

**Applicant: Mr Matthew Wright
Fenland District Council**

**Agent : Mrs Fiona Bage
ELG Planning**

The Broad Street Project, Broad Street, March, Cambridgeshire

Demolition of the public toilets and shelter within a conservation area

Officer recommendation: Grant

Reason for Committee: Number of representations received contrary to Officer recommendation & Fenland District Council is the applicant.

1 EXECUTIVE SUMMARY

- 1.1 The application seeks full planning permission for the demolition of the public toilet block and adjacent shelter, within March Conservation Area.
- 1.2 National and Local Planning Policy, along with associated Government initiatives, seek to support the role that town centres play at the heart of their communities, by taking a positive approach to their growth, management and adaption and promote their long-term vitality and viability. The March Future High Street project together with the March Area Transport Study Project seek to regenerate the town centre in response to identified challenges, address existing congestion, and air quality issues and futureproof the road network for the town's planned housing and employment growth. The demolition of the public toilet block and shelter, and resultant opening up of the area along the riverbank, forms part of these wider schemes.
- 1.3 The Local Highways Authority (LHA) have no objections to the scheme, advising that the demolition of the public toilets and shelter will not result in adverse highway safety impacts, and there are no issues to address regarding flood risk or ecology and trees, subject to suitable conditions.
- 1.4 There are no archaeological requirements in relation to the site or buildings and it is considered that the benefits of the wider regeneration project outweigh the less than substantial harm identified to heritage assets.
- 1.5 It is recognised that provision of well-designed, located and maintained public toilets are an essential facility, particularly for certain groups within the community, that existing buildings encapsulate embodied carbon and reuse of existing resources is encouraged. The proposed demolition of the public toilet block and shelter seeks to restore the historic more open character of this former quay site, improving visibility and accessibility and allowing views between Broad Street, the River Nene and West End Park beyond, contributing to the aims of the wider regeneration project. Redevelopment of the site and provision of a new toilet block with improved provision are indicated as being proposed, however would be subject to separate planning applications and cannot be secured through this application. Nevertheless, on balance, the benefits to the wider

regeneration scheme are considered to outweigh the loss of the existing facility and buildings.

1.6 As such, the recommendation is to grant planning permission.

2 SITE DESCRIPTION

The buildings to which the application relates are a block of early 20th century public toilets and adjacent shelter with seating, finished in grey render with red brick and timber detailing, beneath a red tiled roof with contrasting ridge tiles. They are located on a prominent corner at the southern end of Broad Street at the junction with Grays Lane, alongside the riverbank, and in close proximity to a number of trees. The site is within March Conservation Area and the setting of the Grade II listed War Memorial.

3 PROPOSAL

3.1 The application seeks full planning permission for the demolition of the public toilet block and shelter, within March Conservation Area.

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

[F/YR22/1319/FDC | Demolition of the public toilets and shelter within a conservation area | The Broad Street Project Broad Street March Cambridgeshire \(fenland.gov.uk\)](https://www.fenland.gov.uk/F/YR22/1319/FDC%20|%20Demolition%20of%20the%20public%20toilets%20and%20shelter%20within%20a%20conservation%20area%20|%20The%20Broad%20Street%20Project%20Broad%20Street%20March%20Cambridgeshire)

4 SITE PLANNING HISTORY

F/YR11/0883/FDC	Refurbishment of public conveniences to form 5no self contained toilet cubicles (2 male, 2 female and 1 unisex disable cubicle) including elevational alterations and erection of a single-storey extension	Granted 20/12/2011
F/99/0043/TREES/CA	Felling of and works to various trees in Conservation Area	Granted 26/05/1999
F/0830/81/F	Extension to public toilets to provide accommodation for the disabled	Deemed Consent 05/03/1982

5 CONSULTATIONS

5.1 March Town Council

Councillors Court, Tustin and White declared an interest in this application. In light of facebook/social media activity and comments creating predetermination issues there was not the requisite quorum to discuss this item. Therefore no comment/recommendation can be made.

5.2 Environmental Health (FDC)

The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposal, as it is unlikely to have a detrimental effect on the local air quality and noise climate, or be affected by ground contamination.

5.3 Arboricultural Officer (FDC)

The proposed demolition may have an impact on the trees if protection measures are not put in place.

Whilst the actual demolition may not impact directly, removal of the foundations, if necessary, could lead to root damage as there is potential for roots to be present around the foundations.

Installing new surfacing may also impact on roots, particularly if excavations are required for a new sub-base.

We really require a method statement to confirm the necessary protection measures including ground protection/fencing to ensure the long-term potential of the trees.

5.4 Designing Out Crime Team

Our office has been in consultation with the applicant and have discussed security measures.

I have no further comment at this stage.

5.5 Conservation Officer (FDC)

The application site is a block of early C20 public toilets and adjoining shelter located at the south end of Broad Street, within the March conservation area. The current application proposes their demolition as part of the highway and public realm improvements promoted under the March Future High Street Fund Project. The application is supported by a heritage assessment to the appropriate level expected by the NPPF.

The principal heritage concern is the impact on the March conservation area and although PCAS Archaeology's assessment could have been a little more generous, it is accepted that modern alterations have largely compromised whatever modest architectural character these structures once possessed. In view of this, the minor loss to the conservation area can be offset against the public realm enhancements and other benefits offered by the Broad Street works.

Recommendation: No objection

5.6 Conservation Officer (FDC)

Further comments were requested in relation to the impact on setting of the War Memorial:

PCAS Archaeology's appraisal is an adequate assessment of the heritage impacts involved, and is proportionate to the NPPF's requirements; I have nothing to add to their conclusions.

5.7 Cambridgeshire County Council Archaeology

Thank you for your consultation with regard to the archaeological implications of the above referenced planning application. I am writing to confirm that the CHET have no in-principle objection on historic environment grounds to this proposal, which entails the demolition of the public toilets and shelter located at the junction of Broad Street with Nene Quay at the north end of Town Bridge.

Despite making some clumsy assumptions about the relative significance of some of the assets covered, the submitted heritage statement provides an adequate assessment of the archaeological potential of the site. Although this site lies in an area of archaeological potential adjacent to the town bridge and at the core of post-medieval March, on balance it is not considered that an archaeological evaluation of this very small development area would be likely to yield significant new information which would materially add to our understanding of the development of the settlement. Structures are first recorded adjacent to this location on early edition Ordnance Survey mapping dated to 1927 (1:2500) however these do not appear to represent the existing buildings in size or configuration, and so provide a terminus post quem for the construction of the current facilities. We therefore have no requirements for formal preservation by record of either the below-ground or above-ground archaeological resource affected by this development as proposed, although we would request to be consulted again if the nature and scale of redevelopment works proposed in this location is subject to change.

5.8 The March Society

The toilet block and shelter are important as familiar, easily accessible buildings in public view in Broad Street adding character to the town. The toilet block has stood for nearly 100 years. The 2012 work has changed the façade but could be restored without the individual cubical doors. We urge the building to be retained if not as toilets.

