

Applicant: Urban Developments
Peterborough Ltd

Agent : Ms Kate Wood
Eddisons Barker Storey Matthews

Land South Of 88, West Street, Chatteris, Cambridgeshire

Erect 22 x dwellings (4 x 2-storey 2-bed, 15 x 2-storey 3-bed & 3 x 2-storey 4-bed) with associated parking and landscaping, and the formation of attenuation ponds, involving the demolition of existing buildings

Officer recommendation: Refuse

Reason for Committee: Number of representations and Town Council comments contrary to officer recommendation, refer to Appendix A

1. EXECUTIVE SUMMARY

- 1.1 This application has previously been referred to the Planning Committee for determination on 24 August 2022 where it was agreed that the determination of the applications be deferred, only to seek clarification that the revised highway improvements are acceptable and achievable.
 - 1.2 Since this time, revised and additional information has been submitted to accompany the applications, namely works to West Street have been amended (including relocation of footpath, removal of traffic calming and width reduced to 5m) relevant plans and the drainage strategy amended as a result and tree and ecology statements submitted in relation to this. The design and siting of plot 1 has been amended and a construction management plan submitted.
 - 1.3 The additional information submitted does not alter or overcome the previously asserted failure to comply with the relevant policies and as such the conclusions and recommendations in Appendix A remain unchanged
- 1.4..Consequently, the recommendation is to refuse the application.

2. UPDATE

- 2.1 This application has previously been referred to the Planning Committee for determination on 24 August 2022 where it was agreed that the determination of the applications be deferred, only to seek clarification that the revised highway improvements are acceptable and achievable. Members did not support officer's recommendation of refusal for reasons 1 and 2 as they considered that the proposal would not adversely impact the area, with the issue of unallocated land being subjective and the proposal being no different to other developments that have been approved and mitigation measures can be implemented which will lessen the impact on 88 West Street. The original committee report is provided at Appendix A below for reference and should be read in conjunction with this report.

- 2.2 Since this time, revised and additional information has been submitted to accompany the applications, namely works to West Street have been amended (including relocation of footpath, removal of traffic calming and width reduced to 5m) relevant plans and the drainage strategy amended as a result and tree and ecology statements submitted in relation to this. The design and siting of plot 1 has been amended and a construction management plan submitted; further consultations have been undertaken as a result and comments received are as follows:

3. CONSULTATIONS

3.1 NHS

Thank you for consulting Cambridgeshire and Peterborough Integrated Care System (CAPICS) on the above planning application. I refer to the above planning application and advise that, further to a review of the applicants' submission, the following comments are with regard to the primary healthcare provision on behalf of CAPICS.

The proposed development is likely to have an impact on the services of the GP Practice operating within the vicinity of the application site George Clare Surgery. This practice has a registered patient list weighted list size of 12,114 and this development of 22 dwellings would see an increase patient pressure of 53 new residents which would require additional GP/Nurse / (Admin support) workforce to support increase in appointments : GP = 0.03 / Nurse = 0.02 and Admin = 0.05 with a resulting increase on estate demand of 3.62sqm net internal area.*

**Model evidence from Cambridge Analytics data*

A developer contribution will be required to mitigate the impacts of this proposal. CAPICS calculates the level of contribution required, in this instance to be £13,222.33. Payment should be made before the development commences. CAPICS therefore requests that this sum be secured through a planning obligation linked to any grant of planning permission, in the form of a Section 106 planning obligation.

In its capacity as the healthcare provider, CAPICS has identified that the development will give rise to a need for additional primary healthcare provision to mitigate impacts arising from the development. The capital required through developer contribution would form a proportion of the required funding for the provision of capacity to absorb the patient growth generated by this development. Assuming the above is considered in conjunction with the current application process, CAPICS would not wish to raise an objection to the proposed development. Otherwise, the Local Planning Authority may wish to review the development's sustainability if such impacts are not satisfactorily mitigated.

The terms set out above are those that CAPICS deem appropriate having regard to the formulated needs arising from the development. CAPICS are satisfied that the basis and value of the developer contribution sought is consistent with the policy and tests for imposing planning obligations set out in the NPPF.

3.2 Cambridgeshire County Council Highways

Advice was sought in relation to local resident comments:

I can confirm the highway encroachment along the frontage of no. 81. The first 3.5m (approximately) back from the carriageway edge is highway, meaning the public have a right to pass and repass over the land. It is not possible to claim adverse possession of the highway so to put it bluntly, once a highway, always a highway unless formally stopped up.

The property boundary will therefore need to be moved to facilitate the highway works, should they be permitted. Encroachment is a matter for the County's enforcement team, but they are extremely busy and must deal with matters in order of urgency. In reality, the encroachment will be addressed as part of any S278 process.

Regarding the turning area outside no. 84. This would be replaced by turning heads within the development. The neighbour concern regarding loss of turning could be dealt with by a condition stating that turning provision (as per approved plans) must be constructed and made available for use, prior to first occupation of the site. If this isn't acceptable to the applicant, space is available for a turning head midway along the access road.

3.3 Cambridgeshire County Council Highways

The access proposals along West Street, as shown on the drawing 21159-100 Revision P3, are acceptable in principle. The applicant has re-positioned the proposed footway to the east side of the carriageway where it can be constructed within near level highway verge, thus avoiding the constraint of existing property accesses on the west side and associated level differences.

The applicant has also indicated that the new carriageway and footway construction will be drained via gullies which connect into an AWS system. This is acceptable to the LHA, subject to Anglian Water acceptance. Should a new length of highway drain be required, it will need to be constructed within the carriageway and not offline as shown. However, this is a detail which can be addressed in agreements post planning.

Since previous correspondence, the applicant has contacted the Authority to enquire about the possibility of adopting unregistered land via Section 228 of the Highways Act 1980. The unregistered land is required to form the access beyond no. 88 West Street, and also part of the proposed residential parcels. However, as this land is already a highway (Byway), Section 228 cannot be utilised.

The Authority can only grant consent for works within the Highway but as the Byway (Chatteris no. 22) has no legally defined width, a Definitive Map Modification Order is first needed. A DMMO will provide an extent of the Byway, but the applicant has been advised that if CCC were to undertake a DMMO, based on current waiting lists this would reasonably take 2-3 years minimum and then the outcomes cannot be guaranteed. The applicant is in dialogue with CCC's Rights of Way team to progress the DMMO.

Until such time as the DMMO is complete, it is unclear if the access can be constructed within the extents of public highway or if third party (likely unregistered land) is also needed. The potential interaction between the S278 and S228 may be complex, and I cannot comment on its acceptable or viability until the DMMO is first complete. It is therefore possible that if the application were permitted, it would not be possible to implement the works or at least probable that they could not be carried out within a standard three-year time limit.

My recommendation is that determination of the application is deferred for the time being until more information is available.

The Construction Management Plan provided does not provide sufficient comfort that the highway will be safeguarded during construction. A copy of CCC's standard recommended construction traffic management plan will be provided separately for the applicant's consideration.

Otherwise, the layout is acceptable.

The applicant should however be aware that permeable paving on private drives is not considered an acceptable means of surface water drainage in isolation. Should the applicant wish for CCC to adopt the internal roads, where a private drive falls towards roads proposed for adoption, additional surface water interception is required e.g., channel drains or gullies.

Please read the above in consultation with the response from the County's Definitive Map Officer.

3.4 Cambridgeshire County Council Definitive Map Team

I am writing in response to the revised proposals on the above application to erect 22 x dwellings (4 x 2-storey 2-bed, 15 x 2-storey 3-bed & 3 x 2-storey 4-bed) with associated parking and landscaping, and the formation of attenuation ponds, involving the demolition of existing buildings | Land South Of 88 West Street Chatteris Cambridgeshire.

This definitive Map Team previously responded to this application before revisions, on the 15th of July, 2022.

The proposed site contains Public Byway No. 22, Chatteris running through the west-side which is proposed to provide vehicular access. Also Public Footpath 4, Chatteris, runs along the southern boundary of the site. To view the location of the footpath please view our interactive map online, which can be found at [My Cambridgeshire](#).

The proposed site also contains the incentive to construct a new public footpath to the west of the site, starting north from Public Footpath 4, Chatteris, and running to the access road to plots 1-11.

Cambridge County Council does not seek to take this on as a public footpath, as it does not benefit the public sufficiently to pass the threshold of Cambridgeshire County Council's Non-motorised User adoption criteria. The path does not add to any missing link to a wider network, and whilst it does create a circular path, It would be of service to only a small number of residents, which does not make it viable to be maintained at CCC's expense.

- *West Street Chatteris is a Byway (Chatteris no. 22) and as such we cannot enter into a Section 228 for something which is already highway.*
- *Usually, once planning permission is granted, you would enter into a Section 278 Agreement to make any alterations to the highway. However, because Byway 22 does not have a legally defined or recorded width, in absence of a defined extent, such an Agreement cannot proceed.*
- *Therefore, you will need to apply for a Definitive Map Modification Order (DMMO). Due to the backlog of applications, this is forecast to take a minimum of 2-3 years from the date that an application is received.*

- Once the DMMO is complete and a boundary established, it could be possible to enter into a S278 Agreement for the works within the boundary only. If the boundary is not the full available width, we cannot permit works outside the Byway.
- Any such works outside the Byway extent would be at your own risk, which may lead to further discussion about the of S228 with Highways Development.
- The developer will need to obtain consent from the owner of the subsoil underneath the byway to satisfy CCC that they have appropriate legal authority to undertake works below the existing depth of the highway.

Boundary Treatment Plan 6343/PL08F shows proposed fencing along the southern border of the site running adjacent to Public Footpath 4, Chatteris. Where fencing is proposed adjacent to a Public Right of Way, we consider this by reference to the County Council's guidance which can be found in 'Public Rights of Way' – Guidance for Planners and Developers' at www.cambridgeshire.gov.uk/definitivemap. Where a fence is proposed adjacent to a Prow, the Highway Authority would require an offset distance of 0.5 metres. This requirement is to ensure the Highway Authority can access the public footpath with appropriate machinery and to ensure that any future hedge or natural vegetation growth does not encroach on the public's ability to use the public footpath.

Whilst the definitive Map Team has no objection to this proposal, should you be minded to grant planning permission then we would be grateful if the following informatives are included:

- Public Byway 22, and public footpath 4, Chatteris must remain open and unobstructed at all times. Building materials must not be stored on Public Rights of Way and contractors' vehicles must not be parked on it (it is an offence under s 137 of the Highways Act 1980 to obstruct a public Highway).*
- No alteration to the surface of the Public Byway or Public Footpath is permitted without our consent (it is an offence to damage the surface of a public footpath under s 1 of the Criminal Damage Act 1971).*
- Landowners are reminded that it is their responsibility to maintain boundaries, including trees, hedges and fences adjacent to Public Rights of way, and that any transfer of land should account for any such boundaries (s154 Highways Act 1980).*
- The granting of planning permission does not entitle a developer to obstruct a Public Right of Way (Circular 1/09 para 7.1).*
- Members of the public on foot, horseback and pedal cycle have the dominant right of passage along the public byway; private vehicular users must 'give way' to them*
- The applicant will be required to meet the costs of any new or amended signage that may be required as a result of any legal changes to the Public Rights of Way network.*
- The Highways Authority has a duty to maintain Public Rights of Way in such a state as to be suitable for its intended use. (S41 Highways Act 1980 and S66 Wildlife & Countryside Act 1981). If the surface of the footpath is damaged as a result of increased motorised vehicle usage, the Highways Authority is only liable to maintain it to a footpath standard. Those with*

private vehicular rights will therefore be liable for making good the surface of the Public Right of Way.

- *Furthermore, the applicant may be required to temporarily close public rights of way whilst construction work is ongoing. Temporary Traffic Regulation Orders (TTROs) are processed by the County Council's Street Works Team and further information regarding this can be found on the County Council's website at <https://www.cambridgeshire.gov.uk/residents/travel-roads-and-parking/roads-and-pathways/highway-licences-and-permits/>*

3.6 Anglian Water

We have reviewed the submitted documents and we can confirm we have no additional comments to add to our previous response PLN-0145004.

3.7 Cambridgeshire Fire and Rescue

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

The position of fire hydrants are generally agreed upon when the Water Authority submits plans to:

*Water & Planning Manager
Community Fire Safety Group
Hinchinbrooke Cottage
Brampton Road
Huntingdon
Cambs
PE29 2NA*

Where a Section 106 agreement or a planning condition has been secured, the cost of Fire Hydrants will be recovered from the developer.

The number and location of Fire Hydrants will be determined following Risk Assessment and with reference to guidance contained within the "National Guidance Document on the Provision of Water for Fire Fighting" 3rd Edition, published January 2007.

Access and facilities for the Fire Service should also be provided in accordance with the Building Regulations Approved Document B5 Vehicle Access. Dwellings Section 13 and/or Vol 2. Buildings other than dwellings Section 15 Vehicle Access.

If there are any buildings on the development that are over 11 metres in height (excluding blocks of flats) not fitted with fire mains, then aerial (high reach) appliance access is required, the details of which can be found in the attached document.

I trust you feel this is reasonable and apply our request to any consent given.

3.8 Wildlife Officer (FDC)

Recommendations:

No further recommendations in addition to those given on the 9th of May 2022

Assessment/Comment:

After considering the modifications to the proposal and the additional Ecological Impact Statement I do not have any additional conditions to add to those given on the 9th of May.

I do note however that compensations and mitigations made within the Preliminary Ecological Appraisal and the EcIS have not been included within the landscaping documentation and that no updated landscaping documentation has been submitted with this revision.

The Landscaping documentation will need to be updated to account for the new hedging and reptile hibernacula recommended within the EcIS.

