14 of the Fenland Local Plan, guidance within the now-removed Draft Approach to the Sequential Test for Housing' (DAST), the Cambridgeshire Flood and Water SPD and when giving consideration to recent approvals in the surrounding area.

Drainage

10.30. In addition to the requirements of the NPPF and associated technical guide, all applications for relevant developments must include a drainage strategy to demonstrate that:

(a) suitable consideration has been given to surface water drainage;

(b) appropriate arrangements for attenuating surface water run-off can be accommodated within the site; and

(c) issues of ownership and maintenance are addressed. For foul drainage private infrastructure managed by residents groups or management companies should be avoided.

10.31. The Environment Agency has been consulted on this application and confirm that the development should be carried out in accordance with the submitted Flood Risk Assessment (Revision A) with the mitigation of the Finished Floor Levels set to 3.0m Above Ordnance Datum (AOD). The Environment Agency advises that these mitigation measures should be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above should be retained and maintained thereafter throughout the lifetime of the development. This is to reduce the risk of flooding to the proposed development and future occupants. It is considered that these mitigation measures can be successfully required by condition in order to make the development acceptable in respect of flood risk.

10.32. In addition to the Environment Agency the Lead Local Flood Authority (LLFA) has considered the scheme and confirmed in its latest response dated 7th August 2025 that there is no objection to the proposal, subject to the use of a swale and geocellular attenuation to limit discharge from site via a flow control mechanism of 2 litres per section into the existing surface water sewer. Conditions relating to a detailed surface water drainage scheme, details of controlling surface water run-off during constriction and a final surface water drainage system are proposed, should permission be granted, to ensure that the development is acceptable in respect of flood risk from surface water. In addition to the Environment Agency and the LLFA the North Level Internal Drainage Board has been consulted and confirms in its latest response that the Board does not object to the proposal and supports the LLFA's request for drainage-related conditions. It is therefore considered that the scheme for surface water drainage is acceptable in principle in this instance.

10.33. Finally, in respect of flood risk and drainage Anglian Water confirms in its latest response dated 1st August 2025 that there is no objection to the proposal provided that surface water discharge from site is limited to 2 litres per second.

10.34. It is therefore concluded that the proposal accords with Policy LP14 of the Fenland Local Plan and Section 14 of the NPPF in respect of flood risk and drainage.

Housing Need and Supply

10.35. In June 2025 Fenland District Council updated its Five-Year Housing Land Supply. The Council can demonstrate a 6.6-year supply of housing land over the five-year period.

10.36. Policy LP4 of the Fenland Local Plan identifies a need for 11,000 new homes to be built in the district between 2011 and 2031, with 3,000 of those being planned for in and around Wisbech. The policy states that at the time 3,527 affordable dwellings were required across the district (The Strategic Housing Market Assessment for the Cambridge Housing Sub-Region (SHMA: 2012)).

10.37. Fenland District Council's latest housing needs assessment for the area (Housing Needs of Specific Groups GL Hearn, October 2021) identifies that for Fenland the affordable housing need for the period 2020 to 2040 is now 289 dwellings per annum out of a total of 538 which, if applied across the 20 year period that the report covers, would equate to 5,780 affordable dwellings required, demonstrating not only a significant need, but an increasing need since the adoption of the Local Plan.

10.38. The proposed development seeks to provide 42 dwellings which will be in the form of bungalows. There will be a mix of 35 one bed bungalows and 7 two bed bungalows. It is intended that the dwellings will be occupied on a 100% social rent basis and that all occupants will be 55 or over.

10.39. It is demonstrated in the Housing Needs of Specific Groups GL Hearn, October 2021, report that there is a clear and demonstrable need for affordable housing of all tenure types within the district. This proposal will contribute somewhat towards that need, albeit there is no specific demand identified with the report for affordable housing for 55-year-olds and over. Fenland's Housing Strategy and Enabling Officer has been consulted on the proposal, based on it providing 100% affordable housing, and has confirmed that the proposal is supported.

10.40. In summary there is not a policy requirement for this housing were it to be solely private market housing, as Fenland District Council can demonstrate a 6.6-year Housing Land Supply. However, as the proposal is for 100% affordable housing and the Housing Strategy and Enabling Officer confirms there is a need, the proposal is considered to accord with Policy LP5 – Meeting Housing Need of the Local Plan.

Affordable Housing and Housing Mix

10.41. Fenland District Council's latest housing needs assessment for the area (Housing Needs of Specific Groups GL Hearn, October 2021) broadly identifies the following suggested strategic affordable housing mix for the 2020-2040 period;

Size	Market	Affordable Homes to Buy	Affordable Homes to Rent
1 Bed	0-10%	20-25%	35-45%

2 Bed	20-30%	35-45%	35-45%
3 Bed	40-50%	25-35%	10-20%
4 Bed+	20-30%	5-10%	0-10%

10.42. The proposal is for 35 one bed bungalows and 7 two bed bungalows, which equates to one bed bungalows forming 83% of the scheme and two bed bungalows forming 17%. Whilst this does not fit the strategic affordable housing mix for the area as identified by the GL Hearn report, it has to be considered against the needs of the district as a whole and for all types of housing. The proposed development will provide solely one or two bed bungalows for over 55's for social rent that this application proposes. Given that the proposal is intended to address a defined housing need and demographic, it would be inappropriate to require a housing mix that accords with the general proportions set out in the table above.

10.43. The Housing Strategy and Enabling Officer has been consulted on the proposed tenure and mix of dwellings and fully supports the proposal as it will deliver much needed social housing for the district and, in particular, the market town of Wisbech.

10.44. The proposal will provide 100% affordable housing in the form of social rent, and this is considered to exceed those policy requirements of Policy LP5 – Meeting Housing Need of the Fenland Local Plan. The policy requirement for sites of more than 10 dwellings requires a minimum of 25% of the dwellings on site to be affordable and the exact tenure mix should be informed by the latest Strategic Housing Market Assessment (SHMA). In this case that is the GL Hearn report referenced above, and this proposal exceeds the identified need for 1 and 2 bed social rent properties for this site as a whole, but not for the wider area.

10.45. It is considered that the proposed housing mix does not necessarily follow that identified by the GL Hearn report and thus is contrary to the requirements of Policy LP5 of the Local Plan. However, the development is seeking to provide a mix and tenure of housing that is underprovided in the District, namely affordable housing of 1 and 2 beds with a social rent tenure which meets the need of the aging population. As such the housing mix does not comply with policy but would help to meet policy objectives across the wider District.

Design, Character and Appearance

10.46. The layout provides for adequate manoeuvrability, with tracking plans provided for a range of vehicle types, including refuse and fire appliances. No concerns are raised in respect of the general layout of the proposal, which provides adequate manoeuvrability in respect of matters such as parking, waste collection, emergency vehicle access and logical pedestrian and cycle manoeuvrability, although highway matters are discussed in further detail in the subsequent sections below, as is the layout in respect of density and design.

10.47. It is proposed that the dwellings will all be 'true' bungalows, in that they will be single storey only and there will be a total of three designs across the site. All three types will have simple, accessible internal layouts and will have simple designs externally, although not devoid of architectural features. Type A will have canopies on the front elevation, windowcills and brick headers and corbelled eaves. Type B

will be similar, although they will include cladding or render in sections to add variety to the external appearance and will have a higher ridge height to add prominence. Type C will be similar in design to Type A, although these will include cladding or render sections too. All of the proposed dwellingtypes are considered to be an appropriate design for the site and surrounding area and will not result in a development with an appearance that would have a detrimental impact upon the character of the area.

10.48. The proposed development seeks permission for 42 single storey dwellings and manager's office arranged around a central spine road. The surrounding area is a mix of housetypes, with a recently constructed care home to the west, an existing parkhome site on the immediate western boundary and a number of purpose-built cul-de-sacs of bungalows to the south. To the east of the site beyond the mature vegetation on the boundary there is an existing park. As such the site is surrounded by a mixture of land uses and developments and the proposal for additional bungalows within this area would not result in a detrimental impact upon the character and appearance of the area. In fact, this type of development is not untypical for the area. As such, the proposed layout and design of the dwellings is considered to accord with Policy LP16 of the Local Plan, as it would be appropriate within its context.

Residential Amenity

10.49. The proposal is for 42 single storey dwellings. The dwellings would not have a detrimental impact on the amenity of existing residents to the north or south of the site due to the scale of the proposed dwellings and distance between them. To the east of the site is an existing park which again will experience no detriment to its amenity. However, several objections have been raised by residents of the parkhome site to the west. It is considered that due to the single storey nature of the dwellings, and the distance between the proposed dwellings and existing parkhomes, there will be no loss of light, privacy, overshadowing or overbearing impact as a result of this proposal.

10.50. The proposed spine road of the development is located to the east of the parkhome site and concerns have been raised regarding traffic noise as a result. However, the spine road will be a cul-de-sac providing vehicular access to the 42 one and two bed dwellings. Due to the overall scale of the development the number of traffic movements will not result in the levels of noise generated by traffic on nearby roads such as Barton Road. In addition, the positioning of a swale between the site to the west and the proposed dwellings to the east will lessen the impact of noise upon existing residents to the east by virtue of the spine road being located away from the parkhomes and there being dwellings in between the parkhome site and the proposed spine road. As such, the impact of noise and disturbance from the spine road upon existing residents to the west is considered to be minimal, and no objections have been received from the Council's EH Team in respect of this.

10.51. Comments relating to disturbance during the construction period from neighbouring residents are noted and therefore a condition is proposed to require the applicant to submit a Construction Environment Management Plan (CEMP) prior to commencement of development in order to minimise noise, dust and odour impact on neighbouring residents during construction, such as noise and dust generated from Barton Road during said period.

10.52. The submitted layout plan demonstrates that each of the proposed dwellings will have appropriately sized private rear gardens commensurate with 1 and 2 bed

dwellings for over 55s. The layout demonstrates that all of the proposed dwellings will have private amenity space which will ensure that back-to-back and back-to-side distances of the proposed dwellings will not have a detrimental effect upon future occupants of the development in respect of privacy, loss of light or overbearing impact.

10.53. As such, the proposal is considered to accord with Policy LP16 in respect of residential amenity, both for existing neighbouring residents and future occupants of the proposed development.

Highway Safety

10.54. The submitted layout demonstrates that the development will be accessed by car, bike and foot from Barton Road. In addition, there will be pedestrian and cycle access to and from Magazine Lane to the south.

10.55. Cambridgeshire County Council Highways has been consulted upon the proposal and has raised no objection to the proposal. It is therefore considered that provided a condition requiring the access to be carried out in accordance with the submitted Access Drawing (Revision B) the development will provide acceptable access to Barton Road in accordance with the requirements of Policy LP8 and LP15 of the Local Plan.

Archaeology

10.56. The applicant has submitted a Written Scheme of Archaeological Investigation (WSI) with this application in order to address Cambridgeshire County Council Archaeology's requirement for such work. The County has been consulted upon the WSI and whilst it confirms the WSI is acceptable due to the archaeological potential of the site a further programme of investigation and recording is required in order to provide more information regarding the presence or absence, and condition, of surviving archaeological remains within the development area, and to establish the need for archaeological mitigation of the development as necessary. As such a condition is proposed to ensure that no development commences until a programme of archaeological work has been secured.

10.57. It is considered that with the imposition of said condition the development would be in accordance with Policy LP8 and LP18 of the Local Plan.

Ecology

10.58. Policy LP19 of the Local Plan states that the Council will conserve, enhance and promote the biodiversity and geological interest of the natural environment.

10.59. The site is not subject to any site-specific ecological designations and there are none nearby. The applicant has submitted Biodiversity Net Gain (BNG) Metric in accordance with the mandatory net gain requirements as set out in the Environment Act 2021 with the application and Fenland District Council's Ecologist has assessed the submission.

10.60. The planning application is supported by an Ecological Appraisal and Biodiversity Net Gain (BNG) Assessment as well as the requisite BNG Metric. The Ecological Appraisal notes: that it is unlikely that the proposed development will have any direct or indirect impact on any local designated sites. It adds that the site has a moderate level of ecological interest with a range of ecological features including trees and hedgerows, which are in 'poor' ecological condition. Some trees are in

'moderate' condition, grassland is 'poor' condition, ruderal vegetation is in 'moderate' condition and existing ditches are in 'poor' condition. Mitigation is proposed for the loss of some trees and hedgerows, which will be in the form of new tree and hedgerow planting throughout the site and existing trees and hedgerows will be protected during construction.

10.61. The Council's Ecologist has raised no objections to the submitted information and the proposed development and has recommended the imposition of a condition to protect wildlife during clearance and construction work, which is considered to be acceptable in order to achieve development that accords with Policy LP16 and LP19 of the Local Plan.

Landscape

10.62. The application is accompanied by three detailed planting plans, a planting plan overview and an Arboricultural Impact Assessment and Method Statement. The landscaping details shown on the submitted plans, along with the AIA demonstrate that where possible existing vegetation and mature trees will be retained. These will be protected during the construction phase and following completion of the dwellings the landscaping scheme will be implemented. It involves the creation of a small woodland area at the front of the site, screening it from Barton Road, and areas of communal planting throughout the site, along with plot-specific planting too.

10.63. Fenland District Council's Arboricultural Officer has been consulted on the plans and considers the amount of vegetation to be removed, and that to be provided, as acceptable mitigation as a result of the proposed development. The proposed species are considered acceptable, and no objections are raised regarding the trees to be removed to facilitate the development of the site, in particular those self-set trees in poor condition towards the south of the site.

10.64. Given the level of information submitted as part of the application it is considered prudent to condition the development to be carried out in accordance with the plans so that the development is in accordance with Policy LP19 of the Local Plan in respect of landscaping.

Contamination

10.65. A Phase 1 Site Appraisal and Phase 2 Geoenvironmental Site Assessment has been submitted with this planning application in order to assess the likelihood and nature of any potential contamination on the site. The site is partly previously developed as a garden centre, and the assessment has taken the existing site conditions into account.

10.66. Fenland District Council's Environmental Health Officer has assessed the submitted reports and has confirmed that the conclusions are satisfactory and that a condition requiring the recommendations of the Phase 2 report are implemented. It is considered that this suggestion is both reasonable and necessary, particularly for a site of this scale and nature, as are the subsequent two suggested conditions regarding the need for a Construction Environment Management Plan (CEMP) and details of any external lighting scheme.

10.67. It is therefore considered that the proposal accords with Policy LP16 in terms of land contamination, subject to the imposition and undertaking of the development in accordance with the proposed conditions.

Developer Contributions

10.68. This proposal is for a development of 100% affordable housing. As such, Paragraph 4.2 of the Developer Contributions SPD identifies affordable housing where additional planning obligations other than the affordable housing itself will not normally be sought. A summary table has been provided in a previous section of this report as to what a number of consultees have requested, but due to the proposal seeking to provide 100% affordable housing due weight must be given to Paragraph 4.2 of the SPD. Therefore, whilst a number of consultees have sought planning obligations, this proposal will seek to provide 100% affordable housing only, in accordance with the Developer Contributions SPD.

10.69. In terms of NHS contributions, the occupants of the proposed dwellings will be relocating from elsewhere, likely to be elsewhere in the district. As such, the burden placed on the NHS from future residents of this proposal has already been taken into account as part of the district as a whole. That said, as discussed previously, the fact that this scheme is for over 55s will place a burden on the NHS and the fact that the proposal will not financially contribute directly towards the NHS has to be given weight and considered as a negative aspect of the proposal. However, even though the proposal will not provide and s106 financial obligations, the overall community benefits arising from the development of 42 affordable housing units for over 55s is still considered to be significant.

10.70. The s106 agreement will secure 100% affordable housing and will confirm the tenure of the housing. It will also ensure that that development is for over 55s. There will be no other financial contributions, save for the monitoring fee, that will be secured by the s106.

Biodiversity Net Gain (BNG)

10.71. 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.

10.72. 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.

10.73. A Biodiversity Net Gain Metric has been provided with the application and Fenland District Council's Ecologist has assessed the submitted information, concluding that the development could achieve an overall 10% net gain in biodiversity through new landscaping, particularly new tree and shrub planting and the creation of a wetland swale feature along the western boundary of the site.

10.74. The proposal is therefore considered to have appropriate regard to Policy LP19 of the Fenland Local Plan (2014) in terms of the biodiversity impacts of the scheme.

10.75. In this instance the Biodiversity Gain Condition will apply, should permission be granted, which will require the submission of a final Biodiversity Gain Plan to be

approved before development is begun. In addition, a Habitat Management and Monitoring Plan will be required by condition to secure the long-term management of the habitats.

11 CONCLUSIONS AND PLANNING BALANCE

11.1. The proposed development seeks to provide a total of 42 single storey dwellings for occupation by over 55s only within a 100% social rent development in the West Wisbech broad location for growth. The 100% social rent dwellings will be secured by a S.106 agreement and due to the fact that the whole site will be for affordable dwellings no additional S.106 obligations are sought.

11.2. The site lies within Flood Zone 3 and therefore current planning policy requires the application to be supported by a Sequential Test. However, the application was submitted and validated when the Draft Approach to the Sequential Test for Housing (DAST) guidance was in place and at that time a Sequential and Exception Test was not required. Notwithstanding the lack of a Sequential Test, it is concluded that the proposal would, on balance, pass both criteria of the Exception Test by virtue of delivering a significant number of affordable housing units, providing a specific type and tenure of accommodation to meet an identified need for housing, providing six M4(3) dwellings and facilitating churn in both the existing affordable housing provision within the District and market housing, which would be a sustainable community benefit in accordance with the Cambridgeshire Flood and Water SPD.

11.3. Fenland District Council can demonstrate a 6.6-year Housing Land Supply. However, this site is within the West Wisbech broad location for growth. Even if it were to be considered that due to the site lying within Flood Zone 3 private market housing should not be supported, it is considered that the sustainable community benefits which would be provided by the proposal, namely 42 social rent dwellings, six of which will be constructed to M4(3) standards, for a specific need within the community (i.e. for over 55s) would, on balance, outweigh the fact that Fenland has a 6.6-year Housing Land Supply.

11.4. Therefore, when taking all elements of the proposal into consideration it is considered that, on balance, the benefits that would arise from the proposal outweigh the harms, such as the site being located within Flood Zone 3, which can be mitigated through measures identified in the Flood Risk Assessment submitted as part of the application.

11.5. As such, the proposal is recommended for approval.

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 s106 legal agreement and planning conditions to the Head of Planning; and,

2. Following the completion of the s106 application F/YR25/0274/F be approved subject to planning conditions set out in draft at Appendix 1; or,

3. The Committee delegates authority to refuse the application in the event that the Applicant does not agree to any necessary extensions to the

determination period to enable the completion of the s106 legal agreement, or on the grounds that the applicant is unwilling to complete the obligation necessary to make the development acceptable.

Planning Conditions

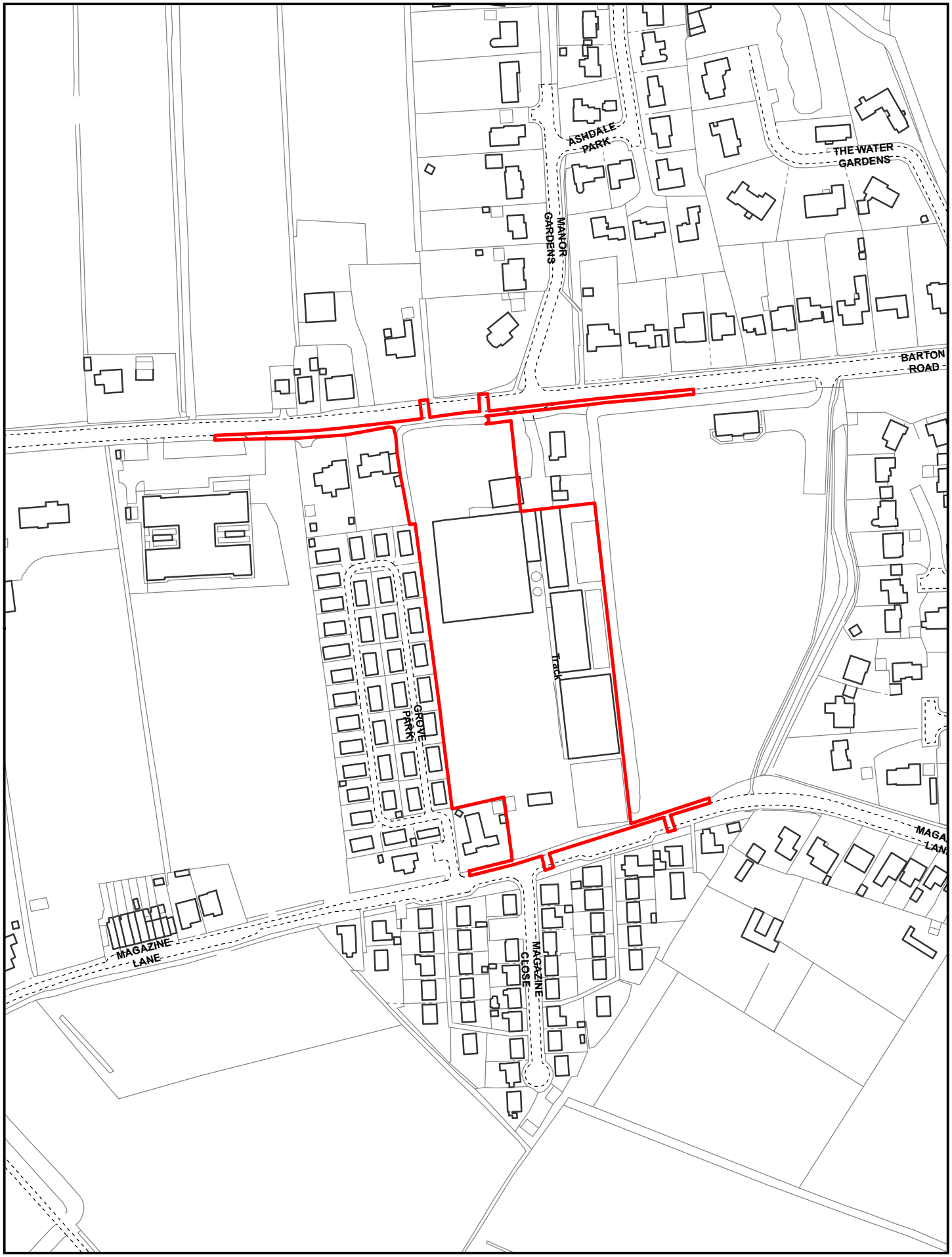
1	The development permitted shall be begun before the expiration of 3 years from the date of this permission. Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.
2	Prior to the commencement of the development hereby approved a scheme and timetable for the provision of the six M4(3) dwellings shall be submitted to and agreed in writing by the Local Planning Authority. The provision of the six M4(3) dwellings shall be made in accordance with the approved scheme and timetable. Reason - To ensure a satisfactory form of development.
3	No development or preliminary groundworks of any kind shall take place until the applicant has secured the implementation of a programme and timetable of archaeological work and recording in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The approved programme shall then be implemented in accordance with the approved timetable prior to any other works taking place on site. Reason - To secure the provision of the investigation and recording of archaeological remains threatened by the development and the reporting and dissemination of the results in accordance with Policy E7 of the Fenland District Wide Local Plan.
4	No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Method Statement (CEMS: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMS (Biodiversity) shall include the following: a) Summary of potentially damaging activities. b) Identification of "biodiversity protection zones". c) The location and timing of sensitive works to avoid harm to biodiversity features. d) The times during construction when specialist ecologists need to be present on site to oversee works. e) Responsible persons and lines of communication. f) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person. g) Use of protective fences, exclusion barriers and warning signs. The approved CEMS shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details. Reason - In the interests of the conservation of the natural environment (Policies LP 16 and LP19).
5	Prior to the occupation of the development, a Habitat Management and

	Monitoring Plan (HMMP), including details of measures to protect and enhance existing flora, fauna and habitats within the development site shall be submitted to and approved by the Local Planning Authority in writing. The Habitat Management and Monitoring Plan (HMMP) shall be carried out as approved in accordance with the specified schedule contained therein. Reason - To protect the visual amenity value of the landscaping, and the biodiversity value of the habitat within the site in accordance with Policy LP16 of the Fenland Local Plan, 2014.
6	All vegetation clearance at the site shall only take place outside the bird breeding season of March to September inclusive, unless a nesting bird survey has been undertaken by an experienced ecologist 24-48 hours prior to clearance and the report submitted to the local Planning Authority for approval. Reason - To ensure compliance with Section 1 of the Wildlife and Countryside Act with respect to nesting birds and to provide biodiversity mitigation in line with the aims of the National Planning Policy Framework.
7	All hard and soft landscape works including any management and maintenance plan details, shall be carried out in accordance with the approved details. All planting seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased 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.
8	Provision shall be made on the site for communal open space for the benefit of the occupiers of the dwellings comprised in this permission and shall be to the standards adopted by the Local Planning Authority at the date of this decision notice. Reason - To ensure compliance with the Council's policy for the provision of open space and to ensure that the occupants of the permitted dwellings are afforded an acceptable measure of amenity.
9	Prior to the commencement of the development a scheme and timetable for the provision of fire hydrants shall be submitted to, and agreed in writing by, the Local Planning Authority in consultation with the Chief Fire Officer and provision of the fire hydrants shall be made in accordance with the scheme and timetable.

	Reason - To ensure a satisfactory form of development.
10	Prior to the commencement of development a detailed scheme for the construction of estate road(s), associated footway(s) and cycleway(s) shall be submitted to and approved in writing by the Local Planning Authority. The approved detailed scheme shall be constructed to at least binder course surfacing level to the adjoining highway prior to the first occupation of any dwelling served by the estate road. Reason - In the interests of highway safety and the amenities of occupiers.
11	Prior to the first occupation of each dwelling hereby approved, the proposed on-site parking for that individual dwelling shall be demarcated, levelled, surfaced and drained in accordance with the approved plans. Thereafter, these spaces shall be permanently retained and available for the parking of vehicles of residents/occupiers of the approved scheme and shall not be used for any other purpose. Reason - In the interests of highway safety.
12	The ground floor level of any buildings involved in the development shall be at least 3.0m AOD and shall thereafter be retained as such in perpetuity. Reason - To provide a reasonable freeboard against flooding.
13	No development approved by this permission shall be occupied prior to the completion of the recommendations detailed in the e3p Phase II Geoenvironmental Site Assessment dated March 25 (Ref 30-048-R1). No development approved by this permission shall be occupied prior to the completion of any remedial works and a validation report/s being submitted to the LPA and receipt of approval of the document/documents from the LPA. This applies to paragraphs d), e) and f) below: (d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. (e) If, during the works, contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA. (f) Upon completion of the works, this condition shall not be discharged until a validation/closure report has been submitted to and approved by the LPA. The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from site, and what has been brought on to site. Reason - To control pollution of land or water in the interests of the environment and public safety.

14	Prior to the commencement of development, including any demolition works, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved Construction Environmental Management Plan (CEMP). Reason - To ensure the safe operation of the development site and to control pollution of land or water in the interests of the environment and public safety in accordance with Policy LP16 of the Fenland Local Plan, 2014.
15	Prior to the commencement of development, a scheme for the provision of external lighting shall be submitted to and approved in writing by the Local Planning Authority. Such approved details shall be installed prior to commencement of use/occupation of any dwellings and retained thereafter in perpetuity. Reason - In order to ensure that the site meets the crime prevention guidelines.
16	Prior to the commencement of any works or storage of materials on the site all trees that are to be retained shall be protected in accordance with British Standard 5837:2012. Moreover, measures for protection in accordance with that standard shall be implemented and shall be maintained to the Local Planning Authority's reasonable satisfaction until the completion of the development for Building Regulations purposes. Reason - To ensure that retained trees are adequately protected.
17	Prior to the commencement of the development hereby approved, details of the location and design of the refuse bin and recycling materials storage areas and collection points shall be submitted to and approved by the Local Planning Authority. This should include provision for the storage of three standard sized wheeled bins for each new property with a collection point no further than 25 metres from the public highway. Where the refuse collection vehicle is required to go onto any road that road shall be constructed to take a load of 26 tonnes. The refuse storage and collection facilities and vehicular access where required shall be provided prior to the first occupation of the units to which they relate and shall be retained in the approved form thereafter. Reason - To meet the District Council requirements for recycling, to prevent the unsightly storage of refuse containers and in the interests of amenity and sustainability.
18	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 Authority. The scheme shall subsequently be implemented in accordance with the approved details before the relevant parts of the development are first brought into use and thereafter retained in perpetuity. Reason - To ensure a satisfactory method of foul water drainage and to prevent the increased risk of pollution to controlled waters.

19	Prior to the commencement of any development, a scheme for the provision and implementation of surface water drainage shall be submitted and agreed in writing with the Local Authority in consultation with the Drainage Authority. The scheme shall subsequently be implemented in accordance with the approved details before the relevant parts of the development are first brought into use and thereafter retained in perpetuity. Reason - To ensure a satisfactory method of surface water drainage and to prevent the increased risk of flooding.
20	Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015, (or any Order or Statutory Instrument revoking and re-enacting that Order with or without modification), planning permission shall be required for the following developments or alterations: i) alterations including the installation of additional windows or doors, including dormer windows or roof windows (as detailed in Schedule 2, Part 1, Classes A and B); ii) alterations to the roof of the dwellinghouse (as detailed in Schedule 2, Part 1, Class C); Reason - To prevent overlooking of neighbouring properties, in the interest of the protection of residential amenity and in order to control future development and to prevent the site becoming overdeveloped. Also to ensure that the development is single level accommodation, which was a reason for grating this planning permission.
21	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).
22	The development hereby permitted shall be carried out in accordance with the following approved plans and documents:



Created on: 10/04/2025

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F/YR25/0274/F

Scale = 1:2,500

N

Fenland CAMBRIDGESHIRE
Fenland District Council

schedule of plots			
Plot 1	Type B	2B3P	66.4 sqm
Plot 2	Type A	1B2P	54 sqm
Plot 3	Type A	1B2P	54 sqm
Plot 4	Type A	1B2P	54 sqm
Plot 5	Type C	1B2P	62 sqm
Plot 6	Type D	MANAGERS OFFICE	66.4 sqm
Plot 7	Type A	1B2P	54 sqm
Plot 8	Type A	1B2P	54 sqm
Plot 9	Type A	1B2P	54 sqm
Plot 10	Type A	1B2P	54 sqm
Plot 11	Type B	2B3P	66.4 sqm
Plot 12	Type B	2B3P	66.4 sqm
Plot 13	Type A	1B2P	54 sqm
Plot 14	Type A	1B2P	54 sqm
Plot 15	Type A	1B2P	54 sqm
Plot 16	Type C	1B2P	62 sqm
Plot 17	Type C	1B2P	62 sqm
Plot 18	Type A	1B2P	54 sqm
Plot 19	Type A	1B2P	54 sqm
Plot 20	Type A	1B2P	54 sqm
Plot 21	Type A	1B2P	54 sqm
Plot 22	Type A	1B2P	54 sqm
Plot 23	Type A	1B2P	54 sqm
Plot 24	Type A	1B2P	54 sqm
Plot 25	Type A	1B2P	54 sqm
Plot 26	Type B	2B3P	66.4 sqm
Plot 27	Type A	1B2P	54 sqm
Plot 28	Type A	1B2P	54 sqm
Plot 29	Type A	1B2P	54 sqm
Plot 30	Type C	1B2P	62 sqm
Plot 31	Type C	1B2P	62 sqm
Plot 32	Type A	1B2P	54 sqm
Plot 33	Type A	1B2P	54 sqm
Plot 34	Type A	1B2P	54 sqm
Plot 35	Type A	1B2P	54 sqm
Plot 36	Type A	1B2P	54 sqm
Plot 37	Type B	2B3P	66.4 sqm
Plot 38	Type B	2B3P	66.4 sqm
Plot 39	Type C	1B2P	62 sqm
Plot 40	Type A	1B2P	54 sqm
Plot 41	Type A	1B2P	54 sqm
Plot 42	Type A	1B2P	54 sqm
Plot 43	Type B	2B3P	66.4 sqm

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NORTH
WEST EAST
SOUTH
0m 10m 20m 30m

SITE AREA
18351 sqm - 1.83 Ha - 4.5 acres RED LINE

17147 sqm - 1.71 Ha - 4.5 acres SITE
POS 3235 sqm / 0.79 acres (inc drain)
SUDS 900 sqm
12837 sqm - 1.28 Ha - 3.1 acres Net

MIX
1B x 35No @ 83%
2B x 7No @ 17%
42NO TOTAL

BUNGALOW
TYPE A 29 x 1B2P - 581 sqft - 54 sqm
TYPE B 07 x 2B3P - 715 sqft - 66.4 sqm
TYPE C 06 x 1B2P - 667 sqft - 62 sqm

TOTAL 42No @ 32.8 DPH net

MANAGERS OFFICE
01 - 715 sqft - 66.4 sqm

Gross Internal Area 26,578 sqft - 2469.2sqm including managers office
coverage = 7382sqft per acre

PARKING - 73 No @ 1.7 average

Rev.	Date	Description	Drawn	Check
j	13/05/25	sub station removed	jw	
i	01/04/25	changes as validation letter	jw	
H	25/02/25	plot Schedule and dimensions added	jw	
G	22/02/25	Schedule amended/ density changed	jw	
F	28/01/25	amended as Prime comments/ dwg 24-1-25	jw	
E	23/01/25	redrawn and roof plans amended as elevations	jw	
D	09/01/25	highway preap comments as Prime Transport email-9 jan 25 and red line amended as legal agreement	jw	
C	08/01/25	plot 38 parking amended as Hourigan Planning comments	jw	
B	06/01/25	M4(3) parking amended to 6x3.3m as AD	jw	

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Architecture & Urban Design

Contract
PROPOSED RESIDENTIAL DEVELOPMENT
BARTON ROAD WISBECH

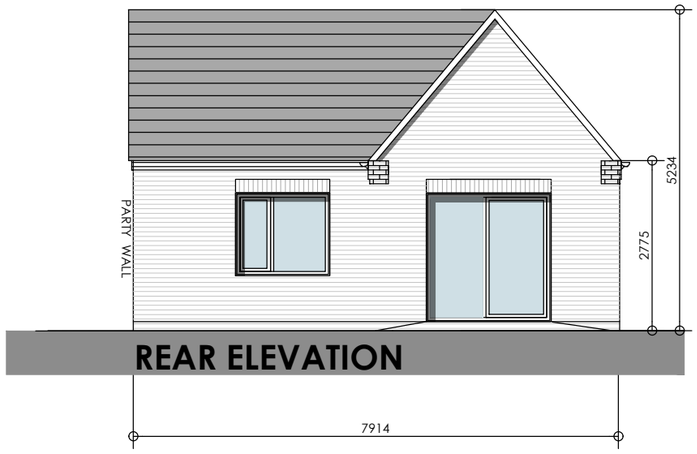
Sheet Title
SITE LAYOUT- BLOCK PLAN

Client
bowsall developments ltd

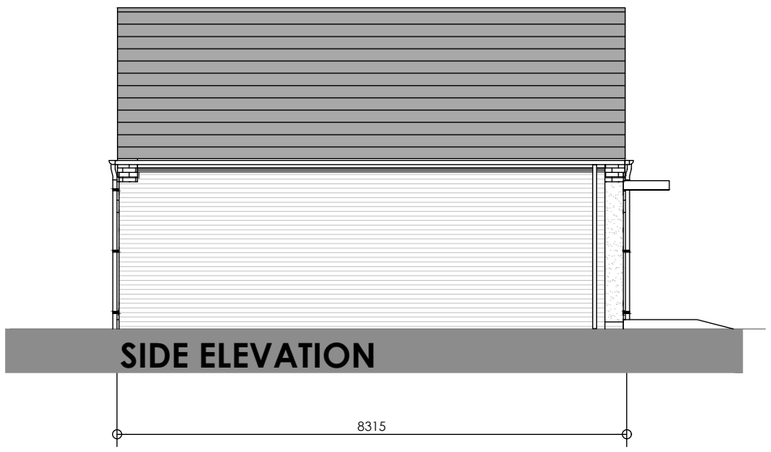
Scale 1:500@A1
Date 10.01.25
Drawn By JDW
Checked By

Drawing Number
2403-P-03J

HOUSE TYPE A



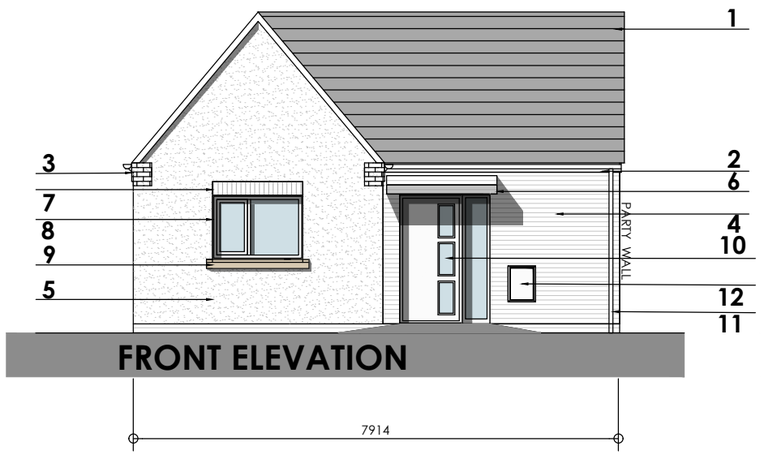
REAR ELEVATION



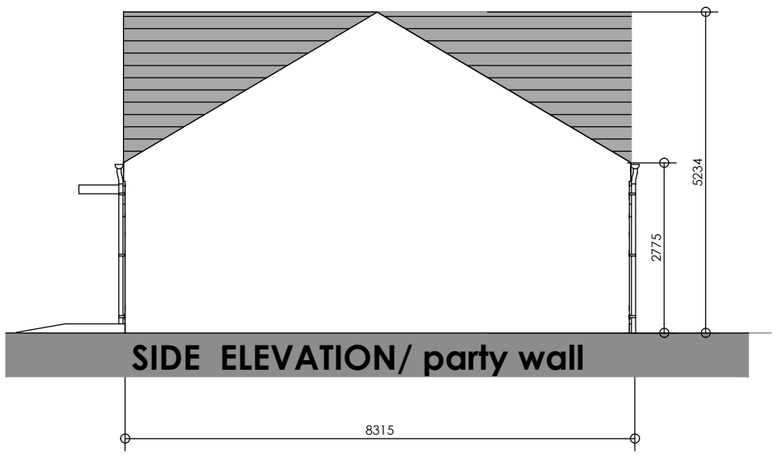
SIDE ELEVATION

EXTERNAL MATERIALS

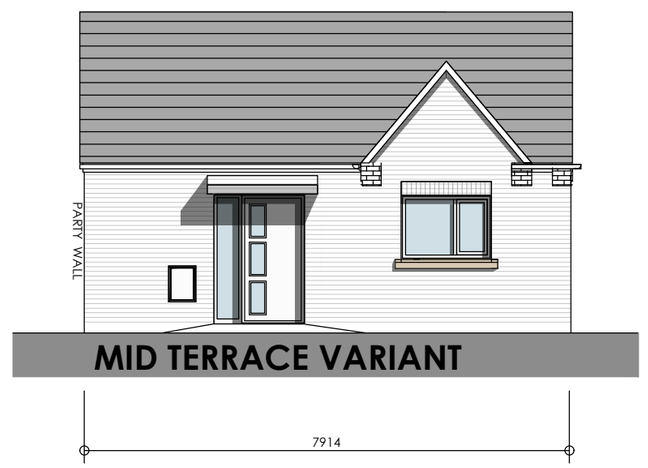
1 **ROOF TILES** - CONCRETE INTERLOCKING TILES IN GREY COLOUR
2 **SOFFIT & FASCIAS** - BLACK
3 **CORBELLED EAVES**
4 **FACING BRICKWORK**- refer to materials plan
5 **RENDER OR TIMBER CLADDING**
6 **CANOPY**- GRP WITH GREY FASCIA
7 **WINDOW HEADERS -** red facing brick
8 **WINDOWS** - White UPVC
9 **WINDOW CILLS -** Recon Stone cills
10 **FRONT DOORS**- refer to materials plan
11 **RAINWATER GOODS**- black upvc
12 **ELECTRIC METER** - White



FRONT ELEVATION



SIDE ELEVATION/ party wall



MID TERRACE VARIANT

rev	date	revision	by	by

4ward Architects
Forward Thinking Design

Contract
RESIDENTIAL REDEVELOPMENT
MAGAZINE LANE / BARTON ROAD, WISBECH FENLAND

Client
BOWSALL

Sheet Title
BUNGALOW TYPE A -1B2P
ELEVATIONS

Date	Scale	Drawn By	Checked By	Drawing Number
23.01.25	1:100 @A3	JDW		2403 -P-10 B

The Firs 33 Priorslee Village
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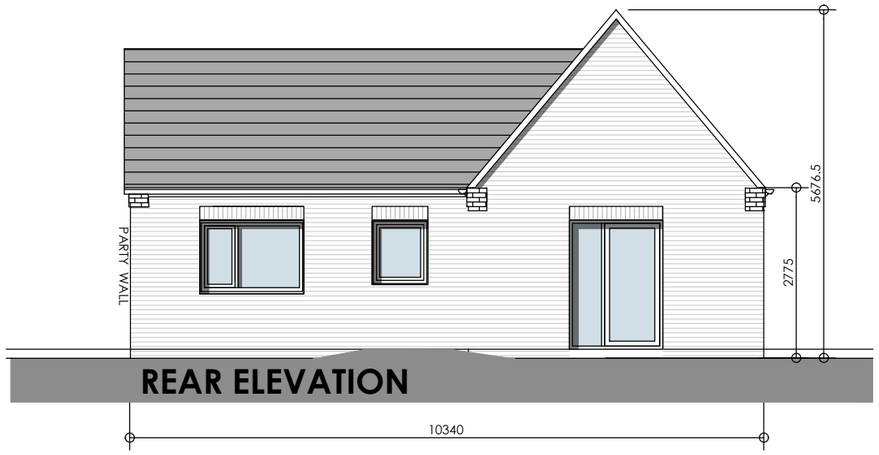
Architecture & Urban Design

HOUSE TYPE B



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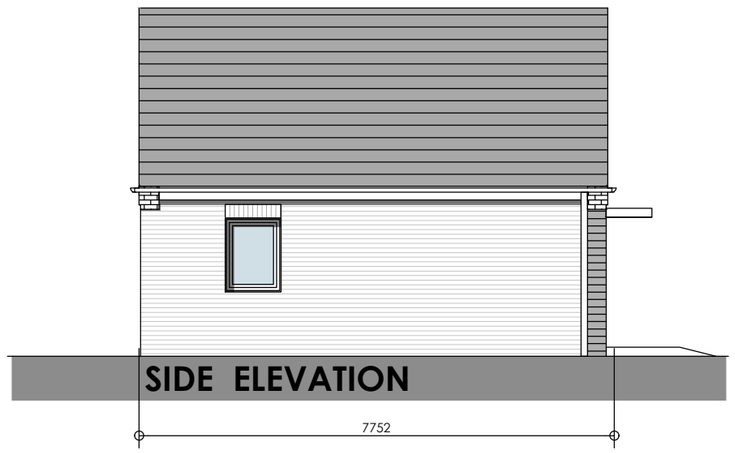

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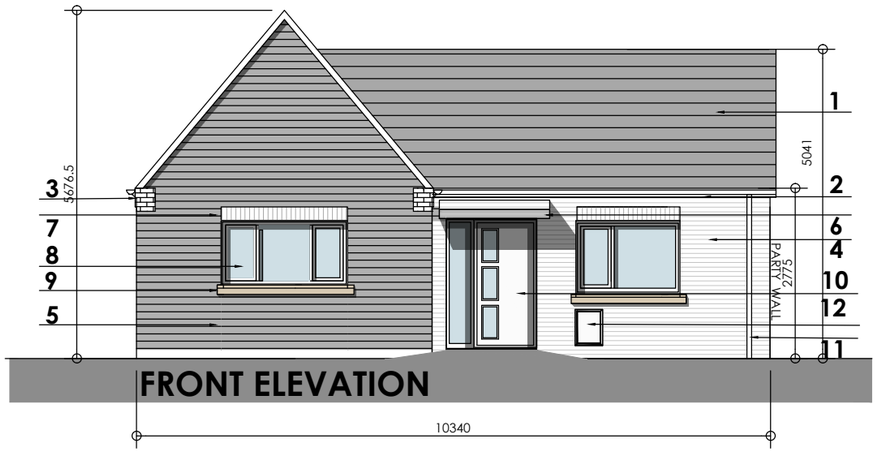
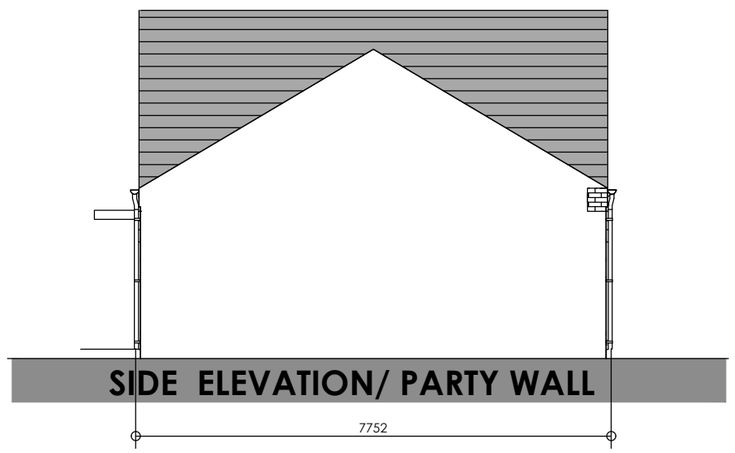


FRONT ELEVATION



SIDE ELEVATION/ PARTY WALL

EXTERNAL MATERIALS

1 **ROOF TILES** - CONCRETE INTERLOCKING TILES IN GREY COLOUR
2 **SOFFIT & FASCIAS** - BLACK
3 **CORBELLED EAVES**
4 **FACING BRICKWORK**- refer to materials plan
5 **RENDER OR TIMBER CLADDING**
6 **CANOPY**- GRP WITH GREY FASCIA
7 **WINDOW HEADERS -** red facing brick
8 **WINDOWS** - White UPVC
9 **WINDOW CILLS -** Recon Stone cills
10 **FRONT DOORS**- refer to materials plan
11 **RAINWATER GOODS**- black upvc
12 **ELECTRIC METER** - White

rev	date	revision	by	by

4ward Architects
Forward Thinking Design

Contract
RESIDENTIAL REDEVELOPMENT
MAGAZINE LANE / BARTON ROAD, WISBECH FENLAND

Client
BOWSALL

Sheet Title
BUNGALOW TYPE B -2B3P
ELEVATIONS

Date	Scale	Drawn By	Checked By	Drawing Number
23.01.25	1:100 @A3	JDW		2403 -P-11A

The Firs 33 Priorslee Village
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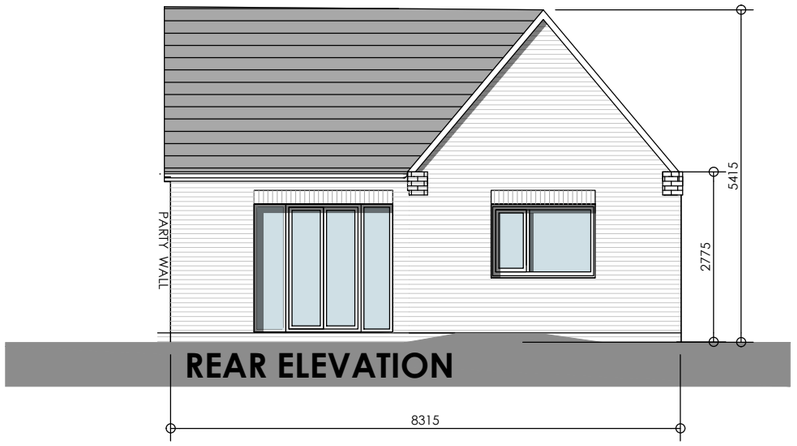
HOUSE TYPE C



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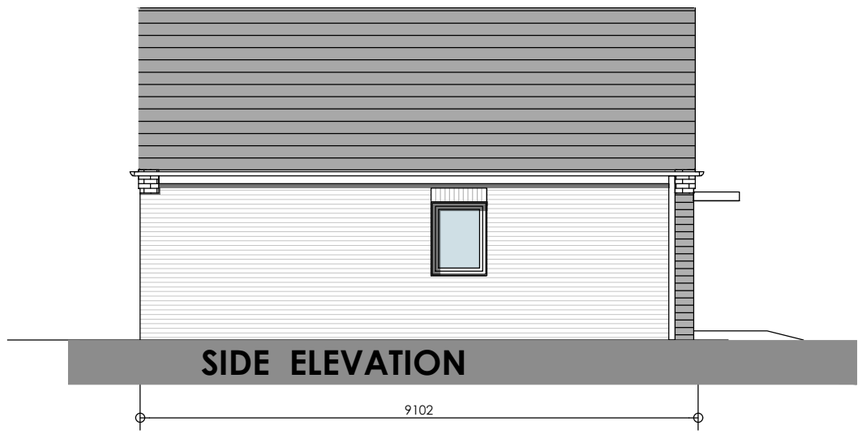
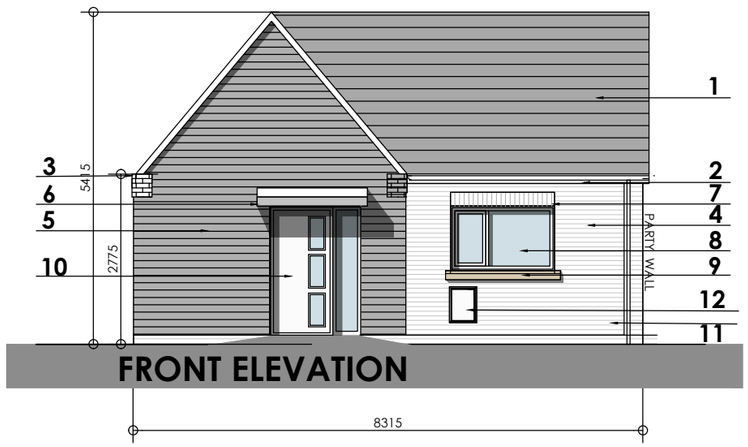
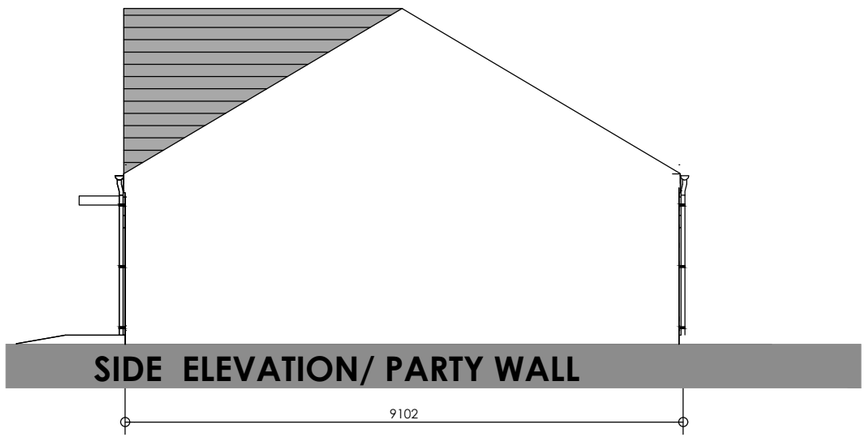


SIDE ELEVATION



FRONT ELEVATION



SIDE ELEVATION/ PARTY WALL

EXTERNAL MATERIALS

1 **ROOF TILES** - CONCRETE INTERLOCKING TILES IN GREY COLOUR
2 **SOFFIT & FASCIAS** - BLACK
3 **CORBELLED EAVES**
4 **FACING BRICKWORK**- refer to materials plan
5 **RENDER OR TIMBER CLADDING**
6 **CANOPY**- GRP WITH GREY FASCIA
7 **WINDOW HEADERS -** red facing brick
8 **WINDOWS** - White UPVC
9 **WINDOW CILLS -** Recon Stone cills
10 **FRONT DOORS**- refer to materials plan
11 **RAINWATER GOODS**- black upvc
12 **ELECTRIC METER** - White

rev	date	revision	by	by

4ward Architects
Forward Thinking Design

Contract
RESIDENTIAL REDEVELOPMENT
MAGAZINE LANE / BARTON ROAD, WISBECH FENLAND

Client
BOWSALL

Sheet Title
BUNGALOW TYPE C -1B2P
ELEVATIONS

Date	Scale	Drawn By	Checked By	Drawing Number
23.01.25	1:100 @A3	JDW		2403 -P-12

The Firs 33 Priorslee Village
Telford TF2 9NW
T 01952 289076 M 07505 124691
jeremy.ward@4wardarchitects.com
Architecture & Urban Design

PLANNING COMMITTEE DATE: 15th October 2025

APPLICATION NO: F/YR25/0274/F

SITE LOCATION: Land west of Playing Field, Barton Road, Wisbech

UPDATE – Comments from Stephen Barclay MP.

An objection from Stephen Barclay MP was received on Tuesday 14th of October 2025 following the publication of the committee report. The points raised are:

1. Transport and Road Infrastructure

The Fenland Transport Strategy (2023) and the Local Plan Transport Assessment (2022) both highlight the need for sustainable transport solutions and mitigation of congestion. However, the proposed development:

- *Will significantly increase traffic on North Brink and Barton Road, which are already narrow and frequently congested, especially during school drop-off and pick-up times at Wisbech Grammar School.*
- *Will exacerbate existing hazards caused by poor road conditions, including recurring potholes and inadequate repairs.*
- *Will introduce heavy construction traffic, further deteriorating road surfaces and increasing safety risks for pedestrians and cyclists.*

The Local Plan's Policy LP15 calls for the facilitation of a sustainable transport network, yet this development undermines that goal by increasing reliance on private vehicles without adequate infrastructure upgrades.

2. Cumulative Development Pressure

Recent and ongoing developments such as Barton Manor Care Home, Riverside Meadows Academy, and housing in Cox's Lane and Wisbech St Mary already place strain on local infrastructure. Additional proposals (e.g., land south of Chrysanthemum House and east of Springfield) also rely on Barton Road for access. The cumulative impact of these developments has not been adequately addressed in the planning process, contrary to Policy LP13, which requires infrastructure to support growth.

3. Healthcare Capacity

The Local Plan's Policy LP2 emphasizes the need to facilitate health and wellbeing. However:

- *Local GP practices, including North Brink Practice, are overwhelmed and facing staffing reductions due to increased demand and financial pressures.*
- *Parsons Drove GP Practice is under CQC Special Measures, raising serious concerns about its ability to accommodate additional patients.*
- *Without clear plans for expanding healthcare provision, the development risks worsening access to essential services, violating the Local Plan's health objectives.*

4. Environmental and Utility Concerns

The area's water and sewage systems are outdated and frequently fail, leading to road closures and water outages. The development will:

- *Increase pressure on these fragile systems, risking further disruption.*
- *Worsen existing issues with sewerage smells and unmaintained dykes, which already affect residents' quality of life.*

Recommendation: Approval subject to s106 - The above update does not alter the original recommendation as the matters raised are considered in the Committee Report.

F/YR25/0505/F

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

Hare And Hounds Hotel, 4 North Brink, Wisbech, Cambridgeshire PE13 1JR

Change of use of Hotel to 6 x residential flats and erect a bin store and cycle store

Officer recommendation: Refuse

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

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F/YR25/0504/LB

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

Hare And Hounds Hotel, 4 North Brink, Wisbech, Cambridgeshire PE13 1JR

Internal and external works to a Listed Building to form 6 x residential flats and to erect a bin store and cycle store

Officer recommendation: Refuse

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

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1 EXECUTIVE SUMMARY

1.1 The application site comprises a three-storey Grade II Listed Building within Wisbech Town Centre and the Wisbech Conservation Area, most recently in use as a public house with hotel accommodation. The building is in generally poor condition and has undergone substantial historic alterations. The site includes a rear courtyard, outbuilding, and vehicular access from Chapel Road.

1.2 The proposal seeks planning permission and listed building consent to convert the building into six self-contained flats, involving internal reconfigurations, removal of non-original structures, and various repairs and alterations.

1.3 While the site benefits from a sustainable location with access to services, public transport, and existing vehicular access, the scheme fails to comply with relevant planning policies in several key areas.

1.4 The development would result in the loss of an existing public house and employment facility without sufficient evidence that the loss is acceptable, contrary to Policy LP2 of the Fenland Local Plan.

1.5 The internal alterations and removal of historic fabric would cause less than substantial but significant harm to the Grade II Listed Building and its setting within the Conservation Area. The proposal does not constitute a sensitive reuse and fails to preserve or enhance the heritage asset, contrary to Policies LP16 and LP18, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Chapter 16 of the NPPF.

1.6 The proposed flats do not meet national space standards, with some units lacking adequate natural light and ventilation, providing substandard living conditions.

1.7 In summary, the harm to the heritage asset and the loss of community and employment uses outweigh the limited benefits of the scheme and therefore the application is recommended for refusal.

2 SITE DESCRIPTION

2.1 The application site lies to the north of North Brink and is occupied by a three-storey, Grade II listed building, most recently in lawful use as a public house with hotel accommodation. The host building, in generally poor cosmetic condition, has undergone substantial extensions, changes, and alterations over a prolonged period. It is situated within Wisbech Town Centre, the Wisbech Conservation Area, and Flood Zone 3.

2.2 The building accommodates a public house at ground floor level, with residential use on the upper floors. The site extends from North Brink through to Chapel Road, where a vehicular access point leads to an area of hardstanding used for parking. The central section contains an outbuilding currently used for storage, alongside the parking area. The total site area is approximately 0.08 hectares.

3 PROPOSAL

3.1 Planning permission and listed building consent are sought for the conversion of the ground, first and second floors of the existing public house/hotel to form six self-contained residential flats (Four one bedroom units and two two bedroom units). The basement and third floor will remain unchanged.

3.2 Pedestrian access will be retained via the front entrance on North Brink and via an alleyway to the right of the property, which includes a section of flying freehold and leads to the rear gated courtyard. Vehicular access, which has existed for over 50 years, will remain from Chapel Road. Gates are to be removed to facilitate improved vehicle access. The proposed site layout includes six car parking spaces and cycle storage.

3.3 The main external works to facilitate the conversion are set out below:

- New rear courtyard bin store (1.8m close-boarded fence with timber gates).
- New secure cycle store for residents.
- Removal of non-original structures (timber canopy and lean-to roof).
- Rear single-storey wings: new openings and timber-framed double-glazed windows (subject to Conservation Officer approval).
- Addition of a small side window at ground floor level.

- Extractors and flue positions shown on drawings.

3.4 The proposal includes the following repair and restoration works:

- Repointing and brick repairs where required.
- Existing windows retained and externally repainted.
- Rainwater goods repaired or replaced like-for-like.
- Downpipes on side elevation replaced in black cast aluminium where necessary.
- External staircase to Flat 2 repaired.
- New hardwood door to Flat 3.
- Courtyard tarmac and alleyway surfaces made good after service installation.
- External vents in clay red air bricks, with final joinery, service, and rainwater details agreed by condition.

3.5 Revised plans were received during the determination of the application, with minor revisions to show extractors and flue positions, a small side window at ground floor level and the reconfiguring of the ground floor flats, in terms of room orientation.

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 benefits from a number of historic planning applications which relate to the established commercial use and alterations to the listed building, below references applications received from 2010 onwards:

Reference	Proposal	Decision
F/YR13/0674/A	Display of non-illuminated wall mounted lettering and a non-illuminated hanging sign 2 - 3 North Brink Wisbech	Granted
F/YR13/0675/LB	Display of non-illuminated wall mounted lettering, a non-illuminated hanging sign and a wall mounted plaque involving the removal of existing signage and fixings to front of existing building 2 - 3 North Brink Wisbech	Granted
F/YR13/0442/LB	Display of illuminated wall mounted lettering, an illuminated hanging sign and a wall mounted plaque involving the removal of existing signage and fixings to front of existing building 2 - 3 North Brink Wisbech	Refused
F/YR18/0715/F	Formation of a ramped access to building 2 - 3 North Brink Wisbech	Granted
F/YR16/0845/LB	Internal alterations to a Listed Building to install new Wi-Fi units including cabling and internal sign 2 - 3 North Brink Wisbech	Granted
F/YR18/0834/LB	External works to a Listed Building to form a ramped access 2 - 3 North Brink Wisbech	Refused
F/YR18/0716/LB	External and internal works to a Listed Building to form a ramped access 2 - 3 North Brink Wisbech	Granted
F/YR15/0204/LB	Internal works including formation of new extended ATM room and refurbishment 2 - 3 North Brink Wisbech	Granted
F/YR20/1276/LB	Internal works to a listed building to install a WiFi Booster system 2 - 3 North Brink Wisbech	Granted
F/YR13/0441/A	Display of illuminated wall mounted lettering and an illuminated hanging sign 2 - 3 North Brink Wisbech	Refused
F/YR18/0833/F	Formation of a ramped access to existing building External works to a Listed Building to	Refused

	remove external signage	
F/YR24/0931/LB	External works to a Listed Building to remove external signage External works to a Listed Building to remove external signage	Granted
F/YR18/0871/F	Removal and brick up 15 no side windows (retrospective); replace 1 no side window and 3 no front windows with UPVC and relocate 2 no un-authorised satellite dishes from side elevation to rear elevation and the removal of 2 no un-authorised roller shutters from the front elevation. H2o Sanzokuou Chapel Road	Granted
F/YR17/0549/F	Change of use to mixed use A3/A4 restaurant/bar/club (ground floor) and D2 Snooker Hall (first floor) from mixed use Sui Generis (Leisure Entertainment Centre) and D2 (Snooker Hall) involving single-storey rear extension to form kitchen and erection of 2.47 metre high fence to rear (retrospective) Snooker Hall Chapel Road	Refused
F/YR16/0783/F	Change of use to mixed use A3/A4 restaurant/bar/club (ground floor) and D2 Snooker Hall (first floor) from mixed use Sui Generis (Leisure Entertainment Centre) and D2 (Snooker Hall) involving single-storey rear extension to form kitchen Snooker Hall Chapel Road	Refused
F/YR18/0459/F	Change of use to mixed use A3/A4 restaurant/bar/club (ground floor) and D2 Snooker Hall (first floor) from mixed use Sui Generis (Leisure Entertainment Centre) and D2 (Snooker Hall) involving single-storey rear extension to form kitchen and erection of 2.47 metre high fence to rear (retrospective) Snooker Hall Chapel Road	Refused
F/YR14/0016/F	Demolition of two-storey building, timber framed building, lean-to and toilet block to rear of Snooker Hall Snooker Hall Chapel Road	Granted

5 CONSULTATIONS

5.1 Wisbech Town Council

Supports both the full and listed building consent application and notes that the applicant has made attempts (but without success) to attract tenants for the building, to achieve continuation of its current use

External Consultees

5.2 National Amenity Society – Council for British Archaeology

The CBA welcome proposals to bring this building back to active use and support proposals to achieve a series of apartments over the ground, first and second floors. It is advised that proposals should be revised to retain significant fabric that remains extant within the building. This should entail reducing the number of units on the first floor from two to one.

5.3 Environment Agency

No objection, subject to the development being carried out in accordance with the FRA.

5.4 Cambridgeshire County Council – Highways

No objection

5.5 Cambridgeshire County Council Fire

No response has been received at the time of writing this report.

5.6 Wisbech Society

No objection – would like bigger flat as the smallest unit is not fit for permanent accommodation.

5.7 North Level District Internal Drainage Board

No comment

5.8 The Gardens Trust

No comment

Internal Consultees

5.9 FDC Conservation Officer

Objects to the loss of the commercial ground floor on the vitality of the conservation area. Also raises further concern that the number of small flats results in overdevelopment of the building, which in turn leads to a general low level of amenity for future occupants.

There was originally an objection to the various historic features, such as built-in cupboards and historic fireplace in the security room not being shown as retained on the proposed plans. However, this has since been overcome following the receipt of amended plans.

However, whilst some aspects of the original objection have been overcome, the Conservation Officer maintains an objection finding less than substantial harm to the character and appearance and historic significance of the building. Also notes overdevelopment, resulting in poor amenity.

5.10 FDC Private Sector Housing

No objection subject to conditions to ensure compliance in terms of fire safety.

5.11 FDC Environmental Health – Refuse

No objection subject to condition, securing additional details in terms of refuse collection.

5.12 FDC Environmental Protection

No objection subject to condition, securing working times due to close proximity of existing noise sensitive receptors.

Representations

5.13 Councillor David Oliver

Supports the planning application for the Hare and Hounds, an empty historic building on North Brink. They value the proposed restoration of the frontage with traditional wood-frame windows, as well as the inclusion of parking, bin, and cycle storage. They believe approval will restore the building's use and preserve North Brink's architectural character.

5.14 Local Residents/Interested Parties

Eleven letters of support have been received from parties at Osbourne Road, Church Terrace, Money Bank, Clarence Road, Henry Street, North Brink, Railway Road, Norwich Road, Ramnoth Road, Wisbech and these comments are summarised below:

Supporting Comment	**Officer Response**
Increase support to economy	Comments noted and discussed in the principle section of below report
Effective use of empty building	Comments noted and discussed in the principle section of below report
Other flats on the waterfront are really nice	Comments noted
Good housing mix	Comments noted and discussed in the principle section of below report
Addressing housing need	Comments noted and discussed in the principle section of below report
Better than a burnt out building like next door	Comments noted
Removes another empty building from	Comments noted and discussed in the

the waterfront	principle section of below report
Close to local amenities	Comments noted and discussed in the principle section of below report
Don't need anymore pubs	Comments noted and discussed in the principle section of below report

It should be noted that one of the letters included in the above is registered as written objection however, the comments state that they are overjoyed that it is not a public house and note that there have been notices appearing on lampposts regarding HMO's and therefore, in this context it was not considered to be an objection to the proposal.

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).

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.

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities in considering whether to grant listed building consent for any works 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.

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 6 – Building a strong, competitive economy
Chapter 7 – Ensuring the vitality of town centres
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 16 - Conserving and enhancing the historic environment

National Planning Practice Guidance (NPPG)
Determining a Planning Application

National Design Guide 2021
Context
Identity
Built Form

Public Spaces
Uses
Homes and Buildings

Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development
LP2 – Facilitating Health and Wellbeing of Fenland Residents
LP4 – Housing
LP5 – Meeting Housing Need
LP6 – Employment, Tourism, Community Facilities and Retail
LP8 – Wisbech
LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland
LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland
LP16 – Delivering and Protecting High Quality Environments across the District
LP17 – Community Safety
LP18 – The Historic Environment

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
LP12: Meeting Housing Needs
LP15: Employment
LP16: Town Centres
LP22: Parking Provision
LP23: Historic Environment
LP25: Biodiversity Net Gain
LP32: Flood and Water Management
LP35: Regeneration of Wisbech
LP36: Residential Site Allocations for Wisbech
LP37: Site allocations for non-residential development in Wisbech

8 KEY ISSUES

- **Principle of Development**
- **Loss of Employment**
- **Loss of Community Facility**
- **Living Conditions for Future Occupants**

9 BACKGROUND

9.1 Within the supporting loss of employment justification letter provided by Morton & Hall Consulting Limited, it is advised that the property was last used as a public house on 21st December 2023 with the Applicant purchasing the premises in November 2024. Further details advise that the first and second floor were last used as an HMO, but this use has since ceased.

9.2 Additional information was sought during the determination of the application, to evidence that the premises had been advertised appropriately, additional information was received via emails on 7th August 2025 and 8th August 2025, showing the premises to be listed on Zoopla since 29.07.2025 and providing additional details and alternative premises within the vicinity.

9..3 It is pertinent to note that the Applicant, Mr Rafique is a Town Councillor.

10 ASSESSMENT

Principle of Development

10.1 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.

10.2 The application site is located within the Primary Market Town of Wisbech whereby the majority of the District's new housing, employment growth and retail should be directed. This stance is supported by Policy LP8 of the Fenland Local Plan.

10.3 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 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.

10.4 Taking into account the above, it is considered that the principle of providing residential accommodation, in isolation, is acceptable, subject to other material considerations, as discussed below.

Housing Mix

10.5 Policy LP5, when read alongside the 2021 Housing Needs Assessment (HNA), identifies a clear imbalance in the District's housing. The policy encourages a greater provision of smaller, affordable units to meet identified local needs, while also recognising demand for three-bedroom homes in the market sector.

10.6 The HNA (2021) shows that in order to meet the identified needs of the District, market dwellings are expected to deliver a balanced range of unit sizes, with a particular emphasis on family housing. Specifically, 3-bedroom homes should comprise the largest share of the market provision while 1-bedroom units are to

remain limited (0–10%). The proposal will provide 6 smaller units and does not meet the identified needs of the District.

Loss of Employment

10.7 Policy LP6 seeks to ensure that existing commercial uses at ground floor level within the Town/District Centre boundary be retained for an appropriate commercial use unless evidence indicates why this type of use can no longer be justified. The preamble to this policy in paragraph 3.5.17 states that the Council is committed to strengthening the role of market towns and other service centres and increasing the viability and vitality of such centres. Paragraph 3.5.18 goes on to explain that the retail strategy seeks to enhance the High Street offer of both Wisbech and March as the principle comparison goods centres within the district. Lastly, paragraph 3.5.21 goes on to expand upon this further and details that the Council considers it essential that its town centres do not worsen further and that the existing offer is maintained and improved.

10.8 Within the applicant's supporting statement, prepared by Morton & Hall Consulting Ltd, it is asserted that no employment loss will occur as the public house has not operated since December 2023. This reasoning is not accepted. A non-operational period of approximately 20 months is not considered a significant length of time in planning terms. Furthermore, the limited marketing information provided is insufficient to demonstrate that there is no interest in retaining the existing use, or an alternative commercial/community/leisure use. As such, the evidence submitted does not adequately justify the loss of the employment use.

10.9 While it is acknowledged that other similar establishments exist within the vicinity, this is typical of a High Street location and does not in itself justify the loss. Supporting comments, including from the Town Council, suggest that another public house is not required and that unsuccessful attempts have been made to attract tenants. However, such statements are anecdotal and unsupported by verifiable evidence. Given that the established use of the site contributes to employment provision within a town centre setting, and having regard to the policy objectives, the proposal is considered contrary to Policy LP6 in the absence of a robust marketing exercise or provision of an appropriate replacement facility.

Loss of Community Facility

10.10 Paragraph 98 of the NPPF states that to deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should...guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.

10.11 Policy LP6 seeks to retain community facilities advising that proposals that would lead to the loss of community facilities (e.g. public houses, village shops, community halls, post offices) will only be permitted if:

1) it can be demonstrated that the retention of the facility is no longer financially viable, and an appropriate marketing exercise has been carried out, and it can be demonstrated that there is a lack of community need for the facility, or

2) an alternative facility is provided.

10.12 Similar to the above, no marketing exercise has been undertaken to adequately demonstrate that retention of the public house/community facility is no longer financially viable. No evidence has been provided to justify the loss, to demonstrate that the facility is no longer needed, or to confirm that an alternative use could not be accommodated on site. While other facilities exist nearby, this alone is insufficient to demonstrate lack of need.

10.13 In the absence of robust marketing evidence or provision of an alternative community facility, the proposal fails to meet the requirements of Policy LP6 and guidance contained within the NPPF.

Design and Impact on Character and Appearance of the Area

10.14 Policy LP16 of the Fenland Local Plan, sets out a number of criteria 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.

10.15 Further guidance is provided within the Delivering and Protecting High Quality Developments SPD.

10.16 The proposed change of use would alter the character of the site from its existing commercial/leisure function to residential use, which would inevitably introduce residential elements into the setting. Such changes, particularly at ground floor level, are likely to be more noticeable within the streetscape.

10.17 The retention and renovation of the building is in principle welcomed, provided that any works are carried out sensitively and in a manner that respects the historic fabric and the contribution the building makes to the Conservation Area.

10.18 With regard to the external alterations specifically, these are limited in scope and, when considered in isolation, are regarded as relatively modest interventions that would have a largely neutral effect on the character and appearance of the site and its surroundings.

Heritage Impacts

<u>Impact on Character and Appearance of the Conservation Area.</u>

10.19 The application site sits within the Wisbech Conservation Area and relates to a Grade II Listed Building. Policy LP16 of the Fenland Local Plan (2014) requires development proposals to deliver and protect high quality environments throughout the district. Proposals must demonstrate they make a positive contribution to the local distinctiveness and character of the area, enhancing their local setting and both responding to and improving the character of the local built environment whilst not adversely impacting on the street scene, settlement pattern or landscape character of the surrounding area. Policy LP18 addresses matters concerning the historic environment within Fenland.

10.20 Under the Planning (Listed Buildings and Conservation Areas) Act 1990 the Council has a legal duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

10.21 The impact upon the character of the conservation area would be assessed in terms of any physical changes to the building and their consequent impact on the appearance of the built and historic environment. In terms of external alterations, these are limited in scope and are not considered to result in any significant harm to the character or appearance of the building itself or the wider conservation area.

10.22 Taking the above into account, the proposal is considered to have a neutral impact on the character and appearance of the Conservation Area. Whilst the loss of the public house use is acknowledged, the building's visual contribution to the setting will remain intact, and the external changes proposed are relatively modest in nature. The proposal therefore preserves, rather than enhances, the Conservation Area, but does not result in demonstrable harm.

Historic Fabric

10.23 Under the Planning (Listed Buildings and Conservation Areas) Act 1990 the Council has a legal duty to have special regard to the desirability or preserving a Listed Building, or any of its features, when considering whether to grant Listed Building Consent. Furthermore, in deciding whether to grant planning permission which affects a Listed Building or its setting, the Council has a legal duty to have special regard to preserving a Listed Building or its setting.

10.24 Policies LP16 and LP18 of the Fenland Local Plan seek to protect and enhance heritage assets. Chapter 16 of the NPPF is also relevant.

10.25 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.

