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**F/YR22/0332/F**

**Applicant: Mr & Mrs T M Butcher**

**Agent: Mr Craig Brand  
Craig Brand Architectural Design  
Services**

**Land South Of 33, March Road, Wimblington, Cambridgeshire**

**Erect 4 x self/custom build dwellings (3 x 2-storey 5 bed and 1 x 2-storey 4-bed)  
and the formation of an access**

**Officer recommendation: Refuse**

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

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## **1 EXECUTIVE SUMMARY**

- 1.1 Whilst the proposal is for self/custom build dwellings 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 be afforded to this.
- 1.2 There are no issues to address in relation to residential amenity, highways or flood risk, and ecology and tree impacts are considered acceptable subject to conditions.
- 1.3 However, the proposal is considered to create a significant adverse impact on the character and visual amenity of the area. The introduction of this incongruous development of 4 substantial dwellings would result in consolidated ribbon development, at odds with the sporadic nature of built form on the western side of March Road, diminishing its openness and therefore the setting and significance of the undesignated heritage assets. Furthermore, it would set a precedent for further such development and therefore harm.
- 1.4 The site is located within a Sand and Gravel Mineral Safeguarding Area, the development does not fall within any of the exemptions listed in Policy 5, there has been no demonstration that criteria (i) – (k) have been complied with and whilst the MWPA consider extraction is unlikely to be feasible there is no overriding need for the development and as such the proposal is contrary to the aforementioned policy.
- 1.5 Whilst the policies of the emerging local plan carry extremely limited weight in decision making; this site does not have a residential allocation, it is located outside the settlement boundary and such is defined as countryside where development is restricted and would not fall within the criteria of 'frontage infill development' (LP1, Part C)

## **2 SITE DESCRIPTION**

- 2.1 The application site is located on the western side of March Road on a sweeping bend, opposite the junction with Bridge Lane. It comprises grassland alongside the road with a number of mature trees (some of which are protected via G30 of TPO M/2/465/17) with the western part of the site comprising of managed agricultural land, and open countryside. There is an Anglian Water water main and associated easement which runs through the site. The site appears to slope down away from the road and is located in Flood Zone 1.
- 2.2 To the north of the site is a field access and what appears to be verge and headland before 33 March Road is reached and to the south Eastwood Hall, 31 March Road which is set back a considerable distance from the road on a substantial plot, both of these properties are considered to be non-designated heritage assets. On the opposite side of the road is linear residential development and a site which has an outline permission for up to 88 dwellings, the associated reserved matters in currently under consideration.

### **3 PROPOSAL**

- 3.1 The application seeks full planning permission for 4 x self/custom build dwellings (3 x 2-storey 5 bed and 1 x 2-storey 4-bed) with double garages, and the formation of a shared access point off March Road.
- 3.2 Plot 1 is a detached, 2-storey, 4-bed dwelling and detached double garage with storage above. The dwelling measures 17.5m x 10.8m and 8.3m in height with accommodation comprising of lounge, kitchen diner, study, shower room, boot room and utility at ground floor and 4 bedrooms (2 with en-suite) and bathroom at first floor. The garage measures 8.3m x 7.19m and 5.87m in height.
- 3.3 Plot 2 is a detached, 2-storey, 5-bed dwelling with attached double garage. The dwelling measures 20.8m x 14.45 and 9.3m in height. Accommodation comprises of lounge, kitchen/dining/garden room, utility, study and WC at ground floor and 5 bedrooms (1 with en-suite and dressing room) and bathroom at first floor.
- 3.4 Plot 3 is a detached, 2-storey, 5-bed dwelling with attached double garage. The dwelling measures 23.2m x 17.3m and 8.8m in height. Accommodation comprises of lounge, kitchen/dining/garden room, utility, study and WC at ground floor and 5 bedrooms (2 with en-suite and 1 with dressing room) and bathroom at first floor.
- 3.5 Plot 4 is a detached, 2-storey, 5-bed dwelling with integral double garage. The dwelling measures 20.8m x 10.2m and 8.8m in height. Accommodation comprises lounge, kitchen/breakfast/garden room, dining room, utility and plant room at ground floor level and 5 bedrooms (2 with en-suite and 1 with walk in wardrobe) at bathroom at first floor.
- 3.6 Full plans and associated documents for this application can be found at:

[F/YR22/0332/F | Erect 4 x dwellings \(3 x 2-storey 5 bed and 1 x 2-storey 4-bed\) and the formation of an access | Land South Of 33 March Road Wimblington Cambridgeshire \(fenland.gov.uk\)](#)

### **4 SITE PLANNING HISTORY**

F/YR22/1209/TRTPO	Fell 2 x Horse Chestnut trees and 2 x Sycamore trees covered by TPO M/2/465/17	Pending
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## **5 CONSULTATIONS**

### **5.1 Cambridgeshire County Council Highways (28/4/2022)**

*CCC specification states the access should be sealed and to be drained away from the highway in a bound material for a minimum of 5m back from the existing footway. The plans submitted does not demonstrate the minimum distance.*

*Should the applicant be able to amend the access in light of the minor comment above, then please append the following informative to any permission granted:*

#### *Informatives*

##### *Works in the Public Highway*

*This development may involve work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council.*

### **5.2 Cambridgeshire County Council Highways (1/11/2022)**

Further advice was sought regarding visibility:

*The visibility splay on the drawings are 2.4m x 43m which is suitable for a 30mph road. The splay shown on the drawing is within land that is within highway rights or the developers ownership. It does not include land that is not within their control. This means that the visibility can be made clear, with proper maintenance.*

### **5.3 Arboricultural Officer (FDC) (6/4/2022)**

*Application F/YR22/0332/F Erect 4 x dwellings (3 x 2-storey 5 bed and 1 x 2-storey 4-bed) and the formation of an access at Land South Of 33 March Road Wimblington.*

*With reference to drawing CAD 555/1 Rev A, the proposed development allows retention of a number of significant trees. The submitted arboricultural impact assessment (AIA) identifies 4 trees requiring removal irrespective of any development and a further 7 trees of low value that have structural/physiological defects that significantly effect the long-term potential of those trees.*

*To mitigate the tree loses, the proposal includes additional planting, including significant trees, to the west boundary, and smaller decorative trees to the east boundary. The addition of a mixed native hedge to the north of the site will help to improve biodiversity.*

*There are some encroachments into the root protection areas (RPAs) of the retained trees, the most significant being the shared access road adjacent to tree T17 (Poplar) to the south of the site.*

*The AIA makes reference to trial investigations to determine the presence of roots where development within the RPAs is planned. We will require an arboricultural method statement (AMS) to cover construction within the RPAs, where applicable, should these investigations expose significant roots (>25mm diameter); the AMS can be included as part of conditions.*

### **5.4 Arboricultural Officer (FDC) (31/10/2022)**

Further advice was sought regarding trees at Eastwood Hall:

*With reference to TPO M/2/465/17, it is likely that a Horse Chestnut on the north boundary of Eastwood Hall and overhanging the proposed development site is within that TPO. The remaining trees, noted as Silver Birch (drawing CAD 555/1 Rev B) are not within the TPO.*

*Whilst the actual construction of the new dwellings are unlikely to impact on the root protection areas (RPAs) of the trees, any cultivation of the ground for landscaping may impact on the roots.*

*The ground within the RPAs of the neighbouring trees will require protection to prevent compaction damage and plant such as rotovators cannot be used. All cultivation work within the RPAs will have to be carried out using hand tools.*

## **5.5 Conservation Officer (FDC)**

*Thank you for consulting me on the above application, due to the proposal being within the setting of Eastwood Hall, the former rectory to Wimblington parish and a non-designated heritage asset, or 'building of local importance'.*

*As such, it will have a setting – one of rural, agricultural surroundings – and the impact on this setting and thereby on the significance and interest of the asset, should be considered as part of this application.*

*No such assessment has been made and is therefore contrary to para 194 of the NPPF.*

*Historic maps clearly show the former Rectory as a building of some considerable scale, positioned in some isolation from the village, which would have served to underline the significance and status of the building and its inhabitants.*

*Piecemeal development will erode this setting, and indeed, this plot is now one of the only sites that allows clear views of the countryside which surrounds Wimblington and its designated and non-designated heritage assets. The value of this openness cannot always be articulated in strict heritage terms, but should not be underestimated in terms of 'sense of place' and therefore wellbeing to inhabitants.*

*There would be a less than substantial impact on the setting and significance of Eastwood Hall, arising from this proposal and under para 203 of the NPPF, a balanced judgement of the proposal is required with regards to the scale of any harm. Given that the heritage asset has not been recognised, the harm has not been assessed and no public benefit identified as part of the scheme, no such balanced judgment can be made. It is not clear if there is sufficient public benefit in the development of 4 x 5 bedroom houses, which by virtue of their scale, detail, design and massing, would be out of keeping with the local character and distinctiveness (that of a rural village, with traditionally scaled buildings) (para 197c), that could not be achieved by more modestly scaled buildings in a less harmful location.*

*I'm sure there are issues of settlement boundaries to consider here, which I will leave to colleagues to comment on.*

*From a conservation perspective, I cannot support the application in its current form, as no assessment of heritage value or impact has been made, and I*

therefore consider the application to be contrary to para 194, 197 and 203 of the NPPF.

## **5.6 Cambridgeshire County Council Archaeology**

*Our records indicate that the site lies in an area of archaeological potential adjacent to the west of March Road, formerly the turnpike road from Chatteris Ferry to Tyd Gote and Wisbech which was originally enacted by Parliament in 1730 (Cambridgeshire Historic Environment Record reference MCB31386). Only 50m north of the site lies No.33 March Road which is the old toll house associated with the turnpike road (now sadly diminished by unsympathetic alterations), while 100m south-west of the site is Wimblington Hall, formerly the Rectory to the parish of Wimblington; both are recorded as undesignated heritage assets on the Cambridgeshire HER (CHER refs 05914 and 12253 respectively). Within the northern part of the site redline boundary, early edition Ordnance Survey mapping shows the former location of Toll Farm, now demolished (MCB24759). Ditches of probable Roman date were excavated to the south east of the application area in 2005/6 during trenching in advance of construction of the Anglian Water pipeline which now crosses the site (Cambridgeshire Historic Environment Record references MCB17553, MCB17554), while more recent excavations undertaken opposite on the eastern frontage of March Road revealed further evidence of Roman ditching and quarrying (MCB20018). An excavation in 2014 approximately 300m to the south revealed Iron Age and Roman ditches, pits and postholes and a sub-square Roman enclosure (MCB20356). In addition a Roman flagon (MCB15647) and further evidence of prehistoric occupation have also been found in the vicinity (MCB13420, MCB13421).*

*We therefore do not object to development from proceeding in this location but consider that the site should be subject to a programme of archaeological investigation secured through the inclusion of a negative condition, such as the example condition approved by DLUHC:*

### *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.*

## **5.7 Environmental Health (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 or the noise climate.*

*However, as mapping data shows structures previously existed at the application site we ask for the following condition to be imposed in the event planning consent is granted;*

### **UNSUSPECTED CONTAMINATION**

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

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

## **5.8 Environment Agency**

*Thank you for your email. We have reviewed the above application and it is considered that there are no Agency related issues in respect of this application and therefore we have no comment to make.*

## **5.9 Parish Council**

*Councillors wish to object to the application on the ground of access to the site, which is shown as being on a blind bend increasing the likelihood of vehicular accident.*

## **5.10 Cambridgeshire County Council Waste and Minerals**

*Thank you for consulting Cambridgeshire County Council, in its role as the Minerals and Waste Planning Authority (MWPA), on the above application. Having reviewed the available documentation, the MWPA wishes to make the following comments:*

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

minerals, or Policy 5. Consequently criteria (i) – (k) have not been demonstrated, leaving criterion (l), which states that:

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

*It is noted that the proposed development is, as per the description, a relatively small edge of village / ribbon infill style development, with a site area of approximately 0.85 ha. There are dwellings adjacent to the east of the site, with fields to the north, west and south. The MWPA considers that, although the extent of the resource within the site is unknown, the nature of the proposed development and size of the site means that complete prior extraction is, in this case, unlikely to be feasible.*

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

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

#### **5.11 Anglian Water (9/5/2022)**

*Thank you for your consultation. Having reviewed the development, there is no connection to the Anglian Water sewers, we therefore have no comments.*

*If this is to change, please re-consult with us.*

#### **5.12 Anglian Water (11/5/2022)**

*I have checked the location plan submitted with the application and we can confirm that there is a rising main located within the proposed development site. The easement for this sewer is 3m from the centre line of the sewer which will need to take in consideration when planning the development layout. If the easement can not be met, the developer should contact our local Drainage Team on 03456066087 option 2. Further information can be found here:*

*<https://www.anglianwater.co.uk/developing/drainage-services/diverting-a-public-sewer/>*

*Please do not hesitate to contact me if you require further assistance*

*It has since been verbally confirmed that the main through the site is a water main and the nearest sewers are in Bridge Lane and Linwood Lane.*

#### **5.13 Wildlife Officer (FDC) (5/5/2022)**

*Recommendation:*

*Recommend refusal of application on grounds that there is insufficient information to make a recommendation.*

*Recommended condition(s)/Reason(s) for refusal:*

*The documents provided within F/YR22/0332/F do not provide sufficient information to ensure that all biodiversity material concerns for the Local Planning Authority can be safely discounted.*

*Following issues require resolution before determination can be provided.*

- 1. The tree survey demonstrates that there are several trees, some of which are recommended for removal which are likely to contain features that may be used by bats and/or nesting birds. Bats are protected under the Wildlife and Countryside Act 1981 from death and disturbance including their resting places.*