3.9 Arboricultural Officer (FDC)

I have reviewed the arboricultural report submitted in support of the changes to the location of the footpath and agree with the assessment and conclusions.

The use of a no-dig construction, as shown in Appendix 1 of the report and use of a porous wearing surface would have minimal impact on the root systems of the trees.

The verge will need to be protected from compaction damage by the use of fencing and/or ground protection.

The preparation and construction of the no-dig footpath will require arboricultural supervision to ensure the methodology is adhered to.

3.10 Designing Out Crime Team

Gate - Plot 21 – Please confirm if there will be a gate at the entrance to the side footpath. This gate will need to be lockable from both sides and be positioned as close to the front building line as possible.

Cycle Storage – will any of the plots without a garage be provided with cycle storage, such as a shed in the rear garden.

3.11 Environmental Health (FDC)

I note the submission of the Eddisons Construction Management Plan (CMP) which states the following associated with noise:

“No construction work or deliveries to take place outside the hours 0730 to 1900 Monday to Fridays and 0800 to 1300 on Saturdays and at no times on Sundays or Bank Holidays without prior agreement of Local Planning Authority”

This deviates from the following comments provided by this service on 9th May 2022;

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

No construction or demolition 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.

Reason – To protect the amenity of nearby residents

Given the scale of the development and reasoning mentioned, I believe an 08:00hrs start and 18:00hrs finish Monday to Friday is suitable and sufficient and do not accept the timings proposed in the CMP, which increase the risk of adversely impacting on the amenity of the nearest residential properties. I therefore welcome a resubmission that is in line with the times previously recommended by this service.

I would also recommend that a form of water suppression is available for prolonged dry conditions to reduce dust emissions (e.g. mobile bowsers or fixed sprayers as appropriate). A water suppression contingency plan should be included detailing water supply to site and what equipment will be kept available (e.g. number and size of bowsers, sprinklers, mist canons etc.)

3.12 Town Council

Chatteris Town Council continues to support the application.

3.13 Environment Agency

Thank you for your consultation dated 06 October 2022. We have reviewed the newly submitted documents and have no objection. The comments in our previous letter dated 13 May 2022 and referenced AC/2022/131047/01-L01 remain valid.

3.14 Cambridgeshire County Council Lead Local Flood Authority

By way of background, at the time when the Committee considered the application originally the submitted surface water proposal was acceptable to the LLFA. As a consequence of revisions to the scheme since the committee meeting the surface water proposal also changed. At this moment in time there is an LLFA objection as follows (but the LLFA are currently reviewing a further revision to the surface water proposal and an update will be given at the meeting):

1. Basin Details

Within the most recent drainage layout for the site, it appears that the adoptable basin has been altered in size and appearance. These changes may negatively impact the capacity of the basin, and therefore the performance of the drainage system. This altered capacity may increase the flood risk within the development. Due to this potential increase in flood risk, the LLFA requires that up-to-date details of the basin are supplied. Hydraulic calculations are also required that reflect the design of the drainage system with this updated basin size.

Hydraulic calculations should demonstrate the performance of the drainage system with regards to discharge rates, attenuation volumes, and peak discharge volumes for rainfall events up to and including the 1% AEP event +40% climate change. There should be no surcharging in the 100% AEP storm and no water outside the system within the 3.3% AEP storm event. If there is any exceedance within the 1% AEP storm + 40% allowance for climate change, this must be managed within the red line boundary without increasing the risk of flooding to any surrounding land or property. Finished floor levels of any properties near exceedance routes should be raised to 300mm above surrounding ground levels to protect them from internal flooding.

Informatives

Shared Access

According to the drainage strategy, surface water runoff from proposed dwellings will be conveyed via pipes that cross through the curtilage of other plots. This would result in these pipes having multiple shared owners, which could have negative implications for access to the pipe for maintenance or repair. For example, if the pipe that serves one property is damaged, but the section of damaged pipe is located within the boundary of the adjacent dwelling, issues may then arise if the owner of the property cannot grant permission for access. This could lead to increased flood risk to any properties relying on this maintenance to ensure their plot drains. The applicant should consider alternative locations of drainage features where possible.

IDB Consent

Part or all of your proposed development area falls within the Middle Level Commissioners (MLC) catchment and that of Warboys Somersham & Pidley IDB whose consents are managed by the MLC. All increased discharges proposed to enter watercourses directly or indirectly or any works affecting watercourses or access to or along them for maintenance if the site is within the Board's district will require MLC/IDB consent. It is therefore recommended that you contact the IDB/MLC to discuss their requirements. Further information is available at:

<https://middlelevel.gov.uk/>

Pollution Control

Surface water and groundwater bodies are highly vulnerable to pollution and the impact of construction activities. It is essential that the risk of pollution (particularly during the construction phase) is considered and mitigated appropriately. It is important to remember that flow within the watercourse is likely to vary by season and it could be dry at certain times throughout the year. Dry watercourses should not be overlooked as these watercourses may flow or even flood following heavy rainfall.

A verbal update will be given at the committee meeting.

3.15 Local Residents/Interested Parties

3 objections have been received (all from Fairview Avenue, Chatteris), in relation to the following:

- Chatteris currently has inadequate infrastructure (doctors etc)
- Surrounding streets are narrow and blocked by parked cars
- Local people would not be able to afford dwellings
- Site is home to wildlife and should be protected

- The existing company on site do not wish to move, will only do so if the application is approved and do not currently have another premises
- The site falls within Middle Level Commissioners catchment, however no comments have been received.
- There is a passing area on West Street outside No.s 84 and 86 and the tarmac area is over 7m, the proposal is for a 5m wide road and 1.8m high footpath, the latest solution continues to be impractical and potentially dangerous.
- Neither the current or emerging local plan identify the area for housing development
- The revised plan still shows a query over potential highway encroachment at the boundary of 81 West Street
- The requested landscaping document remains outstanding

4. POLICY FRAMEWORK

Emerging Local Plan

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

- LP1 – Settlement Hierarchy
- LP2 – Spatial Strategy for the Location of Residential Development
- LP5 – Health and Wellbeing
- LP7 – Design
- LP8 – Amenity Provision
- LP11 – Community Safety
- LP12 – Meeting Housing Needs
- LP18 – Development in the Countryside
- LP20 – Accessibility and Transport
- LP22 – Parking Provision
- LP24 – Natural Environment
- LP27 – Trees and Planting
- LP28 – Landscape
- LP31 – Open Space and Recreational Facilities
- LP32 – Flood and Water Management
- LP33 – Development on land affected by contamination
- LP46 – Residential site allocations in Chatteris

5. ASSESSMENT AND CONCLUSIONS

Principle of Development

- 5.1 Since the application was last referred to Planning Committee the Draft Fenland Local Plan (2022) was published for consultation. Whilst the policies of the emerging local plan carry extremely limited weight in decision making:

Policy LP1, Part A identifies Chatteris as a Market Town; 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. LP46 defines residential site allocations in Chatteris, this site does not have such an

allocation. As such, the principle of development is not supported by the emerging local plan.

Employment

- 5.2 Information submitted with the application in relation to the relocation of the existing business has been queried by local residents. In response, further details have been provided which state that the buildings are in a poor, unsafe condition, contain asbestos and now unsuitable for further use. It is also advised that D & M Engineering would benefit from the sale of the site with new, safer premises. It remains that on balance, the redevelopment of this area of the site for housing may be appropriate.

Plots 1-3

- 5.3 The design and siting of plot 1 has been amended to reduce the overall height from 8.6m to 7.9m with windows set in the roof, and to reduce the height of the garage from 6.75m to 3.75m by amending the design to mono-pitched.
- 5.4 The dwelling on plot 1 has also been set back further within the site in line with the rear of 88 West Street and plots 2 and 3 have also been set back as a result.
- 5.5 Whilst it is acknowledged that the amendments to this plot does provide some transition between the existing single-storey dwelling at 88 West Street and the full 2-storey dwelling proposed on plot 2, this is not considered to mitigate the significant detrimental impact on the visual amenity and character of the area of introducing development at odds with the scale and density of the edge of settlement location.
- 5.6 The re-design of plot 1 is considered to reduce the impact on the conservatory serving 88 West Street, it is still acknowledged that the dwelling will experience additional overshadowing, loss of light and outlook. No additional information has been submitted in relation to alterations to land levels and as such insufficient information has been submitted to enable an assessment of the impact on No.88 from alterations to land levels and therefore the potential for overlooking and suitability of boundary treatments.
- 5.7 The revised siting has resulted in a slightly worsened relationship between plots 1-3 and 4-7 and necessitated a revision to the boundary treatments with plot 1/No.88, full details of which could be dealt with by way of a notwithstanding condition as was previously proposed.

Construction Management Plan (CMP)

- 5.8 Environmental Health do not accept the timings proposed in the CMP and also recommend a form of water suppression is incorporated.
- 5.9 The LHA has advised that the CMP does not provide sufficient comfort that the highway will be safeguarded during construction.
- 5.10 The applicant's agent has been made aware of these comments and has requested that the CMP is made the subject of a condition.

Developer Contributions

- 5.11 The applicant's agent has in her email of 23/9/2022 advised that they would anticipate that the contribution requested by the NHS would be incorporated into the Section 106 and on this basis, it is understood this is accepted.

Flood Risk and Drainage

- 5.12 The surface water drainage scheme was amended in relation to the adoptable basin which impacted on its capacity and therefore the performance of the drainage system, which may increase the flood risk of the site and resulted in the Lead Local Flood Authority (LLFA) raising an objection on this basis.
- 5.13 Revised details have since been submitted and re-consulted upon; it is understood that in principle the LLFA can remove their objection, however, to date a full consultation response has not been received. Updated LLFA comments will be made available by way of an update to the Committee.

Highways

- 5.14 Cambridgeshire County Council Definitive Map Team have confirmed that their records show the Byway to be used for the upgraded access to the site does not have a legally defined width, and that this stance would remain until such time that a Definitive Map Modification Order (DMMO) investigation for the route is completed (which may take 2-3 years due to current waiting lists).
- 5.15 The LHA advise that the access proposals along West Street are acceptable in principle. However, state that until a DMMO is complete it is unclear if the access can be constructed within the extents of public highway, or if third party land is also needed and that the legislative requirements are complex, and as such they cannot comment on acceptability until a DMMO has been completed.
- 5.16 Hence, at this stage, and whilst acknowledging that land ownership issues are not ordinarily planning considerations, it has not been demonstrated that an acceptable access to the site can be secured. It is also not considered reasonable to impose a condition in this regard, given that that the timescales may not be achievable during the life of a permission. Such a condition would need to be pre-commencement, to ensure that development is not undertaken without an adequate access being secured.
- 5.17 Other highways issues that have been raised are in respect of the extent of the highway alongside 81 West Street and the loss of the turning area opposite 86 West Street. The LHA have confirmed that the highway does extend in front of No.81 and as such there are no issues regarding a footpath in this location. They have also advised that the turning area would be replaced by the turning within the development, and that this, and the timescale for its implementation could be secured by way of a condition. It is acknowledged that there may be disruption for a limited period during construction however interim measures could be secured by condition should the application be successful.

Trees and Ecology

- 5.18 The application has been accompanied by an Ecological Impact Statement in relation to the revised works to West Street and impact thereon. The Wildlife Officer has reviewed the information submitted and has no additional recommendations, as whilst it is acknowledged that the compensations and mitigations indicated have not been incorporated within the submitted details, these would be achieved by the conditions previously recommended.
- 5.19 The Council's Arboricultural Officer has reviewed the arboricultural report submitted in relation to the changes to the location of the footpath and agrees

with the assessment and conclusions. Recommendations made can be secured by way of condition.

Conclusion

- 5.20 The additional information submitted does not alter or overcome the previously asserted failure to comply with the relevant policies and as such the conclusions and recommendations in Appendix A remain unchanged and, notwithstanding the view expressed by Members previously, the Officer recommendation for refusal on these grounds remains.

6. RECOMMENDATION

Whilst noting that Planning Committee did not accept refusal reasons 1, and 2 Officers have included them (in slightly amended form) in order to be consistent with our previous recommendation.

Refuse for the following reasons:

1.	Policy LP16 (d) of the Fenland Local Plan 2014, DM3 of the Delivering and Protecting High Quality Environments SPD 2014 and paras 124(d) and 130 of the NPPF 2021 seek to ensure that developments make a positive contribution to the local distinctiveness and character of the area, responding to the local built environment and do not adversely impact on the streetscene, settlement pattern or landscape character of the surrounding area.
	The site is considered to have a rural character which relates more to the surrounding countryside than the built-up form of development. The dense, estate type development as proposed is not considered to respect the form and character of the area and would result in an in-depth encroachment into the open countryside. Furthermore, the scale of the dwellings proposed and juxtaposition with the existing single-storey dwellings is considered to have a significant detrimental impact on the visual amenity and character of the area and insufficient information has been submitted to assess the height of the development in relation to Fairview Avenue. As such, the proposal is contrary to the aforementioned policies.
2	Policy LP2 and LP16 of the Fenland Local Plan 2014 and para 130 of the NPPF 2021 seek to promote high levels of residential amenity and ensure developments do not have an adverse impact on neighbouring users.
	Insufficient information has been submitted to enable the impact of the proposed development, in relation to alterations to land levels, on the residential amenity of 88 West Street to be assessed. As such it has not been demonstrated that there would not be a significant detrimental impact, contrary to the aforementioned policies.
3	Policy LP2 and LP15 of the Fenland Local Plan 2014 and para 110 of the NPPF 2021 which seek to achieve a safe, suitable and sustainable access for all users.
	The legal width of the Byway is unknown and as such there is no

	guarantee that it could be improved as indicated. As such, it has not been demonstrated that a well-designed, safe and sustainable access can be achieved, contrary to the aforementioned policies.
4	A surface water drainage reason for refusal will be presented verbally at committee if the LLFA confirms its continued objection to the scheme.