10.26 Paragraph 212 of the NPPF states 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 the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Furthermore, Paragraph 213 goes on to state that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

10.27 There is no objection in principle to the creation of a third flat within the less historic outbuilding/garage. The proposals for Flat 6 on the second floor, which involve the removal of largely modern partitions and the insertion of new stud partitions, are also supported. The removal of the modern fireplace within the living area of Flat 4 is acceptable, provided that the chimney breast is retained. At

third-floor level, the retention of the existing loft storage without its conversion to accommodation is appropriate. Externally, the removal of signage and the overdoor canopy to the front elevation is supported and should be secured by condition if consent is granted. The removal of the walling and gates along the rear boundary, which are not of historic value, is also supported.

10.28 Notwithstanding the above, concerns remain regarding the layout and amenity of certain units. Flat 1 on the ground floor was previously highlighted as severely compromised, with all rooms being inner spaces with no windows. An amendment has now been made, introducing a bedroom window facing the alleyway. This improves amenity to a degree, and this will be assessed further in the appropriate section below. The insertion of a window in this position would nevertheless be supported, subject to details of gauged brick lintels and cills consistent with the historic windows being secured by condition.

10.29 At first-floor level, Flat 4 would be created through the alteration of what are likely to be historic doorways and the insertion of a number of partitions, the loss of historic fabric is a concern. The historic cupboards and fireplace within the security room are important features that should remain, and these are now shown as being retained on the submitted plans.

10.30 The schedule of works refers to the need for extractor vents and similar installations; however, these are not shown on the submitted plans. Such elements can have a substantially detrimental impact on the character and appearance of the listed building and should be considered at this stage. No additional services should be permitted to exit through the principal front elevation.

10.31 Whilst certain aspects of the proposal are supported significant concerns remain, the extent of internal alteration, particularly on the first floor, would result in the loss of historic plan form and fabric.

10.32 On this basis, the proposals are not considered to conserve or enhance the significance of the Grade II listed building and are therefore contrary to section 16 of the NPPF and Policy LP18 of the Fenland Local Plan.

10.33 The extent of internal intervention, particularly at first-floor level, lacks sufficient justification and would adversely affect the building's plan form and surviving historic features and is therefore considered, contrary to the objectives of the NPPF and Policies LP16 and LP18 of the Fenland Local Plan and the proposal fails to meet the statutory requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Residential and Neighbouring Amenity

10.34. 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.

10.35. Furthermore, to provide an acceptable level of amenity for future occupants, the proposed flats must meet minimum floorspace requirements. These requirements are contained within the Nationally Described Space Standards (NDSS) Technical Housing Standards document. This document has not yet been

adopted by the Council, but it is considered to be a sound guide in providing advice in respect of acceptable levels of occupant amenity.

10.36. Given the minor alterations to the exterior of the building the proposal is not considered to represent an unneighbourly form of development in terms of overlooking, loss of light or having an overbearing impact.

10.37. In relation to Flats 2, 3, 4, 5 and 6, all habitable rooms are served by appropriately sized window openings, providing satisfactory levels of natural light and ventilation. As such, no concerns are raised with regard to sunlight or ventilation for future occupiers of these units.

10.38. However, the windows serving the bedrooms and living areas of Flats 2 and 3, located at ground floor level, face directly onto the enclosed parking area for the development. This arrangement would significantly compromise privacy for future occupiers of these units.

10.39. With respect to Flat 1, the unit relies on a single window facing onto the alleyway. Given the narrow outlook and close proximity of the neighbouring property, this window fails to provide adequate levels of natural light or outlook to its habitable room. As such, the living conditions for future occupiers of Flat 1 would be unacceptable. The proposal therefore fails to comply with Policies LP2 and LP16.

10.40. The NDSS sets out minimum internal floor area requirements as follows: a one-bedroom, one-person flat requires 37m² (if a shower room is provided) or 29m² (if a bathroom is provided); a one-bedroom, two-person flat requires 50m²; a two-bedroom, three-person flat requires 61m²; and a two-bedroom, four-person flat requires 70m². A schedule of the proposed flats and their associated floor areas is provided below:

Unit	GIA (m^2)	Number of bedrooms and persons	Shortfall (m^2)
1	45	1b, 2p	5
2	43	1b, 2p	7
3	54	2b, 4p	16
4	34	1b, 2p	16
5	35	1b, 2p	15
6	70	2b, 4p	0

10.41. As demonstrated, Flats 1–5 fall short of the NDSS minimum requirements. The minor shortfalls in Units 1 and 2 are unlikely to cause a materially harmful impact on residential amenity on their own. However, the more substantial shortfalls in Units 3–5, combined with the absence of sufficient natural light, privacy and outlook to flats 1, 2 and 3. result in a notable reduction in living standards for future occupants. Consequently, the proposed development, arguably represents the overdevelopment of the site and would create unacceptable living conditions, to the detriment of occupant amenity, contrary to Policies LP2 and LP16 of the Fenland Local Plan.

Parking, Access and Highway Safety

10.42. 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 the parking provision required which for one-bedroom properties is 1.25 spaces per unit. However, this does state that where a site has good public transport links, a reduction in car parking provision may be negotiated, and in special circumstances nil parking provision may be appropriate.

10.43. The proposal would utilise the existing access off Chapel Road and will retain six vehicular spaces and 6 cycle parking spaces, to the western boundary in front of the building. It should be noted that the FLP (2014) does not contain cycle parking standards. This would result in a minor shortfall in the parking provision required for the number of units/bedrooms provided (2 spaces). However, given the sustainable location of the proposal, this shortfall in car parking provision, is considered acceptable.

10.44. It is pertinent to note that there is currently an under-provision in parking for the established lawful use of the premises as a public house, Appendix A requires 1 space per 3m2 of floorspace, with just the ground floor area this would result in the need for a minimum of 30 spaces on site. Giving this appropriate weight, it is not considered the change of use would result in any additional pressures in respect of parking.

10.45. Whilst Policy LP15 of the Local Plan seeks to ensure that development provides car parking in line with adopted standards, it also places emphasis on supporting sustainable transport and ensuring safe, convenient access for all. The site is located within the built-up area of Wisbech, whereby access to local services and public transport is readily available, future occupants would not be reliant on private motor vehicles for access to everyday needs and facilities. Furthermore, there is a large offering of public car parks. It is considered that this sustainable location reduces the reliance on private car use and therefore, a shortfall in provision is acceptable in this instance.

10.46. Given the established use of the site and that the parking provision on site remains unchanged, the proposal would not result in the intensification of the use of the access point. Cambridgeshire County Council Highways have raised no objection to the proposal on these grounds. Therefore, taking into account the above, the proposal is considered acceptable in terms of in terms of parking, access and Highway Safety.

Private Amenity Space and Landscaping

10.47. Policy LP2 of the Fenland Local Plan seeks to promote high levels of residential amenity. Similarly, Policy LP16 seeks to ensure development proposals result in high quality environments most relevant:

(h) provides sufficient private amenity space, suitable to the type and amount of development proposed; for dwellings other than flats, as a guide and depending on the local character of the area, this means a minimum of a third of the plot curtilage should be set aside as private amenity space.

10.48. The proposed units would not benefit from any private or shared amenity space. There is no requirement for provision of amenity space to support the development as per Policy LP16(h, which does not provide any recommended garden standards or sizes. Furthermore, given the site location, in a sustainable area, and therefore there are opportunities for outdoor recreation within walking distance. Taking into account the above, it is considered that a lack of amenity space would be acceptable in this instance.

Flood Risk

10.49. 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. This is achieved by means of requiring development proposals to undertake a sequential test to determine if there is land available for development at a lower risk of flooding than the application site and only resorting to development in those higher flood risk areas if it can be demonstrated that there are no reasonably available sites at a lower risk of flooding. An exemption to the requirement for the sequential test is made however where the development proposed is a change of use (paragraph 176), such as in this situation.

10.50. Paragraph 033 of planning practice guidance (PPG) on Flood Risk and Coastal Change states that 'The Sequential Test does not need to be applied for applications for Change of Use (except for a change of use to a caravan, camping or chalet site, or to a mobile home or park home site)'. Paragraph 048 of the PPG states that 'A Change of Use may involve an increase in flood risk if the vulnerability classification of the development is changed. In such cases, the applicant will need to show in their flood risk assessment that future users of the development will not be placed in danger from flood hazards throughout its lifetime.'

10.51. The mitigation measures proposed in Section 5.2 of the accompanying flood risk assessment undertaken by Ellingham Consultancy are such that risks to future users are mitigated. It is recommended that the finished floor level of flat 3 is a minimum of 0.3m above the surrounding ground level and there is 0.3m of flood resilient construction above finished floor level. There are no specific mitigation measures for the other flats.

10.52. The developer should ensure that the eventual occupiers of the dwellings are sufficiently aware of the risk of flooding, and the standard of the existing defences. The Environment Agency operates a flood warning system for properties at risk of flooding to enable householders to protect life or take actions to manage the effect of flooding on property. Floodline Warnings Service is a national system run by the Environment Agency for broadcasting flooding warnings. The occupiers of the dwellings should register to receive flood warnings.

10.53. Taking into account the above, subject to a suitably worded condition to ensure the proposal is carried out in accordance with the mitigation measures as identified in the flood risk assessment, there are no objections to the proposal in terms of flood risk and the proposal would be in accordance with Local Plan Policy LP14 in this respect.

Biodiversity Net Gain (BNG)

10.54. 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.

10.55. There are statutory exemptions, transitional arrangements and requirements relating to irreplaceable habitat which mean that the biodiversity gain condition does not always apply. In this instance, one or more of the exemptions / transitional arrangements are considered to apply and a Biodiversity Gain Condition is not required to be approved before development is begun because the pre-development biodiversity value is too low to require statutory net gain.

Other Matters

Fire Safety

10.56. It is pertinent to note that Private Sector Housing whilst raising no objection to the proposal have raised concerns and advised install a fire detection system meeting BS5838-6:2019+A1:2020 and comply with fire door and escape window requirements, particularly as flats 1–5 have higher fire risks due to kitchen locations or open-plan layouts. Kitchens should ideally be farthest from escape routes. For flat 6, a fire door should separate the kitchen/living area from the hallway. Concerns are also raised over flat 1's bedroom, which lacks natural light and a secondary escape. A bedsit layout or a 30-minute fire-resistant window between bedroom and living room, plus an FD30S fire door, is recommended. Should the application be approved, conditions could be included to ensure these standards are met.

10.57. Cambridgeshire Fire and Rescue were subsequently consulted as part of this application and have, at the time of writing this report provided no response. Notwithstanding this lack of comment, should the application be approved, the development would be subject to building regulations which would ensure compliance with the required above mentioned fire safety measures.

Refuse

10.58. Limited information has been submitted in regard to the refuse and recycling collection, should the application be approved a condition securing additional details such as, the bin store must be large enough to hold food bins as well as green and blue bins by April 2026. Plans show a separate collection area, and residents must be informed of this. Further bin store details are required, including: ground-floor access with dropped kerbs, adequate size for independent bin movement, full lid clearance, at least 2m headroom if covered, 150mm spacing around bins, door-holding mechanisms, door widths at least 20cm wider than the largest bin, and keypad entry. Developers must notify new residents of storage and collection arrangements before move-in, and provide refuse and recycling bins as part of the development, will be required to be included.

10.59. Given the established lawful use of the site would have required refuse collection, it is not considered that this is of material concern in the assessment of this application.

Planning Balance

10.60. 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)

10.61. This stance is supported by Local Plan Policy LP1. In terms of the economic role, the proposal could provide some benefits, such as employment during the construction phase and increased use of local businesses and services by future residents. However, the development would result in the loss of an existing employment and community facility within the Town Centre. Insufficient evidence has been provided to demonstrate that this loss is acceptable in policy terms, which weighs substantially against the proposal.

10.62. Regarding the social role of sustainable development, this involves supporting strong, vibrant, and healthy communities by providing housing that meets the needs of present and future generations and creating a high-quality built environment with accessible local services. While the proposal would provide six new residential units, all are market dwellings, whereas the HNA 2021 identifies a higher need for three-bedroom market dwellings. Furthermore, the units would not meet minimum Nationally Described Space Standards, and Flats 1, 2 and 3 due to positioning of windows are considered to provide substandard living conditions. Combined with the loss of a community and employment facility, the proposal would not enhance the community's health, social, or cultural wellbeing and therefore weighs against the proposal.

10.63. In terms of the environmental role, the retention of a Heritage Asset within the Conservation Area is a positive consideration. However, the proposed works do not constitute a sensitive re-use of the building and would result in the removal of a significant amount of historic fabric from the Grade II Listed Building and is compounded by the overdevelopment and poor quality of the proposed residential units. Consequently, the environmental benefits are limited and do not outweigh the harm identified.

10.64. Overall, when considered against the three strands of sustainable development, the proposal offers limited economic and environmental benefits but significant social and heritage harms, primarily due to the substandard living conditions, loss of community and employment facilities, and harm to the historic fabric of the Listed Building. These factors weigh against the scheme and indicate that the proposal does not achieve sustainable development in accordance with the NPPF or relevant Local Plan policies.

11 CONCLUSIONS

11.1 The proposal would result in the loss of an existing community facility and employment use within the town centre, contrary to Local Plan Policies LP2 and which seek to support vibrant, healthy communities and sustainable economic activity. This loss would adversely affect local services, reduce opportunities for social and economic engagement, and fail to contribute positively to the social and economic objectives of sustainable development as set out in the NPPF. This impact weighs significantly against the scheme and reinforces its overall harm to the local community.

11.2 The proposed units also fail to meet minimum space standards, resulting in substandard accommodation that would harm future occupiers' amenity, contrary to Policies LP2 and LP16.

11.3 The proposed change of use and associated alterations would result in a loss of historic fabric, causing less than substantial harm to the significance of the Grade II Listed Building. No public benefits have been demonstrated that would outweigh this harm, contrary to the NPPF and Policies LP16 and LP18

12 RECOMMENDATION

F/YR25/0505/F

Refuse; for the following reasons:

1	In the absence of sufficient marketing evidence or provision of suitable replacement facilities, the proposal fails to justify the loss of an existing employment-generating use within a town centre location. Given the established use of the site and the policy emphasis on supporting retail and employment functions in high street settings, the development is contrary to Policy LP6 of the Adopted Fenland Local Plan (2014), which seeks to protect such uses unless robust justification is provided.
2	The application fails to provide adequate evidence to justify the loss of a community facility. Without a clear assessment of need, alternative provision, or a marketing exercise, the proposal is contrary to Policy LP6 of the Adopted Fenland Local Plan (2014), which seeks to retain facilities that contribute to the social and community infrastructure of the area.
3	The proposed residential units fall significantly below minimum internal space standards, with habitable rooms serving flats 1, 2 and 3 not benefitting from sufficient openings to allow natural light, outlook or privacy; resulting in a poor standard of accommodation that would harm the amenity of future occupants. The development is therefore contrary to Policies LP2 and LP16 of the Adopted Fenland Local Plan (2014), which seek to promote high-quality living environments and protect residential amenity.

F/YR25/0504/LB

Refuse; for the following reasons:

1	The proposed development would result in the loss and alteration of significant historic fabric within the Grade II Listed Building, including internal features. The introduction of additional flats, in particular Flats 4 and 5, would result in unsympathetic internal reconfigurations and unnecessary demolition of historic elements, causing less than substantial harm to the significance of the heritage asset. The proposal fails to provide clear and convincing justification for this harm as required by paragraph 213 of the National Planning Policy Framework (NPPF). Consequently, the scheme does not preserve or enhance the heritage asset or its setting, contrary to Policies LP16 and LP18 of the Fenland Local Plan, and Chapter 16 of the NPPF, which together require great weight to be given to the conservation of designated heritage assets.

F/YR25/0504/LB & F/YR25/0505/F

7/4/2025, 11:30:20 AM

1:2,500

0 115 230 460 ft

0 35 70 140 m

Fenland District Boundary

Fenland District Council

Uniform

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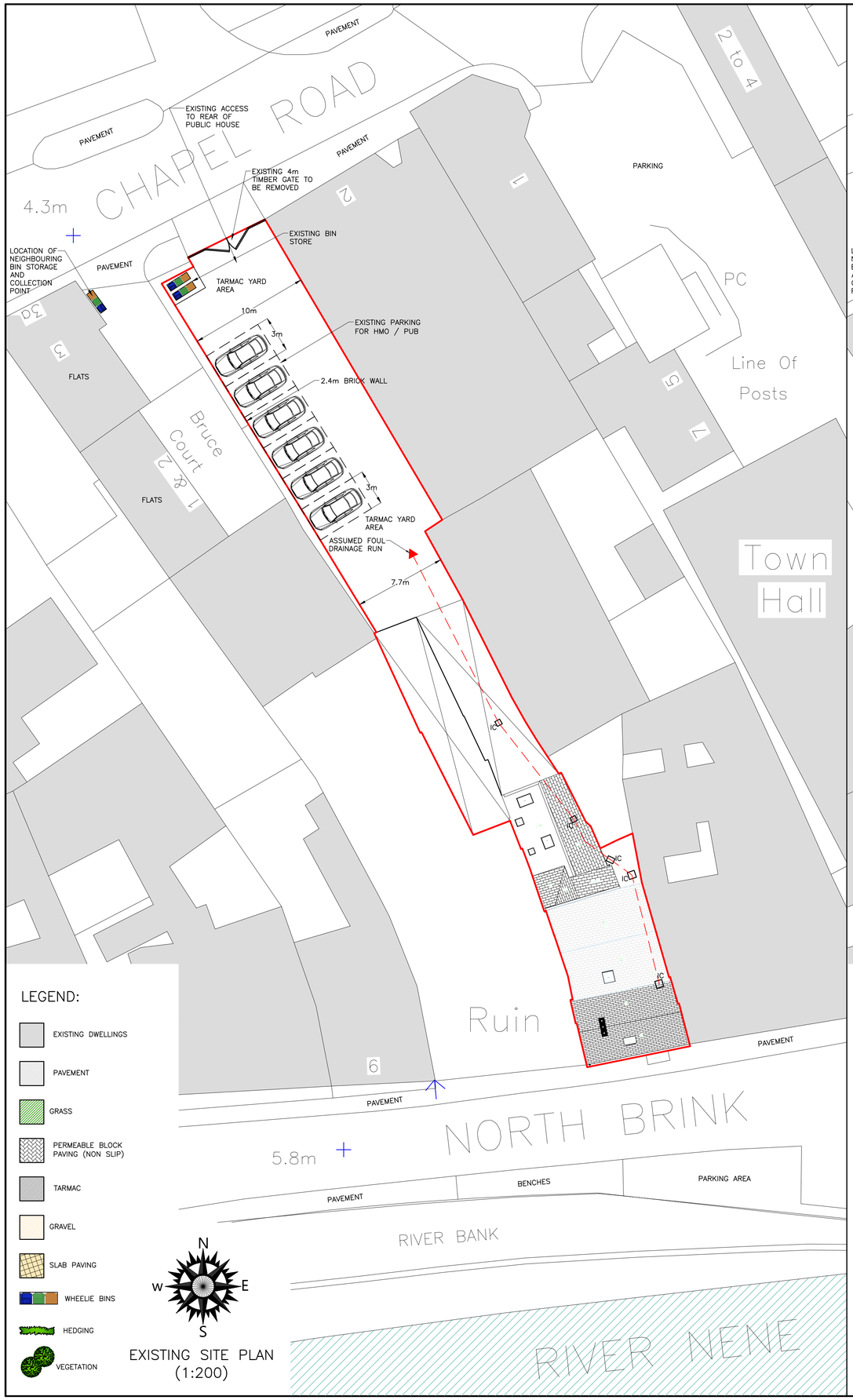
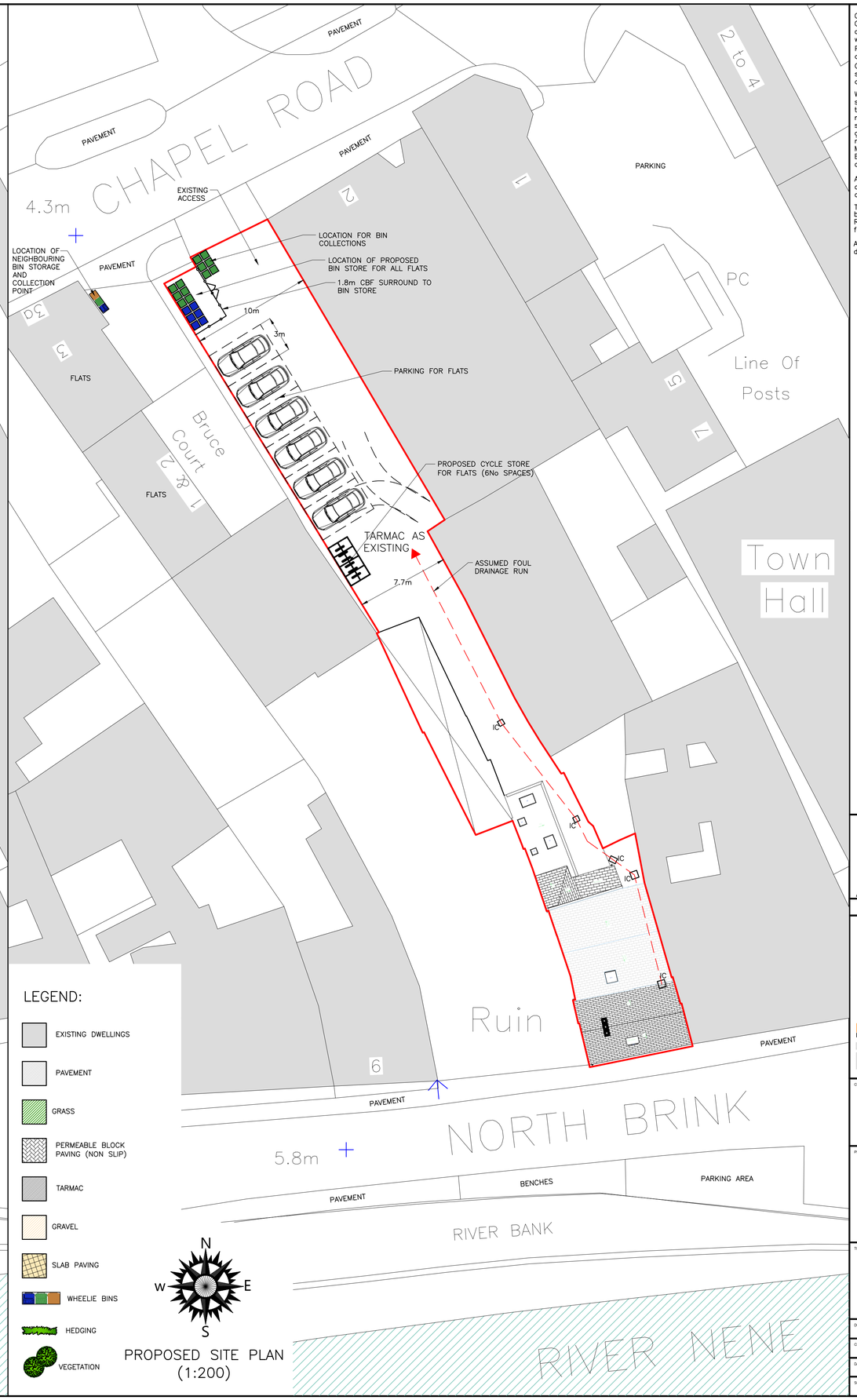


LEGEND:

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

N W E S

EXISTING SITE PLAN
(1:200)



LEGEND:

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

N W E S

PROPOSED SITE PLAN
(1:200)

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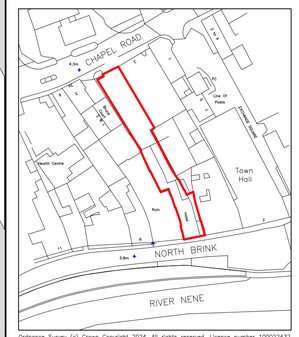
All finishes, insulation and damp-proofing to architect's details



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LOCATION PLAN
(1:250)

METERS
1:1250 0 10 20 30 40 50

N W E S

A	PLANNERS COMMENTS	JUN 2025
	REVISIONS	DATE

MORTON & HALL CONSULTING LIMITED
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LABC BUILDING EXCELLENCE AWARDS winner
Fenland District Council Building Design Awards Building Excellence in Fenland

CLIENT
Wisbech Home Property Ltd

PROJECT
Hare & Hounds,
North Brink, Wisbech,
Cambridgeshire,
PE13 1JR

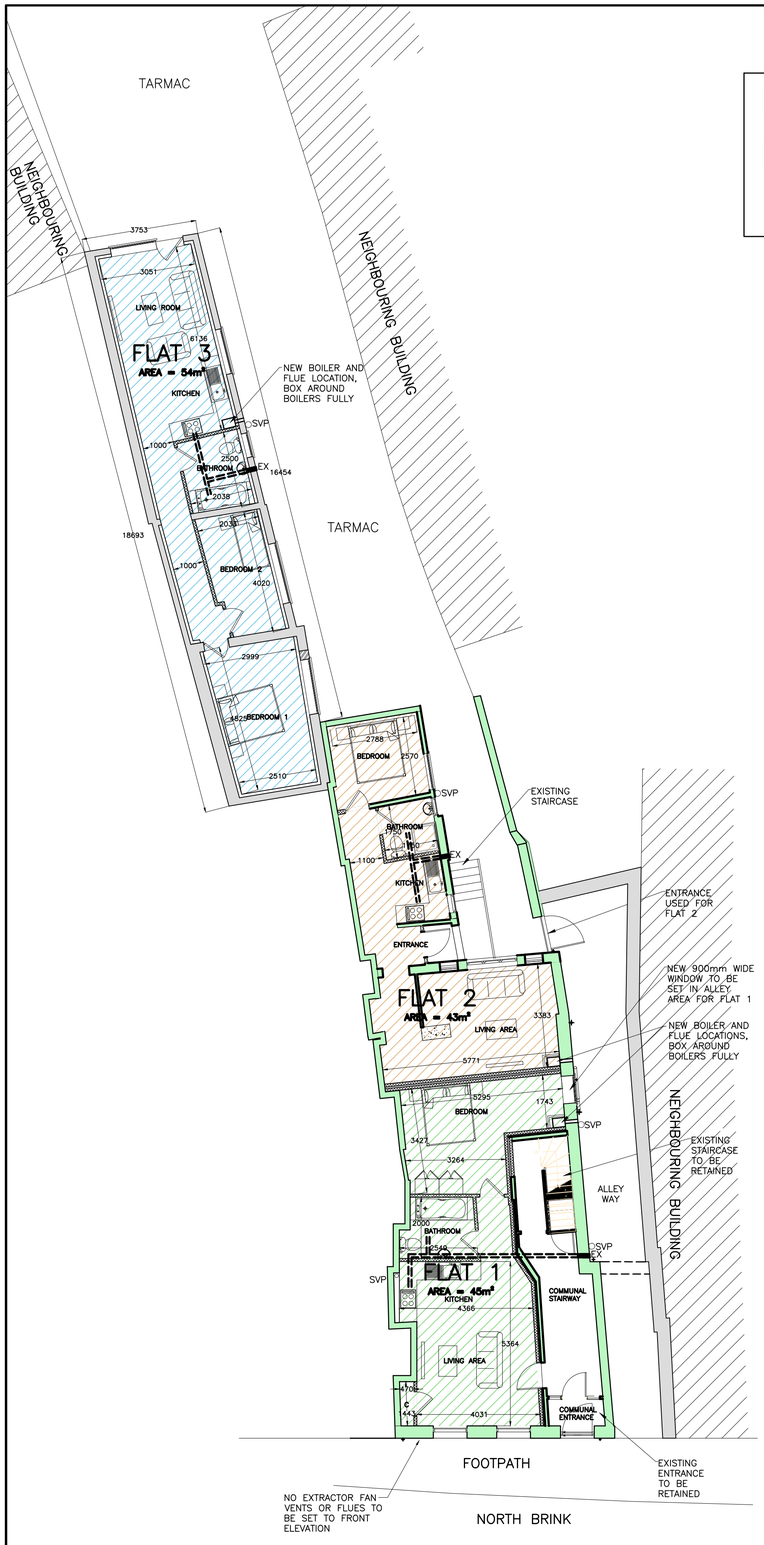
TITLE
Existing & Proposed
Site Plans

DRAWN	G.Boreham	DATE OF ISSUE	
CHECKED			
DATE	Feb 2025	DRAWING NUMBER	H10091/01 A
SCALE	As Shown		

BASEMENT AND THIRD FLOOR AREAS TO REMAIN AS EXISTING, NO CHANGES

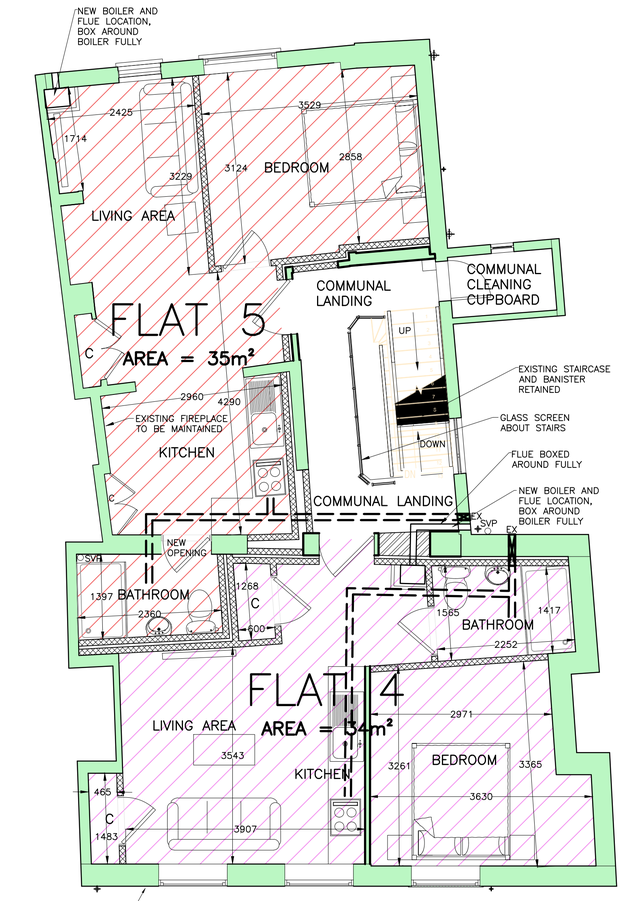
LEGEND :

- = FLAT ONE (1 BED FLAT)
- = FLAT TWO (1 BED FLAT)
- = FLAT THREE (2 BED FLAT)
- = FLAT FOUR (1 BED FLAT)
- = FLAT FIVE (1 BED FLAT)
- = FLAT SIX (2 BED FLAT)



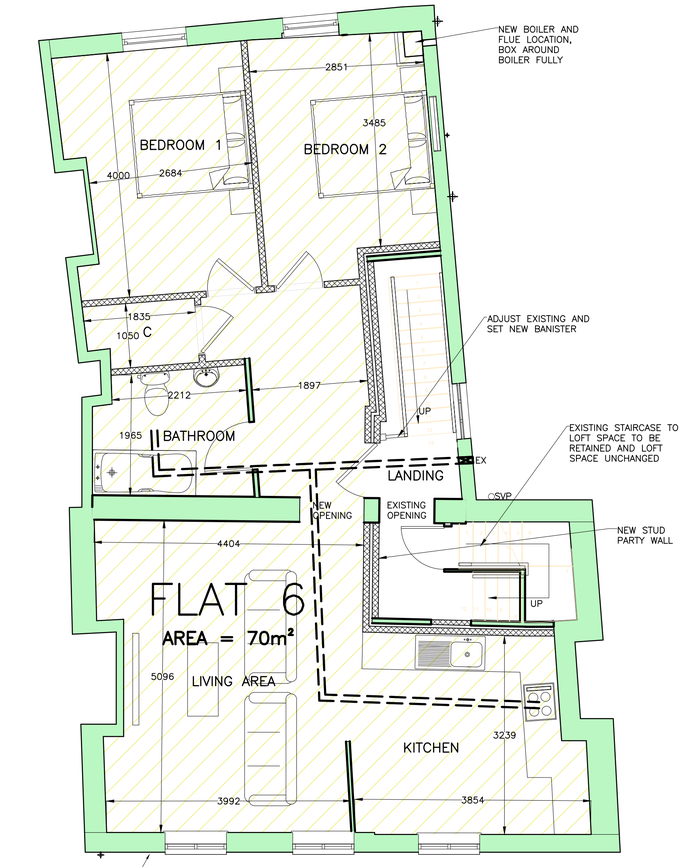
PROPOSED GROUND FLOOR PLAN
(1:100)

= EXISTING WALL TO BE RETAINED



PROPOSED FIRST FLOOR PLAN
(1:50)

= EXISTING WALL TO BE RETAINED



PROPOSED SECOND FLOOR PLAN
(1:50)

= EXISTING WALL TO BE RETAINED

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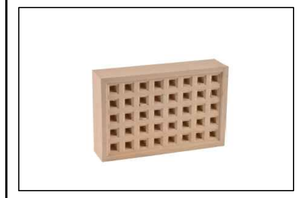

EXAMPLE OF CLAY AIR BRICK FOR EXTRACTOR FANS OUTLET (EX)

B	PLANNERS COMMENTS	SEP 2025
A	PLANNERS COMMENTS	JUN 2025
	REVISIONS	DATE

MORTON & HALL CONSULTING LIMITED
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LABC BUILDING EXCELLENCE AWARDS winner

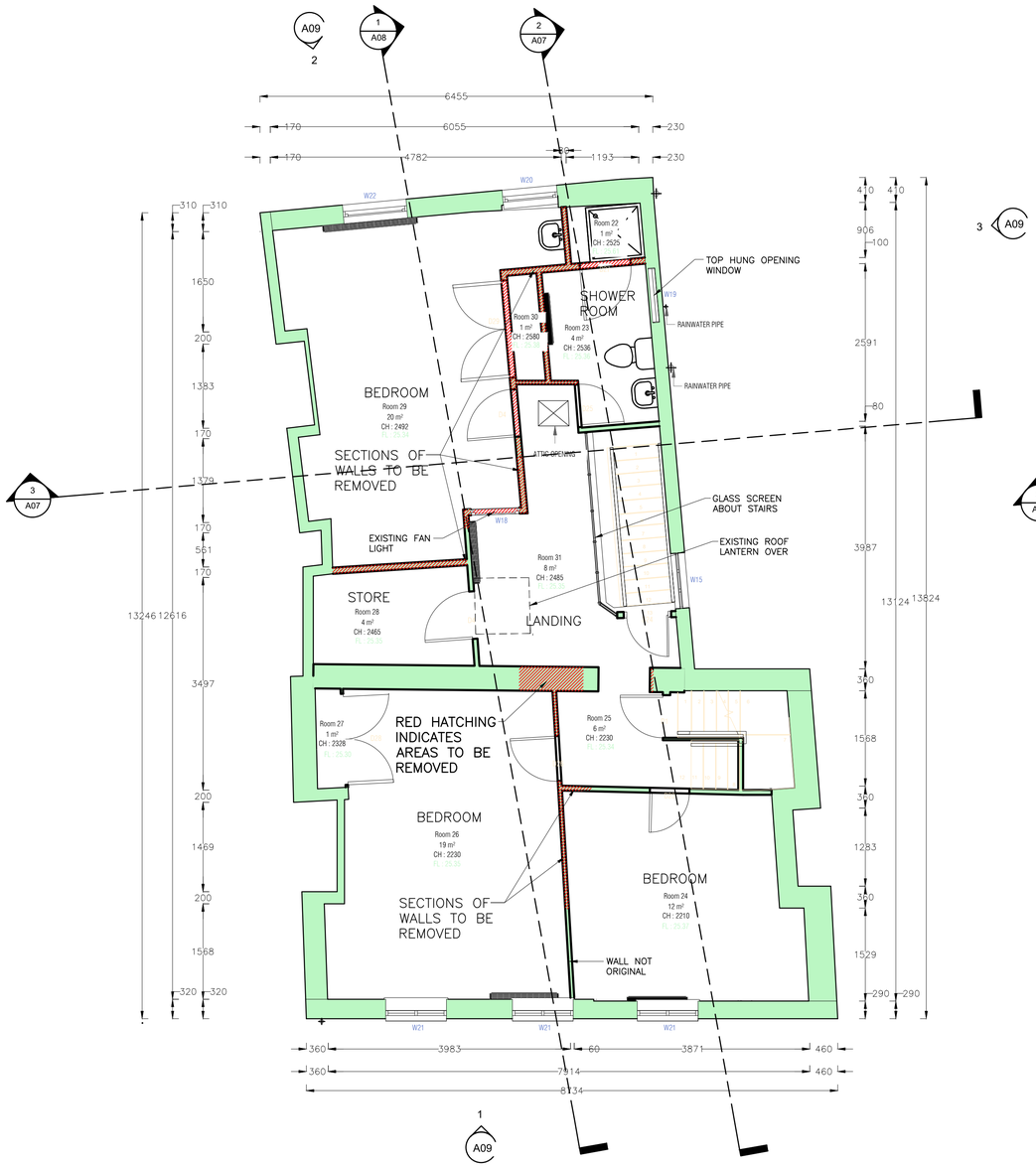
Fenland District Council Building Design Awards
Building Excellence in Fenland

CLIENT: Wisbech Home Property Ltd

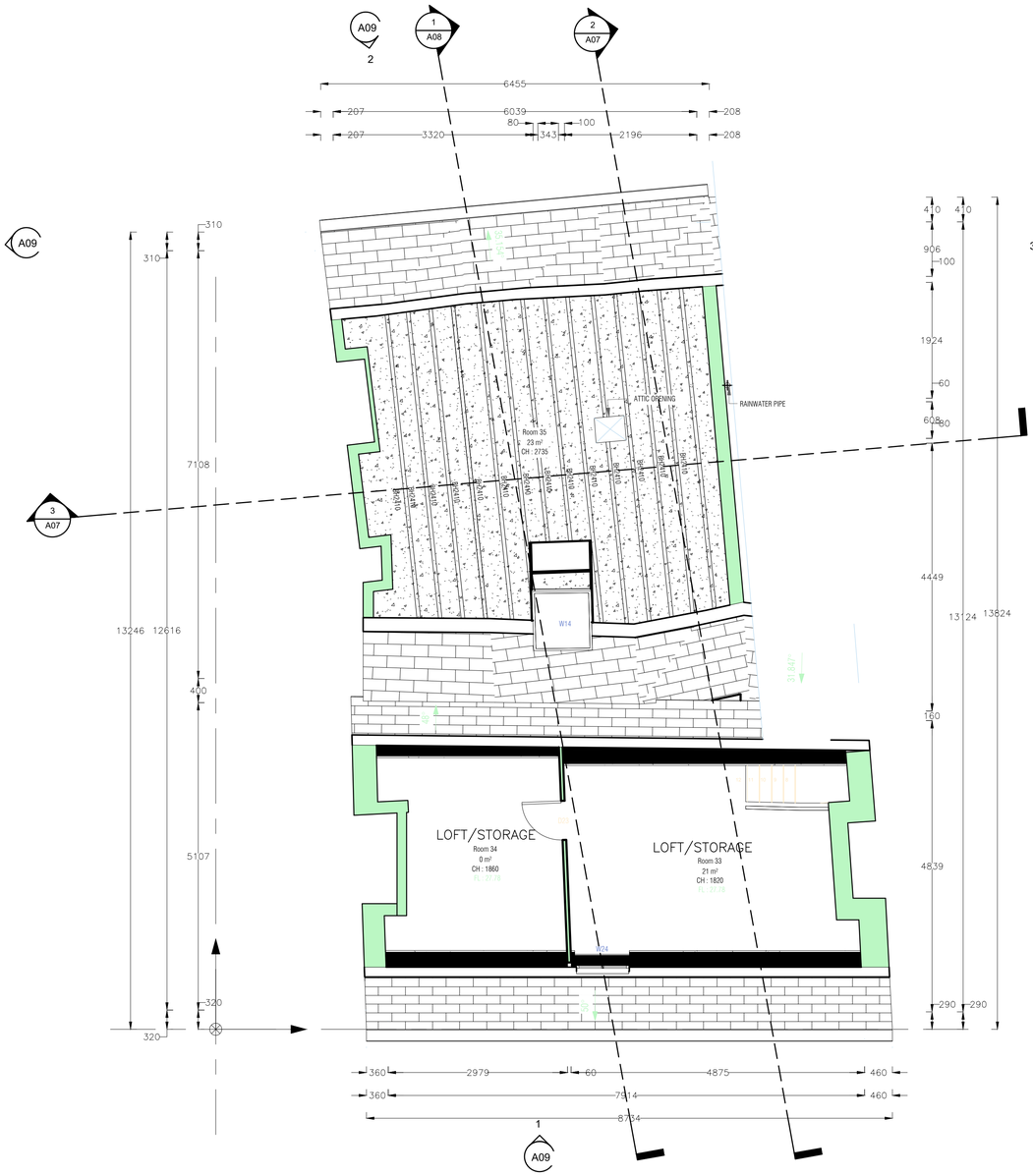
PROJECT: Hare & Hounds,
North Brink, Wisbech,
Cambridgeshire,
PE13 1JR

TITLE: Proposed Floor Plans

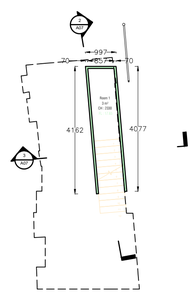
DRAWN	G.Boreham	DATE OF ISSUE	
CHECKED			
DATE	Feb 2025	DRAWING NUMBER	H10091/06B
SCALE	As Shown		



EXISTING SECOND FLOOR PLAN (1:50)



EXISTING THIRD FLOOR PLAN,
TO REMAIN UNCHANGED
(1:50)



EXISTING BASEMENT STAIRS PLAN
(NO CHANGES)
(1:100)

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SEE DRAWING H10091/04
FOR SECTIONS

	REVISIONS	DATE
A	THIRD FLOOR AMENDED	JULY 25

MORTON & HALL CONSULTING LIMITED
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LABC BUILDING EXCELLENCE AWARDS winner
Fenland District Council Building Design Awards
Building Excellence in Fenland

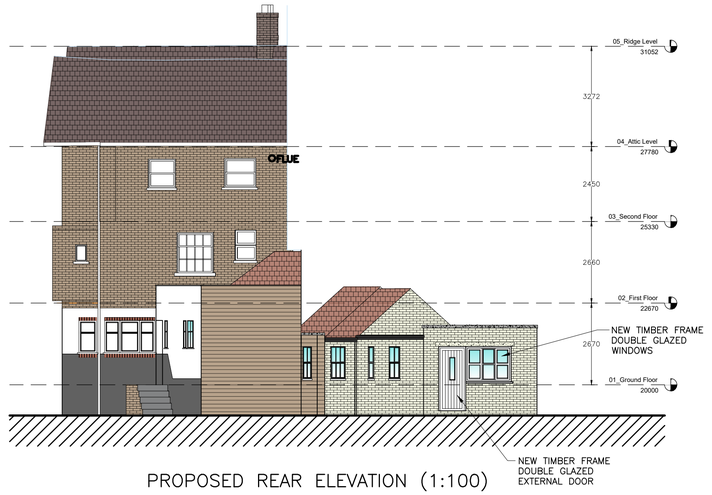
CLIENT
Wisbech Home Property Ltd

PROJECT
Hare & Hounds,
North Brink, Wisbech,
Cambridgeshire,
PE13 1JR

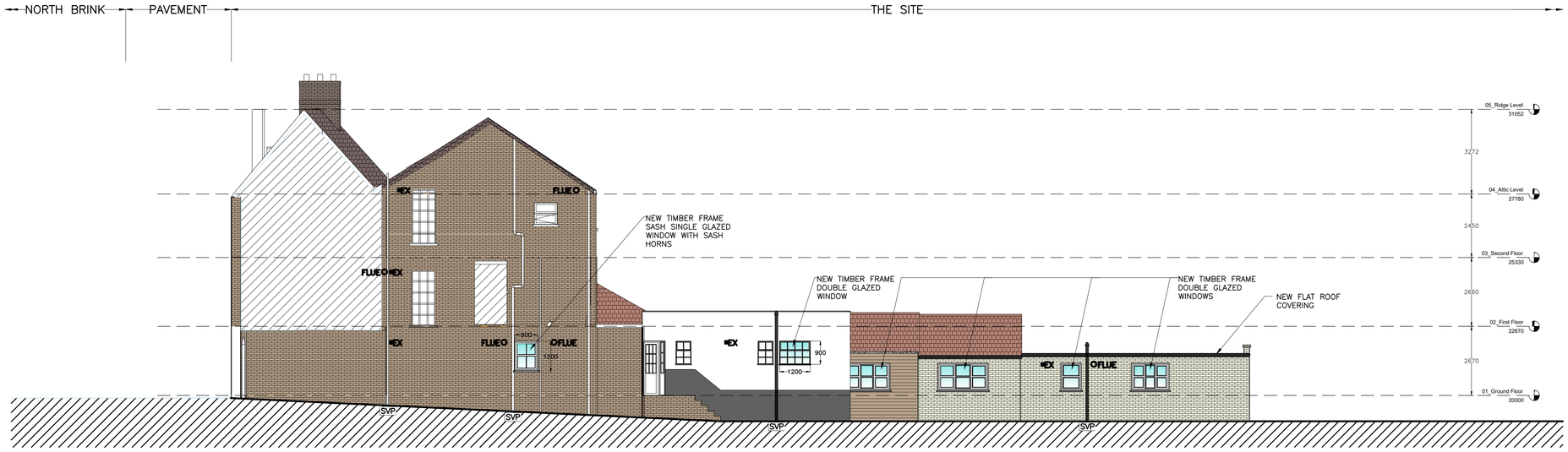
TITLE
Existing Second & Third Floor Plans

DRAWN: G.Boreham	DATE OF ISSUE:
CHECKED:	
DATE: Feb 2025	DRAWING NUMBER: H10091/03A
SCALE: As Shown	

PROPOSED FRONT ELEVATION
TO REMAIN UNCHANGED
(1:100)



PROPOSED REAR ELEVATION (1:100)



PROPOSED RHS ELEVATION (1:100)

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Please read, if in doubt ask. Change nothing without consulting the Engineers.

Contractor to check all dimensions on site before work starts or materials are ordered. If in doubt ask. All dimensions are in mm unless stated otherwise.

Where materials, products and workmanship are not fully specified they are to be of the standard appropriate to the works and suitable for the purpose stated in or reasonably to be inferred from the drawings and specification. All work to be in accordance with good building practice and BS 8000 to the extent that the recommendations define the quality of the finished work. Materials products and workmanship to comply with all British Standards and EOTA standards with, where appropriate, BS or EC marks.

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

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

All finishes, insulation and damp-proofing to architect's details

	REVISIONS	DATE
B	PLANNERS COMMENTS	SEP 2025
A	PLANNERS COMMENTS	JUN 2025

MORTON & HALL CONSULTING LIMITED
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Fenland District Council Building Design Awards
Building Excellence in Fenland
LABC BUILDING EXCELLENCE AWARDS winner

CLIENT
Wisbech Home Property Ltd

PROJECT
Hare & Hounds,
North Brink, Wisbech,
Cambridgeshire,
PE13 1JR

TITLE
Proposed Elevations

DRAWN: G.Boreham	DATE OF ISSUE:
CHECKED:	
DATE: Feb 2025	DRAWING NUMBER: H10091/07 B
SCALE: As Shown	

F/YR25/0594/O

Applicant: Mr S Ebrahim **Ebrahim Family Trust**	**Agent: Elaine Chiva** **Aspect Architectural Design**

Land North Of 450 To 454, March Road, Turves, Cambridgeshire

Erect 3 x dwellings involving the formation of accesses (outline application with all matters reserved)

Officer recommendation: Refuse

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

1 EXECUTIVE SUMMARY

1.1 This application seeks outline planning permission, with all matters reserved, for the construction of three dwellings on land north of March Road, Turves. The site lies within Flood Zone 3, beyond the established built form of the village, and forms part of open countryside.

1.2 An extant permission exists on the adjoining site for three dwellings, which carries weight in establishing the principle of development; however, the impacts of the current proposal must be considered independently.

1.3 The site is located in an “Elsewhere” location with very limited access to local services and facilities. Sustainable transport options are poor, which would result in future residents being heavily reliant on travel to nearby villages and towns.

1.4 The Sequential Test for flood risk has not been properly undertaken in accordance with the updated guidance (June 2025), and the Exception Test is only partially satisfied. As such, the proposal is contrary to national and local policy on flood risk.

1.5 Ecological information submitted is insufficient to determine the likely impacts on protected species, including great crested newts, reptiles, and badgers. While a Biodiversity Net Gain condition could secure habitat enhancement, the absence of species-specific survey data prevents a proper assessment of ecological impacts.

1.6 The development would extend the built form into open countryside, causing harm to the character and appearance of the area and creating a precedent for unsustainable piecemeal development.

1.7 On balance, the modest benefits of three dwellings are outweighed by environmental harm, flood risk, insufficient ecological information, and conflict with local and national planning policy. The application is therefore recommended for refusal.

2 SITE DESCRIPTION

2.1 The application site extends to approximately 3,870sqm and comprises a parcel of land situated to the north of March Road, close to its junction with Whittlesey Road. Existing residential development lies to the south, fronting March Road, and to the east along Whittlesey Road. To the north and west, the land remains open in character, with the Peterborough–March railway line also located immediately to the north. The entire site lies within Flood Zone 3.

3 PROPOSAL

3.1 Outline planning permission is sought, with all matters reserved, for the construction of three dwellings. Indicative plans have been submitted showing access taken from March Road together with an illustrative layout of the site. Whilst the precise details would be addressed at the reserved matters stage, the information provided is considered to give a reasonable indication of how the site could be developed

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

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

4 SITE PLANNING HISTORY

4.1 There is no relevant site history pertaining to the site as outlined in red. The below relates to sites within the vicinity:

Reference	Description	Decision
F/YR23/0362/O	Erect up to 3 x dwellings with associated accesses and infrastructure (outline application with all matters reserved)	Granted

5 CONSULTATIONS

5.1 Whittlesey Town Council

Object to the proposal and recommend refusal as contrary to LP3, LP12, LP16 (d). Observations as grounds of objection relate to Highways reservations, no comment from the LLFA and loss of natural habitat.

External Consultees

5.2 Cambridgeshire County Council – Highways

Comment: Safe access is uncertain due to the site's proximity to a sharp bend. The applicant must demonstrate adequate visibility splays and forward visibility in line with the 40mph limit (or adjusted to observed speeds).

5.3 Environment Agency

No objections: The main source of flooding is from watercourses under the IDB's jurisdiction. Under NPPF (para. 162), development should only occur if no

suitable lower-risk sites are available; the Local Planning Authority decides if the Sequential Test applies.

5.4 Natural England

No objection.

5.6 The Wildlife Trust

No comments received at the time of writing this report.

Internal Consultees

5.7 FDC Environmental Health

No objection. Recommends inclusion of a condition limiting working hours should the application be approved.

5.8 FDC Ecology

Objects due to insufficient information, as no dedicated surveys have been submitted for great crested newts, reptiles, and badgers. These legally protected species are a material consideration in determining the planning application.

5.9 Local Residents/Interested Parties

Seven letters of objection have been received from residents on March Road and School Road, Turves. These are summarised below:

Objecting Comments	**Officer Response**
Flood Risk – lack of sequential and exceptions test	Comments noted and discussed in the relevant section of the below report.
Impact on wildlife	Comments noted and discussed in the relevant section of the below report.
Impact on open character of the area	Comments noted and discussed in the relevant section of the below report.
Transport/infrastructure deficiencies	Comments noted and discussed in the relevant sections of the below report.
Ribbon development – undermining established settlement pattern	Comments noted and discussed in the relevant section of the below report.
Lack of meaningful engagement	Comments noted – from the LPA perspective, the statutory consultations and publication of the application have been undertaken in line with requirements.
Requests a number of conditions imposed if application is approved	Comments noted.
Concerns piecemeal development comes forward to avoid contribution amounts including transport, open space etc…	Comments noted. This could be dealt with should this application be approved and further schemes come forward by the same Applicant. In accordance with Local Plan Policy LP13.
Highway Safety	Comments noted and discussed in the

	relevant section of the below report.
Contrary to Local Plan Policy LP12 – Turves exceeding threshold in commitments and no clear local community support/engagement	Comments noted and discussed in the relevant section of the below report
Poor Connectivity	Comments noted and discussed in the relevant section of the below report.
Cumulative impacts – potential for 12+ dwellings along this stretch – highway impact during construction, character and appearance, amenity	Comments noted. This could be dealt with should this application be approved and further schemes come forward.
Lack of design/layout detail	Comments noted. However, the application is outline in nature with all matters reserved, should the application be approved, this is a matter for consideration under a subsequent reserved matters application.
Sets a precedent.	Comments noted and discussed in the relevant section of the below report.
Impact on outlook/Loss of View	Comments noted however, loss of a view this is not a material planning consideration in the determination of the application.
Light Pollution	Comments noted and discussed in the relevant section of the below report.
Property devaluation	Comments noted. However, this is not a material consideration in the determination of a planning application.

One letter commenting on the application has been received by a resident of Whittlesey Road, March. These are summarised below:

Comments	**Officer Response**
Need for supporting infrastructure	Comments noted and discussed in the relevant section of the below report.
A number of applications submitted for additional houses show an appetite for the village to grow – it isn't ready	Comments noted and discussed in the relevant section of the below report.
Several approved homes remain unbuilt	Comments noted and discussed in the relevant section of the below report.
Strain on local services	Comments noted and discussed in the relevant section of the below report.
Transport and connectivity	Comments noted and discussed in the relevant section of the below report.
Growth not yet sustainable	Comments noted and discussed in the relevant sections of the below report.
Turves lacks amenities and social space to support community growth	Comments noted and discussed in the relevant sections of the below report.
Development should only proceed if supported by appropriate infrastructure, services and community facilities.	Comments noted and discussed in the relevant section of the below report.

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 Whittlesey Neighbourhood Plan.

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 6 – Building a strong, competitive economy
Chapter 8 – Promoting healthy and safe communities
Chapter 9 – Promoting sustainable transport
Chapter 11 – Making effective use of land
Chapter 12 – Achieving well-designed places
Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
Chapter 15 – Conserving and enhancing the natural environment

National Planning Practice Guidance (NPPG)
Determining a Planning Application

National Design Guide 2021
Context
Identity
Built Form
Movement
Nature
Uses
Homes and Buildings
Resources

Fenland Local Plan 2014
LP1 – A Presumption in Favour of Sustainable Development
LP2 – Facilitating Health and Wellbeing of Fenland Residents
LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside
LP4 – Housing
LP5 – Meeting Housing Need
LP12 – Rural Areas Development Policy
LP13 – Supporting and Managing the Impact of a Growing District
LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland
LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland
LP16 – Delivering and Protecting High Quality Environments across the District
LP17 – Community Safety
LP19 – The Natural Environment

Whittlesey Neighbourhood Plan 2021-2040
Policy 1 – Spatial Planning
Policy 2 – Local Housing Need

Policy 7 – Design Quality

Delivering and Protecting High Quality Environments in Fenland SPD 2014
DM2 – Natural Features and Landscaping Schemes
DM3 – Making a Positive Contribution to Local Distinctiveness and character of the Area

Cambridgeshire Flood and Water SPD 2016

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
LP6: Renewable and Low Carbon Energy Infrastructure
LP7: Design
LP8: Amenity Provision
LP11: Community Safety
LP12: Meeting Housing Needs
LP18: Development in the Countryside
LP20: Accessibility and Transport
LP22: Parking Provision
LP24: Natural Environment
LP25: Biodiversity Net Gain
LP27: Trees and Planting
LP28: Landscape
LP29: Green Infrastructure
LP32: Flood and Water Management

8 KEY ISSUES

- **Principle of Development**
- **Design and Impact on Character and Appearance of the Area**
- **Residential Amenity**
- **Amenity Space**
- **Highways**
- **Flood Risk**
- **Ecology**
- **Biodiversity Net Gain**
- **Planning Balance**

9 BACKGROUND

9.1 The application site lies immediately to the west of the land subject to planning permission F/YR23/0362/O. The determination of that scheme represents a material consideration in the assessment of the current proposal. Application F/YR23/0362/O was considered by Planning Committee on 20 September 2023 following an officer recommendation of refusal on the grounds that the site was in

an “Elsewhere” location, would harm the character and appearance of the area, raised highway safety concerns, and failed to demonstrate compliance with flood risk policy.

9.2 Notwithstanding these concerns, members resolved to approve the application against officer recommendation. In reaching this decision, members concluded that the development would not adversely affect local character or appearance and could reasonably be regarded as part of the settlement of Turves. Whilst officers highlighted the lack of infill status and the absence of a sequential test for flood risk, members placed weight on the limited infill opportunities within the village and the identified need for additional development.

9.3 Concerns relating to biodiversity were considered capable of being addressed by condition, including the submission of a biodiversity report and enhancement measures. Similarly, highway matters, including visibility splays, were judged to be resolvable through the imposition of appropriate conditions.

9.4 Overall, members concluded that the policy conflicts identified were outweighed by local context and site-specific circumstances, and delegated authority was given to officers to issue permission subject to conditions.

9.5 Since the determination of application F/YR23/0362/O, local guidance regarding the application of the sequential test and the definition of appropriate search areas has been updated (June 2025). The relevance and impact of this will be addressed later in this report.

10 ASSESSMENT

Principle of Development

10.1. 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. This policy identifies Turves as a Small Village, where development will be considered on its merits but will normally be of a very limited nature and normally be limited in scale to residential infilling or a small business opportunity. This stance is supported within Policy 1 of the Whittlesey Neighbourhood Plan

10.2. Policy LP5 sets out the housing targets for the District and the Council has undertaken a full assessment of the Five Year Housing Land Suppl. In June 2025, Fenland District Council published a new Five Year Housing Land Supply report (for the five-year period between 1st April 2025 and 31st March 2030) which concludes that the Council can demonstrate a 6.6 years supply of housing land. As the Council can demonstrate a robust supply of housing land which is well in excess of five years supply, substantial weight is given to the Fenland Settlement Hierarchy as specified within the Local Plan.

10.3. In terms of Policy LP3, the site cannot reasonably be regarded as infill development. It extends into open, undeveloped land beyond the existing built form of the settlement to the north, and there is no established frontage development on the northern side of March Road that the proposal could be seen to fill. While it is acknowledged that residential units exist at the junction of March Road and Whittlesey Road, along with the extant approval referenced above, the application site nonetheless represents encroachment into undeveloped land and is therefore

considered contrary to the provisions of Local Plan Policy LP3 and the Whittlesey Neighbourhood Plan Policy 1.

10.4. The site lies approximately 500 metres (as the crow flies) from the centre of Turves. It is located around 3km from Coates, a Limited Growth Village, and approximately 5km and 7km respectively from March and Whittlesey, both categorised as Market Towns. Turves itself contains no facilities within its developed envelope, and as such, future occupants would be reliant on travelling to nearby villages and towns to access everyday services.

10.5. The nearest railway station is at Whittlesey, which is around a 10-minute drive, a 30-minute cycle, or a two-hour walk from the application site. The station provides services on the Ipswich–Cambridge–Peterborough line, typically operating every two hours until 21:31, and the Cambridge–Ely–Peterborough–Norwich line, which runs every 30 minutes to one hour during peak periods and bi-hourly outside peak hours until 21:31.

10.6. With regard to bus services, the nearest stops are located within the Market Towns, requiring a similar journey time as set out above. The village of Coates also benefits from a number of bus stops, served by the No. 33 route operating between Peterborough and March. This service runs every two hours, Monday to Saturday, from approximately 5am until 7pm. Taken together, these transport options mean that the site does not offer sustainable access, particularly in inclement weather. On this basis, the location is regarded as an Elsewhere site, and the proposal is contrary to the above-mentioned policies.

10.7. It is noted that Turves has already exceeded its threshold for development. However, an appeal decision received in respect of an application that was refused purely on this basis (F/YR14/0838/O) indicates that the threshold considerations and requirement for community support should not result in an otherwise acceptable scheme being refused and against this backdrop the absence of community support does not render the scheme unacceptable in planning terms.

10.8. However, as set out in Section 9 of this report, outline planning permission (with all matters reserved) has recently been granted on the adjoining site to the east for three dwellings. This permission remains extant and is afforded significant weight in establishing the principle of development at this location. Accordingly, and despite the policy concerns outlined above, it is considered that the principle of residential development on the current site is acceptable.

Design and Impact on Character and Appearance of the Area

10.9. Policy LP16 of the Fenland Local Plan, sets out a number of criteria 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.

10.10. Policy LP12 of the Local Plan supports development that does not harm the wide-open character of the countryside and provides further guidance as to the restriction of such development to ensure that is has an acceptable impact on the settlement and its character. The Policy requires development to meet certain criteria in order to be supported. The site must be in or adjacent to the existing developed footprint of the village, it must not result in coalescence with any neighbouring village and must not have an adverse impact on the character and appearance of the surrounding countryside and farmland. Similarly, the proposal must be in keeping with the core shape and form of the settlement, without resulting in the extension of linear features or create ribbon development, and must retain natural boundaries, respect ecological features, important spaces, etc. Finally, the proposal must be served by sustainable infrastructure and must not put people or property in danger from identified risks.

10.11. The above stance is supported by the Whittlesey Neighbourhood Plan Policy 7. Further guidance is provided within the Delivering and Protecting High Quality Developments SPD.

10.12. The application site comprises vacant land to the north of March Road, surrounded by open land to the north and west. The core shape and form of the settlement is defined by a row of dwellings on the south side of March Road and development on both sides of Whittlesey Road extending northwards from its junction with March Road. At present, there is no built out development on the north side of March Road east of the railway crossing, with the exception of No. 491, located at the junction with Whittlesey Road. That property is visually separated from the remainder of the northern side of March Road by a substantial line of screening vegetation.

10.13. The proposed development would conflict with the established core shape and built form along both March Road and Whittlesey Road. Expansion of the built form along the northern side of March Road would diminish the openness of the area, which is a defining characteristic of the local countryside. Aside from development on Whittlesey Road, there has been no encroachment into open land, and there are no gaps along the northern side of March Road that the proposal could reasonably be said to infill. Allowing development in this location would erode the character and appearance of the area and risk creating a precedent for further piecemeal encroachment into the countryside, in conflict with Policy LP12.

10.14. Given the outline nature of the application, assessment of design is necessarily limited. Consideration is confined to whether the quantum of development is appropriate for the site and whether the site is capable of accommodating such development in an acceptable manner.

10.15. The locality is generally characterised by modest detached dwellings which together form a coherent and consistent streetscape. However, development to the north side of March Road is limited, and introducing dwellings here would domesticate land that currently contributes to the rural setting.

10.16. The proposed scheme would see up to three detached dwellings sited on undeveloped land that currently provides a clear and natural edge to the settlement, marking the transition between the built form of Turves and the open countryside. Long views across the fen landscape are an intrinsic part of the area’s character and should be preserved. Although the railway line runs to the

north of the site, it does not provide a strong visual boundary; there are no fences or significant features that would obstruct open views across the agricultural landscape.

10.17. The indicative siting of the proposed dwellings aligns with the outline permission granted on the adjacent site to the east. This appears intended to ensure a degree of continuity with that proposal, creating a line of development on the north side of March Road akin to the established pattern on the south side.

10.18. Nevertheless, aside from the adjoining approval, there is no other development on the northern side of March Road. Introducing new dwellings here would impose a new and intrusive built form within otherwise open countryside. Whilst the three dwellings permitted to the east may be viewed as a continuation of the built form along Whittlesey Road, they arguably mark a logical end point for development before the landscape transitions into open fenland. Extending development beyond this point would represent an unwarranted encroachment.

10.19. It is acknowledged that the extant approval to the east carries significant weight in establishing the principle of development on this side of March Road. However, the impact on character and appearance must be considered independently of principle. Whilst one small-scale scheme may be absorbed without fundamentally altering the settlement's form, the cumulative effect of successive permissions risks eroding the open and rural character of the area. This proposal, when taken together with the adjoining scheme, would extend development further into open countryside and intensify its domestication, thereby compounding the harm to settlement character.

10.20. Accordingly, the proposed development would harm the character and appearance of the rural area by conflicting with the established settlement pattern and by setting a precedent for further expansion into the countryside. This would erode the rural character to the north of March Road and west of Whittlesey Road, contrary to the requirements of Policy LP12 and Policy LP16(d) of the Local Plan and Policy 7 of the Whittlesey Neighbourhood Plan.

Residential Amenity

10.21. 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.

10.22. The application site is bordered by a number of neighbouring properties to the southern side of March Road and by a potential additional neighbouring property to the east under the approved permission F/YR23/0362/O.

10.23. As this application is in outline form with all matters reserved, layout details are indicative only and amenity impacts will need to be fully considered at the reserved matters stage. Based on the indicative layout, it is unlikely that a dwelling in this location would give rise to significant harm to neighbouring occupiers by way of overlooking, loss of light, loss of privacy, or overbearing impact. Nevertheless, careful attention will need to be given to window positioning at the detailed design stage to protect the private amenity spaces of both the proposed dwellings and those approved under F/YR23/0362/O.

10.24. The proximity of the site to the existing railway line raises potential issues of noise and vibration. However, it is noted that dwellings have previously been approved closer to the railway (e.g. F/YR18/1133/F), where mitigation measures such as acoustic boundary treatments and sound insulation were secured by condition. As this application is for outline consent only, it is considered that any noise impacts could be appropriately mitigated at the reserved matters stage, if permission were to be granted.

10.25. It is noted that neighbouring representations have raised concerns regarding light pollution and its potential impact on residential amenity. Any issues relating to on-site lighting could be addressed through the use of a planning condition, should the application be approved. With regard to vehicular movements and associated lighting, as the proposal relates to only three dwellings, it is not considered that this would result in a material intensification, beyond that of the existing road between the sites, sufficient to justify refusal of the application.

Amenity Space

10.26. 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.

10.27. 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.

10.28. On the basis of the indicative layout, it is considered that sufficient private amenity space could be achieved in line with policy requirements. However, in view of the site's proximity to the railway, it will be important that noise mitigation measures are incorporated to ensure this space is of high quality and usable. These matters can be addressed in detail at the reserved matters stage

Highways

10.29. 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.

10.30. The indicative layout demonstrates that sufficient space exists to provide at least three off-street parking spaces per dwelling, which would either meet or exceed the requirements of Policy LP15 depending on the number of bedrooms provided.

10.31. The Local Highway Authority has advised that insufficient information has been submitted, with safe access remaining uncertain due to the site's proximity to a sharp bend. The applicant must demonstrate adequate visibility splays and forward visibility in line with the 40mph limit (or adjusted to observed speeds). These comments are noted; however, as all matters are reserved, it is not considered

reasonable to require this detail at this stage. Furthermore, if the application were not being refused for other reasons, the Agent/Applicant would be given the opportunity to provide the necessary evidence to satisfy this requirement, or adequate suitably worded conditions included to ensure the required visibility splays are achieved. This is a similar stance to that previously taken by the Council, under the determination of the scheme at the adjacent site (F/YR23/0362/O).

Flood Risk

10.32. 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. This is achieved by means of requiring development proposals to undertake a sequential test to determine if there is land available for development at a lower risk of flooding than the application site and only resorting to development in those higher flood risk areas if it can be demonstrated that there are no reasonably available sites at a lower risk of flooding.

10.33. The application site is situated within Flood Zone 3. A Flood Risk Assessment undertaken by Geoff Beel Consultancy dated July 2025 has been provided in support of this application. This document outlines that the sequential and exception test are met as the development if protected against both the 1 in 100 fluvial floods event and also the 1 in 200-year tidal flood event and therefore meets the requirements of the NPPF.

10.34. However, these conclusions are considered fundamentally flawed. The Planning Practice Guidance (PPG) is clear that a Sequential Test is required for all planning applications in areas at risk of flooding from any source, including land within Flood Zones 2 and 3. The core purpose of the Sequential Test is to steer new development to areas of lowest risk (Flood Zone 1), consistent with the risk-based approach set out in paragraph 173 and 175 of the NPP.

10.35. As the site lies within an area of identified flood risk, the Sequential Test is engaged. The fact that flood mitigation measures may be possible does not remove the need for the Sequential Test; such measures fall to be considered under the Exception Test. In the absence of a robust Sequential Test, the proposal fails to meet a fundamental requirement for residential development in high-risk flood areas and is contrary to Policy LP14 of the Fenland Local Plan, the NPPF, and associated PPG.

10.36. Updated guidance published on the Council's website (June 2025) clarifies the approach to the Sequential Test. It confirms that the applicant must define and justify an appropriate area of search, which will vary depending on the settlement type and scale of development:

- *For Market Towns and Growth Villages, the search area will normally be limited to land within or adjacent to the settlement.*
- ***For all other locations—including Small Villages, Limited Growth Villages, and Elsewhere locations—the search area will normally be districtwide**.(emphasis added)*

To pass the Sequential Test, applicants must demonstrate that no reasonably available sites exist within the defined area of search at lower risk of flooding.

10.37. Since the publication of the updated guidance outlined above, further revisions to the PPG have been introduced to provide additional clarification on the application of the Sequential Test. Notwithstanding this, given that the proposed development is of a scale exceeding that envisaged for the settlement under the adopted hierarchy, it remains appropriate for the area of search to be considered on a district-wide basis. This approach reflects both the strength of the district's overall housing supply and the need to maintain a balanced approach to delivering the adopted spatial strategy. The scheme will therefore be assessed on this basis.

10.38. Notwithstanding the above, it is acknowledged that a degree of flexibility may be justified in certain circumstances. Where proposals are specifically intended to address an identified local housing need, a more localised area of search may be appropriate, provided it is proportionate to the scale and purpose of the development. In the absence of robust evidence demonstrating that this application is required to meet a defined local housing need, it is not considered appropriate to apply a reduced search area in this instance

10.39. It is acknowledged that outline planning permission has previously been granted on the adjoining site for three dwellings, where members gave weight to the fact that the whole of Turves lies within Flood Zone 3 and therefore considered the Sequential Test passed. However, that decision pre-dated the publication of the updated guidance (June 2025), which represents a material consideration of significant weight.

10.40. Under the updated guidance, the appropriate area of search for development in a Small Village is districtwide. As there are clearly other available sites within Fenland at lower risk of flooding, the Sequential Test cannot be considered satisfied. The proposal is therefore contrary to the NPPF, PPG, and Policy LP14.

10.41. Notwithstanding the above, 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.

10.42. 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')

10.43. With respect to limb (a), the provision of three market dwellings carries negligible wider sustainability benefit, particularly given the Council can demonstrate a 6.6-year housing land supply. The proposal does not therefore deliver the necessary wider community sustainability benefits, and this element of the Exception Test is not satisfied.

10.44. With respect to limb (b), the FRA proposes finished floor levels 300mm above carriageway level, flood resilience measures up to 0.5m above floor level, and surface water disposal via soakaways. These measures could ensure the

dwellings are safe for their lifetime and would not increase flood risk elsewhere. Accordingly, limb (b) of the Exception Test is considered satisfied.

10.45. Nevertheless, as both elements of the Exception Test must be met, and the Sequential Test has not been passed, the application fails to comply with Policy LP14, the NPPF, and the PPG.

10.46. In conclusion, insufficient evidence has been submitted to demonstrate compliance with the Sequential Test, and the proposal fails part (a) of the Exception Test. Whilst the technical flood mitigation measures proposed may be acceptable, the lack of wider sustainability benefits and failure to steer development to areas of lower risk renders the application contrary to local and national flood risk policy.

10.47. Whilst it is acknowledged that the Environment Agency has raised no objection and has confirmed that the site is not at risk of flooding from fluvial or tidal sources, this does not override the need for a compliant and site-specific flood risk assessment including appropriate sequential test, particularly where a new vulnerable use is being introduced. The LPA must assess the acceptability of the proposal in line with the broader requirements of the NPPF and the Local Plan, beyond EA standing advice alone.

10.48. Based on the information submitted, insufficient information has been submitted to adequately satisfy the sequential test. Furthermore, the Applicant has failed to demonstrate any further public benefit of the proposal and has not satisfied part 1 of the exceptions test. The information submitted in respect of flood risk is not considered fit for purpose. Whilst it is noted that the Lead Local Flood Authority has raised no objection to the proposal, the LPA has a duty to undertake their own assessment in applying the sequential and exception test and it is deemed that the proposed benefits of the scheme do not overcome the identified harm. The proposal is therefore contrary to policy LP14 of the Local Plan and the guidance contained within the NPPF

Ecology

10.49. 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.

10.50. A preliminary ecological appraisal undertaken by Archer Ecology dated May 2025 accompanies this application. This report identifies that the following further surveys are required:

- eDNA testing of nearby waterbodies (Pond 1, 2 and Drain 1) - Amphibians (Great Crested Newts):
- Reptile surveys conducted seven times between March and October.
- Badger – pre-word inspection

10.51. Taking into account the above, the site and its immediate surroundings therefore have potential to support great crested newts, reptiles, and badgers. All of these species are afforded a high level of legal protection under the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2017 (as amended), and the Protection of Badgers Act 1992. Their potential presence is therefore a material consideration in the determination of this application.

10.52. While a preliminary assessment has been undertaken, no dedicated species-specific surveys have been provided. In the absence of this information, it is not possible to robustly assess the likely impacts of the development on protected species or to determine whether appropriate mitigation or compensation could be secured. The Council's Ecologist also raised objections to the scheme in this respect. The Agent subsequently sent an email on 5th September 2025 to rebut these comments setting out that the council has already approved adjacent development, and as this is an outline application, further ecological surveys can be secured by condition at reserved matters stage. While the site could theoretically support newts, reptiles, or badgers, no evidence of badger setts was found, and mitigation would be provided if protected species are identified.

10.53. Whilst the above comments are noted and recognised. The applicant's suggestion that ecological surveys can be deferred to reserved matters stage is not acceptable. As set out in paragraphs 10.47 and 10.48, the site and its surroundings have potential to support great crested newts, reptiles, and badgers, all of which are afforded strict legal protection under the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2017 (as amended), and the Protection of Badgers Act 1992. Their potential presence is therefore a material consideration in determining this application.