*At this stage without further information on the habitats and species potentially using the site the Local Planning Authority cannot make a decision on the application without risking contravening the NPPF, Local Plan and the Wildlife and Countryside Act 1989.*

*Please note the presence of a protected species is a material consideration when a planning authority is considering a development proposal (para 98, ODPM circular 06/2005). It is essential that the presence or otherwise of a protected species, and the extent that they may be affected by the proposed development is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.*

*Required amendments/information:  
I would therefore recommend that:*

- A Preliminary Ecological Appraisal of the site should be completed to assess the sites potential to be used by protected species. All recommended further surveys from this report should be completed and submitted to the Local Planning Authority. It is highly recommended that these reports are discussed in full with the consultant ecologist and recommendations from the report are incorporated into the projects design.*

*The survey reports should then be submitted to Fenlands Council which can then be assured in the positive impact the proposal will have to the local species. The site should also be assessed for the potential loss of biodiversity using the Biodiversity Metric 3.1. The site should achieve at least a no net loss in biodiversity.*

*Recommendations for mitigation and compensation of the negative impacts of the proposal should then be incorporated into the application documents as described within the ecologists reports.*

*Assessment/Comment:*

*Incorporation of recommendations from survey reports into the proposal will significantly reduce the requirement for pre and post commencement conditions on the granted application. It is possible that these recommendations may have to be included within a Construction and Environment Management Plan (CEMP) this possibility should be discussed with your ecologist. It is highly likely that a CEMP will be requested as a pre-commencement condition in relation to this development. The creation of this document and submission to the proposal will significantly reduce proposal conditions further down the line.*



*Please note that many ecological surveys are constrained by seasonal restrictions, it is highly recommended that the recommended surveys are completed as soon as possible to avoid any significant delays to development. Please see the PEA and your consultant ecologist for survey timings.*

#### **5.14 Wildlife Officer (FDC) (10/10/2022)**

*Recommendation:*

*The application scheme is acceptable but only if conditions are imposed.*

*Recommended condition(s)/Reason(s) for refusal:*

*Pre-Commencement Condition(s) –*

- *Notwithstanding the submitted details, no development shall take place until a scheme for the soft landscaping of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following details:*

*-All ecological enhancements, mitigation and compensation as recommended within the Preliminary Ecological Appraisal and Reptile Survey (Hillier Ecology, 2022);*

*-An alternative to the new hedge along the northern edge of the site (see comments).*

*-Planting plans to all public areas, retained hedge and trees, species, numbers, size and density of planting;*

*-Placement, type and number of any recommended biodiversity enhancements; and*

*-Boundary treatments.*

*Development shall be carried out in accordance with the submitted details and at the following times:*

*Any trees, shrubs or hedges forming part of the approved landscaping scheme (except those contained in enclosed rear gardens to individual dwellings) that die, are removed or become diseased within five years of the implementation of the landscaping scheme shall be replaced during the next available planting season by the developers, or their successors in title with an equivalent size, number and species to those being replaced. Any replacement trees, shrubs or hedgerows dying within five years of planting shall themselves be replaced with an equivalent size, number and species.*

- *T2 as designated on the Existing Site Plan has been designated as having “low” Bat Roosting Potential. In accordance with Collins, J (ed.) (2016) Bat Surveys for Professional Ecologists: Good Practice Guidelines (3<sup>rd</sup> edn). The Bat Conservation Trust, London. ISBN-13 978-1-872745-96-1. As such the following precautions will be followed in the removal of this tree:*

*-The tree is removed using a “sectional felling methodology” with cuts at least 10cm above and below the cavity in the tree as to ensure that the cavity is not cut through.*

*-The logs will be gently lowered to the ground and left at the base of the trunk for 24 hours to allow any animals to escape overnight.*

*Informative(s) -*

- Where it is intended to create semi-natural habitats, all species used in the landscaping schedules shall be locally native species of local provenance unless otherwise agreed in writing with the local planning authority.*
- No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.*

*Assessment/Comment:*

*There are proposals to plant a new hedge along the northern boarder of the site, which is supported and appropriate to the site. Unfortunately, due to the existing trees present I am unsure if the hedge will be successful under where it is being shaded. In addition to this the planting of the hedge may damage the trees root systems.*

*As such I would like to see either an alternative to the hedge being planned in or a description of the methodology which will enable the hedge to grow and not harm the trees.*

*There are several recommendations for ecological enhancements within the PEA such as bat and bird boxes which should be included within either the landscaping document or a separate plan.*

### **5.15 Local Residents/Interested Parties**

13 supporting comments have been received (4 from March Road, 1 from Eastwood End, 1 from Greenwood Way, 3 from Hook Road, 2 from Bridge Lane and 2 from Addison Road, Wimblington) in relation to the following:

- Will make a positive impact
- In keeping with character of houses in the vicinity
- Design and access well thought out
- Mature trees retained and new landscaping will enhance
- Natural infill on March Road/continuation of development
- Previously a farmhouse on the site

## **6 STATUTORY DUTY**

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

## **7 POLICY FRAMEWORK**

**National Planning Policy Framework (NPPF)**

**National Planning Practice Guidance (NPPG)**

## **National Design Guide 2021**

Context – C1, C2

Identity – I1, I2

Built Form – B2

Movement – M3

Nature - N3

Homes and Buildings – H1,H2, H3

## **Fenland Local Plan 2014**

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

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

LP18 – The Historic Environment

LP19 – The Natural Environment

## **Emerging Local Plan**

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

Policy LP1 – Settlement Hierarchy

Policy LP2 – Spatial Strategy for the Location of Residential Development

Policy LP5 – Health and Wellbeing

Policy LP7 – Design

Policy LP8 – Amenity Provision

Policy LP11 – Community Safety

Policy LP12 – Meeting Housing Needs

Policy LP13 – Custom and Self Build

Policy LP18 – Development in the Countryside

Policy LP20 – Accessibility and Transport

Policy LP22 – Parking Provision (Appendix 6)

Policy LP23 – Historic Environment

Policy LP24 – Natural Environment

Policy LP25 – Biodiversity Net Gain

Policy LP26 – Carbon Sinks and Carbon Sequestration

Policy LP27 – Trees and Planting

Policy LP28 – Landscape

Policy LP32 – Flood and Water Management

Policy LP50 – Residential site allocations in Wimblington

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

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

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

### **Policy 5: Mineral Safeguarding Areas (MSAs)**

#### **8 KEY ISSUES**

- **Principle of Development**
- **Heritage, design considerations and visual amenity of area**
- **Residential Amenity/Health and wellbeing**
- **Parking and Highways**
- **Flood Risk and Drainage**
- **Ecology and Trees**
- **Waste and Minerals**

#### **9 ASSESSMENT**

##### **Principle of Development**

- 9.1 Policy LP3 of the Fenland Local Plan 2014 identifies Wimblington as a Growth Village where development within the existing urban area or a small village extension will be acceptable in principle, subject to compliance with all other relevant policies which are considered in the sections below.
- 9.2 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 62 of the NPPF. 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.
- 9.3 Self-build or custom build housebuilding covers a wide spectrum, however LPA's must be satisfied that the initial owner of the home will have primary input into its design. Off plan housing is not considered to meet the definition of self and custom build and as this application provides full details of all 4 plots it is not considered to meet this definition. However, even if the proposal was considered to meet the definition, 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 be afforded to this.
- 9.4 Whilst the policies of the emerging local plan carry extremely limited weight in decision making:

Policy LP1, Part A identifies Wimblington as a large village; Part B advises that land outside settlement boundaries is defined as countryside where development is restricted (as set out in LP18), this site is outside of the defined settlement. LP50 defines residential site allocations in Wimblington (all of which are on the eastern side of March Road), this site does not have such an allocation. Furthermore, Part C would also not be applicable as the proposal is for more than 3 dwellings and is not considered to respect the character and settlement pattern of the western side of March Road. As such the proposal would also be considered contrary to the aforementioned policies of the emerging local plan.

##### **Heritage, design considerations and visual amenity of area**

- 9.5 Development in Wimblington is focussed on the eastern side of March Road, with a distinctly different character on the western side, of separated areas of linear built form.
- 9.6 The application site is located on the western side of March Road in an area characterised in the main by open countryside, with areas of substantial mature trees and the loose knit, sparse development of 33 March Road, Eastwood Hall 31 March Road and 29 March Road. 33 and 29 March Road are modest dwellings located along the road frontage, No.33 being the former Toll House (now diminished by unsympathetic alterations). Eastwood Hall, the former Rectory is a significant building, located on a substantial plot, set back a considerable distance from the road. Both 31 and 33 March Road are non-designated heritage assets, or 'buildings of local importance', set in rural, agricultural surroundings, and the impact on this setting and thereby on the significance and interest of the assets, should be considered as part of this application, it is in this context that the application is assessed.
- 9.7 Policy LP18 of the Fenland Local Plan 2014, paras 194, 195, 197 and 203 of the NPPF 2021 and Chapter C2 of the NDG 2021 seek to ensure that the significance of heritage assets is identified and assessed and to protect, conserve and enhance heritage assets and their settings. The application has not been accompanied by a heritage statement and as such no assessment of heritage value or impact has been made. Furthermore, the proposal would erode the rural character of the area and therefore the setting and significance of the undesignated heritage assets, contrary to the aforementioned policies.
- 9.8 Policies LP2 and LP16 of the Fenland Local Plan 2014, DM3 of the Delivering and Protecting High Quality Environments in Fenland SPD 2014, paras 130, 174, 197 and 203 of the NPPF 2021 and Chapters C1, I1 and I2 of the NDG 2021, seek to ensure that developments avoid adverse impacts, create high quality environments, which provide a positive contribution to local distinctiveness, are informed by the settlement pattern and local built environment and recognise the beauty and character of the countryside.
- 9.9 Policy LP12A supports development in villages subject to compliance with criteria a to k. However, the scheme is considered to be contrary Policy LP12 (a), (c), (d), (e) and (f):
- The footnote for Policy LP12 clarifies that the developed footprint excludes:
- (a) individual buildings and groups of dispersed or intermittent buildings that are clearly detached from the continuous built-up area of the settlement
  - (b) gardens, paddocks, and other undeveloped land within the curtilage of buildings on the edge of the settlement where that land relates more to the surrounding countryside than the built-up area of the settlement.
- 9.10 The application site is located in an area characterised in the main by open countryside, with areas of substantial mature trees and the loose knit, sparse development of 33 March Road, Eastwood Hall 31 March Road and 29 March Road. These dwellings are clearly detached from the continuous built form on the western side of March Road, which has a distinctly different character, and is therefore incomparable, to settlement character on the eastern side. Furthermore, the site is adjoined to the south by garden land serving Eastwood Hall, 31 March Road and headland/verge to the north, these areas clearly relating more to the undeveloped nature countryside than the built up area.

- 9.11 The introduction of this incongruous development of 4 substantial dwellings would result in consolidated ribbon development, at odds with the sporadic nature of built form on the western side of March Road, diminishing its open, rural character. Furthermore, it would set a precedent for further such development and therefore harm. Hence, the proposal is considered to create a significant adverse impact on the character and visual amenity of the area, contrary to the aforementioned policies.

### **Residential Amenity/Health and wellbeing**

- 9.12 The relationships with surrounding existing dwellings (including any potential development on the site opposite with planning permission) is such that there are no significant detrimental impacts in relation to residential amenity.
- 9.13 Within the site itself, the properties are located on substantial plots and designed to ensure that there are no significant relationship issues, though it would be necessary to ensure that some windows are obscure glazed (such as those on the first floor of the north side elevation of plot 3) to prevent direct overlooking. Suitable boundary treatments are proposed directly outside the rear of the dwellings to ensure an area of privacy is provided.
- 9.14 Environmental Health have no objections to the scheme, though recommend that an unsuspected contamination condition is imposed if the application is granted.
- 9.15 An Anglian Water main and associated easement run through the site, no buildings are proposed within the easement, however should any works be required to the main this could cause inconvenience to future residents; given the scale of the site/plots this is not considered to be significantly detrimental.
- 9.16 Bin storage is indicated to the rear of the proposed dwellings and a bin collection area alongside the access and within 10m of the adopted highway, which would be an acceptable collection distance for refuse vehicles/operatives. Due to the scale of the plots this would however result in distance of in excess of 30m for future residents to carry bins between storage and collection areas, contrary to the advice within Policy DM4 and RECAP guidance.

### **Parking and Highways**

- 9.17 A shared access point is proposed off March Road, the main road through the village. This is 5m in width and finished in tarmac leading to block paved drives; the crossing constructed in accordance with CCC specifications, the LHA have no objections and advise that the visibility splay is suitable. The width of the shared surface is considered acceptable due to the number of dwellings it serves and relative short distance, a turning head is provided.
- 9.18 Whilst not all of the garages are of internal dimensions to be considered a parking space, generous drives are provided to each property which would enable the parking of at least 3 vehicles.

### **Flood Risk and Drainage**

- 9.19 The application site is located within Flood Zone 1 (low risk) and at low risk of surface water flooding, as such the proposal is considered to be appropriate development and there are no issues to address in respect of Policy LP14. Furthermore, issues of surface water would be dealt with under building regulations.

- 9.20 Foul drainage is proposed to be dealt with by sewage treatment plants for each plot. Information from Anglian Water indicates that there is a foul sewer to the north near the junction with Linwood Lane and on Bridge Lane to the east. Information from the Environment Agency advises that connection to the existing public foul sewage network should be considered potentially feasible where the distance from the development site is less than the number of properties multiplied by 30m (in this case 120m). The sewer near Linwood Lane would appear to be within 120m from the site and as such access may be feasible, no evidence has been provided to indicate that this is not the case and as such it would be necessary to condition details of foul drainage to ensure that an acceptable arrangement is achievable.