F/YR22/0381/F

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Peterborough Ltd**

**Agent : Ms Kate Wood
Eddisons Barker Storey Matthews**

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Officer recommendation: Refuse

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

1 EXECUTIVE SUMMARY

- 1.1 The application seeks full planning permission for 22 x 2-storey dwellings, works are proposed to upgrade West Street with a footpath being provided and a pedestrian link is also provided through the site. The development involves alterations to site levels (increasing up to 1.5m, whilst the access is slightly lower), the formation of attenuation ponds and the demolition of existing buildings.
- 1.2 There are no significant issues in relation to flood risk, drainage (for the development site, there are concerns regarding the West Street upgrade and potential impact of this) or ecology, subject to suitable conditions.
- 1.3 However, the dense, estate type development proposed is not considered to respect the rural form and character of the area and would result in an in-depth encroachment into the open countryside. Furthermore, the scale of the dwellings, in particular in relation to 88 West Street is considered to have a significant detrimental impact on the visual amenity and character of the area
- 1.4 There are no significant issues in relation to the residential amenity of future residents or the existing dwellings on Fairview Avenue. However, insufficient information has been submitted to enable the impact of the proposed development on the residential amenity of 88 West Street to be fully assessed. As such it has not been demonstrated that there would not be a significant detrimental impact.
- 1.5 Highways are content that the internal layout is acceptable, and the required parking provision is provided for each property. However, the scheme put forward in respect of the West Street upgrade cannot be feasibly delivered, and as such it has not been demonstrated that a well-designed, safe and sustainable access can be achieved.

- 1.6 The applicant's agent has informally agreed developer contributions, however it should be noted that these are far in excess of that which the Local Plan Viability Assessment sets out can be achieved in this area, as such there is potential for this to be reduced at a later date, on the grounds of viability. Therefore, without sufficient evidence, the acceptability of the development should not rely upon the provision of the planning gain put forward.

2 SITE DESCRIPTION

- 2.1 The application site is located on the western side of West Street, to the rear of the properties on Fairview Avenue, and is accessed via a Byway that links West Street and Blackmill Road, this then becomes a public footpath leading to Little Acre Fen Pocket Park and out of the town. The current access road is narrow, not in the best state of repair and partially unmade.
- 2.2 The site consists of 3 large commercial type buildings constructed in block and what appears to be asbestos with lean-tos linking the buildings, in front of which is a gravel and concrete hardstanding area and to the rear and side an area of informal storage. The remainder of the site is paddock type land which does not appear to be actively farmed and is used as an informal access to Little Acre Fen Drove, cutting off the corner (though it is acknowledged that this is private land). The site slopes down from east to west and there is a drain forming the western boundary of the site.
- 2.3 The eastern side of the site is located in Flood Zone 1, sloping west into Flood Zones 2 and 3

3 PROPOSAL

- 3.1 The application seeks full planning permission for 22 x 2-storey dwellings;
- 3.2 House Type A x 3 (Plots 1-3) are detached dwellings and measure 12.3m x 11.6m and 8.6m in height with accommodation comprising of lounge, kitchen/family/dining room, utility, study, WC and garage at ground floor and 4 bedrooms (1 with en-suite and dressing room) and bathroom at first floor level.
- 3.3 House Type B x 10 (Plots 4-11 and 18-19) are semi-detached dwellings and measure 12.45m x 10.8m and 9m in height with accommodation comprising lobby, lounge, kitchen/diner and WC at ground floor level and 3 bedrooms (1 with en-suite) and bathroom at first floor level for each unit.
- 3.4 House Type C x 3 (Plot 20-22) are terraced dwellings and measure 20.4m x 10m and 9m in height with accommodation comprising lounge, kitchen/diner and WC at ground floor level and 3 bedrooms (1 with en-suite) and bathroom at first floor level for each unit. The central terrace (Plot 21) has an access corridor through the building to the rear garden.
- 3.5 House Type D x 2 (Plots 16-17) are semi-detached dwellings and measure 12.1m x 10m and 9m in height with accommodation comprising lounge, kitchen/diner and WC at ground floor level and 3 bedrooms and bathroom at first floor level for each unit.
- 3.6 House Type E x 4 (Plots 12-15) are semi-detached dwellings and measure 10.8m x 9m and 9m in height with accommodation comprising lounge, kitchen/diner and

WC at ground floor level and 2 bedrooms and bathroom at first floor level for each unit.

Works are proposed to upgrade West Street from 81 West Street to the entrance to the site with a footpath being provided and a pedestrian link is also provided through the site.

- 3.7 The development involves alterations to site levels (increasing up to 1.5m, whilst the access is slightly lower), the formation of attenuation ponds and the demolition of existing buildings. A strip of land adjacent to the western edge of the site would be utilised as open space and the footpath link and attenuation ponds are located within this.
- 3.8 Full plans and associated documents for this application can be found at:

[F/YR22/0381/F | Erect 22 x dwellings \(2 x 2-storey 2-bed, 15 x 2-storey 3-bed & 3 x 2-storey 4-bed\) with associated parking and landscaping, and the formation of attenuation ponds, involving the demolition of existing buildings | Land South Of 88 West Street Chatteris Cambridgeshire \(fenland.gov.uk\)](#)

4 SITE PLANNING HISTORY AND BACKGROUND

- 4.1 There is no recent planning history on this site, however it has been the subject of pre-application enquiries (21/0078/PREAPP and 21/0120/PREAPP).
- 4.2 The former advised that the principle of estate type development would not be supported as it would not respect the form and character of the area and would result in an in depth encroachment into the open countryside. However, there was scope to redevelop the current commercial/brownfield site for further linear development. Comments were also provided in respect of site levels, layout, use of the Byway, flood risk and drainage, developer contributions, contamination and ecology.
- 4.3 The latter was to discuss detailed design matters as it was proposed to submit an application despite the previous pre-application advice.

5 CONSULTATIONS

5.1 Arboricultural Officer (FDC)

The application includes a proposed landscape scheme including mixed ornamentals for residential areas, mixed native hedging, wild flower areas and tree planting including both native and ornamental. The proposed species would provide a net increase in biodiversity.

The main concern would be potential damage to shrub/hedge belts on the east side of West Street from heavy plant/construction traffic.

Protection for existing verges where tree root systems are likely to be will be required and to protect from vehicles manoeuvring off the road onto growing areas.

The protection measures can be conditioned.

5.2 NHS Primary Care Team

I can confirm that Cambridgeshire and Peterborough CCG will not be requesting S106 mitigation from this development toward Primary Healthcare.

5.3 Refuse Team (FDC) (8/6/2022)

A swept path plan would be required to demonstrate that a refuse vehicle could access the site turn and leave the site in a forward direction. Application indicates that roadways will be adopted except the private access road which serves plots 4-7 therefore a shared bin collection point will be required.

In addition:

- *New residents will require notification of collection and storage details by the developer before moving in and the first collection takes place.*
- *Residents will need to present bin(s) on collection day at the boundary of their property where it meets the public highway*
- *Refuse and recycling bins will be required to be provided as an integral part of the development.*

5.4 Refuse Team (FDC) (6/7/2022)

Swept path plan provided and shared collection point included for plots 4-7 served by private access driveway so points previously raised have been addressed.

5.5 Cambridgeshire County Council Highways (3/8/2022)

Comments were received on 20/6/2022 and 28/6/2022 which have been superseded by those below:

Upon review of the highway works along West Street, as shown on the drawing 6343/PL01F, they appear unfeasible.

Specifically, the proposed 1.8m footway cannot be constructed on the west side of West Street due to the notable level difference between the highway and adjoining properties. Such a footway needs to be in crossfall towards the highway (otherwise highway water will drain to private land), meaning a retaining wall would be required as would re-profiling private driveways where they cross the path. As this is land outside of the applicant's control, the solution is undeliverable.

However, upon inspection, a 1.8m footway could be constructed within the existing highway verge on the east side which is largely level and unobstructed. To facilitate this, a carriageway width of 5m rather than the proposed 5.5m would be acceptable. If the applicant does not control the necessary land to continue the footway on the east side once beyond the extent of public highway, they could provide a crossing to the west side along the frontage of no. 88 West Street which is still within public highway.

If the applicant is unable to make the necessary changes at this stage, I have sufficient comfort that a solution is feasible, and would therefore recommend a condition be appended to any permission that a scheme with the footway on the east side of West Street be submitted to the LPA for review prior to the commencement of development. In this scenario, to avoid any future ambiguity, the drawing 6343/PL01F should be amended to remove the current access proposals if it is to be included in the list of approved drawings.

The highway works also include two build-outs for the purpose of traffic calming. In the context of the surrounding road network, this is not necessary. In any case, such traffic calming on an existing highway is subject to consultation (as per the Highways Act 1980 and The Highways (Traffic Calming) Regulations 1999), meaning the provision is not necessarily in the applicant's gift and it would therefore form a Grampian condition if required. My recommendation is that the build-outs are omitted.

The applicant has not provided information stating how the highway works and associated additional impermeable areas along West Street are to be drained. While the lack of information does not form the basis for an objection, it is in the applicant's interest to investigate this now as the provision of suitable highway drainage may be costly and otherwise impact upon scheme viability.

The internal site layout is acceptable. My only comment is that permeable paving on private drives is not considered an acceptable means of surface water drainage in isolation. Should the applicant wish for CCC to adopt the internal roads, where a private drive falls towards roads proposed for adoption, additional surface water interception is required e.g., channel drains or gullies.

The comments made in this response are done so on a without prejudice to any future S38 Agreements, should the applicant wish to offer the roads to CCC for adoption. Adoption will only be considered whereby the construction aligns with CCC's Housing Estate Road Construction Specification and where the surface water system is first adopted by Anglian Water. In the interest of avoiding any abortive construction works, I strongly advised that should the applicant be granted planning approval, no construction works take place for the proposed adoptable highway prior to the applicant entering into a Section 38 Agreement with the Local Highway Authority.

Please append the following conditions and informative to any permission granted:

Conditions

Binder Course: Prior to the first occupation of any dwelling the road(s), footway(s) and cycleway(s) required to access that dwelling shall be constructed to at least binder course surfacing level from the dwelling to the adjoining County road in accordance with the details approved on 6343/PL01/F

Parking/Turning Area (amended): Prior to the first occupation of the development space for on-site turning shall be provided and surfaced in a bound material.

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

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 West Street access (including a carriageway of at least 5m, a 1.8m footway on the east side of the carriageway and a drainage strategy) 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.

Informatics

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.

5.6 Environment Agency

We have no objection to the proposed development but wish to make the following comments.

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

Review of the FRA

We have reviewed the submitted Flood Risk Assessment (FRA) undertaken by Parsons Consulting Engineers Ltd (ref: 21159-FRA-01, V1, dated: 22/02/22) with regard to tidal and designated main river flood risk sources only and wish to make the following comments:

Whilst the submitted FRA states that the site lies within Flood Zones 1, 2 and 3 and confirms that all dwellings will be located in Flood Zone 1, it does not consider the residual risk of fluvial flooding following a breach in the raised defences.

Notwithstanding our comments above, we note that a sequential approach has been taken to the site layout, with 'more vulnerable' development directed towards the part of the site that lies within Flood Zone 1. Furthermore, the Fenland Hazard Mapping which covers the area of Chatteris shows that the site to be unaffected if a breach of the flood defence was to occur.

Given the location of the proposed development over 6km from the nearest designated main river, we have no objection to the proposed development on flood risk grounds. However we strongly recommend that the Middle Level Commissioners should be consulted with regard to flood risk associated with their

watercourses and surface water drainage proposals. As this application is for a major development, the Lead Local Flood Authority should also be consulted with regard to surface water drainage issues.

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.

Advice for the Applicant

As the site is partly located within an area considered to be at risk of flooding, we recommend that flood resilient measures are incorporated into the design of the development. The latest Department for Communities and Local Government (DCLG) guidance is contained within ‘Improving the flood performance of new buildings – Flood resilient construction 2007’, which is available to download from the DCLG website:

<https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings>

We hope this information is of assistance. If you have any queries, please do not hesitate to contact us.

Please forward a copy of this letter to the applicant.

5.7 Designing Out Crime Officer (5/5/2022)

Thank you for the opportunity to comment on this planning application, I have viewed the documents including the design and access statement (DAS) in relation to crime, disorder and the fear of crime. I have searched the constabulary crime and incident systems covering this location for the last 2 years. I would consider this to be an area of low risk to the vulnerability from crime at present.

Having looked at the DAS there doesn't appear to be a crime prevention or security section in the (DAS). Planning policies and 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Overall this layout appears to be an acceptable in relation to crime prevention and the fear of crime providing reasonable levels of natural surveillance from neighbouring properties with many of the homes facing each other. Pedestrian and vehicle routes are aligned together, well overlooked and pedestrian safety has been considered. This should encourage some level of territoriality amongst residents. Most of the vehicle parking is in-curtilage between and to the sides of properties, some of the homes have back to back protected rear gardens which reduces the risk and vulnerability to crime and have been provided with defensible space to their front.

I do have concerns in relation to plots 8, 12, 13, 16 and 17, these properties back onto the open space and public footpath, experience is that these rear fences can become an area children kick footballs against causing damage and annoyance to neighbours, also whilst I understand the requirement for the fence height to be 1.5m with 300mm trellis to these properties overlooking the open space, I have concerns in relation to the footpath please see below.