10.54. In the absence of species specific reporting and information, the Local Planning Authority cannot robustly assess the impacts of the proposal on protected species or establish whether suitable mitigation or compensation could be secured.

10.55. Accordingly, the LPA cannot lawfully grant planning permission until sufficient ecological information is provided to demonstrate that impacts on protected species can be properly assessed and mitigated.

10.56. The proposal is therefore contrary to Policies LP16 and LP19 of the Fenland Local Plan (2014), as well as the above legislation, which collectively require development to safeguard biodiversity and legally protected species.

Biodiversity Net Gain (BNG)

10.57. 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.

10.58. The accompanying Biodiversity Net Gain (BNG) assessment, contained within the Preliminary Ecological Appraisal, uses the statutory Biodiversity Metric calculation tool to estimate the pre-development value of the site. The assessment indicates that the site currently supports 11.33 biodiversity units (11.14 habitat units and 0.19 watercourse units). To achieve the required 10% gain, an additional 1.11 habitat units and 0.02 watercourse units would need to be created. This would result in a post-development value of at least 12.46 biodiversity units (12.25 habitat units and 0.21 watercourse units).

10.59. Limited information has been provided within this outline application regarding how the required 10% uplift would be delivered. However, should planning permission be granted, the standard pre-commencement condition relating to BNG would be imposed to ensure that the required gains are secured prior to the commencement of development. On this basis, no objections are raised in relation to BNG, subject to the imposition and discharge of the necessary condition, should the application be approved.

Planning Balance

10.60. In terms of sustainability the 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. This stance is supported by LP1 of the Fenland Local Development Plan.

10.61. In respect of the economic strand, the proposal seeks to provide three market dwellings. While any residential development generates some limited economic benefits through construction activity and the modest contribution of new households to local expenditure, the scale of the development is very small. Furthermore, given that the Council can demonstrate a robust Five-Year Housing Land Supply of 6.6 years, these limited economic benefits carry very little weight in the overall planning balance. The proposal does not contribute significantly to the delivery of infrastructure or economic growth in the district.

10.62. In terms of the social strand, the development would make a negligible contribution to housing supply, given it pertains to three market dwellings. The site is located in a Small Village with very limited local services and facilities, meaning future occupants would be heavily reliant on travel to nearby villages or Market Towns for everyday needs. Sustainable transport options are limited, and accessibility is constrained, particularly during inclement weather. While technical matters such as parking, amenity, and noise from the nearby railway could be addressed at reserved matters stage, the site's location in an "Elsewhere" area limits the social benefits of the scheme. Consequently, the social benefits are negligible.

10.63. Lastly, in terms of the environmental strand, **t**he proposal has significant environmental constraints. The site lies within Flood Zone 3, and the Sequential Test has not been properly undertaken in accordance with updated June 2025 guidance, with the Exception Test only partially satisfied. As such, the development is contrary to Policy LP14 and national flood risk guidance. The site is also beyond the established built form of Turves, encroaching into open countryside. This would harm the rural character and appearance of the area and set a precedent for further unsustainable piecemeal development, contrary to Policies LP12 and LP16(d).

10.64. Furthermore, from an ecological perspective, insufficient species-specific survey information has been submitted to assess potential impacts on protected species, including great crested newts, reptiles, and badgers, contrary to Policies LP16 and LP19 and relevant wildlife legislation. While a Biodiversity Net Gain condition could secure habitat enhancement, the absence of survey data prevents a proper assessment of likely impacts.

10.65. Taking into account the above, the proposal does not achieve the three dimensions of sustainable development. The negligible economic and social benefits of providing three market dwellings are clearly outweighed by the environmental harm, including the failure to meet national flood risk requirements, the encroachment into open countryside, and the lack of ecological information to safeguard protected species. Therefore, the development is not considered sustainable and is recommended for refusal.

11 CONCLUSIONS

11.1 Taking into account the above assessment, giving appropriate weight to the Council's previous decision it is considered that the principle of development is accepted. However, the site lies beyond the established built form of Turves and encroaches into open countryside, harming the rural character and creating a precedent for further piecemeal development, contrary to Policies LP12 and LP16(d) of the Local Plan and Policy 7 of the Whittlesey Neighbourhood Plan. In addition, the Sequential Test for flood risk has not been properly undertaken, and the proposal does not demonstrate wider sustainability benefits required under the Exception Test, contrary to Policy LP14 and the NPPF. Furthermore, insufficient ecological survey information has been submitted to assess potential impacts on protected species, including great crested newts, reptiles, and badgers, contrary to Policies LP16 and LP19 and relevant wildlife legislation. For these reasons, the application is recommended for refusal.

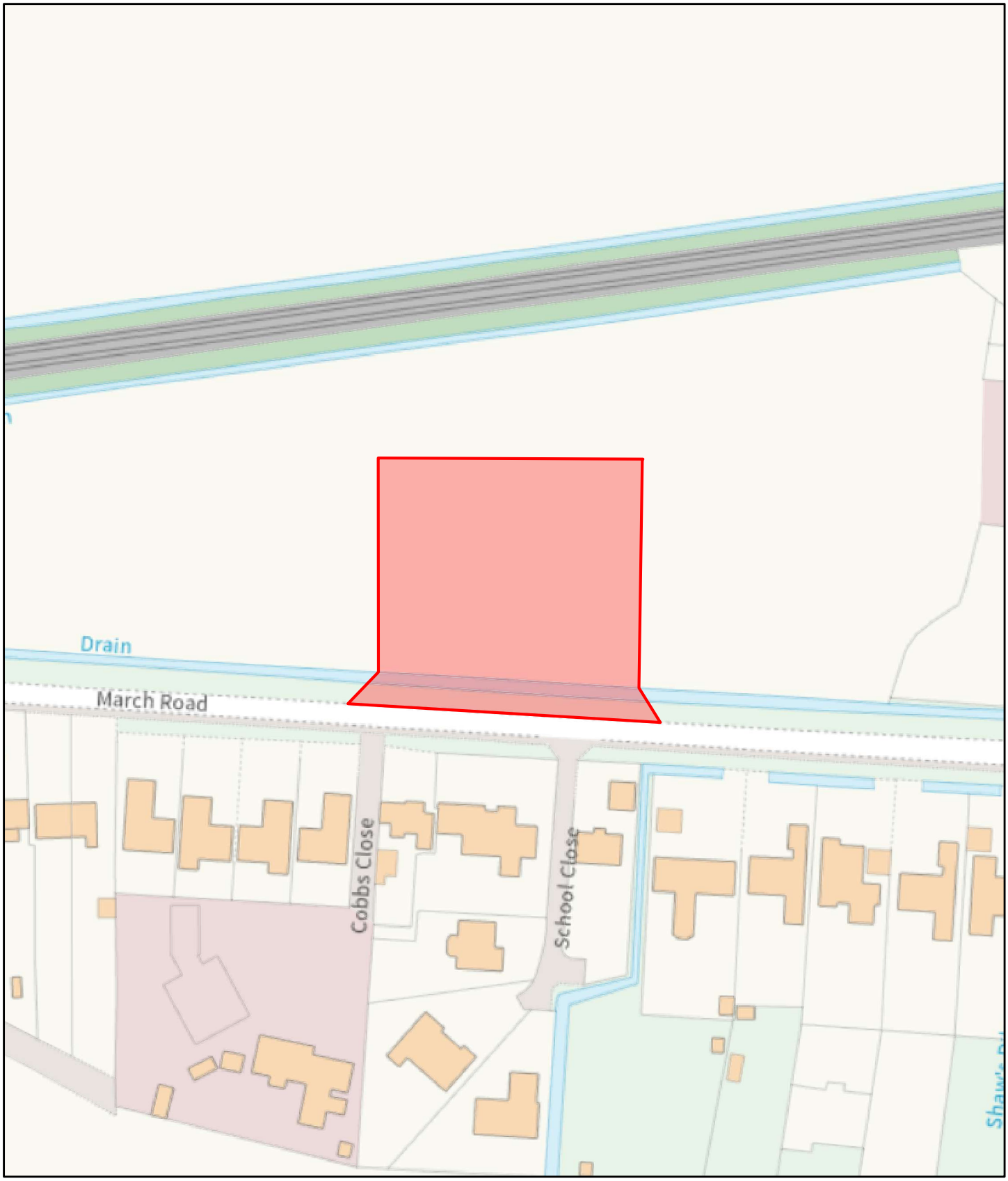
12 RECOMMENDATION

Refuse, for the following reasons:

1	The proposed development, by virtue of its siting on the northern side of March Road beyond the established built form of Turves, would result in the unwarranted encroachment of residential development into open countryside. The scheme would fail to respect the core shape and form of the settlement, would erode the openness and rural character of the area, and would create an undesirable precedent for further piecemeal expansion. Whilst the extant permission to the east is acknowledged, the cumulative effect of additional dwellings in this location would intensify the domestication of the landscape to the detriment of its character and appearance. The proposal is therefore contrary to Policies LP12 and LP16(d) of the Fenland Local Plan and Policy 7 of the Whittlesey Neighbourhood Plan.
2	The application site lies within Flood Zone 3, an area of high probability of flooding. In the absence of a robust Sequential Test, the applicant has failed to demonstrate that there are no reasonably available sites at lower risk of flooding within the appropriate area of search, as required by national and local policy. Furthermore, the proposal does not deliver wider community sustainability benefits sufficient to satisfy part (a) of the Exception Test. The development therefore fails to comply with Policy LP14 of the Fenland Local Plan (2014), the National Planning Policy Framework, and associated Planning Practice Guidance, which seek to steer new development to areas of lowest flood risk and ensure that where development is necessary in higher-risk areas, the tests of suitability are

	fully met.
3	Insufficient information has been submitted to demonstrate the likely impacts of the proposed development on protected species, including great crested newts, reptiles, and badgers. The application is not supported by the necessary species-specific surveys to assess the presence, abundance, or potential mitigation requirements for these species. As a result, the Local Planning Authority is unable to determine whether the proposal would comply with its statutory duties or safeguard biodiversity. The development is therefore contrary to Policies LP16 and LP19 of the Fenland Local Plan, the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2017 (as amended), and the Protection of Badgers Act 1992.

F/YR25/0594/O



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Fenland District Boundary

Fenland District Council

Uniform

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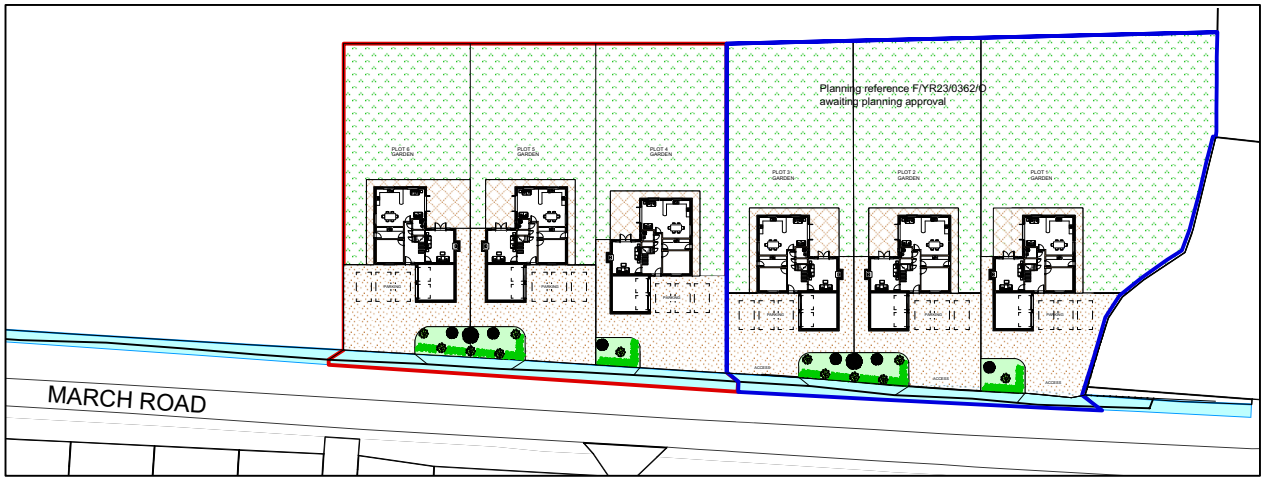

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Project	LAND WEST OF 491 MARCH ROAD, TURVES
Title	INDICATIVE PROPOSED BLOCK PLAN
Aspect Architectural Design	Architectural Designer
	29A Church Street Northborough Peterborough PE6 9BN Telephone 07907030647
Scale: 1:1250	Date: JULY 25
Job No:	286
Category: D	CISfb Element: (--)
Sequential No:	03
Revisions:	
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F/YR25/0089/F

Applicant: Mr M Venni

Agent: Mr J Scotcher
Morton & Hall Consulting Ltd

Land East of March Airfield, Cross Road, March, Cambridgeshire

Erect x 1 self-build/custom build dwelling in association with a new builder's yard (sui generis), including the erection of a shed, and 2.4m high palisade fence and gates, the siting of 6 x containers, and the formation of an access

Officer recommendation: Refuse

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

1 EXECUTIVE SUMMARY

1.1. The proposal seeks the erection of 1 x self-build dwelling in association with a new Builder's Yard (including change of use), with ancillary works proposed including the erection of a shed, 2.4m palisade fence and gates, the siting of 6 x containers and the formation of an access.

1.2. The proposal would result in the creation of an employment and residential use in an inappropriate location that is in conflict with the aims and objectives of Local Plan Policies LP3, LP6 and LP12, particularly as there is no identified justification or need for the development.

1.3. The development of the site for residential and employment purposes would result in an encroachment on the open countryside, to the detriment of the landscape character of the area, contrary to Policies LP12 and LP16 of the Fenland Local Plan.

1.4. The Highway Authority have highlighted that the highway network in this location would not be able to accommodate further intensification of use without mitigation, but have not objected to the application. Whilst this emphasises the inappropriateness of the location for this type of development, it is not considered that this would justify a reason for refusal in this instance. As such, the proposal is considered on balance to be acceptable in terms of its highway safety impact.

1.5. The proposal is located in an area of high flood risk and fails to adequately demonstrate that the Sequential or Exception Test are passed. The proposal is therefore contrary to Policy LP14 of the Fenland Local Plan and Section 14 of the NPPF.

1.6. The application provides insufficient information to demonstrate that the adjacent airfield to the west could continue to operate safely following the development, in the face of an objection from the Civil Aviation Authority. This would contrary to the NPPF and the Fenland Local Plan.

1.7. Finally, the application is not supported by an appropriate Unilateral Undertaking

to demonstrate that the development would be exempt from BNG as a 'self-build' development. Further, it is not supported by a BNG metric to demonstrate what the BNG requirements for the development would be.

1.8. The proposal is therefore considered to be unacceptable in planning terms and is accordingly recommended for refusal on this basis.

2 SITE DESCRIPTION

2.1. The application site is located on land off Cross Road, outside the built form of March. The site currently comprises an undeveloped, greenfield parcel of land in a rural area characterised largely by open countryside, with sporadic pockets of development throughout.

2.2. The site is located immediately opposite a parcel of land that operates as a small airfield that provides training for paramotors and land gliders.

2.3. The site is located to the east of the settlement of March and sits approximately 1.25km away from the built form of the settlement.

3 PROPOSAL

3.1. The proposal seeks the erection of 1 x self-build dwelling in association with a new builder's yard (including change of use), with ancillary works proposed including the erection of a shed, 2.4m palisade fence and gates, the siting of 6 x containers and the formation of an access.

3.2. The dwelling proposed is a 2-storey, 4-bed property with a palette of materials comprising buff brickwork and grey roof tiles. The proposed dwelling measures 9m in height to the ridge, 10m in depth and 11.5m in width.

3.3. A detached, double garage is proposed in the same palette of materials, measuring 7.8m in width, 7.7m in depth and 5.9m in height

3.4. The proposed containers are of corrugated metal construction and measure 6.075m in depth and 2.45m in width.

3.5. The proposed storage shed will measure 15.5m in width, 17.4m in depth and 7.07m in height to the ridge. It will be constructed using grey profile sheeting.

3.6. Full plans and associated documents for this application can be found at: https://www.publicaccess.fenland.gov.uk/publicaccess/

4 SITE PLANNING HISTORY

F/YR12/0554/AG1	Erection of an agricultural building for storage and to house calves	Further details not required 20.08.12
F/YR12/0534/AG1	Erection of an agricultural building to house pigs	Further details not required 20.08.12

5 CONSULTATIONS

5.1. Environment Agency – 14.02.2025

We have no objection to the proposed development on flood risk grounds.

5.2. Environmental Health – 14.02.2025

I can conclude that there are 'No Objections' to the proposal from an Environmental Health standpoint.

5.3. March Town Council – 18.02.2025

Recommendation; Approval

5.4. Civil Aviation Authority – 10.03.2025

As you may be aware, a general aviation site exists near the proposed development site. In order that flight safety be taken into account in any decision is that is made relating to the proposed scheme, I urge you to ensure a developed understanding of the nature of flying operations at March Airfield is established, ahead of any decision being made.

The operation at March Airfield is a known general aviation site for flight training and recreation of paramotors. Such aircraft can be susceptible to phenomena such as unwanted thermal energy at low height which can cause the wings to fold/collapse.

Such energy is known to radiate upward from surface-based infrastructure such as buildings, roofs, paved surfaces, metallic surfaces, glass surfaces and others. Indeed, there could be other safety-based concerns associated with the proximity of the proposal to the airfield.

I understand that the proposed development site is on an extended line from the grass area used by paramotor pilots for arrival and departure. This means that they currently overfly the proposed site where the phenomena could be created.

5.5. CCC Highways

07.05.25

Whilst the Local Highway Authority has reservations in respect of the proposed development in relation to this development on the basis of the information submitted, from the perspective of the Local Highway Authority, I consider the proposed development is acceptable.

08.09.2025

Whilst I have some reservations in regard to the capacity of this road and lack passing places. On balance I believe that this development, if approved would be acceptable to the LHA.

However, I would just reiterate that Cross Road is very narrow in places. Therefore, any further incremental development along this road would be detrimental to the function of the highway and would likely require highways mitigations works.

5.6. Local Residents/Interested Parties

19 comments received, 14 from various addresses in March, five from Begdale, Chatteris, Coldham, Wimblington and St Ives.

Supporting Comments	**Officer Response**
Commercial space in town centre is limited	See 'Principle of Development Section'
Approval of such proposals encouraged local businesses to stay in vicinity of March	See 'Principle of Development Section'
Proposal would provide economic growth	Any economic growth generated by the proposal would not outweigh the harm arising from the conflict with local policy due to the location of the site
Well-established local business	This is not a material planning consideration
On-site accommodation will provide security	Security is not generally considered to be a sufficient justification for a rural worker dwelling as there are other means of providing security on site
Would remove construction traffic from town centre, easing congestion	The site currently occupied by the applicant is likely to be replaced by an alternative business, therefore construction traffic is likely to remain in the other location
Provides jobs for local people	The business is existing and therefore the jobs have already been created
Applicant has lost current space for business	See 'Principle of Development' Section

16 objections received, two from within March, including the operator of the adjacent airfield, with the remainder form outside the district.

Objecting Comments	**Officer Response**
Minimum 500ft safeguarded separation between airfield and closest neighbour – building within these areas would	See 'Other Matters' Section

contravene air law	
Proposal will detriment an existing and established business (adjacent Airfield), which provides economic benefit to Fenland	See 'Other Matters' Section
Owner of airfield has maintained "no fly zones" to help with neighbour relations	See 'Other Matters' Section
Danger to users of the airfield through the introduction of structures and fencing on current flight paths, causing turbulent air	See 'Other Matters' Section
Introduction of construction vehicles using a single-track road is not appropriate	See 'Parking Provision and Highway Safety' Section
Negative impact to walkers and cyclists that currently use road as there is no footpath	See 'Parking Provision and Highway Safety' Section

6 STATUTORY DUTY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014) the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021) and the March Neighbourhood Plan (2017).

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 6 – Building a strong, competitive economy
Chapter 8 – Promoting healthy and safe communities
Chapter 9 – Promoting sustainable transport
Chapter 11 – Making effective use of land
Chapter 12 – Achieving well-designed places
Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
Chapter 15 – Conserving and enhancing the natural environment

National Planning Practice Guidance (NPPG)
Determining a Planning Application

National Design Guide 2021
Context
Identity
Built Form
Movement
Nature
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
LP12 – Rural Areas Development Policy
LP13 – Supporting and Managing the Impact of a Growing District
LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland
LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland
LP16 – Delivering and Protecting High Quality Environments across the District
LP19 – The Natural Environment

March Neighbourhood Plan 2017

H3 – Local Housing Need

Delivering and Protecting High Quality Environments in Fenland SPD 2014

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

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
LP3: Spatial Strategy for Employment Development
LP4: Securing Fenland's Future
LP5: Health and Wellbeing
LP6: Renewable and Low Carbon Energy Infrastructure
LP7: Design
LP8: Amenity Provision
LP11: Community Safety
LP12: Meeting Housing Needs
LP13: Custom and Self Build
LP15: Employment
LP18: Development in the Countryside
LP20: Accessibility and Transport
LP22: Parking Provision
LP24: Natural Environment
LP25: Biodiversity Net Gain
LP27: Trees and Planting
LP28: Landscape
LP32: Flood and Water Management

8 KEY ISSUES

- **Principle of Development**
- **Character and appearance**
- **Amenity Impact**
- **Parking Provision and Highway Safety**
- **Flood Risk and Drainage**
- **Biodiversity Impact**
- **Biodiversity Net Gain (BNG)**

9 BACKGROUND

9.1. The application site lies opposite to March Airfield, which was approved under application F/YR12/0024/F, with a further approval granted under F/YR15/0100/F.

9.2. These permissions allowed the use of the land as an air sports activity centre under Use Class D2. Subsequently, further development has taken place on the site to provide additional storage buildings and a residential dwelling for the owner of the business that is tied to the use.

9.3. The use of the land relates to training and instruction for the use of paramotors and operates within aviation law to ensure a minimum 500ft safeguarding zone from neighbouring properties, both to avoid detrimental amenity impacts on neighbouring properties and to ensure the safety of users of the facility.

10 ASSESSMENT

Principle of Development

10.1. The proposal is split into two distinct elements. The first element seeks the change of use of land to a builder's yard within the Sui Generis Use Class. Works ancillary to this use are proposed, including the erection of a shed, 2.4m boundary fence and siting of 6 containers.

10.2. The second element of the proposal is the erection of a self-build dwelling to be occupied in association with the proposed builder's yard business.

10.3. The applicant is seeking to relocate his existing business due to the loss of his existing premises at Elm Road, March (approximately 1.5 miles from the site).

Change of use to Builder's Yard

10.4. The site is located on Cross Drove, to the west of the A141. While March is identified as a 'Market Town' in Policy LP3 of the Fenland Local Plan (2014), the nature of the site and surrounding area being rural and generally undeveloped means it is within the open countryside and would therefore be classed as an 'Elsewhere' Location for the purposes of Policy LP3.

10.5. Policy LP3 seeks to direct development in the district to higher tier settlements that are more sustainable. In respect of 'Elsewhere' locations, it states that development *"will be restricted to that which is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services"*.

10.6. This is further reinforced by Policy LP6, which deals with Employment development in the district, with the majority of the districts employment growth to be directed to the market towns of Wisbech, March and Chatteris.

10.7. As the proposal includes the change of use of land for use as a Builder's Yard, this is not essential for the effective operation of local agriculture, or any of the other exceptions detailed in Policy LP3. Further, with the location being identified as 'Elsewhere', it is the least sustainable location as set out in the settlement hierarchy. Based on the principles set out in Policies LP3 and LP6, the proposal is in conflict with the aims and objectives of these policies for promoting sustainable development.

10.8. A search of the Rightmove website identifies a total of 1no. properties/sites that are available to rent on Foundry Way in March that may be capable of accommodating the development in an identified and established location for employment. No assessment has been provided by the applicant to justify why this, or any other alternative site, is not suitable to accommodate the business in a preferable location.

10.9. Policy LP12 provides a driver for development in rural areas. Part A of this policy states that "*development will be supported where it contributes to the sustainability of that settlement and does not harm the wide-open character of the countryside*". However, it then goes on to state that proposals will need to satisfy the application policies of this document "*including any settlement hierarchy set out in Policy LP3*".

10.10. As concluded in paragraph 10.7, the proposal is in conflict with Policy LP3 as it does not accord with the prescribed settlement hierarchy for the district, and therefore it is not possible to comply with Policy LP12. It is therefore considered that the element of the proposal pursuant to a change of use to a Builder's Yard is unacceptable in principle.

Erection of Self-Build Dwelling

10.11. This element of the proposal seeks the erection of a two-storey, 4-bedroom property to be occupied in association with the applicant's business. As has already been established, the proposal is located in an 'Elsewhere' location and therefore is required to be demonstrably essential for the effective operation of local agriculture etc.

10.12. The applicant has provided no justification as to the need for the dwelling in relation to the operation of the business, with no explanation provided as to the applicants current living arrangements in relation to the location of the business.

10.13. Policy LP5 of the Local Plan also seeks to ensure that housing solutions are provided which meet market expectations, this includes self-build homes. Under Section 1 of the Self-Build and Custom Housebuilding Act 2015, Local Authorities are required to keep a register of those seeking to acquire serviced plots in the area for their own self-build and custom house building. They are also subject to duties under Sections 2 and 2A of the Act to have regard to this and to give suitable development permissions to meet the identified demand.

10.14. As set out in the Regulations, Part 1 of a register comprises those people and organisations who meet all eligibility criteria, including the local connection test. Part 2 comprises those people and organisations who meet most, but not necessarily all, the eligibility criteria. The Council has a duty to 'give suitable development permission in respect of enough serviced plots of land to meet the

demand for self-build and custom housebuilding in the authority's area' (i.e. to meet the demand for the number of applicants on Part 1 of their register) within a 3-year period, post the end of the base period.

10.15. The permissions granted demonstrate that demand for Self-Build and Custom Housebuilding (as identified by the register) is comfortably being met in Fenland. Therefore, no weight will be given to the delivery of Self—Build and Custom Housebuilding at this time.

10.16. Given the absence of information to support this element of the proposal and the above assessment determining that the principle of the change of use is unacceptable, it is considered that the principle of erecting a dwelling in this location is in conflict with Policies LP3 and LP12 and is therefore unacceptable.

Summary

10.17. It is considered that the proposal to change the use of land from agricultural to a builder's yard, associated works, and the erection of a dwelling to be occupied in conjunction with this business is unacceptable in principle, contrary to Policies LP3 and LP12 of the Fenland Local Plan (2014) as there is no essential need for the development to be in this location.

Character and appearance

10.18. The location of the development is on a parcel of undeveloped agricultural land that is greenfield in nature. On the basis that it is not considered to constitute a rural workers development, as per the 'Principle' section above, the proposal should be assessed against Policy LP3, LP12 and LP16.

10.19. The site is in an elsewhere location where development will be restricted to that which is demonstrably essential to the effective operation of local agriculture etc. and therefore the proposal is considered contrary to Policy LP3 of the Fenland Local Plan (2014).

10.20. The dwelling proposed is a 2-storey, 4-bed property with a palette of materials comprising buff brickwork and grey roof tiles. The proposed dwelling measures 9m in height to the ridge, 10m in depth and 11.5m in width. The general design approach of the proposed dwelling is considered to be acceptable with the proposed palette of materials considered to appropriate in this location.

10.21. Whilst the location of the proposed dwelling is in relatively close proximity to other nearby development – approximately 50m to the west – the next nearest development is approximately 180m away. Further, the parcel of land to which the application relates is undeveloped greenfield land. As such, the development of the site would result in an encroachment on the landscape character of the area. The location of the proposal in such a rural location would result in a site that is not related to a settlement or pattern of development. As such, the proposal is considered to be contrary to Policy LP12 Part (a), (c) & (d) in this regard.

10.22. The proposed developable area is set back from the public highway with soft landscaping features proposed to soften and reduce the visual impact of the development on the street scene. However, the development of the site to provide a dwelling, detached garage, commercial storage shed and 6no. containers is considered to be substantial and would appear incongruous on the landscape character of the area and would not be fully mitigated by the proposed soft landscaping.

10.23. The proposal is therefore considered to be unacceptable in terms of its character and appearance impact.

Amenity Impact

10.24. The dwelling is located on a spacious parcel of land that affords a generous level of private amenity space provision, more than sufficient for the size and scale of dwelling proposed.

10.25. There is an existing airfield to the west of the application site which is home to a business providing pilot training. It is understood that the adjoining business operates from dawn until dusk and as such could have lengthy operating hours during the summer months. It is considered that these operations could have some impact on the amenities of the dwelling proposed in this application. However, it is not considered that this alone would be sufficient to justify the refusal of the application.

10.26. The rural nature of the site means that there is a good level of separation from the nearest residential property – approximately 50m. As such, the proposed dwelling itself will not give rise to any detrimental impacts on the amenities of adjoining properties.

10.27. The proposed commercial use of the site as a Builder's Yard is likely to give rise to some noise disturbance arising from deliveries and traffic movements from larger vehicles entering and leaving the site. However, when accounting for the traffic movements generated by the poultry farm further south on Cross road, it is not considered that the noise generated by the additional traffic would be materially increased to an unacceptable level by the proposed development.

10.28. The proposal is therefore considered to comply with Policy LP16 of the Fenland Local Plan (2014) in respect of its amenity impact.

Parking Provision and Highway Safety

10.29. The Highway Authority have considered the proposal and have raised no objections to the development. However, it was highlighted that Cross Road is a single-track road that would not be suitable for an intensification of permanent use, particularly for large commercial vehicles.

10.30. The submission detail is limited in terms of information about traffic movements. However, it states that there are 12no. full-time members of staff with 11no. vehicles on-site associated with the business and would operate five days a week. Assuming each employee undertakes a two-way traffic movement each day to travel to and from work, along with a two-way traffic movement for each business vehicle would equate to 46 daily traffic movements. This increase in traffic movements is considered to be relatively large compared to the existing use of the site, which does not appear to generate any traffic movements.

10.31. The latter comments of the Highway Authority go on to reiterate that Cross Road is narrow in places and that any further incremental development would be detrimental to the function of the highway. As such, mitigation works may be required for any further development in this location.

10.32. Whilst these comments reinforce the inappropriateness of the location for this type of development, it is not considered sufficient to form a reason for refusal in its own right.

10.33. As such, it is considered that the proposal would not result in a detrimental impact on highway safety in the local area, and therefore complies, on balance, with Policy LP15 of the Fenland Local Plan (2014) and Paragraph 116 of the NPPF (2024).

Flood Risk and Drainage

10.34. The application site is located in Flood Zone 3 and is primarily at very low risk of surface water flooding.

10.35. Policy LP14 of the Fenland Local Plan and Chapter 14 of the NPPF seeks to direct development away from areas at high risk of flooding in the first instance, unless the Sequential Test and, if necessary, the Exceptions Test can be met.

10.36. The application is supported by a Flood Risk Assessment which has been considered by the Environment Agency, with no objections raised by this body.

10.37. The submitted Flood Risk Assessment states that the Sequential Test is met on the basis that there are limited opportunities to undertake the development on an alternative site. It goes on to say that the site has a low probability of flooding when considering the Whittlesey Washes Barrier Bank and Middle Level Barrer Bank. However, no in-depth analysis is provided to support this conclusion.

10.38. As set out in the 'Principle of Development' section above, the site is considered to be located in an 'Elsewhere' location, as defined by Policy LP3. As per the conclusions of this section of the report, it is not considered that Policy LP3 of the Fenland Local Plan is met on the basis that there is insufficient evidence to demonstrate that the proposal is essential for agricultural purposes. On this basis, the exclusion of other reasonably alternative sites is unjustified.

10.39. The Council's adopted approach to the Sequential Test states that the area of search will 'depend on the location and role of the settlement, as well as the type and scale of development proposed.

A) For developments within or adjacent to Market Towns and Growth Villages, the area of search will normally be limited to land within or adjacent to the settlement in which the development is proposed.

B) For all other locations – including Limited Growth, Small and Other Villages, or Elsewhere Locations – the area of search will normall be expected to be district-wide.

10.40. As the application site is located in an 'Elsewhere' location with insufficient justification, it is considered that the search area for the Sequential Test must cover the whole of the rural area. Accordingly, the Sequential Test is deemed to be failed.

10.41. As the Sequential Test has been failed, it is not necessary to consider the Exception Test. Notwithstanding this, the site does not offer any wider public sustainability benefits, and it is therefore considered that the first part of the Exception Test would be failed in any event.

10.42. Overall, on the basis of the site's location in Flood Zone 3 and considering that the Sequential Test is not met, it is not considered that the development is in a suitable location in flood risk terms, and therefore the application is considered contrary to Policy LP14 of the Fenland Local Plan (2014) and Section 14 of the NPPF (2024).

Biodiversity Impact

10.43. The application is supported by a Preliminary Ecological Appraisal which concludes that there will be no undue impacts on any protected sites or species. It is suggested that a number of enhancement measures are incorporated into the scheme to provide biodiversity improvements.

10.44. As such, the scheme offers no obvious conflict with regard to Policies LP16 and LP19 of the Fenland Local Plan (2014) in this regard.

Biodiversity Net Gain (BNG)

10.45. 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.

10.46. There are statutory exemptions, transitional arrangements and requirements relating to irreplaceable habitat which mean that the biodiversity gain condition does not always apply. In this instance, one or more of the exemptions/transitional arrangements are considered to apply and a Biodiversity Gain Condition is not required to be approved before development is begun because the nature of the development being self / custom build is exempt from statutory net gain.

10.47. Notwithstanding that the application has been submitted as a ‘self-build’ dwelling that would be exempt from BNG requirements, the application is not supported by an appropriate Unilateral Undertaking that would secure the development as being ‘self-build’.

10.48. As such, it is considered that there is insufficient evidence to demonstrate the development is exempt from mandatory BNG requirements, and is not supported by any information to demonstrate what the BNG requirements for the site would be.

10.49. Therefore, the application is considered to be contrary to Policy LP19 of the Fenland Local Plan (2014) and Section 7A of the Town and Country Planning Act 1990.

Aviation

10.50. The comments from the Civil Aviation Authority are noted in respect of the potential impacts of the development on the operations at the adjacent airfield to the west. It should be noted that the airfield operates lawfully as a flying school providing lessons in the use of light aircraft.

10.51. The comments of the CAA and the airfield owner highlight the potential dangers arising from turbulent air created by the proposed structures, which would detrimentally impact the use of the current flight paths that the airfield operates within. Furthermore, concerns have been raised as to the erection of the palisade fencing around the site, which could cause severe health and safety dangers to users of the site in the event of an aircraft stall or failure.

10.52. The application is silent in terms of considering this issue and with no evidence to the contrary, the proposal is therefore considered to be in conflict with both Local and National Planning Policy in this regard. Paragraph 135 of the NPPF identifies

that new development should have a high standard of amenity for existing and future users, and be appropriate for its location taking into account the potential sensitivity of the wider area to impacts that could arise from it. Paragraph 111(f) of the NPPF refers to the importance of maintaining a national network of general aviation airfields, and their need to adapt and change over time, and while this is a paragraph pertinent to policy making it has been referenced by Inspectors when considering development proposals. Additionally, Paragraph 200 of the NPPF and Policy LP16(o) of the Fenland Local Plan identify that planning decisions should ensure that new development can be integrated effectively with existing businesses, which should not have unreasonable restrictions placed on them as a result of development permitted after they were established.

11 CONCLUSIONS

11.1. The proposal seeks the erection of 1 x self-build dwelling in association with a new Builder's Yard (including change of use), with ancillary works proposed including the erection of a shed, 2.4m palisade fence and gates, the siting of 6 x containers and the formation of an access.

11.2. The proposal would result in the creation of an employment and residential use in an inappropriate location that is in conflict with the aims and objectives of Local Plan Policies LP3, LP6 and LP12, particularly as there is no identified justification or need for the development.

11.3. The development of the site for residential and employment purposes would result in an encroachment on the open countryside, to the detriment of the landscape character of the area, contrary to Policies LP12 and LP16 of the Fenland Local Plan.

11.4. The Highway Authority have highlighted that the highway network in this location would not be able to accommodate further intensification of use without mitigation. Whilst this emphasises the inappropriateness of the location for this type of development, it is not considered that this would justify a reason for refusal in this instance. As such, the proposal is considered on balance to be acceptable in terms of its highway safety impact.

11.5. The proposal is located in an area of high flood risk and fails to adequately demonstrate that the Sequential or Exception Test are passed. The proposal is therefore contrary to Policy LP14 of the Fenland Local Plan and Section 14 of the NPPF.

11.6. The application provides insufficient information to demonstrate that the adjacent airfield to the west could continue to operate safely following the development, contrary to the NPPF and Fenland Local Plan.

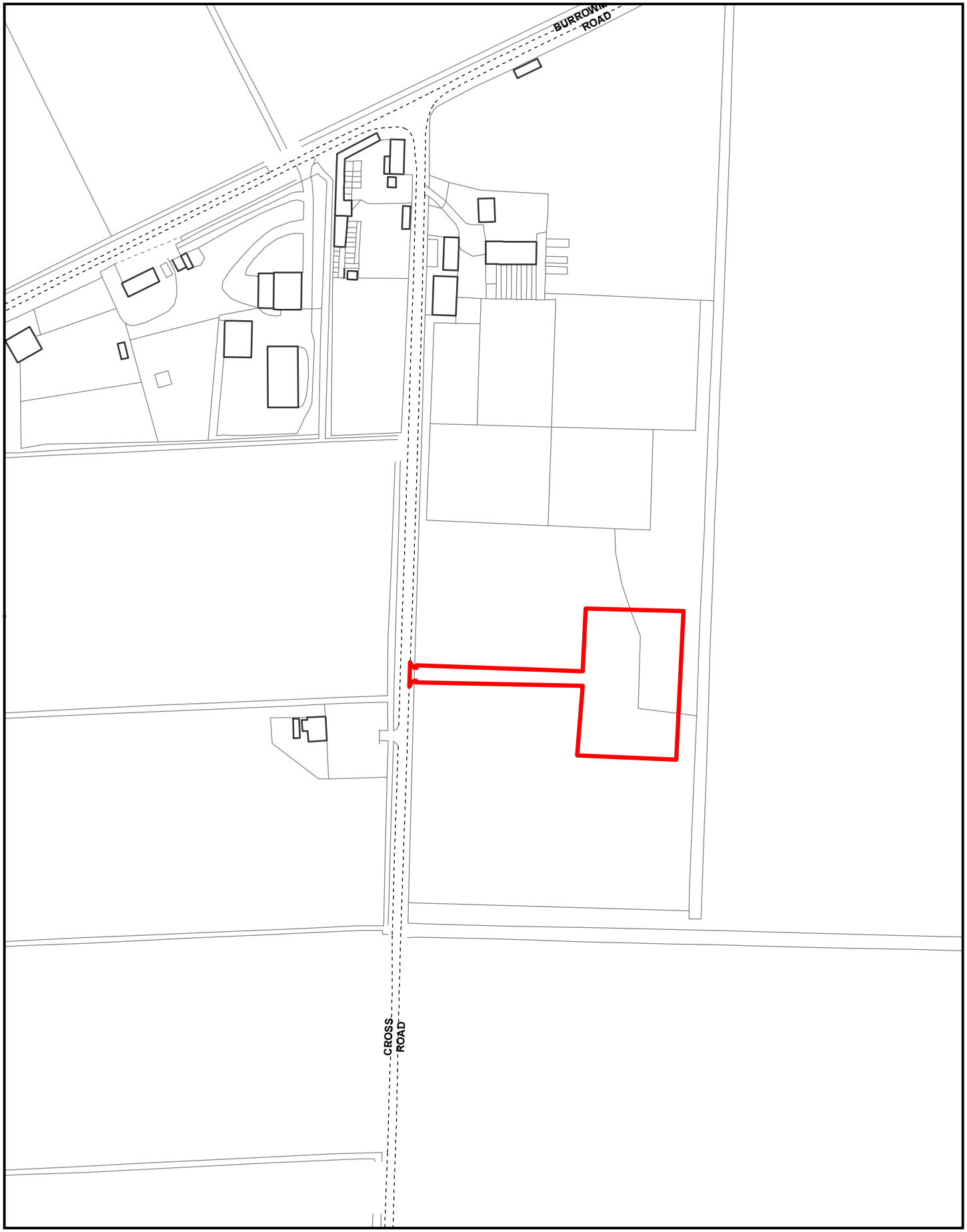
11.7. Finally, the application is not supported by an appropriate Unilateral Undertaking to demonstrate that the development would be exempt from BNG as a 'self-build' development. Further, it is not supported by a BNG metric to demonstrate what the BNG requirements for the development would be.

11.8. The proposal is therefore considered to be unacceptable in planning terms and is accordingly recommended for refusal on this basis.

12 RECOMMENDATION

Refuse; for the following reasons:

1.	The application site is located in an 'Elsewhere' location as identified in Policy LP3, where development is restricted to that which is essential for agriculture, or other uses requiring a rural location. The proposal is supported by insufficient justification to demonstrate that there is an essential need for the development as required by Policy LP12 of the Fenland Local Plan (2014) and Paragraph 84(a) of the NPPF 2024. The proposal would therefore result in unwarranted development in an unsustainable rural location contrary to the aforementioned policies.
2.	The proposal, by virtue of the development of a greenfield site in a rural location, along with the excessive size and scale of the dwelling proposed, along with the proposed garage, shed and storage containers, would be harmful to the character of the open countryside, contrary to Policies LP12 and LP16 of the Fenland Local Plan.
3.	The application site is located within Flood Zone 3 and fails to meet the Sequential or Exception Test. It is considered that the proposal is at an unacceptable risk of flooding without sufficient justification. The proposal is therefore considered to be contrary to Policy LP14 of the Fenland Local Plan (2014) and Section 14 of the NPPF (2024).
4.	Insufficient information has been submitted to demonstrate that the proposed development would not result in an adverse impact to the safe functioning of March Airfield to the west by virtue of the creation of turbulent area or danger to users arising from the proposed palisade fencing, contrary to Paragraphs 111, 135 and 200 of the NPPF (2024) and Policy LP16 of the Fenland Local Plan (2014).
5.	In the absence of a legal agreement or other enforceable mechanism to secure the delivery and occupation of the proposed dwelling as a self-build unit, the development fails to meet the definition and requirements of self-build housing as set out in the Self-Build and Custom Housebuilding Act 2015 (as amended).



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Fenland
CAMBRIDGESHIRE
Fenland District Council

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Where materials, products and workmanship are not fully specified they are to be of the standard appropriate to the works and suitable for the purpose stated in or reasonably to be inferred from the drawings and specification. All work to be in accordance with good building practice and BS 8000 to the extent that the recommendations define the quality of the finished work. Materials products and workmanship to comply with all British Standards and EOTA standards with, where appropriate, BS or EC marks.

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

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

N
W E
S

PROPOSED SITE PLAN 1:200

LEGEND:

- GRASS
- TARMAC
- GRAVEL
- SLAB PAVING
- HEDGING
- VEGETATION

539500

596600

Cross Road

DRAINAGE DITCH

DITCH

Grass/ weeds

2-3m conifer hedge

PROPOSED ACCESS TO BE TO C.C.C DETAILS, 5m x 10m WITH 4.5m RADIUS KERBS, SEALED AND LAID TO FALL AWAY FROM THE HIGHWAY

10m
5m

4m

AREA FOR WILDFLOWER, PLANTING AND SEEDING

PROPOSED PLANTING

GARAGE

DWELLING

Grass/ weeds

9m BOARD STRIP

37.1m

2.4m fencing

CONTAINER

6m parking
3m

STONE/GRAVEL

36.7m

SHED

Stone

295600

S1mD

Gate

Page 124

C	PLANNERS COMMENTS	JAN 25
B	DWELLING MOVED	OCT 24
A	DWELLING MOVED	SEP 24
	REVISIONS	DATE

MORTON & HALL CONSULTING LIMITED

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Website: www.mortonconsultingengineers.co.uk

Fenland District Council Building Design Awards — Building Excellence in Fenland

CLIENT: Mr M Venni

PROJECT: Land South of Pear Tree Farm Cross Road March, Cambs PE15 0YS

TITLE: Proposed Site Plan

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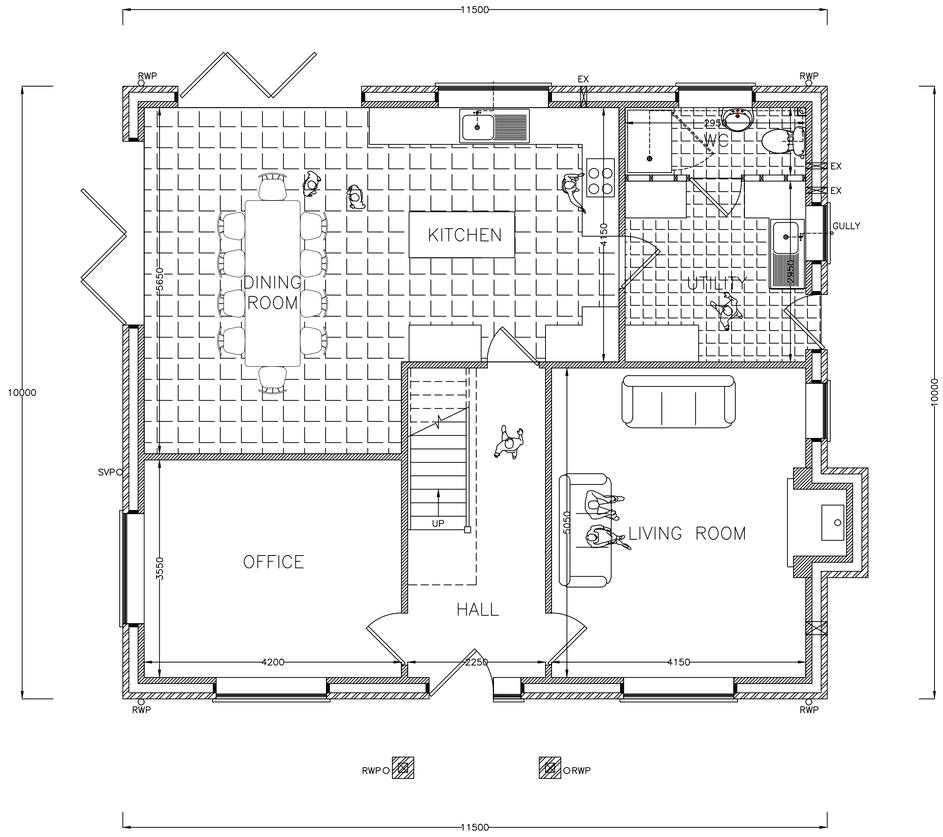
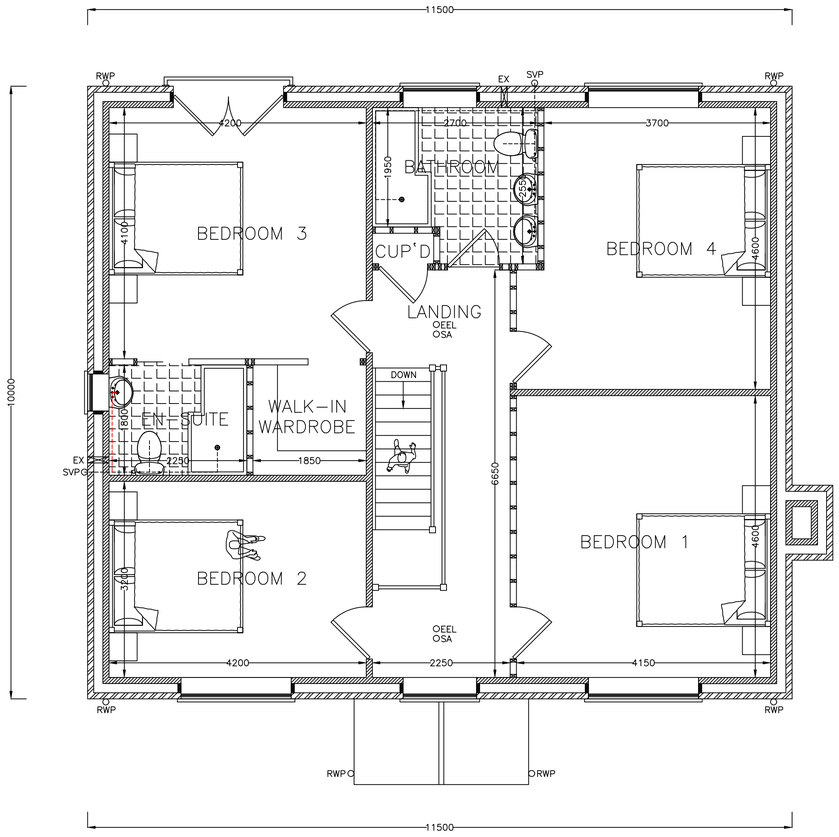
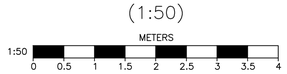
CHECKED			
DATE	September 2024	DRAWING NUMBER	H9934/03 C
SCALE	As Shown at A0		

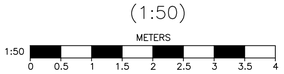


PROPOSED GROUND FLOOR PLAN
(1:50)

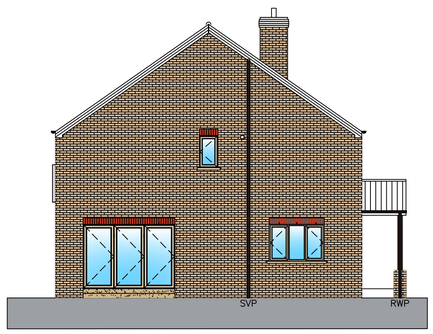


PROPOSED FIRST FLOOR PLAN
(1:50)

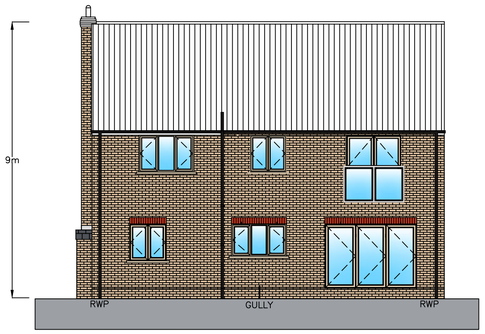


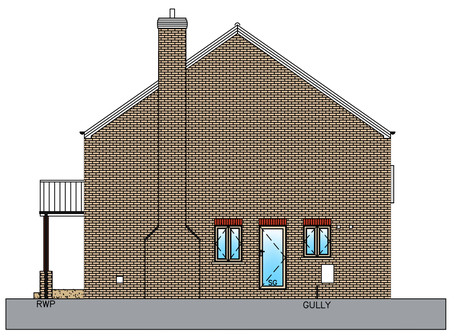


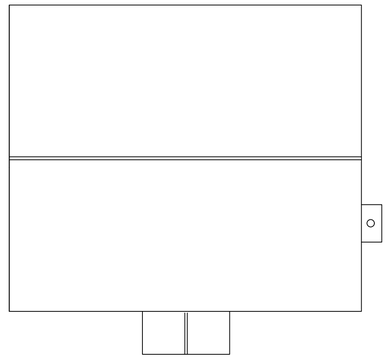
PROPOSED FRONT ELEVATION (1:100)



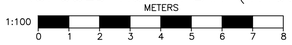
PROPOSED LEFT HAND SIDE ELEVATION (1:100)







PROPOSED ROOF PLAN (1:100)



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

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

All finishes, insulation and damp-proofing to architect's details

	REVISIONS	DATE
A	PLANNERS COMMENTS	JAN 25

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Fenland District Council Building Design Awards
Building Excellence in Fenland

CLIENT
Mr M Venni

PROJECT
Land South of
Pear Tree Farm
Cross Road
March Cambs PE15 0YS

TITLE
Proposed Building Arrangements
DWELLING

DRAWN MH	DATE OF ISSUE
CHECKED	
DATE September 2024	DRAWING NUMBER H9934/04 A
SCALE As Shown – A1	

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F/YR25/0517/F

Applicant: Mr Samuel Taylor

Agent: Mrs Alexandra Patrick
Alexandra Design

Land East of Oak Meadow, New Drove, Wisbech St Mary, Cambridgeshire

Change of use of land to 1 x gypsy traveller's plot involving the siting of 1 x mobile home and 2 x touring caravans

Officer recommendation: Refuse

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

1 EXECUTIVE SUMMARY

1.1. The application seeks the change of use of land to provide 1no. gypsy traveller plot including the siting of 1no. mobile home and 2no. touring caravans. The submitted drawings identify a new access to be created onto New Drove.

1.2. Whilst it is acknowledged that the District currently has an identified need for additional gypsy & traveller plots, the application site is located in Flood Zone 3. The proposal is not supported by an adequate sequential test and does not pass the exception test.

1.3. It is not considered that the modest benefits from a scheme of this size would outweigh the harm caused by the development due to its location in a zone of high flood risk.

1.4. It is therefore considered that the proposal is contrary to Policy LP14 of the Fenland Local Plan (2014) and Chapter 14 of the NPPF in terms of flood risk.

1.5. Accordingly, it is recommended that planning permission is refused in this instance.

2 SITE DESCRIPTION

2.1. The application site is located on land east of an existing residential dwelling known as Oak Meadow, New Drove in Wisbech St Mary.

2.2. The land in question forms part of an orchard and is adjacent to three residential properties, with the remaining area characterised by open and undeveloped countryside.

2.3. The location of the proposed accessed and the front portion of the site is located within Flood Zone 3, along with much of the surrounding area. The remainder of the site is located within Flood Zone 1. The site is at very low risk of surface water flooding.

3 PROPOSAL

3.1. The application seeks the change of use of land to provide 1no. gypsy traveller plot including the siting of 1no. mobile home and 2no. touring caravans. The submitted drawings identify a new access to be created onto New Drove.

3.2. The proposed mobile home is located close to the north-eastern boundary of the site, with the touring caravans to be located on the south-western boundary of the site.

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

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

4 SITE PLANNING HISTORY

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

5 CONSULTATIONS

5.1. Environment Agency – 25.07.25

We have reviewed the documents as submitted and we object in principle to this planning application as it falls within a flood risk vulnerability category that is inappropriate to the Flood Zone in which the application site is located. The application is therefore contrary to the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG). We recommend that planning permission is refused on this basis.

5.2. Cambridgeshire County Council Highways – 31.07.25

Following a careful review of the documents provided to the Local Highway Authority as part of the above planning application, no significant adverse effect upon the public highway should result from this proposal, should it gain benefit of planning permission.

5.3. Natural England – 31.07.25

No objection

5.4. North Level Internal Drainage Board

31.07.25

The proposals will need to be revised so there is a clear easement strip, at least 9 metres wide, along the drain.

14.08.25

I am pleased to note the 9m easement now indicated along New Drove Drain.

I also note the confirmation that surface water from the new tarmac entrance will be directed to a French drain. That would not require consent from the Board, but when installed it should preferably be positioned as far as reasonably practical away from New Drove Drain, to reduce the chance of saturation of the drain bank.

5.5. Wisbech St Mary Parish Council – 12.08.25

Approval. Cllrs believed this to be an asset to the community.

5.6. FDC Ecology – 20.08.25

No objection subject to BNG condition.

5.7. Local Residents/Interested Parties

A total of 5 letters of support were received from residents of Stow Road, New Drove & North Brink in Wisbech, Spalding, King's Lynn.

Supporting Comments	Officer Response
Applicant works in local agriculture/horticulture	See 'Principle of Development' section
Asset to rural location	See 'Principle of Development' section
Allows continuity of living arrangements	See 'Principle of Development' section

A total of 4 letters of objection were received from residents of New Drove.

Objecting Comments	Officer Response
To close to existing dwellings	See 'Amenity impact' section
Site in Flood Zone 3	See 'Flood Risk and Drainage' section
Impact on character and appearance of new drove	See 'Character and appearance' section

A total of 1 letter of representation was received from a resident of Spalding.

Comments	Officer Response
Applicant works in local agriculture/horticulture	See 'Principle of Development' section

6 STATUTORY DUTY

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

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

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

7 POLICY FRAMEWORK

National Planning Policy Framework (NPPF) 2024
Chapter 2 - Achieving sustainable development
Chapter 4 – Decision-making
Chapter 5 – Delivering a sufficient supply of homes
Chapter 8 – Promoting healthy and safe communities
Chapter 9 – Promoting sustainable transport
Chapter 11 – Making effective use of land
Chapter 12 – Achieving well-designed places
Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
Chapter 15 – Conserving and enhancing the natural environment

National Planning Practice Guidance (NPPG)
Determining a Planning Application

National Design Guide 2021
Context
Identity
Built Form
Movement
Nature
Uses
Homes and Buildings

Planning Policy for Traveller Sites December 2024

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
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

Delivering and Protecting High Quality Environments in Fenland SPD 2014
DM3 – Making a Positive Contribution to Local Distinctiveness and character of the Area

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
LP12: Meeting Housing Needs
LP14: Gypsies and Travellers and Travelling Showpeople
LP18: Development in the Countryside
LP20: Accessibility and Transport
LP22: Parking Provision
LP24: Natural Environment
LP25: Biodiversity Net Gain
LP27: Trees and Planting
LP28: Landscape
LP32: Flood and Water Management

8 KEY ISSUES

- **Principle of Development**
- **Flood Risk and Drainage**
- **Character and appearance**
- **Amenity Impact**
- **Parking Provision and Highway Safety**
- **Biodiversity Impact**
- **Biodiversity Net Gain (BNG)**

9 ASSESSMENT

Principle of Development

9.1. The application seeks planning permission for the change of use of land to create 1no. gypsy traveller pitch, including the siting of a mobile home and 2no. touring caravans.

9.2. The submission detail advises that there are personal circumstances for the applicant in respect of health and family circumstances that presents the need for the development (A confidential report on the applicant's personal circumstances is available should Members wish to view this).

9.3. Whilst the site is located within the parish limits of Wisbech St Mary, it is situated outside of the continuous built area of the settlement. As such, the application should be considered as Rural/Open Countryside development under Policy LP12 of the Fenland Local Plan, rather than the settlement-specific Policy LP3.

9.4. Notwithstanding the requirements of Policy LP12, it is recognised that many traveller pitches will be located outside of settlements and in rural locations such as this.

9.5. Furthermore, Policy LP5 concerns meeting housing needs in the district. Part D of this policy is particularly relevant to the consideration of this application as it relates to the assessment of development proposals for Gypsy and Travellers and Travelling Showpeople.

9.6. Due regard has also been given to Planning Appeal APP/D0515/W/23/3332133 (F/YR22/1029/F – Land North of the Spinney, Gall's Drive, Guyhirn), which was allowed in March 2024 for the use of land for the stationing of caravans for residential purposes and dayroom ancillary to that use.

9.7. The appeal found that the Council are unable to identify and demonstrate the current need for Gypsy & Traveller plots within the district. As such, the Inspector concluded that the Council were unable to demonstrate a five-year land supply in this regard. In the absence of an adequate supply, significant weight in favour of the proposal must be given as a means of helping to meet the need in the district.

9.8. Since the determination of the application, an updated Accommodation Needs of Gypsies, Travellers, Travelling Showpeople, Boat Dwellers and Bargees (GTANA) was issued by Fenland Council in May 2025. The report concluded that there is a net need for 66 residential pitches within the district from 2024/25-2038/39, with 47 pitches required in the immediate term (up to 2028/29).

9.9. In the period from 1st April 2024 – which correlates with the start of the needs assessment period for the GTANA – a total of 21 pitches has been provided as set out in the latest FDC Five-year housing land supply report (June 2025). As such, there is a remaining need for 26 pitches up to March 2029.

9.10. Given that there is still a shortfall of pitches, it is considered that the conclusion of the aforementioned appeal decision remains relevant and applicable in this instance. When having due regard to the outcome of the appeal, the provision of additional Gypsy & Traveller plots in this development proposal weighs in favour of the application, notwithstanding any harm identified and conflict with Fenland Local Plan policies arising from the location of the site.

9.11. Therefore, when considering the principle of development in this instance, it is considered to be acceptable when having regard to the identified need for additional Gypsy & Traveller pitches in the district and acknowledging that this development would offer a small contribution towards meeting this.

Flood Risk and Drainage

9.12. The developable area of the site is located within Flood Zone 1, although the frontage of the site and access is located entirely within Flood Zone 3, along with much of the surrounding area. The Environment Agency maps identify areas of flood defences approximately 850m to the south of the site. 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.

9.13. 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 probability of flooding.

9.14. 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 & 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).

9.15. The application site lies within an area of identified flood risk and, as such, the Sequential Test is engaged. The submitted sequential test fails to provide a detailed analysis and assessment of alternatively available sites that could accommodate the development, and simply states that *“there are no available,*

suitable, acceptable, affordable, alternative sites within the district known to GPS or the applicant. There are no reasonably available sites in areas with a lower probability of flooding than the application site; therefore, the sequential test is met".

9.16. As previously identified, there is an outstanding need by the Council to provide 26 G&T pitches up to March 2029. As the proposal would make a contribution towards this, this weighs in favour of the proposal. However, it is not considered that the benefits would outweigh the harm caused by the development in respect of the flood risk associated with the development.

9.17. It is therefore considered that the sequential test is failed and there is a conflict with Policy LP14 of the Fenland Local Plan (2014) due to the location of the site access within Flood Zone 3 and therefore being unable to provide a safe means of exiting the site in the event of flooding.

9.18. Further to this, the Environment Agency have considered the proposal and raised an in-principle objection to the scheme as it falls within a flood risk vulnerability category that is inappropriate to the Flood Zone in which the application site is located.

9.19. As the sequential test has not been met, it would not normally be necessary to consider the exception test. However, in the interests of completeness, this is considered below.

9.20. The exception test has two parts, which are as follows:

a) That the development provides wider community benefits which outweigh the flood risk, and;
b) That the development can be made safe for its lifetime without increasing flood risk.

9.21. In respect of criteria a), the development will provide a new gypsy traveller pitch that would mean an identified district-wide need. However, the contribution towards this need would be modest at a single plot, and therefore it is not considered that these benefits would outweigh the harm in respect of flood risk.

9.22. In respect of criteria b), the Environment Agency have raised objection to the scheme, notwithstanding the mitigation measures set out in the Flood Risk Assessment prepared by Ellingham Consulting, on the basis that the proposal would introduce a highly vulnerable use into an area with a high probability of flooding, thereby rendering it incompatible. Further to this, the submitted FRA outline that in the event of a breach of the nearby flood defences, the site lies in an area with a depth of up to 0.5m. As such, the required mitigation as set out in the conclusion of the FRA is that the finished floor level of the mobile home is not less than 0.6m above ground level and that the structure is restrained by ground anchors. It is considered that this further reinforces the comments of the Environment Agency in that the proposed development will introduce an incompatible and unsafe use into an area of flood risk.

9.23. As such, it is not considered that the development can be made safe for its lifetime. Therefore, the exception test is considered to be failed.

9.24. The proposal is therefore considered to be at unacceptable risk of flooding, with the benefits not outweighing the harm caused, and is therefore contrary to Policy LP14 of the Fenland Local Plan (2014) and chapter 14 of the NPPF.

Character and appearance

9.25. The site is located in a rural area with a generally flat topography with fairly open views, although the orchards and dwellings on adjoining parcels of land do provide some means of screening from wider vantage points. It is considered that the presence of existing dwellings nearby and the presence of the orchard to the rear of the application site provide sufficient screening and mitigation to ensure that views from wider vantage points remain acceptable. Furthermore, Planning Policy for Traveller Sites Policy C accepts the principle of Gypsy and Traveller sites in the countryside.

9.26. Whilst noting the generally rural character of the surrounding area, the site does lie within a pocket of development. It is considered that the presence of this existing development ensures that the development in question is not alien nor incongruous on the landscape character of the area.

9.27. It is not considered that the scale of development on site, the provision of 1no. mobile home and 2no. touring caravans, would be out of keeping with the scale of development seen on nearby sites.

9.28. When considered on balance, it is acknowledged that the development would have some visibility on the landscape. However, it is not considered that this impact is significant when considered in the overall context of the wider landscape. As such, it is considered that the proposal, on balance, complies with Policy LP16 of the Fenland Local Plan (2014) in terms of character and appearance impact.

Amenity Impact

9.29. When considering the impact of the development on residential amenities, it is important to note that the site is located immediately adjacent to a residential dwelling. The nearest property, Oak Meadow, is approximately 25m away from the western boundary of the site.

9.30. It is not considered that the use of the site for residential purposes would generate significant levels of noise that would result in disturbance to the nearest neighbours. The proposal is for a residential use which would be generally compatible with adjacent residential uses.

9.31. Notwithstanding the relatively close proximity of the adjacent residential property, due to the modest scale of the development proposed, it is not considered that the development would result in any adverse impacts on residential amenity.

Parking Provision and Highway Safety

9.32. The Highway Authority have considered the proposal and have raised no objections to the development in respect of parking provision or highway safety. The geometry of New Drove is such that sufficient visibility can be achieved in both directions. Further to this, there is sufficient space identified on site for adequate parking provision.

9.33. It is considered that the modest scale of development would not result in a material increase in traffic movements on the highway network. As such, the proposal is considered to satisfy the requirements of Policy LP15 of the Fenland Local Plan (2014) in respect of parking provision and highway safety impact.

Biodiversity Impact

9.34. The application is supported by the submission of a Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment. The submitted details have been considered by Natural England and the Council Ecologist.

9.35. No objections have been raised in respect of the impact on protected sites or species. It is therefore considered that the proposal is acceptable in respect of its biodiversity impact having regard to Policy LP19 of the Fenland Local Plan (2014).

Biodiversity Net Gain (BNG)

9.36. 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.

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

10 CONCLUSIONS

11.1. The application seeks the change of use of land to provide 1no. gypsy traveller plot including the siting of 1no. mobile home and 2no. touring caravans. The submitted drawings identify a new access to be created onto New Drove.

11.2. Whilst it is acknowledged that the District currently has an identified need for additional gypsy & traveller plots, the application site is located in Flood Zone 3. The proposal is not supported by an adequate sequential test and does not pass the exception test.

11.3. It is not considered that the modest benefits from a scheme of this size would outweigh the harm caused by the development due to its location in a zone of high flood risk.

11.4. It is therefore considered that the proposal is contrary to Policy LP14 of the Fenland Local Plan (2014) and Chapter 14 of the NPPF in terms of flood risk.

11.5. Notwithstanding the submitted information in respect of the applicant's personal circumstances, these are not considered to outweigh harm arising from the development as already identified.

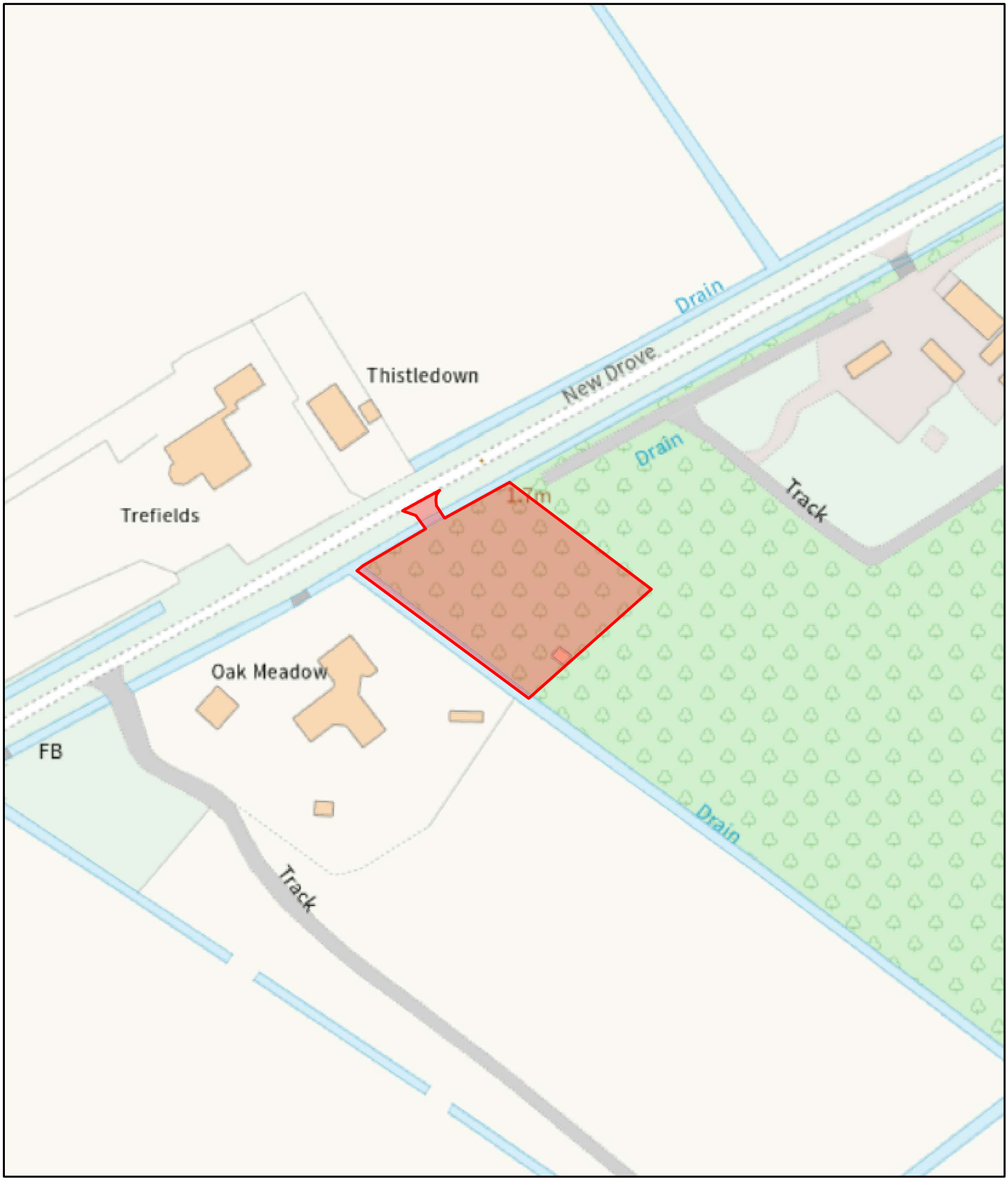
11.6. Accordingly, it is recommended that planning permission is refused in this instance.

11 RECOMMENDATION

Refuse; for the following reasons:

1.	The site access and frontage to the application site is located within Flood Zone 3 and fails to meet the sequential or exception test. It is considered that the proposal is at an unacceptable risk of flooding that would fail to be suitably mitigated against. The proposal is therefore considered to be contrary to Policy LP14 of the Fenland Local Plan (2014) and Chapter 14 of the NPPF (2024), and The Cambridgeshire Flood and Water SPD (2016).