### **Ecology and Trees**

- 9.21 The Council's Wildlife Officer initially recommended refusal of the application on the basis that insufficient information was submitted to ensure that all biodiversity material concerns could be safely discounted. A Preliminary Ecological Appraisal/Preliminary Roost Assessment and subsequently a Reptile Survey were then submitted. On this basis the Wildlife Officer has no objections, subject to conditions as detailed in the consultation response in section 5 above.
- 9.22 The site currently contains a number of trees, some of which are substantial and protected via TPO M/2/465/17. The application is accompanied by an Arboricultural Assessment which has identified a number of trees for removal, including 4 that require removal irrespective of the outcome of this application and which are subject to a separate tree application. To mitigate the tree losses, the scheme proposes additional planting, including trees to the west and eastern boundaries, however clarification regarding replacement trees is required and can form part of the 'notwithstanding' condition recommended by the Wildlife Officer.
- 9.23 The Council's Arboricultural Officer has no objections to the scheme, though there are some encroachments into the root protection areas (RPAs) of the retained trees, the most significant being the shared access road adjacent to tree T17 (Poplar) to the south of the site. As such an arboricultural method statement (AMS) is considered necessary and can be secured by way of a condition.
- 9.24 There are also trees on adjoining land at Eastwood Hall which may be impacted by the proposal and appropriate protection measures can also be secured by way of a condition.

### **Waste and Minerals**

- 9.25 The site is located within a Sand and Gravel Mineral Safeguarding Area (MSA) which is safeguarded under Policy 5 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021). This policy seeks to prevent mineral resources of local and/or national importance being needlessly sterilised.
- 9.26 Policy 5 sets out a number of exemptions (criteria (a) – (h)), for when Policy 5 is not applicable, none of which are relevant in this case. Development within MSAs which is not covered by the exemptions is only permitted where it is demonstrated that:

*(i) the mineral can be extracted where practicable prior to development taking place; or*

*(j) the mineral concerned is demonstrated to not be of current or future value; or*

*(k) the development will not prejudice future extraction of the mineral; or*

*(l) there is an overriding need for the development (where prior extraction is not feasible).*

- 9.27 The application documentation does not make any reference to the safeguarded minerals, or Policy 5, consequently criteria (i) – (k) have not been demonstrated as being met.
- 9.28 With regards to (l) the Minerals and Waste Planning Authority (MWPA) considers that, although the extent of the resource within the site is unknown, the nature of the development, size of the site and proximity of dwellings means that complete prior extraction is, in this case, unlikely to be feasible and that should the Council be of the view that there is an overriding need for the development, the MWPA will be content that Policy 5 has been addressed.
- 9.29 As detailed above, the proposal is for self/custom build dwellings, however the Council can currently demonstrate that the number of permissions given for self/custom builds exceeds identified demand, and a sufficient supply of housing (6.69 years), hence there is no overriding need for the development and it is considered contrary to the aforementioned policy.

## **10 CONCLUSIONS**

- 10.1 Whilst the proposal is for self/custom build dwellings 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 be afforded to this.
- 10.2 There are no issues to address in relation to residential amenity, highways or flood risk, and ecology and tree impacts are considered acceptable subject to conditions.
- 10.3 However, the proposal is considered to create a significant adverse impact on the character and visual amenity of the area. The introduction of this incongruous development of 4 substantial dwellings would result in consolidated ribbon development, at odds with the sporadic nature of built form on the western side of March Road, diminishing its openness and therefore the setting and significance of the undesignated heritage assets. Furthermore, it would set a precedent for further such development and therefore harm
- 10.4 The site is located within a Sand and Gravel Mineral Safeguarding Area, the development does not fall within any of the exemptions listed in Policy 5, there has been no demonstration that criteria (i) – (k) have been complied with and whilst the MWPA consider extraction is unlikely to be feasible there is no overriding need for the development and as such the proposal is contrary to the aforementioned policy.

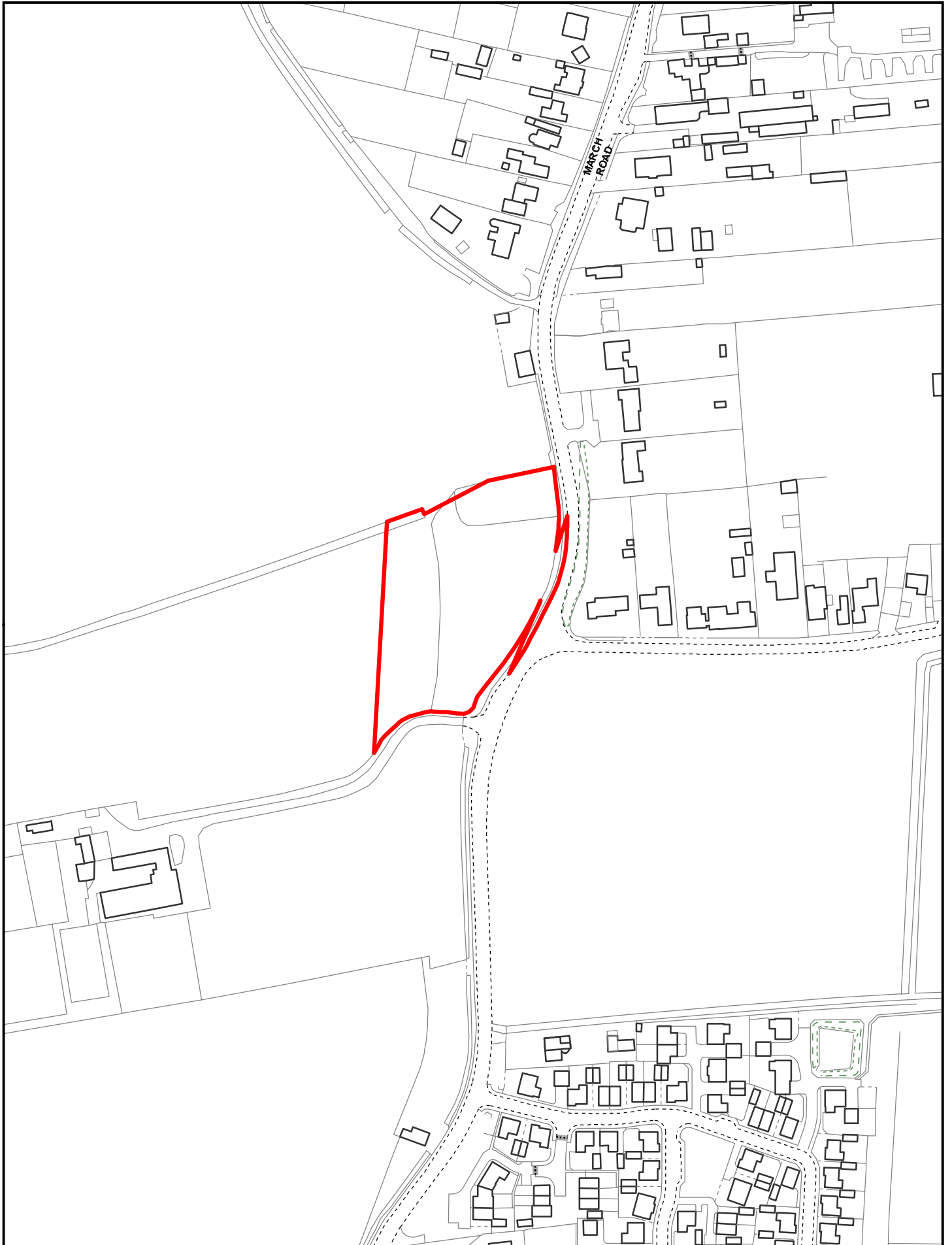
## **11 RECOMMENDATION**

**Refuse for the following reasons:**

1	<p>Policy LP18 of the Fenland Local Plan 2014, paras 194, 195, 197 and 203 of the NPPF 2021 and Chapter C2 of the NDG 2021 seek to ensure that the significance of heritage assets is identified and assessed and to protect, conserve and enhance heritage assets and their settings.</p> <p>The application has not been accompanied by a heritage statement and as such no assessment of heritage value or impact has been made.</p> <p>Furthermore, the proposal would erode the rural character of the area and</p>
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	<p>therefore the setting and significance of the undesignated heritage assets, contrary to the aforementioned policies.</p>
2	<p>Policies LP2 and LP16 of the Fenland Local Plan 2014, DM3 of the Delivering and Protecting High Quality Environments in Fenland SPD 2014, paras 130, 174, 197 and 203 of the NPPF 2021 and Chapters C1, I1 and I2 of the NDG 2021, seek to ensure that developments avoid adverse impacts, create high quality environments, which provide a positive contribution to local distinctiveness, are informed by the settlement pattern and local built environment and recognise the beauty and character of the countryside.</p> <p>The introduction of this incongruous development of 4 substantial dwellings would result in consolidated ribbon development, at odds with the sporadic nature of built form on the western side of March Road, diminishing its open, rural character. Furthermore, it would set a precedent for further such development and therefore harm. Hence, the proposal is considered to create a significant adverse impact on the character and visual amenity of the area, contrary to the aforementioned policies.</p>
3	<p>Policy 5 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan 2021 seeks to prevent mineral resources of local and/or national importance being needlessly sterilised.</p> <p>The site is located within a Sand and Gravel Mineral Safeguarding Area, the development is does not fall within any of the exemptions listed, there has been no demonstration that criteria (i) – (k) have been complied with and whilst the MWPA consider extraction is unlikely to be feasible, there is no overriding need for the development and as such the proposal is contrary to the aforementioned policy.</p>



Created on: 04/04/2022

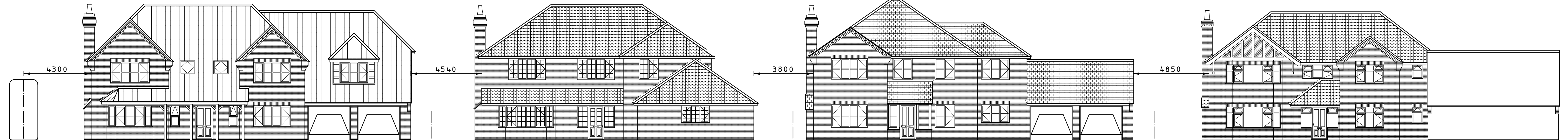
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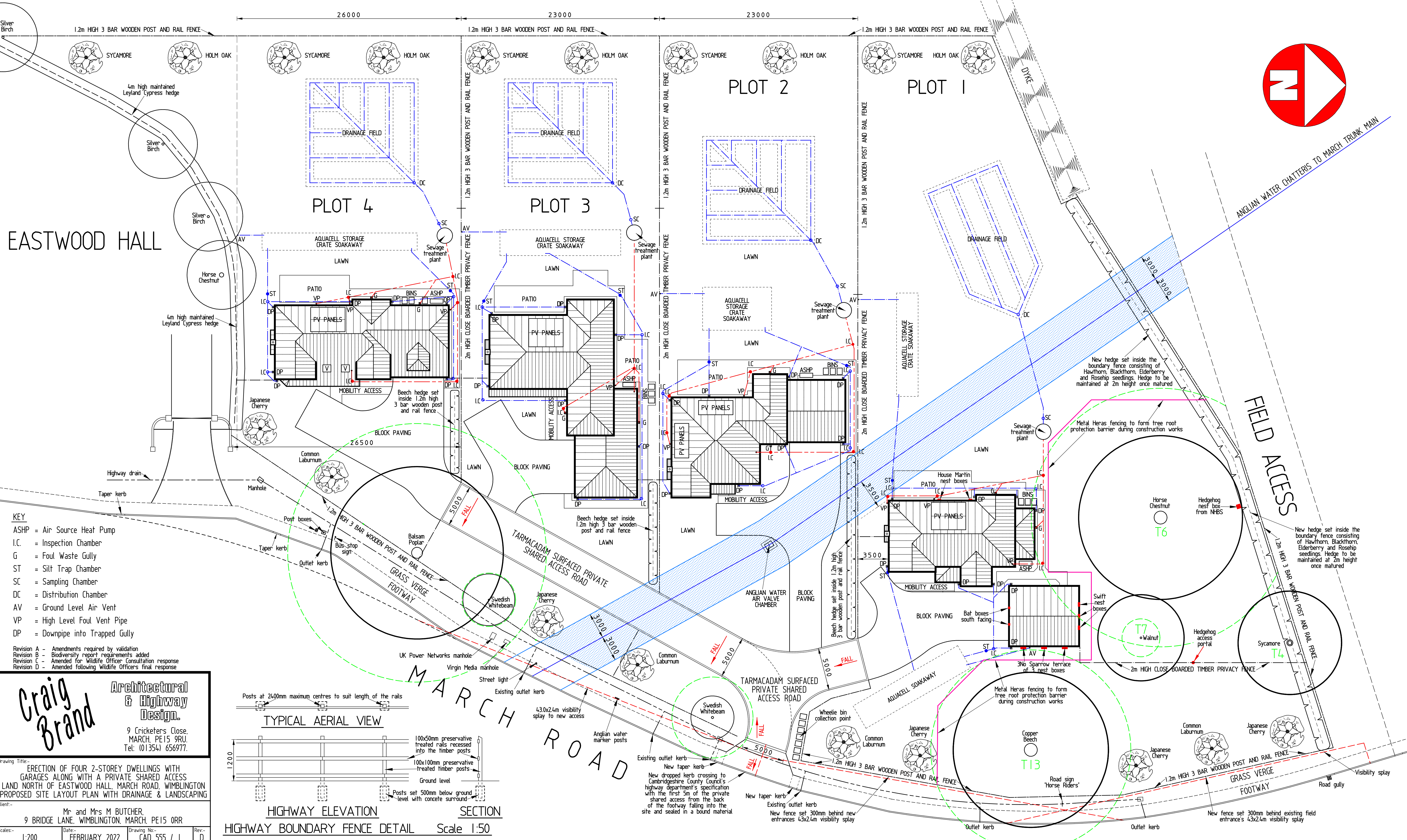
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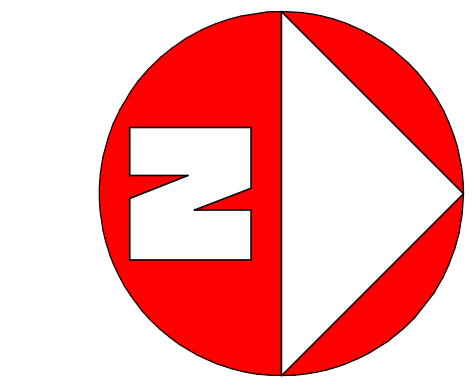