Health and Well-being: ‘Fenland has statistically significantly fewer people reporting good or very good health compared with England as a whole.’ People with medical concerns need the security of knowing that the toilets are there in the town centre and that the shelter is available for both the need to rest and inclement weather. The shelter is a meeting place for various age groups. Before demolition there must be the provision of new toilets.

It is disturbing when MPs etc are calling for buildings to be refurbished rather than demolished, that this council apply to demolish a sound building. And to build a replacement building close by.

Demolition and rebuilding are recognised as adding to climate change by causing CO2 emissions. The shelter is a sound protected seating area and we prefer the toilet block be internally redesigned and modernised. If not acceptable, the building should be given alternative use. There are numerous country-wide examples of reused toilet blocks. Opening an area of the riverbank with an unattractive view of the arches under the buildings and steel support structure opposite is not a view worth this demolition. More attractive views of the river are on the other side of the bridge and in West End Park.

Broad Street is a busy shopping area with a variety of buildings and businesses and convenient toilets and covered seating area. Demolition of these buildings changes the character of the town centre and leaves an empty space. Proposed seating on the steep riverbank facing buildings is also not the preferred attractive area for viewing the river.

There has been an announcement that a future replacement building would be to the western end of Gray’s Lane near the wall of the riverside grounds and play area of listed Bank House, a decision recently refuted.

There are concerns about night-time vandalism and anti-social behaviour in this secluded corner. The present site is ideal as open to high street view.

With an aging population and increasing percentage of older residents, as well as medical conditions, the toilets on this site are essential for both residents and visitors. Families, especially at town events, use these only public toilets in March.

Mindful of climate-change and recognised beneficial effects of trees on health and well-being and in improving air quality in the urban environment, we do not want to lose trees from the riverbank. Lining the riverbank from West End Park they add character to the area and importantly support the banks which have suffered collapses further along the river. We hope that the findings in the tree report will be followed in expanding tree canopy cover, retaining trees and new planting to benefit wildlife and biodiversity.

Demolishing sound buildings, in this case the convenient toilet block and well-frequented shelter to obtain a view, sets a disturbing precedent for removing buildings which are not recognised as being important by some decision makers.

Stance: Object

5.9 Wildlife Officer (FDC)

Recommendation:

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

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

Pre-Commencement Condition(s) –

- *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.

- No external lighting shall be erected until, a “lighting design strategy for biodiversity” for all lighting across the site shall be submitted to and approved in writing by the local planning authority. The strategy shall:

a) identify those areas/features on site that are particularly sensitive for ecological constraints that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from 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 within the Ecological Scoping Appraisal: Bats and Nesting Birds (Greenwillows associates Ltd, June 2022); 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.

Informative -

- Where it is intended to create semi-natural habitats, all species used in the landscaping schedules shall be locally native species of local provenance unless otherwise agreed in writing with the local planning authority.
- No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds’ nests immediately before the

vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Assessment/Comment:

The proposal to demolish the buildings is unlikely to have significant negative impact on the neighboring habitats. A tree is proposed to be removed however the ecological assessment state that this is unlikely to create new negative impacts on the light pollution impacting the neighboring river. The lighting design conditions will aim to demonstrate that there will be no impact and all best practices will be followed.

Other pathways of negative impact on the river will be addressed through the conditioned CEMP. The landscaping documentation will ensure that the development will result in an overall net positive for biodiversity.

5.10 Cambridgeshire County Council Highways

I do not object to this application. The proposed demolition of the public toilets and shelter will not result in adverse highway safety impacts.

Under Section 62 of the Highways Act 1980, the Local Highway Authority – CCC in this case who is the applicant – have general powers of improvement within the highway maintainable at public expense. This enables the LHA to execute works such as, but not limited to provision of roundabouts and alterations to junctions; diversion of carriageway and re-allocation of road space; provision of barriers, refuges, rails, fences, bollards vegetation; and highway drainage works.

Similarly, Schedule 2 Part 9 Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 states that works carried out by the LHA within the boundaries of the highway – or outside but adjoining the highway if necessary to facilitate the works – fall within Permitted Development rights.

As such, I have no comment to make regarding the highway proposals as they do not require planning permission.

5.11 Cambridgeshire County Council Project Manager - Place and Sustainability

The planned housing and employment growth in March will result in increased levels of traffic in future years, and extensive traffic modelling has demonstrated that this will put additional strain on the road network. The Broad Street Junction is located at a critical point in March and already experiences high levels of congestion and poor air quality, and these issues will be exacerbated as further demand is placed on the network. The modelling has demonstrated that the junction and surrounding area will suffer from significant increases in delay and congestion, and worsening air quality, without intervention.

Several options for the Broad Street Junction have been tested using traffic modelling packages, including traffic signals, various sized roundabouts, and a gyratory system. The assessment demonstrated that a roundabout (18m diameter) performed best, reducing congestion, and improving air quality whilst also facilitating the Broad Street public realm improvements being delivered by the Future High Street Fund. This assessment took account of all future growth in March resulting from the Local Plan.

The MATS Broad Street Scheme, which will be delivered by March 2024, will improve traffic flow through the town centre and result in stable traffic flows. Delay is expected to reduce by over half compared to a without-scheme scenario. The scheme will also improve air quality and is expected to reduce NOx emissions by 15 tonnes and PM2.5 emissions by 2.5 tonnes over the 60-year period that has assessed. This is achieved as idling traffic is largely removed following the reduction in queues with the implementation of a roundabout and the removal of traffic signals.

5.12 Local Residents/Interested Parties

17 objections have been received in relation to the following:

- Historic preservation and reuse of existing buildings (rather than demolition and re-build) helps to reduce carbon footprint
- Would like to see the building reused/modernised/refurbished, even if not as toilets
- Prominent landmark
- Loss of toilets/amenity detrimental to both local residents and visitors, impact on less mobile
- Demolition of the toilets should not be considered until new toilets are constructed and operational/ would not comply the health and wellbeing policy
- Current location is good as visible/prominent and prevents anti-social behaviour
- Shelter provides protection from the weather and a popular meeting place
- Provides character to the area, unique building, and would be detrimental to visual amenity
- The need to open up views of the river is misplaced
- Trees should remain to hold the riverbank, improve air quality, wellbeing, amenity and for wildlife
- Would set a precedent
- Would not be required if an alternative road layout proposed
- Impact on use of town centre/businesses
- Unacceptable to rely on businesses for toilet access
- Concerns regarding the suitability of the wider Broad Street project including consideration of alternative schemes, loss of parking, traffic congestion, consultation, comments of local residents not considered, anti-social behaviour, impact on town centre businesses, traffic congestion

5.13 A 318 signature (names, signatures and addresses have not been checked) petition to save the public toilets has been received from The March Society, covering comments relate to the following:

- Stood as a landmark for nearly a century
- Conveniently located
- Only public toilets in town, removing them would mean a long walk to another site
- In a prominent location, City Road toilets removed due to vandalism
- Residents feel strongly the toilets should not be lost but adapted to modern standards

5.14 A 197 signature e-petition to save the public toilets has been received by the Council, this is not linked to this planning application and began before its submission, however is referred to here for completeness.