Lighting – It would be good to see a full External lighting plan (adoptable and private) including calculations and lux levels when available. For the safety of people and their property our recommendation is that all adopted and un-adopted roads, private, shared drives and parking areas should be lit by columns to BS5489:1 2020. Bollard lighting is only appropriate for wayfinding and should not be used as a primary lighting source for any roads or parking areas, where they are also prone to damage. Care should be taken in relation to the location of lighting columns with the entry method for the majority of dwelling burglary being via rear gardens. Lighting columns located next to rear/side garden walls and fences with little surveillance from other properties can be used as a climbing aid to gain entry to the rear gardens. Home security lights both front and rear should be dusk to dawn bulkhead LED lights.

Cycle parking provision – What provision will be considered for cycle storage? The design problems that we are trying to prevent are cycle hoops bolted into the ground; they need to be cemented 300mm into the floor or as a minimum sold secure gold ground anchors cemented into the floor. I would like to see a copy of the design for this structure when available.

Footpaths – Whilst I understand the Health and Wellbeing agenda is designed to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. There is a fine balance between this and vulnerability for crime, I am mindful that the public footpath to the rear of the plots mentioned above on this small development, that could provide easy egress for potential criminals. Footpaths should be straight with clear visibility, the landscaping along these paths should be maintained, trees the crowns should be raised to 2m. The footpath should be lit by columns to BS5489-1:2020 and care should be taken not to place columns within 5m of trees to reduce conflict and damage. A solution could be defensible planting to the rear fence line and the relocation of the public footpath to the far side of the suds.

Plot 21 rear access - I would like clarification that the footpath providing access to the rear of this property be gated as close as possible to the front building line, fitted with self-closers, and lockable from both sides?

I would like to see a copy of the lighting plan for this development including the public open space and footpaths, there would also be a requirement for street lighting to the rear of plots 18-22 backing onto Little Acre Fen Drove.

Crime prevention should be considered as an integral part of any initial design for a proposed development. It should incorporate the principles of ‘Secured by Design’. In particular to demonstrate how their development proposal has addressed issues, in order to design out crime to reduce the opportunities for crime.

This has the potential to be a development where there is a strong commitment to community safety and reducing vulnerability to crime, I would encourage the applicant considers submitting a “Secured by Design” 2019 Homes application – this office would be pleased to work with them to attain this award.

5.8 Designing Out Crime Officer (11/7/2022)

Thank you for the opportunity to comment on this application. I have reviewed the documents and note my colleagues comments dated 5th May 22.

Footpath - I happy to see that the footpath to the rear of plots 8, 12, 13, 16 &17 has been removed.

Lighting – The lighting plan appears to be acceptable.

Please can you confirm the following.

- *Footpath (plot 21) – will there will be a side gate for plot 21? If so, this will need to be positioned as close as possible to the front building line and be lockable from both sides.*
- *Cycle provision - Do you have any plans to provide cycle storage?*

5.8 Town Council

Support but request that as part of planning gain one of the conditions of permission should be that the roadway as far as the Little Acre Fen Pocket Park is made up to an agreed standard.

5.9 Cambridgeshire County Council Definitive Map Team (15/7/2022)

Thank you for consulting with the Definitive Map service at the County Council on the above planning application.

Public Byway No. 22, Chatteris runs within the eastern boundary of site and on the access to the site and Public Footpath No. 4, Chatteris runs along Little Acre Fen Drove abutting the southern boundary of the site. To view the location of the public footpath please view our interactive mapping online which can be found at <https://my.cambridgeshire.gov.uk/mycambridgeshire.aspx>.

The Definitive Map service note that it is intended to use part of Public Byway No. 22, Chatteris to form part of the access roads within the site. As a Public Byway the public have the right to pass and repass along the whole route on foot, bicycle, horse, horse-drawn carriage and motorised vehicles, including agricultural vehicles. The byway is only maintained to the standard of a soft surface suitable for the majority of users (pedestrians and equestrians) rather than for private vehicular use. The County Council does not own the byway. The highway rights over the byway are simply vested in the County Council as the Highways Authority. The County Council does not know who the owner of the subsoil is. The applicant will need to satisfy themselves on this.

There is no legally defined and recorded width for this byway, and we are not able to advise what it would be. As the dimensions are not known, we cannot guarantee that the applicant would be able to improve the byway to secure a standard that be required by the Local Planning Authority. The applicant therefore would proceed with any development that might affect the highway at their own risk.

The Definitive Map service note that Proposed Site Plan 6343/PL01J shows a footpath running adjacent to green space within the western boundary of the site. This footpath is labelled as '2.0m Public Footpath'. To clarify, the County Council would not propose to make this footpath a Public Right of Way.

Boundary Treatment Plan 6343/PL08F shows proposed fencing along the southern border of the site running adjacent to Public Footpath No. 4, Chatteris. Where fencing is proposed adjacent to a Public Right of Way, we consider this by reference to the County Council's guidance which can be found in 'Public Rights of Way – Guidance for Planners and Developers' at www.cambridgeshire.gov.uk/definitivemap. Where a fence is proposed adjacent to a PRoW, the Highway Authority would require an offset distance of 0.5 metres. This requirement is to ensure the Highway Authority can access the public footpath with appropriate machinery and to ensure that any future hedge or natural vegetation growth does not encroach on the public's ability to use the public footpath.

Whilst the Definitive Map Team has no objection to this proposal, should you be minded to grant planning permission then we would be grateful if the following informatives are included:

- *Public Byway No. 22, Chatteris and Public Footpath No. 4, Chatteris must remain open and unobstructed at all times. Building materials must not be stored on Public Rights of Way and contractors' vehicles must not be parked on it (it is an offence under s 137 of the Highways Act 1980 to obstruct a public highway).*
- *No alteration to the surface of the Public Byway and Public Footpath is permitted without our consent (it is an offence to damage the surface of a public byway or a public footpath under s 1 of the Criminal Damage Act 1971).*
- *Members of the public on foot, horseback and pedal cycle have the dominant right of passage along the public byway; private vehicular users must 'give way' to them*
- *Members of the public on foot have the dominant right of passage along the public footpath; private vehicular users must 'give way' to them*
- *The Highways Authority has a duty to maintain Public Rights of Way in such a state as to be suitable for its intended use. (S41 Highways Act 1980 and S66 Wildlife & Countryside Act 1981). If the surface of the footpath is damaged as a result of increased motorised vehicle usage, the Highways Authority is only liable to maintain it to a footpath standard. Those with private vehicular rights will therefore be liable for making good the surface of the Public Right of Way*
- *Landowners and developers are reminded that it is their responsibility to maintain boundaries, including trees, hedges, drains and fences adjacent to Public Rights of Way, and that any transfer of land should account for any such boundaries (s154 Highways Act 1980).*
- *Developers should follow the County Council's guidance on boundary treatment to ensure it does not result in obstruction or maintenance problems, available online at <https://www.cambridgeshire.gov.uk/residents/libraries-leisure-culture/arts-green-spaces-activities/definitive-map-and-statement> (please scroll down to section entitled 'Town and Country Planning Act 1990')*
- *The granting of planning permission does not entitle a developer to obstruct a Public Right of Way (Circular 1/09 para 7.1).*

Furthermore, the applicant may be required to temporarily close public rights of way whilst construction work is ongoing. Temporary Traffic Regulation Orders (TTROs) are processed by the County Council's Street Works Team and further information regarding this can be found on the County Council's website at <https://www.cambridgeshire.gov.uk/residents/travel-roads-and-parking/roads-and-pathways/highway-licences-and-permits/>

5.10 Cambridgeshire County Council Lead Local Flood Authority (16/5/2022 and 21/6/2022)

The LLFA object to the application.

Full details of comments received are available to view via public access on the Council's website.

5.11 Cambridgeshire County Council Lead Local Flood Authority (14/7/2022)

Thank you for your re-consultation which we received on 4th July 2022.

We have reviewed the following documents:

- Drainage Strategy, Parsons Engineers, Ref: 21159-001-P4, Dated: 30 March 2022*
- Lagoons and Swale Cross Sections, Parsons Engineers, Ref: 21159-200-P2, Dated: 24 May 2022*
- SW Calculations- Network: Storm Network, Parsons Consulting Engineers, Dated: 25 May 2022*
- Email Response to LLFA Comments, KW to NC, Subject: RE: F/YR22/0381/F at Land South Of 88 West St, Chatteris, Dated: 26 May 2022*
- Email Response to LLFA Comments, KW to NC, Subject: F/YR22/0381/F Land South Of 88 West St, Chatteris, Dated: 4 July 2022*

Based on these, as Lead Local Flood Authority (LLFA) we are able to 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, swales, and attenuation lagoon, restricting surface water discharge to a combined rate of 5.5 l/s from two outfalls. Discharge will be via private drainage, and the adoptable highway at 1.5 l/s and 4 l/s respectively.

The LLFA is supportive of the use of permeable paving as in addition to controlling the rate of surface water leaving the site it also provides water quality treatment which is of particular importance when discharging into a watercourse. The LLFA is also supportive of the use of swales, as they provide both surface water conveyance and treatment. Attenuation basins are multi-beneficial in nature and provide surface water attenuation in order to restrict the discharge rate to the required value, as well as treatment, biodiversity, and amenity value.

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

Although hydraulic calculations predict that flooding will occur in the 1% AEP (Annual Exceedance Probability) rainfall event +40% climate change. However it is shown that the flood volume is less than 5m³ and therefore the LLFA does not object to this application.

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 documents listed below:

Drainage Strategy, Parsons Engineers, Ref: 21159-001-P4, Dated: 30 March 2022

Lagoons and Swale Cross Sections, Parsons Engineers, Ref: 21159-200-P2, Dated: 24 May 2022

and shall also include:

- a) *Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events;*
- b) *Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change), inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;*
- c) *Detailed drawings of the entire proposed surface water drainage system, attenuation and flow control measures, including levels, gradients, dimensions and pipe reference numbers, designed to accord with the CIRIA C753 SuDS Manual (or any equivalent guidance that may supersede or replace it);*
- d) *Full detail on SuDS proposals (including location, type, size, depths, side slopes and cross sections);*
- e) *Site Investigation and test results to confirm infiltration rates;*
- f) *Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants*
- g) *Demonstration that the surface water drainage of the site is in accordance with DEFRA non-statutory technical standards for sustainable drainage systems;*
- h) *Full details of the maintenance/adoption of the surface water drainage system;*
- i) *Permissions to connect to a receiving watercourse or sewer;*
- j) *Measures taken to prevent pollution of the receiving groundwater and/or surface water*

Reason

To ensure that the proposed development can be adequately drained and to ensure that there is no increased flood risk on or off site resulting from the proposed development and to ensure that the principles of sustainable drainage can be incorporated into the development, noting that initial preparatory and/or construction works may compromise the ability to mitigate harmful impacts.

Condition 2

No development, including preparatory works, shall commence until details of measures indicating how additional surface water run-off from the site will be avoided during the construction works have been submitted to and approved in writing by the Local Planning Authority. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved measures and systems shall be brought into operation before any works to create buildings or hard surfaces commence.

Reason

To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development itself; recognising that initial works to prepare the site could bring about unacceptable impacts.

Informatives

Shared Access

According to the drainage strategy, surface water runoff from proposed dwellings will be conveyed via pipes that cross through the curtilage of other plots. This would result in these pipes having multiple shared owners, which could have negative implications for access to the pipe for maintenance or repair. For example, if the pipe that serves one property is damaged, but the section of damaged pipe is located within the boundary of the adjacent dwelling, issues may then arise if the owner of the property cannot grant permission for access. This could lead to increased flood risk to any properties relying on this maintenance to ensure their plot drains. The applicant should consider alternative locations of drainage features where possible.

IDB Consent

Part or all of your proposed development area falls within the Middle Level Commissioners (MLC) catchment and that of Warboys Somersham & Pidley IDB whose consents are managed by the MLC. All increased discharges proposed to enter watercourses directly or indirectly or any works affecting watercourses or access to or along them for maintenance if the site is within the Board's district will require MLC/IDB consent. It is therefore recommended that you contact the MLC to discuss their requirements. Further information is available at:

<https://middlelevel.gov.uk/>

Pollution Control

Surface water and groundwater bodies are highly vulnerable to pollution and the impact of construction activities. It is essential that the risk of pollution (particularly during the construction phase) is considered and mitigated appropriately. It is important to remember that flow within the watercourse is likely to vary by season and it could be dry at certain times throughout the year. Dry watercourses should not be overlooked as these watercourses may flow or even flood following heavy rainfall.

5.12 Anglian Water (12/4/2022)

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

The foul drainage from this development is in the catchment of Chatteris-Nightlayer Fen Water Recycling Centre that will have available capacity for these flows

Section 3 - Used Water Network

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

1.INFORMATIVE - *Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.* **2.INFORMATIVE** - *Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.* **3.INFORMATIVE** - *Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.* **4.INFORMATIVE** - *Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.* **5.INFORMATIVE**: *The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.*

Section 4 - Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. From the 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. If the developer wishes Anglian Water to be the adopting body for all or part of the proposed SuDS scheme the Design and Construction Guidance must be followed. We would recommend the applicant contact us at the earliest opportunity to discuss their SuDS design via a Pre-Planning Strategic Enquiry. The Lead Local Flood Authority (LLFA) are a statutory consultee for all major development and should be consulted as early as possible to ensure the proposed drainage system

meets with minimum operational standards and is beneficial for all concerned organisations and individuals. We promote the use of SuDS as a sustainable and natural way of controlling surface water run-off. We please find below our SuDS website link for further information.