PROPOSED STREET SCENE FROM MARCH ROAD, WIMBLINGTON Scale 1:125



EASTWOOD HALL

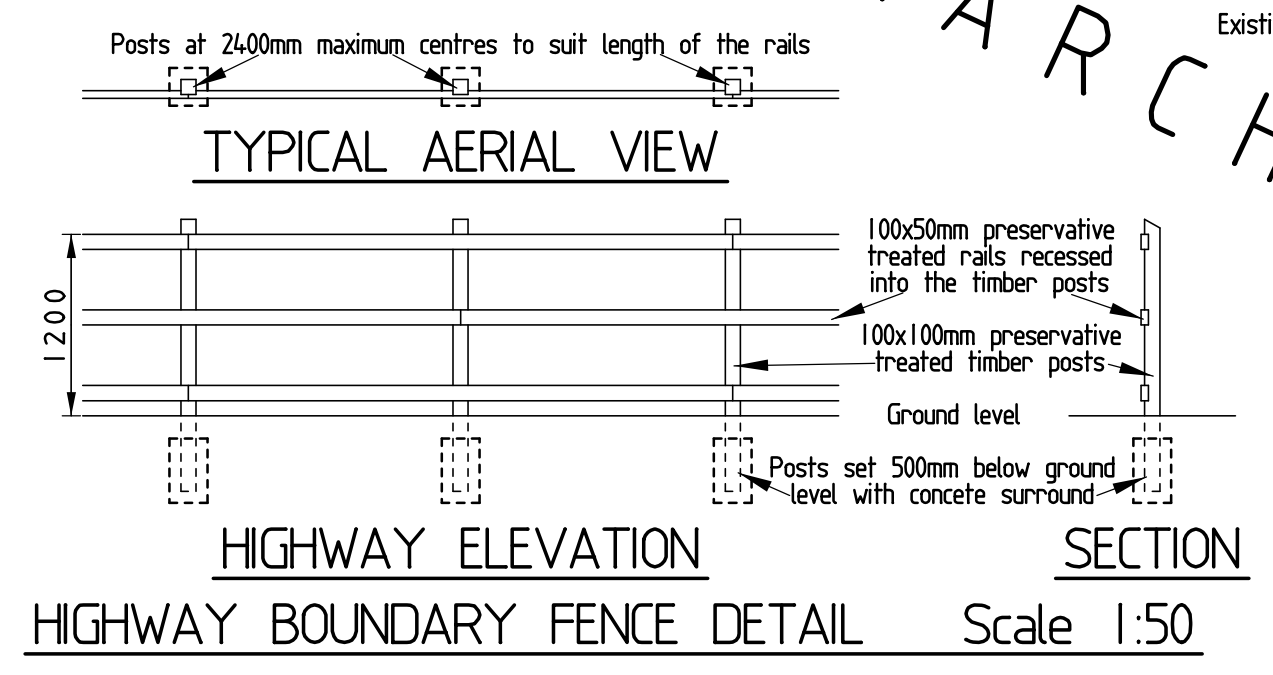


- KEY**
- ASHP = Air Source Heat Pump
  - I.C. = Inspection Chamber
  - G = Foul Waste Gully
  - ST = Silt Trap Chamber
  - SC = Sampling Chamber
  - DC = Distribution Chamber
  - AV = Ground Level Air Vent
  - VP = High Level Foul Vent Pipe
  - DP = Downpipe into Trapped Gully

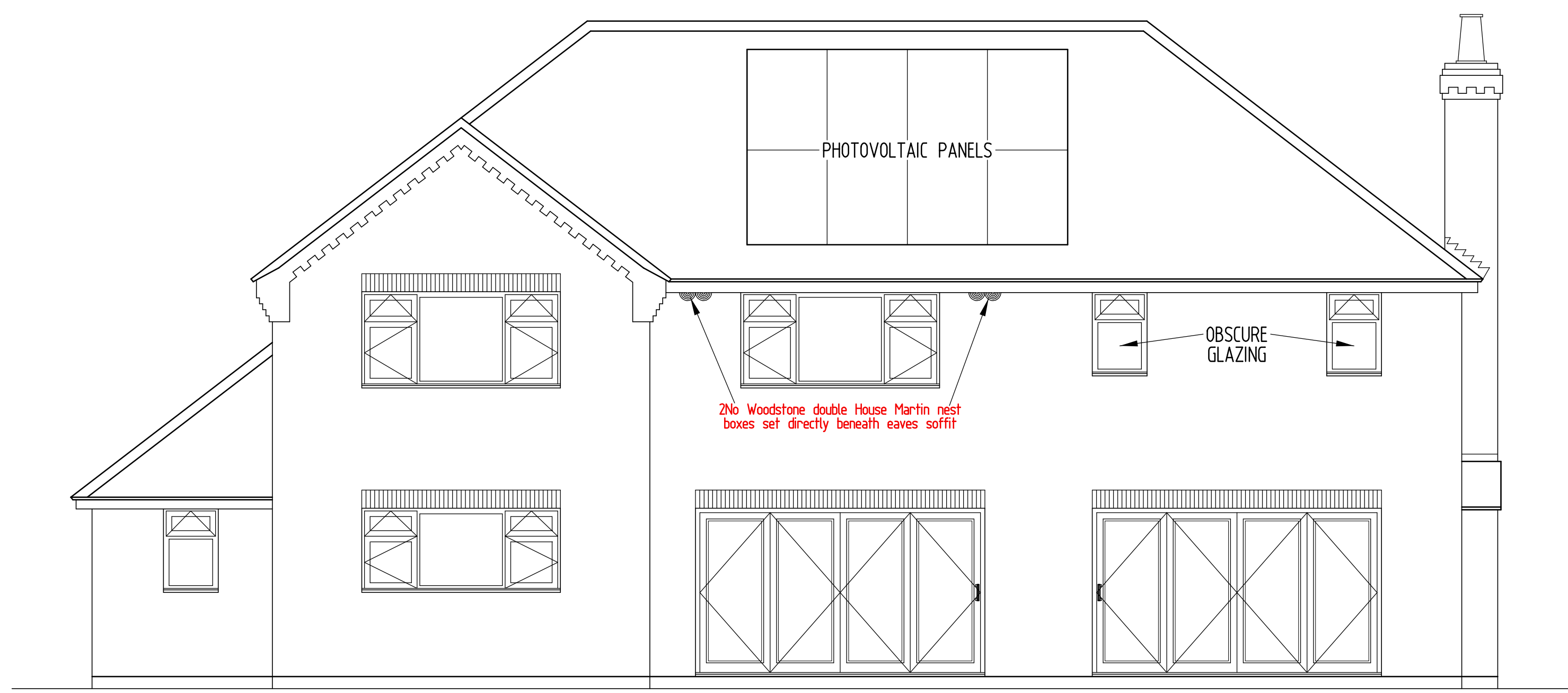
Revision A - Amendments required by validation  
 Revision B - Biodiversity report requirements added  
 Revision C - Amended for Wildlife Officer Consultation response  
 Revision D - Amended following Wildlife Officers final response

**Craig Brand** Architectural & Highway Design.  
 9 Cricketers Close, MARCH, PE15 9RU.  
 Tel: (01354) 656977.

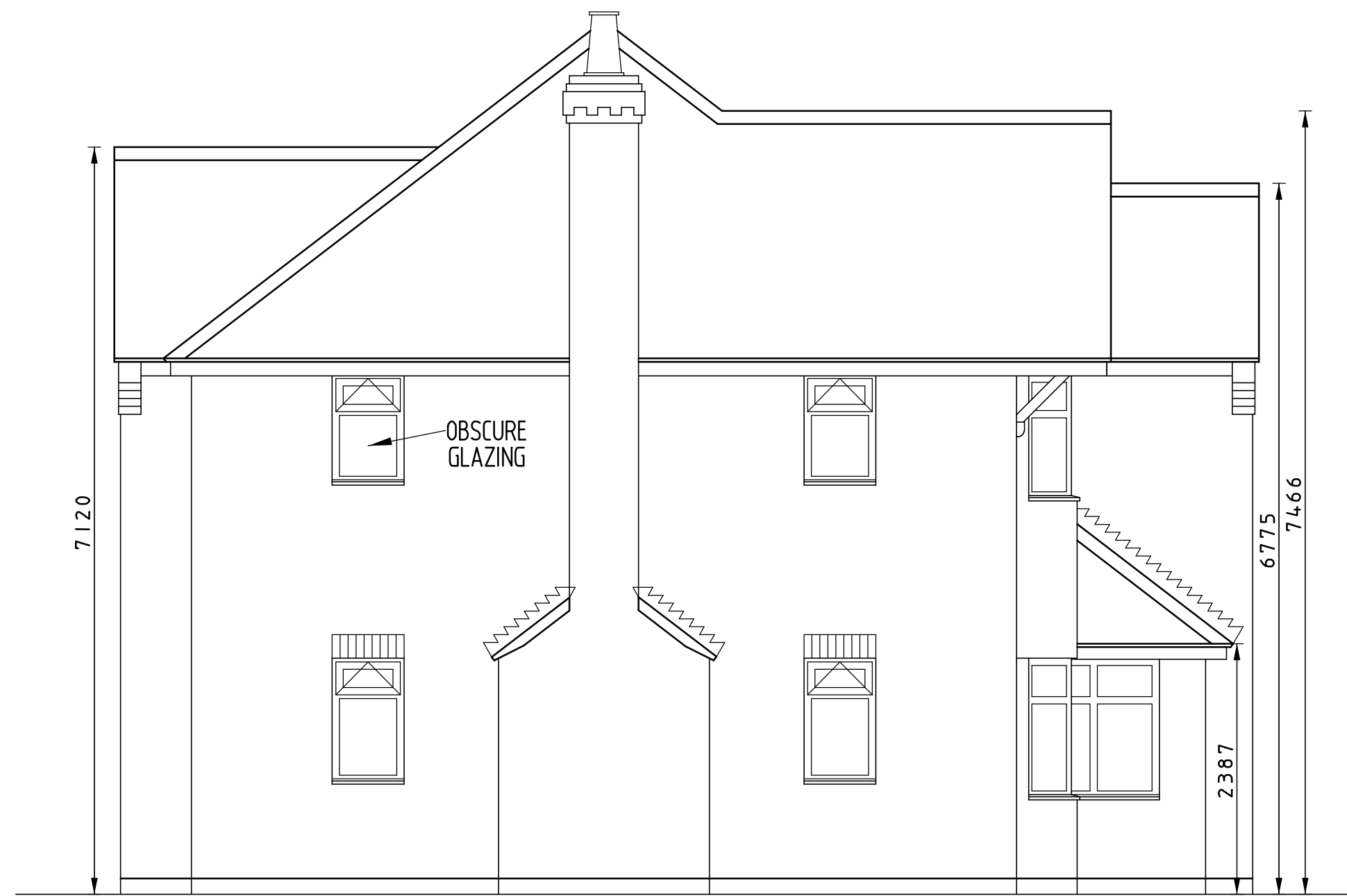
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 Client: Mr and Mrs M BUTCHER, 9 BRIDGE LANE, WIMBLINGTON, MARCH, PE15 0RR  
 Scales: 1:200 Date: FEBRUARY 2022 Drawing No: CAD 555 / I / D