In response to the comments received:

- 5.15 The local resident consultations have been checked and considered to comply with the Statement of Community Involvement ([Statement of Community Involvement.pdf \(fenland.gov.uk\)](#)), which sets out how Fenland District Council will consult with the public and wider stakeholders on planning applications. Two site notices were posted near the site and the application was advertised in the Fenland Citizen on 7/12/2022 (in accordance with relevant legislative requirements).
- 5.16 Publicity and consultation in relation to the wider project are not a matter for this application.
- 5.17 Any application for planning permission will be considered on its own merits.
- 5.18 Comments where they relate to planning matters in relation to what is being applied for will be considered in the sections below.

6 STATUTORY DUTY

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

Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require Local Planning Authorities when considering development to pay special attention to preserving a listed building or its setting and to the desirability of preserving or enhancing the character or appearance of a conservation area.

7 POLICY FRAMEWORK

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

National Design Guide 2021

Context – C1, C2

Identity – I1, I2

Nature – N1, N3

Public Spaces – P1, P2, P3

Uses – U3

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

LP6 – Employment, Tourism, Community Facilities and Retail

LP9 – March

LP13 – Supporting and Mitigating the Impact of a Growing District

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

LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland

LP16 – Delivering and Protecting High Quality Environments across the District
LP17 – Community Safety
LP18 – The Historic Environment
LP19 – The Natural Environment

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
LP3 - Spatial Strategy for Employment Development
LP4 – Securing Fenland’s Future
LP5 – Health and Wellbeing
LP7 – Design
LP8 – Amenity Provision
LP11 – Community Safety
LP16 – Town Centres
LP17 – Culture, Leisure, Tourism and Community Facilities
LP19 – Strategic Infrastructure
LP20 – Accessibility and Transport
LP23 – Historic Environment
LP24 – Natural Environment
LP25 – Biodiversity Net Gain
LP27 – Trees and Planting
LP28 – Landscape
LP32 – Flood and Water Management

Delivering and Protecting High Quality Environments in Fenland SPD 2014

DM3 – Making a Positive Contribution to Local Distinctiveness and Character of the Area
DM8 – Riverside Settings

Fenland Infrastructure Delivery Plan 2016

Cambridgeshire Flood and Water SPD 2016

March Neighbourhood Plan 2017

There are no specific policies relating to this site however Town Centre Regeneration is a key theme of the Plan, and the visions, aims and objectives are that the quality of the built and natural environment is improved.

8 KEY ISSUES

- **Principle of Development**
- **Town Centre and Economic Growth**
- **Highways**
- **Heritage**
- **Amenity, Health and Wellbeing and Climate Change**

- **Ecology and Trees**
- **Flood Risk**

9 ASSESSMENT

9.1 Please be advised that the application relates only to the demolition of the public toilet block and shelter and only the merits of this development can be taken into consideration.

9.2 The wider March Future High Street project and March Area Transport Study project do not form part of this application.

Principle of Development

9.3 Policy LP3 of the Fenland Local Plan 2014 sets out the spatial strategy for the district, identifying March as a Primary Market Town and as such a main area for growth with a focus for delivering housing and commerce to support economic growth. As such, the principle of development is considered to be supported, subject to the development complying with all other relevant policies and material considerations.

9.4 Whilst the policies of the emerging local plan carry extremely limited weight in decision making:

Policy LP1, Part A identifies March as a Market Town and as such a focus for future growth; Part B advises that proposals within the settlement boundary will be supported in principle.

Town Centre and Economic Growth

9.5 Policy LP6 seeks to support development where it would strengthen the role of Market Towns, enabling these to adapt and provide a wide range of facilities in a high-quality environment. The NNPF (para 86) seeks to support the role that town centres play at the heart of their communities, by taking a positive approach to their growth, management and adaption and promote their long-term vitality and viability. The site is within the Town Centre Boundary and Primary Shopping Area.

9.6 Whilst the policies of the emerging local plan carry extremely limited weight in decision making:

Policy LP3 sets out the spatial strategy for employment growth, which is principally focussed on the Market Towns. The site is within an Established Employment Area; March Town Centre (EEA9), Town District Centre and Primary Shopping Area. Policy LP16, in particular Part A, seeks to encourage the development and regeneration of town centres.

9.7 Fenland's Annual Monitoring Review confirms that there has been a steady decline in town centre uses¹. Information submitted within the application states that it has been identified that town centre vacancy rates within March are increasing, there are a number of unused or underused buildings, and that hospitality, and leisure offers are currently poor.

9.8 The Government's Future High Streets Fund (FHSF) aims to renew and reshape town centres and high streets in a way that drives growth, improves experience and ensures future sustainability. The March Future High Street project with funding from FHSF and the Cambridgeshire and Peterborough Combined Authority (CPCA) underpinned by Growing Fenland², aims to regenerate the area

around Broad Street, the River Nene and the Market Place in response to these challenges and seeks to increase sustainable transport modes, reduce traffic dominance and improve the public realm.

- 9.9 This sits alongside the March Area Transport Study Project highway infrastructure works to Broad Street, which seeks to address existing congestion and air quality issues and futureproof the road network for the town's planned housing and employment growth and associated increased traffic levels. Cambridgeshire County Council's Place and Sustainability Manager has advised that several options for the Broad Street Junction have been tested using traffic modelling and the scheme taken forward performed most favourably in relation to reducing congestion, improving air quality and enabling the proposed public realm improvements, taking into account future growth.
- 9.10 The demolition of the public toilet block and shelter, and resultant opening up of the area along the riverbank, forms part of these wider schemes.

¹ https://www.fenland.gov.uk/media/18154/Fenland-Monitoring-Report-2020-2021/pdf/Fenland_Monitoring_Report_2020-2021.pdf?m=637795725250630000

² [Growing Fenland - March Final Report.pdf](#)

Highways

- 9.11 The Local Highways Authority (LHA) have no objections to the scheme, advising that the demolition of the public toilets and shelter will not result in adverse highway safety impacts.
- 9.12 The LHA have no comments regarding the wider Broad Street highway infrastructure works, as they do not form part of the application nor require planning permission:
- 9.13 Under Section 62 of the Highways Act 1980, the Local Highway Authority have general powers of improvement within the highway maintainable at public expense. This enables the LHA to execute works such as, but not limited to, provision of roundabouts and alterations to junctions; diversion of carriageway and re-allocation of road space; provision of barriers, refuges, rails, fences, bollards, vegetation; and highway drainage works.
- 9.14 Schedule 2 Part 9 Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 states that works carried out by the LHA within the boundaries of the highway – or outside but adjoining the highway if necessary to facilitate the works – fall within Permitted Development rights, and as such would not require planning permission.

Heritage

- 9.15 Under the Planning (Listed Buildings and Conservation Areas) Act 1990, the Council has a legal duty to have special regard to preserving a listed building or its setting when considering whether to grant planning permission which affects a listed building or its setting; and in deciding whether to grant planning permission for development in a conservation area, the Council has a legal duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 9.16 Policies LP16 and LP18 of the Fenland Local Plan seek to protect and enhance heritage assets. Chapter 16 of the NPPF 2021, C1, C2 and I1 of the NDG 2021 are also relevant.