<https://www.anglianwater.co.uk/developers/drainage-services/sustainable-drainage-systems/>

5.13 Anglian Water (10/6/2022)

We have reviewed the submitted documents and we can confirm we have no additional comments to add to our previous response

5.14 Cambridgeshire Fire and Rescue

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

The position of fire hydrants are generally agreed upon when the Water Authority submits plans to:

*Water & Planning Manager
Community Fire Safety Group
Hinchingbrooke Cottage
Brampton Road
Huntingdon
Cambs
PE29 2NA*

Where a Section 106 agreement or a planning condition has been secured, the cost of Fire Hydrants will be recovered from the developer.

The number and location of Fire Hydrants will be determined following Risk Assessment and with reference to guidance contained within the "National Guidance Document on the Provision of Water for Fire Fighting" 3rd Edition, published January 2007.

Access and facilities for the Fire Service should also be provided in accordance with the Building Regulations Approved Document B5 Vehicle Access. Dwellings Section 13 and/or Vol 2. Buildings other than dwellings Section 15 Vehicle Access.

If there are any buildings on the development that are over 11 metres in height (excluding blocks of flats) not fitted with fire mains, then aerial (high reach) appliance access is required, the details of which can be found in the attached document.

I trust you feel this is reasonable and apply our request to any consent given.

5.15 Housing Strategy (FDC)

Please find my consultation comments below for F/YR22/0381/F - Erect 22 x dwellings (2 x 2-storey 2-bed, 15 x 2-storey 3-bed & 3 x 2-storey 4-bed) with associated parking and landscaping, and the formation of attenuation ponds, involving the demolition of existing buildings at Land South Of 88 West Street Chatteris Cambridgeshire

Fenland Local Plan Policy LP5 Requirements

Policy LP5 of the Fenland Local Plan (adopted May 2014) seeks 25% affordable housing on developments where 10 or more homes will be provided

On sites of	Level of affordable housing
Minor developments (5-9 dwellings)	Nil affordable housing
Major developments (10 or more dwellings)	25% affordable housing (rounded to the nearest whole dwelling)
Tenure Mix	70% affordable housing for rent (affordable rent tenure) and 30% other affordable routes to home ownership tenure (shared ownership housing)

Since this planning application proposes the provision of 22 number of dwellings, our policy seeks to secure a contribution of 6 affordable dwellings in this instance. I note in the documentation supplied with this application that these number of affordable homes are proposed.

I note the proposed breakdown of affordable homes is as below:

*4 x 2 bed dwellings
2 x 3 bed dwellings*

I support the above mix.

The current tenure split we would expect to see delivered for affordable housing in Fenland is 70% affordable rented tenure and 30% shared ownership. This would equate to the delivery of 4 affordable rented homes and 2 shared ownership based on the provision of 25% affordable housing. We would ask that a mix of the 2 & 3 bedroom dwellings are provided as affordable rented tenure, to be made available for applicants on the register that require these homes.

The provision of on-site affordable housing or a financial contribution Where affordable housing is due, the policy indicates that the affordable housing will be provided on site unless there are exceptional circumstances which necessitate provision on another site or the payment of a financial contribution.

In recognition of the difficulty of implementing an on-site policy for affordable housing provision where the number of affordable homes generated by planning obligations is less than 10 dwellings, since April 2016 Fenland has agreed that on sites submitted for planning for 37 dwellings or fewer, the affordable housing planning requirement can be discharged by way of a financial contribution rather than on-site provision.

This arrangement has now been reviewed in response to the findings of the Viability Assessment and the potential for variations in the percentage of affordable housing delivery that is likely to be achievable through planning obligations, depending on the location of the site within the local authority district area.

Accordingly, Fenland's revised approach is to agree that sites that yield less than

10 (i.e., 9 or fewer) affordable homes through planning obligations can be discharged by way of a financial contribution rather than on-site provision. This application of this arrangement is not dependent on the total number of dwellings seeking consent for delivery, instead, it is triggered by the number of affordable homes that are deliverable.

If the applicant chooses to provide a financial contribution rather than seek an RP partner to deliver the on-site affordable housing, the affordable housing financial contribution will be calculated in accordance with the mechanism provided in the Local Plan policy and as follows:

- The applicant should submit the necessary open market values of homes which would otherwise have been affordable housing to FDC.*
- FDC will assume that RPs would usually pay 55% of OMV for a rented dwelling and 65% of OMV for a shared ownership dwelling.*
- FDC will assume that 70% of all affordable homes will be rented tenure and 30% will be shared ownership tenure.*

5.16 Wildlife Officer (FDC) (9/5/2022)

Recommendation:

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

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

Pre-commencement Condition(s) -

- The development shall only be carried out in accordance with all of the recommendations for mitigation and compensation set out in the Preliminary Ecological Appraisal and Reptile Survey (Greenlight Environmental Consultancy, 2021) which details the methods for maintaining the conservation status various protected species, unless otherwise approved in writing by the local planning authority or varied by a European Protected Species licence subsequently issued by Natural England.*
- No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:*
 - a) Summary of potentially damaging activities.*
 - b) Identification of “biodiversity protection zones”.*
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) including ensuring no Non-Native Invasive Species are spread across the site.*
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.*
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.*
 - f) Responsible persons and lines of communication.*
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.*
 - h) Use of protective fences, exclusion barriers and warning signs.*

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

- 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:*

-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.

Compliance Condition(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.*

Assessment/Comment:

The PEA and reptile survey outline that the proposed development can avoid negative impacts on ecological material concerns while also maintaining the biodiversity value of the site so long as the recommended mitigation and compensation within the reports is followed. The conditions recommended will insure that these mitigation and compensations are included within the application documentation.

All landscaping recommendations will need to be included within the landscaping plan. If these are impractical then written explanation for why their inclusion was avoided should be given.

Planning Policies/Legislation:

The Council is required to have regard to the safeguarding of species and habitats protected under UK, European and International legislation when determining all planning applications. The main legislation includes:

- the Wildlife and Countryside Act 1981 (as amended)*
- the Hedgerows Regulations 1997*

- *the Conservation of Habitats & Species Regulations 2017 (The Habitats Regulations)*
- *the Protection of Badgers Act 1992 and*
- *Wild Mammals (Protection) Act 1996*

Under the Wildlife and Countryside Act 1981 (as amended) it is an offence to take, damage or destroy the nest of any wild bird while that nest is in use or being built. Trees and scrub are likely to contain nesting birds between 1 March and 31 August. Trees within the application should be assumed to contain nesting birds between the above dates unless a survey has shown it is absolutely certain that nesting birds are not present.

Under the Wildlife and Countryside Act 1981 (as amended) it is an offence to intentionally kill, injure or take a great crested newt or intentionally or recklessly destroy or disturb a great crested newt breeding or resting place. Great crested newts are likely to be hibernating in tree root systems, underground crevices, mammal burrows, rubble piles or old walls between October and February. Great crested newts will become active both terrestrially and within ponds between March and the middle of June. Any works impacting aquatic and terrestrial breeding and resting places which is used by great crested newts at any time needs to be certain that great crested newts are not present before the works take place.

Government Circular ODPM 06/2005 Biodiversity & Geological Conservation:

The advice given above takes into account the following guidance:

Paragraph 98 states “the presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat. Local authorities should consult Natural England before granting planning permission. They should consider attaching appropriate planning conditions or entering into planning obligations under which the developer would take steps to secure the long-term protection of the species. They should also advise developers that they must comply with any statutory species’ protection provisions affecting the site concerned. For European protected species (i.e. those species protected under the Habitats Regulations) further strict provisions apply, to which planning authorities must have regard”.

Paragraph 99 states “it is essential that the presence or otherwise of 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. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted”. The advice given above is in accordance with the policies in the adopted Fenland Local Plan. The Local Plan provides the framework of local planning policies with which to make planning decisions. These policies are in conformity with the National Planning Policy Framework.

The biodiversity policies relevant to the proposal are:

LP19 – The Natural Environment:

The Council, working in partnership with all relevant stakeholders, will conserve, enhance and promote the biodiversity and geological interest of the natural environment throughout Fenland.

Through the processes of development delivery (including the use of planning obligations), grant aid (where available), management agreements and positive initiatives, the Council will:

- *Protect and enhance sites which have been designated for their international, national or local importance to an extent that is commensurate with their status, in accordance with national policy in the National Planning Policy Framework.*
- *Refuse permission for development that would cause demonstrable harm to a protected habitat or species, unless the need for and public benefits of the development clearly outweigh the harm and mitigation and/or compensation measures can be secured to offset the harm and achieve, where possible, a net gain for biodiversity.*
- *Promote the preservation, restoration and re-creation of priority habitats, and the preservation and increase of priority species identified for Fenland in the Cambridgeshire and Peterborough Biodiversity Action Plans.*
- *Ensure opportunities are taken to incorporate beneficial features for biodiversity in new developments, including, where possible, the creation of new habitats that will contribute to a viable ecological network extending beyond the District into the rest of Cambridgeshire and Peterborough, and other adjoining areas*

5.17 Wildlife Officer (FDC) (15/7/2022)

Recommendations:

No further recommendations in addition to those given on the 9th of May.

Assessment/Comment:

The new plans do not contain any deviation that significantly alter the recommendations give in the previous consultation on the 9th of May.

5.18 Wildlife Officer (FDC) (9/8/2022)

Further advice was sought from the Wildlife Officer due to queries raised during the assessment of the application and concerns raised by local residents:

I have reviewed the comments made and your questions and have the following points to make in response:

- *The applicant has demonstrated that all appropriate compensation can be achieved regarding breeding birds including the recommended Skylark plots.*
- *I have reviewed the lighting plan, while it appears acceptable this conclusion is only reached through extrapolation as the lighting plan only shows how the lights will illuminate the road and not the wider landscape. It is important that drain in particular is not lit, if required I would support requesting a new lighting plan that demonstrates that the light spill will not reach the drain and as much ecological habitat is not lit as possible. The lighting specification should also demonstrate alignment with the Bats and artificial lighting guidance note (2018).*
- *In relation to the neighbour responses, I believe that the PEA has investigated all ecological constraints to the site to the necessary level of detail. Of note however is the reports of Great Crested Newts within the vicinity of the development. I am comfortable that Greenlight Environmental Consultancy Ltd. assessed the*

surrounding landscape for ponds to a suitable level of due diligence and surveyed those ponds correctly using a Habitat Suitability Index methodology, which can be completed at any time of year. However information that has been provided that a pond with a known population of Great Crested Newts within it cannot be ignored. Thankfully a Garden pond is unlikely to contain a large population of Great Crested Newts and the mitigation in place already for reptiles is similar to the mitigation that would have been put in place regarding the Great Crested Newts. The habitat being removed is only a small area of grassland with low suitability to be used by Great Crested Newts. The wider environment contains suitable alternative habitat until the compensation habitat is established.

- Considering the point above, I believe a precautionary approach with the vegetation removal should be taken and an Ecological Clerk of Works attend the site during the vegetation removal. If any protected species are found, then all works should stop, and advice sought from the site ecologist. A review with the site ecologist of the landscaping should be performed taking into account the potential for a Newt populating and changed to maximise the potential available post works habitat available.*

5.19 Environmental Health (FDC) (9/5/2022)

The Environmental Health Team note the submitted information and have 'No Objections' in principle, but make the following comments and recommendations for conditions in the event that planning consent is granted.

Having studied and accepted the content of the Phase 1 Desk Study Report provided by Formation Developments Ltd (Ref No: C154505), I can confirm that any future development on site under will need to adhere to the relevant parts of full contaminated land conditioning. As recommended in the aforementioned report, a Phase 2 intrusive ground investigation shall be necessary and this service would ask that this is imposed by way of condition in the event that planning permission is granted.

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

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.

Following the completion of the measures identified in the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval of the Local Planning Authority prior to the occupation of any buildings.

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where necessary a remediation scheme must be prepared, these will be subject to the approval of the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to the occupation of any buildings.

Where the importation of soils for use as a cover system is assumed, it shall be accompanied by an appropriate laboratory analysis to demonstrate its chemical and physical suitability for use. Waste to be taken off site shall be by an approved and licensed waste contractor and accompanied by a waste transfer note in accordance with environmental waste regulations. Any unexpected conditions encountered during the remediation works should also be detailed within the verification report. 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 should be submitted and agreed with the LPA.

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

The presence of asbestos is acknowledged and this must therefore be addressed and removed by an appropriately licensed contractor. An Asbestos Removal Work Plan should be submitted to and approved by Fenland District Council, before any work commences in the event that planning permission is granted.

Given the nature of the site, proposed scale and proximity to existing nearby residential properties, the issues that will be of primary concern to this service is the potential for noise and dust to adversely impact on the amenity of the nearest residents.

Therefore, a Construction Management Plan will be required that considers the following: -

- Site preparation (use of equipment and machinery including mobile plant/potential smoke pollution/general noise control)
- Demolition and Construction phase (noise control of vehicular activity, machinery and equipment/siting of skips and waste disposal arrangements/dust suppression)
- Complaint response and investigation procedures

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

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

No construction or demolition 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.

Reason – To protect the amenity of nearby residents

I should take this opportunity to advise that whilst the controls mentioned above are welcomed, the granting of planning consent would not indemnify against statutory nuisance action should this service receive substantiated complaints involving noise/dust/smoke/vibration during the development process.

5.20 Environmental Health (FDC) (14/7/2022)

I note the re-consultation in respect of the above and can confirm that this service has no objections.

Previous comments provided on 09.05.2022 are therefore still valid from an environmental health standpoint.