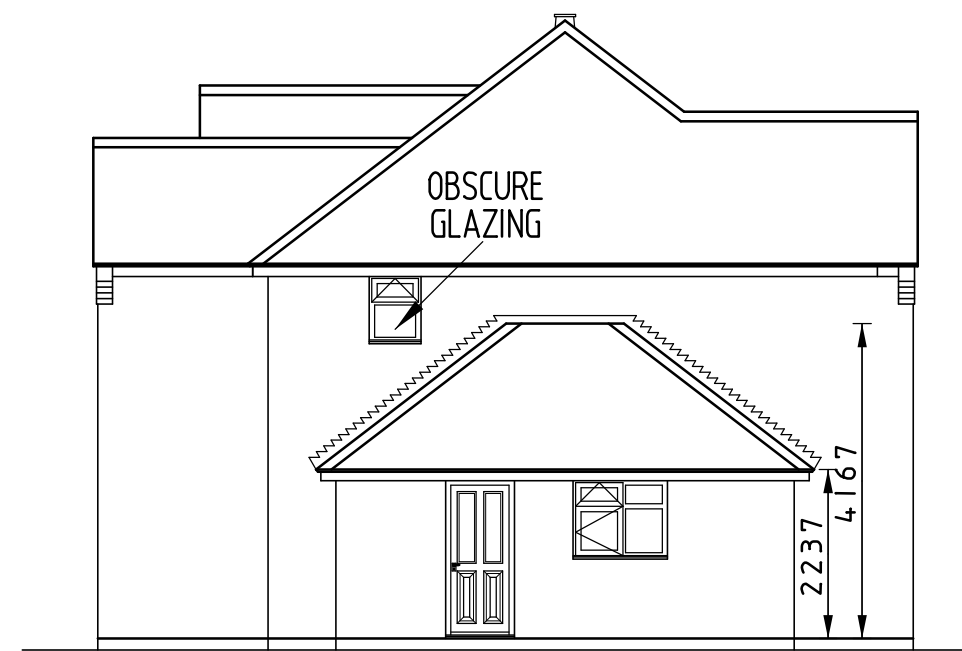




PROPOSED WEST ELEVATION Scale 1:50



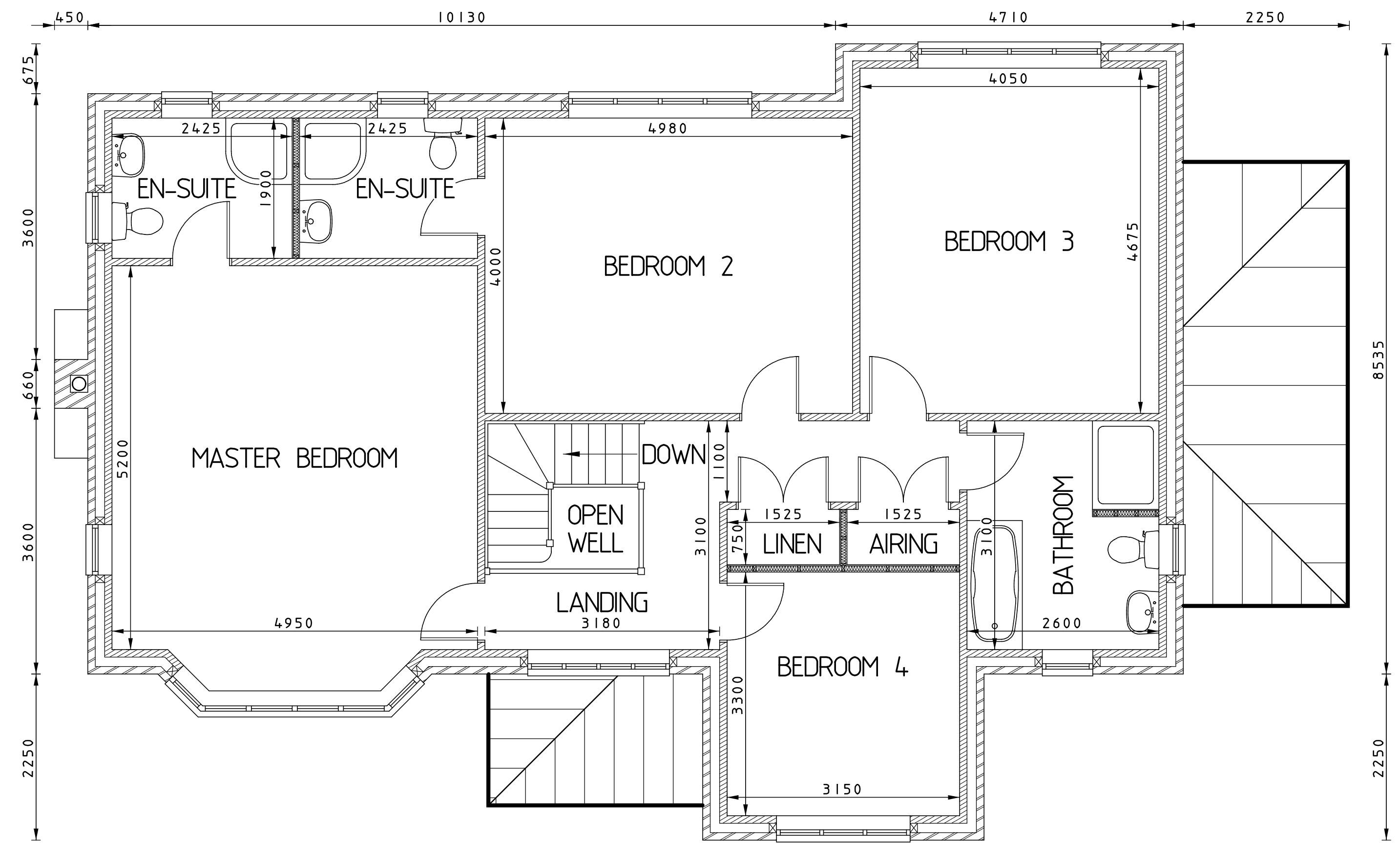
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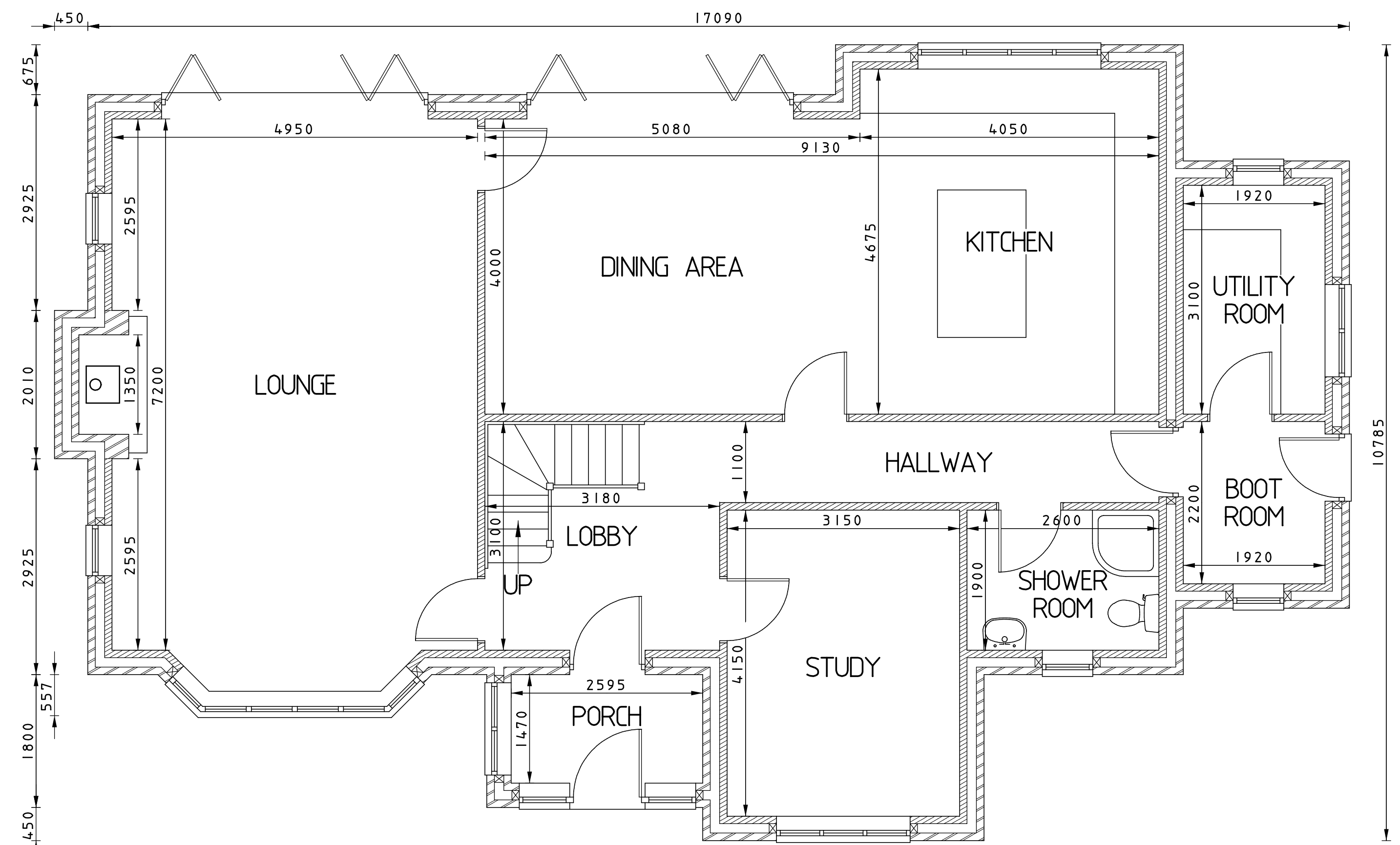
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PROPOSED EAST ELEVATION Scale 1:50



PROPOSED FIRST FLOOR LAYOUT PLAN Scale 1:50



PROPOSED GROUND FLOOR LAYOUT PLAN Scale 1:50

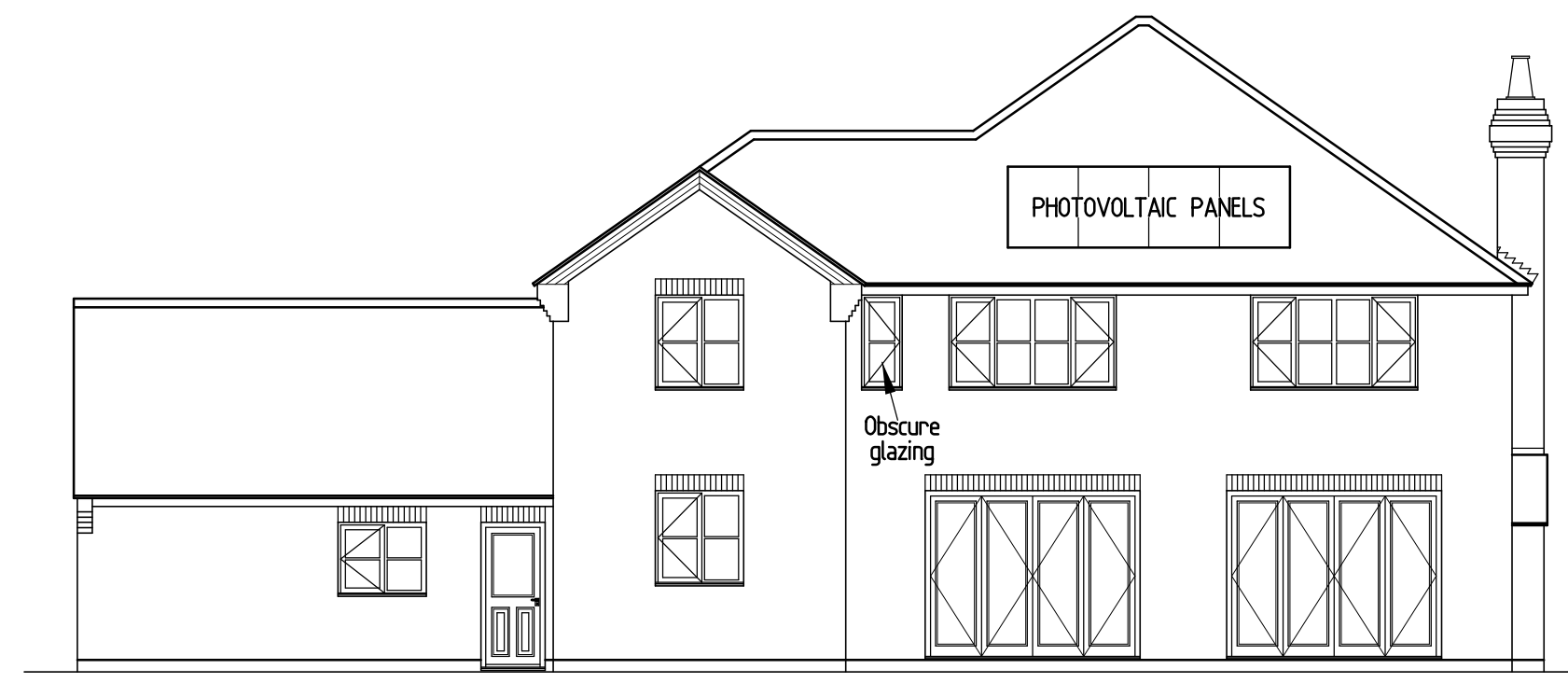
Revision A - Amendments required by validation  
 Revision B - Biodiversity assessment requirements added

Drawing Title:- ERECTION OF FOUR 2-STORY DWELLINGS WITH GARAGES ALONG WITH A PRIVATE SHARED ACCESS LAND NORTH OF EASTWOOD HALL, MARCH ROAD, WIMBINGTON PLOT 1 PROPOSED HOUSE DESIGN			
Client:- Mr and Mrs M BUTCHER, 9 BRIDGE LANE, WIMBINGTON, MARCH, PE15 ORR			
Scale:- AS SHOWN	Date:- December 2021	Drawing No:- CAD 555 / 3	Rev:- B