- 9.17 Paragraph 195 of the NPPF states that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 9.18 Paragraph 197 of the NPPF states that in determining applications, local planning authorities should take account of:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) the desirability of new development making a positive contribution to local character and distinctiveness.
- 9.19 Paragraph 199 of the NPPF states when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 9.20 Paragraph 200 of the NPPF states that any harm to, or loss of the significance of a designated heritage asset should require clear and convincing justification.
- 9.21 Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 9.22 The application is accompanied by a Heritage Statement, in accordance with Paragraph 194 of the NPPF, which assesses the heritage impacts of the scheme.
- 9.23 Cambridgeshire County Council Archaeology have no in principle objection on historic environment grounds to the proposal, advising that on balance it is not considered that an archaeological evaluation of this very small development area would be likely to yield significant new information which would materially add to their understanding of the development of the settlement. As such, they have no requirements for formal preservation by record of either the below-ground or above-ground archaeological resource affected by the development.
- 9.24 This Council's Conservation Officer accepts that modern alterations have largely compromised whatever modest architectural character the toilet and shelter structures once possessed and as such their demolition would result in less than substantial harm to the surrounding heritage assets. Paragraph 202 of the NPPF requires that where less than substantial harm to the significance of designated assets is identified, this should be weighed against the public benefits of the proposal, and it is considered that the minor loss to the Conservation Area can be offset against the public realm enhancements and other benefits offered by the wider scheme.

Amenity, Health and Wellbeing and Climate Change

- 9.25 Policy DM8 of the Delivering and Protecting High Quality Environments in Fenland SPD seeks to enhance riverside settings, achieve good quality landscaping and provide opportunities for public access to the river. The River Nene is currently considered to be obscured from view within the town centre due to the presence of the existing structures, and the proposed demolition of the public toilet block and shelter seeks to restore the historic more open character of this former quay site, improving visibility and accessibility and allowing views between Broad Street, the River Nene and West End Park beyond, contributing to the aims of the wider regeneration project. Redevelopment of the site is proposed, and indicative design proposals have been provided, however this has not been finalised and would be subject to a further application for planning permission if taken forward. In the interim it is proposed to landscape the site (full details of remediation and soft landscaping can be secured by way of a condition), retaining the existing trees, which would provide greening and softening to the area and a link between hard landscaped pedestrianised area, the river and park.
- 9.26 It is recognised that provision of well-designed, located and maintained public toilets are an essential facility, particularly for certain groups within the community and the NPPF (paragraph 93) seeks to guard against the unnecessarily loss of valued facilities and services, ensuring that these are able to develop and modernise and are retained for the benefit of the community. Information submitted with the application indicates that a new toilet block, with improved provision is proposed, however this has yet to be finalised, would be subject to a separate application for planning permission and cannot be secured through this application, and as such cannot be afforded any weight in decision making.
- 9.27 It is acknowledged that existing buildings encapsulate embodied carbon and when a building is demolished energy is used to deconstruct it, and remove, process and dispose of the waste. The NPPF (paragraph 152) seeks to encourage the reuse of existing resources, including the conversion of existing buildings. The submitted Heritage Statement indicates that the building is not suitable for conversion, notwithstanding this, the wider scheme proposes their removal with the intention of opening up views in connection with the wider public realm which would not be possible if the buildings are retained in their current location.

Ecology and Trees

- 9.28 The application is accompanied by an Ecological Scoping Appraisal in relation to bats and nesting birds; the Council's Wildlife Officer considers that due to the unique nature of the site and the fact that minimal ecological habitats are going to be disturbed, the documents submitted are suitable to answer the question of potential impacts. It should be noted that the report relates not only to the buildings subject to this application but also the wider surrounding area.
- 9.29 The proposal to demolish the buildings is unlikely to have significant negative impact on the neighboring habitats and other pathways of negative impact on the river will be addressed through the proposed Construction Environmental Management Plan (CEMP) condition. Conditions are also recommended in relation to lighting design, to demonstrate that there will be no impact and all best practices will be followed. The landscaping condition will ensure that the development will result in an overall net gain for biodiversity.
- 9.30 The application is accompanied by a Tree Inspection Report which advises that the trees in the vicinity of the site are of high prominence, making a significant

contribution to the character of the area, providing a major green corridor within the town centre and contributing to protecting the riverbank from collapse. The application does not seek to fell or undertake works to the surrounding trees and in order to ensure that the trees are adequately protected during demolition works an Arboricultural Impact Assessment and Method Statement is required to be secured by condition.

Flood Risk

- 9.31 The application site falls within Flood Zone 1 (low risk) and as such the proposal is considered to be appropriate development and does not require the submission of a flood risk assessment or inclusion of mitigation measures. The application is however accompanied by a Flood Risk Scoping Study for the wider scheme which does not identify any issues in respect of the application site. The site has a very low risk of surface water flooding.

10 CONCLUSIONS

- 10.1 National and Local Planning Policy, along with associated Government initiatives, seek to support the role that town centres play at the heart of their communities, by taking a positive approach to their growth, management and adaption and promote their long-term vitality and viability. The March Future High Street project together with the March Area Transport Study Project seek to regenerate the town centre in response to identified challenges, address existing congestion, and air quality issues and futureproof the road network for the town's planned housing and employment growth. The demolition of the public toilet block and shelter, and resultant opening up of the area along the riverbank, forms part of these wider schemes.
- 10.2 The Local Highways Authority (LHA) have no objections to the scheme, advising that the demolition of the public toilets and shelter will not result in adverse highway safety impacts, and there are no issues to address regarding flood risk or ecology and trees subject to suitable conditions.
- 10.3 There are no archaeological requirements in relation to the site or buildings and it is considered that the benefits of the wider regeneration project outweigh the less than substantial harm identified to heritage assets.
- 10.4 It is recognised that provision of well-designed, located and maintained public toilets are an essential facility, particularly for certain groups within the community, that existing buildings encapsulate embodied carbon and reuse of existing resources is encouraged. The proposed demolition of the public toilet block and shelter seeks to restore the historic more open character of this former quay site, improving visibility and accessibility and allowing views between Broad Street, the river Nene and West End Park beyond, contributing to the aims of the wider regeneration project. Redevelopment of the site and provision of a new toilet block with improved provision are indicated as being proposed, however would be subject to separate planning applications and cannot be secured through this application. Nevertheless, on balance, the benefits to the wider regeneration scheme are considered to outweigh the loss of the existing facility and buildings.