F/YR25/0517/F



7/14/2025, 10:40:14 AM

1:1,250

0 55 110 220 ft

0 15 30 60 m

Fenland District Boundary

Fenland District Council

Uniform

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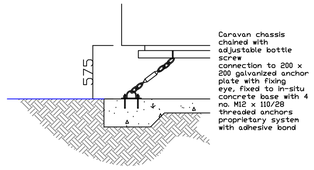
Proposed Front Elevation 1:100

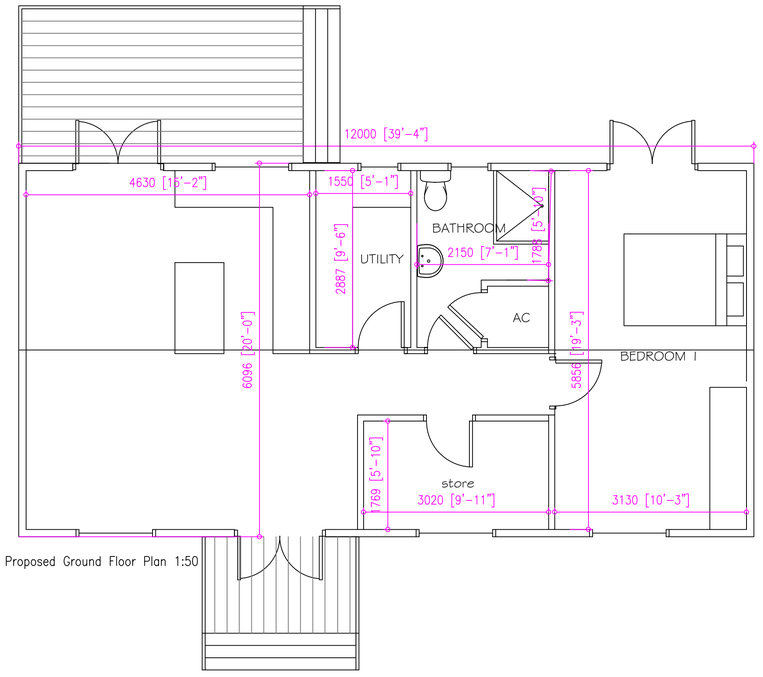
Proposed Side Elevation 1:100

Proposed Rear Elevation 1:100

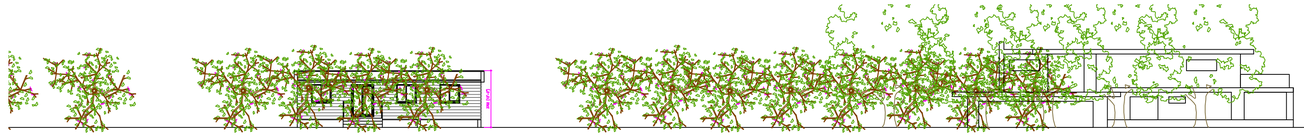
Proposed Side Elevation 1:100

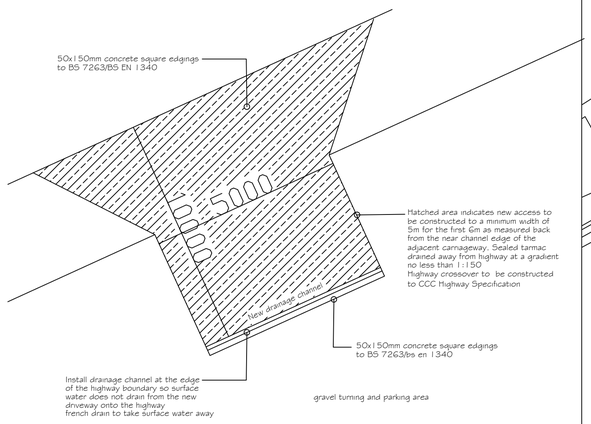


Caravan Anchor detail

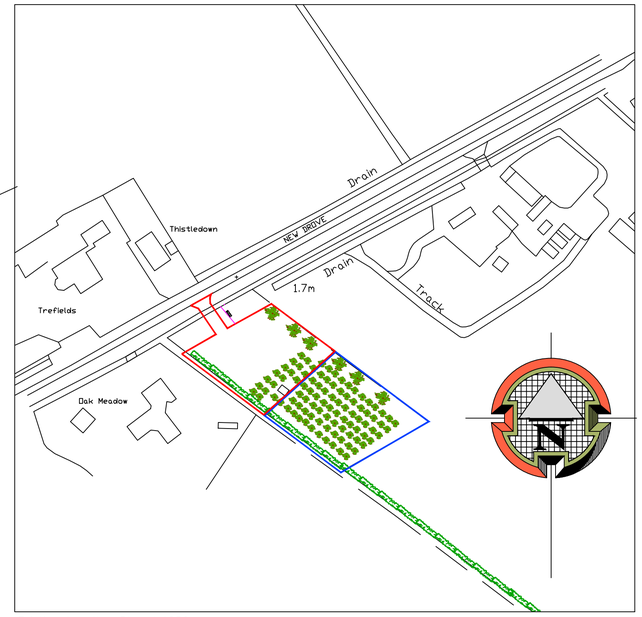


Proposed Ground Floor Plan 1:50





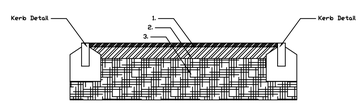
New Access

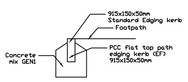


Existing Location Plan 1:1250

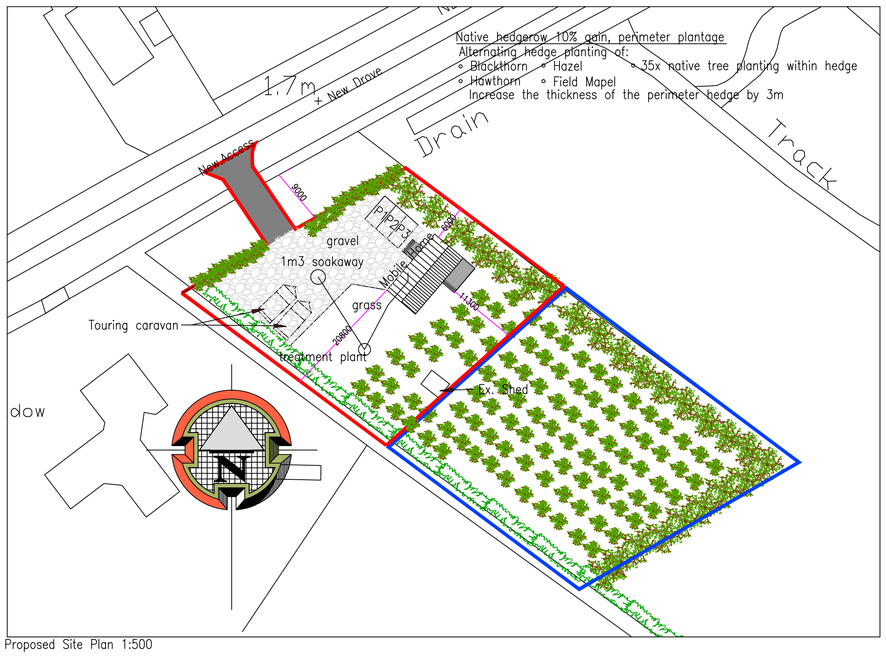
Asphalt Access Area Section Detail 1:20

ACCESS	LAYER	SPECIFICATION	THICKNESS
	1. surface course	SMA 6 surf 40/60 to section D3 of PD 6691(4)(5)(11), min PSV50 to give texture depth of 0.6–0.1 SHW clause 921 table 9/3. (measured by sand patch method)	25mm
	2. binder course	AC 20 dense bin to BSEN13108–1 and PD6691 with 50 pen binder.	90mm
	3. sub–base	Granular sub–base type 1 to clause 803(1) certified as nonfrost susceptible, spread evenly on the foundation and compacted. compact to clause 802(1) to achieve a min CBR value of 30%. formation to be treated with an approved weed killer prior to laying sub–base.	365mm





Existing Site Plan 1:500



Proposed Site Plan 1:500

General Notes:
–Dimensions on all drawings are shown in "mm".
–The contractor, sub–contractor and supplies must verify all dimensions before commencement of any works on site.
–This drawing is to be read in conjunction with any relevant engineers and specialist sub–contractor drawings and specifications.

Landscaping Key (hard and soft)

Lawn area Gravel

Driveway/Parking/Courtyard permeable loose gravel or similar to aid

Native hedgerow retension

Hedgerow planted with a balanced mix of:
- Black thorn

Native hedgerow 10% gain, perimeter plantage
- Blackthorn
- Hazel
- Hawthorn
- Field Mapel

Asphalt Access Area construction detail

1. Refer to BS EN 13108–1 for material spec for asphalt concrete.
2. Refer to BS EN 13108–4 for material spec for hot rolled asphalt.
3. Refer to BS EN 13108–5 for material spec for stone mastic asphalt.
4. Refer to BS 594987 for transport,laying and compaction of all asphalts.
5. Bond coats to be used in accordance (no.4) to be applied on all kerb and edging faces along with gully and cover frames. Bond coats to be applied on top of base and binder courses. Joints in binder and base course to be over banded.
6. Construction thicknesses based on CBR value. CBR testing must be undertaken.
7. If CBR value is less than 2.5% special engineer measurements will be required.
8. If sub–grade is deemed to be frost susceptible sub–base thickness to be thickened to provide min. construction depth of 450mm.
9. Footpath sub–base to be thickened to 150mm under vehicular crossings.
10. SMA t be gritted whilst material is hot–1–2kg per m2 applied by roller mounted hopper.

Revisions:

Reference: 187/PL01/Rev B

Pages: 1

Scale: as shown

Project: Proposed Traveller Plot

Site Address:
Appletree farm
New Drove
Wisbech
PE13 4UA

Client: Mr S Taylor

ALEXANDRA Design
Southfork Farm
Seadyke Bank
Murrow
Cambridgeshire
PE13 4SD
T: 07891175649
E: info.alexandradesign@gmail.com

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F/YR24/0237/F

Applicant: Extors L Allpress **Agent : Mr John Maxey**
Maxey Grounds & Co

Land South West Of 16, London Road, Chatteris, Cambridgeshire

Erect 5 x dwellings (single storey 4-bed) with detached garages, and repositioning and widening of existing vehicular access

Officer recommendation: Refuse

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 five single-storey, four-bedroom dwellings and three detached garages, in addition to repositioning and widening of the existing vehicular access.

1.2 No.16 London Road (the host Grade II listed building) was listed with the wide frontage being part of its curtilage. The frontage includes an established hedge, trees and a modest width domestic driveway which contributes positively to the verdant character and appearance of the conservation area and the setting of the host Grade II listed building.

1.3 By virtue of building a housing estate within the curtilage of the host Grade II listed building (No.16 London Road), including the re-siting and substantial increase in width of the access and the removal of the established trees and hedging along the frontage of the site, the proposed development would cause less than substantial (medium on the spectrum) harm to the character and appearance of the Chatteris conservation area and the setting of the host Grade II listed building. The Council's Conservation Officer objects to the proposed development due to the identified harm to those heritage assets.

1.4 With consideration given to the significance of the Chatteris conservation area and the host listed Grade II building, it is considered that the less than substantial harm to the character and appearance of the Chatteris conservation area and the setting of the host Grade II listed building would not be outweighed by the limited public benefits associated with the proposed development, contrary to policies LP16 and LP18 of the Local Plan and paragraph 215 of the National Planning Policy Framework.

1.5 The application is therefore recommended for refusal.

2 SITE DESCRIPTION

2.1 The application site is located on, and accessed from, the west side of London Road in Chatteris. The application site is located within the built settlement of Chatteris and is surrounded by residential properties on all sides. The residential properties surrounding the application site are located on London Road, Linden Drive, Yorke Road, Westbourne Road and Westbourne Close.

2.2 The eastern extent of the application site comprises the dwelling and residential curtilage of No.16 London Road, including an existing vehicular access (circa 3 metres wide) adjoining London Road which serves a single driveway adjacent to part of the southern boundary of the application site. There is a dwarf wall located along part of the boundary with the London Road, terminating at the southern extent of the host dwelling, beyond which the frontage comprises a landscaped garden and vehicular access.

2.3 The western extent of the application site comprises grassland and trees located immediately to the west of the residential curtilage of No.16 London Road. This parcel of land was historically used for agricultural purposes and includes a small derelict shelter.

2.4 No.16 London Road is a Grade II listed building, located on the west side of London Road. The Official List Entry, within the National Heritage List, provides the following description of the listed building:

"Mid C19 house, Gault brick. Hipped, slate roof with dentil eaves cornice. Two storeys. Road frontage has 4 window range of hung sashes with glazing bars in flat, moulded arches. Ground floor with 4 full length casements with fixed headed lights and louvred shutters. Side entry with Gothic arch to porch."

2.5 The listed building is located wholly within the Chatteris conservation area. The remainder of the site is located partly within, and partly outside of, the Chatteris conservation area.

2.6 Environment Agency data indicates that the application site is located within Flood Zone 1 (low probability of flooding from rivers and sea) and is at very low risk of flooding from all other sources.

2.7 There is a ditch located between the western boundary fence and the rear boundaries of the neighbouring gardens of Westbourne Close.

3 PROPOSAL

3.1 The application seeks full planning permission for the erection of five single-storey, four-bedroom dwellings and three detached garages, in addition to repositioning and widening of the existing vehicular access.

3.2 The proposed dwellings would measure 14.6 metres wide and 14.8 metres deep, with a ridge height of 6.4 metres and an eaves height of 2.4 metres. The proposed garages would measure 7.2 metres wide and 7.7 metres deep, with a ridge height of 5.4 metres and an eaves height of 2.5 metres. The main external materials of the proposed dwellings and garages would comprise facing brickwork and roof tiles to be agreed with the Local Planning Authority.

3.3 Plots 1 and 2 would be orientated with front elevations facing south towards the rear boundaries and elevations of residential properties along Westbourne Road, and rear elevations facing north towards the rear boundaries and elevations of residential properties along Linden Drive.

3.4 Plots 3, 4 and 5 would be orientated with front elevations facing east towards residential properties along London Road, and rear elevations facing west towards the rear boundaries and elevations of residential properties along Westbourne Close.

3.5 The proposed repositioning and widening of the existing vehicular access adjoining London Road would facilitate access to the proposed dwellings via a new shared driveway, which would replace the existing single driveway. The proposed access would be 5.5 metres wide where it adjoins London Road, which would then narrow to a 5 metres wide shared driveway further west into the site. The proposed access would be in excess of 4.5 metres further north than the existing access.

3.6 The proposal includes the removal of a number of trees and a derelict shelter. The proposal also includes the removal of the existing hedge along the eastern boundary fronting London Road and replacement with new landscaping.

3.7 Full plans and associated documents for this application can be found at: https://www.publicaccess.fenland.gov.uk/publicaccess/

4 SITE PLANNING HISTORY

Reference	Description	Decision
F/YR22/1039/F	Erect 5 x dwellings (1 x 2-storey 5 bed, 1 x 2-storey 4 bed and 3 x 1-storey 3-bed), Plots 1,2,4 with detached garages	Refused 25/08/2023
F/YR08/0698/LB	Installation of roof lantern involving removal of existing roof lights, alterations to 2 existing windows to form 2 french doors and internal works	Granted 15/09/2008
F/YR01/1125/O	Erection of 4 dwellings and formation of a private drive	Granted 12/02/2002
F/97/0570/O	Residential Development 0.525	Withdrawn
F/93/0318/O	Erection of 3 dwellings and formation of a private drive	Granted 17/01/1994
F/0617/84/F	Extensions and alterations Yorks House	Granted 13/09/1984

5 CONSULTATIONS

5.1 Chatteris Town Council

Support with the condition that all trees removed are replaced with suitable species.

5.2 **Historic England**

Do not wish to offer comments / advice. This should not be interpreted as comment on the merits of the application. Suggests that views are sought from the Council's specialist conservation and archaeological advisers.

5.3 **Fenland District Council Principal Conservation Officer**

1. *Consideration is given to the impact of the proposal on the architectural and historic interests with special regard paid to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses according to the duty in law under S16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.*

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

3. *Consideration is given to the impact of this proposal on the character and appearance of Chatteris Conservation Area with special attention paid to the desirability of preserving or enhancing the character or appearance of that area according to the duty in law under S72 Planning (Listed Buildings and Conservation Areas) Act 1990.*

4. *Comments are made with due regard to Section 16 of the National Planning Policy Framework, 2023, specifically, paragraphs 201, 203, 205, 206, and 208.*

5. *The Draft Fenland Local Plan (2022) was published for consultation on 25th August 2022, the first stage of the statutory process leading towards the adoption of the Plan. Given the very early stage which the Plan is therefore at, it is considered, in accordance with Paragraph 48 of the NPPF, that the policies of this should carry extremely limited weight in decision making. Of relevance to this application are policies:*

<u>Proposal:</u>

Erect 5 x dwellings (single storey 4-bed) with detached garages involving the widening of domestic existing access.

<u>Comments:</u>

A heritage statement has been submitted that meets the requirements of the NPPF, but is somewhat deficient in assessing the impact of this proposed development, its access and splitting up the plot on the setting of the listed building. Development within the historic curtilage of a listed building should be exceptional.

There have been previous approvals on the land to the rear for 3 dwellings in 1993 and 4 dwellings in 2001. Policy has changed considerably since this time and

should not be used as any precedent going forward. It should also be noted that these were permitted with access from Linden Drive, making this current proposal substantially more impacting on the host listed building and the Chatteris Conservation Area than the historic approvals. This is owing to having to bring formal housing estate access to London Road, including the considerable widening of the access and the loss of positive trees and vegetation.

The site frontage is wide as a result of the loss of a frontage dwelling between 16 and 20 in the later C20. Despite this, the host building was listed with wide frontage, part of its curtilage which now integrates well and adds to its setting. The frontage is particularly positive with an established hedge and number of trees alongside the pleasantly modest width domestic driveway that currently screens views to the rear. This area of mature frontage garden is of particular benefit to verdant character and appearance of the immediate conservation area and setting of the listed building, being of strong visual amenity value.

The loss of a not inconsiderable number of trees and front boundary hedging for the visibility splays and widened access will also act to open up views into the proposed development site and detract from the character and appearance of the conservation area and the setting of the host listed building. The full 5m width entrance roadway remains of particular concern.

It is positive to see that the incongruous proposed sections of freestanding walling have been deleted from the entrance. It remains unfortunate that the established hedge along the footpath is being removed. If the council are minded to approve the application, this makes the need for a condition to provide and implement in full a proposed soft landscaping scheme a highly important element of any potential approval.

Design:

The immediate surroundings of the development site to the rear are all single storey bungalow style buildings. The proposals are for 5 single storey dwellings of mediocre design. Whilst still impacting by virtue of turning the rear curtilage of the listed building into a small housing estate, some improvement has been made by deleting the two storey dwellings from the scheme.

Although not noted on the site plan, the introduction of close board fencing appears to remain proposed to bound the reduced curtilage of the host listed building. If this application does for whatever reason get recommended for approval, traditional brick walling is suggested to be the appropriate boundary enclosure here, owing to it being in close proximity to the Listed Building. It might also go some way to partially mitigate some of the harm. Alternatively, no fencing, but a simple native hedge being established as early as possible to ensure it provides privacy screening by the time the development is occupied.

Conclusions:

The submitted heritage statement has been considered. However, as previously commented, there is clear harm to the character and appearance of the conservation area and the setting of the host GII listed building through this proposal by virtue of building a housing estate within its curtilage and the re-siting and substantial increase in width of the access. This in principle objection remains despite some improvements to the scheme and the submission of a heritage statement.

It is noted that there is a scheme for tree replacements, this is limited in scope and does not make up for a large and formal 5m wide access.

Whilst some efforts have been made to improve this proposal, which are noted, the proposals still fail to conserve or enhance the designated heritage asset or the conservation area and result in harm (less than substantial - medium on the spectrum).

Therefore, in accordance with national and local planning policy (heritage considerations) there should be a strong presumption to refuse this proposal unless public benefits are considered to outweigh this harm. It should be noted that the public benefits would have to be substantial to outweigh the harm identified.

5.4 **Cambridgeshire County Council Historic Environment Team**

Records indicate that the site lies in an area of archaeological potential, lying to the south-west of the historic core of Chatteris.

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

Requests a condition is appended to any permission granted:

5.5 **CCC Local Highway Authority**

Considers that the proposed development is acceptable.

The proposed access onto London Road can achieve all necessary visibility and is of a design standard suitable for the proposed development. While the bend in the initial length will inconvenience users, it is not unsafe.

Suitable parking and turning is provided.

The shared access road is not to a standard which would be considered for adoption by Cambridgeshire County Council. It will therefore need to remain in private ownership.

Recommends consultation with Fenland District Council's waste team regarding refuse collection from private streets.

Requests conditions are appended to any permission granted:

5.6 **Environmental Health**

Note and accept the submitted information and have no objections to the proposal as it is unlikely to have a detrimental effect on local air quality or be affected by ground contamination.

Due to the close proximity to existing residential properties, requests the following condition is appended to any permission granted:

- *No construction work shall be carried out and no plant or power operated machinery operated other than between the following hours: 0800 hours and 1800 hours on Monday to Friday, 0800 hours and 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays, unless otherwise previously agreed in writing with the Local Planning Authority*

5.7 **Fenland District Council Tree Officer**

No objections.

The arboricultural report demonstrates the project is feasible and the trees to be retained can be protected.

The proposed new tree species and locations are acceptable.

Recommends a pre-commencement Arboricultural Method Statement to include details on when arboricultural supervision is to be present such as pre commencement, when excavation works are undertaken in the root protection area, and how excavation works in the root protection area are executed.

5.8 **Fenland District Council Principal Ecologist**

Bats and Birds

I would accept the results of the dedicated bat activity surveys and bird surveys of the site that the site is of only local importance for foraging bats and nesting birds. The number of bats using the site was relatively low and the species of bat involved were relatively common. Similarly, the bird species which use the site are not notable outside of a local context, likely reflective of the location of the site within the built-up landscape.

It is unlikely that foraging bats will rely on this site alone as a foraging resource.

Nevertheless, precautions should be taken to avoid undue harm to nesting birds and foraging bats. I would advise –

- *That a detailed Landscape Plan of the site should be required by Condition. The Landscape Plan should include –*
  - *Plant species, numbers, sizes and planting densities*
  - *Boundary details, to include gaps in garden fences to allow for the movement of small mammals, particularly hedgehogs*
  - *Plans for the installation of new bird nesting and bat roosting boxes on the site, post-completion*

- *No tree removals or vegetation clearance required to facilitate the scheme should take place during the optimum time of year for nesting birds (March to August inclusive) unless nesting birds have been shown to be absent by a suitably qualified person. All nesting birds their eggs and young are legally protected under the terms of the Wildlife and Countryside Act 1981 (as amended).*

Hedgehogs and other Small Mammals

I am aware of reports of hedgehogs using the site. Hedgehogs have undergone significant population declines in recent years, and measures to conserve hedgehogs are fully justified. I would advise that a Reasonable Avoidance Measures method statement giving details of measures to be taken during any site clearance and construction works to prevent any harm to hedgehogs should be required to be prepared and implemented by Condition.

Any Landscape Plan prepared for the site should include provision for hedgehog hibernaculum to be created.

5.9 **Local Residents/Interested Parties**

2 letters of support were received regarding this application from London Road, Chatteris.

7 letters of objection were received regarding this application from Westbourne Road; Linden Drive; Railway Lane and London Road, Chatteris. 2 additional letters of objection were received from address points in Swadlincote and Harpenden which are situated outside of the district.

The reasons for support and objection are detailed as follows:

Supporting Comments	**Officer Response**
Management and maintenance of boundary treatments.	Addressed in 'Residential amenity' section of this report.
Request that some existing trees are felled and replaced with shrubs.	Addressed in 'Trees' section of this report.

Objecting Comments	**Officer Response**
Impact on listed building which should retain adequate gardens / setting.	Addressed in 'Character and heritage assets' section of this report.
Impacts on the Chatteris conservation area.	Addressed in 'Character and heritage assets' section of this report.
Inadequate Heritage Statement.	Addressed in 'Character and heritage assets' section of this report.
Density of development.	Addressed in 'Character and heritage assets' section of this report.
Negative impact on residential amenity of neighbouring properties.	Addressed in 'Residential amenity' section of this report.
Overlooking / privacy impacts.	Addressed in 'Residential amenity' section of this report.
Loss of light and overshadowing from trees.	Addressed in 'Residential amenity' section of this report.
Provision, management and maintenance of boundary treatments.	Addressed in 'Residential amenity' section of this report.
Noise and pollution impacts from proposed shared driveway.	Address in 'Residential amenity' section of this report.
Management and maintenance of existing and proposed trees.	Addressed in 'Trees' section of this report.
Danger from existing trees.	Addressed in 'Trees' section of this report.
Loss of trees.	Addressed in 'Trees' section of this report.
Flood risk and surface water drainage impacts.	Addressed in 'Flood risk and drainage' section of this report.

Biodiversity impacts.	Addressed in 'Biodiversity' section of this report.
Additional entrance / exit onto the already congested London Road.	Addressed in 'Highway safety and parking provision' section of this report.
Inadequate access for emergency services	The proposed access and shared driveway is of appropriate width to facilitate accessibility for emergency service vehicles. Notwithstanding this, the proposed development would be required to comply with Building Regulations Fire safety: Approved Document B, which is outside of the scope of this planning application.
Management of asbestos removal from derelict shelter.	Management of asbestos removal is regulated by the Control of Asbestos Regulations 2012 and the Health and Safety Executive. As such, the management of asbestos relating to the removal of the derelict shelter within the site is outside of the scope of this planning application.
Vulnerability to crime during construction phase.	In order to create safe environments and to prevent crime, policy LP17 of the Fenland Local Plan 2014 requires development proposals to demonstrate that they provide suitable surveillance, lighting and landscaping. Such details, where reasonable in relation to the nature and scale of the proposed development, could be reasonably secured by a planning condition in any event of planning permission being granted. However, the Local Planning Authority are not in receipt of any evidence which suggests that the proposed development would be of any unordinary or increased vulnerability to crime during the construction phase, particularly in comparison to any other development proposals of a similar nature and scale. Therefore, there is insufficient justification to warrant refusal of planning permission for any reason relating to vulnerability to crime.
Bin collection distances would be contradictory of Part H of Building Regulations.	Building Regulations are not a material planning consideration. Suitable waste collection arrangements could be secured by a planning condition, if considered necessary, in any event of planning permission being granted.
Proposed bungalows would provide an opportunity to comply with Building Regulations M4(2) standards.	Building Regulations are not a material planning consideration. However, it is acknowledged that the proposed

	development would provide an opportunity to comply with Building Regulations M4(2) standards.

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

7.1 **National Planning Policy Framework (NPPF) 2024**

Chapter 2 – Achieving sustainable development
Chapter 4 – Decision-making
Chapter 5 – Delivering a sufficient supply of homes
Chapter 6 – Building a strong, competitive economy
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

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

7.3 **National Design Guide 2021**

7.4 **Fenland Local Plan 2014**

LP1 – A Presumption in Favour of Sustainable Development
LP2 – Facilitating Health and Wellbeing of Fenland Residents
LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside
LP4 – Housing
LP5 – Meeting Housing Need
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
LP18 – The Historic Environment
LP19 – The Natural Environment

7.5 **Cambridgeshire and Peterborough Minerals and Waste Local Plan 2021**

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

7.7 **Developer Contributions SPD 2015**

7.8 **Cambridgeshire Flood and Water SPD 2016**

7.9 **Emerging Local Plan**

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

LP1 - Settlement Hierarchy
LP2 - Spatial Strategy for the Location of Residential Development
LP4 - Securing Fenland's Future
LP5 - Health and Wellbeing
LP7 - Design
LP8 - Amenity Provision
LP12 - Meeting Housing Needs
LP19 - Strategic Infrastructure
LP20 - Accessibility and Transport
LP22 - Parking Provision
LP23 - Historic Environment
LP24 - Natural Environment
LP27 - Trees and Planting
LP28 - Landscape
LP32 - Flood and Water Management
LP33 - Development on Land Affected by Contamination
LP34 - Air Quality

8 KEY ISSUES

- Principle of development
- Character and heritage impacts
- Residential amenity
- Flood risk and drainage
- Highway safety and parking provision
- Archaeology
- Trees
- Biodiversity
- Biodiversity Net Gain (BNG)

9 BACKGROUND

9.1 A previous planning application (reference: F/YR22/1039/F) for the erection of 5No. dwellings, comprising 3No. single-storey dwellings and 2No. two-storey dwellings, on the application site was refused in August 2023 for the following two reasons:

1. *The proposed development would fail to preserve or enhance the character and appearance of the Chatteris Conservation Area and the setting of the adjacent listed building. The re-siting and increased width of the access would lead to the loss of not an inconsiderable amount of trees and hedging at the front boundary of the site leading to a substantial loss of the verdant character it currently provides to the street scene. Furthermore, the removal of the existing trees and hedging will lead to increased views of the proposed development in the backdrop leading to an unfortunate level of harm. The proposal would result in a less than substantial level of harm, however any benefits arising from the development would not outweigh the harm on the Conservation Area and adjacent listed building which are designated heritage assets. The proposed development would therefore be contrary to Policies LP16 and LP18 of the Fenland Local Plan 2014 and Section 16 of the NPPF.*

2. *Policies LP16 (b) and LP19 of the Fenland Local Plan 2014 and Paragraph 170 of the NPPF 2019 seek to conserve, enhance and promote biodiversity and Paragraph 177 advises that the presumption in favour of sustainable development does not apply where a project is likely to have a significant effect on a habitats site, unless an appropriate assessment has concluded that it will not adversely affect the integrity of the habitats site.*

   The application site is considered to have potential to provide habitat for or support protected species. Insufficient assessment has been undertaken and inadequate information submitted to enable the Local Planning Authority to ascertain whether the proposal would impact protected species. As such the proposal is considered contrary to the aforementioned policies.

10 ASSESSMENT

Principle of development

10.1 Policy LP3 of the Fenland Local Plan 2014 (the Local Plan) states that the majority of the district's new housing should take place within the district's four market towns.

10.2 The application site is located within one of the district's primary market towns, where the principle of residential development is acceptable subject to compliance with other policies within the Local Plan.

Character and heritage assets

10.3 Policy LP16 of the Local Plan requires that development proposals 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, reinforces 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.

10.4 The proposed development would be surrounded by existing residential built form, and it is considered that the location and form of the proposed development is in

keeping with the mixed character and pattern of development within the surrounding area. The density of the proposed dwellings would be in keeping with the density of some of the existing nearby dwellings on nearby residential streets, such as those on Linden Drive and Westbourne Close. The proposed dwellings are of a scale and design which would be in keeping with some of the existing dwellings on nearby residential streets, such as those on Linden Drive.

10.5 Notwithstanding the above, the proposed development would be located partly within the Chatteris conservation area and within the curtilage of a Grade II listed building (No.16 London Road) and therefore consideration must also be given to the impacts of the proposed development on these heritage assets. The impacts of the proposed development on these heritage assets is assessed below.

Planning (Listed Buildings and Conservation Areas) Act 1990

10.6 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:
"In considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall 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."

10.7 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:
"In the exercise, with respect to any buildings or other land in a conservation area […] special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

National Planning Policy Framework (NPPF)

10.8 Paragraph 208 of the NPPF states:
"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."

10.9 Paragraph 210 of the NPPF states:
"In determining applications, local planning authorities should take account of:
a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
c) the desirability of new development making a positive contribution to local character and distinctiveness."

10.10 Paragraph 212 of the NPPF states:
"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 the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."

10.11 Paragraph 213 of the NPPF states:

"Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification."

10.12 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 including, where appropriate, securing its optimum viable use."

Local Plan

10.13 Policy LP16 of the Local Plan requires development proposals to protect and enhance any affected heritage assets and their settings to an extent commensurate with policy in the National Planning Policy Framework and in accordance with Policy LP18.

10.14 Policy LP18 of the Local Plan states that the Council will protect, conserve and seek opportunities to enhance the historic environment throughout Fenland.

10.15 Furthermore, policy LP18 of the Local Plan requires development proposals affecting a designated heritage asset to:

(a) describe and assess the significance of the asset and/or its setting to determine its architectural, historic or archaeological interest; and

(b) identify the impact of the proposed works on the special character of the asset; and

(c) provide a 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.

National policy and guidance relating to the setting of heritage assets

10.16 The NPPF defines the setting of a heritage asset as follows:

"The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral."

10.17 Paragraph 013 of Planning Practice Guidance relating to the Historic Environment states:

"All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not. The setting of a heritage asset and the asset's curtilage may not have the same extent.

The extent and importance of setting is often expressed by reference to the visual relationship between the asset and the proposed development and associated visual/physical considerations. Although views of or from an asset will play an important part in the assessment of impacts on setting, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust, smell and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each.

The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights of way or an ability to otherwise access or experience that setting. The contribution may vary over time.

When assessing any application which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change. They may also need to consider the fact that developments which materially detract from the asset's significance may also damage its economic viability now, or in the future, thereby threatening its ongoing conservation."

10.18 The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3 (Second Edition) includes, but is not limited to, the following guidance relating to the setting of heritage assets.

- *The setting of a heritage asset will include, but generally be more extensive than, its curtilage.*

- *The historic character of a place is the group of qualities derived from its past uses that make it distinctive. This may include: its associations with people, now and through time; its visual aspects; and the features, materials, and spaces associated with its history, including its original configuration and subsequent losses and changes. Character is a broad concept, often used in relation to entire historic areas and landscapes, to which heritage assets and their settings may contribute.*

- *Setting is not itself a heritage asset, nor a heritage designation, although land comprising a setting may itself be designated (see below Designed settings). Its importance lies in what it contributes to the significance of the heritage asset or to the ability to appreciate that significance.*

- *Settings of heritage assets change over time. Understanding this history of change will help to determine how further development within the asset's setting is likely to affect the contribution made by setting to the significance of the heritage asset. Settings of heritage assets which closely resemble the setting at the time the asset was constructed or formed are likely to contribute particularly strongly to significance but settings which have changed may also themselves enhance significance, for instance where townscape character has been shaped by cycles of change over the long term.*

- *Because the contribution of setting to significance does not depend on public rights or ability to access it, significance is not dependent on numbers of people visiting it; this would downplay such qualitative issues as the importance of quiet and tranquillity as an attribute of setting, constraints on access such as remoteness or challenging terrain, and the importance of the setting to a local community who may be few in number.*

- *The setting of a heritage asset is 'the surroundings in which a heritage asset is experienced' (NPPF, Annex 2: Glossary). Where that experience is capable of being affected by a proposed development (in any way) then the proposed development can be said to affect the setting of that asset.*

<u>Available evidence and necessary expertise</u>

10.19 Paragraph 208 of the NPPF is explicit that the local planning authority should take account of the available evidence and any necessary expertise when identifying and assessing the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset). In addition, paragraph 010 of Planning Practice Guidance relating to the Historic Environment advises that, in most cases, the assessment of the significance of the heritage asset by the local planning authority is likely to need expert advice which may be sought from appropriately qualified staff and experienced in-house experts. In this case, the available evidence and necessary expertise includes the applicants' Heritage Statement and the Principal Conservation Officer's consultation response, which are discussed below.

Applicants' Heritage Statement

10.20 The application is accompanied by a Heritage Statement that meets the requirements of the NPPF. However, the Principal Conservation Officer advises that the Heritage Statement is deficient in assessing the impact of this proposed development, its access and splitting up the plot on the setting of the listed building.

10.21 The applicants' Heritage Statement includes the following statements:

- *"Communal Value;*
  The evidence suggests that No 16 has had a presence on London Road for some considerable time and has for some of its history been in use as an agricultural holding. Its setting is redolent of this former use and is suggestive of the agrarian aspect of this section of the Chatteris Conservation Area. Its external appearance and setting contribute to the public realm and both make a positive contribution to the Chatteris Conservation Area."

- *"No 16 London Road is a Grade II Listed Building located within the Chatteris Conservation Area. Soft landscaping and views to the wider landholding to the west mean that there are rural qualities to the site which contribute to the setting and special interest of these heritage assets."*

- *"The London Road frontage boundary and the hedged western delineation within the site are verdant, with a number of trees along the driveway. This landscaping is of benefit to the character and appearance of the Conservation Area and the setting of No 16 and holds strong visual amenity value."*

10.22 The applicants' Heritage Statement therefore acknowledges that the existing setting of No.16 London Road, including the soft landscaping and views to the wider landholding to the west, contribute to the setting and special interest of the Grade II listed building and the Chatteris conservation area.

10.23 The applicants' Heritage Statement also states:

- *"The current proposal has been designed to minimise the impact on trees and vegetation; although the route to the new development will result in the widening and extending of the existing driveway, there will be minimal loss to the existing leafy character and where it is necessary to remove foliage, this will be replaced. Views to the wider site will therefore remain closed and any perceived harm to the heritage assets will be mitigated."*

- *"The bungalows will be screened by the site vegetation and will therefore have a minimal impact on how the heritage assets and their setting are fundamentally experienced."*

- *"With due regard to S16(2), 66(1) and 72(1) of the Planning (listed buildings and conservation areas) Act 1990, the heritage provisions of the NPPF (2024) and Policies LP18 of the Fenland Local Plan (2014) as well as Policy LP23 of the emerging plan 2021-2040, the proposed development will preserve, conserve and sustain the significance and setting of No 16 London Road and the Chatteris Conservation Area. Any perceived harm will be less than substantial and will be outweighed by the deliverance of residential dwellings within a town centre location which will be of clear public benefit."*

Principal Conservation Officer consultation response

10.24 The Principal Conservation Officer has given consideration to the impact of the proposal on the listed building and Chatteris conservation area according to the duty in law under Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and with due regard to Section 16 of the National Planning Policy Framework.

10.25 The Principal Conservation Officer acknowledges that planning permissions were previously granted, for three dwellings in 1993 and for four dwellings in 2001; though states that policy has changed considerably since that time and that it should not be used as any precedent going forward. Furthermore, the Principal Conservation Officer states that current proposal would be substantially more impacting on the host listed building and the Chatteris conservation area due to it creating a formal housing estate access on London Road, in comparison to the previous planning permissions which were approved with access from Linden Drive.

10.26 The Principal Conservation Officer states that the site frontage is wide due to the loss of a dwelling between No's 16 and 20 London Road in the late 20th Century; however, despite this, the host building was listed with the wide frontage being part of its curtilage which now integrates well and adds to its setting. The Principal Conservation Officer states that the frontage is particularly positive with an established hedge and number of trees alongside the pleasantly modest width domestic driveway that currently screens views to the rear, and that this area of mature frontage garden is of particular benefit to verdant character and appearance of the immediate conservation area and is of strong visual amenity value.

10.27 The Principal Conservation Officer states that development within the historic curtilage of a listed building should be exceptional and considers the proposed dwellings to be of mediocre design and with the the loss of trees and hedging along the frontage of the site, and the widened access, will open up views into the proposed development site and detract from the character and appearance of the conservation area and the setting of the host listed building. The Principal Conservation Officer objects to the proposed development, concluding that it would result in less than substantial (medium on the spectrum) harm to the character and appearance of the Chatteris conservation area and the setting of the host listed building, by virtue of building a housing estate within its curtilage and the re-siting and substantial increase in width of the access. Furthermore, stating that, in accordance with national and local planning policies, there should be a strong presumption to refuse planning permission unless there are public

benefits that outweigh the identified harm to the heritage assets, and that any public benefits would have to be substantial to outweigh the identified harm to the heritage assets.

Conclusion

10.28 In accordance with the requirements of paragraph 212 of the NPPF, in considering the impact of the proposed development on the significance of the Chatteris conservation area and host Grade II listed building (No.16 London Road), great weight is given to the conservation of those heritage assets.

10.29 The existing frontage of the application site, comprising a modest width domestic driveway and well-established hedging and trees, contributes positively to the verdant character and appearance of the conservation area and the setting of the host Grade II listed building.

10.30 By virtue of building a housing estate within the curtilage of the host Grade II listed building, including the re-siting and substantial increase in width of the access and the removal of the established trees and hedging along the frontage of the site, the proposed development would cause less than substantial (medium on the spectrum) harm to the character and appearance of the Chatteris conservation area and the setting of the host Grade II listed building (No.16 London Road).

10.31 In accordance with the requirements of paragraph 215 of the NPPF, the less than substantial (medium on the spectrum) harm to the character and appearance of the Chatteris conservation area and the setting of the host Grade II listed building has been weighed against the public benefits of the proposal. The applicants' Heritage Statement states that any perceived harm will be less than substantial and will be outweighed by the deliverance of residential dwellings within a town centre location which will be of clear public benefit. However, the Council can currently demonstrate a 6.6 years supply of housing land, which is well in excess of five years supply, and therefore the delivery of additional housing is not considered to be a public benefit of sufficient weight to outweigh the identified harm to the character and appearance of the Chatteris conservation area and the settling of the host Grade II listed building (No.16 London Road). In addition, there is no other clear and convincing justification to warrant harm being caused to the significance of the character and appearance of the Chatteris conservation area and the settling of the host Grade II listed building (No.16 London Road). It is therefore considered that the limited public benefits of the proposed development fail to outweigh the identified harm to the significance of the character and appearance of the Chatteris conservation area and the settling of the host Grade II listed building (No.16 London Road), contrary to paragraph 215 of the National Planning Policy Framework.

10.32 With consideration given to the significance of the Chatteris conservation area and the host listed building (taking into account the assessments made within the applicant's Heritage Statement and Principal Conservation Officer's consultation response), it is considered that the proposed development would cause less than substantial (medium on the spectrum) harm to the character and appearance of the Chatteris conservation area and the setting of the host Grade II listed building, which would not be outweighed by the public benefits associated with the proposed development, contrary to policies LP16 and LP18 of the Local Plan and paragraph 215 of the National Planning Policy Framework.

Residential amenity

10.33 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.

10.34 Policy LP2 of the Local Plan states that development proposals should positively contribute to creating a healthy, safe and equitable living environment by promoting high levels of residential amenity and avoiding adverse impacts. In addition, policy LP16 of the Local Plan requires that development proposals do not adversely impact on the amenity of neighbouring users such as noise, light pollution, loss of privacy and loss of light.

10.35 The proposed dwellings are single-storey, with ridge heights of 6.4 metres. The ground levels within the application site are lower than the ground levels of some of the neighbouring properties located adjacent to the application site.

10.36 Part of the northern boundary of the application site is located immediately adjacent to the rear gardens of No's 25-27 Linden Drive. These neighbouring properties are single-storey dwellings and contain windows facing towards the application site. In addition, the ground levels of these neighbouring properties are higher than the ground levels within the application site, as detailed within the Topographical Survey (drawing no. 10365-1) accompanying the application. The rear garden boundaries of these neighbouring properties are located directly adjacent to the rear garden boundaries of Plots 1-3 of the proposed development, with existing close boarded fencing along the boundary. The rear elevations of Plots 1 and 2 would face north, towards the rear elevations and gardens of No's 25 and 27 Linden Drive, and they would be distanced in excess of 20 metres from the rear garden boundaries and in excess of 25 metres from the rear elevation windows of the neighbouring properties on Linden Drive. The side elevation of Plot 3, which does not contain any habitable room windows, would face north towards No.26 Linden Drive and would be distanced approximately 11 metres from the boundary and 13 metres from the rear elevation of this neighbouring property. The main area of outdoor amenity space to Plot 3 would be well screened from the Linden Drive properties by the proposed dwelling within that plot. Although there would be some intervisibility between the gardens and windows of No's 25-27 Linden Drive and Plots 1-3 due to the differences in ground levels, this would not result in any significant overlooking or other residential amenity impacts between these properties due to the single-storey heights, generous separation distances and partial screening between them.

10.37 The rear elevations of Plots 3-5 would face towards the rear elevations and gardens of neighbouring properties located on Westbourne Close. The rear elevation of Plot 3, which is the dwelling proposed closest to the western boundary and the neighbouring properties on Westbourne Close, would be distanced in excess of 9.5 metres from the rear garden boundaries and in excess of 18 metres from the closest rear elevation of these neighbouring properties (with the majority of back-to-back distances between Plots 3-5 and the neighbouring properties on Westbourne Close being significantly greater). Due to the single-storey heights, separation distances and partial screening between them. Although there would be some intervisibility between the gardens and windows of neighbouring properties on Westbourne Close and Plots 3-5, this would not result in any significant overlooking or other residential amenity impacts between these properties due to the single-storey heights, generous separation distances and partial screening between them.

10.38 The neighbouring properties located on Westbourne Road, adjoining the south of application site, have rear gardens of substantial depth. The rear elevations and main outdoor amenity spaces of these neighbouring properties are located in excess of 35 metres from the closest proposed dwelling. There are also neighbouring properties on London Road (including the host property of No.16 London Road) which are located adjacent to the south and east boundaries of the application site. The proposed development would not result in any significant overlooking or other residential amenity impacts between these properties due to the single-storey heights, generous separation distances and partial screening between them.

10.39 Use of the proposed shared drive by vehicles would result in additional pollution, including noise and light, however such impacts would not result in any significant harm to the residential amenity of neighbouring properties due to the small amount of dwellings that it would serve and intervening landscaping and boundary treatments.

10.40 Amendments have been made to the soft landscaping details for the proposed development during the course of the application, which included amendments to the species and locations of proposed new trees in order to demonstrate that they would not have any significant detrimental impacts on the residential amenity of neighbouring properties. The Council's Tree Officer confirmed that a previous iteration of the Proposed Site Plan demonstrated acceptable species and locations of trees. The current iteration of the Proposed Site Plan has removed details of the proposed tree species, however appropriate location and species of new trees could be secured by a planning condition requiring a soft landscaping scheme to be agreed with the Local Planning Authority.

10.41 Although an appropriate soft landscaping scheme which has acceptable impacts on the residential amenity of neighbouring properties could be secured by a planning condition in any event of planning permission being granted, it is relevant to note that the planting of any additional new trees within the application site in the future cannot be controlled by this planning application.

10.42 Provision and future retention of additional boundary treatments within the application site could be controlled by a planning condition, should it be deemed necessary, in any event of planning permission being granted. However, any other management and maintenance responsibilities of existing and proposed boundary treatments are civil issues.

10.43 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 residential amenity to future occupiers of the proposed dwellings, in accordance with policies LP2 and LP16 of the Local Plan and paragraph 135 of the NPPF.

Flood risk and drainage

10.44 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.

10.45 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.

10.46 Policy LP14 of the Local Plan states that all development proposals should adopt a sequential approach to flood risk from all forms of flooding, and that development in areas known to be at risk from any form of flooding will only be permitted following:

(a) the successful completion of a sequential test (if necessary), having regard to actual and residual flood risks

(b) an exception test (if necessary),

(c) the suitable demonstration of meeting an identified need, and

(d) through the submission of a site specific flood risk assessment, demonstrating appropriate flood risk management and safety measures and a positive approach to reducing flood risk overall, and without reliance on emergency services.

10.47 The sequential approach to flood risk is also a requirement of the NPPF and the Cambridgeshire Flood and Water SPD.

10.48 Policy LP14 of the Local Plan also states that, in addition to the requirements of the NPPF and associated technical guide, all applications for relevant developments must include a drainage strategy to demonstrate 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. 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 and for developed sites (where feasible).

10.49 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.

10.50 The application site is located within Flood Zone 1 and within an area at low risk of flooding from all sources. It is therefore considered that the proposed development adopts a sequential approach to flood risk, in accordance with policy LP14 of the Local Plan, the NPPF and the Cambridgeshire Flood and Water SPD.

10.51 It is acknowledged that flood risk and surface water drainage concerns have been raised by local residents, however there is no evidence available to the Local Planning Authority to warrant refusal of planning permission on the basis of flood risk or surface water drainage impacts. Therefore, with consideration given to the low flood risk of the site from all sources of flooding (as indicated by Environment Agency data), and the minor scale of the proposed development, it is considered that acceptable drainage impacts could be secured by a planning condition.

10.52 It is therefore considered the proposed development would have acceptable flood risk and drainage impacts, in accordance with policies LP14 and LP16 of the Local Plan, and the provisions of the NPPF and the Cambridgeshire Flood and Water SPD.

Highway safety and parking provision

10.53 Policy LP15 of the Local Plan requires all development proposals to:

- Provide 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 including habitat connectivity (linking to existing routes where opportunities exist) that give easy access and permeability to adjacent areas; and

- Provide well designed car and cycle parking appropriate to the amount of development proposed, ensuring it meets the Council's defined parking standards as set out in Appendix A.

10.54 The proposed development includes repositioning and widening of the existing vehicular access adjoining London Road, facilitating access to a new shared driveway. The proposed access would be 5.5 metres wide where it adjoins London Road, which would then narrow to a 5 metres wide shared driveway further west into the site. The layout of the proposed shared driveway is sufficient to facilitate on-site turning for domestic vehicles so that they can access and egress the public highway in a forward gear.

10.55 Due to the small number of dwellings proposed, the proposed development is unlikely to result in any significant congestion impacts to the public highway and the Local Highway Authority has not raised any concerns regarding such impacts.

10.56 The Local Highway Authority have reviewed the highway safety impacts and consider the proposed development to be acceptable, subject to conditions to secure satisfactory construction parking facilities, drainage measures and arrangements for future management and maintenance of the access road, and to remove permitted development rights for gates or any other enclosure being erected across the vehicular access.

10.57 With consideration given to the recommendation of the Local Highway Authority, it is considered that the proposed development would have acceptable highway safety impacts, in accordance with policy LP15 of the Local Plan.

10.58 The Council's parking standards specify that dwellings of four bedrooms or more should have a minimum of three car parking spaces. The proposed development would provide in excess of three car parking spaces per dwelling. The proposed development would therefore provide adequate car parking provision, in accordance with policy LP15 and Appendix A of the Local Plan.

Archaeology

10.59 Policy LP16 of the Fenland Local Plan 2014 requires that proposals for all new development to protect and enhance any affected heritage assets and their settings to an extent commensurate with policy in the National Planning Policy Framework and in accordance with Policy LP18 of the Local Plan.

10.60 Policy LP18 of the Local Plan requires development proposals, that affect any designated or undesignated heritage asset, to:

(a) describe and assess the significance of the asset and/or its setting to determine its architectural, historic or archaeological interest; and

(b) identify the impact of the proposed works on the special character of the asset; and

(c) provide a 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.

10.61 Paragraph 207 of the National Planning Policy Framework states that, in determining applications, local planning authorities should require an applicant to

describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

10.62 Cambridgeshire County Council Historic Environment Team has stated that they have no objection to the proposed development, however they consider that the site should be subject to a programme of archaeological investigation secured by a planning condition.

10.63 With consideration given to the recommendations of Cambridgeshire County Council Historic Environment Team, it is considered necessary to append the recommended condition in any event of planning permission being granted, in order 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.

10.64 It is therefore considered that the recommended condition would secure an adequate archaeological evaluation of the site and the proposed development would adequately protect archaeological assets, in accordance with policies LP16 and LP18 of the Local Plan and the provisions of the National Planning Policy Framework.

Trees

10.65 Policy LP16 of the Local Plan requires proposals for new development to demonstrate that they retain and incorporate natural features of the site, such as trees.

10.66 The application is accompanied by an arboricultural report which records 73 individual trees plus 7 groups, and classifies them as follows:

- Category A (high quality) – 1No. tree;
- Category B (moderate quality) – 20No. trees and 1No. group;
- Category C (low quality) – 47No. trees and 6No. groups.
- Category U (unsuitable for retention) – 5No. trees.

10.67 The arboricultural report specifies that 25 trees (comprising 8No. Category B trees and 17No. Category C trees) would be removed to accommodate the proposed development, and that 5No. Category U trees would be removed under routine arboricultural maintenance due to being dead or dying, which would reduce the likelihood of any danger being caused by existing trees. The arboricultural report further indicates that the remaining trees could be adequately protected during construction and retained as part of the proposed development.

10.68 The loss of Category B trees can be acceptable where suitably justified or compensated, whereas Category C trees should not normally be a constraint to development. The Council's Tree Officer has no objections to the application and

has not raised any concerns regarding the proposed tree removals. Furthermore, the application is accompanied by a soft landscaping scheme which would secure suitable compensatory planting for the trees which are proposed to be removed. The proposed tree removals are therefore considered to be acceptable.

10.69 The Council's Tree Officer has stated that the arboricultural report demonstrates the project is feasible and the trees to be retained can be protected; though recommends a pre-commencement Arboricultural Method Statement which would ensure adequate protection and management of the trees to be retained.

10.70 With consideration given to the information contained within the arboricultural report, the replacement tree planting which could be secured by the proposed soft landscaping scheme, and the recommendation of the Council's Tree Officer, it is concluded that the proposed development could be accommodated within the application site without having a significant detrimental impact on the arboricultural value of the site. Although the proposed development would result in some conflict with policy LP16 of the Local Plan as it does not demonstrate retention and incorporation of all existing trees, it would not be reasonable to refuse the planning application on this basis due to the absence of any identified harm to the arboricultural value of the site.

Biodiversity

10.71 Policy LP16 of the Local Plan requires development proposals to protect and enhance biodiversity on and surrounding the proposal site, taking into account locally designated sites and the special protection given to internationally and nationally designated sites, in accordance with policy LP19 of the Local Plan.

10.72 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.

10.73 The proposed development would result in the loss of generally species-poor modified grassland, mixed scrub, trees and ornamental vegetation, non-native hedgerow and a small derelict shelter.

10.74 The application is accompanied by a Preliminary Ecological Appraisal (PEA) which states that no mitigation is required for protected sites or for the following protected species:- Water Vole, Otter, Badger, Other Mammals and Reptiles. The PEA states that the application site is suitable for supporting hedgehog, foraging amphibians and invertebrates and recommends mitigation measures to prevent harm to these species. The PEA recommended further survey work for bats and breeding birds which is discussed below.

10.75 Cambridgeshire County Council Ecology Officer's original consultation response stated that the application provided insufficient evidence to demonstrate the level of impact of the scheme on biodiversity and therefore recommended refusal until further survey work for breeding birds and bats was completed (as per the recommendations of the applicants' Preliminary Ecological Appraisal). Subsequent to the Ecology Officer's consultation response, a Phase 2 Bat and Bird Survey was received by the Local Planning Authority.

10.76 The Phase 2 Bat and Bird Survey comprised a bat tree (endoscope) survey, a bat transect survey and a bat static detector survey. The bat tree (endoscope) survey found no evidence of bats and found the identified features to be unsuitable for roosting bats. The bat transect survey and bat static detector survey found evidence of the site being used by foraging and commuting bats. The survey recommends mitigation measures to enable the local bat population to continue to commute and to prevent foraging from being significantly impaired. In addition, the survey recommends bat roosting feature and landscape features to enhance the availability of bat habitats. Provision of the mitigation and enhancement measures recommended within the survey could be secured by a planning condition in any event of planning permission being granted.

10.77 The Phase 2 Bat and Bird Survey states that site supports a range of common nesting birds as might normally be associated with such habitat (namely trees, grassland and scrub). However, no evidence of Schedule 1 birds or any red list species were noted to be nesting within the application site. Despite a full breeding bird survey not having been carried out, the level of assessment confirmed that the site is of no more than site/local value to nesting birds. The survey recommends mitigation measures to prevent disturbance to breeding birds, such as any building works being undertaken outside of the bird nesting season. In addition, the survey recommends bird enhancement measures comprising a variety of bird boxes (swift boxes, startling boxes and house sparrow boxes) and the omission of bird combs from the roofs of the proposed dwellings. Provision of the mitigation and enhancement measures recommended within the survey could be secured by a planning condition in any event of planning permission being granted.

10.78 The Council's Principal Ecologist accepts the results of the Phase 2 Bat and Bird Survey that the site is of only local importance for foraging bats and nesting birds, noting relatively low numbers of common bat species and no notable bird species beyond a local context. Notwithstanding this, the Council's Principal Ecologist states that precautions should be taken to avoid undue harm to nesting birds and foraging bats and therefore advises that protection and enhancement measures should be secured by planning conditions in any event of planning permission being granted.

10.79 In addition, the Council's Principal Ecologist states that he is aware of reports of hedgehogs using the site and, due to their significant population decline in recent years, considers that measures to conserve hedgehogs are fully justified. The Council's Principal Ecologist therefore recommends planning conditions are imposed, in any event of planning permission being granted, to secure a Reasonable Avoidance Measures method statement (containing details of measures to be taken during any site clearance and construction works to prevent any harm to hedgehogs), and to secure the provision hedgehog hibernaculum within the landscaping scheme for the site.

10.80 With consideration given to the information and conclusions contained within the Preliminary Ecological Appraisal and Phase 2 Bat and Bird Survey (including the mitigation and enhancement measures contained within them), and the recommendation of the Council's Principal Ecologist, it is considered that the proposed development would adequately protect and enhance biodiversity, in accordance with policies LP16 and LP19 of the Local Plan and the provisions of the National Planning Policy Framework.

Biodiversity Net Gain (BNG)

10.81 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.

10.82 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, 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 In accordance with the requirements of paragraph 212 of the NPPF, in considering the impact of the proposed development on the significance of the Chatteris conservation area and host listed building (No.16 London Road), great weight is given to the conservation of those identified heritage assets.

11.2 In accordance with the requirements of paragraph 208 of the NPPF, the significance of the heritage assets and setting affected by the proposal has been identified and assessed taking account of the available evidence and necessary expertise. With consideration given to the recommendation of the Principal Conservation Officer (the Council's expertise in respect of heritage assets), it is considered that the proposed development would result in less than substantial (medium on the spectrum) harm to the character and appearance of the Chatteris conservation area and the setting of the host listed building.

11.3 In accordance with the requirements of paragraph 215 of the NPPF, the less than substantial (medium on the spectrum) harm to the character and appearance of the Chatteris conservation area and the setting of the host listed building has been weighed against the public benefits of the proposal, the delivery of five dwellings and the economic and social benefits which this would deliver. However, it is considered that the limited public benefits of the proposed development, owing to the limited scale of the development and its subsequent limited benefits, especially in the context of the Council being able to demonstrate an above Five Year Land Supply of housing, fail to outweigh the harm to the significance of the character and appearance of the Chatteris conservation area and the settling of the host listed building. Therefore, there is no clear and convincing justification to warrant harm being caused to the significance of the character and appearance of the Chatteris conservation area and the settling of the host listed building, contrary to paragraph 213 of the National Planning Policy Framework.

11.4 With consideration given to the significance of the Chatteris conservation area and the host listed building (taking into account the assessments made within the applicant's Heritage Statement and Principal Conservation Officer's consultation response), it is considered that the proposed development would cause less than substantial (medium on the spectrum) harm to the character and appearance of the Chatteris conservation area and the setting of the host listed building, which would not be outweighed by the public benefits associated with the proposed

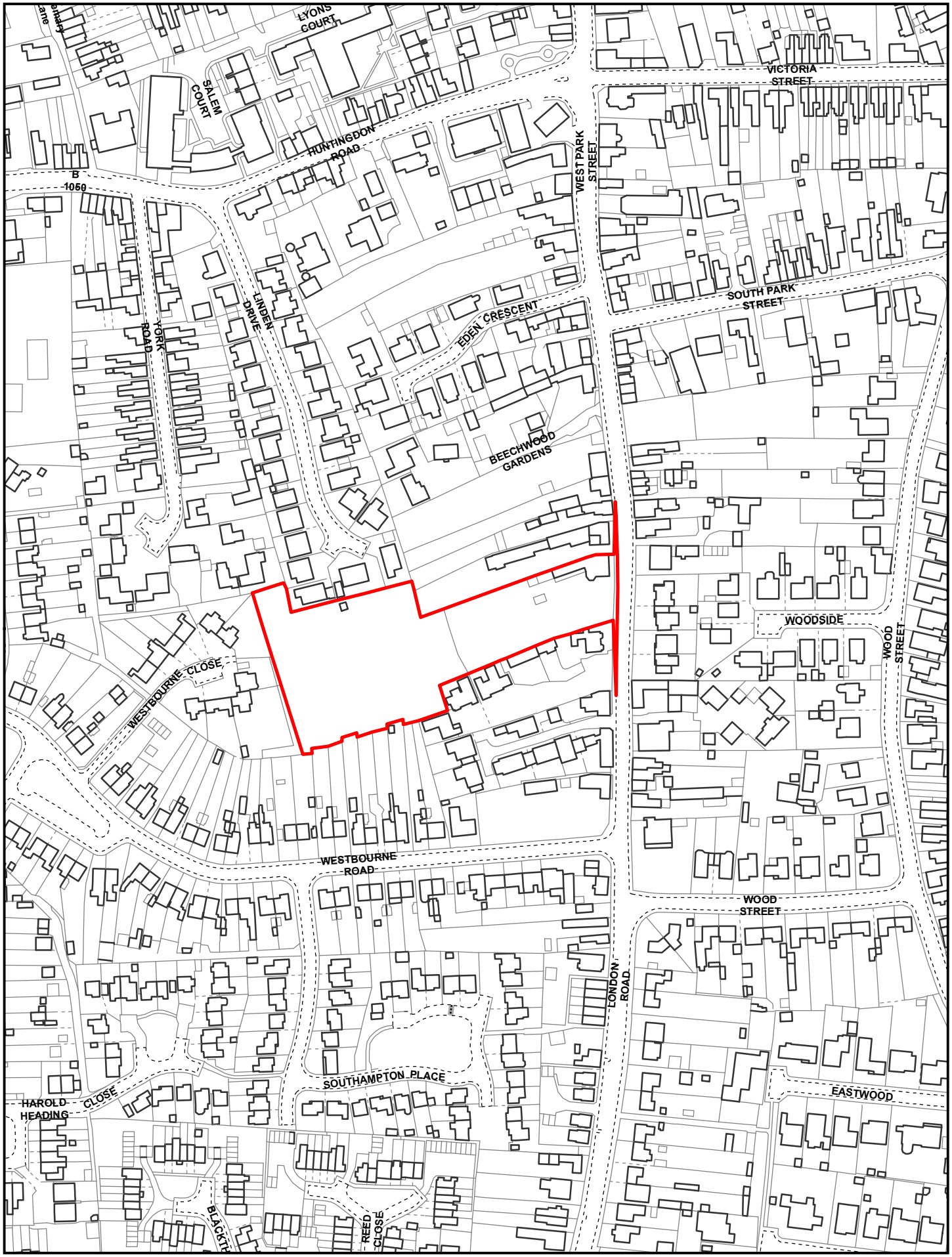
development, contrary to policies LP16 and LP18 of the Local Plan and paragraph 215 of the National Planning Policy Framework.

11.5 The application is therefore recommended for refusal.

12 RECOMMENDATION

Refuse; for the following reason:

1.	The existing frontage of the application site, comprising a modest width domestic driveway and well-established hedging and trees, contributes positively to the verdant character and appearance of the conservation area and the setting of the host Grade II listed building (No.16 London Road). By virtue of building a housing estate within the curtilage of the host Grade II listed building (No.16 London Road), including the re-siting and substantial increase in width of the access and the removal of the established trees and hedging along the frontage of the site, the proposed development would cause less than substantial (medium on the spectrum) harm to the character and appearance of the Chatteris conservation area and the setting of the host Grade II listed building (No.16 London Road), which would not be outweighed by the limited public benefits associated with the proposed development, contrary to policies LP16 and LP18 of the Local Plan and paragraph 215 of the National Planning Policy Framework.



Created on: 25/03/2024

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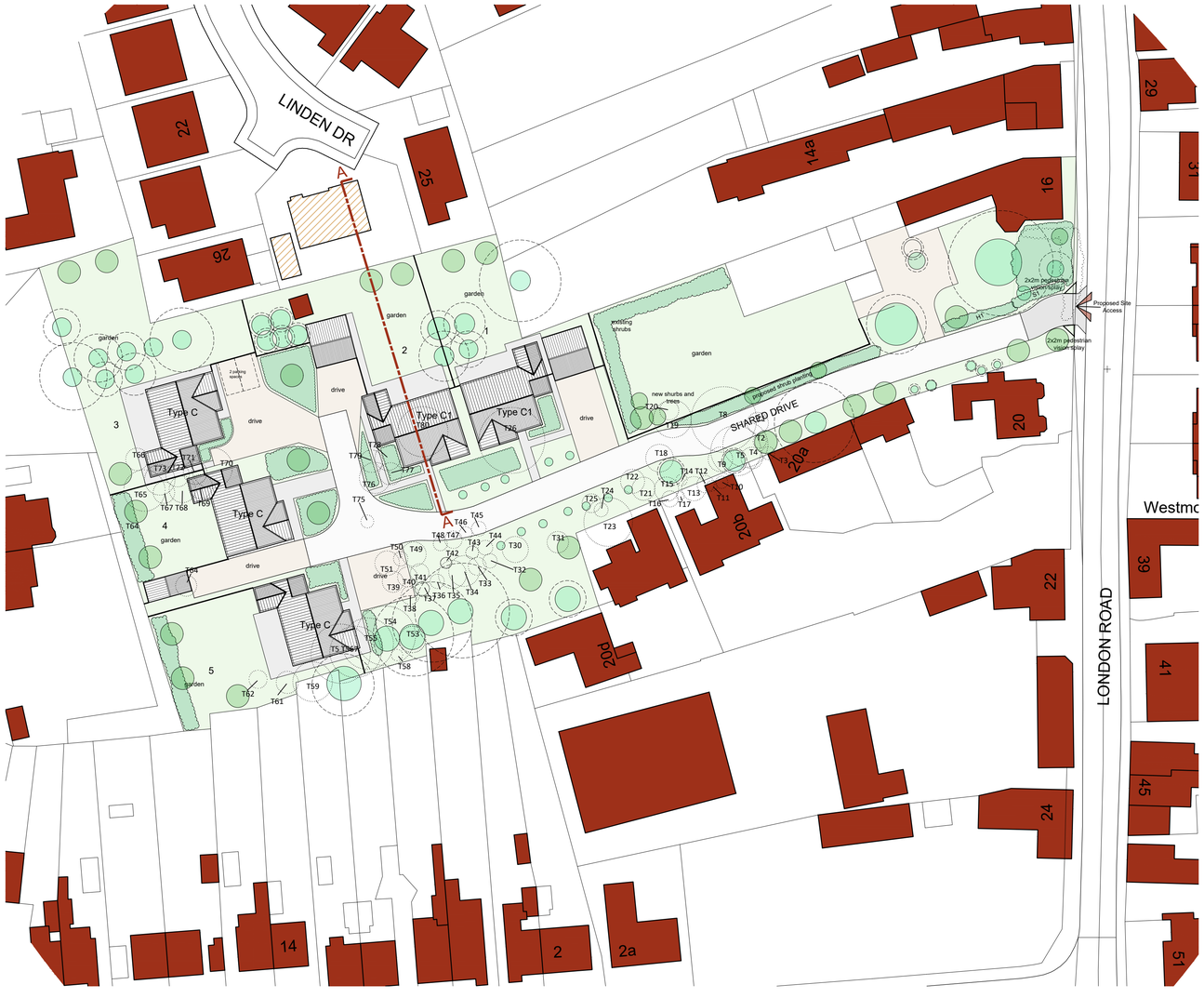
Fenland CAMBRIDGESHIRE
Fenland District Council



Site Plan
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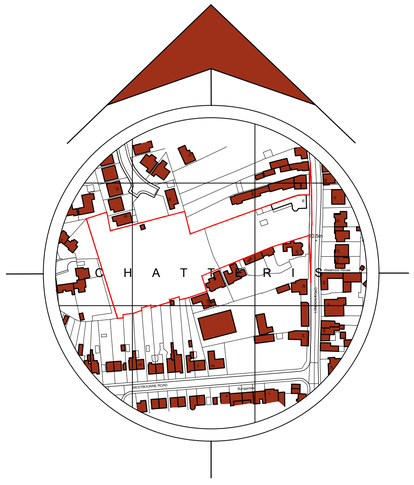
AREA SCHEDULE

NB: Floor Areas Exclude Garage Floor Areas

TYPE C
Ground Floor Area = 138m2



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London Road Street Scene
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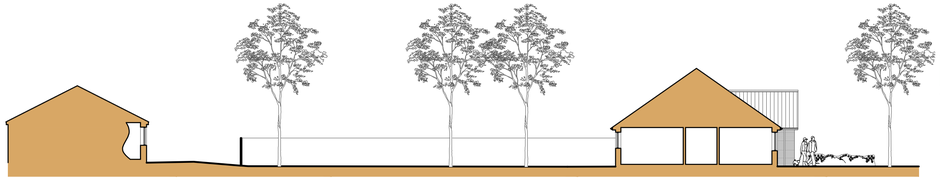

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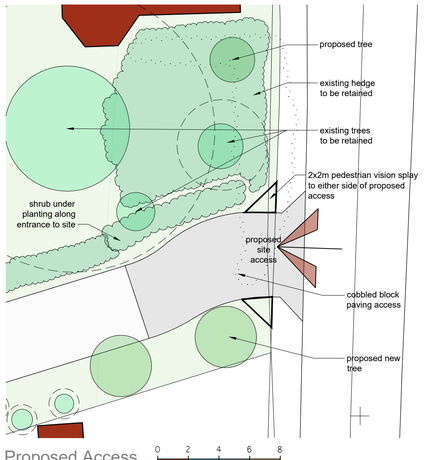

Proposed Access
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General Notes
1. All dimensions are shown in 'mm' unless otherwise stated.
2. The contractor, sub-contractors and suppliers must verify all dimensions on site prior to the commencement of any work.
3. This drawing is to be read in conjunction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

SITE PLAN KEY

- Indicates un-surveyed buildings taken from OS map
- Indicates approximate position of trees
- Indicates proposed landscaping and trees
- Indicates grass
- Indicates cobble block paving surface treatment to access
- Indicates 5m wide shared private permeable drive
- Indicates proposed drive
- Indicates proposed patio and paths
- Indicates proposed 1.8m high close boarded timber fence
- Indicates proposed 1-1.6m wall framing entrance
- Indicates existing trees to be demolished - to be read in conjunction with tree report and associated schedule

Status
FOR APPROVAL

SWANN EDWARDS ARCHITECTURE
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Job Title
Proposed Residential Development
Land Rear of 16 London Road
Chatteris

Date: Feb 2025
Drawn by: GT
Checked by: JB

Drawing Title
Planning Drawing
Site Plan & Location Plan

Job No.: SE-1872
Sheet Size: A1
Dwg No.: PP1050
Revision: B

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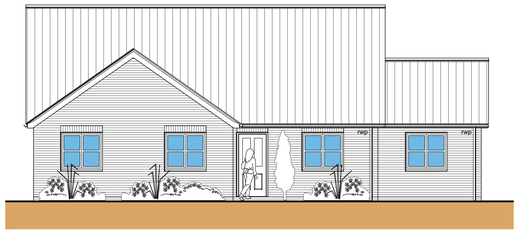

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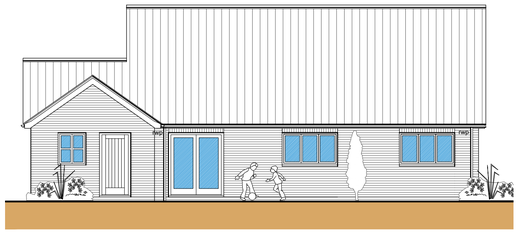
Side Elevation
Scale: 1:100

0 1 2 3 4
metres



Rear Elevation
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Side Elevation
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metres

Floor Plan
Scale: 1:100

0 1 2 3 4
metres

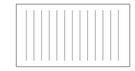
Type C Plots 1 - 2 - Plot 2 handed

General Notes

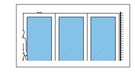
1. All dimensions are shown in 'mm' unless otherwise stated.
2. The contractor, sub-contractors and suppliers must verify all dimensions on site prior to the commencement of any work.
3. This drawing is to be read in conjunction with all relevant engineers and specialist sub-contractors drawings and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

ELEVATION KEY

Indicates proposed facing brickwork to be agreed



Indicates proposed roof tiles to be agreed



Indicates proposed joinery to be agreed

Status

FOR APPROVAL

SWANN EDWARDS ARCHITECTURE

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Job Title
Proposed Residential Development
Land Rear of 16 London Road
Chatteris

Date: Feb 2025

Drawn by: GT

Checked by: JB

Drawing Title
Planning Drawing
Type C1
Plans & Elevations

Job No.: SE-1872

Sheet Size: A1

Dwg No.: PP1052

Revision:

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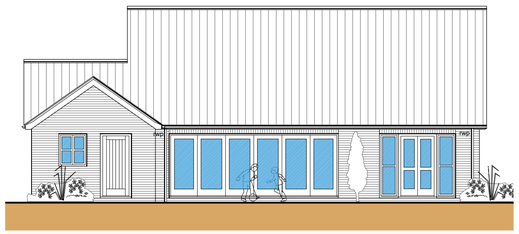
Side Elevation
Scale: 1:100



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Side Elevation
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Floor Plan
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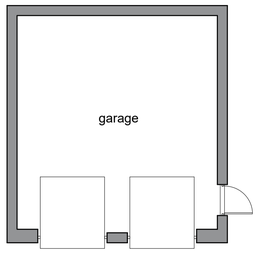
Type C Plots 3 - 5 - Plots 3 handed



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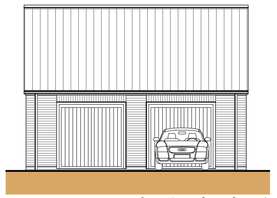

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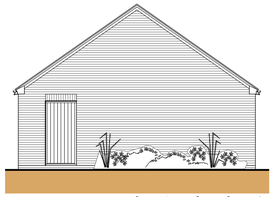

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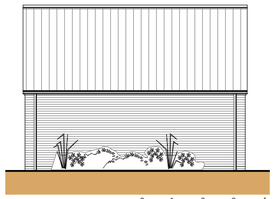

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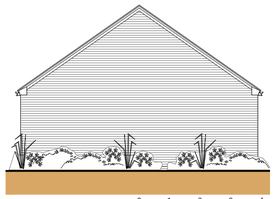

Side Elevation
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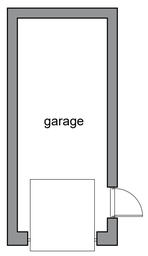
Garage to Plots 1 & 2- Plot 1 handed



Garage Plan
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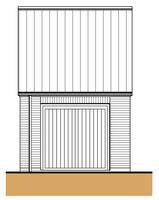

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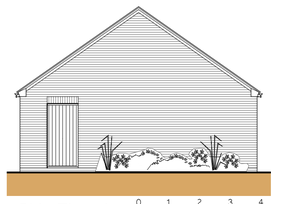

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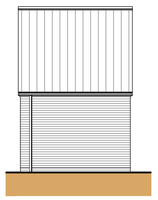

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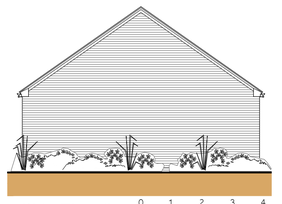

Side Elevation
Scale: 1:100

Garage to Plot 4

General Notes
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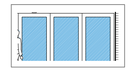
4. Any discrepancies are to be brought to the designers attention.

ELEVATION KEY

Indicates proposed facing brickwork to be agreed

Indicates proposed roof tiles to be agreed



Indicates proposed joinery to be agreed

Status

FOR APPROVAL

SWANN EDWARDS
ARCHITECTURE
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Job Title
Proposed Residential Development
Land Rear of 16 London Road
Chatteris

Date: Jan 2024
Drawn by: AL
Checked by: JB

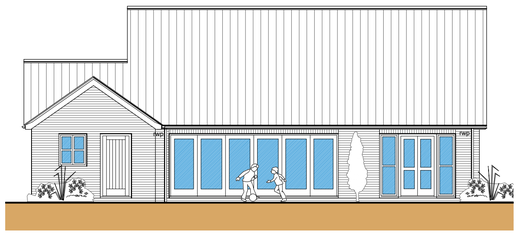
Drawing Title
Planning Drawing
Type C & Garage
Plans & Elevations

Job No.: SE-1872
Sheet Size: A1
Dwg No.: PP1051
Revision: A

Swann Edwards Architecture Limited ©

Front Elevation
Scale: 1:100

Side Elevation
Scale: 1:100



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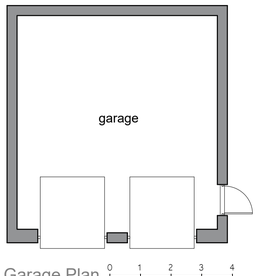
Scale: 1:100

Side Elevation
Scale: 1:100

Floor Plan
Scale: 1:100

Type C Plots 1 - 5 - Plots 2 & 3 handed



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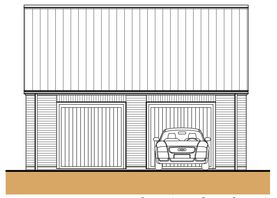

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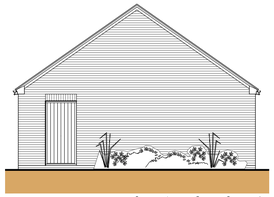

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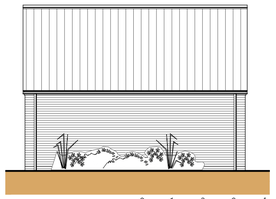

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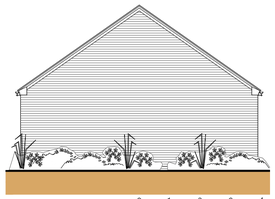

Side Elevation
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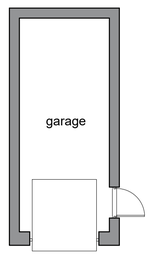
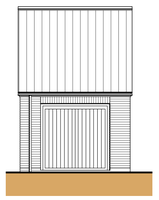
Garage to Plots 1 & 2- Plot 1 handed



Garage Plan
Scale: 1:100



Front Elevation
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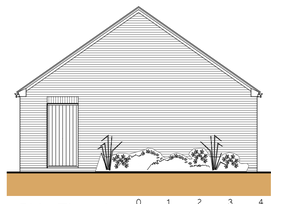

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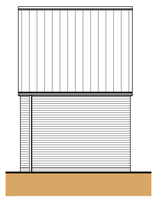

Rear Elevation
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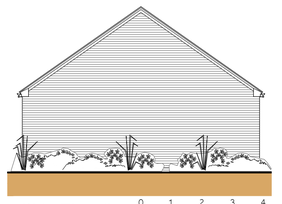

Side Elevation
Scale: 1:100

Garage to Plot 4

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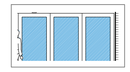

Indicates proposed joinery to be agreed

Status

FOR APPROVAL

SWANN EDWARDS
ARCHITECTURE
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Type C & Garage
Plans & Elevations

Job No.: SE-1872
Sheet Size: A1
Dwg No.: PP1051
Revision: A

Swann Edwards Architecture Limited ©

PLANNING COMMITTEE DATE: 15 October 2025 **Agenda No: 10**

REFERENCE NO: F/YR24/0237/F

SITE ADDRESS: Land South West Of 16 London Road, Chatteris, Cambridgeshire

PROPOSAL: Erect 5 x dwellings (single storey 4-bed) with detached garages, and repositioning and widening of existing vehicular access

UPDATE

Two further letters have been received from previous objectors to the application. One letter raised concerns regarding the Local Residents/Interested Parties table at paragraph 5.9 of the Committee Report and how the letters received from Swadlincote and Harpenden are situated outside of the district. The letter notes that these address points are for individuals who own a share of a bungalow adjacent to the application site. The other letter raised concerns as to why previous comments regarding overlooking and a suggested alternative layout have been disregarded in the Committee Report.