5.21 Environmental Health (FDC) (5/8/2022)

From studying the street lighting details provided (Drawing No: DWD-3084) and having regard to Figure 1.2.1 Result overview, Evaluation area 1, the proposed scheme appears to comply with parameters for “Rural” Environmental Zones (E”) as set out in The Institution of Lighting Professionals Guidance Note 01/21 “Reduction of Obtrusive Light”.

This does of course rely on the lighting being installed and angled in accordance with the details submitted, from which the Iso-contours shown on the aforementioned plan are then based on.

Recommended Maximum Values of Light Parameters for the Control of Obtrusive Light

Limitation of illumination on surrounding premises

Light intrusion / nuisance

Table 3 (CIE 150 table 2): Maximum values of vertical illuminance on premises

Light technical parameter	Application conditions	Environmental zone				
		E0	E1	E2	E3	E4
Illuminance in the vertical plane (E _v)	Pre-curfew	n/a	2 lx	5 lx	10 lx	25 lx
	Post-curfew	n/a	<0.1 lx*	1 lx	2 lx	5 lx

* If the installation is for public (road) lighting then this may be up to 1 lx.

5.22 Cambridgeshire County Council Planning and Sustainable Growth Service S106 Summary Table

Table 1 below summarises the contributions requested by the Council.

Subsequent sections of this response provide the detailed explanation as to how these contributions have been calculated. The Council provides a cost for the proposed education mitigation projects calculated in accordance the standards as set out in Building Bulletin 103. Where there is no project cost available, the most recent Department for Education scorecard costs will be used.

Table 1: S106 contributions – summary table				
	Contribution	Project	Indexation date	Trigger
Early Years	£54,061	52 pre-school places as part of 2FE primary school	1Q2020	100% prior to commencement
Primary	£130,492	2FE primary school	1Q2020	
Secondary	£87,648	1FE expansion to Cromwell Community College	1Q2020	
Libraries	£3,392	Remodel Chatteris Library to increasing the floor space available to the community.	1Q19	100% prior to occupation of 50% of the development
Monitoring	£150			

Full details of comments received are available to view via public access on the Council's website.

5.23 Local Residents/Interested Parties

Objectors

16 Objections have been received (13 from Fairview Avenue and 3 from Fairview Gardens, all Chatteris) in relation to the following:

- Concerns regarding preservation of hedge/tree belt along the rear of Fairview Avenue
- Impact on ecology
- Drainage/Flood Risk
- Light pollution
- No lighting plan
- Anti -social behaviour increased
- On road (byway) parking/congestion, noise and pollution
- Pressure on doctors surgery/services
- Overlooking/loss of privacy
- Emerging Local Plan
- Danger to pedestrians using byway/accessing the pocket park
- Set precedent for further development
- The majority of the site is not brownfield
- Existing buildings link the town to agricultural heritage and do not detract/existing business on site does not impact the area
- West Street poorly maintained, narrow due to parking and difficult to use, will require improvement
- Houses inappropriate/out of character, should be bungalows
- Development would conflict with the ambience being created by/intent of the pocket park
- Devaluation
- Loss of countryside views

Supporters

9 Supporting comments have been received (1 from West Park Street, Station Street, Pound Road, Grenadiers Drive, St Pauls Drive, Parkside and West Street and 2 from Lode Way, all Chatteris) in relation to the following:

- Barns unsightly and contain asbestos, noisy during the day
- Proposal will be better for community/improve visual impact
- Affordable homes
- Upgraded road
- Designed in a sympathetic manner

Representations

1 representation has been received from West Street, Chatteris advising that they would have concerns if the proposed properties would be too close or trees planted which would overshadow, the road should be adopted and maintained.

Comments, where they relate to planning matters will be addressed in the sections below. It should be noted that devaluation or property and loss of view are not planning considerations.

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

Identity – I1, I2

Built Form – B2

Movement – M3

Nature – N1, N2, N3

Public Spaces – P2

Homes and Buildings – 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

LP6 – Employment, Tourism, Community Facilities and Retail

LP10 – Chatteris

LP13 – Supporting and Managing the Impact of a Growing District

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

- LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland
- LP16 – Delivering and Protecting High Quality Environments across the District
- LP17 – Community Safety
- LP19 – The Natural Environment

Delivering and Protecting High Quality Environments in Fenland SPD 2014

- DM2 – Natural Features and Landscaping Schemes
- DM3 – Making a Positive Contribution to Local Distinctiveness and Character of the Area
- DM4 – Waste and Recycling Facilities

Developer Contributions SPD 2015

Fenland Infrastructure Delivery Plan 2016

Cambridgeshire Flood and Water SPD 2016

8 KEY ISSUES

- **Principle of Development**
- **Employment**
- **Design considerations and visual amenity of area**
- **Residential Amenity/Health and wellbeing**
- **Parking and Highways**
- **Developer Contributions**
- **Flood Risk and Drainage**
- **Ecology**

9 ASSESSMENT

Principle of Development

- 9.1 Chatteris is identified within the Settlement Hierarchy as a Market Town; Market Towns are identified within Policy LP3 of the Fenland Local Plan 2014 as the focus for housing growth. The proposal is for 22 dwellings, which for the purposes of Policy LP4 is a small scale (less than 250 dwellings) housing proposal. Therefore, in the broad terms set out in these policies, the proposal would be acceptable. This is however on the basis that the development is in keeping with and reflects the character of the area and that there are no significant issues in respect of residential or visual amenity, design, parking, highways, flood risk or ecology.
- 9.2 The Council's Cabinet agreed to approve the emerging Draft Local Plan for consultation at their meeting on 13th June 2022, however to date this consultation has not commenced.
- 9.3 Para 48 of the NPPF 2021 states the following:

Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) *the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*

b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Given that the emerging plan has not yet reached consultation stage, no weight is afforded to the policies therein.

Employment

- 9.4 The application site encompasses 3 linked commercial type buildings which the applicant's agent advise have been in use by an engineering company for the past 10 years and as such would be in B2 (general industrial) use.
- 9.5 Policy LP6 states that the Council will seek to retain for continued use high quality land and premises currently in use for B2 employment purposes. The company are currently in the process of relocating, hence the business will not be lost and the applicant's agent has advised the buildings are in poor condition and nearing the end of their useful life.
- 9.6 To this end para 120 of the NPPF 2021 states that substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs. The site of the current buildings would be considered brownfield or previously developed land as defined in the NPPF and are located on the edge of the settlement. As such, on balance, the redevelopment of this area of the site for housing may be appropriate and potentially more compatible with the adjoining residential use, subject to other policy considerations including the appropriateness of the design, sustainability of the site and suitability of access. It should be noted that the remainder of the site is agricultural and would not constitute 'brownfield' land.

Design considerations and visual amenity of area

- 9.7 This area of West Street features a linear development of 5 detached, single-storey dwellings on good sized plots with views of the open countryside beyond afforded between dwellings. The properties on Fairview Avenue to the east are a mix of 2-storey and single-storey dwellings, with single-storey dwellings south and gardens with ancillary buildings to the west separating the main built form from the open countryside. There are then 2 large detached properties on substantial plots to the south of the Fairview estate off the Blackmill Road Byway, hence there is a looser knit, more spacious form of development as the settlement is exited marking the transition between the town and the countryside.
- 9.8 The West Street properties are served by an adopted highway up until the southern boundary of No.88 and this then becomes a byway of tarmac construction which is in poor repair and then becomes a narrower gravelled track with grass verge linking to a public footpath which leads to Little Acre Fen Pocket Park and there is also a Bridleway to the west of the site, hence the area is prominently visible by users of the rights of way around the site.
- 9.9 Policy LP16 concerns the delivery and protection of high-quality environments across the district. Proposals for all new development shall meet the criteria set out in this policy. Criteria (d) states:

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

- 9.10 This is supported by Policy DM3 of the Delivering and Protecting High Quality Environments in Fenland SPD 2014. Criteria (d) of which states:

the character of the landscape, local built environment and settlement pattern inform the layout, density, proportions, scale, orientation, materials and features (including boundary treatment) of the proposed development, which should aim to improve and reinforce positive features of local identity;

- 9.11 The site is considered to have a rural character which relates more to the surrounding countryside than the built-up form of development, the level of the site steps down to the countryside beyond and forms a buffer between this and the built form of the settlement. As such a dense, estate type development as proposed is not considered to respect the form and character of the area and would result in an in-depth encroachment into the open countryside, contrary to the aforementioned policies.
- 9.12 The application proposes 2-storey development at between 8.6m and 9m in height, compared with the single-storey dwelling of 88 West Street (as can be seen on the submitted street scene) and the 2-storey dwellings on Fairview Avenue at around 7.2m in height (measurement taken from application F/YR21/1508/F) which it would be seen against. Insufficient information has been submitted to fully assess the height differential in relation to Fairview Crescent, as it is acknowledged that there may be a difference in land level. However without full details in relation to this the impact on visual amenity cannot be ascertained. It is acknowledged that a lower garage element is proposed closest to No.88, however this is still approximately 6.7m high and is not considered to mitigate the significant detrimental impact on the visual amenity and character of the area of introducing development at odds with the scale and density of the edge of settlement location.
- 9.13 The proposed dwellings are of a design of a similar vein to the 2-storey dwellings on Fairview Avenue though of a more modern appearance and the materials proposed are as follows:

Plots 1-11

Vandersanden Woodland Mix Bricks
Horizontal Fibre Cement Board in Slate Grey
Sandtoft 20/20 Flat Interlocking Clay Plain Tile in Antique Slate

Plots 12-22

Vandersanden Corum Bricks
Horizontal Fibre Cement Board in Light Grey
Marley Edgemere Interlocking Concrete Slate in smooth Grey

- 9.14 The properties on Fairview Avenue are mix of buff, gold and red brick with grey pantile roofs. The properties along West Street closest to the site are constructed in red brick with grey tile roofs. Given the variety of materials in the area those proposed are considered to be acceptable.

- 9.15 The Council's Arboricultural Officer considers that the landscaping scheme is acceptable, however is concerned regarding potential damage to shrub/hedge belts on the east side of West Street from heavy plant/construction traffic and recommends a condition to ensure that sufficient protection measures are in place.
- 9.16 A boundary treatment plan has been provided and there is some concerns regarding the acceptability of fencing to the southern boundary of the site given that this would border the public footpath, in terms of visual amenity and maintenance, furthermore the Definitive Map Team have advised that an offset distance of 0.5m is required and it is unclear whether this is the case. As such a notwithstanding condition could be imposed to obtain acceptable boundary treatments.

Residential Amenity/Health and wellbeing

- 9.17 The proposed dwellings have approximately 1/3 of the plot (or in excess of) for private amenity space in accordance with Policy LP16 (h) and the relationships between dwellings is considered acceptable, albeit it is noted that the distance between the dwellings on plots 9-10 and garden to plot 12 as less than ideal.
- 9.18 A condition will be required to ensure windows which have the potential for direct overlooking remain obscure glazed (these serve en-suites) and fixed shut to a height of 1.7m above floor level. Permitted development rights will be removed given the constrained nature of the plots and height of the roofs providing potential for additional accommodation and therefore additional overlooking.
- 9.19 The properties on Fairview Avenue will experience a change in outlook and some loss of privacy as a result of the development, however the distances are such that this would not be considered significantly detrimental to their residential amenity.
- 9.20 Of concern however is the impact of the proposal on 88 West Street to the north, the garage to plot 1 is approximately 6.5m from the conservatory serving No.88 and as a result will experience additional overshadowing, loss of light and outlook. It is acknowledged that the existing buildings would create some impact, however these are set further west away from the dwelling. Furthermore, insufficient information has been submitted to enable an assessment of the impact from alterations to land levels and therefore the potential for overlooking and suitability of boundary treatments. The site currently appears to be the same level as that of No.88 any increase in levels provides potential for additional impact in relation to privacy and outlook, and it is currently unclear whether the land would be graded down to the existing land level at No.88. As such there is potential for significant detrimental impacts on the residential amenity of this dwelling.
- 9.21 Para 92 of the NPPF and Policy LP2 of the Fenland Local Plan seek to ensure that developments aim to achieve healthy, inclusive and safe places. The application is accompanied by a Health Impact Assessment which sets out how the development seeks to achieve this.
- 9.22 The affordable housing is integrated within the development and of a consistent design, promoting social cohesion. An area of open space is provided within the site, which also incorporates drainage attenuation features and a footpath is provided through the site linking with the Little Acre Fen Drove public footpath which formalises the existing arrangement.

- 9.23 The Designing Out Crime Team consider that the layout provides a reasonable level of natural surveillance and that pedestrian and vehicle routes are aligned together and well overlooked. Concerns were raised regarding the position of the footpath link and this has since been redesigned to provide an acceptable solution. An external lighting scheme has been provided, incorporating column lighting which is acceptable to the Designing Out Crime Team in relation to community safety and the Environmental Health team in respect of residential amenity. Comments were also made in respect of the external access through the terraced building to the rear garden of Plot 21 and a condition can be imposed to ensure that a suitable security solution in this regard can be achieved. Concerns have been raised by local residents that the proposal will result in additional anti-social behaviour, there is no evidence this would be the case and concerns have not been raised by the Designing Out Crime Team in this regard.
- 9.24 Information submitted with the application evidences that a refuse vehicle can enter and turn within the site for collection and a suitable bin collection area is detailed near the turning head to serve Plots 4-6 as these are accessed via a private drive.
- 9.25 The Fire Authority have requested adequate provision be made for fire hydrants and the applicant will be made aware of this requirement by way of an informative.
- 9.26 The application is accompanied by a Phase I Desk Study Report which advises that a Phase 2 intrusive ground investigation is necessary and Environmental Health have recommended a condition in this regard to ensure any necessary remediation is undertaken.
- 9.27 It has been noted that there is asbestos on site and a condition has been recommended to secure a scheme for its safe removal. This process would need to be undertaken by a licensed contractor under current Health and Safety Executive (HSE) requirements. In this regard, this aspect would be controlled through a regulatory regime outside of the planning system. Notwithstanding this, it would be prudent to insert an informative on any grant of planning permission for this scheme alerting the developer to the need to observe HSE requirements.
- 9.28 In order to protect the amenity of surrounding dwellings during construction a construction management plan can be secured by way of a condition.