11 RECOMMENDATION

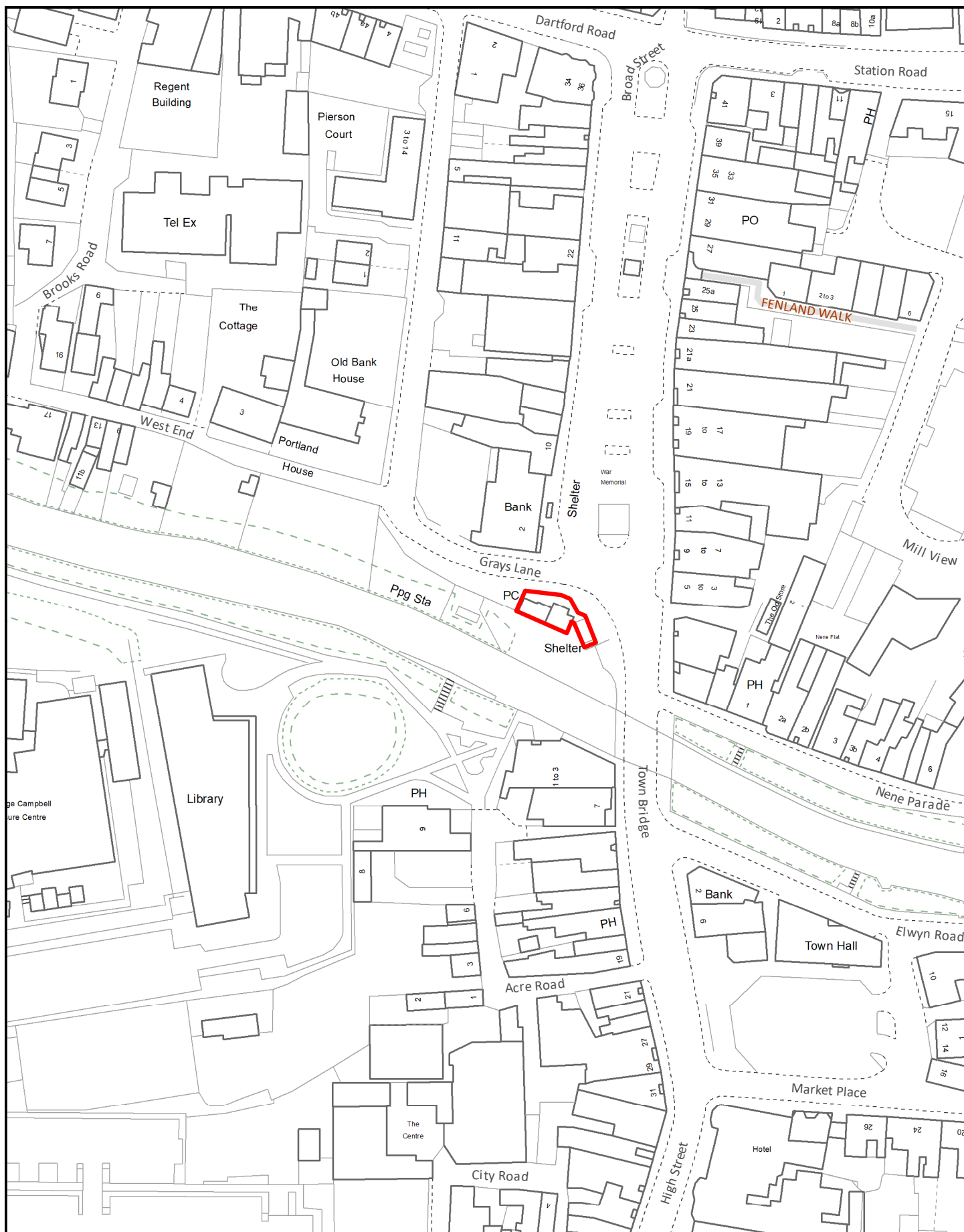
Grant; subject to the following conditions:

From 1 October 2018 section 100ZA(5) of the Town and Country Planning Act 1990 provides that planning permission for the development of land may not be granted subject to a pre-commencement condition without the written agreement of the applicant to the terms of the condition (except in the circumstances set out in the Town and Country Planning (Pre-commencement Conditions) Regulations 2018).

The applicant has been consulted on the proposed conditions and has confirmed their agreement to them in writing.

1.	<p>The development permitted shall be begun before the expiration of 3 years from the date of this permission.</p> <p>Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2.	<p>No development shall take place until a scheme for the remediation and 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:</p> <ul style="list-style-type: none"> -Planting plans to all public areas, retained hedge and trees, species, numbers, size and density of planting; -Placement, type and number of biodiversity enhancements -Boundary treatments. <p>Development shall be carried out in accordance with the submitted details and at the following times:</p> <p>Any trees, shrubs or hedges forming part of the approved landscaping scheme 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.</p> <p>Reason: To protect and enhance visual amenity and the biodiversity value of the habitat around the site in accordance with Policy LP16, LP18 and LP19 of the Fenland Local Plan 2014.</p> <p>A pre-commencement condition is necessary in order to ensure no works are undertaken before a suitable scheme for remediation and landscaping of the site is agreed, in order to protect and enhance the character of the area.</p>
3.	<p>No development shall take place until a detailed Arboricultural Impact Assessment (AIA) and Arboricultural Method Statement (AMS) has been submitted and approved in writing by the Local Planning Authority. These shall identify tree constraints, specify protective fences for exclusion areas and detail how work will be undertaken in</p>

	<p>relation to root protection areas. All works shall be carried out in accordance with the agreed details.</p> <p>Reason: To ensure that the trees on site are adequately protected and to safeguard the character and appearance of the area, in accordance with policies LP16, LP18 and LP19 of the Fenland Local Plan 2014.</p> <p>The condition is pre-commencement in order to ensure that the protection measures are implemented and work methods identified prior to any site works taking place to avoid causing damage to trees to be retained on site</p>
4.	<p>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:</p> <ul style="list-style-type: none"> 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. <p>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.</p> <p>Reason - In the interests of protecting biodiversity in and around the site in accordance with policy LP16(b) and LP19 of the Fenland Local Plan, 2014.</p> <p>A pre-commencement condition is necessary in order to ensure that the impacts of the development on biodiversity is adequately mitigated.</p>
5.	Plans and Documents