Officer response

The comments regarding the letters of objection received from outside of the district are acknowledged. Whilst the Committee Report highlights that these letters are outside of the district, the concerns raised within these letters have been addressed within the Committee Report.

Paragraph 5.9 of the Committee Report sets out the objection comments received, which includes overlooking/privacy impacts. The comments table clearly identifies that these comments are addressed within the 'Residential amenity' section of the report.

Furthermore, paragraph 10.36 of the Committee Report specifically addresses overlooking, with reference to No. 25-27 Linden Drive. This paragraph concludes that whilst there would be some intervisibility between the gardens and windows of No's 25-27 Linden Drive and Plots 1-3 of the proposed development due to the difference in ground level, this would not result in any significant overlooking or other residential amenity impacts between these properties due to the single-storey heights, generous separation distances and partial screening between plots.

The LPA are therefore satisfied that the previous comments received regarding overlooking have been adequately addressed.

With regard to the suggested alternative layout, each application is considered on its own merits and there is no obligation for the LPA to suggest alternative layouts to the applicant.

Recommendation: No change to the recommendation which is to refuse this application as per Section 12 of Agenda item 10 on page 163.

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F/YR25/0058/O

Applicant: Mr P Gumbley **Agent: Mr G Edwards**
Swann Edwards Architecture Ltd

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

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

Officer recommendation: Refuse

Reason for Committee: Deferral from previous Committee meeting

1 EXECUTIVE SUMMARY

1.1. This application was heard at Planning Committee on 30th April 2025, where Members agreed to defer determination of the application to provide the applicant an opportunity to provide a sequential test and drainage details.

1.2. Further to this, the applicant has subsequently provided a flood risk assessment, a separate sequential and exceptions test, a surface water flood study, and drainage strategy in support of the development, along with a revised indicative site layout plan to accommodate the proposed drainage scheme which have been supported by the relevant consultees.

1.3. Accordingly, there are no reasonable reasons to refuse planning permission on the basis of unacceptable surface water flood risk and as such this reason for refusal falls away.

1.4. However, the submission does not address the first reason for refusal in respect of the detrimental impact on the countryside character, and as such the proposal remains contrary to Policies LP3, LP12 and LP16 of the adopted Fenland Local Plan, and as such reason for refusal 1 is maintained. The application is therefore recommended for refusal.

2 UPDATE

2.1. During the Planning Committee meeting of 30th April 2025, Members were presented with the above application, that was recommended for refusal for the following reasons:

1. The proposal would result in large scale in-depth development in an area rural in character and characterised mainly by frontage development and would erode an important visual gap and area of separation between this part of Bridge Lane and the main built form of Wimblington. The proposal is therefore contrary to Policies LP3, LP12 and LP16 of the adopted Fenland Local Plan.

2. The proposed development is located partly within a known area of medium-high risk of surface water flood risk. The application fails to pass the Sequential Test in relation to surface water flood risk and fails to demonstrate that acceptable safe access and egress from the site can be achieved. The proposed development therefore has unacceptable surface water flood risks, placing future occupiers at an unwarranted risk of flooding, contrary to policies LP12 and LP14 of the Local Plan, Paragraphs 174 & 181 of the National Planning Policy Framework, Paragraph 023 of National Planning Practice Guidance and Section 4 of the Cambridgeshire Flood and Water Supplementary Planning Document.

2.2. Members resolved to defer determination of the application to provide the applicant an opportunity to provide a sequential test and for the drainage to be considered by the consultees.

2.3. Further to this, the applicant has subsequently provided a flood risk assessment, a separate sequential and exceptions test, a surface water flood study, and drainage strategy in support of the development, along with a revised indicative site layout plan to accommodate the proposed drainage scheme.

2.4. For reference, the original Committee Report, recommendation and suggested conditions are included as an appendix following this update.

3 CONSULTATIONS

3.1. **Environment Agency (dated 12.08.2025)**
We have reviewed the documents as submitted and we have no objection to this planning application.

Our comments from our previous letter, referenced AC/2025/132583/01, dated 14 February 2025, remain pertinent.

3.2. **Anglian Water (dated 18.08.2025)**
ASSETS
Section 1 - Assets Affected
There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.

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

completed before development can commence.

WASTEWATER SERVICES

Section 2 - Wastewater Treatment

This site is within the catchment of Doddington Water Recycling Centre (WRC), which currently can accommodate the additional flows generated by the proposed development. Doddington WRC is included within our Business Plan as a named growth scheme with investment delivery planned between 2025-2030. To ensure there is no pollution or deterioration in the receiving watercourse due to the development foul flows we recommend a planning condition is applied if permission is granted.

Condition: Prior to occupation written confirmation from Anglian Water must be submitted confirming there is sufficient headroom at the water recycling centre to accommodate the foul flows from the development site. This condition shall cease to have effect if the development is first occupied after April 2030.

Reason: to protect water quality, prevent pollution and secure sustainable development having regard to paragraphs 7/8 and 187 of the National Planning Policy Framework.

Section 3 - Used Water Network

This response has been based on the following submitted documents: Proposed Drainage Layout WECE/24/398/A1/C/100 Rev P11 and Anglian Water Pre-Planning Assessment Report PPE-0224530. Anglian Water has worked with the applicant to establish a Sustainable Point of Connection (SPOC) for the proposed development site. The required foul network connection point is manhole (mh 6002) located at NGR TL 41650 93005. This will avoid the constrained network which could cause pollution and flood risk downstream. We therefore request the following foul drainage condition is applied if permission is granted: Recommended Planning Condition

Condition: No development shall commence until a strategic foul water strategy has been submitted to and approved in writing by the Local Planning Authority, in consultation with Anglian Water. This strategy should identify the connection point to the manhole (mh 6002) located at NGR TL 41650 93005. Prior to occupation, the foul water drainage works must have been carried out in complete accordance with the approved scheme.

Reason: To reduce the impacts of flooding and potential pollution risk

Section 4 – Surface Water Disposal

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

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be reconsulted to ensure that an effective surface water drainage strategy is prepared and implemented.

3.3. **Cambridgeshire Lead Local Flood Authority (dated 09.09.2025)**

We have reviewed the following documents:

- *Surface Water Flood Study, prepared by McCloy Consulting, ref: M03569- 01_FL01, REV: 02, dated 1st September 2025.*
- *Surface Water Drainage Strategy, prepared by WE Consulting Engineers, ref: WECE/24/398/RP/C/001, REV: 06, dated September 2025.*

Based on these, as Lead Local Flood Authority (LLFA) we can remove our objection to the proposed development. The above documents demonstrate that surface water from the proposed development can be managed through the use of permeable paving and an attenuation pond, restricting surface water discharge to 0.98 l/s. The LLFA is supportive of the use of permeable paving as an addition to controlling the rate of surface water leaving the site it also provides water quality treatment which is of particular importance when discharging into a watercourse.

The proposals are looking to improve an existing flooding issue of blocked culverts and better the flow routes from the site, as well as providing high levels of flood mitigation from existing surface water flood risk. This whole approach is supported by the LLFA as this will ensure the wider drainage is improved, and the existing flooding issues on the field are alleviated. We request the following conditions are imposed:

Condition 1

No laying of services, creation of hard surfaces or erection of a building shall commence until a detailed design of the surface water drainage of the site has been submitted to and approved in writing by the Local Planning Authority. Those elements of the surface water drainage system not adopted by a statutory undertaker shall thereafter be maintained and managed in accordance with the approved management and maintenance plan. The scheme shall be based upon the principles within the agreed Surface Water Drainage Strategy prepared by WE Consulting Engineers (ref: WECE/24/398/RP/C/001) dated September 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;*
h. [sic] *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;*
i. [sic] *Demonstration that the surface water drainage of the site is in accordance with DEFRA non-statutory technical standards for sustainable drainage systems;*
k. [sic] *Permissions to connect to a receiving watercourse or sewer;*
l. [sic] *Measures taken to prevent pollution of the receiving groundwater and/or surface water*

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

Condition 2
Details for the long-term maintenance arrangements for the surface water drainage system (including all SuDS features) to be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any of the dwellings hereby permitted. The submitted details should identify runoff sub-catchments, SuDS components, control structures, flow routes and outfalls. In addition, the plan must clarify the access that is required to each surface water management component for maintenance purposes. The maintenance plan shall be carried out in full thereafter.

Reason
To ensure the satisfactory maintenance of drainage systems that are not publicly adopted, in accordance with the requirements of paragraphs 169 and 173 of the National Planning Policy Framework.

4 ASSESSMENT AND CONCLUSIONS

National Planning Practice Guidance Change

4.1. Between the original deferral by Members and this update, on 17th September 2025, the National Planning Practice Guidance on Flood Risk and Coastal Change has been updated.

~~4.2.~~ The updates, inter alia, provide stronger clarity on when the sequential test need not be applied. In line with NPPF Paragraph 175, a sequential test is *not* required if a site-specific flood risk assessment (FRA) demonstrates that the development would through design and mitigation measures be safe from current and future surface water flooding.

4.3. Therefore, on the basis of the revised guidance, there is no requirement for the applicant to provide a sequential test – providing that appropriate flood risk mitigation from the known issues of surface water flooding, discussed in more detail below.

Site Specific Flooding and Drainage

4.4. The application site is located within Flood Zone 1 (low probability of flooding from rivers and sea); however, part of the application site comprises an area of high and medium risk of surface water flooding.

4.5. Matters of surface water flooding were noted as concerns within the original officer report. During the deferral, the applicant provided a revised drainage strategy, outlining that surface water from the proposed development can be managed through the use of permeable paving and an on-site attenuation pond, with throttled surface water discharge to 0.98 l/s to a nearby watercourse. In addition, the proposals seek to improve an existing flooding issue of blocked culverts and improve flow routes from the site and surrounding area, as well as providing high levels of flood mitigation from existing surface water flood risk.

4.6. These details were reviewed by the Environment Agency, Anglian Water and the CCC Lead Local Flood Authority, and none raised any objection to the revised proposals, subject to appropriate conditions.

4.7. Accordingly, reason for refusal 2, with respect to a lack of sequential test and unacceptable surface water flood risk, can be withdrawn as the details submitted are considered to comply with the updated PPG, NPPF and Policy LP14 of the Fenland Local Plan, subject to conditions.

5 Conclusion

5.1. On the basis of the above, all technical matters for surface water drainage and flood risk mitigation have been resolved by the applicant or can be secured by conditions. As such, there are no reasonable reasons to refuse planning permission on the basis of unacceptable surface water flood risk and as such this reason for refusal falls away.

5.2. Notwithstanding this, the scale and location of the proposed development remain unchanged from the original application. Accordingly, it remains that the proposal would result in large scale in-depth development in a rural area characterised mainly by frontage development. The proposed development would therefore erode an important visual gap and area of separation between this part of Bridge Lane and the main built form of Wimblington. The proposal therefore remains contrary to Policies LP3,

LP12 and LP16 of the adopted Fenland Local Plan, and as such reason for refusal 1 is maintained.

6 RECOMMENDATION

Refuse; for the following reason:

1	The proposal would result in large scale in-depth development in an area rural in character and characterised mainly by frontage development and would erode an important visual gap and area of separation between this part of Bridge Lane and the main built form of Wimblington. The proposal is therefore contrary to Policies LP3, LP12 and LP16 of the adopted Fenland Local Plan.

F/YR25/0058/O

Applicant: Mr P Gumbley

Agent: Mr G Edwards
Swann Edwards Architecture Ltd

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

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

Officer recommendation: Refuse

Reason for Committee: Number of representations contrary to officer recommendation

Government Planning Guarantee

Statutory Target Date For Determination: 20 March 2025

EOT in Place: Yes

EOT Expiry: 09 May 2025

Application Fee: £6240

Risk Statement:

This application must be determined by 9th May 2025 otherwise it will be out of time and therefore negatively affect the performance figures.

7 EXECUTIVE SUMMARY

2.1. This application seeks outline planning permission for up to 9 dwellings with all matters reserved on an area of land covering some 1ha to the rear of 2b and 2c Bridge Lane. A previous application, seeking outline approval with all matters reserved, for a development of up to 9 dwellings was refused in March 2023.

2.2. The proposal would result in large scale in-depth development in an area rural in character and characterised mainly by frontage development. Development on this land would erode an important visual gap and area of separation between this part of Bridge Lane and the main built form of Wimblington. The proposal is therefore contrary to Policies LP3, LP12 and LP16 of the adopted Fenland Local Plan.

2.3. The application site is identified as being in an area of high and medium risk of surface water flooding. The Lead Local Flood Authority have objected to the application on the basis of a number of concerns; notably the known and extensive risk of surface water flooding at the site. The application fails to pass the Sequential Test in relation to surface water flood risk and fails to

demonstrate that safe access and egress can be achieved. The proposed development therefore has unacceptable surface water flood risks, placing future occupiers at an unwarranted risk of flooding contrary to Policies LP12 and LP14 of the Local Plan, Paragraphs 174 & 181 of the National Planning Policy Framework, Paragraph 023 of National Planning Practice Guidance and Section 4 of the Cambridgeshire Flood and Water Supplementary Planning Document.

2.4. The application is therefore recommended for refusal.

8 SITE DESCRIPTION

3.1. This section of Bridge Lane is a fringe rural location, which is abutted by dwellings characteristic of roadside ribbon development. The lane is single track with some passing places, but no separate footway. Sporadic dwellings of various types, styles, and sizes line the road. In contrast the application site and the adjoining land to the west of 2a Bridge Lane is open and agricultural in character.

3.2. The site is located away from the established settlement of Wimblington and is currently in agricultural use. The site is situated behind two existing dwellings at 2b and 2c Bridge Lane and is roughly 'L' shaped covering about 1ha. The site will be served by an existing access to the west of 2b Bridge Lane. The site boundaries are defined by mature hedging/planting. A public footpath and watercourse run parallel with the western boundary of the site which is within Flood Zone 1 and within an area identified with groundwater vulnerability.

3.3. The aerial view of the site and surrounding area, included below, shows the application site (outlined in red) in the context of the nearby applications in the surrounding area (clockwise from bottom);

Approved / Pending

- Orange outline - F/YR21/0328/F, the northward expansion of Willow Gardens development, which together with the phase 1 scheme, F/YR17/0682/F totals 58 dwellings. This is approximately 90m south of the application site (with the separating land also under the ownership of the applicant for the application considered herein);

- Blue outline - F/YR23/0206/F, a pending approval of 48 dwellings, subject to S106 negotiations;

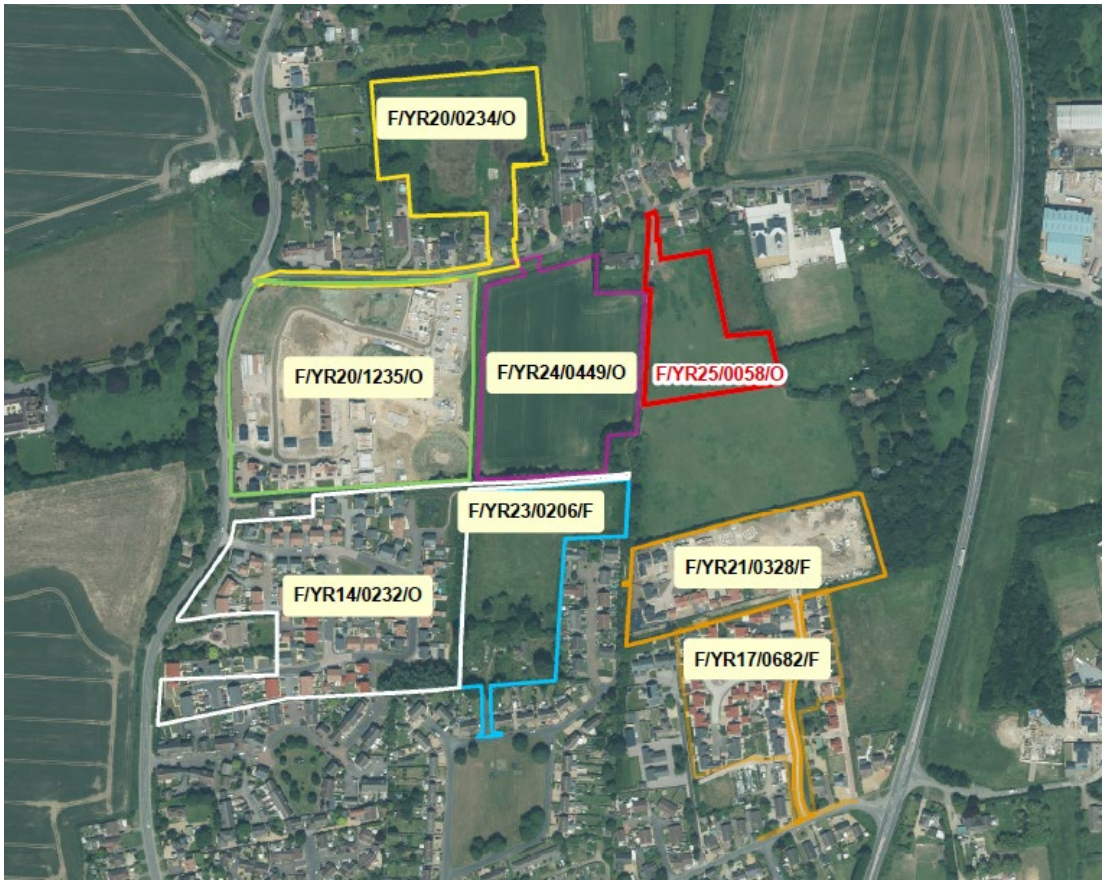
- White outline - F/YR14/0232/O, the substantially complete Lily Avenue development, including 67 dwellings;

- Green outline - F/YR20/1235/O, the Bellway development currently under construction, including 88 dwellings;

- Yellow outline - F/YR20/0234/O, a pending application for 16 dwellings to the north of Bridge Lane, where previously 7 dwellings were approved under F/YR18/0385/O.

Refused

- Purple outline - F/YR24/0449/O, a recently refused application for up to 44 dwellings, this site also includes an area relating to application F/YR15/0281/F, which was refused and dismissed at Appeal for the erection of 3 dwellings.



3.4. The aerial view emphasizes that the gap between the settlement of Wimblington and Bridge Lane has significantly closed in over the years to the point where the application site (shown red) and the adjoining land to the west (shown purple) remain the only remaining substantial parcels of open land that contribute to the rural character; as emphasised by reason for refusal 2 of F/YR24/0449/O and previous Appeal decisions for development on the same land (discussed in more detail below).

9 PROPOSAL

4.1. This application seeks outline planning permission for up to 9 dwellings with all matters reserved.

4.2. An indicative plan accompanies the application. This shows a shared private drive running along the western site boundary to serve 4 dwellings before spurring off eastwards and then south to serve a further 5 plots. A public

right of way runs along the western boundary of the site, a section of the right of way near the junction with Bridge Lane merges with the site access and is to be hard surfaced.

4.3. The indicated houses are large, detached dwellings set in sizable plots of a suburban nature.

4.4. A further strip of land to the south of the application and some 85m deep has been outlined in blue on the location plan, denoting that it is under the ownership of the applicant. Continued vehicular access to this land is denoted on the indicative site plan. Further to the south development of 21 dwellings at the northern end of Willow Gardens is currently taking place under permission F/YR21/0328/F.

4.5. Full plans and associated documents for this application can be found at: https://www.publicaccess.fenland.gov.uk/publicaccess/

10 SITE PLANNING HISTORY

F/YR23/0241/O	Erect up to 9 x dwellings (outline application with all matters reserved) *Land South Of 2B And 2C Bridge Lane Wimblington*	Refused 07.03.2024
F/0446/88/O	Outline application for Erection of a speedway museum *Adj 2A Bridge Lane Wimblington*	Refused
F/0340/83/F	Erection of a stable block *2A Bridge Lane Wimblington*	Granted

11 CONSULTATIONS

6.1. **Parish/Town Council**

Further to Tuesday evenings Parish Council meeting, Cllr wish to object to the above application as follows: Previous planning application F/YR23/0241/O was refused, but it is noted that although the expiry on consultations was dated 19.04.23 there were a number of entries added after this date both from the applicant and from consultants - from 19th Jul 23 through to 29th Feb 24. These additional documents referred to a number of points that were not made available to the public prior to their comments i.e. Changes to the PRoW, passing place, lighting, management and maintenance company.

Although the applicant's Design and Access statement from Swann Edwards Architecture Ltd has added some amendments, these do not change the reasons for initial refusal of previous planning application. Also, FDC planning are directed towards the refusal of planning application F/YR24/0449/O and the reasons relating to this refusal which will reflect on the position of this site.

After the Parish Council meeting last night, 11th February 2025, councillors discussed this second planning application and still uphold the objections made against planning application F/YR23/0241/O and add the following additional objections reflected against the applicants Design and Access Statement:

2.1 SITE CONTEXT

There is established landscaping to all boundaries. The site is within a residential location.

These comments contradict each other, this site has a few dwellings on the north edge that face onto Bridge Lane otherwise there are fields on all the other boundaries. The south east corner has a substantial copse of trees that edge the A141.

The Land is located within Flood Zone 1.

Although it is located in Flood Zone 1 the site is known to experience surface, pluvial flooding which has had an impact on the dwellings along Bridge Lane. The LLFA raised concerns at the previous planning applications and please refer to the reasons planning application F/YR24/0449/O was refused, this site sits to the west boundary of the proposed site.

2.4 PROPOSAL

The dwellings will be of an executive style and size These types of dwellings are not characteristic of the area or the village historic, heritage environment. These dwellings will impose on the landscape of country lane environment, Bridge Lane.

2.4 - access to the site is via an existing access off of Bridge Lane. The access measurements stated to this site is inclusive of the PRoW, narrowing the public use, plus having a site access at the entrance to a PRoW could cause a hazard to users, this includes horse riders, cyclists, runners etc. plus there is a telegraph pole alongside the PRoW that would encroach on the access width. CCC Definitive Map Officer has stated that an application would have to be made to 'Change the Surface'.

2.5 PRINCIPLE

The site is located along Bridge Lane, surrounded by existing development This is incorrect, the only development that adjacently impacts on Bridge Lane is the Bellway construction at the west entrance end of Bridge Lane. But regardless, previously granted village developments should not be set as a precedence to the subsequence planning applications.

2.5 There is an existing pedestrian footpath link into the heart of the village There is not a pedestrian footpath, there is a PRoW countryside path which is subject to flooding in wet weather and not necessarily useable by all local residents. So, the application does not accord to the principle of LP3.

3.0 DESIGN

3.1 Use & Amount

It also retains a sense of space and openness which is more appropriate in this rural village setting It is reducing the sense of space and openness within the village's rural environment, introducing executive dwellings out of character with the local environment of Bridge Lane. Therefore, NOT complying with LP12 and LP16.

3.2 Layout

The access road and one of the dwellings will run along the boundary of the PRoW, the present outlook over fields and beautiful countryside, regularly used village asset will have its views impaired from dwellings and also have an impact on noise, lighting and air pollution from vehicles using the access road to the site.

3.3 Scale

The application is in outline format with only access committed at this stage. This means that at the next stage in the planning application, 'reserve matters', could see a massive change of implications on design, size and other aspects of the application.

3.4 Landscape

The proposal takes full advantage of its natural aesthetics. The proposal removes the natural aesthetics of the landscape. Stating that it will have a backdrop of other dwellings is incorrect, the site is part of the open gap necessary in maintaining the open landscape of the Fens between dwellings. The site has fields on three sides and only a few dwellings on the north Bridge Lane side. Noncompliant to LP16 (c).

3.5 Appearance

The dwellings will be designed to have a style and appearance which is more typical of a rural village. The proposed 'large executive dwellings' are not in keeping with the typical rural environment of the historic, heritage village of Wimblington or the historic Bridge Lane. It is more along the lines of what would be expected in an 'executive urban development'. It is not acceptable in terms of form and character as highlighted in the Design Guidance and Code document adopted by Wimblington Parish Council therefore not compliant to LP12 and LP16.

3.6 Flood Risk

Section 14 of the NPPF and Policy LP14 of Local Plan requires sequential approach, directing new development to areas at lowest risk of flooding before land at higher risk is considered.

These policies refer to fluvial flooding but this site is prevalent to pluvial flooding from surface water, runoff water and a rising water table. Residents have raised their concerns from the long-term impact of constant development in the neighbourhood area. LP12 Rural Developments - it would put people or properties in danger from identified risks. A risk has already been identified through planning application F/YR24/0449/O and this has to be strongly considered. The initial planning application objections raised a number of residents' concerns regarding flooding in the field, sewage raising up in residents gardens and inside their homes.

3.8 Environmental Consideration

An area is to be provided in the rear enclosed garden for bins, … the proposed dwellings will benefit from mains sewers CCC Highways have already stated that they would not adopt the access road therefore FDC Waste Team will not collect from the dwellings. This will mean rubbish containers having to be collected from the access entrance to the site or private rubbish collection The sites mains sewers are to be managed and maintained by the developments 'management team', this could have consequences on the local environment and properties.

The street and security lighting on the proposed site will have an impact on the natural environment, surrounding countryside, remaining open spaces and the local residents close by.

There is no pedestrian pathway along the length of Bridge Lane which puts users at risk due to the narrow lane where two vehicles struggle to pass, there will be an increase in traffic from the far east end of the lane, the use of the lane by heavy delivery vans and the initial construction vehicles, this will be dangerous for all lane users. Residents of Bridge Lane who were previously HGV drivers state that it is not possible for two HGV to pass each other on the lane and that they would struggle to enter or exit the access point to the site.

Although the applicant states that the development is close to the A141, access to the A141 would mean all vehicles having to travel along the lane and through the village, another increase in traffic in various areas.

The village is no longer sustainable and is struggling with the constant increase in planning applications that have been granted. There is no acceptable, regular public transport, the surgeries are struggling as is the infrastructure.

There are a number of LP policies, NPPF policies, EA and historic/heritage aspects that uphold the objections made to this proposed planning application.

6.2. **Senior Archaeologist (CCC)**

Thank you for the consultation with regards to the archaeological implications of the above referenced planning application. Our advice remains the same as that issued for the similar development within the same redline - F/YR23/0241/O.

Our records indicate that the site lies in an area of archaeological potential, known from investigations undertaken in the immediate vicinity. Archaeological investigations to the west revealed the remains of a ring-ditch, potentially a Bronze Age barrow and later middle Iron Age settlement remains (Cambridgeshire Historic Environment Record reference MCB20356). The settlement developed into a larger settlement into the Roman period where a rectilinear enclosure system, post-built structures and a metalled trackway were uncovered (CHER ref. MCB20356). The Roman trackway was also identified during investigations to the adjacent north, as well as further settlement features (CHER ref. MCB31818). Further Roman features were identified during the construction of a water pipeline to the adjacent south of the development (CHER ref. MCB17554), as well as a series of undated ditches and medieval remains identified during investigations in advance of housing in the same area (CHER ref. MCB27950). Further medieval remains are known to the east, where the deserted medieval village of Eastwood End is known from investigations revealing 14th to 15th century buildings (CHER ref. MCB13422).

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

Archaeology Condition

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

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

REASON: To safeguard archaeological assets within the approved development boundary from impacts relating to any demolitions or groundworks associated with the development scheme and to ensure the proper and timely preservation and/or investigation, recording, reporting, archiving and presentation of archaeological assets affected by this

development, in accordance with national policies contained in the National Planning Policy Framework (MHCLG 2021).

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

6.3. **Cambridgeshire County Council Highways Authority**

Recommendation

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

Comments

As part of this planning consultation investigation for this proposal. I have reviewed the comments made by the highways authority on previous application number F/YR23/0241/O. As far as I can determined there is no changes proposed to what was found to be acceptable to the Highways Development Management team during that application. Therefore from the perspective this team I find the proposed to the highway to be acceptable, subject to the following Conditions.

However, I would note that there appears to have been a change to the access layout. This is relevant as Public Footpath No. 5 runs through this proposed access. As such I would recommend that the CCC Rights of Way team are consulted prior to the determination of this application.

Conditions

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

Construction Facilities: Prior to the commencement of the development hereby approved adequate temporary facilities area (details of which shall have previously been submitted to and agreed in writing with the Local Planning Authority) shall be provided clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting the site during the period of construction.

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

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

Off-Site Highway Works: No development shall take place until details of works to provide a passing place on Bridge Lane, in accordance with the principle set out on PP1000 Revision C, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied/brought into use until all of the works have been completed in accordance with the approved details.

6.4. **Definitive Map Team (CCC)**
The Definitive Map Team has no objection to this proposal, because the proposal offers little change to the current situation of the public footpath – informatives to this effect were recommended.

6.5. **Environment & Health Services (FDC)**
The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposal, as it is unlikely to have a detrimental effect on local air quality, be affected by ground contamination or adversely impact the local amenity due to excessive artificial lighting.

Construction Noise, Dust and Vibration:
There are certain aspects that need to be considered given the nature and scale of the proposed development, with the issues of primary concern to this service during the construction phase being the potential for noise, dust and possible vibration to adversely impact on the amenity of the occupiers at the nearest residential properties.

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

6.6. **Lead Local Flood Authority (CCC)**
*Thank you for your consultation which we received on 19th March 2025. At present we **object** to the grant of planning permission for the following reasons:*

1. Existing Surface Water Flood Risk
The site has extensive risk of surface water flooding across the area to the north east and along the eastern boundary. It is acknowledged that development in the area will be built to ensure it is above the expected flood levels. However, there is still a risk that this could displace surface water, along with the risk to future site users, ensuring safe access and egress from the site for the lifetime of the development. It must be clear that the

development will be safe, and construction of any dwellings is not within areas at risk of surface water flooding.

2. Climate Change Allowance

Climate change for the 3.3% AEP storm should be included in the hydraulic calculations. This is to account for shorter term impacts of climate change.

3. Hydraulic Calculations

There is excessive surcharging in the 1 year storm event within the hydraulic calculations. This should be limited as much as possible in this storm event in line with best practice guidance. It is noted this may be related to the permeable paving structures, but this should be clearly set out to provide reassurances around the design of the system.

4. Water Quality

The use of permeable paving and the proposed basin are supported by the LLFA. However, the basin is positioned in an area that will only benefit a small section of the drained highway. It is acknowledged that the gully's have silt traps in, but these are not viewed as a source of treatment as a small storm can flush out the pollutants stored within the gully pot. All water must be treated suitably, in line with sustainable drainage best practices, to ensure the receiving watercourse is suitably protected from pollutants for the lifetime of the development. The simple index approach, as set out in Chapter 26 of the CIRIA SuDS Manual (C753) should be followed and all surfaces should be fully treated.

5. Flow Control Diameter

The proposed flow control has a diameter of 50mm, which could pose a risk to blockage from litter or debris that may be flushed through the system. From private systems, the LLFA accepts a minimum flow control diameter of 75mm to reduce this risk. This should not further implicate the ability to manage water sustainably from the site.

6.7. **Environment Agency**

Thank you for your consultation dated 30 January 2025. We have reviewed the documents as submitted and we have no objections to this planning application. Please find further information on flood risk and water resources below.

Flood Risk

The proposed development is located within Flood Zone 1 and within a dry island, therefore this is treated as indicative Flood Zone 3a in regards to access and egress. We have reviewed the documents submitted and have determined that there are no concerns related to flood risk with the proposed development.

6.8. **Anglian Water Services Ltd**

ASSETS

Section 1 - Assets Affected

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

the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.

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

WASTEWATER SERVICES
Section 2 - Wastewater Treatment

This site is within the catchment of Doddington water recycling centre (WRC), which currently can accommodate the additional flows generated by the proposed development. Doddington WRC is included within our Business Plan as a named growth scheme with investment delivery planned between 2025-2030.

To ensure there is no pollution or deterioration in the receiving watercourse due to the development foul flows we recommend a planning condition is applied if permission is granted.

Condition: Prior to occupation written confirmation from Anglian Water must be submitted confirming there is sufficient headroom at the water recycling centre to accommodate the foul flows from the development site.

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

Section 3 - Used Water Network

***Anglian Water objects to any connection into our foul network from the proposed development, due to capacity constraints and pollution risk**.*

In order to overcome our objection we require that the applicant consults Anglian Water in a form of a Pre_Development enquiry (PPE) in order to define a Sustainable Point of Connection (SPOC). This will avoid the constrained network which could cause pollution and flood risk downstream. The developer is to be responsible for the infrastructure to convey foul water flows from the proposed development to the receiving network. Once a SPOC has been identified and a strategy has been agreed with Anglian Water, we would expect the applicant to submit this PPE as part of their submitted documents for this application, we will the review and respond appropriately. Anglian Water is committed to supporting sustainable growth and in doing so we must continue to meet the statutory obligations whilst balancing factors such as climate change as environmental protection.

However, if the LPA are minded to approve the application, despite our objection and risk of pollution, we recommend the following condition is applied:

Condition: no development shall commence until a strategic foul water strategy has been submitted to and approved in writing by the local Planning Authority, in consultation with Anglian Water. This strategy will identify a sustainable point of connection to the public foul network. Prior to occupation, the foul water drainage works must have been carried out in complete accordance with the approved scheme.

Reason: to protect water quality, prevent pollution and secure sustainable development having regard to paragraphs 7/8 and 180 of the National Planning Policy Framework. If permission is granted, we require the applicant to engage with us via our pre-development services and to submit a pre development enquiry.

Section 4 - Surface Water Disposal

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

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments in the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be reconsulted to ensure that an effective surface water drainage strategy is prepared and implemented.

6.9. **FDC Ecology**

The Ecological Impact Assessment report is acceptable and reasonable.

Suggested conditions

Enhancements referred to in Section 7 (page 17) regarding the installation of bat and bird boxes should be adhered to.

Biodiversity Net Gain

The current metric does not show significant net gain (i.e. >0.5 biodiversity units). Also, it is not supported by an appropriate BNG Assessment report.

Biodiversity Net Gain Plan & Habitat Management and Maintenance Plan

A condition for the submission of a Biodiversity Net Gain Plan and accompanying documentation is required, e.g., Prior to the commencement

of works on site (including site clearance), the submission of following Plans and statutory tools is required:

1) A Biodiversity Net Gain Plan
2) A Biodiversity Net Gain Assessment - addressing mitigation hierarchy and habitat conditions assessment
3) a revised BNG metric, displaying significant net gain
4) Pre-development and post-development plans showing the location of on-site habitat, scaled to an appropriate size
5) A Habitat Management and Maintenance Plan

Reason: In order that the proposals are implemented in accordance with the Environment Act 2021.

6.10. **Local Residents/Interested Parties**

Objectors

The application has resulted in the LPA receiving 25 letters of objection to the development from 20 local address points, including Bridge Lane, Lily Avenue, Eaton Estate and March Road, Wimblington and Hassock Way, March.

Reasons for objection can be summarised as:

- Minimal changes since last submission;
- Flooding and surface water drainage concerns;
- Foul water drainage concerns;
- Risk of SuDS scheme not being appropriately maintained;
- Traffic along Bridge Lane;
- Visibility and width constraints at access;
- Supporters of the application do not live nearby and will not be impacted;
- Wimblington infrastructure and services unable to cope;
- Bridge Lane is only single track; limited passing places;
- No footpaths along Bridge Lane;
- Loss of countryside character and green space; particularly along public right of way;
- Environmental and ecological impacts;
- Land ownership/boundary discrepancies;
- Residential amenity impacts;
- Potential impact on historic public footpath; feeling of enclosure from development both sides would impact amenity, could become unsafe due to lack of surveillance, flooding, or being ‘penned’ in by fencing;
- Concern over potential extension to the development in blue lined land with intended access point;

Supporters

The application has garnered 18 letters of support from 16 address points, including Bridge Lane and New Woods Drive in Wimblington, Wimblington Road in Doddington, and Cavalry Drive, Hundred Road, Eastwood Avenue, Elwyndene Road, Kingswood Road, Wisbech Road, Station Road, Upwell Road, Elm Road and Mill Hill Lane in March.

Reasons for support can be summarised as:

- Much needed housing close to March;

- Will compliment rural setting and a nice community;
- Employment opportunity in construction;
- A small development will make a nice contribution to the village;
- Nice to see;
- Well-spaced houses;
- Close proximity to the future Fens Reservoir;
- Good layout;
- No impact on countryside;
- Limited impact on traffic;

Four letters of support received stated no reasons for supporting the scheme.

Representations

One letter was received from a resident of Eastwood End, highlighting 'observations' to the letters received; summarised as follows;

- Many of the letters received are not 'local' to the site;
- 'Quality' executive homes are not needed, but instead affordable houses to encourage younger residents to Wimblington;
- Bridge Lane residents have already objected to a larger development on Bridge Lane owing to sewerage concerns;
- Small developments, cumulatively, have a big impact on local services and infrastructure such a doctors, schools, etc.

12 STATUTORY DUTY

7.1. 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).

13 POLICY FRAMEWORK

8.1. **National Planning Policy Framework (NPPF) 2024**

Chapter 2 - Achieving sustainable development
Chapter 4 – Decision-making
Chapter 5 – Delivering a sufficient supply of homes
Chapter 8 – Promoting healthy and safe communities
Chapter 9 – Promoting sustainable transport
Chapter 11 – Making effective use of land
Chapter 12 – Achieving well-designed places
Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
Chapter 15 – Conserving and enhancing the natural environment

8.2. **National Planning Practice Guidance (NPPG)**

Determining a Planning Application

8.3. **National Design Guide 2021**

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

8.4. **Fenland Local Plan 2014**

LP1 – A Presumption in Favour of Sustainable Development
LP2 – Facilitating Health and Wellbeing of Fenland Residents
LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside
LP4 – Housing
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
LP15 – Facilitating the Creation of a More Sustainable Transport Network
LP16 – Delivering and Protecting High Quality Environments
LP17 – Community Safety
LP19 – The Natural Environment

8.5. **Cambridgeshire and Peterborough Minerals and Waste Local Plan 2021**

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

8.6. **Delivering and Protecting High Quality Environments in Fenland SPD 2014**

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

8.7. **Cambridgeshire Flood and Water SPD 2016**

8.8. **Emerging Local Plan**

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

LP1: Settlement Hierarchy
LP2: Spatial Strategy for the Location of Residential Development
LP4: Securing Fenland's Future
LP5: Health and Wellbeing
LP7: Design
LP8: Amenity Provision
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
LP25: Biodiversity Net Gain
LP30: Local Green Spaces and Other Existing Open Spaces
LP32: Flood and Water Management

14 KEY ISSUES

- **Principle of Development**
- **Character and Appearance**
- **Residential Amenity**
- **Flood Risk and Drainage**
- **Public Right of Way**
- **Biodiversity Net Gain & Ecology**

15 BACKGROUND

Previous application – F/YR23/0241/O

10.1. A previous application, seeking outline approval with all matters reserved, for a development of up to 9 dwellings was refused by Members in March 2023; in line with Officer recommendation.

10.2. Reasons for refusal can be summarised as follows:

1) In depth development within an area of rural character, contrary to Policies LP3, LP12 and LP16.
2) Lack of ecological surveys to evidence that no habitats or species would be detrimentally impacted by the development, contrary to Policies LP16 (b) and LP19.
3) Lack of appropriate assessment of flooding from all sources at the site, (in particular surface water flooding) contrary to Policy LP12 Part A (k) and Policy LP14.

10.3. The current application also seeks outline permission for the erection of up to 9 dwellings but is supported by relevant surveys and an FRA in an attempt to address reasons for refusal 2 and 3. Full assessment of the submitted details follow in Section 10.

Other relevant site history

10.4. With regard to reason for refusal 1, with respect to landscape character, the planning history of land to the west of 2a Bridge Lane however is pertinent given the similarities and proximity to the application site. A previous planning application for 3 dwellings was refused on land to the west of 2a Bridge Lane in 2015 (F/YR15/0281/F) and dismissed at appeal in January 2016 (APP/D0515/W/15/3132906).

10.5. The Planning Inspector noted that the appeal site is open and agricultural in character and the boundary of No.2A adjacent to the site acts as a “strong punctuation mark” separating the agricultural character of the site from the domestic character of the adjacent dwelling. Although the proposed dwellings were set in a line fronting Bridge Lane the Inspector took the view that development of this land would result in a visually jarring form of

development that would intrude into open countryside and would be harmful to the character of the area. In looking at policy concerns, the Inspector concluded that the development would be contrary to policies LP12 and LP16 of the Local Plan, due to the impact on the open character of the land.

10.6. The Inspector did not consider that the provision of additional executive housing would be of sufficient benefit to outweigh the significant harm to the character and appearance of the area.

10.7. The site north of 3A – 9 Bridge Lane (marked yellow F/YR20/0234/O on the aerial view included at paragraph 2.4 above) is also relevant to this application. Although subsequently granted permission for redevelopment of a non-confirming use on a brownfield site it was originally refused (under Ref F/YR15/0798/O) on the grounds that the proposal would result in large scale in-depth development into an area that is currently rural in character and characterised by mainly frontage development. The Inspector in deciding the appeal (APP/D0515/W/16/3146008) against the refusal of F/YR15/0798/O referred to recent residential schemes that resulted in the continuity of frontage schemes along March Road and the north side of Bridge Lane. In particular, the Inspector remarked that Bridge Lane remains significantly separated by open agricultural fields from the main core of the village to the south. For this reason, the Inspector concluded that the appeal site was not adjacent to the development footprint of the village, and in an area strongly controlled where it did not comprise an appropriate form of development and would unacceptably consolidate ribbon development.

10.8. In summary, the appeal decision supports the position that the application site does not lie within or adjacent the developed core of Wimblington but in open countryside notwithstanding the recent Bellway development to the south of the junction of Bridge Lane and March Road.

16 ASSESSMENT

Principle of Development

11.1. Matters of principle and the relevant policies of the Fenland Local Plan have not changed since the earlier refusal of F/YR23/0241/O on this site; the revised details within the current application do not address these matters.

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

11.3. Policy LP12 seeks to protect the sustainability of settlements and the open character of the countryside. To this end, in this instance it requires that:

a) The site is in or adjacent to the existing developed footprint of the village.
b) It would not result in coalescence.
c) It would not have an adverse impact on the character and appearance of the surrounding countryside and farmland.

d) It is in keeping with the core shape of the settlement, and not harm its character and appearance.

11.4. Policy LP12 sets out that the developed footprint is defined as the continuous built form of the village and excluding groups of dispersed or intermittent buildings that are clearly detached from the continuous built-up area.

11.5. The requirements of Policy LP12 are reinforced by Policy LP16 which stipulates that new development must make a positive contribution to the local distinctiveness and character of the area. The application site and the blue lined field beyond comprise an area of open land some 230m deep from the rear of 2b Bridge Lane to the northern boundary of the development currently being implemented at Willow Gardens. This part of Bridge Lane remains intrinsically rural in character, and the application site does not immediately adjoin the existing built-up form of the settlement, adding to its detachment from the built form of the village and relationship with the open countryside. Although there are established dwellings around the site it does not form part of the developed footprint.

11.6. Whilst Policy LP3 identifies Wimblington as a growth village, Bridge Lane and the application site are physically detached from the village. The proposal would result in the development of an existing agricultural field and would erode the space that separates Bridge Lane from the wider settlement. As such the development would have an unacceptably adverse impact on the character and local distinctiveness of the area and would be contrary to Policy LP12 and LP16 of the Fenland Local Plan. This assessment of the site is supported by the Inspector's appeal decision relating to F/YR15/0281/F and discussed above.

11.7. Whilst the policies of the emerging local plan carry extremely limited weight in decision making it should be noted that Policy LP1, Part A identifies the settlement boundary for Wimblington as a large village, the application site is not included within the settlement boundary or residential site allocations for Wimblington.

Character and Appearance

11.8. The scheme is outline in nature, with no matters committed, and thus only the general impact of the development on the character and appearance of the area can be considered, as opposed to direct design details that are reserved for later consideration. Notwithstanding, the current proposal seeks the same quantum of development in the same location as the earlier refused scheme under F/YR23/0241/O, with dwellings indicatively shown as a similar scale and layout as the earlier scheme.

11.9. The proposal would result in large scale in-depth development, into an area that is currently rural in character and characterized mainly by frontage development. At present the application site, and the wider fields of which it is a part, contribute strongly to the rural character of the area and provide a visual break between the sporadic residential development along Bridge Lane, and the developed core of Wimblington. Through the intensification of

residential buildings and associated development the scheme would result in a visually jarring form of development that would intrude into the open countryside and would be harmful to the character of the area.

11.10. Far from being within the developed village of Wimblington as required by Policy LP12 the proposal would intrude into open countryside and be harmful to the character of the area, in conflict with the objectives of LP12 and LP16 of the Local Plan.

Residential Amenity

11.11. Detailed matters of residential amenity would be fully considered at Reserved Matters stage.

11.12. The indicated proposed site layout shows that the site would be large enough to reasonably accommodate the quantum of development proposed with appropriately sized rear gardens, separation distances and general layout. Whilst comments regarding possible overlooking are noted, the submitted plans illustrate a scheme which with appropriate detailed design is considered to have the potential to be acceptable in this regard.

11.13. Any residential impacts which were to occur could be lessened with appropriate boundary treatments and vegetation/landscaping. Additionally, a Construction Environmental Management Plan (CEMP) condition could be imposed on any planning permission granted for the submitted scheme to lessen the incidence of noise and disturbance arising from the development, such as working times, delivery times, storage of plant and machinery and dust prevention measures.

Flood Risk and Drainage

11.14. The application site is located within Flood Zone 1 (low probability of flooding from rivers and sea); however, part of the application site comprises an area of high and medium risk of surface water flooding. The current application includes an FRA and Surface Water Drainage Strategy to address earlier reasons for refusal on grounds of flood risk.

11.15. Policy LP14 of the Local Plan states that all development proposals should adopt a sequential approach to flood risk from all forms of flooding and development in areas known to be at risk from any form of flooding will only be permitted following:

(a) the successful completion of a sequential test (if necessary), having regard to actual and residual flood risks
(b) an exception test (if necessary),
(c) the suitable demonstration of meeting an identified need, and
(d) through the submission of a site specific flood risk assessment, demonstrating appropriate flood risk management and safety measures and a positive approach to reducing flood risk overall, and without reliance on emergency services.

11.16. Policy LP14 of the Local Plan is consistent with the requirements set out within the NPPF and guidance set out within NPPG in that they require the Sequential Test (and the Exception Test, if necessary) to be applied, where development is proposed in areas at risk from **any** form of flooding.

11.17. Within paragraph 174 of the NPPF, it states:
"…the aim of the sequential test is to steer new development to areas with the lowest risk of flooding **from any source**. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding."

11.18. Within paragraph 181 of the NPPF, it states:
"… Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that: … e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan."

11.19. Within paragraph 023 of National Planning Practice Guidance, it states:
"The approach is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. This means avoiding, so far as possible, development in current and future medium-high flood risk areas **considering all sources of flooding including areas at risk of surface water flooding**."

11.20. Guidance contained within Section 4 of the Cambridgeshire Flood and Water SPD is consistent with Policy LP14 of the Local Plan, Paragraphs 174 & 181 of the NPPF and Paragraph 023 of National Planning Practice Guidance.

Sequential Test

11.21. Due to the proposed development being located within an area of medium-high risk of surface water flooding, the flood risk impacts of the proposed development may only be acceptable if the application demonstrated that the Sequential Test has been passed.

11.22. The application is accompanied by a Flood Risk Assessment, which includes a section relating to the Sequential Test. The assessment states that the applicant considers the Sequential Test to be passed as the site is positioned in Flood Zone 1. However, the Sequential Test was silent regarding matters of surface water flooding and is therefore contrary to the requirements of the NPPF, NPPG and FLP. As such, the Local Planning Authority consider the Sequential Test failed on the basis that there is no assessment of reasonably available sites appropriate for the proposed development that may be located in areas with a lower risk of pluvial flooding.

11.23. With due regard given to national and local planning policies and guidance relating to flood risk (as specified above), in addition to recent case law (*Mead Realisations Limited v The Secretary of State for Levelling Up, Housing and Communities & Anor, February 2024*) and various subsequent planning appeal decisions, it is considered that the proposed development fails the Sequential Test and would have unacceptable surface water flood risks.

Surface water

11.24. When considering applications for outline planning permission where details of layout are not being committed, the Local Planning Authority must consider whether an acceptable scheme for the proposed quantum of development could be delivered around flood risk areas (i.e. not within the areas of medium and high risk of surface water flooding). Within their objection to the proposed development, the Lead Local Flood Authority acknowledged the extensive risk of surface water flooding at the northeast of the site and long the eastern boundary.

11.25. Evidential proof of instances of surface water flooding, prior to any development of the site, were received though representations during consideration of the earlier refused application F/YR23/0241/O. The likelihood and extent of potential surface water flooding events are supported by the EA's surface water flood risk map, as below;

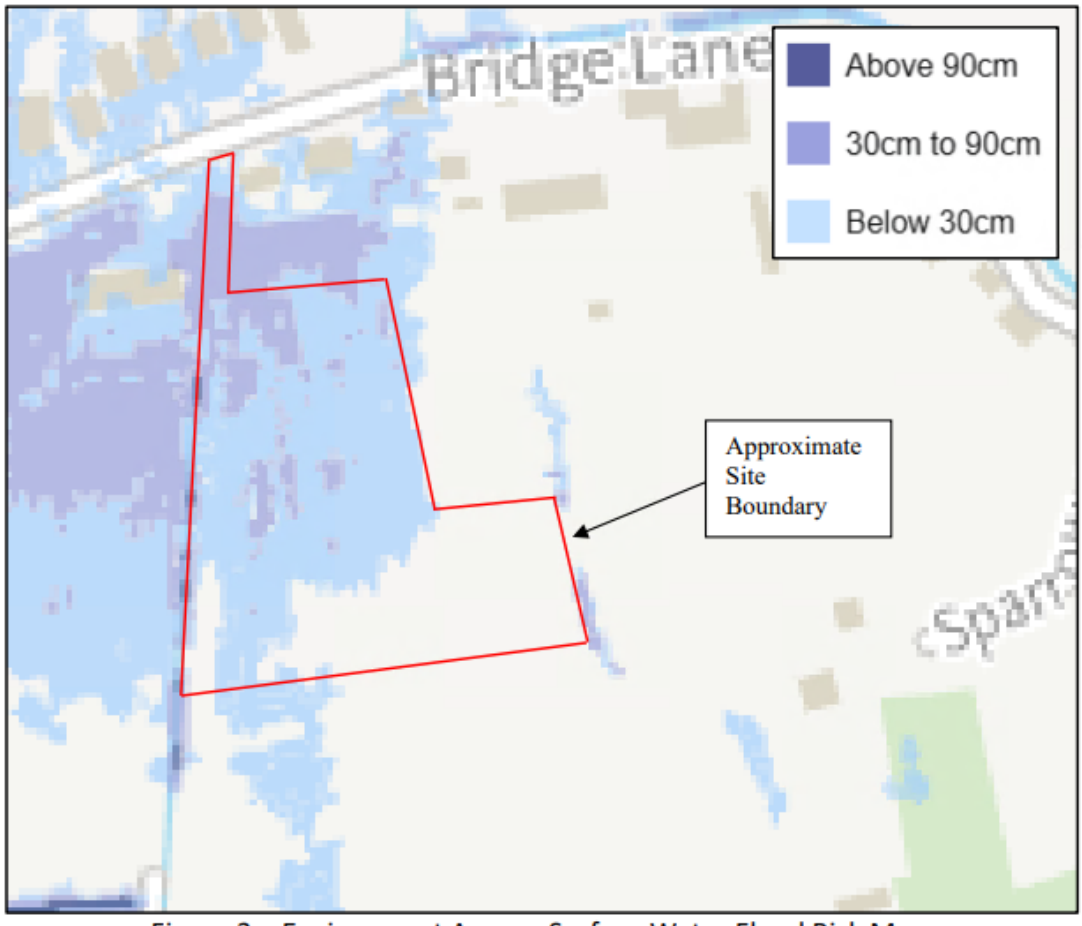


Figure 3 – Environment Agency Surface Water Flood Risk Map – 0.1% Annual Probability

11.26. The submitted FRA makes reference to this potential, summarising that the maximum flood depth during the 1% annual probability (1 in 100 chance each year) event with climate change on the access and in the northwestern corner of the site is estimated to be 0.4m. Within the remainder of the site the flood depths are below 0.3m.

11.27. The indicative site layout plan accompanying this application shows some of the intended dwellings and parts of the proposed access road being located within the area of medium risk of surface water flooding. Whilst matters of access and layout are not committed, in particular with regard to access specifically, the locational circumstances of the site are such that it would not be practicably possible to design a suitable road layout which avoids the access passing through the area of medium risk of surface water flooding. As such it is considered that, on the balance of probabilities, the proposed development fails to demonstrate that safe access and egress can be achieved, notwithstanding any surface water flooding which may occur within intended dwellings.

11.28. The application is accompanied by a Flood Risk Assessment and Drainage Strategy. The Lead Local Flood Authority consider that the proposed climate change allowance and hydraulic calculations have not been appropriately included to design the system, and that the position of the basin is such that it will only benefit a small section of the site. Furthermore, there are concerns regarding appropriate water quality owing to a lack of appropriate water treatment within the intended system. Finally, the LLFA have concerns that the proposed flow control is too narrow which may be at risk from blockage. As such, there are concerns that the proposed system will mitigate risk and effectively drain the site.

11.29. In order to address the objection by the LLFA, the applicant submitted a revised indicative site plan, drainage layout and calculations. However, owing to the late stage of this submission in the planning process the LPA did not accept these amendments. It is understood that these technical details may be acceptable to the LLFA, subject to any formal reconsultation.

11.30. Notwithstanding, whilst the concerns raised by the Lead Local Flood Authority in respect of matters of design of the surface water drainage system and the attempts by the applicant to address these concerns are acknowledged; the Local Planning Authority do not consider there to be sufficient planning reasons to refuse the planning application in respect of the *design* of the surface water drainage scheme specifically, as the layout of the proposed development is not being committed by this outline planning application and there is no evidence to suggest that the scheme could not be appropriately designed.

11.31. However, conflict arises with respect to the *principle* of proposing residential dwellings in an area of known risk, and a lack of an appropriate Sequential Test that considers **all** forms of flooding, as required by both local and national planning policy and guidance, rather than as a result of matters that could be addressed at the detailed design stage. Furthermore, matters of safe access and egress have not been satisfactorily addressed (and given the site geometry are unlikely to be).

11.32. As such the LPA consider these conflicts are justified as a reason for refusal, contrary to the requirements of policies LP12 and LP14 of the Local Plan, Paragraphs 174 & 181 of the National Planning Policy Framework, Paragraph 023 of National Planning Practice Guidance and Section 4 of the Cambridgeshire Flood and Water Supplementary Planning Document.

Foul water

11.33. In respect of foul water drainage, the applicant proposes to discharge foul water into the existing mains sewer, which is the most sustainable foul water drainage solution providing there is available capacity for the required flows. It is noted that the objections received from Wimblington Parish Council and several residents raise concerns regarding existing foul water drainage issues and foul water drainage impacts of the proposed development.

11.34. There is conflicting response within the above comments from Anglian Water regarding the potential capacity at Doddington WRC, which officers sought to clarify, but received no direct response. However, the applicant has provided additional evidence in the form of a Pre-Planning Assessment Report from Anglian Water (dated 07.04.25) which states: "This site is within the catchment of Doddington water recycling centre (WRC), which currently can accommodate the additional flows generated by the proposed development."

11.35. Notwithstanding, Anglian Water have considered the use of a condition relating to a foul water scheme to be submitted and approved prior to commencement should the application be recommended for approval. On the basis that Officers have not been provided with any technical grounds with which to challenge the foul water drainage impacts of the proposed development, there are no sufficient planning reasons to refuse the planning application on this basis. However, any approval should include an appropriate negative condition to ensure the proposed foul water drainage scheme can be accommodated, in consultation with Anglian Water.

Flooding and Drainage Conclusion

11.36. The proposed development is located partly within a known area of medium-high risk of surface water flood risk. The application fails to pass the Sequential Test in relation to surface water flood risk and fails to demonstrate that acceptable safe access and egress from the site can be achieved.

11.37. The proposed development therefore has unacceptable surface water flood risks, placing future occupiers at an unwarranted risk of flooding, contrary to policies LP12 and LP14 of the Local Plan, Paragraphs 174 & 181 of the National Planning Policy Framework, Paragraph 023 of National Planning Practice Guidance and Section 4 of the Cambridgeshire Flood and Water Supplementary Planning Document.

Public Right of Way

11.38. A public right of way runs along the western boundary of the site, it would appear that a section of the right of way near the junction with Bridge Lane merges with the site access and is to is to be hard surfaced. The Definitive Map Officer has been reconsulted and has stated that surface change will require separate authorisation.

11.39. Policy LP2 and LP15 of the FLP and paragraph 115 of the NPPF seek to achieve safe and suitable access for all users. The legal width of the PROW

is unknown and as such there is no guarantee that a well-designed, safe and sustainable access can be achieved. However, as the Definitive Map Officer has not objected to the scheme the matter has not been included as a reason for refusal.

Biodiversity Net Gain & Ecology

11.40. Local Plan policies LP16 and LP19 outline a primary objective for biodiversity to be conserved or enhanced and provides for the protection of Protected Species, Priority Species and Priority Habitat with respect to development within Fenland.

11.41. In accordance with the requirements of the Biodiversity Checklist, the applicant submitted an Ecological Impact Assessment (EIA) by a qualified ecologist that concluded that subject to successful implementation of mitigation measures and other safeguards, that can be secured by condition, no significant adverse effects are predicted to ecology or biodiversity as a result of the proposed. The EIA was reviewed by the Council's Ecology team who considered the EIA to be acceptable and reasonable.

11.42. 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.

11.43. 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 however, none of the exemptions / transitional arrangements are considered to apply and a Biodiversity Gain Condition is required to be approved before development is begun.

11.44. Notwithstanding, a recommended condition could be imposed, which would require a consideration of achieving measurable net gain and biodiversity enhancements in accordance with Local Plan policies LP16 and LP19 and Chapter 15 of the NPPF.

17 CONCLUSIONS

12.1. This application seeks to provide up to 9 dwellings in an area of open countryside away from the established settlement of Wimblington and in an area at risk of surface water flooding.

12.2. The previous refusal of an application on this site for a similar development (F/YR23/0241/O) included a number of reasons, summarised as:

1) In depth development within an area of rural character, contrary to Policies LP3, LP12 and LP16.
2) Lack of ecological surveys to evidence that no habitats or species would be detrimentally impacted by the development, contrary to Policies LP16 (b) and LP19.

3) Lack of appropriate assessment of flooding from all sources at the site, (in particular surface water flooding) contrary to Policy LP12 Part A (k) and Policy LP14.

12.3. With respect to reason for refusal 1, the locational circumstances of the site and the unacceptable principle of development in such a location has not changed since the earlier refusal. The proposal would result in large scale in-depth development in an area rural in character and characterised mainly by frontage development and would erode an important visual gap and area of separation between this part of Bridge Lane and the main built form of Wimblington, contrary to Policies LP3, LP12 and LP16 of the adopted Fenland Local Plan. Thus, this reason for refusal must remain.

12.4. Details submitted with the current application have reconciled concerns regarding a lack of demonstrable evidence in respect of matters of ecology and biodiversity (reason for refusal 2 above); the details have been agreed by the relevant statutory consultees. Accordingly, this reason for refusal can be removed.

12.5. Finally, notwithstanding the submitted flood risk assessment and drainage strategy, the application fails to pass the Sequential Test in relation to surface water flood risk and fails to demonstrate that acceptable safe access and egress from the site can be achieved, contrary to policies LP12 and LP14 of the Local Plan, Paragraphs 174 & 181 of the National Planning Policy Framework, Paragraph 023 of National Planning Practice Guidance and Section 4 of the Cambridgeshire Flood and Water Supplementary Planning Document. Accordingly, this reason for refusal must remain.

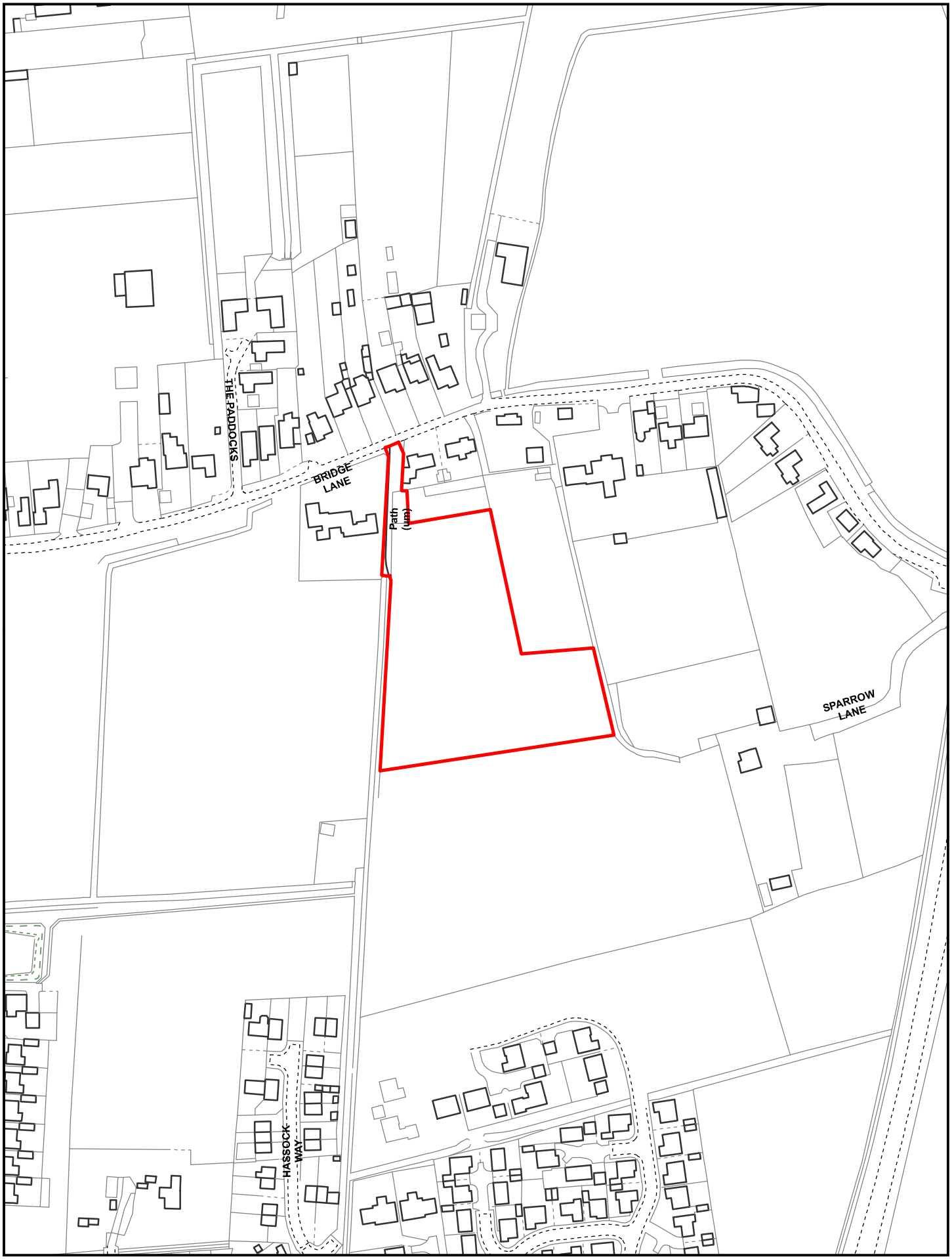
12.6. As evidenced by the previous refusal it is considered that there are 'in-principle' objections to developing this site, along with remaining concerns regarding surface water flood risk and as such the recommendation is to refuse the application.

18 RECOMMENDATION

Refuse; for the following reasons:

1	The proposal would result in large scale in-depth development in an area rural in character and characterised mainly by frontage development and would erode an important visual gap and area of separation between this part of Bridge Lane and the main built form of Wimblington. The proposal is therefore contrary to Policies LP3, LP12 and LP16 of the adopted Fenland Local Plan.
2	The proposed development is located partly within a known area of medium-high risk of surface water flood risk. The application fails to pass the Sequential Test in relation to surface water flood risk and fails to demonstrate that acceptable safe access and egress from the site can be achieved. The proposed development therefore has unacceptable surface water flood risks, placing future occupiers at an unwarranted risk of flooding, contrary to

	policies LP12 and LP14 of the Local Plan, Paragraphs 174 & 181 of the National Planning Policy Framework, Paragraph 023 of National Planning Practice Guidance and Section 4 of the Cambridgeshire Flood and Water Supplementary Planning Document.



Created on: 29/01/2025

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F/YR25/0058/O

Scale = 1:2,500

N

Fenland CAMBRIDGESHIRE
Fenland District Council

General Notes

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

Schedule

9 No. 4 bed detached dwellings

SITE PLAN KEY

- Indicates surrounding buildings - from OS Location Plan
- Indicates existing trees to be protected and retained
- Indicates site access to Cambs Highways specification
- Indicates proposed new dwellings
- Indicates proposed 1.8m high close boarded fence
- Indicates position of proposed trees
- Indicates proposed permeable block paving
- Indicates proposed parking spaces
- Indicates proposed grassed areas
- Indicates visitor parking spaces
- Indicates private access road built to adoptable standard, finished with permeable tarmac
- Indicates public seating area
- Indicates 1.5m tarmac planings footpath adj. to shared access road
- Indicates proposed hedge
- Indicates proposed dyke to be reinstated

Status

FOR APPROVAL

SWANN EDWARDS ARCHITECTURE

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

Job Title
Proposed Residential Development
Bridge Lane, Wimblington
March, Cambs
For: Mr P Gumbley

Drawing Title
Outline Planning Drawing
Site and Location Plan

Date	Drawn by
December 2022	G.E.
Checked by	J.B.
Job No. SE-1896	Sheet Size A1
Dwg No. PP1000	Revision K

Swann Edwards Architecture Limited ©

F/YR24/0627/F

Applicant: Christian Cooper James Development Company Limited

Agent :

Lavender Mill Bungalow, Fallow Corner Drove, Manea, March PE15 0LT

Erect 5 x dwellings (1 x single-storey 2-bed and 4 x 2-storey 2-bed), involving the demolition of existing dwelling and garage

Officer recommendation: Refuse

Reason for Committee: Application Previously Deferred by Committee

1 EXECUTIVE SUMMARY

1.1 This application was heard at Planning Committee on 5th February 2025 where it was deferred to obtain an ecology appraisal, a bat survey and a viability assessment.

1.2 The applicant has provided further information in the form of revised finished floor levels, revised elevations, a bat survey, ecology report and a biodiversity net gain report, foul water drainage options and a sequential test.

1.3 The requested bat survey and ecology report are considered acceptable by the FDC Ecology Officer. No viability assessment has been submitted and the applicant's arguments against the need for this are not considered to be accepted.

1.4 The submission largely fails to address the requirements of the Fenland Local Plan (2014) and the National Planning Policy Framework. Whilst the requested matters of an ecology appraisal and bat survey are now considered to be addressed, a viability assessment has not been submitted. Concerns regarding incongruous and dominant design, material overlooking, the lack of a substantive sequential test, foul water drainage provision and the non-submission of a viability assessment remain.

1.5 As such, the application is recommended for refusal.

2 UPDATE

2.1 The application was presented at Planning Committee on 5th February 2025 where it was agreed to defer the application to allow for further information to be provided with regard to an ecology appraisal, a bat survey and to resolve the issue of a financial contribution, given the officer recommendation this was considered to be via the submission by the applicant of a viability assessment of both this and their site to the north. Following receipt of the submitted information further consultation periods have been undertaken. Contained within Appendix A is the Officer's original committee report.

Ecology and BNG

2.2 An ecology appraisal was received on 15 May 2025 alongside a Biodiversity Net Gain Assessment. The Council's Ecologist has reviewed the submitted information and considers that there would be no adverse impact upon the Ouse Washes designated site. The Officer also advises that no vegetation clearance works or building demolitions should take place during the optimum bird nesting period of March to August. With regard to BNG the Office states, "*Currently the development will result in a small loss in biodiversity, contrary to policy and statute which require most developments to achieve at least a 10% gain in biodiversity. Given the constraints of this site the necessary biodiversity gain will need to be provided off-site".*

Bat Survey

2.3 The requested bat survey was received on 04 August 2025. FDC's Ecology Officer has no objections to the submitted Bat Survey. The Officer is of the view that the development could be permitted without causing harm to the conservation status of bats.

Financial Contribution

2.4 No viability assessment has been submitted in respect of this. The applicant has however submitted a case that a viability assessment is not required as the application site and their larger site to the north are not reasonably linked, and that the voluntary financial contribution offered did not need to be based on such an assessment. There has been further correspondence between the applicant and officers around the legal basis for a joint viability assessment to be submitted, and as part of this correspondence it has been indicated by the applicant that the voluntary contribution is to be withdrawn.

Other Issues

2.5 In addition to the matters on which the application was previously deferred there are other issues which Members should also be updated on.

Wastewater Treatment Capacity

2.6 The issue of wastewater capacity was a matter which was addressed in the original report to Committee, concluding that the matter could be dealt with appropriately by way of condition. There has been subsequent consideration of this matter, with Anglian Water advising that Manea Town Lots Water Recycling Centre currently lacks the capacity to accommodate wastewater flows generated by the proposed development. However, it is included in the Business Plan for further investment for 2025-2030.

2.7 The Environment Agency advise that Manea Town Lots Water Recycling Centre is currently operating in exceedance of its environmental permit for discharge volume. *We understand that Manea WWTW was identified within AWS' AMP8 (2025-2030) business plan for investment, however, we do not yet know the details and timescales of any investment proposed.*

2.8 Natural England does not object subject to appropriate mitigation and *Confirmation that the relevant Waste Water Treatment Works has sufficient capacity to serve the proposed development prior to occupation... Natural England's key concern in this location is the capacity of the Manea (Town Lots) water recycling centre / sewage treatment works due to a high number of recorded discharge events. We assume*

the proposed development intends to connect to this facility. The Environment Agency's Storm Overflow Spill Frequency Portal shows that, in 2023 this sewer storm overflow spilled 98 times for a total of 1,330 hours, and in 2024 this outflow spilt 94 times for 1,323.25 hours. These discharges were into a tributary of the Old Bedford River (Counter Drain) and therefore into the Ouse Washes SAC (which is in Unfavourable condition due to Water Pollution and Discharges).

2.9 Additionally comments have been seen from Middle Level Commissioners to the applicant's drainage consultants, which indicates they will not give consent for discharge of wastewater to their watercourses as an alternative solution to using the Anglian Water system.

Sequential Test

2.10 A document addressing the sequential test has been submitted. This largely repeats the arguments made in the previously considered information but also makes the assertion that a sequential test is not required as the development is the replacement of an existing building, and that this is set out within the "Sequential Test Practice notes".

Revised Plans

2.11 Despite the application not being deferred to allow this issue to be addressed the applicant has submitted revised elevations to clarify existing and proposed site levels as well as seeking to address overlooking concerns. Finished floor levels for all dwellings are now set at 2.4 metres AOD. The finished floor levels for the dwellings at Plots 1 to 4 were previously 2.8 metres AOD. The finished floor levels of the bungalow at Plot 5 have not been amended from 2.4 metres AOD. The north facing elevation serving Plots 3 and 4 has ground floor doors that are no longer served by a ramp or steps due to site topography. A 2.1 metre high close boarded fence is proposed for the eastern boundary with Coolruss Lodge with a further 0.3 metres of trellis above.

Public representations

2.12 A further objection has been received from a neighbouring resident with regard to the revised plans. They have expressed concerns with the development generating a material overlooking impact and being out of keeping with the character of the other properties along Fallow Corner Drove.

3 ASSESSMENT AND CONCLUSIONS

Ecology and BNG

3.1 An Ecology Report and Biodiversity Net Gain Assessment have been submitted to which the FDC Ecology Officer raises no objections. This matter is now considered to have been appropriately assessed and could be satisfactorily addressed by the use of appropriate planning conditions. Consequently, the originally recommended reason for refusal is no longer relevant.