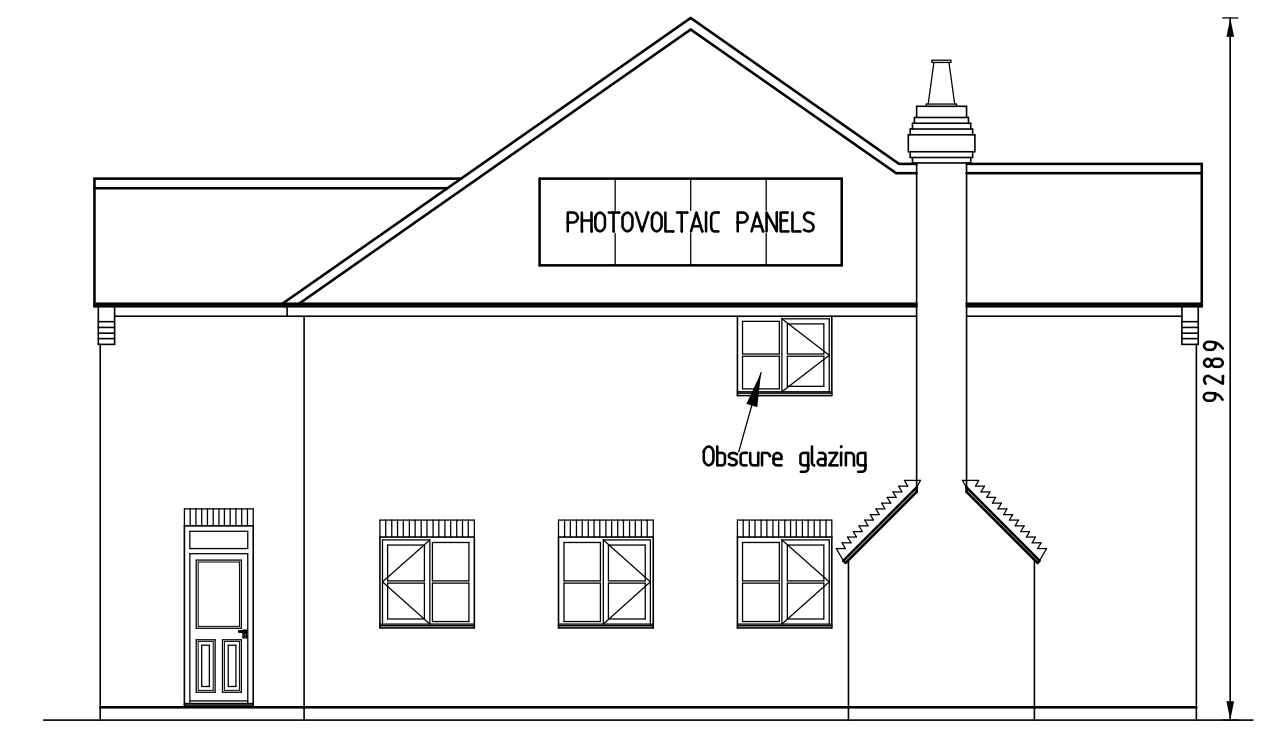
**Craig Brand** Architectural & Highway Design.  
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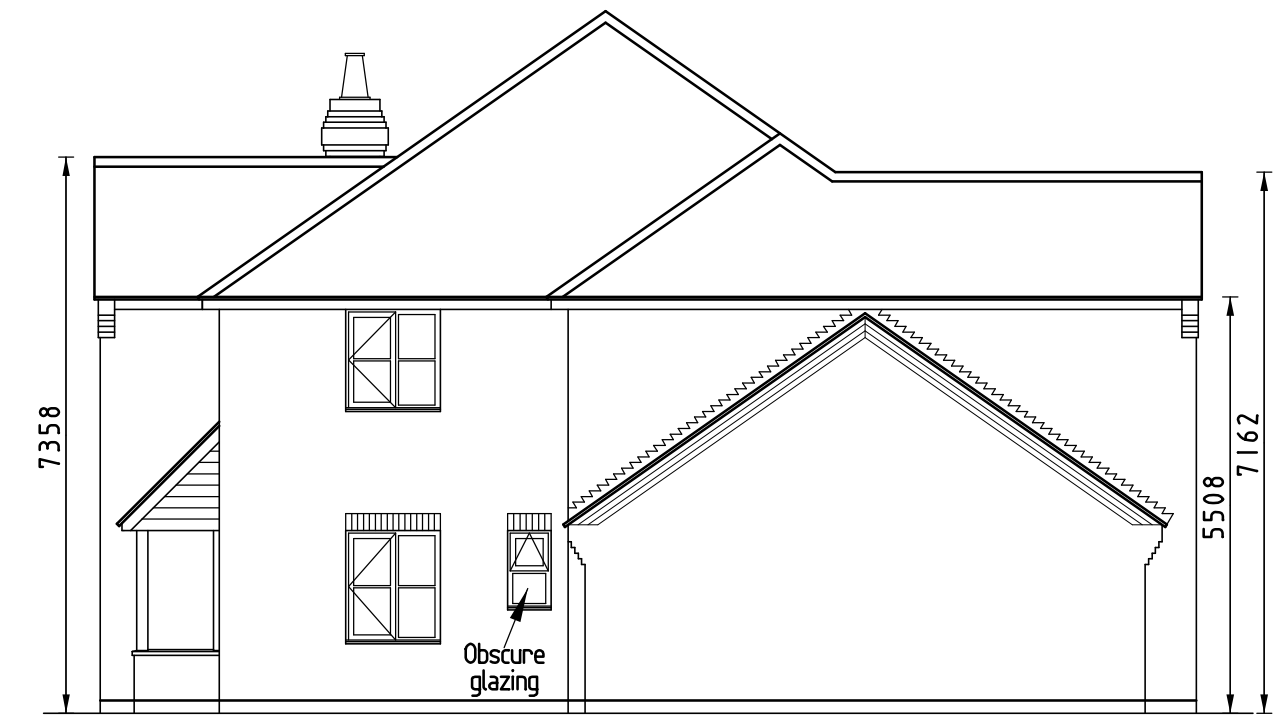
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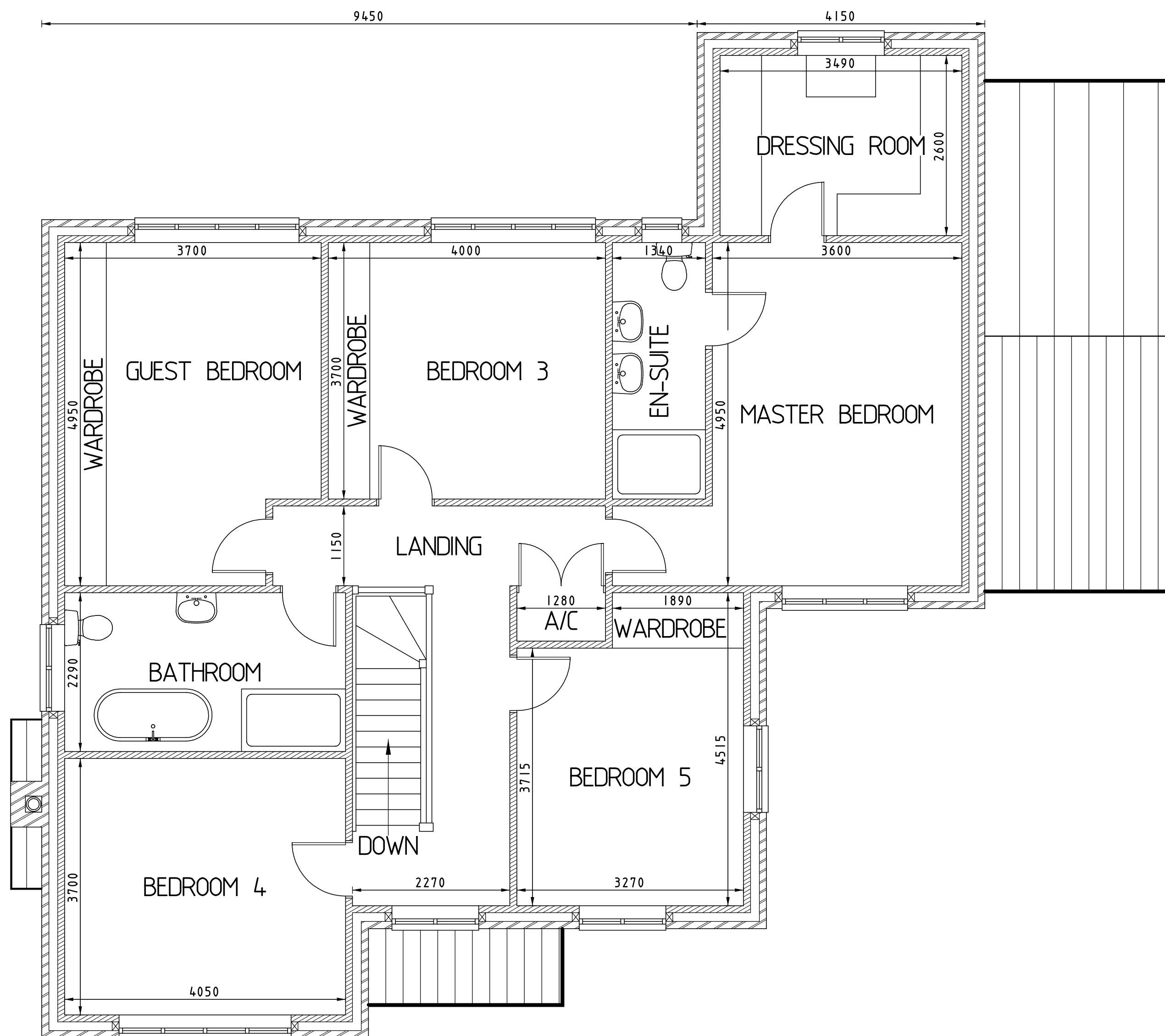
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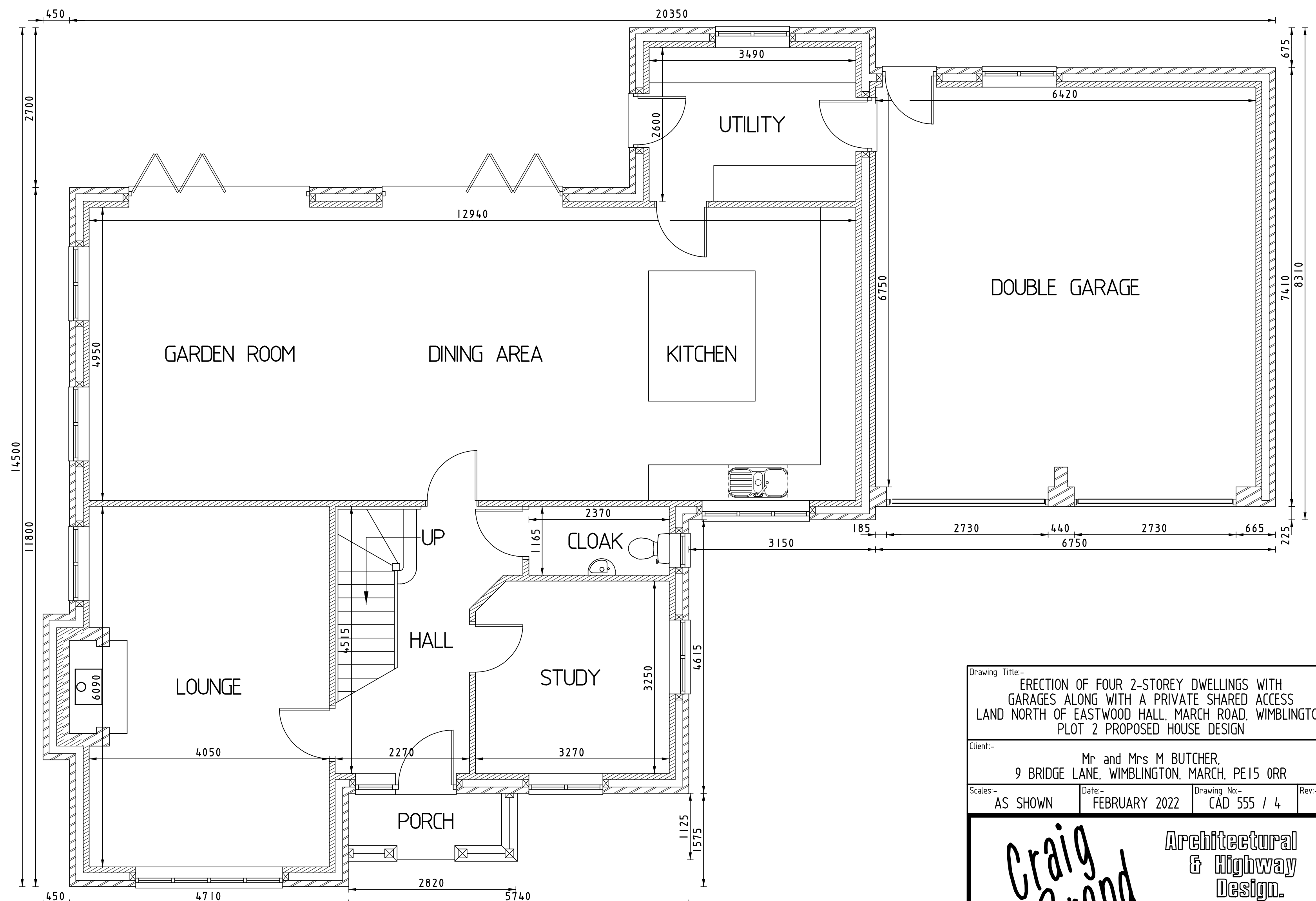
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PROPOSED NORTH ELEVATION Scale 1:100



PROPOSED FIRST FLOOR LAYOUT PLAN Scale 1:50



PROPOSED GROUND FLOOR LAYOUT PLAN Scale 1:50

Drawing Title:-  
ERECTION OF FOUR 2-STORY DWELLINGS WITH  
GARAGES ALONG WITH A PRIVATE SHARED ACCESS  
LAND NORTH OF EASTWOOD HALL, MARCH ROAD, WIMBLINGTON  
PLOT 2 PROPOSED HOUSE DESIGN