Parking and Highways

- 9.29 Information submitted with the application advises that the estate roads would be adoptable, and Highways are content that the internal layout is acceptable. Two parking spaces are provided for each property in accordance with the provision required by Policy LP15 and appendix A. Garages to plot 1-3 measure 3m x 7m internally and are therefore adequate to be considered the third parking space required for these larger dwellings.
- 9.30 The scheme does not incorporate any cycle parking, however each property is afforded a private garden with external access, hence there is opportunity for secure external storage should future residents require it.
- 9.31 The proposal seeks to upgrade West Street and Public Byway No.22 to an adoptable standard, widened to 5.5m, the provision of a footpath on the western side and installation of traffic calming measures.

- 9.32 Comments have been made by the Definitive Map Team at County Council regarding the ownership of the subsoil and the legal width of the Byway, advising that as the dimensions are unknown there is no guarantee that the Byway could be improved as indicated.
- 9.33 Furthermore, the LHA have advised that the footpath on the western side of the adopted section of West Street would not be feasible due to land levels and the traffic calming measures would be subject to consultation and therefore may not be achievable.
- 9.34 Concerns have also been raised regarding the drainage of the widened access as this is not incorporated within the drainage strategy; the existing highway drains into the adjacent soft verge, by including a footpath with a kerb removes this option and widening the road increases the impermeable area, as such no suitable drainage scheme for the upgrade of the adopted section of highway has been put forward.
- 9.35 The LHA have advised that a footway on the eastern side of West Street could be accommodated and dealt with by way of a condition and it is recommended that the traffic calming measures are removed, however the submitted plan would need to be updated to avoid any ambiguity.
- 9.36 The applicant's agent has been made aware of these issues, however, wishes to continue to determination with a condition in respect of these details. Planning Practice Guidance: Paragraph: 012 Reference ID: 21a-012-20140306 advises that *it may be possible for the LPA to impose a condition making a minor (officer underlining) modification to the development permitted. It would not be appropriate to modify the development in a way that makes it substantially different from that set out in the application.* Para 56 of the NPPF 2021 sets out the 6 tests that are required to be satisfied in order to impose a condition, the final one of which is reasonableness.
- 9.37 The delivery of a suitable access is integral to the acceptability of this development given the nature of this section of West Street and the Byway as existing. To condition an alternative scheme is not considered minor in the context of the development, and would be unreasonable given that it departs from the submitted details and would seek amendments which may not be acceptable, achievable or deliverable.
- 9.38 Furthermore, there are also concerns regarding drainage and that due to the vegetation and trees on the eastern side of West Street, there could be arboricultural and ecological implications, and potentially other knock on implications that have not been considered. To impose a condition in this regard would also not enable local residents to be made aware of or consulted upon the revised scheme as this is not a requirement when discharging conditions.
- 9.39 As such, it has not been demonstrated that a well-designed, safe and sustainable access can be achieved for all users, contrary to Policy LP2 and LP15 of the Fenland Local Plan 2014.

Developer Contributions

- 9.40 The NHS have advised that they will not be requesting S106 mitigation from this development toward Primary Healthcare.

9.41 The 25% affordable housing provision for a development of this scale is 6 units, this provision has been put forward on site as 4 x 2-bed dwellings and 2 x 3-bed dwellings as detailed on Plots 12-17, this mix is supported by the Housing Strategy team and it is recommended that the split between affordable rented and shared ownership is 70%/30% respectively. However, it is acknowledged that there are difficulties in securing a Registered Provider (RP) to take on the affordable units where there are less than 10 on a development and whilst it is currently proposed to provide affordable units on site if an RP cannot be secured it would be necessary to obtain a financial contribution in lieu and this would be set out in a S106 legal agreement should the application be successful.

9.42 Cambridgeshire County Council Developer Contributions are as follows:

Table 1: S106 contributions – summary table				
	Contribution	Project	Indexation date	Trigger
Early Years	£54,061	52 pre-school places as part of 2FE primary school	1Q2020	100% prior to commencement
Primary	£130,492	2FE primary school	1Q2020	
Secondary	£87,648	1FE expansion to Cromwell Community College	1Q2020	
Libraries	£3,392	Remodel Chatteris Library to increasing the floor space available to the community.	1Q19	100% prior to occupation of 50% of the development
Monitoring	£150			

9.43 The applicant's agent has informally agreed to the above contributions, however this would be subject to a S106 legal agreement should the application be successful.

9.44 In addition to the above the Developer Contributions SPD 2015 sets out that 22% of a development site area should make provision for open space. In this case due to the size of the site this would usually be an off-site contribution, however due to the constraints of the site an area of open space is provided on site, this is in excess of 22% though its usability is reduced due to the presence of drainage attenuation features, however it does provide some benefit/provision and due to the level of contributions put forward Officers are not seeking anything further in this regard.

9.45 Local Plan & CIL Viability Assessment sets out that for this area 20% affordable housing provision and £2000 per plot for S106 contributions can be achieved, in this case in excess of this is being put forward and there is no viability evidence submitted that these contributions would be achievable, as such there is potential for this to be reduced at a later date, on the grounds of viability. Therefore, the

acceptability of the development should not rely upon the provision of the planning gain put forward.

- 9.46 The Town Council have requested that the access to Little Acre Fen Pocket Park is made up to an agreed standard. The enhancement of Little Acre Fen is also referred to within the Fenland Infrastructure Delivery Plan 2016 (Ref: CHATS.2). No costings have been provided for the aforementioned enhancement. The application site currently appears to be being used as an informal access to Little Acre Fen Drove (though it is acknowledged this is private land) and the proposal seeks to provide a footpath link through the site, thereby formalising this arrangement and providing some benefit as a result, as such it is not considered reasonable to request further contributions in this regard, particularly as it is proposed to provide in excess of the required provision.

Flood Risk and Drainage

- 9.47 The site slopes down from east to west and there is a drain forming the western boundary of the site. The eastern side of the site is located in Flood Zone 1, sloping west into Flood Zones 2 and 3. The sequential and exception tests are not applicable as the dwellings are located in Flood Zone 1, the surface water drainage attenuation is however located in Flood Zone 3. The site has a very low risk of surface water flooding.
- 9.48 The Environment Agency have no objection to the scheme and advise that the Fenland Hazard Mapping which covers the area of Chatteris shows that the site to be unaffected if a breach of the flood defence was to occur, and as such the LLFA have no concerns regarding the location of the attenuation basins in Flood Zone 3.
- 9.49 The LLFA are content that the submitted details demonstrate that surface water from the proposed development can be managed through the use of permeable paving, swales, and attenuation lagoon. They recommend that pre-commencement conditions are imposed in relation to a detailed surface water drainage design and how surface water is to be managed during construction. However, as noted above a suitable scheme in relation to the adopted section of the West Street upgrade has not been put forward, and this could alter the submitted scheme.
- 9.50 Anglian Water have confirmed that there is sufficient capacity to deal with foul drainage from the development

Ecology

- 9.51 The Wildlife Officer considers that the surveys submitted outline that the development can avoid negative impacts on material ecological concerns while maintaining the biodiversity value of the site so long as the recommended mitigation and compensation set out are adhered to. The majority of which can be achieved by way of imposing the recommended conditions, however as the Skylark plots would be located on nearby land, which is not owned by the applicant, these would need to be secured by way of a S106 legal agreement.
- 9.52 An external lighting strategy has been submitted, and whilst this appears acceptable in relation to ecology, this has not been demonstrated, hence further details are required to be secured by condition to ensure external lighting does not have an adverse impact on ecology.

9.53 Concerns have been raised by local residents that ecological matters have not been fully addressed, and as such further advice from the Wildlife has been obtained:

- that the PEA has investigated all ecological constraints to the site to the necessary level of detail. Of note however is the reports of Great Crested Newts within the vicinity of the development. I am comfortable that Greenlight Environmental Consultancy Ltd. assessed the surrounding landscape for ponds to a suitable level of due diligence and surveyed those ponds correctly using a Habitat Suitability Index methodology, which can be completed at any time of year. However information that has been provided that a pond with a known population of Great Crested Newts within it cannot be ignored. Thankfully a Garden pond is unlikely to contain a large population of Great Crested Newts and the mitigation in place already for reptiles is similar to the mitigation that would have been put in place regarding the Great Crested Newts. The habitat being removed is only a small area of grassland with low suitability to be used by Great Crested Newts. The wider environment contains suitable alternative habitat until the compensation habitat is established.*
- Considering the point above, I believe a precautionary approach with the vegetation removal should be taken and an Ecological Clerk of Works attend the site during the vegetation removal. If any protected species are found, then all works should stop, and advice sought from the site ecologist. A review with the site ecologist of the landscaping should be performed taking into account the potential for a Newt populating and changed to maximise the potential available post works habitat available.*

9.54 On the basis of these comments, Officers are content that all necessary ecological matters have been considered and adequately addressed, subject to conditions/S106.

10 CONCLUSIONS

- 10.1 There are no significant issues in relation to flood risk, drainage (for the development site, there are concerns regarding the West Street upgrade and potential impact of this) or ecology, subject to suitable conditions.
- 10.2 However, the dense, estate type development proposed is not considered to respect the rural form and character of the area and would result in an in-depth encroachment into the open countryside. Furthermore, the scale of the dwellings, in particular in relation to 88 West Street is considered to have a significant detrimental impact on the visual amenity and character of the area
- 10.3 There are no significant issues in relation to the residential amenity of future residents or the existing dwellings on Fairview Avenue. However, insufficient information has been submitted to enable the impact of the proposed development on the residential amenity of 88 West Street to be fully assessed. As such it has not been demonstrated that there would not be a significant detrimental impact.
- 10.4 Highways are content that the internal layout is acceptable, and the required parking provision is provided for each property. However, the scheme put forward in respect of the West Street upgrade cannot be feasibly delivered, and as such it has not been demonstrated that a well-designed, safe and sustainable access can be achieved.

- 10.5 The applicant's agent has informally agreed developer contributions, however it should be noted that these are far in excess of that which the Local Plan Viability Assessment sets out can be achieved in this area, as such there is potential for this to be reduced at a later date, on the grounds of viability. Therefore, without sufficient evidence, the acceptability of the development should not rely upon the provision of the planning gain put forward.

11 RECOMMENDATION

Refuse, for the following reasons:

1.	<p>Policy LP16 (d) of the Fenland Local Plan 2014, DM3 of the Delivering and Protecting High Quality Environments SPD 2014 and paras 124(d) and 130 of the NPPF 2021 seek to ensure that developments make a positive contribution to the local distinctiveness and character of the area, responding to the local built environment and do not adversely impact on the streetscene, settlement pattern or landscape character of the surrounding area.</p> <p>The site is considered to have a rural character which relates more to the surrounding countryside than the built-up form of development. The dense, estate type development as proposed is not considered to respect the form and character of the area and would result in an in-depth encroachment into the open countryside. Furthermore, the scale of the dwellings proposed and juxtaposition with the existing single-storey dwellings is considered to have a significant detrimental impact on the visual amenity and character of the area and insufficient information has been submitted to assess the height of the development in relation to Fairview Avenue. As such, the proposal is contrary to the aforementioned policies.</p>
2	<p>Policy LP2 and LP16 of the Fenland Local Plan 2014 and para 130 of the NPPF 2021 seek to promote high levels of residential amenity and ensure developments do not have an adverse impact on neighbouring users.</p> <p>Insufficient information has been submitted to enable the impact of the proposed development, in relation to alterations to land levels, on the residential amenity of 88 West Street to be assessed. As such it has not been demonstrated that there would not be a significant detrimental impact, contrary to the aforementioned policies.</p>
3	<p>Policy LP2 and LP15 of the Fenland Local Plan 2014 and para 110 of the NPPF 2021 which seek to achieve a safe, suitable and sustainable access for all users.</p> <p>The legal width of the Byway is unknown and as such there is no guarantee that it could be improved as indicated. Furthermore, the scheme put forward in respect of the footpath along the adopted section of West Street cannot be delivered and a suitable method of surface water drainage from this section has not been put forward. As such, it has not been demonstrated that a well-designed, safe and sustainable access can be achieved, contrary to the aforementioned policies.</p>

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APPLICATION NO: F/YR22/0381/F**SITE LOCATION: Land South Of 88 West Street, Chatteris****UPDATE****West Street Upgrade**