Bat Survey

3.2 A Bat Survey has been submitted and the FDC Ecology Officer is confident that the development can proceed without causing harm to bats. They do state that a Protected Species Licence is required from Natural England before any work which

could affects bats can commence. Obtaining a Licence from Natural England is a separate process from obtaining a grant of planning permission. This matter is now considered to be satisfactorily addressed subject to the grant of Protected Species Licence which would be secured by condition and the originally recommended reason for refusal is no longer relevant.

Financial Contribution

3.3 As set out above no viability assessment has been submitted with regards to the application site and the site to the north which the applicant is developing for 29 bungalows.

3.4 While the applicant has indicated that the voluntary financial contribution which was being proposed is now to be withdrawn, this does not address the issue of whether the sites are linked for the purposes of assessing whether a contribution towards affordable housing is required under Policy LP5 of the Local Plan.

3.5 Case law has set out that there is a tripartite test for assessing such linkage, essentially concerning:

1. Whether the sites are in a single ownership
2. Whether they constitute a single site for planning purposes
3. Whether proposals can be deemed a single development.

3.6 The applicant has contended, in summary, that while the sites are in a single ownership, and were also bought by the applicant at the same time with both parcels having a landowner in common this does not justify aggregation. The applicant also contends that the sites do not constitute a single site for planning purposes nor are they a single development, pointing to the time lag between the original planning application for the site to the north in 2016 and this current application not being submitted until 2024. The applicant also points to a lack of functional or operational relationship between the two sites with the current application addressing a different housing need and the sites being able to proceed separately.

3.7 It is considered that the land ownership issue would be indicative of a relationship to suggest a conclusion of aggregation between the sites would be reasonable. While there is clearly a time lag between the original permission on the site and the current application, the applicant made their Reserved Matters application on the site to the north in 2023 and as such the two developments are perhaps not so chronologically separate as the applicant is suggesting. In terms of functional relationship between the sites the current application seeks to utilise the access road to the site to the north, and as per the applicant's originally submitted supporting information "We have adopted all the same architectural typologies and principles vis-a-vi heights, building lines, setbacks, garden sizes, material selections and all the other ancillary considerations such as biodiversity and designing out crime strategies as per the primary consent granted on our adjacent land where the development of 29 bungalows will commence this summer". A functional relationship does therefore seem apparent.

3.8 As such it is not accepted that the two sites should not be viewed as aggregated for the purposes of Policy LP5 of the Local Plan, and in the absence of viability information to demonstrate that the required affordable housing contribution cannot be delivered that the originally recommended reason for refusal in this regard remains relevant.

Wastewater Treatment Capacity

3.9 Anglian Water, Natural England and the Environment Agency advise that Manea Town Lots Water Recycling Centre currently lacks the capacity to accommodate wastewater flows generated by the proposed development. Middle Level IDB have stated that they will not give consent for discharge of wastewater to their watercourses as an alternative solution to the Manea Town Lots Water Recycling Centre capacity issues. Foul Water Drainage provision remains a material concern for the proposal site, however it is considered that this could reasonably be dealt with via planning condition.

Sequential Test

3.10 The applicant asserts that as the development is for the replacement of an existing building it is exempt from the sequential test. While a like for like replacement of a dwelling on a site would ordinarily be unlikely to require sequentially testing as there would be no increase in terms of exposure to flood risk, this application proposes to replace one dwelling with five dwellings, therefore significantly increasing the number of people at risk of flooding. The applicant's assertion is therefore considered incorrect and contrary to the guidance set out within the Cambridgeshire Flood and Water SPD and the NPPF (2024). It is therefore considered that the originally recommended reason for refusal remains relevant.

Revised Plans

3.11 Revised elevations have been submitted by the applicant to clarify existing and proposed site levels as well as seeking to address overlooking concerns. Finished Floor Levels for all dwellings are now set at 2.4 metres AOD. The north facing elevation serving Plots 3 and 4 has ground floor doors that are no longer served by a ramp or steps due to site topography. A 2.1 metre high close boarded fence is proposed for the eastern boundary with Coolruss Lodge with a further 0.3 metres of trellis above. The proposed revision to finished floor levels is considered to adequately address potential flood risk and the Environment Agency has no objections to the submitted details. However, despite the removal of the rear staircases at Plots 3 to 4. Material overlooking concerns remain from Plots 2 and 3 toward the dwelling and private amenity space of Coolruss Lodge beyond the eastern boundary. This is despite the boundary treatment amendment of 2.1 metre high fencing, as well as the proposed installation of the fixed single glazed window serving the WC and bathrooms of Plots 2 and 3. Material overlooking concerns remain from the side access staircases as well as the north facing rear elevation window serving Bedroom 2 of Plot 3 toward both Coolruss Lodge and the private amenity space at the proposed bungalow of Plot 5 to the north. As such it is considered that the originally proposed reason for refusal remains relevant.

Other Reasons for Refusal

3.12 Further to the assessment set out above it is not considered that there are any changed circumstances which would overcome or address the other previously recommended reasons for refusal concerning the scale and form of development and substandard amenity areas.

4 RECOMMENDATION

Refuse; for the following reasons:

1	The amount of development taking place on the site, its layout, scale, form and appearance would result in a development at odds with the prevailing pattern of development and general character in the locality with a consequent adverse and detrimental impact on the character and appearance of the area contrary to Policy LP16 (d) of the Fenland Local Plan (2014), and Policy DM3 of Supplementary Planning Document: Delivering and Protecting High Quality Environments in Fenland (2014).
2	The development would result in overlooking of the side and rear of the neighbouring bungalow, Coolruss Lodge. This loss of privacy would be to the detriment of the amenity of the residents of this property and if permitted the development would be contrary to Policy LP16 of the Fenland Local Plan (2014) and paragraph 135 of the National Planning Policy Framework (2024).
3	The development proposed by virtue of the substandard garden areas to Plots 1 and 2 and the overlooking from Plot 3 to the garden area of Plot 5 would afford an inadequate level of amenity for future residents of the development. This would be contrary to Policy LP16 of the Fenland Local Plan (2014) and paragraph 135 of the National Planning Policy Framework (2024).
4	The Cambridgeshire Flood and Water SPD 2016 and Policy LP14 (Part B) of the Local Plan requires development in Flood Zone 3 to undergo a sequential test to demonstrate that the development cannot be delivered elsewhere in the area at lower risk areas of flooding. Policy LP2 seeks to deliver high quality environments, ensuring that people are not put at identified risks from development thereby avoiding adverse impacts in the interests of health and wellbeing. The site lies within Flood Zone 3 which is a high-risk flood area. The applicant has failed to undertake a substantive and evidenced sequential test and has therefore failed to demonstrate that the development could not be delivered in an area of lower flood risk, thereby failing LP14 (Part B). Consequently, the proposal fails to satisfy policy LP2 of the Fenland Local Plan as it fails to deliver a high quality environment and unjustifiably puts future occupants at higher risk of flooding.
5	The application proposes a ‘voluntary’ financial contribution linked to the residential development of the site to the north (Lavender Mill). No comprehensive viability assessment covering both development sites, as required under Policy LP5 of the Fenland Local Plan 2014, has been submitted and as such it is unknown whether the contribution offered is the optimum amount which could be delivered from the linked developments. As such, to grant the application would be contrary to the aforementioned policy.

Appendix A on the next page contains the officer report presented to the planning committee of Wednesday the 5th of February 2025.

F/YR24/0627/F

Applicant: Christian Cooper **Agent :**
James Development Company Limited

Lavender Mill Bungalow, Fallow Corner Drove, Manea, March PE15 0LT

Erect 5 x dwellings (1 x single-storey 2-bed and 4 x 2-storey 2-bed), involving the demolition of existing dwelling and garage

Officer recommendation: Refusal

Reason for Committee: Parish Council comments contrary to Officer recommendation.

Government Planning Guarantee

Statutory Target Date For Determination: 23 September 2024

EOT in Place: Yes

EOT Expiry: 30th June 2025

Application Fee: £2890

Risk Statement:

This application must be determined by the 30th of June 2025 otherwise it will be out of time and therefore negatively affect the performance figures.

EXECUTIVE SUMMARY

1.1	The application seeks permission to demolish an existing bungalow and to erect five dwellings with a quadrant block of four, two-storey dwellings and a bungalow. Policy LP16 (d) of the Fenland Local Plan 2014, DM3 of supplementary Planning Document: Delivering and Protecting High Quality Environments in Fenland (2014) seek to ensure that proposals make a positive contribution to the local distinctiveness and character of the area and that the character of the local built environment informs the layout and features of proposed development. The amount of development taking place on the site, its scale, form and appearance would result in a development at odds with the prevailing pattern of development and adversely impacting on the character and appearance of the area
1.2	There is considered to be a material overlooking impact on the fenestration and private amenity space of Coolruss Lodge to the east contrary to policies LP2 and LP16 of the Fenland Local Plan (2014) and paragraph 135 of the National Planning Policy Framework (2024). Additionally the submitted details of Plot 5 are not consistent, and do not allow for a proper assessment of the impact of

this dwelling on neighbouring amenity.

1.3 The proposed development would provide a substandard level of private outdoor amenity space for future occupiers of the proposed Plots 1 and 2, due to the very modest size of the garden space. The proposal fails to devote a minimum of one third of the plot size to private amenity space in accordance with LP16(h) of the Fenland Local Plan (2014). Additionally there would be overlooking of the rear garden of Plot 5 from Plot 3. The proposed development would therefore provide a sub-standard level of residential amenity for future occupiers contrary to policies LP2and LP16(h) of the Fenland Local Plan (2014).

1.4 Policy LP14 (Part B) of the Local Plan requires development in Flood Zones 2 and 3 to undergo a sequential test to demonstrate that the development cannot be delivered elsewhere in the district at lower risk areas of flooding. Policy LP2 seeks to deliver high quality environments, ensuring that people are not put at identified risks from development thereby avoiding adverse impacts in the interests of health and wellbeing. The site predominately lies within Flood Zones 2 and 3 which are high risk flood areas. The applicant has failed to undertake a sequential test and has therefore failed to demonstrate that the development could not be delivered in an area of lower flood risk, thereby failing LP14 (Part B) and conflicting with the NPPF and the Flood and Water SPD.

1.5 The submitted information identifies the potential to impact a bat roost and recommends further survey work is carried out. In the absence of these surveys the impact of the scheme cannot be determined, nor what mitigation / compensation is required to address these impacts, contrary to Policies LP16 (b) and LP19 of the Fenland Local Plan (2014) and Paragraph 187 of the NPPF (2024)

1.6 The application is also not supported by sufficient detail to establish that the proposed development will be able to meet the BNG requirements for the site and the application lacks sufficient ecology information relating to the demolition of the existing building. The application therefore fails to demonstrate that the development can achieve the BNG measures for the site contrary to Policy LP16 and LP19 of the Fenland Local Plan 2014.

1.7 Additionally, the application indicates a link to an adjoining site in terms of providing a financial contribution. However no full viability assessment has been carried out as per Policy LP5 of the Local Plan and as such this issue cannot be accurately assessed.

1.8 For the reasons given above this application is recommended for **refusal**.

SITE DESCRIPTION

2.1 The proposal site is located to the north of Fallow Corner Drove, which is largely characterised by a linear pattern of development with dwellings of varying scales fronting onto the road. These properties are largely set within relatively spacious plots and in the immediate vicinity of the site with substantial areas of frontage. A two-storey detached property named Hadleigh is sited to the west, with a detached bungalow named Coolruss Lodge to the east. Beyond Fallow Corner Drove to the south is arable fields, with a development by the same applicant for 29 bungalows on the site of the former Lavender Mill approved under reference F/YR23/0423/RM currently under way to the north. This development shares an access with the proposal site, toward the western boundary of the site.

2.2 The site is currently overgrown and contains a derelict bungalow and garage. There are no trees on site. There is a fall from back to front of the site of approximately 1.5 metres.

2.3 Approximately 80% of the site is within Environment Agency Flood Zones 2 and 3, with the northernmost extent of the site in Flood Zone 1. There is no predicted surface water impact for the site, with a line of low extent on an east / west axis along Fallow Corner Drove beyond the southern boundary.

PROPOSAL

3.1 This full planning application seeks permission to erect 5 dwellings consisting of 1 single-storey, 2 bed bungalow, and 4 two-storey, 2 bed maisonettes. The existing dwelling and detached garage on site are to be demolished to facilitate the proposal. The 4 maisonettes will be positioned forwards of the footprint of the existing dwelling, with the bungalow to the rear, adjacent to the northern boundary. The maisonettes will form a rectangular quadrant with enclosed gardens to the south of Plots 1 and 2, and to the north of Plots 3 and 4. Car parking will be sited forward of the maisonettes within the southern frontage of the site. A single garage and off-road parking space will be provided for the detached bungalow. Cycle storage for the maisonettes is to be provided behind the rear garden wall of Plot 3 adjacent to a bin store.

3.2 The proposed facing materials are predominantly Elgin Blend bricks by Crest with roof tiles being Crest Cotswold Red pantiles. The quadrant block has first floor balconies to the front and projecting first floor bay windows to the front and west elevations which would be faced in green weatherboarding (Hardie Plank Parkside Pine) which would also be used on the west and east elevations of the proposed bungalow. These listed materials are intended to match with the materials to be utilised for the 29 bungalows approved under reference F/YR23/0423/RM to the north, albeit that a range of cladding colours was to be used within this.

3.3 The proposal will utilise the existing access toward the western boundary that is also to serve the 29 dwellings to the north, approved under reference F/YR23/0423/RM. The existing frontage access to Lavender Mill Bungalow is to be removed and reinstated. The proposed boundary treatment is 1.8 metre close boarded fencing and brick walls.

3.4 The block of maisonettes is indicated as having a finished floor level (FFL) approximately 1.5 metres above existing ground level at its front, with the

bungalow being shown with a FFL of 2.4AOD which is similar to the indicated ground levels on the site plan, although elevational drawings show this being built up by approximately 0.7m and accessed via several steps, with the Flood Risk Assessment setting out this unit would be 0.55m above existing levels.

3.5 The agent proposed in a letter dated December the 18th that foul water is addressed by condition given Anglian Water capacity issues in the Manea area. Surface water is to discharge to an existing water course via private surface water drains that will discharge to two surface water control chambers sited in the access road at the west of the application site.

3.6 Full plans and associated documents for this application can be found at: https://www.publicaccess.fenland.gov.uk/publicaccess/

SITE PLANNING HISTORY

No pertinent history on application site.

CONSULTATIONS (summarised)

5.1 Manea Parish Council

No Objection – Note: No Local S106 contribution.

5.2 Natural England – 23rd September 2024

Natural England has previously commented on this proposal and made comments to the authority in our response dated 23/08/2024, ref – 485332. The advice provided in our previous response applies equally to this amendment. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

The comments from the 23rd of August 2024 states:

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES *The proposed development has the potential to have a harmful effect on terrestrial Sites of Special Scientific Interest (SSSIs) and those Special Areas of Conservation (SACs), Special Protection Areas (SPAs) or Ramsar sites that they underpin. Natural England's statutory advice on these potential impacts is set out below.*

Designated sites

Further information required - potential recreational pressure impacts to Sites of Special Scientific Interest (SSSIs) in Cambridgeshire and Peterborough.

This development site is within the zone of potential risk for publicly accessible Sites of Special Scientific Interest (SSSIs) sensitive to the effects of recreational pressure.

Within this zone, proposals for any net increase in residential units may affect the notified features of the SSSI(s) through increased recreational pressure.

Natural England advises that such developments require a ***proportionate assessment*** *of recreational pressure impacts on the notified features of the SSSI(s) and measures to mitigate adverse impacts eg alternative open space provision.*

Please refer to Natural England's letter dated 12 July 2019 (attached) for further information.

Discretionary Advice
Natural England may provide further advice to the applicant through the discretionary advice service (DAS). Refer to Developers: get environmental advice on your planning proposals - GOV.UK (www.gov.uk) for more information.

Impact Risk Zones for Sites of Special Scientific Interest *We publish Impact Risk Zones for Sites of Special Scientific Interest (SSSI IRZs), a GIS-based tool designed for use during the planning application validation process to help local planning authorities to determine if a proposed development is likely to affect a terrestrial SSSSI and when to consult Natural England. For more information and to access the SSSI IRZs and user guidance, please visit the Natural England Open Data Geoportal.*

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

5.3 FDC Environmental Health – 19th September 2024

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

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

A Phase 2 contaminated land investigation has been undertaken by Ground Engineering, the report (ref: C15958A) dated July 2023 for which has been submitted, and the findings noted and accepted by Environmental Health. The findings of the report detailed elevated concentrations of two PAHs (benzo[b]fluoanthene and dibenzo[a,h]anthracene) where found that exceeded the soil screening values (SSV's) for a residential with home grown produce end use. Therefore, this service would recommend that the remaining suite of contaminated land conditions are imposed to protect the interests of future site users.

The report indicates that there is a moderate risk that a pathway could develop affecting groundworkers during the construction phase of the redevelopment. Therefore, we would ask that the requirements outlined on page 13 of the report are followed during the construction phase.

At the time of the report the proposed site layout was unknown, but as the site layout plan has now been submitted, all proposed landscaped areas where soil will be exposed at the surface should be replaced with a suitably thick cover or barrier layer in order to break the pathway between the underlying made ground and the end site users. We would request that this remediation work, that are detailed on page 15 and 16 of the report are carried out and a validation/closure report is submitted to and approved by the LPA for approval following the completion of the remediation works on site.

5.4 Environment Agency – 18th September 2024

Thank you for your reconsultation, please refer to our letter ref AC/2024/132297/01 dated 11 September 2024 for our comments that still stand.

The comments from 11 September 2024 stated:

We object to the submitted application as insufficient information has been provided relating to water quality.

Water Quality
The proposed development is located within the catchment of the Manea – Town Lots Waste Water Treatment Works (WWTW) which is currently exceeding its permitted volume of discharge to the watercourse. The development of further housing will increase foul water flows to the WWTW and in turn the volume of discharge. This poses an unacceptable risk of pollution. We therefore object to this application as it is currently submitted and recommend that planning permission should be refused on this basis.

Reasons
The Manea – Town Lots WWTW is exceeding the limits set for its environmental permit to discharge treated flows to a surface waterbody which in this case is the drain under the jurisdiction of the Manea and Welney Internal Drainage Board which forms part of the Old Bedford and Middle Level catchment. The Middle Level is at 'moderate' classification and required under the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 to reach 'good' by 2027. The River Basin Management Plan for this catchment cites challenges caused by pollution from the water industry as a reason for not achieving 'good'. We note that Anglian Water Services (AWS) have not identified actions to increase capacity at this WWTW in their published Drainage and Wastewater Management Plan.

The limits in the environmental permit issued for this WWTW are set to prevent harm to the waterbody into which the treated flows discharge. Exceedance of this presents a risk of causing deterioration. The Manea WWTW has frequently exceeded the set permit limit since 2017. This situation is likely to be exacerbated by increased foul water flows from new development, especially if this occurs in a similar timeframe to other consented developments but there appears to be no discussion in the submitted documents of how the proposed development would affect this.

Paragraph 187 of the National Planning Policy Framework (December 2024) states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of water pollution.

The Water Framework Directive places an obligation on all public bodies in their decision making to ensure that decisions do not lead to a reduction in the water framework classification status.

For these reasons we consider that the applicant has not provided sufficient information to assure the Local Planning Authority that if consented, this development will not cause pollution and unacceptable harm to the water environment.

Overcoming our objection
We recommend that the applicant, in consultation with AWS, shall submit a foul water strategy that:
• Includes analysis of forecasted flows arising from the site when operational with expected capacity of the receiving WWTW (once necessary works are undertaken) to demonstrate that the flows can be treated whilst remaining compliant with current or new environmental permits;
• Includes an assessment of the cumulative impacts on foul water treatment and water quality for this WWTW catchment;
• Includes plans for appropriate phasing or timing of construction to ensure that it becomes operational in line with available capacity and not before.

Submission of a foul water strategy which addresses the above concerns will not in itself overcome our objection. We will provide bespoke comments upon receipt of reconsultation. Depending on the evidence submitted and circumstances at the time we reserve the right to reconsider our position.

Should the LPA be minded to approve this application, contrary to our advice, we request that you contact us to discuss further prior to any decision being made.

Notwithstanding and without prejudice to the above objection, we have attached an Appendix, which details the additional comments that we wish to raise in relation to consultation on this planning application. If the above objection is resolved then these comments would likely be applicable.

Appendix 1 – Flood Risk
National Planning Policy Framework Sequential Test
In accordance with the National Planning Policy Framework (NPPF) paragraph 174, development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. It is for the Local Planning Authority to determine if the Sequential Test has to be applied and whether or not there are other sites available at lower flood risk as required by the Sequential Test in the NPPF. Our flood risk standing advice reminds you of this and provides advice on how to do this.

By consulting us on this planning application we assume that your Authority has applied and deemed the site to have passed the NPPF Sequential Test. Please be

aware that although we have raised no objection to this planning application on flood risk grounds, this should not be taken to mean that we consider the proposal to have passed the Sequential Test.

Review of Flood Risk Assessment (FRA)
We have no objection to the proposed development, but strongly recommend that the mitigation measures proposed in the submitted Flood Risk Assessment (FRA) (Engineering Support Practice Ltd) are adhered to. In particular, the FRA recommends that:
• Finished floor levels of the proposed single storey dwelling will be set no lower than 500mm above existing ground levels.
• Finished floor levels of the proposed two storey semi-detached dwellings will be set no lower than 1.0m above existing ground levels.
• Flood resilient measures will be incorporated up to 600 mm above finished floor levels.

Exception Test
With regard to the second part of the Exception Test, your Authority must be satisfied with regards to the safety of people (including those with restricted mobility), the ability of people to reach places of safety, including safe refuges within buildings, and the ability of the emergency services to access buildings to rescue and evacuate people. In all circumstances where flood warning and evacuation are significant measures in contributing to managing flood risk, we expect local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

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

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

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

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

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

5.5 Cambridgeshire County Council - Highways

On behalf of the Local Highway Authority, I raise no objections to the proposed development, subject to the condition(s) set out below.

Comments

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

Conditions

Non-standard condition

All planting to the boundary of the development will need to be within the remit of the applicant's site no planting should be placed on the public highway. The Highway Authority would request that the landscaping be planted so that at a reasonable level of maturity it does not overhang the public highway.

Reason: In the interests of highway safety

Closure of Access

The existing access to Lavender Mill Bungalow shall be permanently and effectively closed and the footway / highway verge shall be reinstated in accordance with a scheme to be Place and Sustainability Highway Development Management East Highways Depot Stirling Way Witchford Ely CB6 3NR agreed with the Local Planning Authority within 28 days of the bringing into use of the new access.

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

5.6 Middle Level Commissioners (Internal Drainage Board)

Thomas Consulting's Drainage Strategy report and calculations provided for the Phase 1 development (F/YR19/0958/O) showed that the proposed development will store surface water in permeable paving in the private drive areas and under the entrance road, discharging at an attenuated rate of 5 l/s. The Board awaits further details of the drainage strategy of Phase 2 from the applicant, including details of storage volumes, flow controls etc. to show that the Phase 2 proposals can also provide a volume suitable to cater for a 1-in-100-year storm plus an allowance for climate change.

With regards to treated foul water disposal, as the Manea Town Lots WWTW discharges into the Manea & Welney DDC area, a Discharge Consent application

would therefore be required from this Board for a discharge via Anglian Water Services. However, the comments from the Environment Agency to the above planning application of 11th September are noted, regarding their objection to the proposed disposal of treated foul effluent to Manea & Welney DDC via the AWS Manea - Town Lots WWTW. Please note that neither the Curf & Wimblington Combined IDB or the Manea & Welney District Drainage Commissioners will consent to the discharge of treated foul effluent into watercourses in their districts, if requested due to the capacity issues with Anglian Water Services Ltd.

The Boards look forward to receiving further details from the applicant in due course.

5.7 Cambridgeshire County Council – Principal Ecology Officer

The application has the potential to impact Nene Washes SSSI / SAC / SPA and Ramsar site as a result of recreational pressure. In addition, the scheme is likely to result in the loss of a bat roost. However, no details assessment has been undertaken on these features and as such the level of adverse impact of the scheme cannot be determined, not what mitigation / compensation is required to address these impacts.

In light of the above, the scheme will potentially conflict with Fenland Local Plan 2014 policies LP16 & LP19 which seek to conserve, enhance and promote the biodiversity interest and National Planning Policy Framework (Dec 2024). Nor, whether the LPA will meet its statutory duties to conserve biodiversity (Section 40, Natural Environment and Rural Communities Act 2006) and European protected species (Conservation of Habitats and Species Regulations 2017).

We therefore recommend refusal, unless the following information is provided <u>prior</u> to determination:

• completion of further survey work (bat) recommended in the Preliminary Ecological Appraisal
• appraisal of recreational impact on national and international nature conservation sites
• shadow stage 1 Habitat Regulations Assessment (if required)
• Biodiversity Net Gain assessment using full Statutory Metric and completed by a suitably qualified ecologist. All new habitats within a private dwelling should be recorded as 'vegetated' or 'unvegetated' garden.

Please find further information below

<u>International and nationally important sites of nature conservation</u>

The site falls within Natural England's Site of Special Scientific Interest Impact Risk Zone. Their standing advice for this land is:

Natural England Site of Special Scientific Interest Impact Rizk Zone – (MAGIC.gov.uk)

Further information required - potential recreational pressure impacts to Sites of Special Scientific Interest (SSSIs) in Cambridgeshire and Peterborough

This development site is within the zone of potential risk for publicly accessible Sites of Special Scientific Interest (SSSIs) sensitive to the effects of recreational pressure.
Within this zone, proposals for any net increase in residential units may affect the notified features of the SSSI(s) through increased recreational pressure.
Natural England advises that such developments require a proportionate ***assessment of recreational pressure impacts*** *on the notified features of the SSSI(s) and measures to mitigate adverse impacts eg alternative open space provision.*
Please refer to Natural England's letter dated 12 July 2019 for further information.

The proposed scheme will result in the construction of new dwellings and has the potential to affect SSSI (particularly in combination with other projects) as a result of recreation, and therefore the above requirement is applicable. This is further confirmed by Natural England's consultation response.

The applicant has not provided any assessment of the recreational impact, particularly on the Nene Washes SSSI / Special Area of Conservation / Special Protection Area and Ramsar site. Nor considered what mitigation measures are appropriate to advice impact.

Furthermore, if there is potential impact on an international site (habitat site), the LPA has insufficient information provided to be able to write a stage 1 Habitat Regulations Assessment report (if applicable).

We therefore recommend ***refusal*** *until the following information is provided:*

• A proportional assessment of recreational impact on the notified features of the SSSI and measures to mitigated adverse impacts
• If potential impact on habitat site (including SPA, SAC or Ramsar) that the applicant should provide a shadow stage 1 Habitat Regulations Assessment report.

We recommend the allocation seek further guidance on this matter through the Natural England's discretionary advice service (DAS). Please refer to Natural England consultation response for more info.

Protected Species - bats

The Preliminary Ecological Appraisal recorded bat droppings within the property. The building is scheduled for demolition and therefore the PEA recommends further surveys to determine the type of roost, level of impact of the scheme and what mitigation is required.

However, the applicant has not submitted these surveys and therefore, the LPA is unable to determine the impact of the scheme on protected species, including European protected species (bats).

The impact of a development on protected species is a material consideration in the planning process. We refer the LPA to Natural England's standing advice for protected

species and development. Section 2 states "you can refuse planning permission if surveys….. do not provide enough evidence to assess the likely negative effects on protected species".

European Protected Species

The proposed demolition works are likely to require a licence to undertake works to damage a bat roost.

As a competent authority, the Council also has a statutory duty to protect the favourable conservation status of European protected species (e.g. bats, otter, great crested newt) under the Conservation of Habitats and Species Regulations 2017 (as amended). As part of this duty, the LPA must consider whether a licence (from Natural England) is likely to be granted for the proposed development. The further bat survey work is required to determine if (a) a licence is likely to be required and if yes, (b) will Natural England's 3 licensing tests for EPS (required to grant a licence) likely to be met.

*We therefore recommend **refusal** unless the following recommended survey / assessment is completed:*

• Protected Species surveys (bats) recommended in the ecology report

Biodiversity Net Gain
The applicant has submitted Biodiversity Net Gain values calculated using the Small Sites Metric. However, the Small Sites Metric cannot be used on sites were European protected species are present (see page 7, The Small Sites Metric (Statutory Biodiversity Metric) User Guide).

Therefore, if a bat (protected species) roost is confirmed to be present during further survey work, then a full version of a Statutory Metric will need be completed by a competent ecologist. Therefore, the BNG assessment cannot be agreed until the bat work has been completed.

Biodiversity Net Gain Analysis & Proposals 1104-13

The Biodiversity Net Gain Analysis & Proposals 1104-13 drawing of existing habitat shows the location of seven 'BNG photos', however BNG photos 6 & 7 are missing from the document. Please provide.

The post-development drawing maps newly created hedgerows, scrub and trees have been recorded within private gardens (garden within curtilage of a privately owned or tenanted dwelling house). This is in direct conflict with the Small Sites Metric User Guide (see extract below). All new habitats within the curtilage of a dwelling can only be allocated as either vegetated garden or unvegetated garden. Please update.

The Small Sites Metric (Statutory Biodiversity Metric) User Guide, page 27:

Recording residential development (at post-development) - private gardens

The post-development private garden has no public access, and biodiversity net gains cannot be legally secured. As these gains cannot be secured you should only record created private gardens as either:
• 'urban – vegetated garden'; or

• 'urban - unvegetated garden'

You should not:
• record the creation of any other new habitats within private gardens
• record enhancement of any habitat within private gardens

BNG loss

The Statutory Biodiversity Metric calculations record an increase in BNG. However, this is inaccurate….and the scheme is likely to result in a net loss due to loss of habitat of biodiversity value, and only 'vegetated garden' (which has a low BNG score) can be created within the curtilage of dwellings.

*In light of the above, we recommend **refusal** until the following information is provided:*

• Updated Biodiversity Net Gain assessment using full metric (if bat roost is confirmed) to be completed by a suitably qualified ecologist
• Update post-development habitats to reflect type of development – all new habitat within private gardens to be classified as vegetated / unvegetated garden.

Planning conditions

If the applicant submits the above information and addresses our concerns, it is anticipated that biodiversity compensation / mitigation measures and enhancements recommended within the ecological report(s) should be secured through a suitable worded condition(s) to ensure compliance with Fenland Local Plan 2014 policies LP16 and LP19 that seek to conserve, enhance and protect biodiversity through the planning process:

1. *Construction Environment Management Plan (CEMP: biodiversity)*
2. *Landscape and Biodiversity Enhancement Scheme*
3. *Natural England licence (bats)*
4. *Detailed lighting scheme sensitively designed for wildlife*
5. *Time limit until update ecological surveys required*

The mandatory Biodiversity Gain condition would apply (please note, this there are two versions – a standard condition and a condition for phased development).

If "significant on-site Biodiversity Net Gain" or any "off-site BNG" is proposed, the management and monitoring of the scheme for 30 years must be secured through a suitably worded planning condition / obligation.

5.8 Local Residents/Interested Parties

Objectors

Two letters of objection have been received from two properties on Fallow Corner Drove, Manea. They have expressed concerns regarding:

- Overlooking
- Design
- Out of keeping

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)

POLICY FRAMEWORK

National Planning Policy Framework 2024 (NPPF)
Chapter 5 – Delivering a sufficient supply of homes
Chapter 12 – Achieving well-designed and beautiful places
Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

National Planning Practice Guidance (NPPG)
Determining a Planning Application

National Design Guide 2021
Context
Identity
Built Form
Homes and Buildings

Fenland Local Plan 2014
LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside
LP4 – Housing
LP5 – Meeting Housing Need
LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland
LP16 – Delivering and Protecting High Quality Environments Across the District
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

Cambridgeshire Flood and Water SPD 2016

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

LP1: Settlement Hierarchy
LP2: Spatial Strategy for the Location of Residential Development
LP7: Design
LP8: Amenity Provision
LP12: Meeting Housing Needs
LP22: Parking Provision
LP25: Biodiversity Net Gain
LP27: Trees and Planting
LP28: Landscape
LP32: Flood and Water Management
LP33: Development on Land Affected by Contamination
LP49: Residential site allocations in Manea

KEY ISSUES

- **Principle of Development**
- **Layout and Design**
- **Impact on Residential Amenity / Land Users**
- **Highway Safety and Parking**
- **Flooding Considerations / Drainage**
- **Ecology**
- **Voluntary Section 106 Contributions**
- **Biodiversity Net Gain (BNG)**

BACKGROUND

9.1 There have been no previous applications for residential development on this site. The site immediately to the north was a former mill and latterly a grain store and has had the benefit of permission for residential development since 2016 with a reserved matters application for 29 single storey dwellings approved under reference F/YR23/0423/RM. That application was submitted by the same applicant as this application and utilises similar materials of construction, with the current application using the approved access.

ASSESSMENT

Principle of Development

10.1 The site is located within the settlement of Manea; which is identified within Policy LP3 of the Fenland Local Plan (2014) and the settlement hierarchy within this as being a Growth Village where the broad principle of new residential development is considered acceptable, subject to detailed policy considerations.

Layout and Design

10.2 The proposed development is located off Fallow Corner Drove which is predominantly characterised by detached dwellings, of varying forms, which are in a linear pattern. The dwellings either side of the application site are, to the west, a two-storey detached dwelling, one of a broadly matching pair, with a one and a half

storey front projecting garage, while to the east is a detached bungalow. Both of these properties are set back from the road with relatively open frontages.

10.3 The application proposes to erect a quadrant block of dwellings which would sit forward of the current bungalow on site and the adjacent bungalow and in line with the lower 1.5 storey elements of the neighbouring houses to the west. Given the scale and mass of the proposed building at two-storeys and with raised floor levels it is considered that this would form a highly prominent and incongruous feature within the streetscene.

10.4 This impact would be exacerbated by the design and appearance of the proposed development with overly fussy and unattractive elevations containing first floor balconies and projecting first floor bay windows clad in green weatherboarding and with a clock feature incorporated at the apex of the roof.

10.5 The appearance of the development, and indeed its form in terms of being a quadrant block of maisonettes is untypical of anything found along Fallow Corner Drove and is not considered to be sympathetic to a location at the edge of a village being more typical of a form of development found in more intensively developed urban areas.

10.6 Further visual and character harm would also arise from the amount of hard surfacing indicated to the front of the development to provide six car parking spaces to serve the four dwellings as well as the use of 1.8m walls to screen the garden areas for plots 1 and 2. This would all sit adjacent to the landscaped open front garden of Coolruss Lodge to the east.

10.7 In terms of the bungalow proposed on the rear portion of the site, this would be largely screened from wider public view and its design and appearance in itself is considered acceptable. However, the presence of this tandem form of development would be noticeable from the street and again this is not typical of any form of development on Fallow Corner Drove and would further adversely impact upon the character of the area.

10.8 While it is accepted that there is an in-depth development taking place to the rear of the site on previously developed land this is considered to be viewed as distinctly separate to the frontage of Fallow Corner Drove. Given the distance from the road and boundary treatments to the development and the frontage properties and that this is single storey would consequently result in this largely being screened from wider view from Fallow Corner Drove.

10.9 Overall, it is considered that the amount of development taking place on the site, its layout, scale, form and appearance would result in a development at odds with the prevailing pattern of development and unsympathetic to its surroundings, adversely impacting on the character and appearance of the area contrary to Policy LP16 (d) of the Fenland Local Plan (2014), and DM3 of Supplementary Planning Document: Delivering and Protecting High Quality Environments in Fenland (2014).

Impact on Residential Amenity / Land Users

10.10 Firstly, when considering this matter, the amenity of future occupiers of the development must be considered.

10.11 All four of the quadrant maisonettes have their own garden space indicated. However, the areas provided for Plots 1 and 2 fall significantly below the third of a plot required by LP16(h) of the Fenland Local Plan (2014) and measuring 6.05 metres by 2.7 metres and 4.9 metres by 1.6 metres respectively would not constitute usable garden spaces and would provide inadequate amenity.

10.12 The garden areas for Plots 3, 4 and 5 are considered to be acceptable as they accord with Policy PL16(h).

10.13 The distance from the main elevation of Plot 3 to the proposed bungalow to the rear is 8.4 metres. While the bungalow's garage would be located on part of the boundary there would still be views of the rear garden of the bungalow from the upper floor windows of Plot 3 which would result in substandard levels of privacy for the occupiers of the proposed bungalow.

10.14 As the development is located within a residential area it is not considered that there would be any adverse noise or other environmental impacts affecting amenity or arising from the development to impact on existing residents in the vicinity.

10.15 To address further the impact of the development on the amenity of neighbouring residents the relationships between the proposed dwellings and existing properties must also be considered.

10.16 A key element in this consideration is the raising of the finished floor levels above existing ground levels and the consequent use of steps to access the properties. This results in overlooking concerns to existing properties.

10.17 Plots 2 and 3 within the quadrant block have their entrances, accessed via several steps, on the east elevation facing towards the neighbouring property Coolruss Lodge. This would introduce activity at a higher level and consequent overlooking to the frontage, and more importantly the side, including windows, of the neighbouring property. This would not be mitigated by the use of a 1.8m close boarded fence along the boundary. Additional overlooking of Coolruss Lodge would also take place from the northern elevation of Plot 3, including of the rear garden area from the first floor. As such the development would result in a loss of privacy and amenity for the occupiers of this neighbouring dwelling.

10.18 It is not considered that the west elevation of the quadrant block would have any undue overlooking issues for the neighbour on that side owing to the largely blank elevation, or obscure glazed windows, of Hadleigh facing this element of the development .

10.19 Given the conflicting details submitted regarding Plot 5 (the bungalow) it is difficult to fully assess the impacts which this may have on neighbouring dwellings. If the dwelling is to be raised 0.55 or 0.7 m above existing ground level, which the elevation plans and FRA indicate, then there is the potential for some overlooking of both Coolruss Lodge to the east and the dwelling approved to the north on the Lavender Mill site to occur. However, if, as the site plan seems to indicate,

development is to take place at existing ground level then these relationships may be more acceptable. With regards to the relationship with Hadleigh this is considered likely to be acceptable given the separation distance between the frontage of the bungalow and the boundary with this property.

10.20 It is not considered that there would be any adverse impacts arising on neighbouring properties in terms of overshadowing or overbearing on neighbouring properties owing to the separation distances involved.

10.21 In summary it is considered that the application affords substandard levels of amenity for future occupiers of the development as well as resulting in loss of privacy for neighbouring residents to the detriment of their amenity. The application has, additionally, provided insufficient information to allow for the full and proper assessment of other relationships with neighbouring dwellings. Therefore, the proposal is not considered to accord with Policy LP16 of the Fenland Local Plan and Section 12 of the National Planning Policy Framework, which seek to ensure that future occupiers and existing properties are not subject to a material amenity impact arising from a proposed development.

Highway Safety and Parking

10.22 With regard to highway safety, there is good visibility to the east and west at the junction with Fallow Corner Drove to the south. The accesses to the parking areas meet the required visibility splays for 20mph and 30mph roads when assessed against the distance requirements contained within the Manual for Streets document.

10.23 With regard to parking spaces, the Planning Statement states: *The proposed scheme has been designed in accordance with the requirements of the 2014 Local Plan. Parking is available on the basis of 2 cars for the bungalow, and one car for each 1 2-bedroom starter home. There also a further two parking spaces for visitors.*

10.24 The car parking standards of Appendix A of the Local Plan regarding maisonettes states that for units of more than one bedroom 1.5 spaces must be provided. The proposal meets this requirement. With regard to the proposed bungalow, 2 spaces are provided, which also meets the requirements.

10.25 The County Highways Officer has no objections to the submitted details and has requested a visibility condition, closure of access condition and works in the public highway informative. There is not considered to be a materially significant parking or highways impact from the proposal.

Flooding Considerations / Drainage

10.26 The NPPF and Policy LP14 of the Fenland Local Plan, reinforced by the Cambridgeshire Flooding and Water SPD 2016, state that development should be avoided in areas of high flood risk however where development is necessary it should be safe from flood risk for its lifetime without increasing flood risk elsewhere. The application site is predominantly in Flood Zone 3 with a small proportion in FZ2 and FZ1. As such the application is required to pass the sequential test and if deemed sequentially acceptable the exception test.

10.27 The submitted Flood Risk Assessment states that because of the adjacent development site it is considered unnecessary to apply the Sequential and Exception Tests. Predominantly the approved development is in FZ1. It is not accepted that this development in any way results in a situation whereby the current application does not need to be considered sequentially. As no sequential information has therefore been provided as part of the FRA the sequential test is considered to be failed.

10.28 In relation to the exception test this is a full application, and no wider sustainability benefits have been identified as part of this. As such it is also deemed that the exception test is failed. As such the development conflicts with the NPPF, Policy LP14 of the Local Plan and the Flood and Water SPD.

10.29 With regards to surface water drainage, the site is intending to tie into the drainage system for the neighbouring development, which is considered to be a broadly acceptable approach. MLC have commented regarding a requirement for final discharge rates to be clarified, however it is considered that surface water matters could be dealt with through an appropriately worded condition.

10.30 An objection has been received in relation to foul water from the EA concerning the capacity at the Manea – Town Lots Waste Water Treatment Works (WWTW) which is currently exceeding its permitted volume of discharge. No comments have been received from Anglian Water (AW) who are the operators of the WWTW. Officers are aware that AW and the EA have been seeking to resolve these matters, and it may be that a suitably worded condition requiring a foul water drainage strategy is an appropriate way forward. However, given the various other issues which officers have identified with this application no further work has been undertaken in respect of exploring this.

Ecology

10.31 The submitted Preliminary Ecological Appraisal identifies that evidence of bats was found in the roof space of the bungalow to be demolished and that further surveys should be carried out in this regard. No further surveys have been submitted and as such the Council's ecology advisor objects to the application on the basis that it is not currently possible to assess the impact of the development on protected species or to consequently assess any appropriate mitigation. The application is therefore in conflict with Policy LP19 of the Local Plan.

10.32 The Ouse Washes Site of Special Scientific Interest, Special Area of Conservation, Special Protection Area and Ramsar is located approximately 1.5km from the application site and both Natural England and the Council's ecologist have identified the need to assess the impact of the development in terms of recreational pressures arising from additional residential development on this area. It is not considered that a development resulting in a net of four additional dwellings, in the context of the wider population of Manea, would create any significantly undue additional pressures from a recreational point of view and as such any further detailed assessment would be unnecessary and unreasonable.

'Voluntary' Section 106 Contributions

10.33 As the application is only for four additional dwellings it falls below the normal thresholds for section 106 contributions to be sought. However, the applicants have sought to link the scheme to their development at the rear for 29 houses and also to a potential future application on a separate parcel of land to the east (which does not currently have planning permission) . The development of 29 dwellings was assessed as being unviable to provide any contributions at the time that outline permission was granted.

10.34 The Planning Statement submitted with the application suggests that a 'voluntary' sum of £8,149 could be provided as part of this application to in part address the request made by the NHS at the time of the Reserved Matters application for the 29 dwellings being approved in 2023 (notwithstanding that no such request was made in relation to the outline application) and the currently proposed development.

10.35 Policy LP5 of the Local Plan sets out that:

If a development scheme comes forward which in accordance with Part A of this Policy does not require the provision of affordable housing, but the scheme is followed by an obviously linked subsequent second development scheme at any point where the original permission remains extant, or up to 5 years following completion of the first scheme, then if the combined total of dwellings provided by the first scheme and the second or subsequent scheme provides 5 or more dwellings, then the above thresholds will apply cumulatively.

The policy goes on to state that:

Development viability will be assessed on the entire scheme(i.e. both application sites), not the second in isolation.

10.36 While the Local Plan clearly allows for assessment of linked sites such as this, the policy only references affordable housing rather than any other contributions. As such it is not considered that there is any policy basis to secure a contribution towards health as set out within the application. Consideration could be given towards using the proffered monies towards wider affordable housing delivery. However, the policy also makes clear that there should be a full viability assessment of both of the schemes to ensure that the Council is securing the optimum level of contributions. No such assessment has been submitted and it is therefore not possible to conclude that the £8,149 represents an appropriate level of contribution across the linked sites.

10.37 Notwithstanding that the delivery of such a financial contribution is not considered to outweigh the harm identified elsewhere within this report arising from the development this lack of comprehensive viability assessment and the conflict with policy represents further grounds to refuse the application.

Biodiversity Net Gain (BNG)

10.38 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.

10.39 The Council's Ecology advisor (CCC) objects to the submitted Biodiversity Net Gain details, stating "*The applicant has submitted Biodiversity Net Gain values calculated using the Small Sites Metric. However, the Small Sites Metric cannot be used on sites where European protected species are present….Therefore, if a bat (protected species) roost is confirmed to be present during further survey work, then a full version of a Statutory Metric will need be completed by a competent ecologist. Therefore, the BNG assessment cannot be agreed until the bat work has been completed.*

In light of the above, we recommend ***refusal***"

10.40 Given the above comments it is not considered that the application can currently demonstrate that the proposed development provides a biodiversity net gain and as such it would not be appropriate to grant the application with a bio diversity gain condition.

CONCLUSIONS

11.1 The proposed development by virtue of its amount, layout, form, design and scale would appear incongruous, unattractive and dominant in the streetscape to the significant detriment of the character and visual amenity of the area.

11.2 There is considered to be a material overlooking impact on the fenestration and private amenity space of Coolruss Lodge to the east as a result of the proposed development. Inadequate details have been provided to allow full assessment of other relationships arising from the development. The proposed scheme would also afford inadequate amenity for future residents of the development itself in terms of lack of amenity space and internal overlooking.

11.3 No information has been submitted to demonstrate that the site is sequentially acceptable in terms of flood risk or to demonstrate how the exception test would be passed. Additionally, there is a lack of appropriate assessment of the impact on protected species or a demonstration that, as a consequence, the development would deliver Bio-diversity Net Gain.

11.4 Finally, while the applicant has sought to link the application to the development of that of the neighbouring site in terms of making a 'voluntary' financial contribution, no comprehensive viability assessment has been submitted to demonstrate that this is an appropriate level of contribution. Notwithstanding this, the contribution is not considered to outweigh the harm and clear policy conflicts identified.

11.5 Due to the material concerns detailed in this report, the application is considered to be contrary to Policies LP2, LP5, LP16, LP14 and LP19 of the Fenland Local Plan (2014), Chapters 5, 12 and 14 of the National Planning Policy Framework (2024),

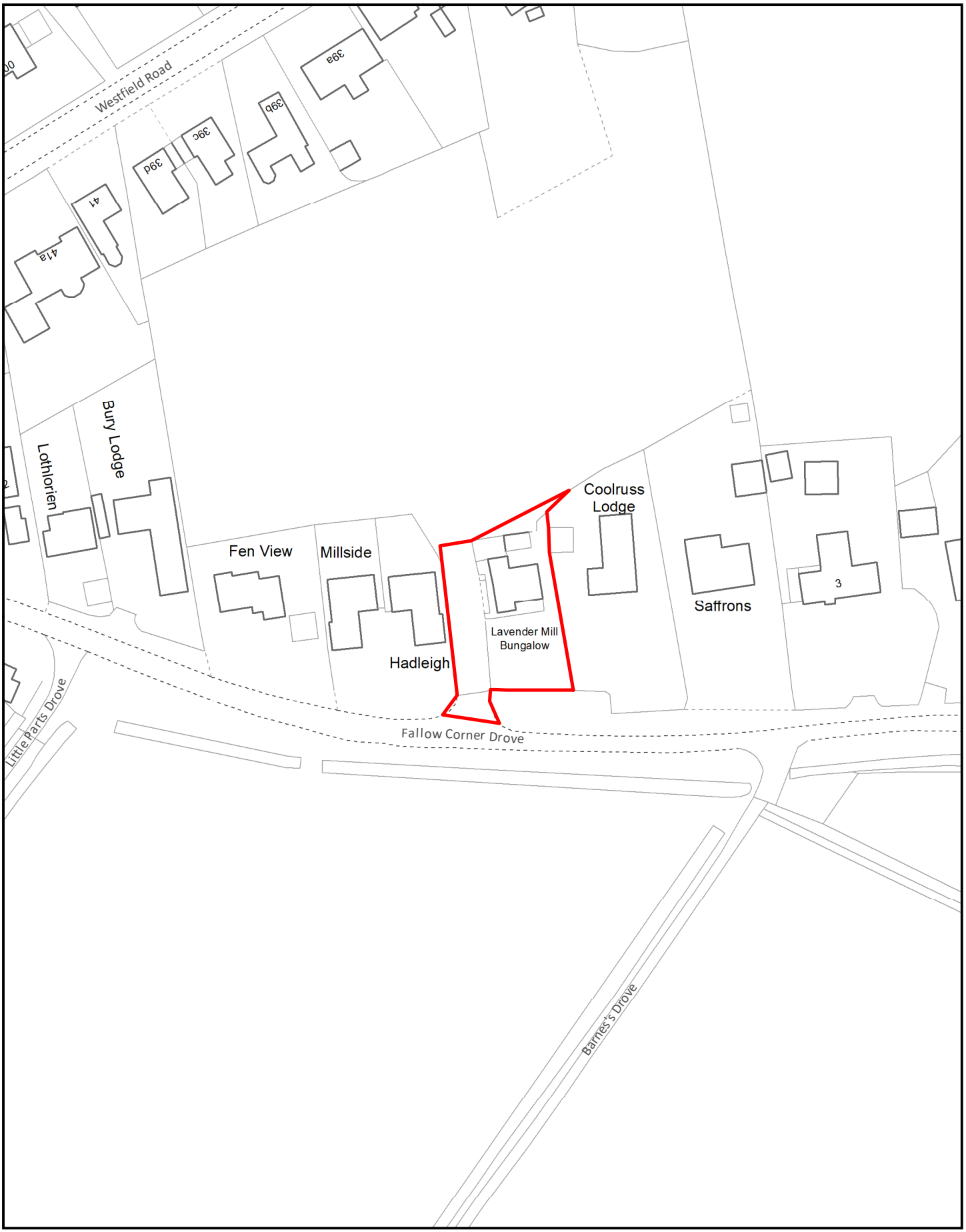
the Cambridgeshire Flood and Water SPD (2016) and the Supplementary Planning Document: Delivering and Protecting High Quality Environments in Fenland (2014).

RECOMMENDATION

REFUSE; for the following reasons:

1	The amount of development taking place on the site, its layout, scale, form and appearance would result in a development at odds with the prevailing pattern of development and general character in the locality with a consequent adverse and detrimental impact on the character and appearance of the area contrary to Policy LP16 (d) of the Fenland Local Plan (2014), and Policy DM3 of Supplementary Planning Document: Delivering and Protecting High Quality Environments in Fenland (2014).
2	The development would result in overlooking of the side and rear of the neighbouring bungalow, Coolruss Lodge. This loss of privacy would be to the detriment of the amenity of the residents of this property and if permitted the development would be contrary to Policy LP16 of the Fenland Local Plan (2014) and paragraph 135 of the National Planning Policy Framework (2024).
3	Inadequate information has been submitted within the application to allow for the full and comprehensive assessment of the relationships between Plot 5 and neighbouring dwellings in terms of amenity with conflicting details provided regarding the raising of floor levels. To grant planning permission would therefore be contrary to Policy LP16 of the Fenland Local Plan (2014) and paragraph 135 of the National Planning Policy Framework (2024).
4	The development proposed by virtue of the substandard garden areas to Plots 1 and 2 and the overlooking from Plot 3 to the garden area of Plot 5 would afford an inadequate level of amenity for future residents of the development. This would be contrary to Policy LP16 of the Fenland Local Plan (2014) and paragraph 135 of the National Planning Policy Framework (2024).
5	The Cambridgeshire Flood and Water SPD 2016 and Policy LP14 (Part B) of the Local Plan requires development in Flood Zone 3 to undergo a sequential test to demonstrate that the development cannot be delivered elsewhere in the area at lower risk areas of flooding. Policy LP2 seeks to deliver high quality environments, ensuring that people are not put at identified risks from development thereby avoiding adverse impacts in the interests of health and wellbeing. The site lies within Flood Zone 3 which is a high-risk flood area. The applicant has failed to undertake a substantive and evidenced sequential test and has therefore failed to demonstrate that the development could not be delivered in an area of lower flood risk, thereby failing LP14 (Part B). Consequently, the proposal fails to satisfy policy LP2 of the Fenland Local Plan as it fails to deliver a high quality environment and unjustifiably puts future occupants at higher risk of flooding.

6	The Preliminary Ecological Appraisal submitted with the application identifies the potential for a bat roost to exist at the site and recommends further survey work needs to be carried out. No such surveys have been undertaken and, in their absence, it is not possible to adequately assess the impacts upon protected species or to identify appropriate mitigation. Policies LP16 (b) and LP19 of the Fenland Local Plan (2014) and Paragraph 187 of the NPPF (2024) seek to conserve, enhance and promote biodiversity and, if permitted, the application would be in conflict with these policies.
7	The application is not supported by adequate information to establish that the proposed development will be able to meet the BNG requirements for the site and to grant planning permission would consequently be contrary to Policies LP16 and LP19 of the Fenland Local Plan 2014.
8	The application proposes a 'voluntary' financial contribution linked to the residential development of the site to the north (Lavender Mill). No comprehensive viability assessment covering both development sites, as required under Policy LP5 of the Fenland Local Plan 2014, has been submitted and as such it is unknown whether the contribution offered is the optimum amount which could be delivered from the linked developments. As such, to grant the application would be contrary to the aforementioned policy.



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Scale = 1:1,250

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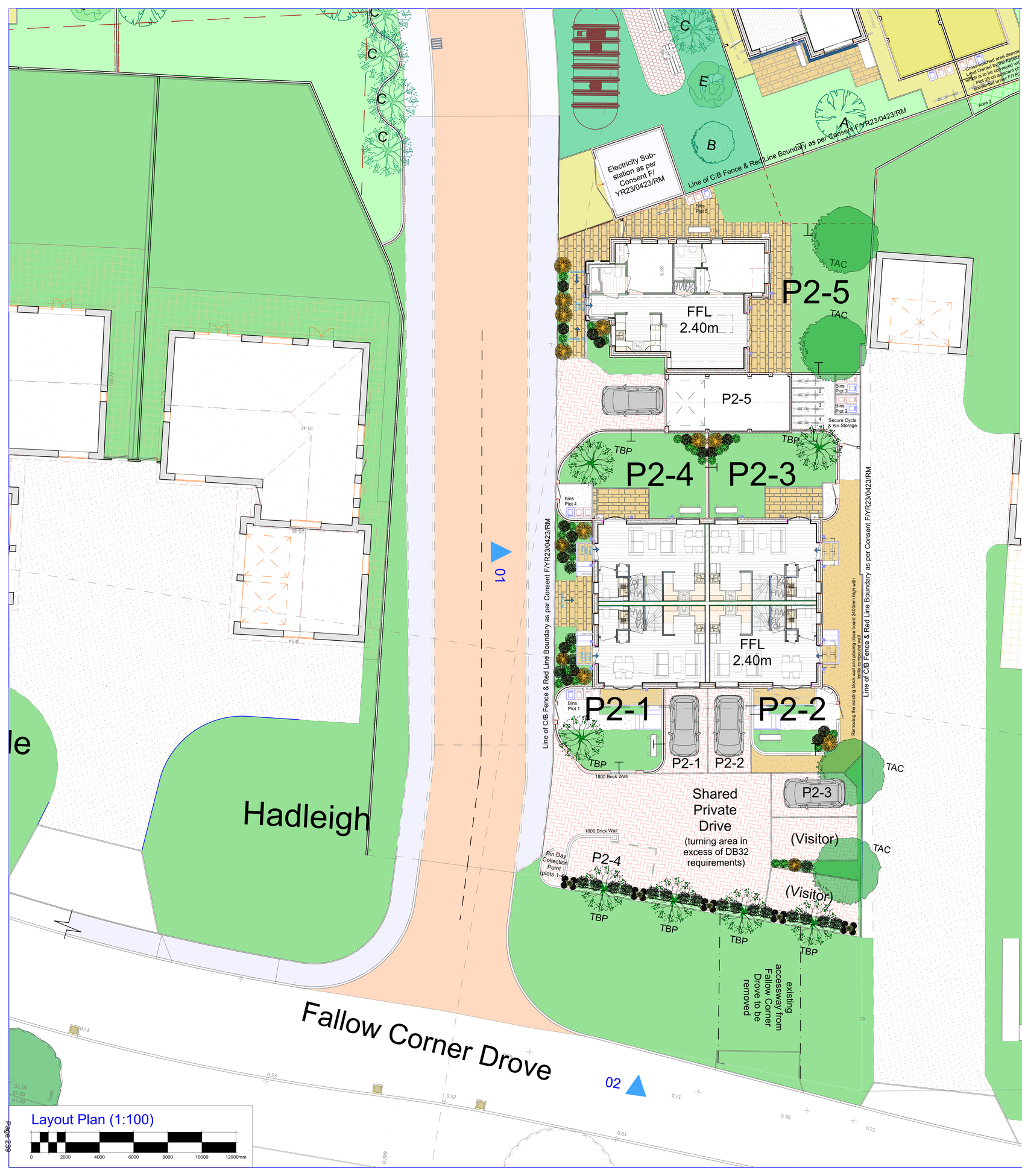
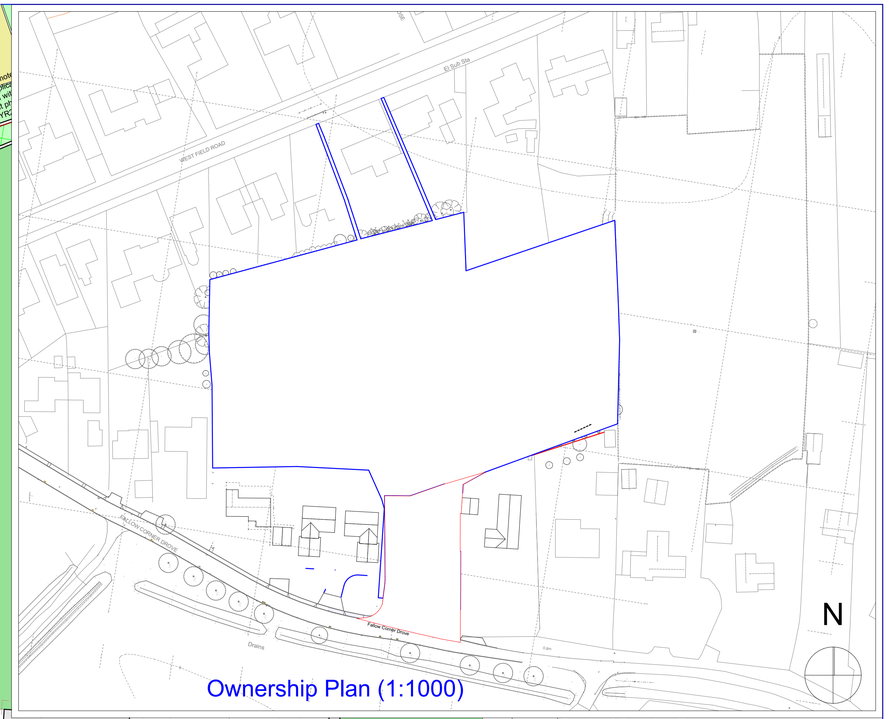
Fenland CAMBRIDGESHIRE

Fenland District Council





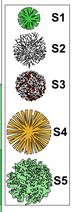
Fencing & Boundary Treatments:
All boundary fencing to be 1800mm high close boarded timber or 1800mm high brick walling as per this drawing. Plots 1,4 & 5 to have low level hardwood 800mm high 100x100mm posts c/w 2no.75x25mm rails at 300mm centres).

Notes on Trees:
No trees in rear garden to be planted within 150mm of rear boundary fence or wall.
Tree Type 1: 'TBP' - Betula Pendula (Silver Birch)
Tree Type 2: 'TAC' - Acer Campestre 'Louisa Redshine' (Field Maple)
Tree Type 3: 'TTB' - Taxus Baccata Fastigiata Robusta Column Yew

Notes on Side Gates:
All side gates to be lockable from both sides with self-closing mechanisms.

Notes on Refuse Collection:
All plots to have dedicated space within each plot curtailag efor secure stoarge of 3no. 240 litre Full/Height FDC issued Wheelie Bins.
'Bin Day Collection Points' as delmaracted on plan by 'BDCP'.

Notes on Parking:
Plots 1-4: all provided with 1 dedicated off-street parking space accessed by shared private drive.
Plot 5: provided with 1 garage space with clear internal size of 7m x 3m and 1 off-street parking space.



Landscaping (Shrub Schedule)

Shrub Type 1: 'S1' -Cortaderia Selloana Alba - Pampass Grass

Shrub Type 2: 'S2' Hydrangea Paniculata

Shrub Type 3: 'S3' Rosacea 'Alecs Red'

Shrub Type 4: 'S4' Tamarix Terandra 'Salt Cedar'

Shrub Type 5: 'S5' Ulex 'Gorse Scrub'

Site Data:
Dwellings Proposed = 5
Site Area = 0.0745 hectcres / 0.184 acres

Gross Internal Areas:
Plot 1 - QMS - 66.65sq.m or 718sq.ft.(yes projection, yes bay)
Plot 2 - QMS - 57.33sq.m or 620sq.ft (yes projection, no bay)
plot 3 - QMS - 55.32sq.m or 596 sq.ft (no projection, no bay)
Plot 4 - QMS - 64.34sq.m or 693 sq.ft (no projection, yes bay)
Plot 5 - CB14P2
Bungalow - 61.41sq.m or 660sq.ft.
Garage - 23.41sq.m or 251sq.ft

Overall Total - 314.64sq.m or 3382sq.ft.

F - Minor amendment done to the levels in the plan SU 24-07-25
E - Minor amendment done to the CB14P2 interior floor plan SU 14-07-25
D- Changed door design, Privacy trellis added to the fence and obsure glass window for bathrooms 30-06-25 SU
C - Changes done to Patio and back garden of Plot 5 SU 21-01-25
B - Increase in height FFL done according to the flood risk report by Ben horingtod, Engineering Support Praactice SU 15-07-24
A - Amendments to parking configuration and bin / cycle storage CC 22-04-24

Revision:	Drawing Number:	Scale:	Date:
F	1104-02	1:100 & 1:1000	26-03-24

Paper Size: Custom 01 - 911x690mm (nett printable 900.8x679.8mm)

Drawing:
Lavender Mills, Manea Phase 2:
Site Layout with Floor Plans & Site Ownership Plan

Project:
Lavender Mills Phase 2
Fallow Corner Drove
Manea
Cambridgeshire PE15 0LT

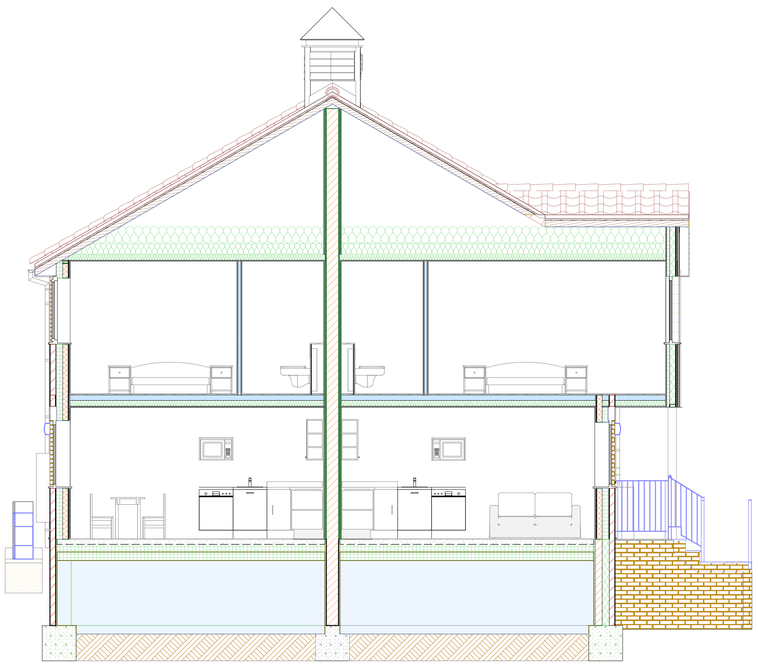
James Development Co Ltd
123 Victoria Road
Romford
Essex RM1 2NL
01708 743796 www.jdhomes.co.uk

East Elevation
See site elevations for gradient of site

North Elevation
See site elevations for gradient of site

Perspective - Rear Right

Section 01



Section 02

Perspective - Rear Right

Closeup Elevation showing the partition on the Plot 2 Balcony

Perspective showing the partition on the Plot 2 Balcony

Plot 1 area - 2 Bedroom 66.65 Sqm which is 718 Sqft
Plot 2 area - 2 Bedroom 57.33 Sqm which is 620 Sqft
Plot 3 area - 2 Bedroom 55.32 Sqm which is 596 Sqft
Plot 4 area - 2 Bedroom 64.34 Sqm which is 693 Sqft

NOTE
To satisfy Lifetime Homes internal criteria, the Ajg will have:
5 - n/a
6 - All doors of minimum clear opening of 750mm and entrance level doors with 300mm nib to opening pull side
7 - Mimimum clear circulation space as shown on floor plan
8 - Living room and kitchen on entrance level
9 - Double bedroom space on entrance level in MIP annex
10 - Entrance level WC fitted with shower, sloping floor & drainage in MIP annex
11 - Bathroom & WC walls ready for future grab rail fitment
12 - Staircase appropriate for stair lift installation
13 - MIP annexe ceiling designed to accommodate weight of MIP hoist to line shown on floor plan and no partitions on route to be structural
14 - MIP annex shower room offering accessible access for MIP use
15 - Windows to living room allowing seated occupants to see out with at least one openable light with handle no higher than 1200mm
16 - All service controls located between 450mm and 1200mm above floor level

0 1500 3000 4500mm

F- Minor amendments done to external stairs and internal layout 24-07-25 SU
E- Changed front doors and bathroom windows 09-07-25 SU
D- Minor amendments done 21-05-25 SU
C- Partition added on plot 2 balcony SU 06-09-24
B - Floor slab raised by 1m further to flood risk assessment by Ben Hornigold, Engineering Support Practices Ltd. SU 11-07-24
A - Minor Modifications for Floor Plans and Elevations 19-04-23 SU

Revision:	Drawing Number:	Scale:	Date:
F	1104-05	1:50	27-03-24

Paper size: Custom 1 - 911x690mm (nett printable 900.8x679.8)

Drawing:
Q-Block Type QSM
General Arrangement
Floor Plans, Front & Rear Elevations
(Plots 1,2,3,4)

Project:
Lavender Mills Phase 2
Fallow Corner Drove
Manea
Cambridgeshire PE15 0LT

James Development Co Ltd
123 Victoria Road
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01708 743796 www.jdhomes.co.uk

NOTE
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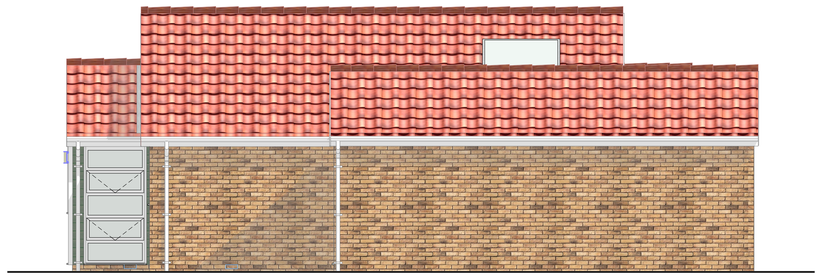
6 - All doors of minimum clear opening of 750mm and
entrance level doors with 300mm nib to opening pull side
7 - Minimum clear circulation space as shown on floor plan
8 - Living room and kitchen on entrance level
9 - Double bedroom space on entrance level in MIP annex
10 - Entrance level WC fitted with shower, sloping floor & drainage
in MIP annex
11 - Bathroom & WC walls ready for future grab rail fitment
12 - Staircase appropriate for stair lift installation
13 - MIP annexe ceiling designed to accommodate weight of MIP hoist
to line shown on floor plan and no partitions on route to be structural
14 - MIP annex shower room offering accessible access for MIP use
15 - Windows to living room allowing seated occupants to see out with
at least one openable light with handle no higher than 1200mm
16 - All service controls located between 450mm and 1200mm
above floor level

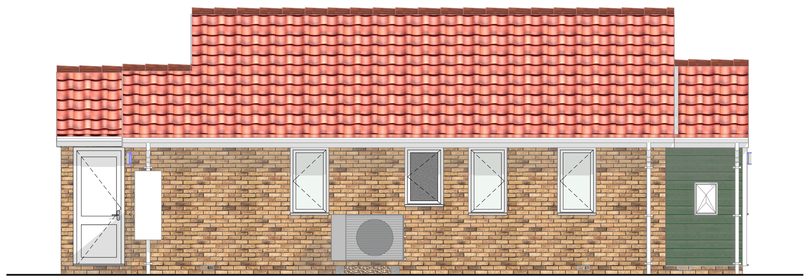
East Elevation



South Elevation

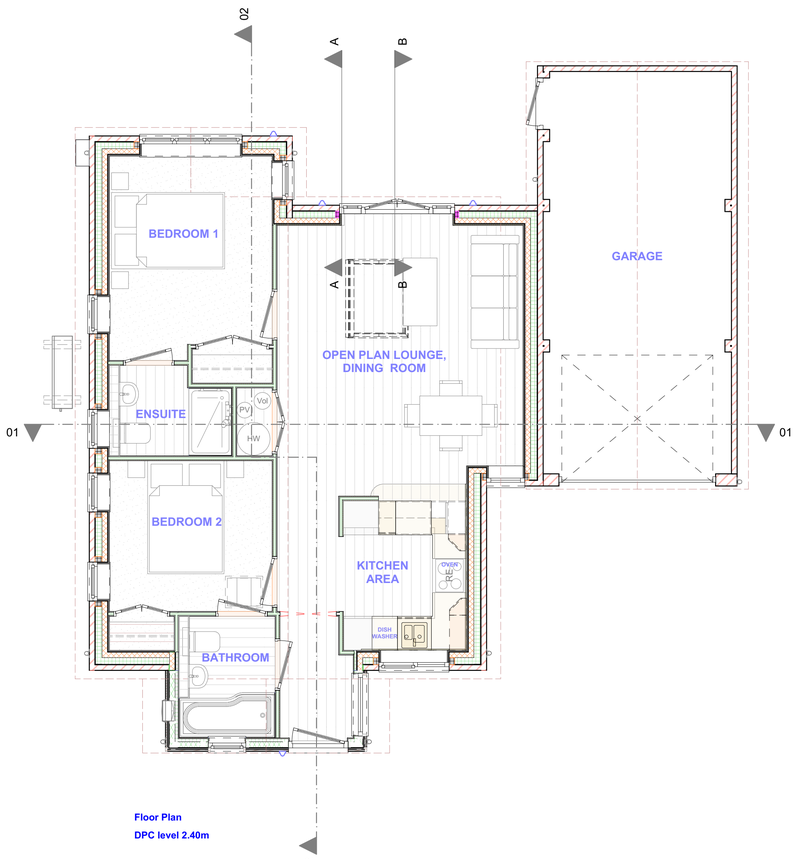
Sectional Elvation A-A
Rear Bedroom Window Elevation

West Elevation

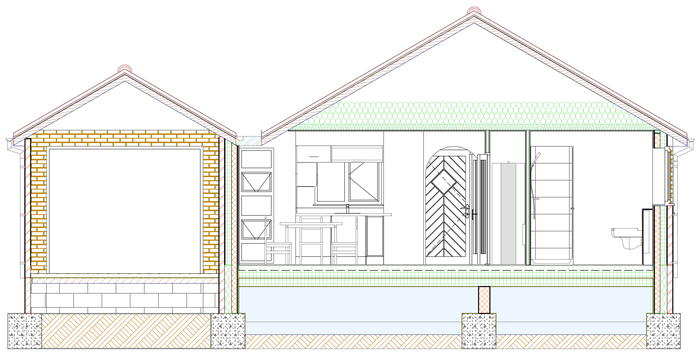


North Elevation

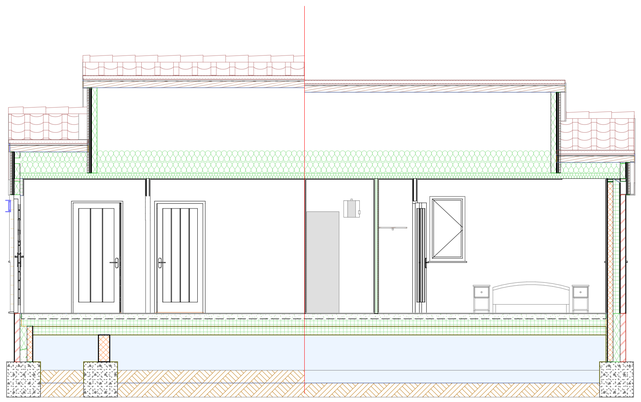
Sectional Elvation B-B
Garage Rear Door Elevation



Floor Plan
DPC level 2.40m



Section 01



Section 02

Perspective - Front Right

Perspective - Front Left

Perspective - Rear Left

Perspective - Rear Right

Gross Internal Areas:
Plot 5 - 61.41m² (660sqft)
Garage - 23.41m² (251sqft)

SCALE 1:50
0 1500 3000 4500mm

Revision:	Drawing Number:	Scale:	Date:
F	1104-06	1:50	27-03-24

Paper Size: Custom 01 - 911x690mm (nett printable 900.8x679.8mm)

Drawing:
Bungalow Type CB14 P2
General Arrangement
Floor Plans, Front & Rear Elevations
(Plot 5)

Project:
Lavender Mills Phase 2
Fallow Corner Drove
Manea
Cambridgeshire PE15 0LT

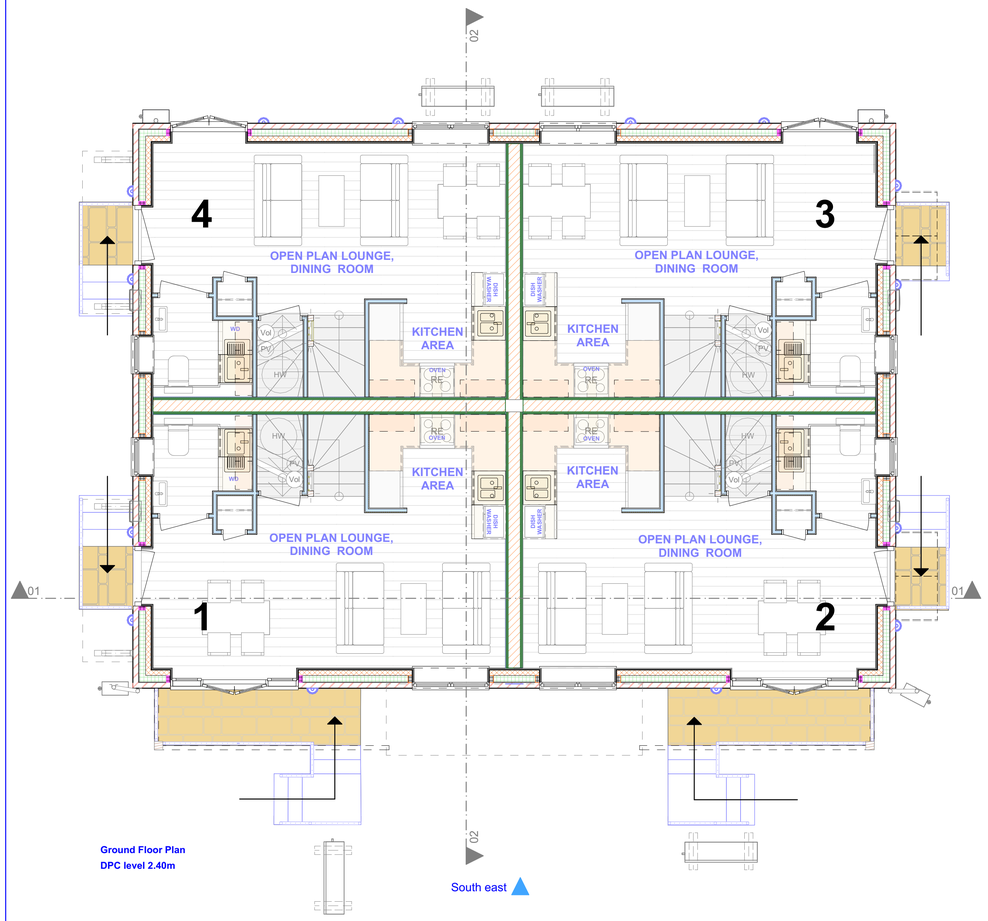
James Development Co Ltd
123 Victoria Road
Romford
Essex RM1 2NL
01708 743796 www.jdhomes.co.uk

F - Many minor amendments including to DPC level, doors & fenstration and roof detailing MC 23-07-25
E - Minor amendment to the interior floor plan SU 14-07-25
D - Stairs added to garage and adjusted frenchdoor location SU 21-01-25
C - Elevations ammended part sectional elevation further to invalidation letter SU 16-07-24
B - Floor slab raised by 0.550m further to flood risk assessment by Ben Horinglod, Engineering support practices Ltd. SU 15-07-24
A - Minor amendment to the kitchen plan SU 11-04-24

South Elevation
See site elevations for gradient of site

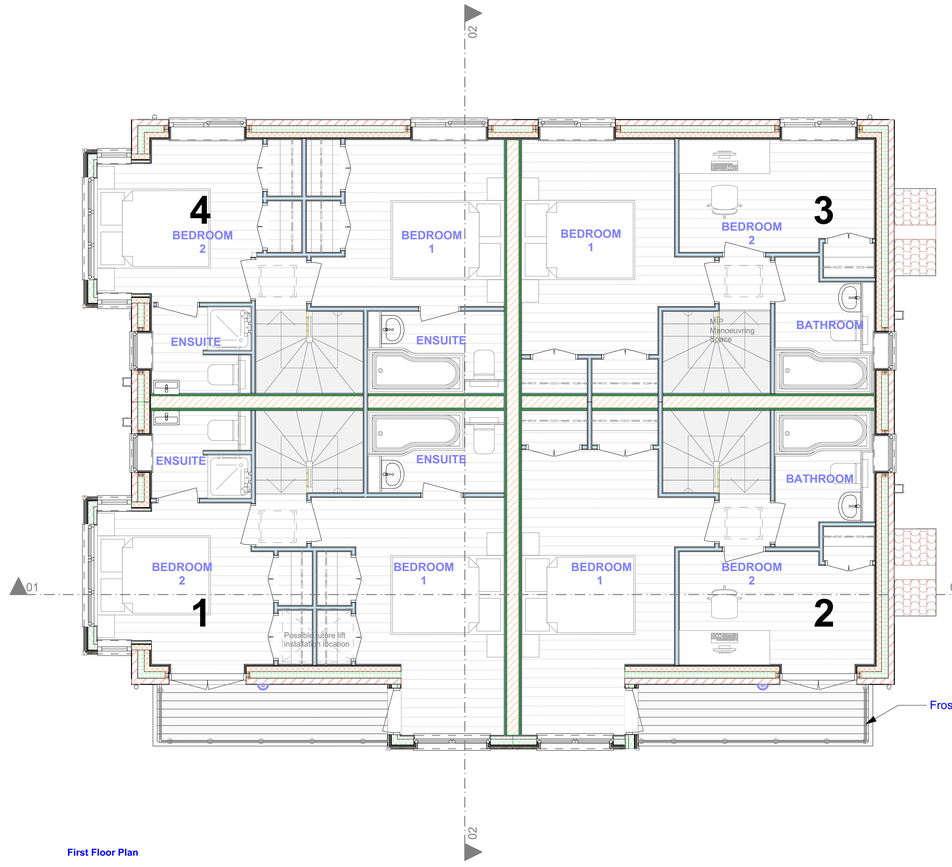
West Elevation
See site elevations for gradient of site

Perspective - Front Right



Ground Floor Plan
DPC level 2.40m

South east



First Floor Plan

Perspective - Front Left

Plot 1 area - 2 Bedroom 66.65 Sqm which is 718 Sqft
Plot 2 area - 2 Bedroom 57.33 Sqm which is 620 Sqft
Plot 3 area - 2 Bedroom 55.32 Sqm which is 596 Sqft
Plot 4 area - 2 Bedroom 64.34 Sqm which is 693 Sqft

NOTE
To satisfy Lifetime Homes internal criteria, the Ajg will have:
5 - n/a
6 - All doors of minimum clear opening of 750mm and entrance level doors with 300mm nib to opening pull side
7 - Mimimum clear circulation space as shown on floor plan
8 - Living room and kitchen on entrance level
9 - Double bedroom space on entrance level in MIP annex
10 - Entrance level WC fitted with shower, sloping floor & drainage in MIP annex
11 - Bathroom & WC walls ready for future grab rail fitment
12 - Staircase appropriate for stair lift installation
13 - MIP annexe ceiling designed to accommodate weight of MIP hoist to line shown on floor plan and no partitions on route to be structural
14 - MIP annex shower room offering accessible access for MIP use
15 - Windows to living room allowing seated occupants to see out with at least one openable light with handle no higher than 1200mm
16 - All service controls located between 450mm and 1200mm above floor level

0 1500 3000 4500mm

F- Minor amendments done to external stairs and internal layout 24-07-25 SU
E- Changed front doors and bathroom windows 09-07-25 SU
D- Minor amendments done 21-05-25 SU
C- Partition added on plot 2 balcony SU 06-09-24
B - Floor slab raised by 1m further to flood risk assessment by Ben Hornigold, Engineering Support Practices Ltd. SU 11-07-24
A - Minor Modifications for Floor Plans and Elevations 19-04-23 SU

Revision:	Drawing Number:	Scale:	Date:
F	1104-04	1:50	27-03-24

Paper size: Custom 1 - 911x690mm (nett printable 900.8x679.8)

Drawing:
Q-Block Type QSM
General Arrangement
Floor Plans, Front & Rear Elevations
(Plots 1,2,3,4)

Project:
Lavender Mills Phase 2
Fallow Corner Drove
Manea
Cambridgeshire PE15 0LT

James Development Co Ltd
123 Victoria Road
Romford
Essex RM1 2NL
01708 743796 www.jdhomes.co.uk

PLANNING COMMITTEE DATE: 15th October 2025

APPLICATION NO: F/YR24/0627/F

SITE LOCATION: Lavender Mill Bungalow, Fallow Corner Drove, Manea

UPDATE –

Comments from Middle Level Commissioners IDB

Consultation comments from Middle Level Commissioners Internal Drainage Board were received on Monday the 13th of October 2025 following the publication of the committee report. The points raised are:

- *Thomas Consulting's Drainage Strategy report and calculations provided for the Phase 1 development (F/YR19/0958/O) showed that the proposed development will store surface water in permeable paving in the private drive areas and under the entrance road, discharging at an attenuated rate of 5 l/s. The Board awaits further details of the drainage strategy of Phase 2 from the applicant, including details of storage volumes, flow controls etc. to show that the Phase 2 proposals can also provide a volume suitable to cater for a 1-in-100-year storm plus an allowance for climate change.*

- *With regards to treated foul water disposal, as the Manea Town Lots WWTW discharges into the Manea & Welney DDC area, a Discharge Consent application would therefore be required from this Board for a discharge via Anglian Water Services.*

- *However, the comments from the Environment Agency to the above planning application of 11th September are noted, regarding their objection to the proposed disposal of treated foul effluent to Manea & Welney DDC via the AWS Manea - Town Lots WWTW. Please note that neither the Curf & Wimblington Combined IDB or the Manea & Welney District Drainage Commissioners will consent to the discharge of treated foul effluent into watercourses in their districts, if requested due to the capacity issues with Anglian Water Services Ltd.*

The above points have already been discussed in the committee report and the requested details have not been submitted by the applicant. It is however considered that the outstanding drainage details could be addressed by a pre-commencement condition.