Client:-  
Mr and Mrs M BUTCHER,  
9 BRIDGE LANE, WIMBLINGTON, MARCH, PE15 0RR

Scales:- AS SHOWN Date:- FEBRUARY 2022 Drawing No:- CAD 555 / 4 Rev:-

**Craig Brand**

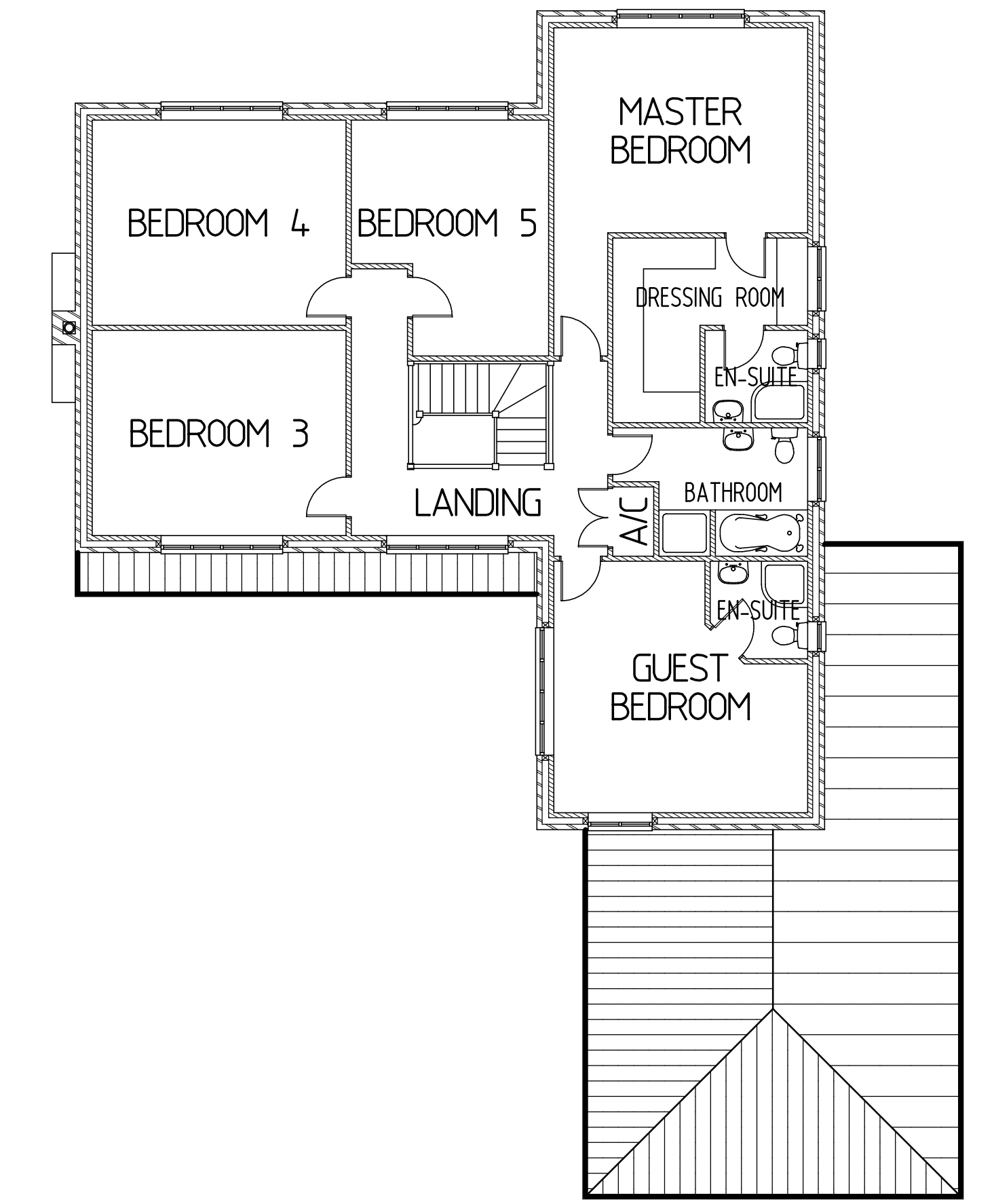
**Architectural  
& Highway  
Design.**

9 Cricketers Close,  
MARCH, PE15 9RU.  
Tel: (01354) 656977.





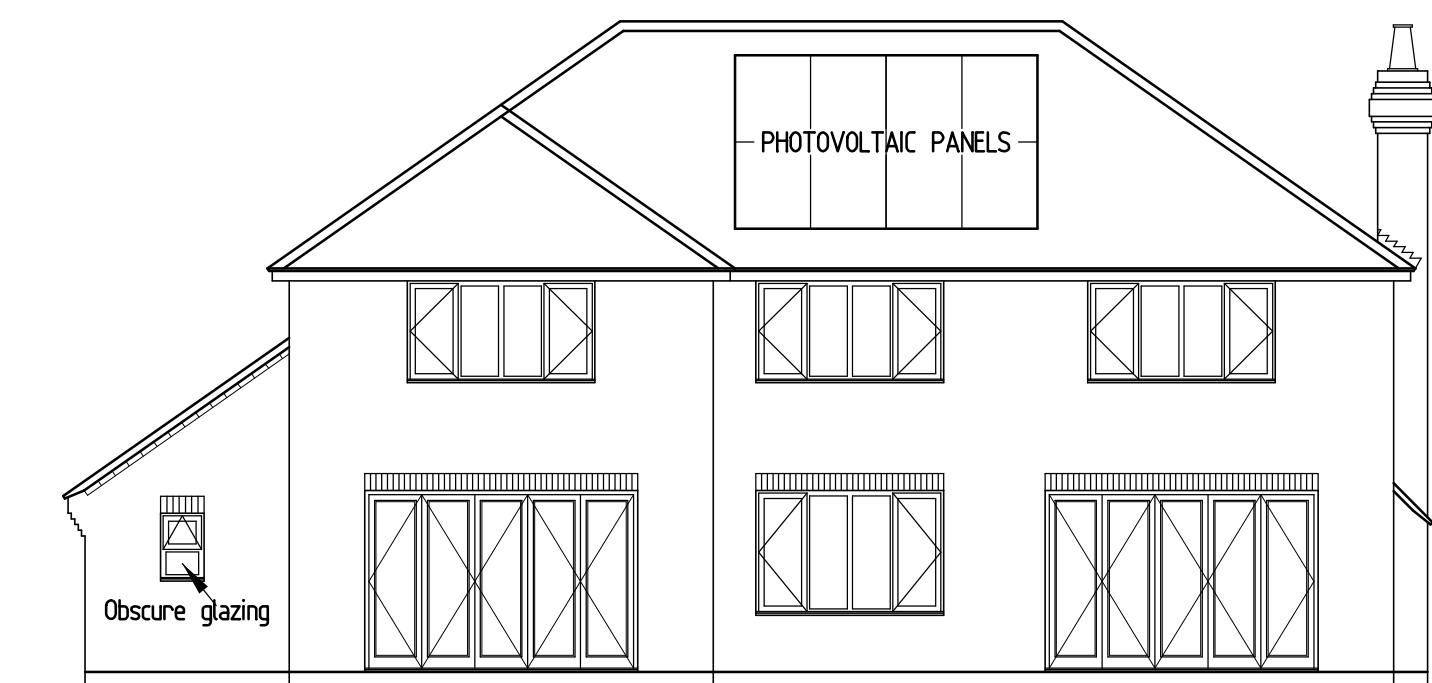
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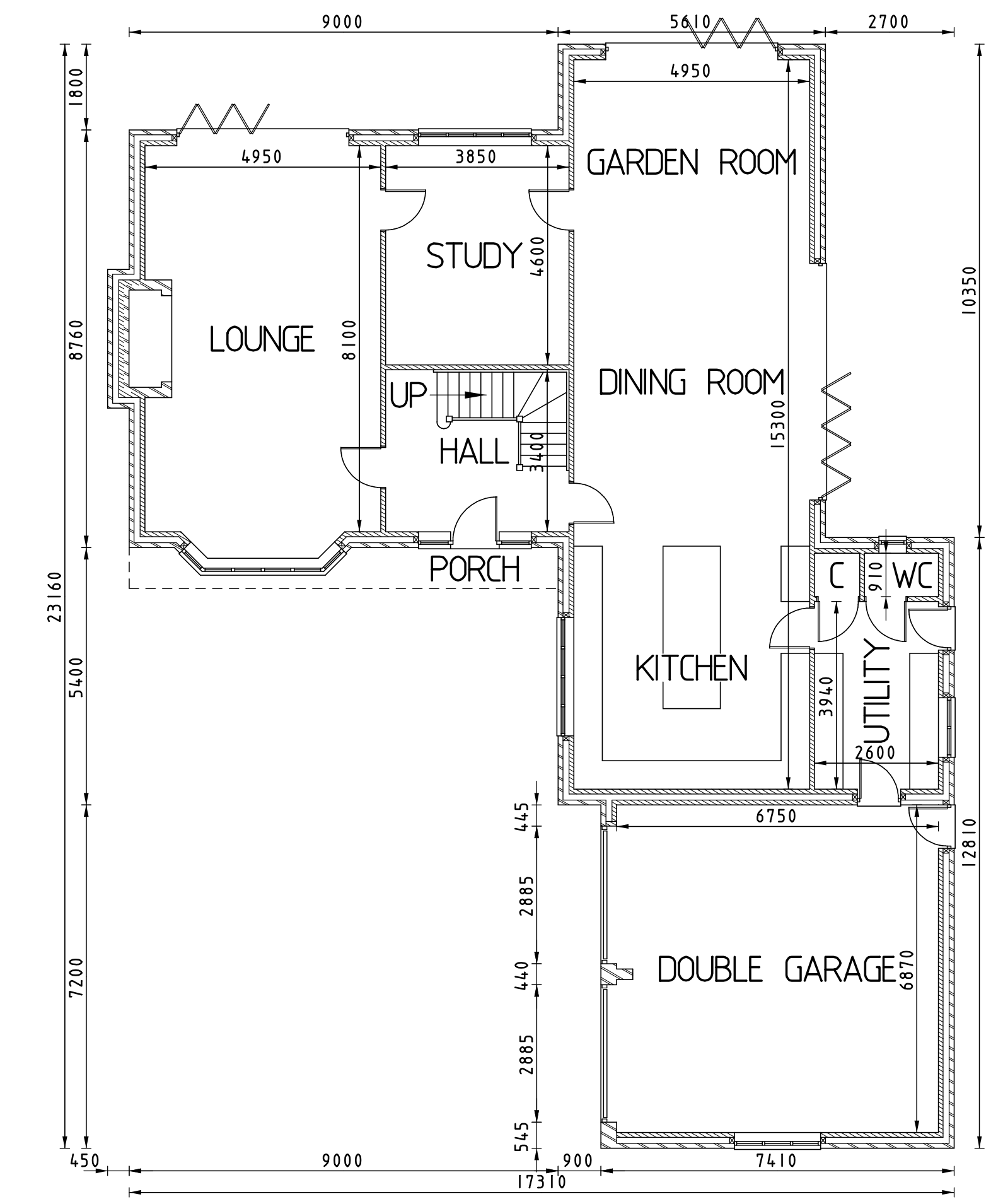
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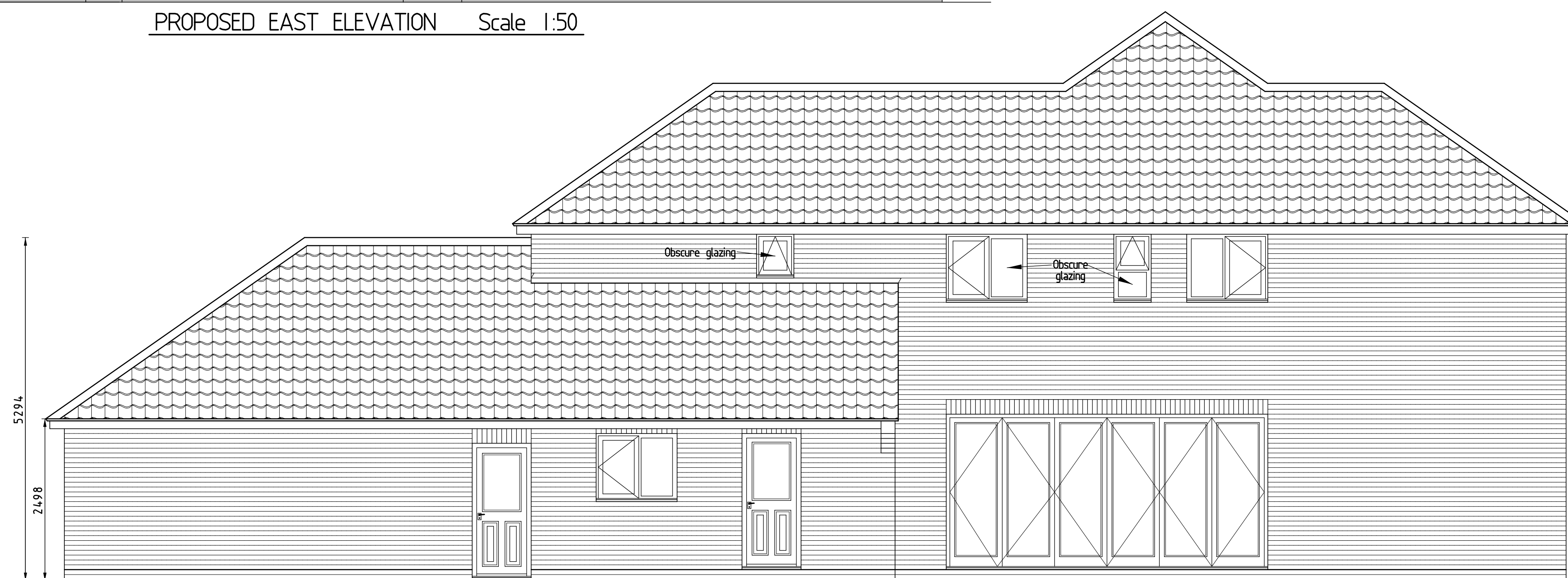
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GROUND FLOOR LAYOUT PLAN Scale 1:100