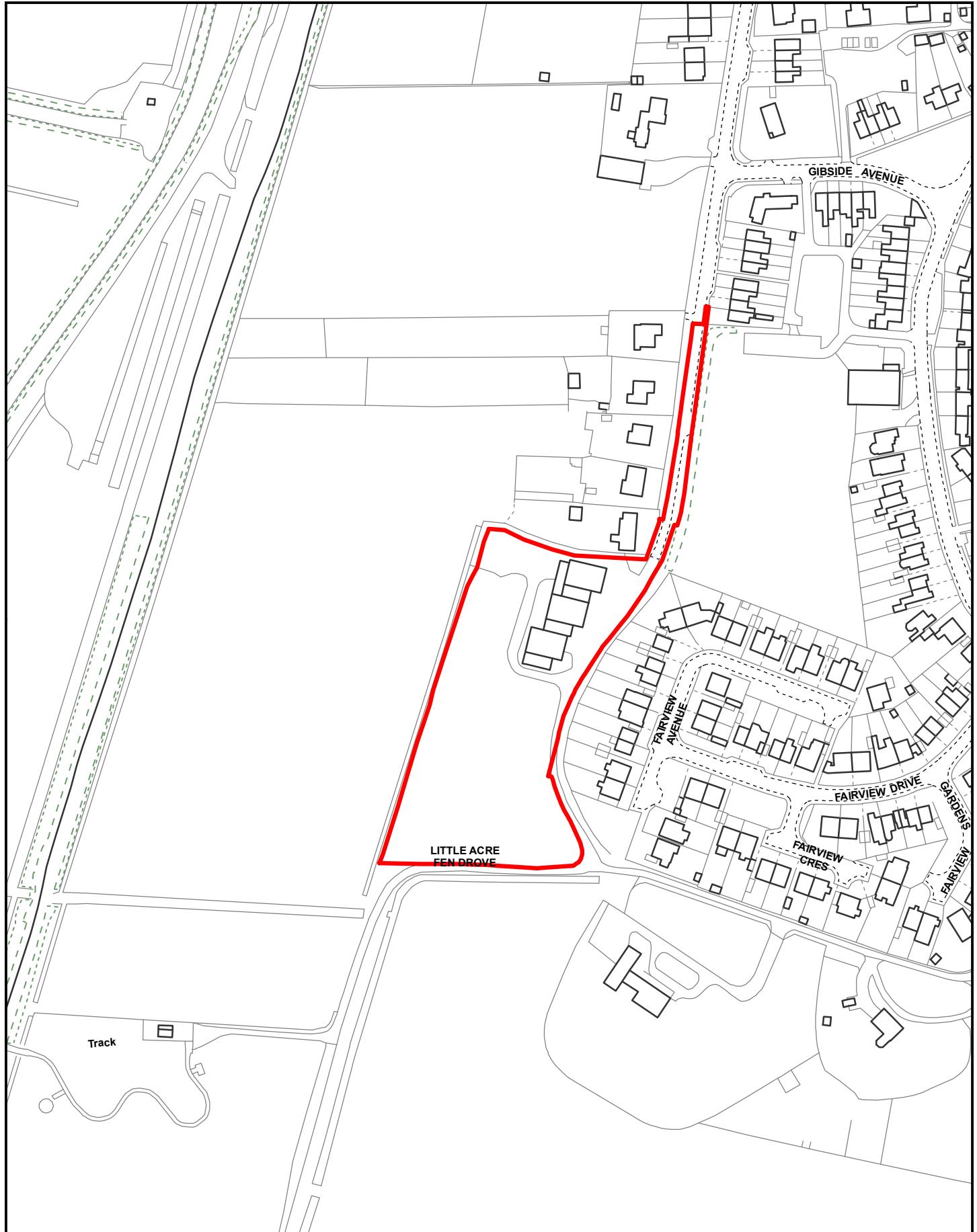
We are aware that a revised access arrangement has been provided to Highways for review and note that Member's of Planning Committee have been lobbied with further information in this regard. However, the applicant's agent has advised that the revised details do not form part of the current application and as such these have not been considered or consulted upon.

As set out in paras 9.36 – 9.39 of the Committee Report it is not considered that a revised scheme can be secured by way of a condition.

Consultee Comments

Comments have been received from the Definitive Map Team to advise that the public footpath to the south (Little Acre Fen Drove) does not have a recorded width. Para 9.16 of the Committee Report refers to boundary treatments bordering this footpath and the need to have an offset distance of 0.5m. As the recorded width is unknown, there may be issues with achieving acceptable boundary treatments to plots 18 – 22.

Resolution: No change to the recommendation which is to refuse the application as per Section 11 of Agenda item 5 on page 64-65.



Created on: 06/10/2022

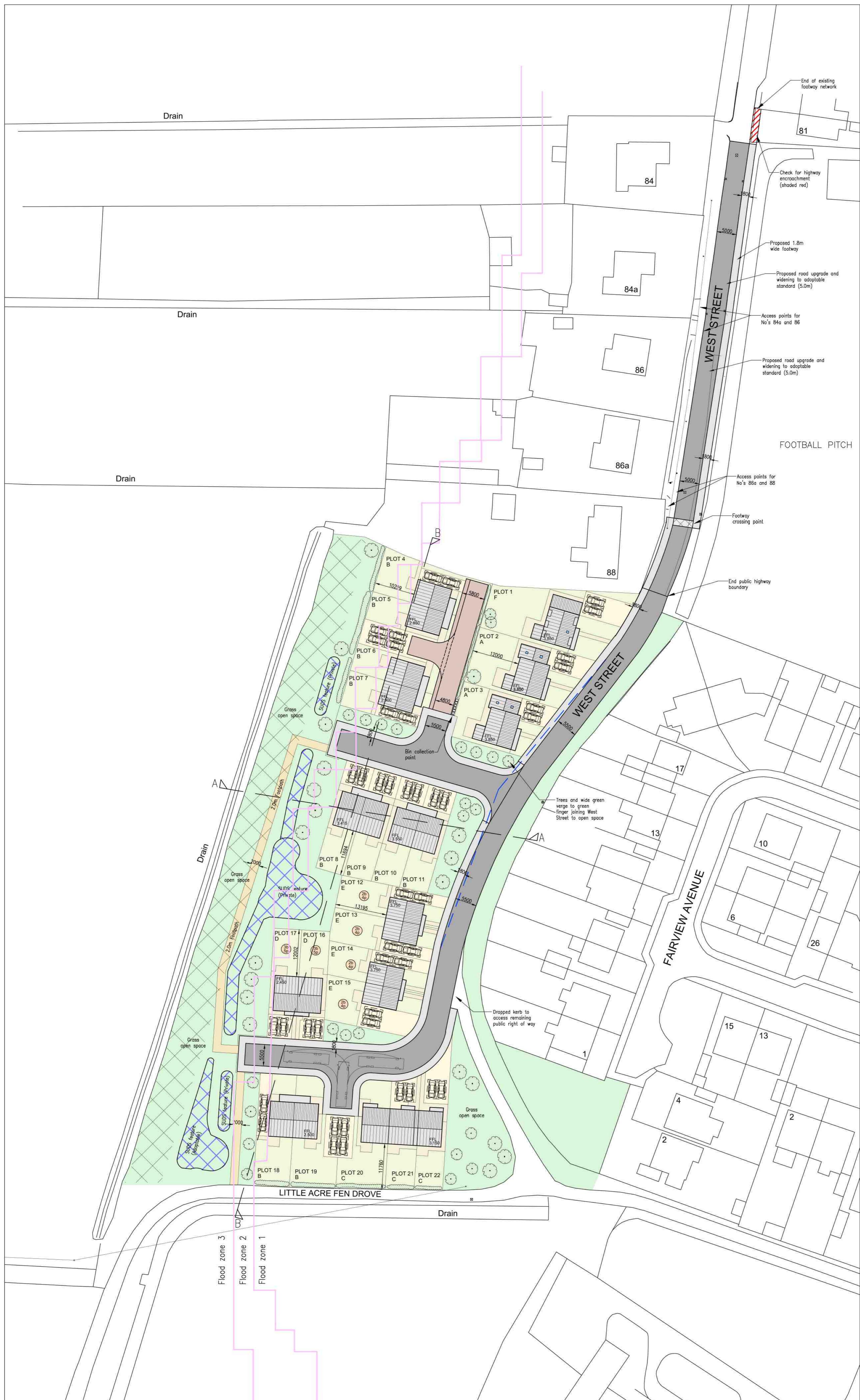
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F/YR22/0381/F

Scale = 1:2,500



 Fenland
CAMBRIDGESHIRE
Fenland District Council



PROPOSED SITE PLAN 1:500

0m 10 20 30 40 50m

N



CLIENT:
URBAN DEVELOPMENTS PETERBOROUGH LTD

PROJECT:
PROPOSED DEVELOPMENT

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

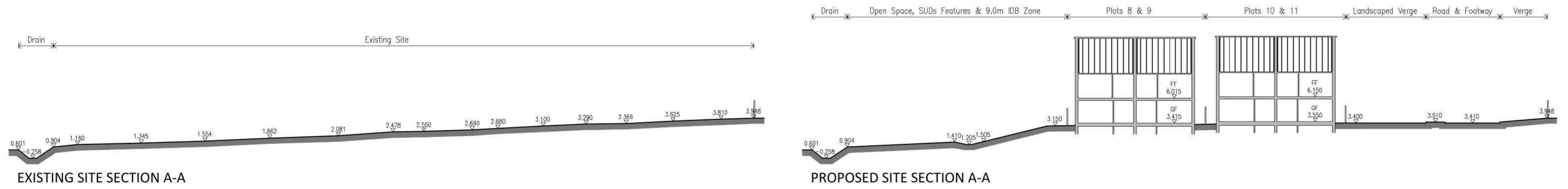
DRAWING:
PLANNING DRAWING 1 (SITE PLAN)

JOB NO. 6343/PL01N PAPER SIZE A1 DATE JAN 2022

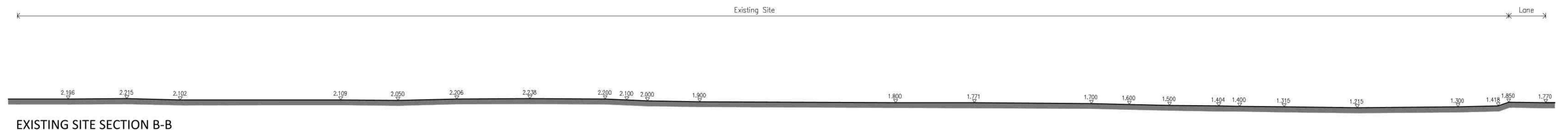
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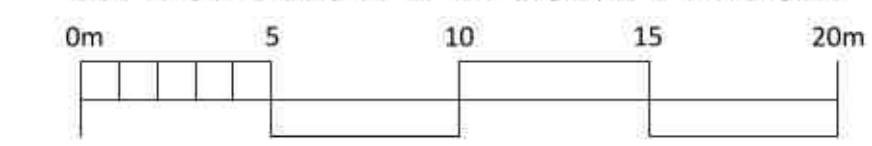
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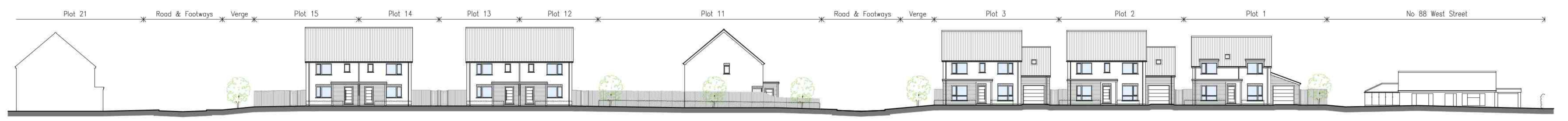
SITE SECTION A-A COMPARISON



SITE SECTION B-B COMPARISON



SITE SECTIONS 1:200

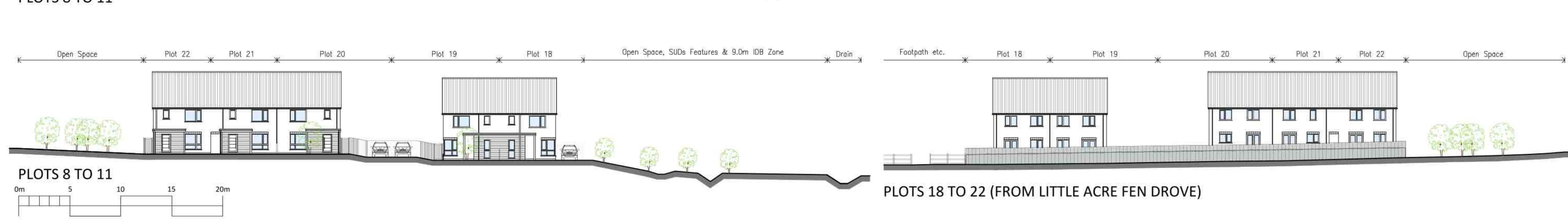
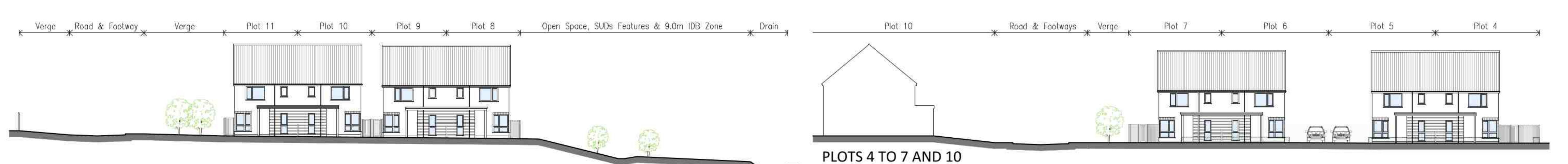


D - 14.09.2022 - Amendments to plan following revisions to site layout.
 E - 30.08.2022 - Amendments to plan following Plot 1 re design.
 F - 28.08.2022 - Plot 1 re design following comments from planning officer.
 G - 14.08.2022 - Amendments following comments from planning officer.
 H - 14.02.2022 - Plot 1 to street scene amended following design.

REVISIONS

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CLIENT
URBAN DEVELOPMENTS PETERBOROUGH LTD
PROJECT
PROPOSED DEVELOPMENT



PLANNING DRAWING 7
(STREET SCENES AND SITE SECTIONS)
JOB NO: 6343/PL07G PAPER SIZE: A0 DATE: JAN 2022

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