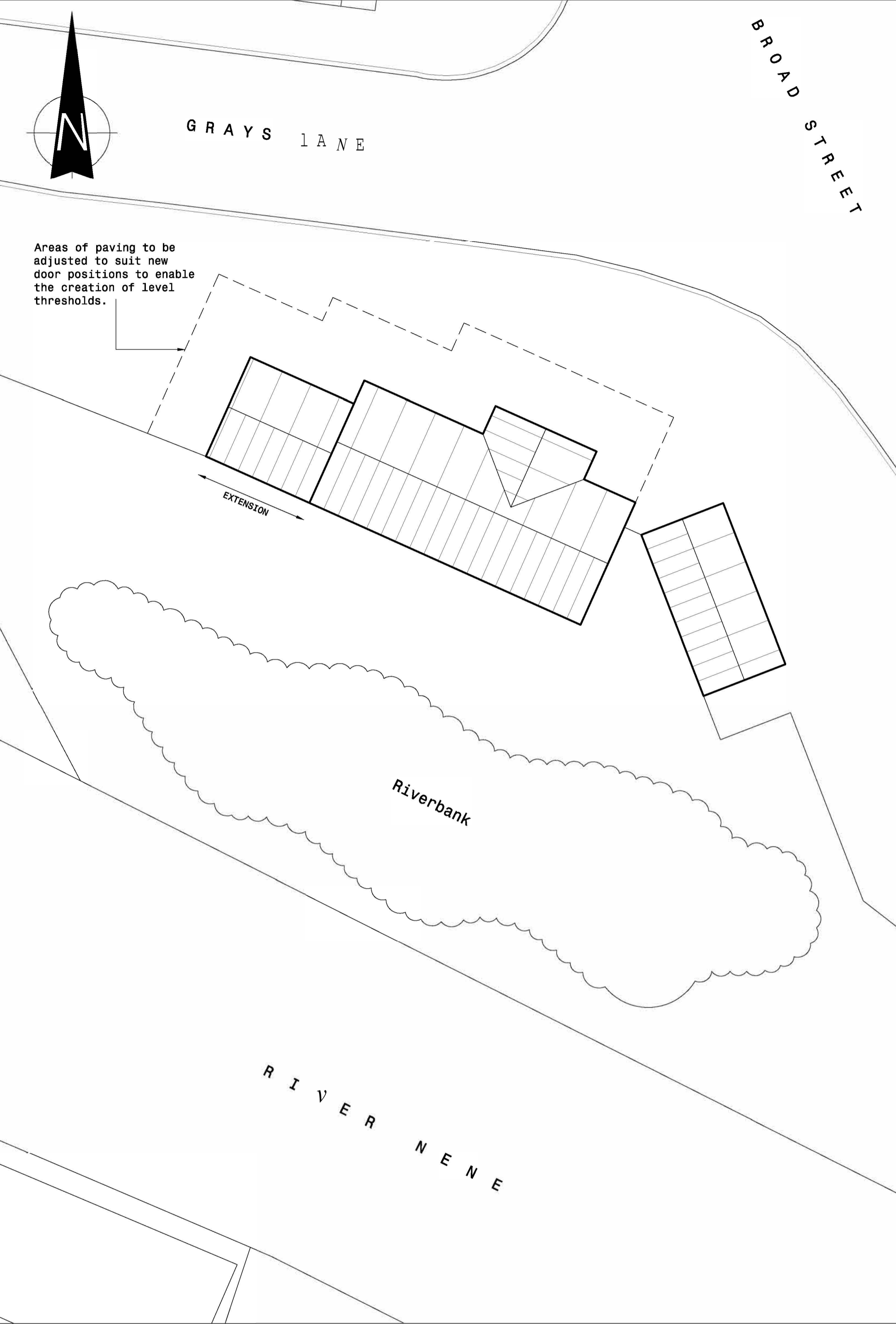
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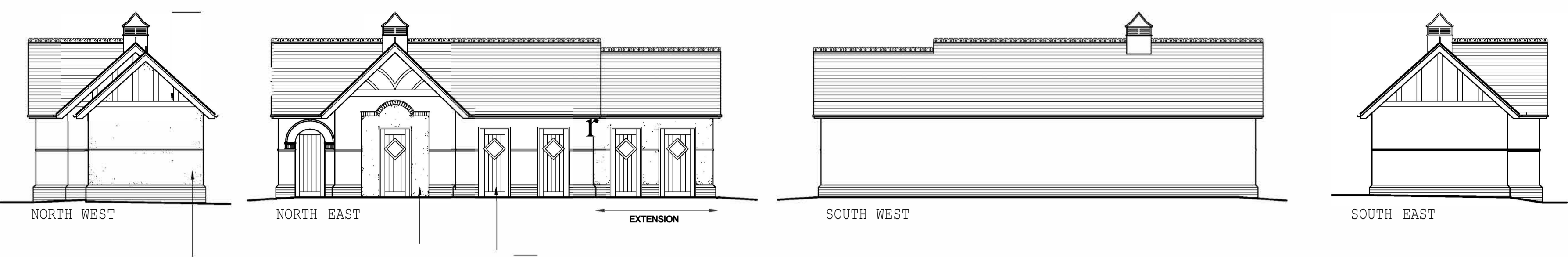
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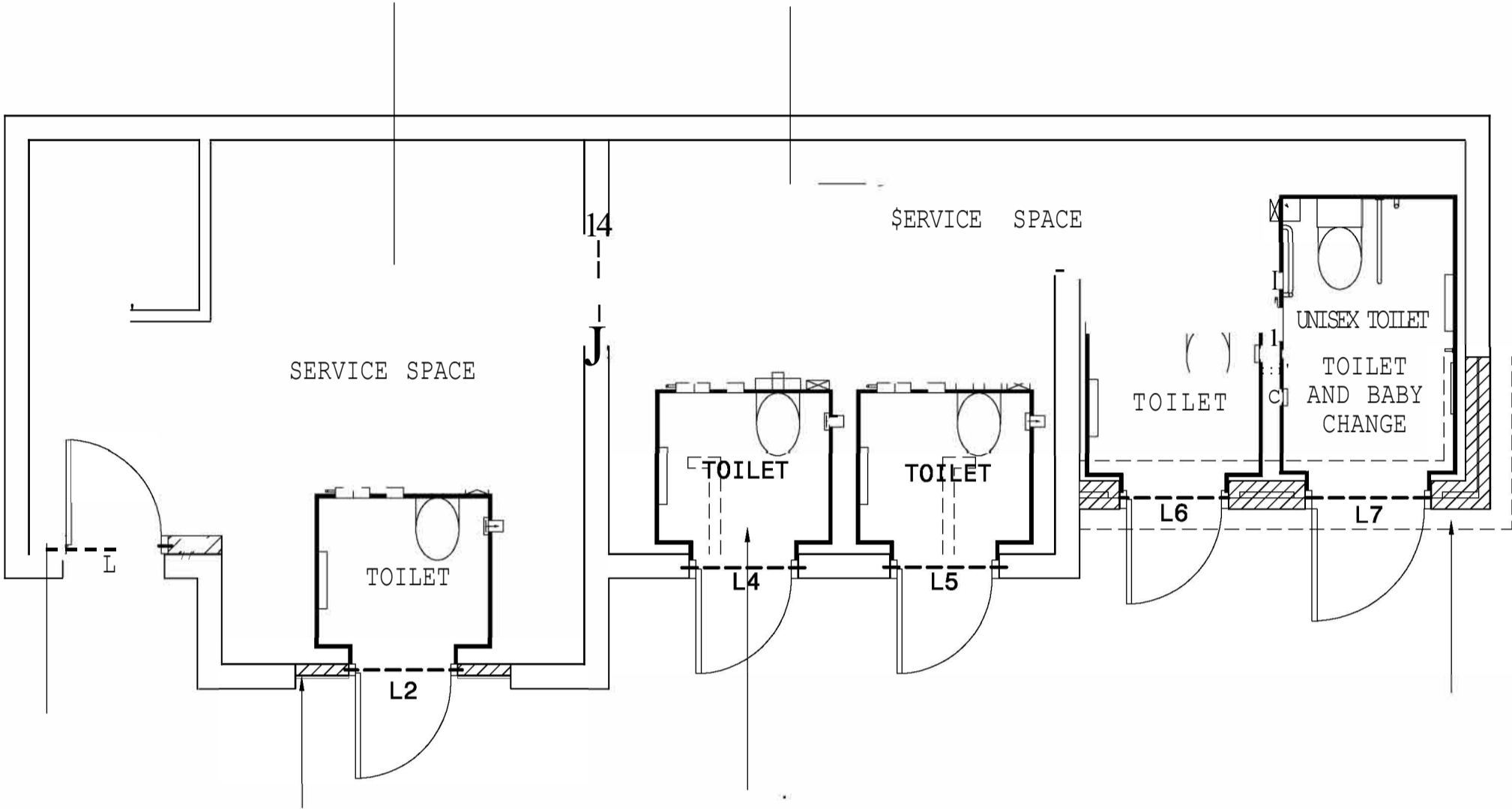