Reason for Refusal 5

As set out within the Officer report, the applicant communicated on 11 September 2025 that *We are formally removing the offer of the non-section 106 contribution.* Consequently, Reason for Refusal 5 should be updated to read:

The application is linked to the residential development of the site to the north (Lavender Mill). No affordable housing contribution is proposed and a comprehensive viability assessment covering both development sites, as required under Policy LP5 of the Fenland Local Plan 2014, has not been submitted. As such, to grant the application would be contrary to the aforementioned policy.

Recommendation: Refusal - The above update does not alter the original recommendation to refuse other than in respect of amending the wording of Reason for refusal 5.

F/YR25/0404/F

Applicant: Mr Nicholas Underwood Agent:

Garages At, River Drive, March, Cambridgeshire

Erect 1 x self-build/custom dwelling with a 2.0m high boundary fence, involving the demolition of existing garages

Officer recommendation: Refuse

Reason for Committee: Application previously deferred by Committee.

1 EXECUTIVE SUMMARY

1.1 This application was heard at planning committee on 17 September 2025 where it was deferred to obtain clarification of the self-build status from the applicant.

1.2 The applicant has provided further information in the form of an updated self-build-declaration.

1.3 No further information has been provided during the deferral period.

1.4 The concerns expressed in the previous committee report with regard to character, overlooking and the lack of a self-build legal agreement are considered to remain.

1.5 As such, the application is recommended for refusal.

2 UPDATE

2.1 The application was presented at planning committee on 17 September 2025 where it was agreed to defer the application to allow for further information to be provided with regard to the self-build status of the applicant.

2.2 On 29 September 2025 an updated self-build declaration was received by the Local Planning Authority.

2.3. Within the declaration the applicant states that the proposed dwelling will be occupied by himself and his wife for their retirement.

2.4 With regard to the previous statement made by the applicant during the planning committee on 17 September 2025, the applicant has stated:

My "off-the-cuff" comments in the planning committee meeting that I was considering temporarily placing my mother in the property post completion were misconstrued.

I had simply been considering it as an option to avoid leaving the property empty post completion until we move back to UK at the end of 2028 when my current employment overseas will conclude. However, I did not appreciate that that this

could be considered as potentially compromising the custom build application and so we will not pursue that option

Therefore, and for the avoidance of any doubt, I confirm that my mother will NOT be living in the property and sincerely apologise for any confusion my misguided comments may have caused.

2.5 No other supporting information has been submitted during the deferral period since the planning committee of 17 September 2025.

3 ASSSESSMENT AND CONCLUSIONS

3.1 The Local Planning Authority has to take the updated self-build declaration in good faith. However, it should be noted that in the absence of a legal agreement to secure the delivery and subsequent occupation of the proposed dwelling as a self-build unit, the development fails to meet the definition and requirement of self-build housing as set out in the Self-Build and Custom Housebuilding Act 2015 (as amended).

3.2 Concerns expressed in the previous committee report with regard to character, overlooking and the lack of a self-build legal agreement are considered to remain.

4 RECOMMENDATION

Refuse; for the following reasons:

1	Policy LP16 (d) of the Fenland Local Plan 2014 seeks to ensure that proposals make a positive contribution to the local distinctiveness and character of the area. The application site is constrained in size and consequently the dwelling proposed would result in a linear form of development, in close proximity to the boundaries of the site. Due to the size limitations of the application site, the proposed erection of a dwelling within it would result in an overdevelopment, resulting in a cramped and contrived appearance, at odds with the prevailing pattern and character of development in the vicinity, contrary to policy LP16 (d) of the Fenland Local Plan 2014.
2	There is considered to be a material overlooking impact on the private amenity spaces of 8 River Drive and 9 River Drive as a result of the proposed covered terrace area and the rear elevation stepped access. Therefore, the proposed development would result in significant harm to the residential amenity of two existing neighbouring properties contrary to policies LP2 and LP16 of the Fenland Local Plan 2014 and paragraph 135 of the National Planning Policy Framework (2024)
3	In the absence of a legal agreement or other enforceable mechanism to secure the delivery and occupation of the proposed dwelling as a self-build unit, the development fails to meet the definition and requirements of self-build housing as set out in the Self-Build and Custom Housebuilding Act 2015 (as amended).

Appendix A on the next page contains the officer report presented to the planning committee of Wednesday the 17th of September 2025.

F/YR25/0404/F

Applicant: Mr Nicholas Underwood **Agent :**

Garages At, River Drive, March, Cambridgeshire

Erect 1 x self-build/custom dwelling with a 2.0m high boundary fence, involving the demolition of existing garages

Officer recommendation: Refusal.

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

1 EXECUTIVE SUMMARY

1.1 Amendments have been made to the previous refused design under F/YR24/0768/F and which was dismissed at appeal. However, material concerns regarding the impact on the character and appearance of the area and overlooking remain.

1.2 The proposal design is at odds with the established built character of the surrounding area. Policy LP16 (d) of the Fenland Local Plan 2014 seeks to ensure that proposals make a positive contribution to the local distinctiveness and character of the area. The application site is constrained in size and consequently the dwelling proposed would result in a linear form of development, in close proximity to the boundaries of the site. Due to the size limitations of the application site, the proposed erection of a dwelling within it would result in an overdevelopment, resulting in a cramped and contrived appearance, at odds with the prevailing pattern and character of development in the vicinity, contrary to policy LP16 (d) of the Fenland Local Plan 2014.

1.3 There is considered to be a material overlooking impact on the private amenity spaces of 8 River Drive and 9 River Drive as a result of the proposed covered terrace area and the rear elevation stepped access. Therefore, the proposed development would result in significant harm to the residential amenity of two existing neighbouring properties contrary to policies LP2 and LP16 of the Fenland Local Plan 2014 and paragraph 135 of the National Planning Policy Framework (2024)

1.4 The above considerations are supported by the Planning Inspector when assessing the previously refused application F/YR24/0768/F. In the Inspector's conclusion they state: *While I acknowledge the role of increasing residential density in delivering the Government's objectives to boost housing supply, this should not come at the expense of contextually appropriate development. The proposal would remove dilapidated garages, which may currently attract crime and antisocial behaviour, and introduce a new dwelling that contributes to reducing CO_2 emissions, lowering energy consumption, and making a modest contribution to housing supply. Nevertheless, these benefits do not outweigh the conclusions I have reached regarding the main planning issues outlined above. I have found that the proposal would cause harm to the character and appearance of the area.*

1.5 For the reasons given above this application is recommended for refusal.

2 SITE DESCRIPTION

2.1 The plot is a parcel of land which is bordered by an existing public footpath that runs from Deerfield Road in a north-westerly direction to public open space at the rear of River Drive. The proposed dwelling is to be located on the site of former vehicular garages which are no longer in use and are dilapidated in appearance. The plot is surrounded by residential development with River Drive to the north, Cotswold Close to the west and south, and Deerfield Road to the east. The site is located in Environment Agency Flood Zone 1 and is subject to low, medium and high surface water flood risk on the Environment Agency Surface Water Map.

3 PROPOSAL

3.1 The application proposes to demolish the existing garages on site replace these with a single dwelling utilising the existing access to the site from Deerfield Road. The dwelling has been confirmed by the applicant to be self/custom build, “designed by me and will be constructed on our behalf for my family”.

3.2 The submitted plans propose a single storey dwelling that contains a bedroom, bathroom, wc, storage, utility room, combined kitchen / living room, and a covered dining area. The interior of the property will be a double height space. A garden will be provided adjacent to the north-west facing side elevation, with two car parking spaces provided to the south-east of the dwelling. A bin store measuring 1.4 metres in height will be located in the north-eastern corner of the site adjacent the rear boundary, with a 1.4 metre high bicycle store located in the south-eastern corner of the site, adjacent to the rear boundary.

3.3 To mitigate against potential flood risk the finished floor level of the dwelling will be set at 0.5 metres above surrounding ground level, with a further 0.3 metres of flood resilient construction above. Foul water is to be disposed of via a mains sewer with surface water to be addressed by SUDS and a main sewer.

3.4 Proposed materials of construction are timber cladding and brick for the walls, with timber cladding for the roof. Windows and doors are to be of timber construction with double glazed windows and doors. The building is to measure 16.56 metres in width, 6.75 metres in depth, with a ridge height of 6.308 metres.

3.5 Full plans and associated documents for this application can be found at: https://www.publicaccess.fenland.gov.uk/publicaccess/

4 SITE PLANNING HISTORY

Reference	Description	Decision
24/0026/PREAPP	Erect 2 storey, 3 bedroom sustainable mews house with integral double garage	Not Favourable – 07 May 2024.
F/YR24/0768/F	Erect 1 x self-build/custom dwelling (2-storey 3-bed) with a 2.0m high boundary fence, involving the demolition of existing garages	Refused – 23 December 2024 Appeal dismissed – 12 August 2025

5 CONSULTATIONS

5.1 March Town Parish Council – 03 June 2025

Approval

5.2 Environmental Health – 04 June 2025

No objection. Requests working hours condition.

5.3 Cambridgeshire County Council – Highways Officer – 18 June 2025

No objections – Cambridgeshire County Council's Definitive Map Team should be consulted.

5.4 Definitive Map Team – 21 August 2025

No objections – The footpath must remain open and unobstructed at all times. Informatives requested.

5.5 Local Residents/Interested Parties

Seven supporting comments received from residents of River Drive, sumarised as follows:

Supporting Comments	**Officer Response**
Improved visual amenity	This will be addressed in the Layout / Design section.
Provision of additional lighting	This will be addressed in the Impact on Residential Amenity / Land Users section.
A bungalow would suit the area	This will be addressed in the Layout / Design section.
Will reduce anti-social behaviour	This will be addressed in the Impact on Residential Amenity / Land Users section.

One further comment received from a resident of River Drive:

Comments	**Officer Response**

Walkway should remain	This will be addressed in the Impact on Public Byway section.

6 STATUTORY DUTY

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014) and the March Neighbourhood Plan (2017).

7 POLICY FRAMEWORK

National Planning Policy Framework (NPPF) 2024
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

National Planning Practice Guidance (NPPG)
Determining a Planning Application

National Design Guide 2021
Context
Identity
Built Form
Movement
Nature
Uses
Homes and Buildings
Resources
Lifespan

Fenland Local Plan 2014

LP2 – Facilitating Health and Wellbeing of Fenland Residents
LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside
LP4 – Housing
LP5 – Meeting Housing Need
LP9 – March
LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland
LP16 – Delivering and Protecting High Quality Environments across the District

March Neighbourhood Plan 2017
H2 – Windfall Development
H3 – Local Housing Need

Delivering and Protecting High Quality Environments in Fenland SPD 2014
DM3 – Making a Positive Contribution to Local Distinctiveness and character of the Area
DM6 – Mitigating Against Harmful Effects

Cambridgeshire Flood and Water SPD 2016

Emerging Local Plan

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

LP1: Settlement Hierarchy
LP2: Spatial Strategy for the Location of Residential Development
LP7: Design
LP8: Amenity Provision
LP12: Meeting Housing Needs
LP13: Custom and Self Build
LP21: Public Rights of Way
LP22: Parking Provision
LP25: Biodiversity Net Gain
LP28: Landscape
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**
- **Flooding Considerations / Drainage**
- **Public Right of Way**
- **Self-Build / Custom Build Properties**
- **Outstanding Matters from Representation**
- **Biodiversity Net Gain (BNG)**

9 BACKGROUND

9.1 A pre-application enquiry was submitted for the site under reference 24/0026/PREAPP. A response was given that the proposed plans were unlikely to receive a favourable recommendation. Concerns were raised regarding a two-storey dwelling on site, amenity impact on occupiers and neighbours, the out of keeping design, and no provision for surface water drainage on site.

9.2 A subsequent application for a two-storey three-bedroom, two-storey self-build dwelling on this site was refused under reference F/YR24/0768/F on the 23rd of December 2024. Six reasons for refusal were given, concerning incongruous development, overdevelopment, overlooking, parking space sizes, lack of private amenity space and proposed site boundaries.

9.3 The refused application was appealed under reference APP/D0515/W/25/3363472. This appeal was subsequently dismissed on the 12th of August 2025.

10 ASSESSMENT

Principle of Development

10.1 The application is for residential development on brownfield land within the built-up settlement of March. The surrounding area is characterised by single-storey residential development, with two storey dwellings further to the east along Deerfield Road. The redevelopment of brownfield land in sustainable locations is supported by local and national policy. It is considered that the broad principle of residential development in this location is acceptable subject to no material impacts on character and appearance, residential amenity, highway safety, contamination and ecology.

Appeal Decision

10.2 The recent appeal decision in respect of the previous application is a significant material consideration and needs to be given appropriate weight accordingly. The Conclusion section of the Appeal Decision states:

I have found that the proposal would cause harm to the character and appearance of the area. Additionally, I have identified adverse impacts on the living conditions of neighbouring occupiers due to overlooking. However, I have not found harm in relation to the living conditions of future occupiers of the proposed development with respect to the availability and usability of outdoor amenity space, nor in terms of highway safety regarding car parking provision and the impact on users of the public highway. As the proposal conflicts with the development plan as a whole, and the material considerations — including those set out in the National Planning Policy Framework — do not justify a departure from it, the appeal is dismissed.

10.3 The Inspector clearly identified two main areas of concern; character and appearance, and neighbouring amenity which will be considered in respect of the current application below.

Character and Appearance

10.4 The previous application proposed a three-bedroom, two storey dwelling. This dwelling was to measure 23.15 metres in width, 7.6 metres in depth, with a ridge height of 7.066 metres. For comparison, the current proposed dwelling is to measure 16.56 metres in width, 6.75 metres in depth, with a ridge height of 6.308 metres, and providing a single storey of accommodation. The footprint of the proposed dwelling is reduced from 175.94 square metres to 111.78 square metres. The new footprint covers 63.5% of the previously refused building. This reduction has been achieved primarily through removal of the double carport, as well as the reduction in depth of the building from 7.6 metres to 6.75 metres.

10.5 However, whilst the proposed dwelling has been reduced in depth and width the observations of Planning Inspector are considered to remain relevant:

The proposed dwelling is notably linear in form due to the shape of the appeal site. Its proportions, conceived to address this constraint, differ significantly from those of nearby buildings…… The proximity of development to the site boundary would contribute to a cramped appearance when viewed from the surrounding area……I agree with the Council's comments that the prominence of the proposed dwelling would be particularly evident from the windows and gardens of adjoining residential properties, as well as from the nearby public right of way.

10.6 Inherently, owing to the constraints of the site, the dwelling now proposed remains of a linear form at odds with the prevailing form of development in the vicinity and in proximity to the boundaries of the site with a consequent cramped appearance. As such it is not considered that the harm on the character and appearance of the area identified by the Inspector has been overcome, and as such the development would be contrary to Policies LP2 and LP16 of the Local Plan which seek to protect the amenity of the surrounding area and promote good design.

Neighbouring Amenity

10.7 The Inspector identified amenity concerns in respect of the relationships between the proposed dwelling and 9 River Drive, stating "*The finished floor level of the proposed dwelling is significantly higher than the garden area of No.9 River Drive (No.9). I am not satisfied that, due to the resulting effective height of the boundary fence, overlooking of No.9's garden would not occur from the proposed dwelling. While the provision of planting—such as bamboo—along this boundary is intended to reduce the potential for overlooking, mature vegetation would take time to establish and is inherently temporary. It therefore cannot be relied upon as a permanent solution to prevent overlooking*".

10.8 This relationship and method of boundary treatment at the north-west boundary has not changed since the application F/YR24/0768/F was refused and subsequently dismissed at appeal. It is therefore considered that a material overlooking impact remains.

10.9 The Inspector also identified concerns with the relationship to 29 Cotswold Close from the first-floor windows. Now that the proposal is single storey in design it is considered that this element of the previous reason for refusal has been addressed.

10.10 As the Inspector did not identify any other amenity concerns in terms of relationships with neighbouring properties, and the scale of the proposed dwelling has been reduced it is not considered that there are any further adverse impacts on neighbouring dwellings in terms of overshadowing or overbearing. However, a rear door has been introduced to the new scheme which would be accessed via steps. The stepped access rises to 0.42 metres above ground level. The rear boundary is served by a 2-metre-high fence and it is considered that this could result in some overlooking of 8 River Drive to the rear of the dwelling.

Living conditions of Future Occupiers

10.11 The Inspector did not identify any concerns over the living conditions for future occupiers and as the proposed dwelling has been reduced in terms of footprint to allow greater amenity space, there are therefore no issues to reconcile in this respect.

Highway Safety and Parking

10.12 This application proposes two off road parking spaces which accords with Appendix A of the Local Plan. The Planning Inspector expressed no concerns with the proximity of the parking spaces to the public right of way. Additionally, no objections have been received from the Highway Authority. Therefore, there is not considered to be a highway safety impact from the proposal.

Flooding Considerations / Drainage

10.13 With regard to the proposed drainage, foul water is to be disposed of via a mains sewer with surface water to be addressed by SUDS and a main sewer. The submitted documents show that the footprint of the dwelling is not sited over any sewers or drains. Proposed drainage for the site is considered to be acceptable.

10.14 The site is located in Environment Agency Flood Zone 1 and is subject to low, medium and high annual surface water flood risk on the Environment Agency Surface Water Map. To mitigate against potential flood risk the finished floor level of the dwelling will be set at 0.5 metres above surrounding ground level, with a further 0.3 metres of flood resilient construction above. It should be noted that the submitted Flood Risk Assessment has not been updated since the previously refused application F/YR24/0768/F. The FRA is dated July 2024 and still makes reference to a two-storey dwelling.

10.15 Given the surface water flood risk of the site a sequential test would be required as per Paragraph 174 of the NPPF. The application is not accompanied by a sequential test, and as such it has not been demonstrated that there are no reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding in the March area.

10.16 While the application may be seen as being contrary to Policies H2 of the March Neighbourhood Plan, LP14 and LP16 of the Local Plan, paragraph 174 of the NPPF, and Section 4 of the Cambridgeshire Flood and Water SPD, the subject of flood risk and the lack of a sequential test was not given as a reason for refusal for the previous application. This matter was also not raised by the Planning Inspector at appeal. It is therefore considered inappropriate to now introduce this matter as a new reason for refusal.

Public Right of Way

10.17 With regard to the use of the public right of way by future occupants the Planning Inspector identified no issues when considering the previous proposal and there no objections from the Highway Authority, including from the Definitive Map Team.

Self-Build / Custom Build Properties

10.18 The application is submitted as to be self/custom build. Policy LP5, Part C seeks to provide, in appropriate circumstances, housing solutions that meet market expectations including self-build homes, which is supported by Para 63 of the NPPF (2024). Under Section 1 of the Self Build and Custom Housebuilding Act 2015, local authorities are required to keep a register of those seeking to acquire serviced plots in the area for their own self-build and custom house building. They are also subject to duties under sections 2 and 2A of the Act to have regard to this and to give enough suitable development permissions to meet the identified demand. Weight would therefore be given to this, the amount dependant on identified demand.

10.19 The proposal is for a self/custom build dwelling, however the Council can currently demonstrate that the number of permissions given for self/custom builds exceeds identified demand, and as such very limited weight can therefore be reasonably afforded to the delivery of this form of housing when determining the application.

10.20 Since the determination of the previous application, case law has emerged which indicates that Self/custom build housing should be secured by means of a legal

agreement. No such agreement has been submitted and as such a reason for refusal is recommended in this regard.

Outstanding Matters from Representation

10.21 The below comments were the sole reasons given as to why the application should be supported. None of below comments carry material planning weight.
- Provision of additional lighting.
- Improved public safety.

10.22 Anti-social behaviour on and around the public footpath is not considered to justify the imposition of an alien and incongruous dwelling to provide natural surveillance and additional lighting. The Inspector did consider the matter of anti-social behaviour and did not consider this matter to outweigh the harm of a new dwelling in this location.

10.23 Due to the garages on site not being in use and with some being able to be accessed by birds, an Ecology Report (Preliminary Ecological Assessment) was requested. The applicant has declined to provide this report.

Biodiversity Net Gain (BNG)

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

10.25 There are statutory exemptions, transitional arrangements and requirements relating to irreplaceable habitat which mean that the biodiversity gain condition does not always apply. In this instance, one or more of the exemptions / transitional arrangements are considered to apply and a Biodiversity Gain Condition is not required to be approved before development is begun because the nature of the development being custom build is exempt from statutory net gain.

11 CONCLUSIONS

11.1 Amendments have been made to the previous design refused under F/YR24/0768/F. However, it is not considered that the areas of concern identified by the Inspector when considering the appeal against this refusal have been overcome in terms of the impact on the character and appearance of the area or residential amenity.

11.2 In terms of considering the wider planning balance, the Inspector's conclusion stated, "*While I acknowledge the role of increasing residential density in delivering the Government's objectives to boost housing supply, this should not come at the expense of contextually appropriate development. The proposal would remove dilapidated garages, which may currently attract crime and antisocial behaviour, and introduce a new dwelling that contributes to reducing CO_2 emissions, lowering energy consumption, and making a modest contribution to housing supply. Nevertheless, these benefits do not outweigh the conclusions I have reached regarding the main planning issues outlined above*". It is considered that those conclusions remain relevant to this case.

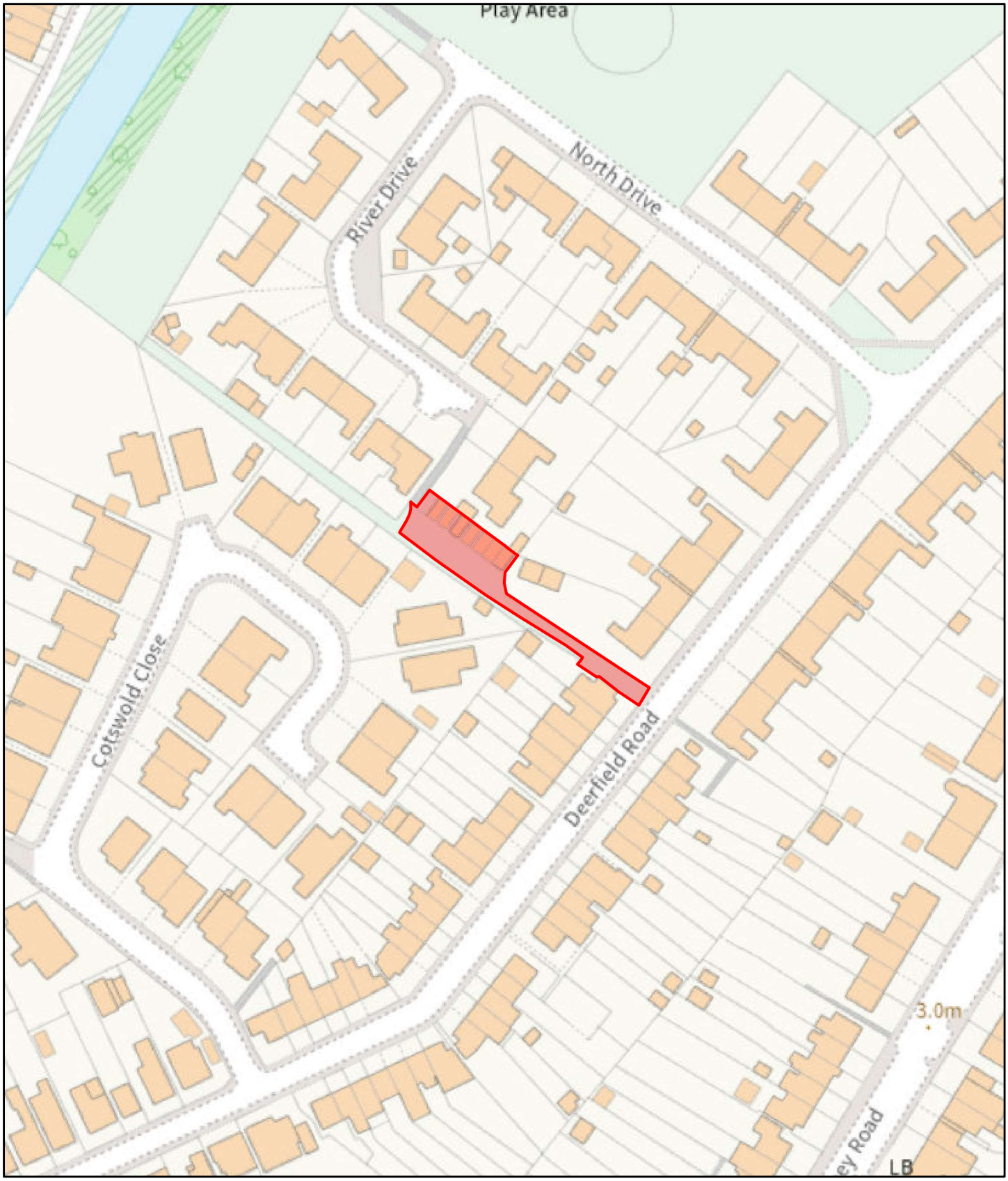
11.3 Therefore, the application is not considered to be in accordance with Policies LP3, LP4, LP5, LP9, LP14 and LP16 of the Fenland Local Plan (2014), Sections 5, 12 and 14 of the National Planning Policy Framework (2024) and Policies H2 and H3 of the March Neighbourhood Plan (2017).

12 RECOMMENDATION

Refuse; for the following reasons:

1	Policy LP16 (d) of the Fenland Local Plan 2014 seeks to ensure that proposals make a positive contribution to the local distinctiveness and character of the area. The application site is constrained in size and consequently the dwelling proposed would result in a linear form of development, in close proximity to the boundaries of the site. Due to the size limitations of the application site, the proposed erection of a dwelling within it would result in an overdevelopment, resulting in a cramped and contrived appearance, at odds with the prevailing pattern and character of development in the vicinity, contrary to policy LP16 (d) of the Fenland Local Plan 2014.
2	There is considered to be a material overlooking impact on the private amenity spaces of 8 River Drive and 9 River Drive as a result of the proposed covered terrace area and the rear elevation stepped access. Therefore, the proposed development would result in significant harm to the residential amenity of two existing neighbouring properties contrary to policies LP2 and LP16 of the Fenland Local Plan 2014 and paragraph 135 of the National Planning Policy Framework (2024)
3	In the absence of a legal agreement or other enforceable mechanism to secure the delivery and occupation of the proposed dwelling as a self-build unit, the development fails to meet the definition and requirements of self-build housing as set out in the Self-Build and Custom Housebuilding Act 2015 (as amended).

F/YR25/0404/F



5/30/2025, 9:12:00 AM

1:1,250

0 55 110 220 ft

0 15 30 60 m

Fenland District Boundary

Fenland District Council

Uniform
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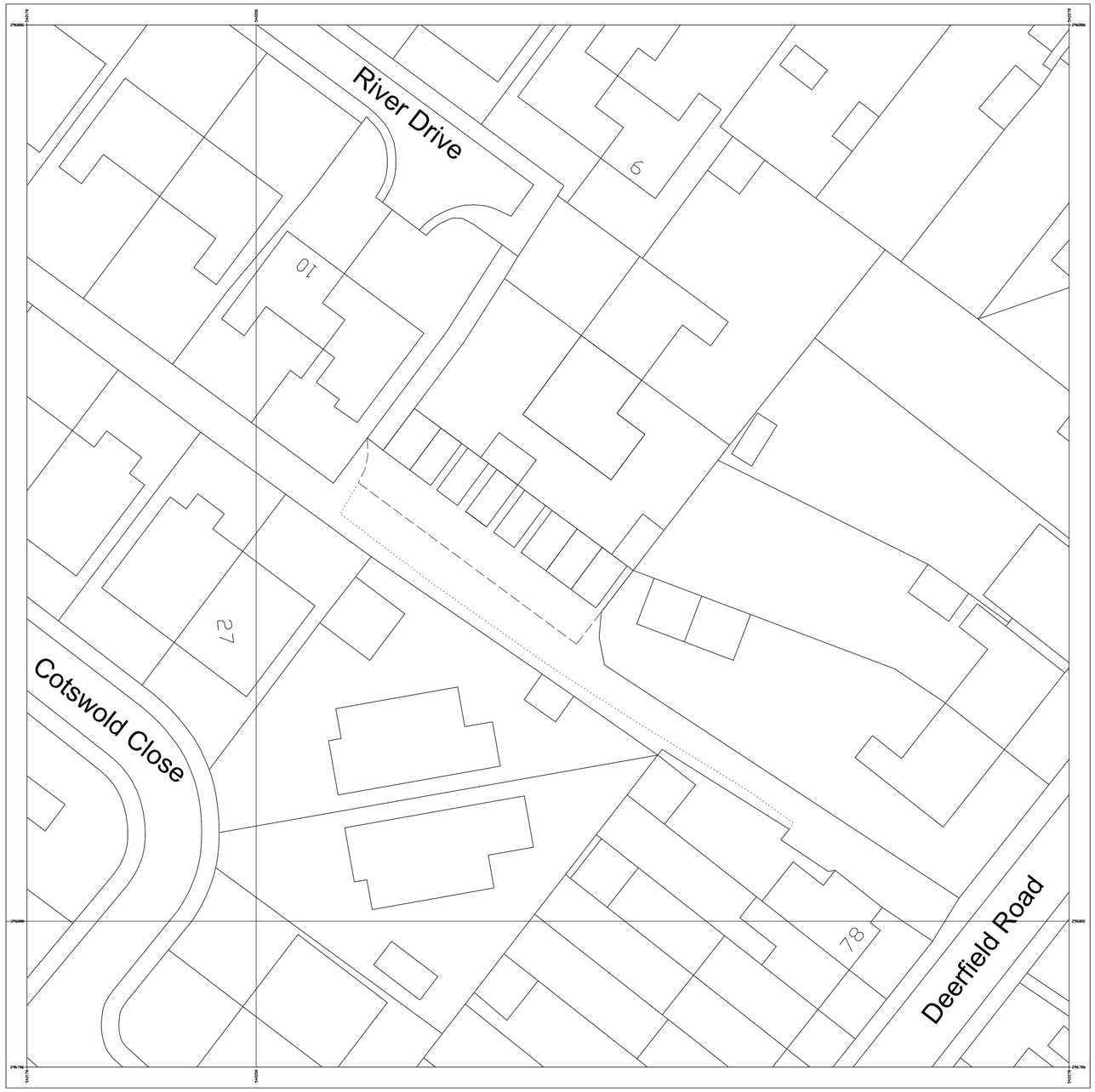

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NORTH

0 2.5 5.0 10.0 25.0

01 Existing Site Plan
1: 250

DATE:	REVISION:	DESCRIPTION:	CLIENT	CONTRACTOR	ARCHITECT:
08/05/2025	01	Road Names added inline with FDC request			

PROJECT : DEERFIELD MEWS, MARCH, UK
TITLE : EXISTING SITE PLAN
SCALE: 1:250 SHEET : A1

0 2.5 5.0 10.0 25.0

REF:	M01	CODE:	DRAWING NO:	REV:
DATE:	04 Mar 24	M05	A109	00
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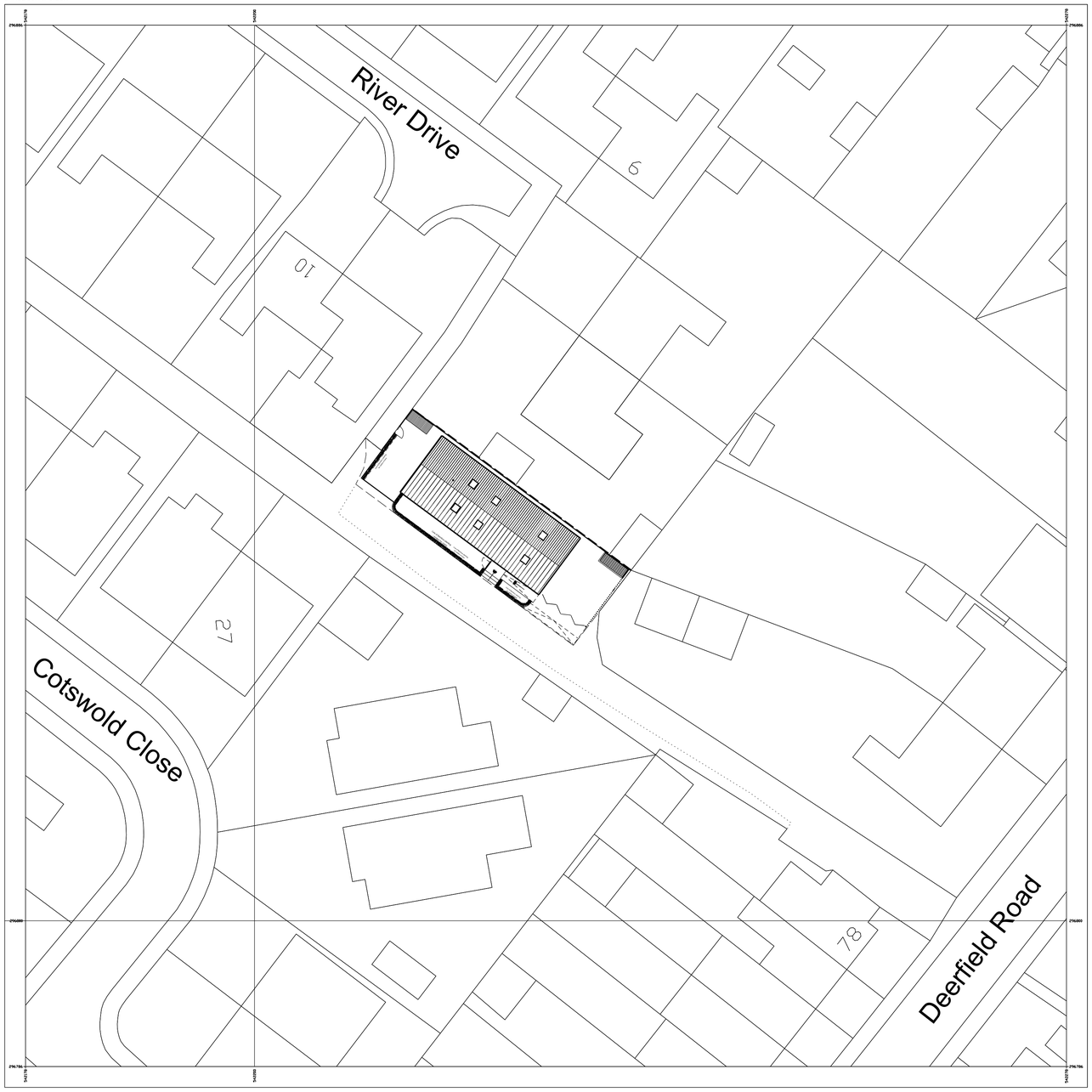

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0 2.5 5.0 10.0 25.0

NORTH

01 Proposed Site Block Plan
1' 250

DATE:	REVISION:	DESCRIPTION:		CLIENT	CONTRACTOR	ARCHITECT:					
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							TITLE : PROPOSED SITE BLOCK PLAN	DATE:	04 Mar 24	M05	A114	00
							SCALE: 1:250 SHEET : A1	DRAWN:	NU			
							0 2.5 5.0 10.0 25.0	REVIEWED:				

NORTH

08

09

No Windows to this Facade

No Windows to this Facade

Footpath to River Drive

26117

3901

16500

2700

13800

5719

02 A107

A105

04 A108

01 A107

Boundary Line

Bicycle Storage

Bins

600

1098

Utility Room

Extent of loft storage above

Double Height Space

Double Height Space

Bathroom

Double Height Space

Total Private Amenity space = 81.67 m2

A104

Living Room

Kitchen

Section line cranked for improved legibility

A106

03 A108

8330

1663

1923

Garden 33.47m2

Line of Bamboo planting for added privacy

Covered Terrace 16.2m2

Storage

WC

Double Height Space

Gated Parking spaces

High level Screened Window

6000

9100

7436

Double Height Space

Bedroom 1

Entry

2600

Garden 28.41m2

Line of Bamboo planting for added privacy

Garden 3.59m2

Line of Bamboo planting for added privacy

770

R 3500

R 6000

R 3500

R 6000

Boundary Line

A103

01 Proposed Ground Floor Plan

1:50

DATE:	REVISION:	DESCRIPTION:
08/05/2025	01	Written Dimensions added Inline with FDC request

CLIENT

CONTRACTOR

ARCHITECT:

PROJECT : DEERFIELD MEWS, MARCH, UK

TITLE : PROPOSED GROUND FLOOR PLAN

SCALE: 1:50 SHEET : A1

0 0.5 1.0 2.0 5.0

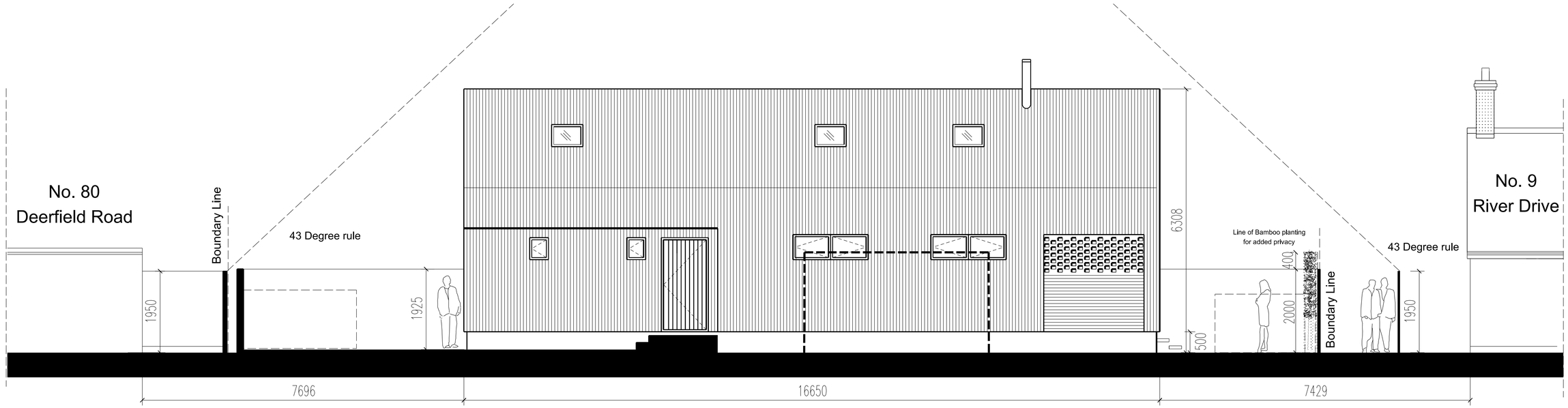
REF:

DATE: 24 Mar 25

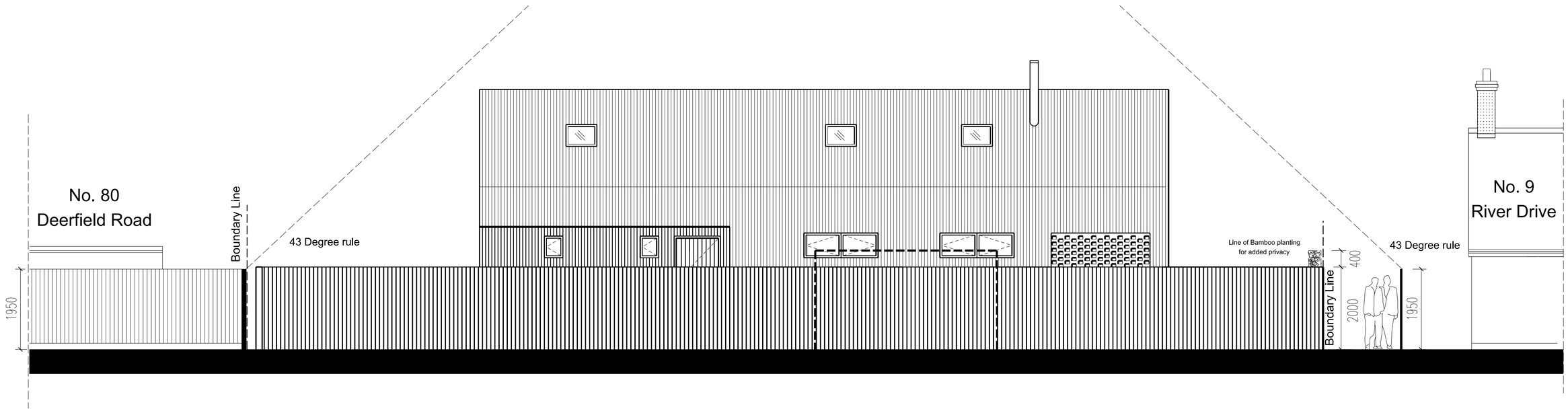
DRAWN: NU

REVIEWED:

CODE:	DRAWING NO:	REV:
M05	A100	01



02 North East Elevation (Fence removed as requested)
1:50



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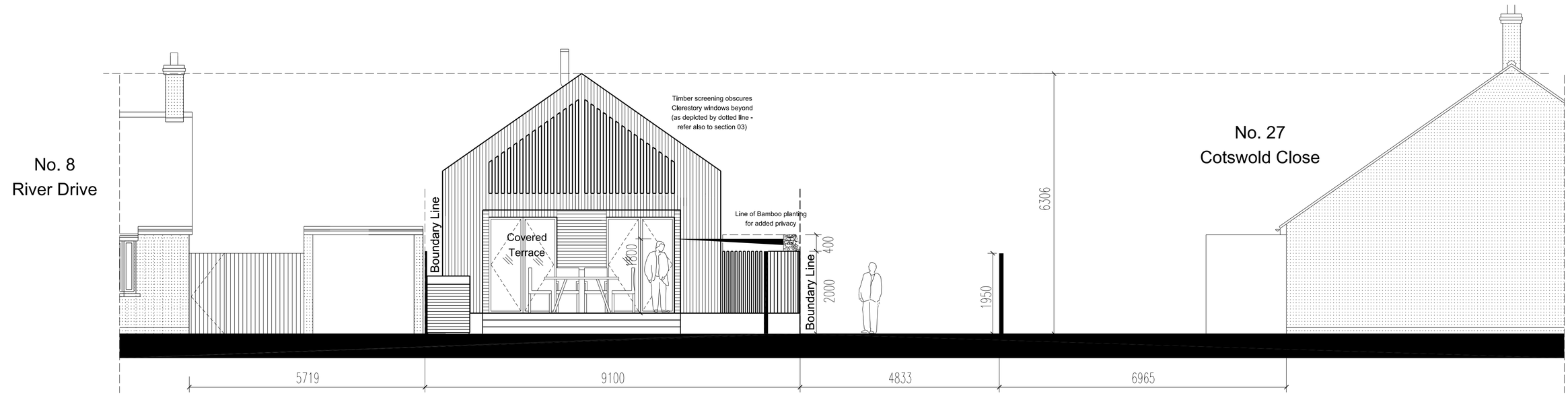
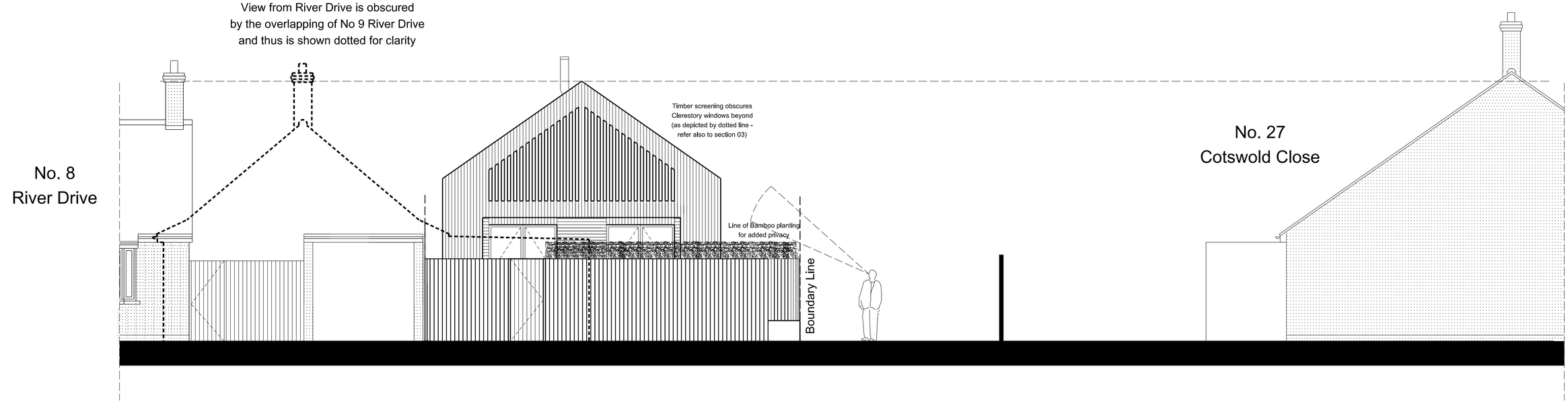


02 North-West Elevation (Fence removed as requested)
1:50

Please note:
View from River Drive is obscured
by the overlapping of No 9 River Drive
and thus is shown dotted for clarity



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1:50

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08/05/2025	01	Title amended and Written Dimensions added Inline with FDC request			

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TITLE :	PROPOSED NORTH-WEST ELEVATION	DATE:	04 Mar 24	DRAWING NO:	A104
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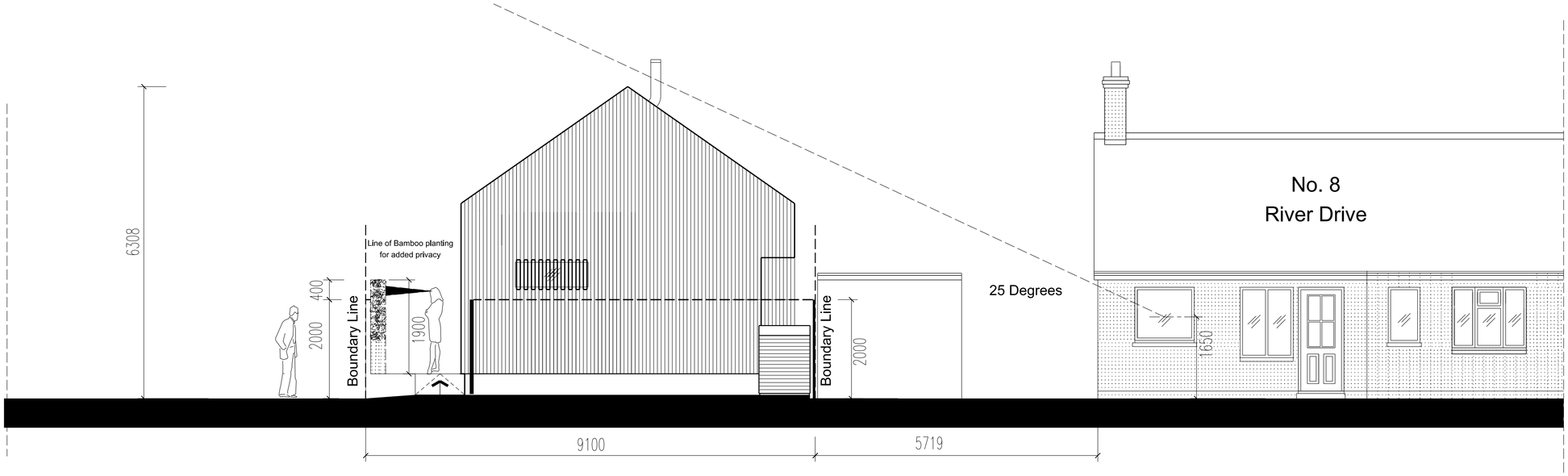

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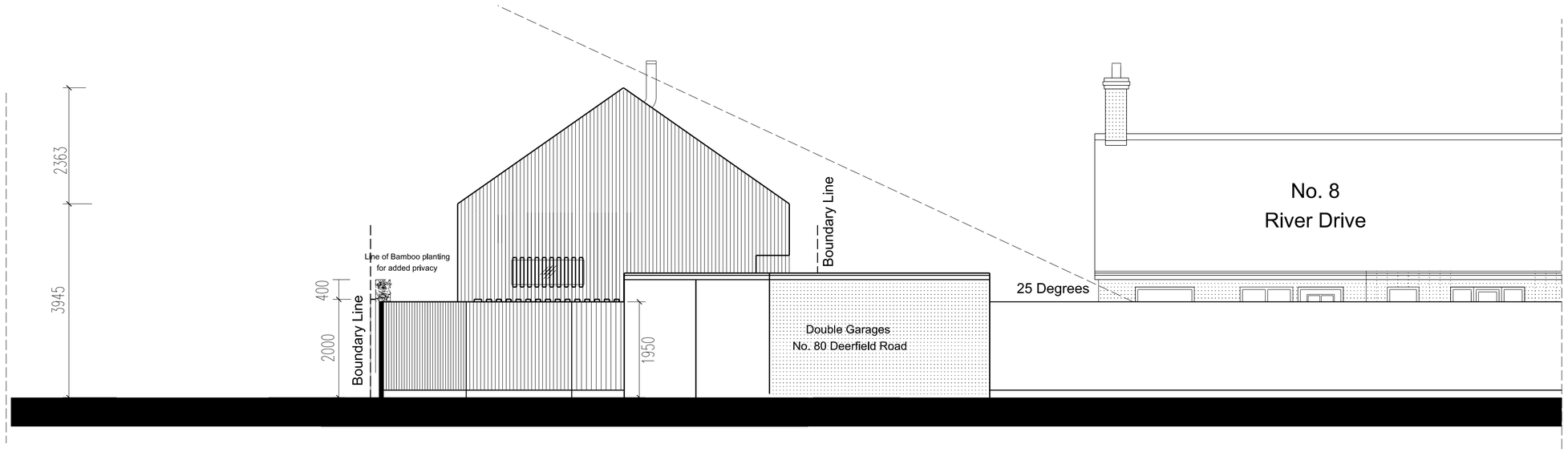

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DATE:	REVISION:	DESCRIPTION:
08/05/2025	01	Written Dimensions added inline with FOC request

CLIENT CLIENT

CONTRACTOR

ARCHITECT:

PROJECT : DEERFIELD MEWS, MARCH, UK

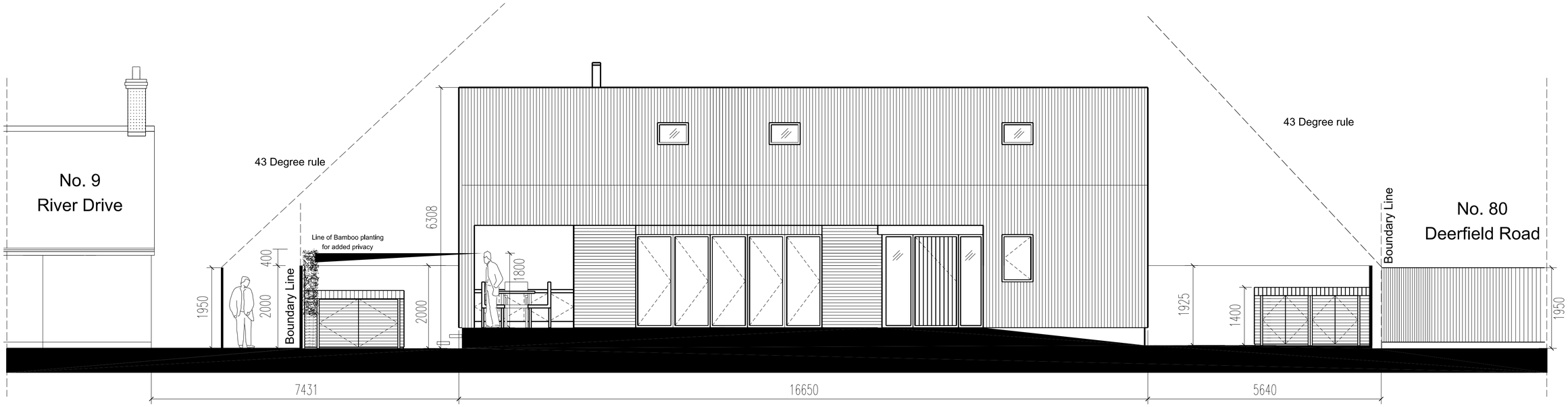
TITLE : PROPOSED SOUTH-EAST ELEVATION

SCALE: 1:50 SHEET : A1

0 0.5 1.0 2.0 5.0

REF:	M01
DATE:	04 Mar 24
DRAWN:	NU
REVIEWED:	

CODE:	DRAWING NO:	REV:
M05	A106	01



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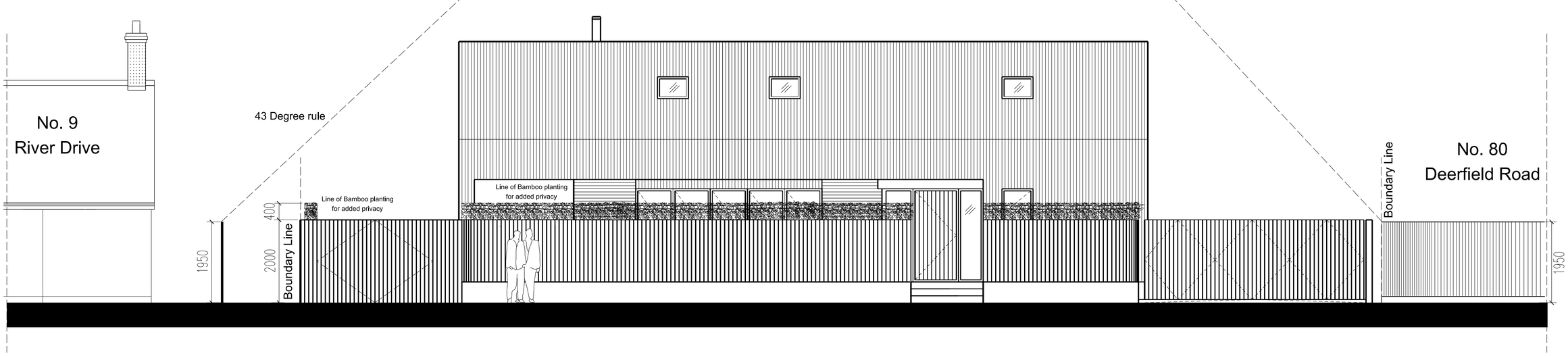

02 South West Elevation
1:50

DATE:	REVISION:	DESCRIPTION:		CLIENT	CONTRACTOR	ARCHITECT:
08/05/2025	01	Written Dimensions added Inline with FDC request				

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TITLE :	PROPOSED SOUTH-WEST ELEVATION	DATE:	04 Mar 24	M05	A103	01
SCALE:	1:50 SHEET : A1	DRAWN:	NU			
		REVIEWED:				

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PLANNING COMMITTEE DATE: 15th October 2025

APPLICATION NO: F/YR25/0404/F

SITE LOCATION: Garages At River Drive, March

<u>UPDATE</u> – Comments from member of the public.

Member of the public comments in support of the application were received on Thursday the 9th of October 2025 following the publication of the committee report. The points raised are:

- Removing the garages will improve the appearance of the access road.
- The footpath and access road are badly lit and heavily potholed.
- The area attracts anti-social behaviour.
- Having a property in this location will solve anti-social behaviour.

The above points have already been discussed in the committee report but as set out within the main report these are not considered to justify approving the substandard development proposed.

Other points raised are not considered material or appropriate.

Recommendation: Refusal - The above update does not alter the original recommendation as the matters raised are considered in the Committee Report.

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Agenda Item No:	**14**	
Committee:	**Planning Committee**	
Date:	**15 October 2025**	
Report Title:	**Update on Planning Application F/YR25/0084/F and Relevant Statutory Duties**	

1 Purpose / Summary

1.1 This report is presented to provide Members with a formal update in respect of planning application F/YR25/0084/F, which was considered by the Planning Committee on 30 April 2025. At that meeting, Members resolved to grant planning permission, subject to conditions, contrary to the Officer recommendation as set out in the published committee report (reproduced at Appendix 1).

1.2 The purpose of this report is to address recent legal correspondence received on behalf of a third party which raises a pre-action indication of potential judicial review proceedings in relation to the Committee's resolution and the lack of weight given to the previous appeal decision (appeal decision is attached at Appendix 2).

1.3 Given the seriousness of the matters raised and the potential legal and procedural consequences of proceeding to issue a decision notice the Council has not issued the decision notice.

1.4 Where a resolution to grant planning permission has been made by a Committee but no formal decision notice has yet been issued, the Council has not, in law, determined the application. Until the decision notice is issued, the authority retains jurisdiction to reconsider the matter. The Courts have confirmed that, in such circumstances, if there is a material change in circumstances, Officers must consider whether it remains lawful and appropriate to proceed to issue the decision or whether the matter should be referred back to Committee. This principle was clearly established in *R (Kides) v South Cambridgeshire DC* [2003] 1 P&CR 19.

1.5 The Committee is invited to consider whether, in light of the issues now set out, it would be appropriate to revisit the resolution to grant planning permission in order to

ensure that the Council's position is legally robust, clearly reasoned, and compliant with its statutory duties as the Local Planning Authority.

2 Key issues

- Members resolved to grant planning permission contrary to Officer recommendation due to impacts on the character and appearance of the area and residential amenity.

- The building currently on the site has been the subject of enforcement action, with an Enforcement Notice previously served requiring its removal. This Notice was subsequently appealed, and the appeal was dismissed by the Planning Inspectorate.

- The Council has received legal correspondence challenging the lawfulness of the Committee's resolution to grant planning permission contrary to Officer recommendation.

- Independent legal advice has been sought, which raises concerns about the robustness of the Committee's reasoning to grant planning permission and the risk of judicial review if the decision is not revisited.

- The Committee may still lawfully conclude that planning permission should be granted, provided that any such decision is underpinned by clear, well-reasoned, and publicly defensible justifications that fully address the relevant legal requirements, development plan policies, and material considerations.

- Failure to address these legal and policy requirements risks significant financial costs to the Council if the decision is subject to judicial review, costs ultimately borne by the local community through Council Tax.

- The Committee is invited to reconsider the application, applying the relevant statutory duties, policies, and material considerations, to ensure a lawful and robust decision.

3 Recommendations

3.1 The recommendation is to refuse planning permission for the reason set out in section 11 of this report.

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

4 Decision-Making Framework and Member Responsibilities

4.1 In determining planning applications, the Planning Committee exercises the Council's functions as the Local Planning Authority under the Town and Country Planning Act 1990 (as amended), together with any relevant subordinate legislation. In doing so, Members are legally obliged to operate within the statutory framework that governs all planning decisions.

4.2 In particular, Members of the Committee:

- Must determine planning applications in accordance with the development plan for the area (in this case, the Fenland Local Plan (2014) the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021) and the Wimblington and Stonea Neighbourhood Plan (Pre-Submission Draft October 2024)), unless material considerations indicate otherwise, as required by section 38(6) of the Planning and Compulsory Purchase Act 2004.

- Are required to have proper regard to the Officer's report, including its assessment of the development plan policies and all other relevant material

considerations. This includes giving due weight to matters of planning judgement, technical advice from consultees and any legal context or implications referred to in the report.

- Are entitled to form a different conclusion from Officers, provided their reasons are rational, evidence-based, and capable of withstanding scrutiny. Members may give differing weight to material considerations, but must ensure that the reasons for doing so are clearly explained, relevant, and defensible.

- Must also have regard to all other relevant statutory duties beyond the planning acts. This may include, where applicable, obligations under the Planning (Listed Buildings and Conservation Areas) Act 1990, the Environment Act 2021 and the Natural Environment and Rural Communities Act 2006. These place additional legal duties on the decision-maker and must be read alongside the planning legislation.

4.3 The law is clear that failure to have regard to these legal requirements, or a failure to articulate robust and lawful planning reasons for departing from policy or technical advice, may render a decision unlawful and liable to legal challenge.

5 Application History

5.1 On 30 April 2025, the Planning Committee considered planning application reference F/YR25/0084/F for the change of use of land to domestic land, erection of a shed an formation of hardstanding at 6 Bridge Lane, Wimblington. The Officer's Report, along with the Members Update, sets out the relevant planning policy context, detailed assessment, and recommendation, is attached at Appendix 1 to this report.

5.2 The planning application was recommended for refusal for the following reasons:

"The development by virtue of its scale and appearance would harm the character and appearance of the area, and conflicts with the relevant parts of Fenland Local Plan (2014) Policies LP12 and LP16. These policies require development to make a positive contribution to the local distinctiveness and character of the area, without adverse impacts due to design or scale on the settlement pattern or landscape character of the area"

"The development by virtue of its scale and position would have a detrimental impact on the amenity of the adjoining residents at 10a and 10b Bridge Lane due to the consequent overshadowing and the overbearing impacts. This is contrary to Policies LP2 and LP16 of the Fenland Local Plan (2014) which seek to protect the amenity of residents and promote good design."

5.3 Despite the Officer's recommendation, Members resolved to approve the proposal subject to conditions. Following this, the Planning Agent engaged in discussions with the Council to explore whether certain details could be agreed in advance, thereby addressing requirements through the conditions at an early stage rather than necessitating future submissions.

5.4 While Members are of course entitled to depart from Officer advice, any such decision must be based on sound planning grounds, supported by evidence, and capable of clear articulation. This is particularly important where such a decision engages policies of recognised importance, such as those relating to neighbour amenity.

5.5 It is well established in case law that, in such circumstances, a general common law duty to give reasons will arise, particularly where permission is granted in the face of substantial public opposition, contrary to Officer recommendation, and involving a significant departure from the development plan or other policies of national importance.

5.6 Following the Committee's resolution, an interested third party wrote to the Council on 1 August 2025. In their correspondence, they alleged that the Council had failed to lawfully determine the application in accordance with the Development Plan. They further contended that the decision was in contradiction of the Inspector's earlier decision without proper basis, that undue reliance had been placed on immaterial considerations, and that the resolution lacked clear and convincing justification.

5.7 In view of the seriousness of the issues raised, and recognising the legal and procedural complexities associated with developments affecting neighbouring amenity and the previous Inspector's decision, the Council obtained independent legal advice. This advice considers the legal robustness of the Committee's decision, including whether the resolution to grant planning permission was made lawfully, particularly in light of the Planning Inspector's findings of harm to the amenity of adjoining residents

when dismissing the enforcement appeal. The full advice is appended at Appendix 3 to this report.

5.8 The independent legal advice concludes that there are concerns regarding the Committee's treatment of the Inspector's decision on the Enforcement Notice appeal. This primarily relates to the Inspector's findings on the adverse amenity impacts for 10B Bridge Lane and on the limited scope for landscaping to mitigate those harms, were not given significant weight.

5.9 As currently recorded, the Committee's justification for granting permission does not explain how the Inspector's findings were addressed, or why the amenity impacts on 10B Bridge Lane were considered acceptable in light of that recent decision. This lack of reasoning is said to leave the decision vulnerable to challenge on grounds of irrationality and/or a failure to provide reasons capable of public scrutiny.

5.10 The independent legal advice obtained by the Council concludes that the most appropriate and legally robust course of action would be for Officers to refer the application back to the Planning Committee for further consideration. This recommendation does not imply that the Committee is incapable of reaching a lawful decision to approve the development; rather, it reflects the legal adviser's view that the reasoning underpinning the resolution, as presently recorded, does not sufficiently demonstrate how the Inspector's decision was taken into account. Without further clarification, the decision is vulnerable to legal challenge.

6 Considerations

6.1 In light of the matters raised in this report, Members are required to reconsider whether, having regard to the statutory and policy framework, the resolution to grant planning permission remains appropriate and lawful. Specifically, Members must consider whether the development would give rise to harm to the residential amenity of 10B Bridge Lane, and if so, whether such harm has been properly identified, weighed, and justified. This assessment must include consideration of the findings of the recent Enforcement Notice appeal, the effectiveness of proposed landscaping in mitigating harm, and whether the reduced scheme adequately addresses the concerns within the Officer's report and outlined in the Inspector's decision letter. In doing so, Members must ensure that the reasons for their decision are clear, robust and capable

of public scrutiny, as required to maintain consistency in decision-making and public confidence in the planning system.

6.2 Reason for Refusal One, which related to impact on the character and appearance of the area, is not being challenged and therefore remains unaffected. Any independent legal advice and assessment of the planning balance in this case focuses on the identified harm to the amenity of 10b Bridge Lane. As there has been no change in circumstances or new material considerations relating to other matters, this report does not revisit or seek to alter the position in respect of those issues.

6.3 To assist Members in undertaking this reassessment, this section sets out a summary of the relevant statutory duties and policy requirements, the material considerations arising from the recent Enforcement Notice appeal and the relevant provisions of the National Planning Policy Framework relating to good design, residential amenity, and decision-making (Chapter 12, paragraphs 126–134, and Chapter 16, paragraphs 38–42 on decision-making). These provisions collectively establish the legal and policy framework for assessing the impact of development on the character and appearance of an area and on the living conditions of neighbouring occupiers, and must be applied rigorously when determining applications where such considerations are engaged.