PROPOSED NORTH ELEVATION Scale 1:50

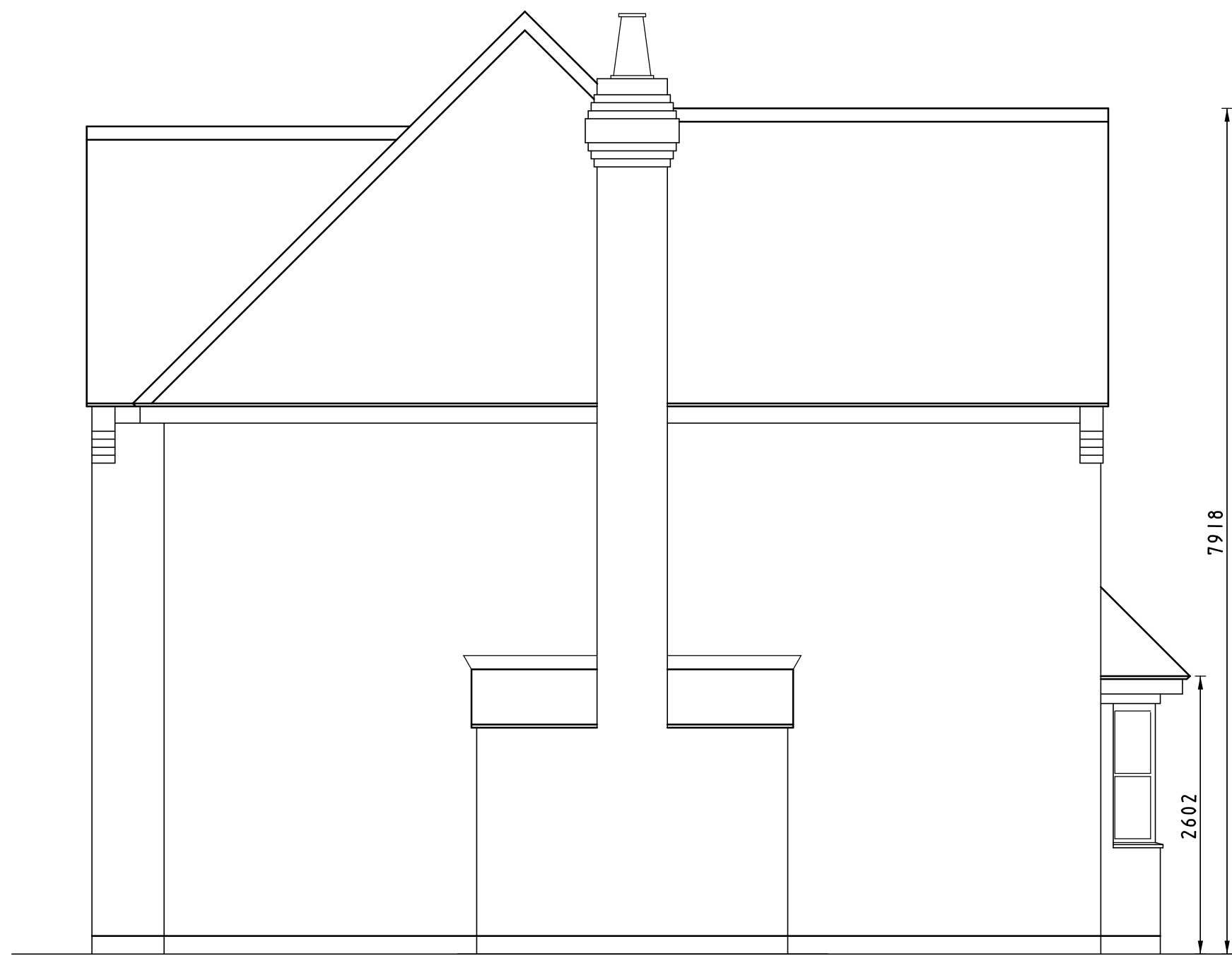
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ERECTION OF FOUR 2-STORY DWELLINGS WITH  
GARAGES ALONG WITH A PRIVATE SHARED ACCESS  
LAND NORTH OF EASTWOOD HALL, MARCH ROAD, WIMBINGTON  
PLOT 3 PROPOSED HOUSE DESIGN

Client:-  
Mr and Mrs M BUTCHER,  
9 BRIDGE LANE, WIMBINGTON, MARCH, PE15 ORR

Scales:- AS SHOWN Date:- FEBRUARY 2022 Drawing No:- CAD 555 / 5 Rev:-

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MARCH, PE15 9RU,  
Tel: (01354) 656977.



PROPOSED SOUTH ELEVATION Scale 1:50



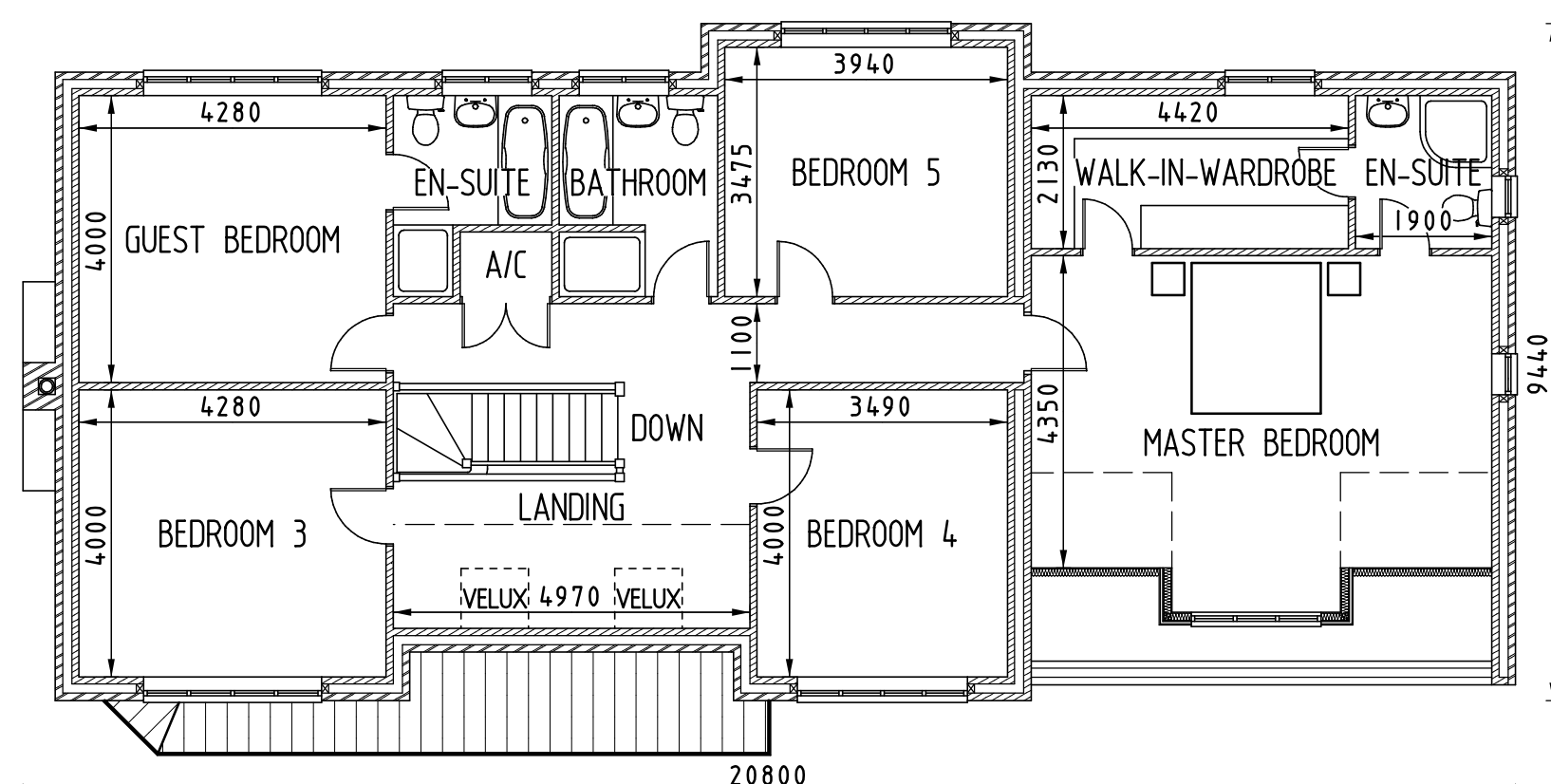
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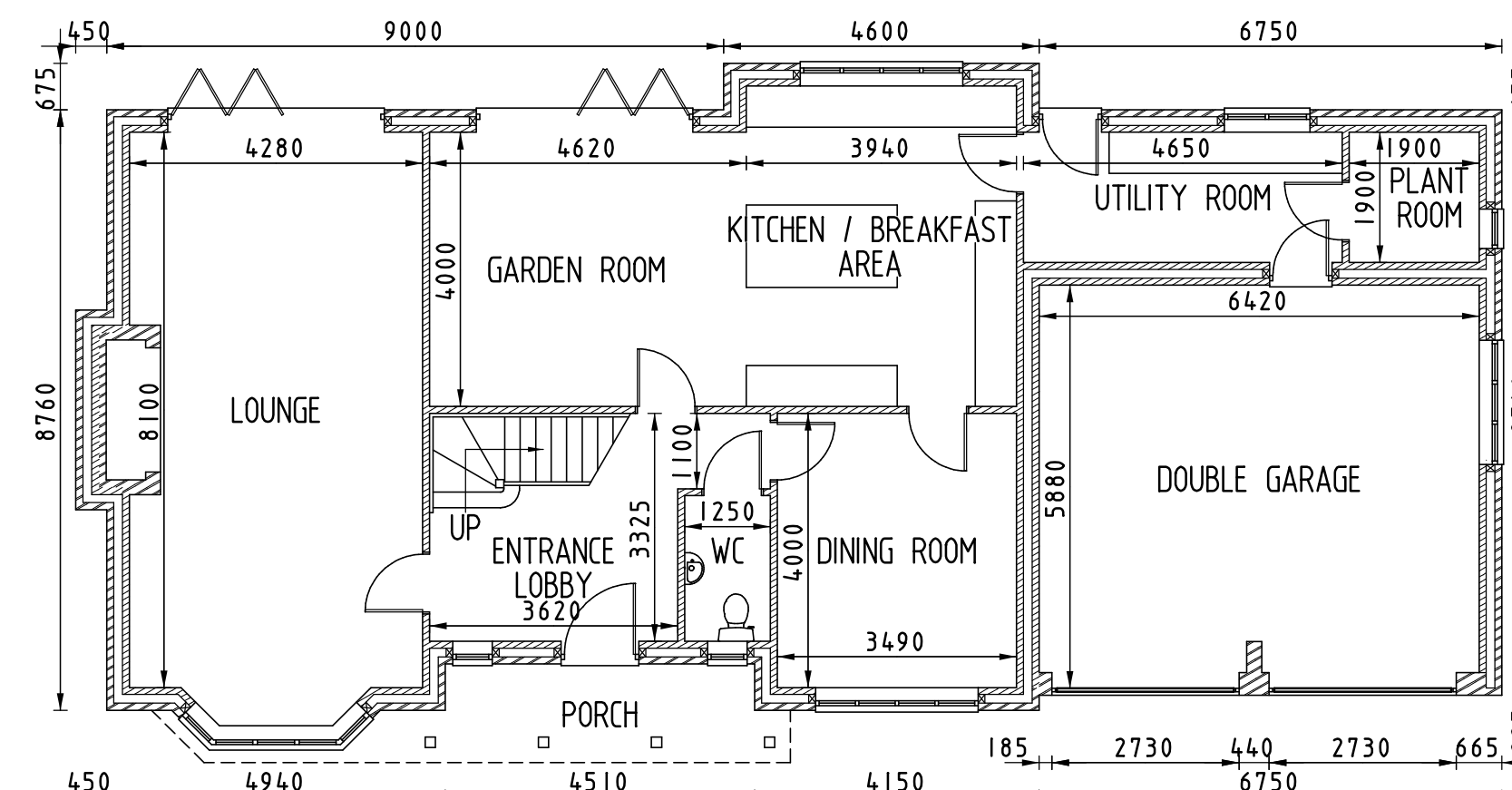
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PROPOSED EAST ELEVATION Scale 1:50



PROPOSED FIRST FLOOR LAYOUT PLAN Scale 1:100



PROPOSED GROUND FLOOR LAYOUT PLAN Scale 1:100

Drawing Title:- ERECTION OF FOUR 2-STORY DWELLINGS WITH GARAGES ALONG WITH A PRIVATE SHARED ACCESS LAND NORTH OF EASTWOOD HALL, MARCH ROAD, WIMBINGTON PLOT 4 PROPOSED HOUSE DESIGN			
Client:- Mr and Mrs M BUTCHER, 9 BRIDGE LANE, WIMBINGTON, MARCH, PE15 ORR			
Scale:- AS SHOWN	Date:- FEBRUARY 2022	Drawing No:- CAD 555 / 6	Rev:-

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