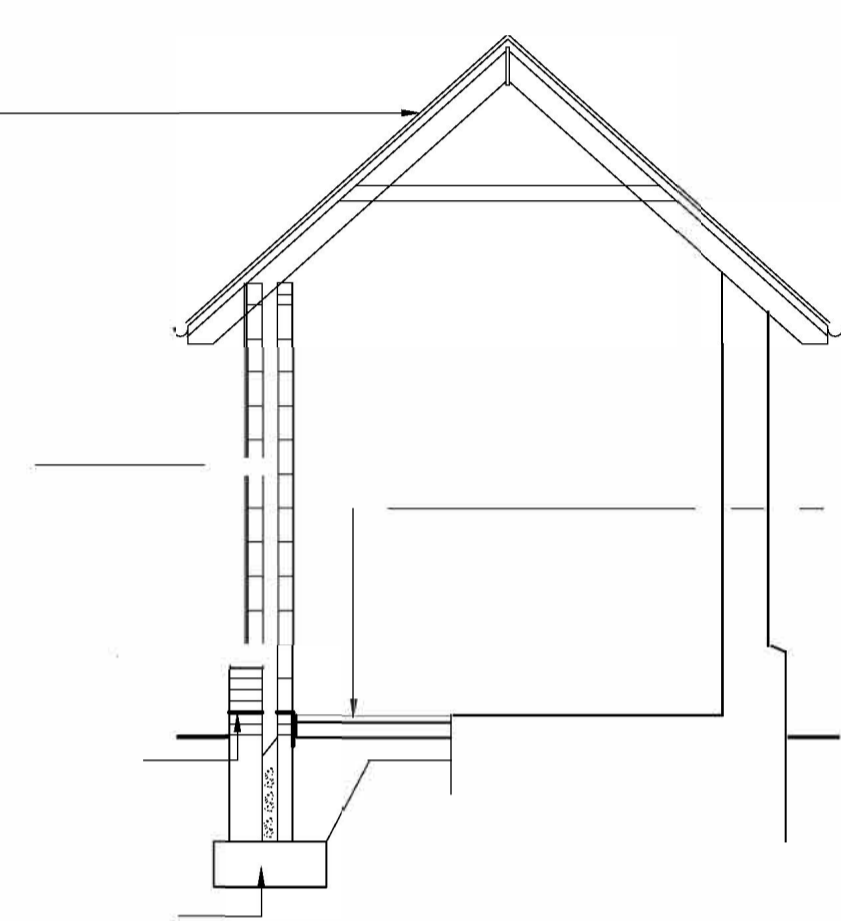
SITE PLAN 1:100



ELEVATIONS 1:100



PLAN 1:50



TYPICAL SECTION 1:50

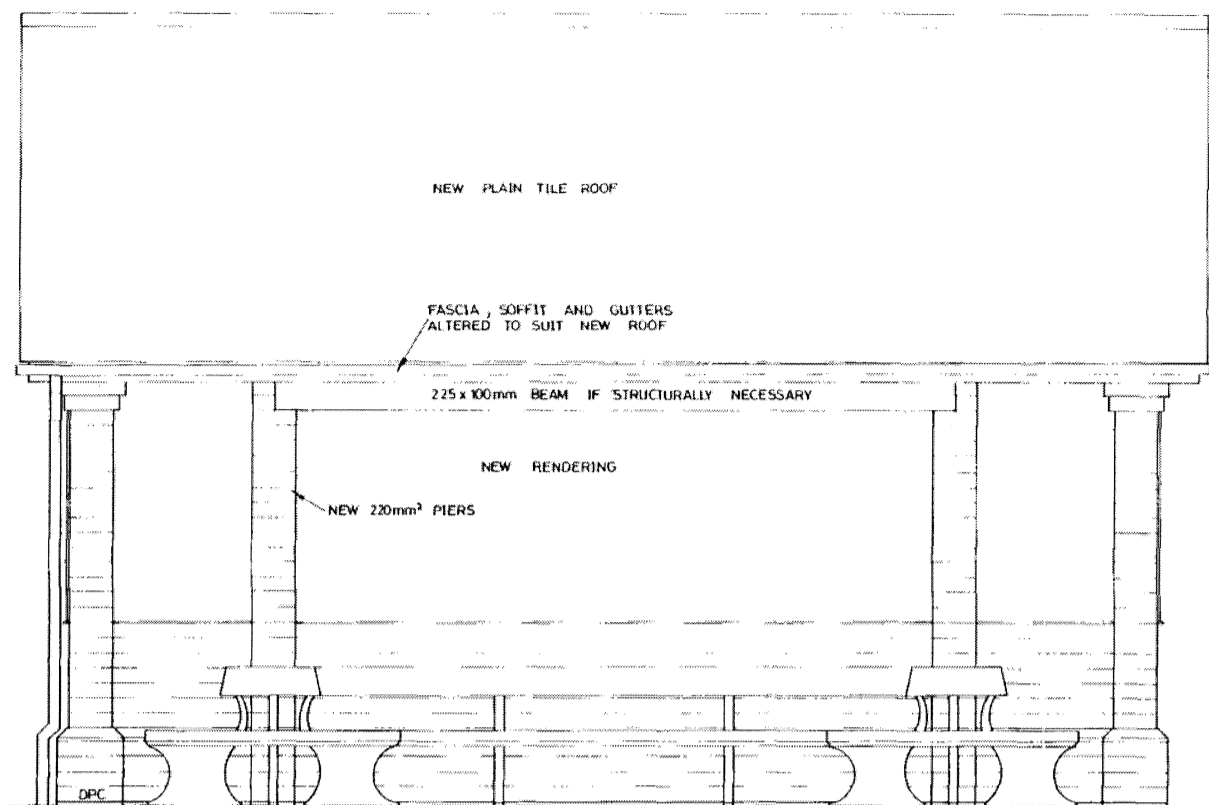
Revisions					jProject	
Rev	By	Date	Apprd	Description	PROPOSED ALTERATIONS TO PUBLIC TOILETS AT BROAD STREET, WISBECH	
A	TA	28.11.11		Timber detailing added to North west (extension)		
B	TA	20.11.11		Door aperture changed and bollards removed		
C	TA	13.12.11		Unisex cubicles removed		
Title					Title	
Designed					EXISTING PLANS	
Drawn					AS SHOWN	
Eng. Ck					441 /07	
Approved					C	