Section 38(6)

6.4 Section 38(6) of the Planning and Compulsory Purchase Act 2004 imposes a statutory duty on local planning authorities when determining planning applications. It states: *"In making any determination under the planning Acts, the authority shall determine the application in accordance with the development plan unless material considerations indicate otherwise."*

6.5 This statutory duty is at the heart of the plan-led system and establishes a presumption that decisions should be made in line with the development plan when read as a whole. Departure from the development plan is only lawful where there are sufficiently weighty material considerations to justify doing so.

6.6 The primacy of the development plan has been repeatedly affirmed by the Courts. The development plan is the starting point for decision-making and that departures from it require cogent reasons.

6.7 The Planning Encyclopaedia (Commentary to As noted in the Planning Encyclopaedia (Commentary to P38.06), the duty under section 38(6) is a legal obligation rather than a discretionary exercise:

"It is a mandatory requirement that decisions on planning applications are taken in accordance with the development plan unless material considerations dictate otherwise. Failure to follow this approach will render a decision vulnerable to challenge as unlawful."

Material Considerations

6.8 Decision-makers must consider any other material considerations that are relevant to the application. Material considerations are those which relate to the use and development of land and may include national policy, appeal decisions, planning history and the impact of the proposed development on neighbouring properties and the character of the area.

6.9 The Courts have emphasised that material considerations must be genuinely relevant to the planning merits of a proposal. In *Stringer v Minister of Housing and Local Government [1971] 1 WLR 219*, it was held that a factor will only be material if it fairly and reasonably relates to the development and use of land. Factors which do not relate to land use planning, or which are immaterial, cannot lawfully be taken into account.

6.10 The Supreme Court in *Tesco Stores Ltd v Dundee City Council [2012] UKSC 13* confirmed that the weight to be attached to material considerations is a matter for the decision-maker, but the consideration must be rational and properly reasoned. The Court also stressed the importance of transparency, requiring that decision-makers provide clear reasons demonstrating how material considerations have been assessed and weighed in reaching a conclusion.

6.11 Consistency is a fundamental aspect of decision-making. While each application must be determined on its own merits, recent and relevant decisions, including appeal decisions on the same site or for similar development, are material considerations of significant weight. Departures from prior material decisions must be fully explained to ensure the rationale is transparent and capable of public scrutiny.

LP16 – Delivering and Protecting High Quality Environments across the District

6.12 Policy LP16 of the Fenland Local Plan (2014) sets out the Council's approach to design and amenity considerations in new development. The policy seeks to ensure that proposals are of a high standard of design, respect local character, and integrate positively with their surroundings. A key aspect of the policy is the protection of residential amenity, requiring developments to avoid unacceptable impacts on neighbouring properties, including overbearing, overshadowing, overlooking, or loss of privacy. The policy therefore balances the need for sustainable development with the importance of safeguarding the living conditions of existing and future residents.

6.13 The policy is explicit in its requirements. It states that:

"(e) does not adversely impact on the amenity of neighbouring users such as noise, light pollution, loss of privacy and loss of light."

The NPPF

6.14 The National Planning Policy Framework (NPPF) is clear that planning law requires decisions to be made in accordance with the development plan unless material considerations indicate otherwise (paragraph 2). Beyond that acknowledgment, the NPPF does not attempt to define what constitutes a material consideration. Instead, it establishes a framework of national policies which themselves will generally be material to decision-making, alongside other site-specific and local factors.

PPG

6.15 The Planning Practice Guidance (PPG) provides further clarification. At paragraph 008 (Reference ID: 21b-008-20140306), it explains that the scope of what may constitute a material consideration is *"very wide"* and will depend on the circumstances of each case. It emphasises that it is for the decision-maker, subject to legal challenge, to determine what considerations are material and the weight to be attached to them. The PPG also reiterates that considerations must relate to the development and use of land in the public interest, rather than to purely private interests.

Appeal Decision

6.16 An enforcement notice was issued on 25 January 2023 in relation to unauthorised development at 6 Bridge Lane. The Council alleged that the land had been used, without planning permission, for the storage and dismantling of vehicles, that a building had been erected to store vehicles, and that extensive hard surfacing had been laid within the curtilage of the dwelling in excess of what could reasonably be regarded as incidental to domestic enjoyment. The notice required the cessation of the unauthorised uses, the removal of the building, and the breaking up and removal of the hardstanding not approved under earlier permissions.

6.17 The notice was appealed (Reference APP/D0515/C/23/3317077), with the appellant seeking permission for the mixed use and associated structures under grounds (a) and (b), that the breach of planning control alleged in the notice has not occurred as a matter of fact. In a decision dated 16 September 2024, the Inspector dismissed the appeal, refused planning permission on the deemed application and upheld the enforcement notice in full. This confirmed that the unauthorised activities were unacceptable in planning terms and that the Council's approach to enforcement was both proportionate and justified.

6.18 In relation to living conditions at 10B Bridge Lane the Inspector stated:

"From 10b Bridge Lane more limited screening means the building is a substantial, if not the dominant, feature in the garden, and to some extent from the house. At a height to the eaves of nearly 5m and a length of around 30m it appears not dissimilar to an industrial building in this rural setting. Consequently, it is harmful to outlook for occupiers of the dwelling, notwithstanding the separation between the building and the rear of the dwelling."

6.19 When concluding the appeal the Planning Inspector found that *"the development harms the character and appearance of the area and the living conditions of residential occupiers of the adjoining land. The development conflicts with development plan policies, and there are no other material considerations that require a decision to be made other than in accordance with the development plan."*

7 Assessment and Application of the Statutory and Policy Tests

7.1 Having regard to the legal, policy and procedural framework set out above Members should approach the decision-making process by sequentially addressing the following considerations:

Whether the previous appeal decision is a material consideration

The Planning Inspectorate's decision on the enforcement notice appeal forms an important part of the planning history of this site. Members must consider the extent to which the Inspector's findings are a material consideration in determining this application.

In that decision, the Inspector concluded that the building, by reason of its scale and appearance, was a substantial and intrusive feature when viewed from 10b Bridge Lane. It was found to be harmful to the outlook of neighbouring occupiers and appeared not dissimilar to an industrial building in a rural setting. Those findings were central to the dismissal of the appeal.

While Members are not bound to reach the same conclusion, the Inspector's decision carries significant weight. If the Committee chooses to depart from those findings, clear and reasoned justification will be required in order to demonstrate that the decision is sound and capable of withstanding legal scrutiny.

Whether there are any new material considerations since the appeal

In determining this application, Members must consider whether there are any new or different material considerations that have arisen since the Inspector's decision on the enforcement notice appeal. Material considerations could include changes in planning policy, alterations to the physical circumstances of the site, or new evidence that was not before the Inspector at the time.

In this case, the retrospective application proposes some physical alterations to the building, but these do not relate to the living conditions of the residents at 10B Bridge Lane.

Any new material considerations must be relevant to the application before the Committee and to planning. This means they must relate to the use and development of land, rather than to private, personal, or non-planning matters. Furthermore, such

considerations must be capable of carrying weight in the decision-making process, with their relevance judged in the context of national policy, the development plan and the planning merits of the case.

Whether the development would result in harm to the amenity of 10b Bridge Lane

A central consideration in determining this application is the effect of the building on the residential amenity of 10b Bridge Lane. Members must consider whether the development results in an unacceptable degree of harm to the living conditions of neighbouring occupiers, with particular regard to outlook, sense of enclosure, and the character of the view from the property.

Whether proposed mitigation measures can address any identified harm
If Members accept that the development could result in harm to the amenity of 10b Bridge Lane, the next step is to consider whether that harm can be adequately mitigated. At the time of the last Committee meeting, Members indicated that a landscaping condition could be imposed to help reduce the visual impact of the building and protect neighbouring amenity.

In considering this, Members should weigh the potential effectiveness of any mitigation against the findings of the Planning Inspector at the previous appeal, particularly if the Committee considers that decision to be a material consideration. Any mitigation measures should therefore be scrutinised to determine whether they could realistically address any harm identified.

For further guidance, an assessment of the appropriateness and potential effectiveness of imposing a landscaping condition is provided at Appendix 4.

Whether the statutory and policy duties are properly engaged and applied
Where harm to the amenity of neighbouring occupiers is identified, Members must ensure that the Council's statutory duties and relevant planning policies are correctly engaged and applied. This includes giving appropriate weight to the findings of the Planning Inspector in the previous appeal, particularly if the Committee considers that decision to be a material consideration.

Members should assess the proposal against the relevant policies in the Fenland Local Plan, including those relating to residential amenity, design, and development in the countryside, alongside any applicable national planning policy in the NPPF. This is not a procedural exercise: properly engaging and applying the statutory and policy framework ensures that any decision is lawful, reasoned and defensible.

Whether the proposal complies with the development plan when read as a whole
Finally, applying section 38(6) of the Planning and Compulsory Purchase Act 2004, Members must determine whether the proposal accords with the development plan taken as a whole and, if it does not, whether there are other material considerations that indicate that planning permission should nevertheless be granted. In this case, if Members conclude that the proposal conflicts with Policy LP16 and identify harm to the amenity of the adjoining residents and this harm is not outweighed by material considerations including public benefits, then the appropriate and lawful conclusion would be that planning permission should be refused.

8 Effect on corporate objectives

8.1 The granting of planning permission in conflict with guidance within the NPPF, and the potential for resultant legal challenge, would impact of the following corporate objective:

a) Promote and enable housing growth, economic growth and regeneration across Fenland.

9 Community impact

9.1 Should the Council proceed to issue planning permission on the basis of a resolution that is open to legal challenge, there is a real risk that it may be required to defend those proceedings in the High Court. The legal advice obtained indicates that the current reasoning is insufficiently robust, which exposes the authority to a heightened risk of judicial review. In such circumstances, the Council could incur significant legal costs, both in preparing its defence and, if unsuccessful, in meeting the claimant's costs as well.

9.2 These financial implications would inevitably be borne by the local community, as the Council's activities are ultimately funded by residents through Council Tax. The potential diversion of resources to defend a legally vulnerable decision represents not only a financial risk but also a reputational one. It could erode public trust in the planning system and the Council's decision-making processes.

10 Conclusions

10.1 In making planning decisions, it is essential that Local Planning Authorities adhere not only to the policies of the development plan and the National Planning Policy Framework, but also to the statutory duties imposed by planning law. Where harm to neighbouring amenity is identified, the legal and policy framework requires decision-makers to give proper weight to that harm and to consider whether any proposed mitigation is sufficient to address it.

10.2 In this case, the Planning Inspector previously concluded that the building results in harm to the outlook and residential amenity of 10b Bridge Lane. The Council must therefore, when determining the planning application, undertake a lawful and reasoned balancing exercise, having full regard to relevant policies in the Fenland Local Plan and the NPPF, and to any material considerations that have arisen since the appeal. Members must be satisfied that any mitigation measures, such as landscaping, are capable of adequately addressing the identified harm.

10.3 Independent legal advice obtained in response to third-party representations confirms that, given the Inspector's findings, the decision to grant planning permission may not currently be sufficiently robust to withstand a legal challenge. This does not prevent the Committee from approving the application, but any approval must be supported by a clear and defensible planning rationale that properly engages statutory and policy duties.

10.4 Given the risks identified, including the potential for legal challenge, the appropriate and prudent course of action is to return the application to Committee for further consideration. This will enable Members to revisit the planning balance in light of all relevant legal and policy duties and to reach a decision that can be lawfully issued and robustly defended.

11 Recommendation

11.1 It is recommended that Planning Committee REFUSE the application for the following reason:

1. The development by virtue of its scale and position would have a detrimental impact on the amenity of the adjoining residents at 10a and 10b Bridge Lane due to the consequent overshadowing and the overbearing impacts. This is contrary to Policies LP2 and LP16 of the Fenland Local Plan (2014) which seek to protect the amenity of residents and promote good design.

F/YR25/0084/F

Applicant: Mr N Bowers

Agent : Mr J Scotcher
Morton & Hall Consulting Ltd

6 Bridge Lane, Wimblington, March, Cambridgeshire PE15 0RS

Change of use of land to domestic land, erection of a shed and formation of hardstanding involving the demolition of existing garage (retrospective)

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

Government Planning Guarantee

Statutory Target Date For Determination: 2 April 2025

EOT in Place: No

EOT Expiry: 8th May 2025

Application Fee: £1734

Risk Statement:

This application must be determined by the 8th of May 2025 otherwise it will be out of time and therefore negatively affect the performance figures.

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1 EXECUTIVE SUMMARY

1.1 This is a partly-retrospective full planning application at 6 Bridge Lane, Wimblington, seeking a change of use from domestic land, the erection of a shed and the formation of hardstanding involving the demolition of an existing garage.

1.2 An enforcement appeal was dismissed on this site on the 16th of September 2024 under reference APP/D0515/C/23/3317077. Following this appeal, this application has been submitted with a reduced area of hardstanding, and the storage building reduced in length.

1.3 It is considered that a material character and amenity impact remains from the amended area of hardstanding and storage building. The development is alien and incongruous to the semi-rural character of the Bridge Lane to the visual detriment of the surrounding area. It also considered that a material overbearing impact remains for the properties at 10a and 10b Bridge Lane which has not been adequately addressed by this application. This is contrary to Policies LP2 and LP16 of the Fenland Local Plan (2014) which seek to protect the amenity of residents and promote good design.

1.4 As such it is recommended that the application is refused.

2 SITE DESCRIPTION

2.1 Bridge Lane serves residential dwellings and agricultural fields to the north of the main built-up area of Wimblington and is now linked to it by new residential development under construction. It nevertheless retains much of its rural character and is considered to remain in a semi-rural setting, especially towards its eastern end. In the vicinity of the site housing runs along the southern side of the road, with small arable and grazed fields remaining beyond the residential uses, and larger fields to the north of Bridge Lane with the A141 to the north and east. The residential area of the application site extends behind three dwellings to the north, and others to the east on account of a curvature in the road. To the south of the application site, behind a 2.1 metre high brick wall is an agricultural field in the appellant's ownership, accessible only through the residential land. The northern boundary with 6a, 8a and 8 Bridge Lane is bordered by 2.1 metre high brick wall. The north-eastern and eastern boundary with 10, 10a and 10b Bridge Lane is bordered by 1.8 metre high timber fence.

2.2 The entirety of the site and surrounding area is in Environment Agency Flood Zone 1. The dwelling, vehicular access and part of the agricultural field is in an area of low surface water flood risk. The site is not within a conservation area and there are no listed buildings in the vicinity.

3 PROPOSAL

3.1 Full planning permission is sought for the change of use of land to domestic land, the erection of a shed and formation of hardstanding involving the demolition of the existing garage at 6 Bridge Lane, Wimblington. It should be noted that the application is partly retrospective in nature. This application seeks to retain the shed and hardstanding albeit reduced in scale following the dismissal of an enforcement appeal for their retention in 2024.

3.2 The proposed storage building is shown on the plans as measuring 17.9 metres wide and 9 metres in depth, with an eaves height of 4.77 metres and a ridge height of 5.7 metres. The materials of construction for the building are listed as navy cladding, a grey roof and grey roller shutter doors. The present building on site has a grey roof and navy blue cladding on the frontage. However, at this time the sides and rear of the building are a mixture of green and brown colouring.

3.3 The existing size of the hardstanding within the application site is 1181.6 square metres, the proposed area of hardstanding is 781.6 square metres with 400 square metres changed to grassed land. It has been agreed with the applicant prior to submission of the application that the area of hardstanding to the south of the boundary wall does not form part of the proposal and therefore is located outside of the red line application boundary.

3.4 The existing building on site measures 270 square metres with the amended building measuring 161.1 square metres. No material amendments are proposed to the residential boundary treatment and no planting is proposed between the building and the boundaries.

3.5 Full plans and associated documents for this application can be found at: https://www.publicaccess.fenland.gov.uk/publicaccess/

4 RELEVANT SITE PLANNING HISTORY

Reference	Description	Decision
F/YR20/0338/F	Erect 1 dwelling (2-storey 5-bed) with attached triple garage/plant room/enclosed swimming pool, 2.0m high (approx height) wall with railings and gates to front and the temporary siting of 2 x static caravans involving the demolition of existing dwelling and garage	Granted – 09 June 2020

5 CONSULTATIONS

5.1 Wimblington Parish Council – 14th March 2025

There have been a number of previous applications, an appeal, an enforcement notice and now another planning application with retrospective inclusions.

A large 'agricultural warehouse', (not a garden shed) that has been built to house large heavy vehicles, has been erected in the grounds of the dwelling, No. 6 Bridge Lane, (the property itself already houses three double brick-built garages), it is out of character with the historic countryside environment of the lane, as is the dwelling itself. The size and design of the agricultural building and the dwelling are not in keeping with the built form of the village or the linear layout of Bridge Lane. There is already an Enforcement Notice (raised in 2022) with regard to the removal of the 'agricultural building' which, after a dismissed appeal in 2023, was put into force in September 2024.

This agricultural building imposes on the homes in Bridge Lane, the view from some of the neighbours rear windows and their gardens is now that of a metal wall and roof. Stated, in previous granted planning applications, was the fact that this dwelling would not compromise the amenities of neighbouring occupiers but this is not the case both with the size of the dwelling and the size of the agricultural warehouse.

Therefore, we feel this application does not complying with LP12 Part C, LP16 (d), DM3 - Delivering and protecting high quality environment and Chapter 12 of the NPPF

5.2 Fenland District Council – Environmental Health – 07 April 2025

I confirm receipt of the above application details and have considered the implications of the proposed development in terms of:

Noise, Air pollution, Contaminated land or Artificial light

I conclude that there are no 'No Objections' to the proposal from an Environmental Health standpoint.

5.3 Local Residents/Interested Parties

Objectors

Objections have been received from five properties on Bridge Lane, Wimblington raising the following issues (summarised):

- No justification for the loss of agricultural land.
- The building should be reduced in size to that of a domestic garage.
- The building is visible from the lane, fields and A141.
- Bridge Lane is a single track road.
- The building and yard are better suited an industrial estate.
- The building and yard should be completely removed from the site.
- The reduction in size of the building and hardstanding does not address the enforcement appeal dismissal reasons.
- The building is domineering.
- Surface water has not been adequately addressed.
- Not like for like replacement.
- Devaluation of property.
- Loss of view.

Supporters

Fifteen communications of support have been received. The respondents are from Chapel Gardens and Heron Way in Benwick, Curf Terrace x2, Curf Fen Drove, Delve Terrace, High Street and Pound Road in Chatteris, Church Road in Emneth, Calvary Drive x2, Coldham Bank and Station Road in March, Spencer Close in West Walton, and Eastwood End Industrial Estate in Wimblington. They have given the following reasons for supporting the proposal (summarised).

- Previous buildings in disrepair
- Lack of visual impact
- The site has plenty of space to accommodate the building.
- Benefits of the building housing steam engines
- The whole area is in the future development building line.
- The house is high quality and spacious.

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

7 POLICY FRAMEWORK

National Planning Policy Framework (NPPF) 2024
Chapter 2 - Achieving sustainable development
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
Nature
Uses
Homes and Buildings
Resources

Fenland Local Plan 2014
LP1 – A Presumption in Favour of Sustainable Development
LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside
LP12 – Rural Areas Development Policy
LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland
LP16 – Delivering and Protecting High Quality Environments across the District
LP19 – The Natural Environment

Delivering and Protecting High Quality Environments in Fenland SPD 2014
DM3 – Making a Positive Contribution to Local Distinctiveness and character of the Area
DM6 – Mitigating Against Harmful Effects

Cambridgeshire Flood and Water SPD 2016

Wimblington and Stonea Neighbourhood Plan (Pre-Submission Draft October 2024)
Wimblington & Stonea Parish Council has carried out a pre-submission consultation on the draft plan, as required by Regulation 14 of the Neighbourhood Planning (General) Regulations 2012. The draft plan has not yet been submitted for examination. Given the very early stage which the draft plan is therefore at, it is considered, in accordance with Paragraph 49 of the NPPF, that the policies of this should carry very limited weight in decision making. Of relevance to this application are policies:

Policy RE 1: Rural Character
Policy NE 1: Protecting the Landscape
Policy SD 1: Development and the Settlement Boundary
Policy HD 3: High-Quality Design
Policy SD 5: Flood Risk

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
LP5: Health and Wellbeing

LP7: Design
LP8: Amenity Provision
LP18: Development in the Countryside
LP22: Parking Provision
LP24: Natural Environment
LP25: Biodiversity Net Gain
LP27: Trees and Planting
LP32: Flood and Water Management
LP33: Development on Land Affected by Contamination
LP34: Air Quality

8 KEY ISSUES

- **Principle of Development**
- **Layout and Design**
- **Impact on Residential Amenity / Land Users**
- **Highway Safety and Parking**
- **Flood Risk and Drainage**
- **Other Considerations**
- **Biodiversity Net Gain (BNG)**

9 BACKGROUND

9.1 Planning permission was granted for a dwelling on this site under reference F/YR20/0338/F. Subsequently an enforcement complaint was received regarding the provision of a storage building, concrete hardstanding, car storage and change of use of land. An enforcement notice was served on the 25th of January 2023 with a compliance period of six months. The requirements of the notice were:

(a) Cease the use of the land for the storage and dismantling of vehicles, including HGV's, cars used in conjunction with stock car racing, steam engines and any other vehicles which are not reasonably connected to the lawful uses of the domestic and agricultural uses of the site respectively.
(b) Break up any areas of hardstanding not shown on plan 1000B of planning approval F/YR20/0338/F and remove any resultant material from the site.
(c) Dismantle the building located on the eastern boundary of the site and remove any resultant material from the site.

9.2 The Applicant decided to appeal (reference APP/D0515/C/23/3317077) the Council's decision to serve an enforcement notice. The appeal in part was under Ground (a) and therefore, looked to regularise the alleged breach of planning control. The appeal was dismissed, on the 16th of September 2024, and a summary of Inspector observations in the Appeal Decision and the relevant paragraph numbers are shown below:

9.3 Character and appearance
24 - In conclusion, the development harms the character and appearance of the area, and conflicts with the relevant parts of Fenland Local Plan (2014) ("FLP") policies LP12 and LP16. These policies require development to make a positive contribution to the local distinctiveness and character of the area, without adverse impacts due to design or scale on the settlement pattern or landscape character of the area.

9.4 Living conditions

31 - In conclusion, the development harms the living conditions of residential occupiers of the adjoining land, and conflicts with the relevant parts of FLP policy LP16, which requires that development must not adversely impact the amenity of neighbouring users.

9.5 Drainage

36 - In conclusion, with the information before me, subject to a suitable planning condition, the development would make adequate provision for surface water drainage and would accord with the relevant parts of FLP policy LP16, which requires development to provide hard and soft landscaping incorporating sustainable drainage systems where appropriate.

9.6 Other matters

44 - Therefore, even if limited to the residential land, the use of the Land for the storage of vehicles associated with the appellant's hobbies would not be incidental to the residential use of the land as a dwelling. Consequently, the exemption from development afforded by Section 55(2) does not apply, and there is no fallback position in relation to the use.

10 ASSESSMENT

Principle of Development

10.1 The principle of development for residential development on this site incidental to the enjoyment of the dwelling is agreeable subject to permitted development guidelines. Permitted development rights for domestic outbuildings were not removed at the time of construction.

10.2 Whilst the principle of development for domestic purposes on the application site is therefore not disputed, given that it was within the red line boundary for residential use when the dwelling on site was approved under reference F/YR20/0338/F, it is considered that the scale, design and dominance of the proposed building and hardstanding exceeds what could be considered to be normal domestic use storage buildings. Therefore, the proposal is not considered to be domestic and the principle of development in this instance has not been established.

10.3 The principle of development for the loss of agricultural land is also of relevance. Regardless of whether or not the land on which part of the storage building is sited is in active agricultural use, this land remains in an agricultural use class. No supporting information has been submitted to justify the loss of 24.03 square metres of agricultural land to facilitate the positioning of the storage building. When assessing the loss of agricultural land Paragraph 38 of the appeal decision states: *Even if the building were moved entirely onto the residential area, its height gives rise to effects significantly greater than those which would arise from a building which could be constructed as 'permitted development'.*

Layout and Design

10.4 To address the reasons for the enforcement appeal dismissal, the Applicant is proposing to reduce the size of the storage building currently on site through reducing the length of the building from 30 metres to 17.9 metres. The depth of the building remains at 9 metres, whilst the eaves and ridge heights will remain at 4.77 metres and 5.7 metres. The Applicant has stated that the building cannot be made

lower in height due to the need to accommodate the height of the chimneys of the steam engines to be housed.

10.5 The planning merits of the building subject of this application, has previously been considered at appeal. When dismissing the appeal, the Inspector considered this matter in detail (paragraphs 14-24) and concluded that "the development harms the character and appearance of the area, and conflicts with the relevant parts of Fenland Local Plan (2014) ("FLP") policies LP12 and LP16. These policies require development to make a positive contribution to the local distinctiveness and character of the area, without adverse impacts due to design or scale on the settlement pattern or landscape character of the area." It is not considered that the relatively limited reduction in length, when compared to the height and scale of the remaining structure can be considered to have overcome the harm identified by the Council when serving the enforcement notice or by the Planning Inspector when dismissing the appeal.

10.6 Whilst it is noted that application forms indicate that the Applicant may be proposing to alter the appearance of the structure in situ to blue cladding, this is not considered to alter the overall appearance of the structure or the impact to the character and appearance of the wider area to such a degree as to mitigate the harm of the character and appearance of the area.

10.7 The existing storage building is in close proximity to the boundaries of 8, 10, 10 and 10b Bridge Lane. The relocated building would be the following distances from the existing boundaries: 8 Bridge Lane – 12.75 metres, 10 Bridge Lane– 12.82 metres, 10a Bridge Lane 2.2 metres and 10b Bridge Lane 2.2 metres. A new 1.8 metre high timber boundary fence is shown on the proposed plans that is located 0.68 metres from the east facing rear of the storage building and proposed grassed area. This fence was not present on site at the time of the officer site visit. It is considered that the location of this fencing will lead to an area to the rear of the fenced boundaries of 10a and 10b Bridge Lane that would be in the ownership of the applicant and would be difficult to maintain.

10.8 With regard to the location of the proposed storage building in relation to the neighbouring dwellings, the distances are as follows:
8a– 27.4 metres
8– 28.6 metres
10a – 29.5 metres
10b – 31 metres
6 (applicant's dwelling) – 39.85 metres.
6a– 40.3 metres.
10 – 45.6 metres

10.9 No justification has been given by the applicant as to why the visually prominent location of the storage building is adjacent to residential boundaries. The location is considered to generate a material impact on the character and amenity of the surrounding area.

10.10 When dismissing the Enforcement Appeal the Inspector stated that:
"*The former stable building along the eastern boundary was only slightly shorter in length than the garage building constructed, but was narrower and significantly lower, being a shallow flat roofed structure not much taller than the adjacent domestic fencing. The building which replaces it is a substantial 260sqm steel framed structure of a size and style more commonly seen in industrial areas or farmyards.*"

10.11 The changes to the appearance of the building, particularly as there is no reduction in the design ethos or the height of the building, are not considered to overcome the harm, due to the industrial appearance of the building, highlighted by the Inspector when dismissing the appeal.

10.12 The hardstanding currently present on site is 1181.6 square metres, however, it must be noted that this is currently unauthorised. As part of the development the area of hardstanding is to be reduced to 781.6 square metres and for the other 400 square metres to be removed and returned to grassed land. Whilst it is accepted that there were areas of concrete within that part of the site historically, these were over a significantly smaller area than the concrete hardstanding proposed. It is considered that this level of hardstanding further exacerbates the harm to the character and appearance of the area outlined above. This conclusion is similar in nature to that of the Planning Inspector when determining the appeal. The area beyond the 2.1 metre high boundary wall at the southern boundary is agricultural in use. Part of the amended storage building (24.03 square metres) and an area of hardstanding (418.4 square metres) are positioned on the land. It has been agreed with the applicant prior to submission of the application that the area of hardstanding to the south of the boundary wall does not form part of the proposal and therefore is located outside of the red line application boundary.

10.13 There is no landscaping proposed to mitigate the impact of the proposed building and hardstanding. The proposed site layout plan shows areas of what is described as “vegetation” to the rear of 6a, 8a, 8, 10a and 10b Bridge Lane. Photographs taken on site show that there is no vegetation to the rear of 6a and 8a Bridge Lane. There is vegetation on the rear boundary of 8 Bridge Lane, as well as sparse vegetation at 10a and 10b Bridge Lane. However, this vegetation does not sufficiently address the visual dominance and material overbearing impact that the amended building will generate.

10.14 To conclude, the proposed layout, materials of construction and scale of development is considered to detrimentally impact on the site and the semi-rural character and appearance of the wider area. This is considered to be consistent with the findings of the Planning Inspector at the time of dismissing the previous appeal.

10.15 The proposal is therefore, contrary to Policies LP12 and LP16 of the Fenland Local Plan. These policies require development to make a positive contribution to the local distinctiveness and character of the area, without adverse impacts due to design or scale on the settlement pattern or landscape character of the area.

Impact on Residential Amenity / Land Users

10.16 Efforts have been made to reduce the amenity impact on 8 Bridge Lane by reducing the length of the building. The reduction in the length of the building has resulted in the northern elevation of the storage building now being some 12.75 metres from the northern boundary and 28.6 metres from the dwelling. The resultant increase in separation distance is now considered to mitigate the harm from the building currently in situ in relation to overshadowing and overbearing upon the occupiers of the dwelling. This also applies to the dwellings at 6a, 8a and 10 Bridge Lane. Whilst it is accepted that the storage building will still be visible from these properties, it is not considered that this would have a

detrimental impact upon the amenity of the residents of these properties to such a degree as to warrant a reason for refusal.

10.17 Notwithstanding the above, amenity concerns remain with regard to the impacts on the amenity to the properties at 10a and 10b Bridge Lane, primarily in relation to overshadowing and the overbearing nature of the development. The storage building is 2.2 metres to the west of the fenced boundary. 10a Bridge Lane is located 29.5 metres from the building and 10b Bridge Lane is located 31 metres away. The submitted proposed site plan shows vegetation at the rear boundaries of 6a, 8a, 8, 10a and 10b Bridge Lane. It is not considered that the height or density of the trees and hedging in this location mitigates the dominance of the storage building. This is especially the case for 10a and 10b Bridge Lane given the 2.2 metre separation distance to the residential boundary. It must be noted that at the time of the appeal a similar landscaping solution was offered. However, the Planning Inspector considered, that the provision of landscaping *"would have only limited effects."*

10.18 To conclude whilst attempts have been made to reduce the impact on the amenity of some of the neighbouring properties, impacts in relation to overshadowing and overbearing are considered to remain for the dwellings at 10a and 10b Bridge Lane.

10.19 Given the above considerations, despite the reduction in the length of the storage building a material overbearing concerns remains for the properties of 10a and 10b Bridge Road. This is contrary to Policies LP12 and LP16 of the Fenland Local Plan. These policies require development to make a positive contribution to the local distinctiveness and character of the area, as well as minimising the impact on residential amenity and adjacent land uses.

Highway Safety and Parking

10.20 The proposal seeks to utilise the existing vehicular access at the site frontage to the north, which is located behind electric gates. This access leads to the block paved residential driveway then to the concrete hardstanding to the east of the dwelling

10.21 When serving the Enforcement Notice no harm was identified in relation to highway safety or the free flow of traffic. Furthermore, when dismissing the appeal, no concerns on these matters were raised by the Planning Inspector. Whilst it is noted that there is a reduction in hard standing proposed this is not considered to materially alter the considerations of the development when compared to the development considered under the previous appeal.

10.22 Therefore, no objection is raised to the development based on car parking or highway safety.

Flood Risk and Drainage

10.23 The entirety of the site and surrounding area is in Environment Agency Flood Zone 1. The dwelling, vehicular access and part of the agricultural field is in an area of low surface water flood risk. Foul water provision is not impacted by this proposal. Surface water is to be addressed via a soakaway.

10.24 The area of concrete hardstanding and the storage building are impermeable, and there is a need to ensure that the site and neighbouring gardens are not subject to surface water flooding.

10.25 At the time Enforcement Appeal Inspector the Inspector observed: *The hardstanding on the residential land has been designed with a central gully system with 3 drains. Plans available to me, but not to the Council at the time the Notice was served, show each drain feeds into a solid underground pipe into the field. An interconnecting perforated pipe then runs diagonally across the field, terminating in an outflow into the ditch which runs along its western boundary on the appellant's land. He advises that discharge into the ditch only occurs in the event of a heavy downpour in a major storm event. It was dry weather at the time of my visit, but I have seen no evidence that the drainage installed is inadequate to meet the demands put on it.*

10.26 In relation to drainage provision for the rear of the building, Paragraph 34 of the appeal decision states: *There is guttering along the front of the building, but I saw no downpipes, and there was none at the rear. Were I to allow the appeal and grant planning permission for the building, these could be required by a planning condition with discharge into the field away from residential properties.* At the time of the officer site visit no downpipes were observed on the rear of the building and none are shown on the proposed elevational drawings. Additionally, no surface water drainage provision information has been supplied, and there is no evidence provided that drainage pipes have been installed underneath the hardstanding.

10.27 Whilst such provision may adequately address surface water on the site and adjacent land, none has been provided within the submitted information. Therefore, it is considered that at the present time surface water flood risk on this site has not been sufficiently addressed. This is contrary to Policy LP14 of the Fenland Local Plan and Chapter 14 of the National Planning Policy Framework, which seek to ensure that development does not increase flood risk on a proposal site and adjacent land uses. It is however, acknowledged that surface water drainage could be potentially addressed by a time limited condition given the retrospective nature of the proposal and therefore, this is not considered to warrant a reason for refusal.

Other Considerations

10.28 Communications from members of the public have raised a number of issues. Whilst most matters are broadly covered in the assessment above it is considered that a number of comments require a specific comment.

10.29 The age, rarity of and need to keep the steam engines indoors has been raised. Whilst it is acknowledged that it may be beneficial for the steam engines to be kept indoors there is no reason before the Council as to why they need to be kept on this site, other than in the interest of ease of the Applicant. Whilst the benefit to the individual is noted, this is not considered to be of any demonstrable weight and does not overcome the harm highlighted above.

10.30 It has been raised that the house and its grounds are a credit to architectural design and building and that this kind of housing is what Fenland needs, high quality and spacious. These points are not considered to relate to the application as the proposal does not relate to the dwelling.

10.31 Comments have been received that the whole area is in the future development line. The area where the hardstanding and building is positioned could have been developed for domestic purposes by virtue of the permission F/YR20/0338/F for construction of the dwelling. However, the land beyond the 2.1 metre high southern boundary wall remains in agricultural use. The current Fenland Local Plan does not provide defined settlement limits and therefore does not automatically preclude or encourage development on the site or the wider area. The Emerging Local Plan appears to exclude the area from the settlement boundary for Wimblington.

10.32 With regard to comments of objection, the devaluation of a property and a loss of view of land outside of your ownership are not matters which carry material planning weight.

Biodiversity Net Gain (BNG)

10.33 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.

10.34 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. This is because the application is retrospective, and therefore the development is *de-minimis* for the purposes of BNG.

10.35 Furthermore, matters relating to Biodiversity Net Gain (BNG) were not identified as weighing against the development at the time of the previous appeal decision. As such, to now raise an objection on the basis of BNG would be considered unreasonable and inconsistent with the previous decisions.

11 CONCLUSIONS

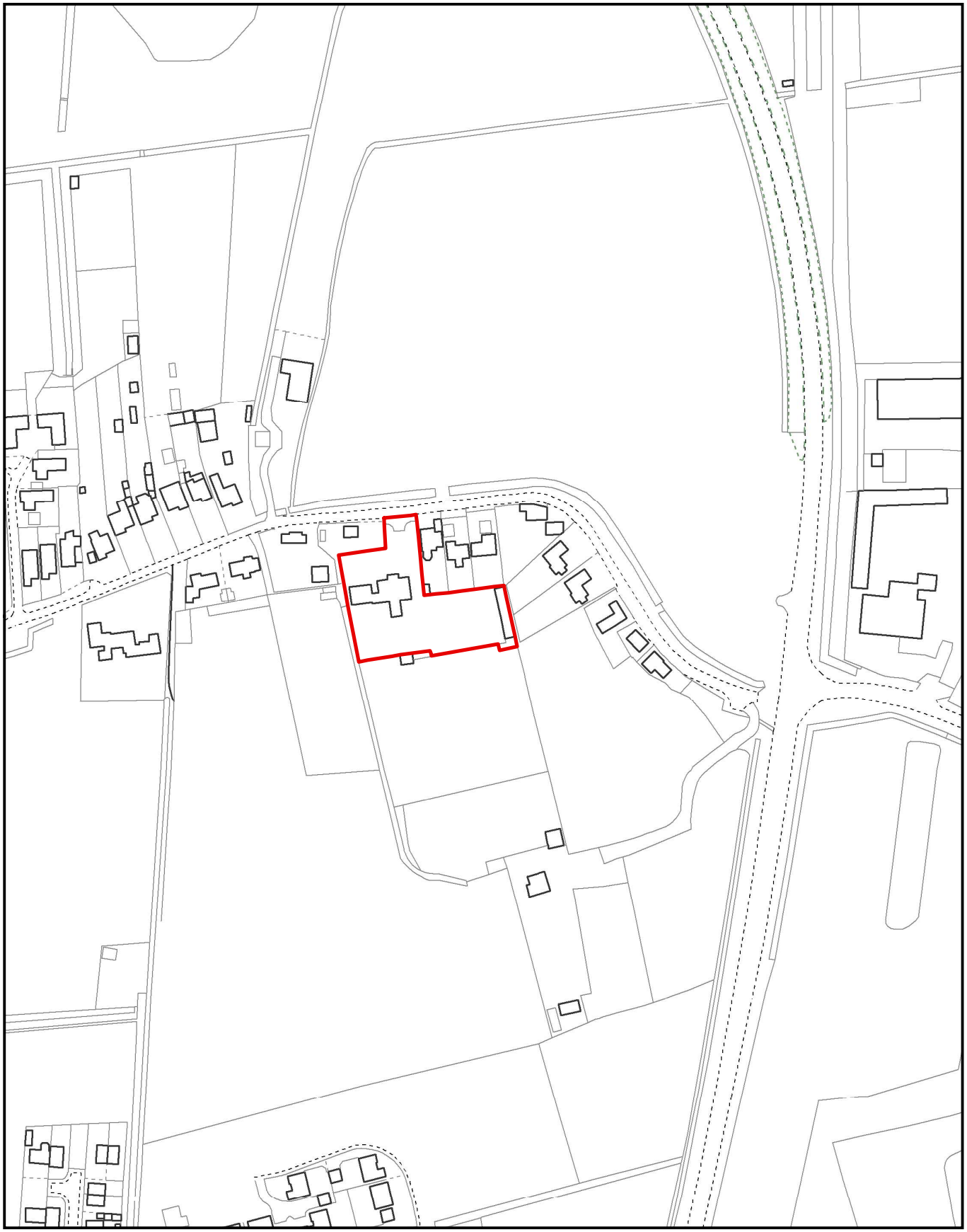
11.1 Whilst it is acknowledged that the both the building and the hard standing would be reduced it is considered that the development would still appear as an alien and incongruous feature in the semi-rural character of the Bridge Lane to the detriment of the site and the character and appearance of the surrounding area. It also considered that a material overbearing impact remains for the properties at 10a and 10b Bridge Lane which has not been adequately addressed by suggested amendments to the existing building. Therefore, material harm remains in relation to the character and appearance of the area and impacts on amenity of the adjoining residents.

11.2 The proposal is therefore, contrary to Policies LP2 and LP16 of the Fenland Local Plan (2014).

12 RECOMMENDATION

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

1	The development by virtue of its scale and appearance would harm the character and appearance of the area, and conflicts with the relevant parts of Fenland Local Plan (2014) Policies LP12 and LP16. These policies require development to make a positive contribution to the local distinctiveness and character of the area, without adverse impacts due to design or scale on the settlement pattern or landscape character of the area.
2	The development by virtue of its scale and position would have a detrimental impact on the amenity of the adjoining residents at 10a and 10b Bridge Lane due to the consequent overshadowing and the overbearing impacts. This is contrary to Policies LP2 and LP16 of the Fenland Local Plan (2014) which seek to protect the amenity of residents and promote good design.



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Scale = 1:2,500

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Fenland CAMBRIDGESHIRE

Fenland District Council

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

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

All finishes, insulation and damp-proofing to architect's details

PROPOSED SITE PLAN (1:250)

SITE KEY: CONCRETE | GRAVEL | TARMAC | GRASS | SLAB PAVING | EXISTING DWELLINGS | VEGETATION

REVISIONS	DATE

MORTON & HALL CONSULTING LIMITED
1 Gordon Avenue, March, Cambridgeshire, PE15 8AJ
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Email: info@mortonandhall.co.uk
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Fenland District Council Building Design Awards
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WINNER

CLIENT
Mr N Bowers

PROJECT
6 Bridge Lane,
Wimblington,
Cambs,
PE15 0RS

TITLE
Proposed Site Plan

DRAWN: J.Scotcher	DATE OF ISSUE:
CHECKED:	
DATE: Dec 2024	DRAWING NUMBER: H9861/03
SCALE: As Shown	

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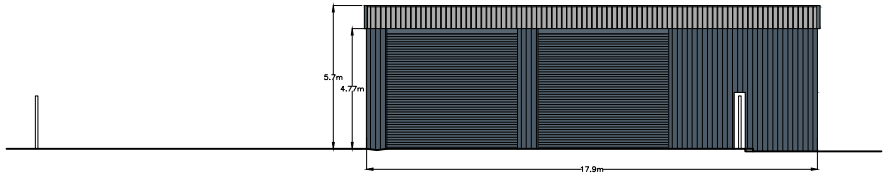
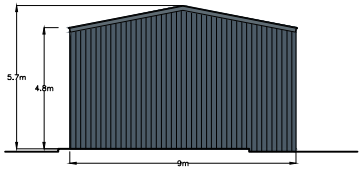
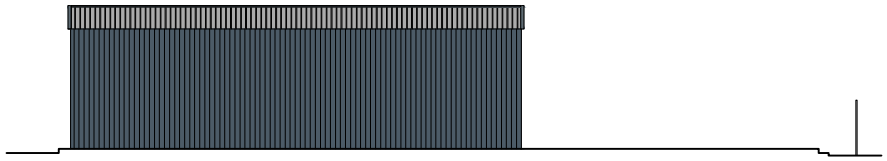


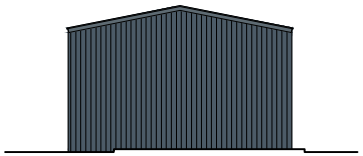
PROPOSED FRONT ELEVATION
(1:100)



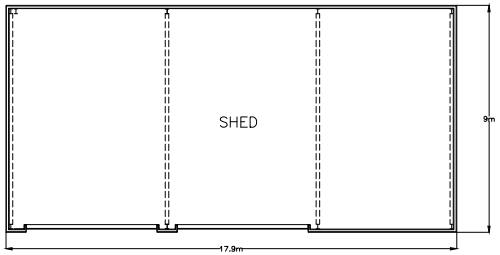
PROPOSED LEFT ELEVATION (1:100)



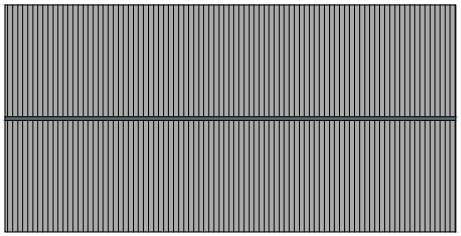
PROPOSED REAR ELEVATION (1:100)



PROPOSED RIGHT ELEVATION (1:100)



PROPOSED GROUND FLOOR PLAN
(1:100)



PROPOSED ROOF PLAN (1:100)

REVISIONS	DATE

MORTON & HALL CONSULTING LIMITED
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Website: www.mortonandhallengineers.co.uk

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CLIENT
Mr N Bowers

PROJECT
6 Bridge Lane,
Wimblington,
Cambs,
PE15 0RS

TITLE
Proposed Building Arrangements

DRAWN: J.Scotcher	DATE OF ISSUE:
CHECKED:	
DATE: Dec 2024	DRAWING NUMBER: H9861/04
SCALE: As Shown	

PLANNING COMMITTEE DATE: 30th April 2025

APPLICATION NO: F/YR25/0084/F

SITE LOCATION: 6 Bridge Lane, Wimblington

<u>UPDATE</u> – Councillor Taylor comments not included in Officer report

Councillor Taylor had requested that the application be reported to Committee and also made comments in support of the application:

- This application enhances its setting as it is being reduced in size. This does not adversely affect the street scene as it cannot be seen.
- Increases amenity area to the dwelling allowing greater than a third amenity area of the plot as the curtilage is being increased.

Officer comment: It is considered that these matters are appropriately assessed within the report.

Recommendation: Refusal - The above update does not alter the original recommendation in the Committee Report.

The Planning Inspectorate

Appeal Decision

Site visit made on 2 July 2024

by Peter White BA(Hons) MA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 September 2024

Appeal Ref: APP/D0515/C/23/3317077
6 Bridge Lane, Wimblington, March, Cambridgeshire PE15 0RS

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) ("the Act"). The appeal is made by Mr Neil Bowers against an enforcement notice issued by Fenland District Council.
- The notice was issued on 25 January 2023.
- The breach of planning control as alleged in the notice is:
  Without planning permission, the material change of use of land from agricultural land and domestic garden land to a mixed use of domestic garden land and land used for the storage and dismantling of vehicles.
  Without planning permission, the erection of a building used to store vehicles.
  Without planning permission, the laying of a hard surface within the curtilage of a dwelling of a scale which goes beyond that which is considered to be ordinarily incidental to the enjoyment of a dwelling house and is being used to facilitate the above unauthorised use of the land.
- The requirements of the notice are:
  (a) Cease the use of the land for the storage and dismantling of vehicles, including HGV's, cars used in conjunction with stock car racing, steam engines and any other vehicles which are not reasonably connected to the lawful uses of the domestic and agricultural uses of the site respectively.
  (b) Break up any areas of hardstanding not shown on plan 1000B of planning approval F/YR20/0338/F and remove any resultant material from the site.
  (c) Dismantle the building located on the eastern boundary off the site and remove any resultant material from the site.
- The period for compliance with the requirements is: 6 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (b) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made ("the DPA") under section 177(5) of the Act.

Summary of decision: The appeal is dismissed, and the enforcement notice is upheld with a correction and variations in the terms set out below in the Formal Decision.

Applications for costs

1. An application for costs was made by Mr Neil Bowers against Fenland District Council. That application is the subject of a separate decision.

The appeal on ground (b)

2. Appeals on ground (b) are made on the basis that the breach of planning control alleged in the notice has not occurred as a matter of fact.

3. The appellant's case on this ground is that the dismantling of vehicles has not occurred, notwithstanding the Council's evidence of cars being stored with elements missing.

4. One of the appellant's hobbies is stock car racing. He advises that some stock cars are stored on the land during the season and are taken away to be raced as the season progresses. He states there is no workshop and there are no tools or facilities for dismantling on the land, and that all works of dismantling and conversion for stock car racing, such as the removal of windscreens, are undertaken off-site at end-of-life vehicle dismantling facilities he owns.

5. Although there is evidence of the storage of partially dismantled vehicles, I have seen no evidence that dismantling has occurred on the land.

6. Consequently, as neither the appellant nor the Council would be prejudiced were I to correct Section 3 of the Notice and vary Section 5(a) by deleting the words, "and dismantling", I shall do so in my Formal Decision.

7. I also have a duty to ensure the Notice is in order in respect to the breach of planning control alleged. Although the Notice alleges the material change of use from agricultural and domestic garden land to a mixed use, it fails to acknowledge the agricultural element in the mix alleged. Neither party has suggested that agricultural use of the land has ceased, and the Notice should acknowledge it. "Domestic garden land" is also not in itself a use of land, but is part of the "residential use" of the land as a dwelling. In neither case would correcting the Notice cause injustice to the appellant or the Council, and I will correct it accordingly.

8. The appeal on ground (b) therefore succeeds to the extent it is made.

The appeal on ground (a)/the DPA

9. Appeals on ground (a) are made on the basis that planning permission should be granted for what is alleged in the notice.

10. The description of development for the DPA is derived from the alleged breach of planning control in Section 3 of the Notice, and is therefore the alleged breach as corrected.

Background and Main Issues

11. The appellant has constructed a building ("the building") for the storage of his two steam engines and associated vehicles, a concrete hardstanding area within the residential land, and a concrete hardstanding area within the field. He also keeps stock cars on the land for his, and his family's, personal use throughout the stock car racing season.

12. The appellant does not seek consent for the ongoing storage of vehicles in the agricultural field, but within the residential area only; and with stored cars stacked to a height not exceeding the height of the boundary walls.

13. The main issues are:

    - The effects of the development on the character and appearance of the area;
    - The effects of the development on the living conditions of residential occupiers of the adjoining land, with particular regard to outlook and light; and
    - The adequacy of the surface water drainage.

Reasons

Character and appearance

14. Bridge Lane serves residential dwellings and agricultural fields north of the main built-up area of Wimblington and is now linked to it by new residential development under construction. It nevertheless retains much of its rural character, and is described by the Council as being in a semi-rural setting. In the vicinity of the Land housing runs along the southern side of the road, with small arable and grazed fields remaining beyond the residential uses, and larger fields on its northern side.

15. The residential area of the Land extends behind three dwellings to the north, and others to the east on account of a curvature in the road. Beyond that is a field in the appellant's ownership, accessible only through the residential land.

16. The residential land is L-shaped in form, and the principal area of the Land for the purposes of the appeal is its eastern projection, between the rear gardens of dwellings to the north and east, and the field to the south. It is a sizable area, over which a concrete surface has been laid, and which the Council describes as a yard. At its eastern end a steel framed building has been constructed which runs north to south, continuing marginally into the agricultural land. It replaces a stable building in a similar location.

17. The concrete yard is a substantial one in terms of its area, and in the context of residential use. Photographs provided by the appellant, and a plan submitted in association with the appellant's new dwelling, demonstrate there were areas of concrete within that part of the site, but over a significantly smaller area than the concrete hardstanding constructed. I have not seen convincing evidence that the entire area was a mixture of concrete hardstanding and compacted brick through which grass had grown, as the appellant suggests.

18. The former stable building along the eastern boundary was only slightly shorter in length than the garage building constructed, but was narrower and significantly lower, being a shallow flat roofed structure not much taller than the adjacent domestic fencing. The building which replaces it is a substantial 260sqm steel framed structure of a size and style more commonly seen in industrial areas or farmyards. It is of a comparable height to the eaves of dwellings in the vicinity, being 4.9m high to its eaves and 6m to its ridge.

19. Buildings of this design and scale would be a part of the landscape and streetscape in many rural areas, where their scale and design would be a typical part of a working agricultural landscape. However, in this location, with its small-scale field pattern, and its location abutting residential gardens, the building's scale and utilitarian design conflicts with the domestic and semi-rural character of the area. Although visibility of the building from the road, and from further afield, is limited, it is prominent from adjoining residential land.

20. The substantial concrete hardstanding is also of a scale and character more akin to that of an industrial estate or a modern working farmyard. Despite its limited visibility from public areas, it will be prominent from the upper floors of adjacent dwellings, and harms the rural character of the area.

21. A relatively large area of hardstanding has also been constructed within the field, which the appellant states is to serve agricultural vehicles accessing it. However, hardstanding areas are not a feature in all agricultural fields, and the

field is small in scale and can only be accessed directly through the dwelling's access from Bridge Lane. The piped drainage from the hardstanding within the domestic area drains across much of the field in four pipes. Although I have not been advised of the depth of the drainage pipes, its use for drainage, and the small size of the field, is likely to limit the scale of agricultural activities which may take place on the field, and I have seen no convincing evidence of a need for a hardstanding area within it. The hardstanding within the agricultural land further harms the character and appearance of the area, and I have not seen a clear justification for it in this location.

22. In relation to use of the land, the Council advises that vehicles have been stacked, and the appellant expressly seeks storage for stock car vehicles stacked up to the height of the boundary walls. Correspondence from the appellant shortly after the Notice was issued advised there were 20 stock cars on the land at the time. Even those not exceeding the boundary walls may well be seen from the upper floors of adjacent buildings, and the storage of stock cars in these numbers, and the stacking of any vehicles in this area is harmful to its character. Use for the storage of steam traction engines may not in itself harm the character of the area, but the building of industrial scale and design required to store them, and the extensive hardstanding area facilitating their transport, is harmful particularly considering the residential and small-scale agricultural character of the area.

23. The appellant states landscaping could be provided within both the residential and agricultural areas. He also states that one of the five bays of the steel-framed building could be removed and landscaped bunds could be constructed along the boundary between the building and 6A, 6B and 8A Bridge Lane to the north and along the rear of the building to the east. There is only very limited space for landscaping along the northern and eastern boundaries of the building and the concrete hardstanding, and landscaping in the field would have only limited effects. Removal of the northern bay of the building and a 1m strip of concrete along the northern boundary to allow for landscape planting would reduce the visual effects from the north to a limited degree, but I have seen no evidence that landscaped bunds are characteristic of the area. Even if these measures were carried out, with or without a bund, a narrow strip is unlikely to provide landscaping with native species suitable for a rural setting, and sufficient to mitigate the effects of the scale of the building.

24. In conclusion, the development harms the character and appearance of the area, and conflicts with the relevant parts of Fenland Local Plan (2014) ("FLP") policies LP12 and LP16. These policies require development to make a positive contribution to the local distinctiveness and character of the area, without adverse impacts due to design or scale on the settlement pattern or landscape character of the area.

Living conditions

25. The building runs parallel, and in close proximity, to the eastern boundary of the land, adjacent to the end of the gardens of 10A and 10B Bridge Lane. It's gable end stands adjacent to the northern boundary of the land, at the end of 8a Bridge Lane's garden, and 8 and 6a Bridge Lane face the hardstanding area, from which the gable end and front of the building are visible.

26. From the rear of No 8a, and its garden, the gable end of the building is a dominant feature which extends across more than half of the rear garden

boundary. At 6m high, and 4.9m to its gable ends, the building is similar in height to a two-storey dwelling, but industrial in character, and the green colour of the profile sheeting is insufficient to mitigate its impact. The appellant advises the building is around 18m from the rear of the dwelling, but the building is not a residential one in an urban area. In this rural setting it is an incongruous feature, and harmful to outlook from No 8 and its garden. The building also stands south of the garden close to the boundary and reduces the amount of daylight at the end of the garden, including a patio area.

27. From Nos 6a and 8 the building will be a notable presence, but its position, as a peripheral element in the aspects from these dwellings and their gardens, does not give rise to unacceptable harm to outlook.

28. At the rear of the building, deciduous trees screen the views of the building from the garden of No 10a in the summer months, but the height of their canopies means it is a broad and solid feature from much of the garden, and across the entire width of the garden and the neighbouring one. In the winter months, without the foliage afforded by the trees, the prominence of the building will be increased for users of the garden and the dwelling, and will be harmful to outlook despite the separation distance between the building and the rear of the dwelling[1].

29. From 10b Bridge Lane more limited screening means the building is a substantial, if not the dominant, feature in the garden, and to some extent from the house. At a height to the eaves of nearly 5m and a length of around 30m it appears not dissimilar to an industrial building in this rural setting. Consequently, it is harmful to outlook for occupiers of the dwelling, notwithstanding the separation between the building and the rear of the dwelling[2].

30. The appellant's offer to remove a bay of the building closest to No 8a would reduce the effects on that property to some extent, but not sufficiently to overcome the harm arising to outlook. Bunds would be likely to further harm the character and appearance of the area, being an alien and industrial feature, as would coniferous planting. Landscape planting in narrow strips along the boundaries is unlikely to adequately mitigate the harm, and native planting of a kind likely to be suitable in a rural area would require broader margins than the 1m or so available at the rear of the building and proposed by the appellant elsewhere.

31. In conclusion, the development harms the living conditions of residential occupiers of the adjoining land, and conflicts with the relevant parts of FLP policy LP16, which requires that development must not adversely impact the amenity of neighbouring users.

Drainage

32. The extensive size of the concrete hardstanding on the residential land generates a need for surface water drainage, and the building's roof will generate further surface water run-off.

33. The hardstanding on the residential land has been designed with a central gully system with 3 drains. Plans available to me, but not to the Council at the time

[1] Which the appellant reports to be around 25m
[2] Which the appellant reports to be around 30m

the Notice was served, show each drain feeds into a solid underground pipe into the field. An interconnecting perforated pipe then runs diagonally across the field, terminating in an outflow into the ditch which runs along its western boundary on the appellant's land. He advises that discharge into the ditch only occurs in the event of a heavy downpour in a major storm event. It was dry weather at the time of my visit, but I have seen no evidence that the drainage installed is inadequate to meet the demands put on it.

34. There is guttering along the front of the building, but I saw no downpipes, and there was none at the rear. Were I to allow the appeal and grant planning permission for the building, these could be required by a planning condition with discharge into the field away from residential properties.

35. The concrete apron in the agricultural land is further from other properties and likely to drain largely into the field. Where it meets the hardstanding in the residential area surface water will be collected as described above.

36. In conclusion, with the information before me, subject to a suitable planning condition, the development would make adequate provision for surface water drainage and would accord with the relevant parts of FLP policy LP16, which requires development to provide hard and soft landscaping incorporating sustainable drainage systems where appropriate.

Other Matters

37. The planning permission for the appellant's dwelling provided him with a large curtilage. I have seen no evidence that householder 'permitted development' rights[3] have been removed relating to the erection of outbuildings or the construction of hard surfaces for purposes incidental to the enjoyment of the dwellinghouse.

38. The appellant acknowledges that the building exceeds the parameters for buildings that can be erected as 'permitted development'. That is the case as part of it is outside the residential land associated with the dwellinghouse, it exceeds 4m in height (having a dual pitched roof), and its eaves exceed 2.5m. Even if the building were moved entirely onto the residential area, its height gives rise to effects significantly greater than those which would arise from a building which could be constructed as 'permitted development'.

39. The appellant also acknowledges that only hard surfaces made of porous materials, or those which direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse may be 'permitted development'. It is likely that any alternative hard surface which did meet those requirements would therefore be smaller in area than that constructed, on account of the area required for drainage.

40. There is therefore no comparable fallback position in relation to the building or hardstanding areas.

41. In relation to use, the appellant considers the keeping of his steam engines and associated vehicles and his stock cars would be incidental to the use of the land as a dwelling if contained solely within the residential land. Section 55(2) of the Act provides exemptions from development, including the use of any buildings

[3] Under Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO).

or other land within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse as such. Whether any particular use is incidental to another is a matter of fact and degree.

42. In isolation, and given the extent of the residential land area, the appellant's two steam traction engines, along with a caravan for use at events, would not necessarily be incompatible with use incidental to the enjoyment of the dwellinghouse. At the same time, given the height of their chimneys, their significant weight, and the practicalities of moving them by low-loader, the appellant advises that the building at its current height and the current extent of concrete hardstanding are a necessary part of keeping them on the Land. Despite the large size of the residential land associated with the dwelling, the extent, scale and character of these elements materially changes the character of the use occurring and are indicative of a material change of use of the land.

43. Similarly, the keeping of a small number of stock cars at the appellant's dwelling for his own personal use, would not necessarily constitute a material change of use. However, the storage of a large number of partially dismantled vehicles stacked on the land differs from the examples considered in the appeals provided by the appellant, and is not reasonably and ordinarily ancillary to the enjoyment of the dwellinghouse.

44. Therefore, even if limited to the residential land, the use of the Land for the storage of vehicles associated with the appellant's hobbies would not be incidental to the residential use of the land as a dwelling. Consequently, the exemption from development afforded by Section 55(2) does not apply, and there is no fallback position in relation to the use.

Conclusion on ground (a)/DPA

45. I have found the development would make adequate provision for surface water drainage were a suitable planning condition imposed on any grant of planning permission. Nevertheless, the development harms the character and appearance of the area and the living conditions of residential occupiers of the adjoining land. The development conflicts with development plan policies, and there are no other material considerations that require a decision to be made other than in accordance with the development plan.

46. The appeal on ground (a) therefore fails, and the DPA is refused.

Conclusion

47. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with corrections and variations and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

Decision

48. It is directed that the enforcement notice is corrected by the deletion of the following words from Section 3:

    - "Without planning permission, the material change of use of the land from agricultural land (hatched blue on the attached plan) and domestic garden land (the remaining unmarked land edged red on the attached plan) to a

mixed use of domestic garden land and land used for the storage and dismantling of vehicles”

and their substitution with the words:

- "Without planning permission, the material change of use of the land from agricultural use (hatched blue on the attached plan) and residential use (the remaining unmarked land edged red on the attached plan) to a mixed use of agricultural, residential and the storage of vehicles".

And varied by:

- the deletion of the words "and dismantling" from Section 5(a).

49. Subject to the corrections and variation, the appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Peter White

INSPECTOR

Building at land rear of 6 Bridge Lane, Wimblington

Assessment on the effectiveness of a landscaping planning condition to mitigate adverse visual amenity and character impacts

1 Brief

1.1 The purpose of this report is to assess whether the proposal to impose a planning condition requiring a landscaping scheme would be effective in overcoming the harm identified to occupiers of 10a and 10b Bridge Lane, caused by the erection of a building along the rear boundary.

2 Relevant planning references

- Planning Enforcement Appeal: APP/D0515/C/23/3317077.
- Planning Application: F/YR25/0084/F

3 Summary of the proposed development (see application F/YR25/0084/F)

3.1 Building details;

- Width: 9m
- Length: 17.9m
- Eaves height: 4.77m
- Ridge height: 5.7m

Style: Dual pitch roof with gable ends

Appearance: Corrugated steel walling and roofing finished in dark grey

4 Background

4.1 Having regard to the recent enforcement appeal decision, the existence of the current building (at its full length of 30m) is concluded to cause harm to the living conditions of the occupiers of 8a, 10a and 10b Bridge Lane. A reduction in its length by around 6m (one bay) and removal of some hardstanding, proposed during the appeal, was acknowledged to provide some improvement to living conditions of 8a, but not sufficient to completely avoid adverse impact on outlook (para.30). Furthermore, despite the reduction proposed, this was not sufficient to overcome concerns of amenity injury to occupiers of 10a and 10b (paras. 28 and 29) through outlook and general character harm.

4.2 The recent planning application F/YR25/0084/F proposes to reduce the building by around 12m. This was considered at a planning committee meeting on 30 April 2025. The officer assessment of the revised scheme concluded that whilst the amenity harm previously identified to occupiers of 8a had been resolved through the general size reduction (including reduction in hardstanding), the impacts to 10a and 10b had not been sufficiently overcome and was recommended for refusal, repeating the previous findings of the Planning Inspector.

4.3 Having regard to the minutes of the committee meeting; Members concluded that a landscaping condition could be imposed to secure a scheme which would address the visual impact of the building and protect neighbouring amenity of 10 and 10b, thereby enabling a resolution to approve the development, subject to such a landscaping condition. Conditions were delegated to officers to address this matter.

4.4 Having regard to the nature and aims of any such condition, it would need to secure the following;

- Details of landscaping scheme including, species of trees and/or hedgerow: to ensure appropriate species are used;
- The standard (size) of each plant: to ensure adequate coverage and thereby almost immediate positive impact;
- Planting method statement: to ensure said plants have the best potential to thrive;
- Long-term management plan for the lifetime of the development, (generally considered to be a minimum of 75 years[1]): to ensure the long-term effects of the planting on amenity.

5 Potential mitigation options

5.1 The potential opportunities for soft landscaping to mitigate the impact have been discussed with a Landscape consultant and the Council's Planning Enforcement team, to understand the feasibility of established planting along the western elevation, what planting this may comprise, how effective this is likely to be at addressing the amenity harm identified, and measures that could be put in place to ensure that it is maintained for the lifetime of the development (enforceable).

5.2 The western flank wall which extends along the full width of the garden serving 10b and most of 10a will require planting along its full length, in order to ensure its uncharacteristic industrial appearance is screened. The western wall of the building is set back approximately 1m to 1.2m from the boundary fences of 10a and 10b.

5.3 The landscape consultant has advised that the limited area will mean that the scope for meaningful planting in this location will be heavily constrained, likely requiring significant investment in, for example; raised beds along this section to raise any planting to a height where its impact will be notable from the onset; and, a sophisticated irrigation system to ensure adequate feed to the plants is maintained.

1 Planning Practice Guidance, Paragraph: 006 Reference ID: 7-006-20220825, Revision date: 25 08 2022)

5.4 Furthermore, in order to ensure that screening is constant throughout the year, they would need to be an evergreen species, whilst noting that Coniferous planting is deemed to be out of character and inappropriate, in-line with the conclusions of the Inspector (para.30).

5.5 Due to the need to screen the entire height of the building to disguise its 'alien' and 'industrial' features, it would be necessary to ensure that any planting covered the entire wall of the building. The landscape consultant has advised that trees would be necessary to ensure scale. However, due to the planting bed limitations, standard trees would not be appropriate, as they would require a deeper area to grow and would likely result in significant encroachment over the neighbouring land.

5.6 Whilst pleached trees (ones that are trained to grow across walls via trellis system) are a potential option, there are limited evergreen options in this regard, notwithstanding that they would take a number of years to fully establish and even then, their height and density is not necessarily guaranteed. Should the trees become ineffective at screening the building at any time e.g., become dead, diseased or stunted, they would be expected to be replaced. A cursory review of companies selling such trees (Barcham primarily used for comparison) indicates that trees could cost in the region of £500.00 to £1,425.00 per tree (it is calculated that around 10 to 12 trees would likely be required to cover the flank wall) notwithstanding that there no known options to secure anything that would provide almost immediate relief from the physical appearance of the building.

5.7 Furthermore, any such trees planted would need to have Tree Protection Orders placed on them, to ensure that any pruning works to them is controlled, notwithstanding any long-term management plans in place. Whilst this would be a justified burden on the applicant or any future occupier of the host property, it may become problematic for the neighbouring occupiers, as they would require consent to prune back any overhang that may occur in their garden. And finally, as already noted, the management of the trees would need to be for the lifetime of the development (c.75 years).

5.8 It should also be recognised that even if planting were to be successful, creating a wall of green covering over 100m^2 in area would also be out of character and therefore likely still to result in an oppressive and uncharacteristic outlook for the occupiers of 10a and 10b. Therefore, it is unlikely to address the amenity issues currently experienced and as identified by the Inspector, rather simply changing the physical appearance from a wall of grey corrugated panel to a wall of leafy green panel. Soft landscaping schemes are most effective where it results in changing tones, textures, densities and scales. Given the limited depth of the planting area and the unnatural way the trees will need to be trained, the landscaping would likely appear an unnatural and alien feature,

thereby not necessarily addressing the character issue identified, or removing an oppressive continuous wall.

5.9 In summary, to effectively screen the building would likely be at considerable expense to the applicant, with likely ongoing costs to manage, maintain and potentially replace any planting, notwithstanding potential burden borne by neighbouring occupiers. Notwithstanding this, should the scheme succeed in becoming established, this would likely result in a screen of leaf which is out of keeping with the rural surroundings and would appear an unnatural but dominant feature, which would likely still result in harm to outlook and general amenity to the neighbouring occupiers.

5.10 The Inspector at paragraph 30 of their report notes;

Landscape planting in narrow strips along the boundaries is unlikely to adequately mitigate the harm, and native planting of a kind likely to be suitable in a rural area would require broader margins than the 1m or so available at the rear of the building and proposed by the appellant elsewhere.

5.11 Having considered the options and opportunities for meaningful soft landscaping to mitigate the harm as assessed above, it is concluded that the concerns of the Inspector were well founded.

6 Planning Conditions

6.1 Section 100ZA (2) of the Town and Country Planning Act 1990 sets out that all planning conditions must be;

(a) necessary to make the development acceptable in planning terms,
(b) relevant to the development and to planning considerations generally,
(c) sufficiently precise to make it capable of being complied with and enforced, and,
(d) reasonable in all other respects.

6.2 Furthermore, Local Planning Authorities are required to give reasons for the imposition of each condition (Town and Country Planning (General Development Procedure) Order 1995, Article 22).

6.3 The landscaping planning condition is deemed by the Planning Committee to be necessary to make to the development acceptable, specifically in order to avoid the amenity harm currently experienced by occupiers of 10a and 10b in respect of poor outlook caused by an uncharacteristic and sizeable structure, having regard to policy LP16 of the Fenland Local Plan.

6.4 Such a condition would need to ensure therefore that the building becomes completely screened in order to overcome the concerns over its alien and uncharacteristic appearance.

6.5 As noted above, it is unlikely that any amount of planting (if successful) would overcome the uncharacteristic appearance of the structure per se, only change its surfacing from grey industrial panelling to green leaf. Notwithstanding, the outcomes of such a condition through the effectiveness of the planting are not guaranteed, placing a potentially onerous and very long-term burden on the applicant, of having to try to grow planting to a sufficient scale and density to ensure it complies with the aims of the condition, notwithstanding the potential burden on neighbours where it comes to any pruning that may be required. In essence, it could be reasonably argued that such a planning condition, given the uncertainty over its ambitious outcomes, is unrealistic and therefore, unreasonable.

6.6 It would also be difficult to ensure that such a condition could be precise enough to ensure that it was enforceable. The most it could reasonably require is for planting and long-term management to be carried out but would have no realistic control over the actual growth of each plant and therefore the effectiveness of any planting.

7 Conclusions

7.1 In conclusion, it is considered that a landscape condition could not be realistically relied upon to mitigate the specific harm identified in this instance. Therefore, any such condition would fail to meet the legal tests as it would be unreasonable and unenforceable.

7.2 Paragraph 56 of the NPPF sets out that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Paragraph 57 of the NPPF advises that planning conditions should only be imposed where they meet all of the tests [of Section 100ZA (2) of the Town and Country Planning Act 1990].

7.3 Due to the failure to meet at least two of the tests as set out above, such a planning condition should therefore not be imposed. Having regard to NPPF paragraph 56 therefore, it is not possible to adequately address the unacceptable impacts of the development through planning condition.

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By virtue of paragraph(s) 5 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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PLANNING COMMITTEE DATE: 15th October 2025

APPLICATION NO: F/YR25/0084/F

SITE LOCATION: 6 Bridge Lane, Wimblington

UPDATE – Comments from Wimblington Parish Council and Members of the Public.

Updated consultation comments from Wimblington Parish Council were received on Friday the 10th of October 2025 following the publication of the committee report. The points raised are:

- Conflict with the Development Plan – LP16 and LP2. *The building's scale, height (nearly 5 metres to the eaves), and mass are inappropriate in this rural setting and have already been found to negatively impact the outlook and amenity of neighbouring properties—particularly 10B Bridge Lane.*

- Inspector's Appeal Decision is a Material Consideration of Substantial Weight. *The Inspector also concluded that the development conflicted with the development plan, and that no material considerations justified departing from it. It is deeply concerning that the Committee's original resolution to approve the application did not robustly address this Inspector's finding. Any departure from this recent and site-specific decision requires full justification, something absent from the resolution as currently recorded.*

- Residential Amenity Harm – Inadequate Mitigation from Landscaping. *While Members had suggested that landscaping conditions could mitigate harm, the Inspector explicitly noted the* ***limited potential for such screening to be effective****. A condition that is unlikely to deliver meaningful mitigation does not address the substantive policy conflict. Furthermore, the proposed use and the structure's presence result in a significant and overbearing impact on 10B Bridge Lane. The lack of separation, height, and industrial character of the building cause a clear and ongoing intrusion into the private amenity of neighbouring residents.*

- Inadequate Planning Justification and Legal Risk. *The legal advice obtained by the Council correctly highlights that the Committee's original decision is vulnerable to challenge due to: (1) Failure to provide clear, reasoned justification for departing from adopted policy and the Inspector's findings; (2) Insufficient assessment of the amenity impacts on 10B Bridge Lane; and (3) The risk of irrationality in approving development contrary to both local and national planning frameworks without new material considerations.*

- No Material Change in Circumstances Since the Appeal. *The retrospective application does not include changes that overcome the reasons for dismissal at appeal. There has been no material change in site circumstances, policy, or evidence that should warrant a different conclusion now. As such, the application remains in clear conflict with LP16 and LP2 and does not align with the principles of good design or neighbour amenity set out in the National Planning Policy Framework (NPPF, paras 130–134).*

- Conclusion. *The steel-framed structure, set within a concrete yard, appears more suited to an industrial estate than a rural environment….The reduction in size makes no visible difference when viewed from 10b or 10c… Wimblington Parish Council therefore respectfully urge the Committee to refuse planning permission, in line with Officer recommendations, the Enforcement Appeal decision, and the legal obligations imposed by planning law.*

Updated joint comments from the residents of 6A, 8, 8A, 10A and 10B Bridge Lane were received on Sunday the 12th of October 2025 following the publication of the committee report. The points raised are:

- *The legal advice obtained by the Council makes clear that the Committee's reasons for granting permission failed to address the harm to residential amenity at 10B Bridge Lane, as identified by the Planning Inspector and the Council's own officers.*

- *The Planning Inspector had previously concluded that landscaping would not be capable of mitigating this harm due to the limited space (1 to 1.2m) between the building and neighbouring fences.*

- *In light of both the Council's legal advice and the findings of the landscaping assessment, it is evident that the harm to residential amenity at 10B Bridge Lane remains unresolved, and is unlikely to be capable of resolution under the current application.*

- *As residents most directly affected, we are prepared to challenge any final decision that we believe to be unlawful. We therefore urge the Committee to revisit this application with clear consideration of the serious amenity impacts, the statutory policy requirements, and consistency with previous issued decisions. Should the Council nonetheless proceed to issue an approval on the current basis, we confirm that we are prepared to instruct solicitors and pursue judicial review proceedings.*

The above points raised that are separate to potential judicial review have already been discussed in the committee report.

Recommendation: Refusal - The above update does not alter the original recommendation as the matters raised are considered in the Committee Report.