Fenland District Council
Fenland District Council, Fenland Hall, County Road,
March, Cambridgeshire, PE8 5 8NQ
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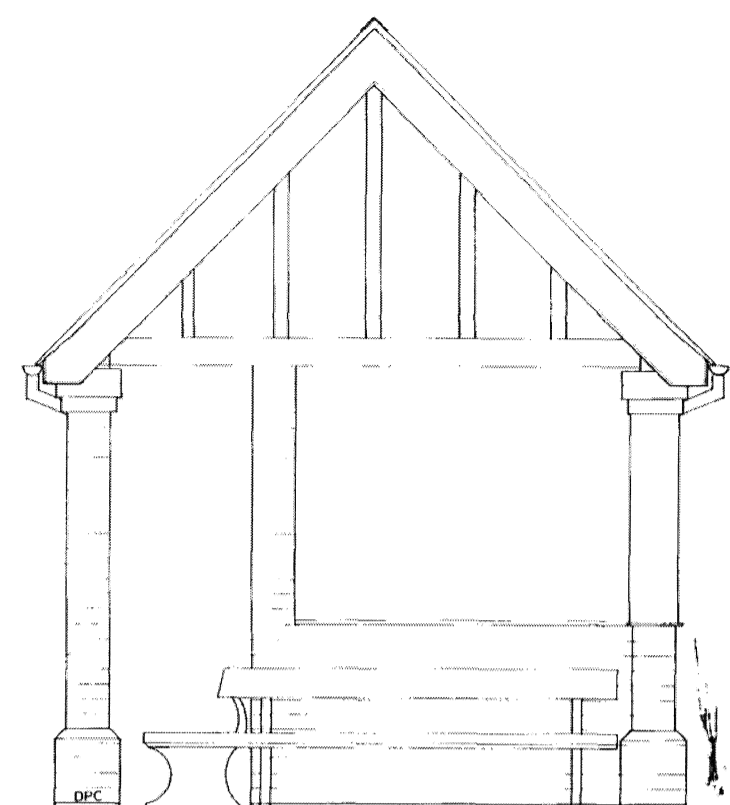
Scale
AS SHOWN

Drawing No
441 /07

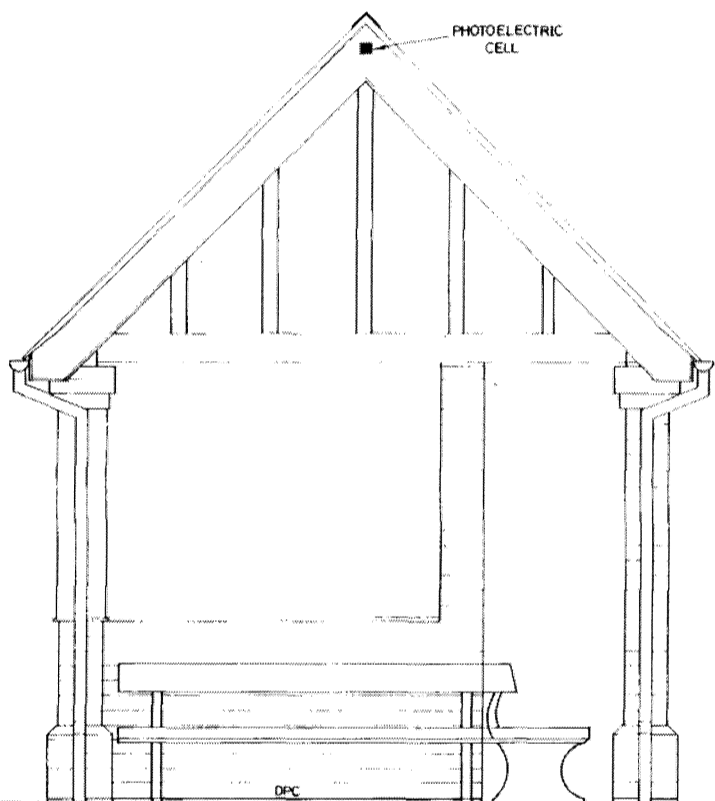
Rev.
C



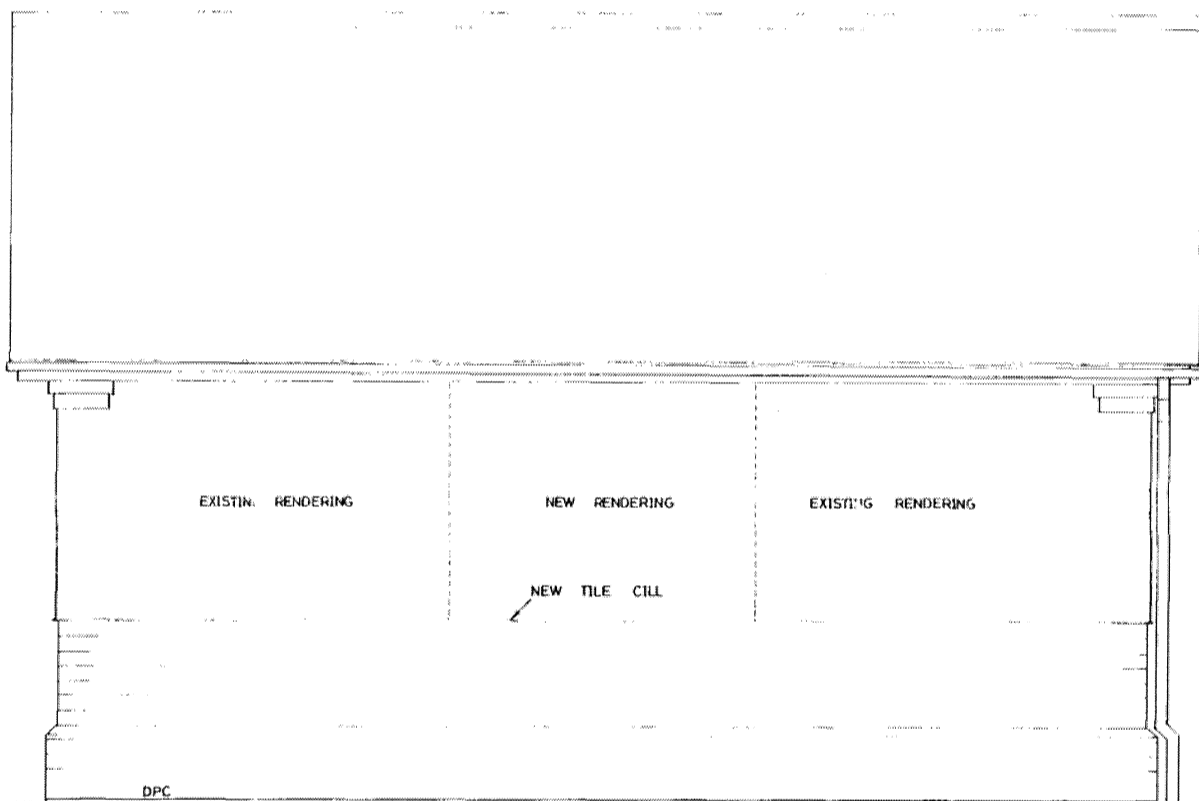
FRONT ELEVATION



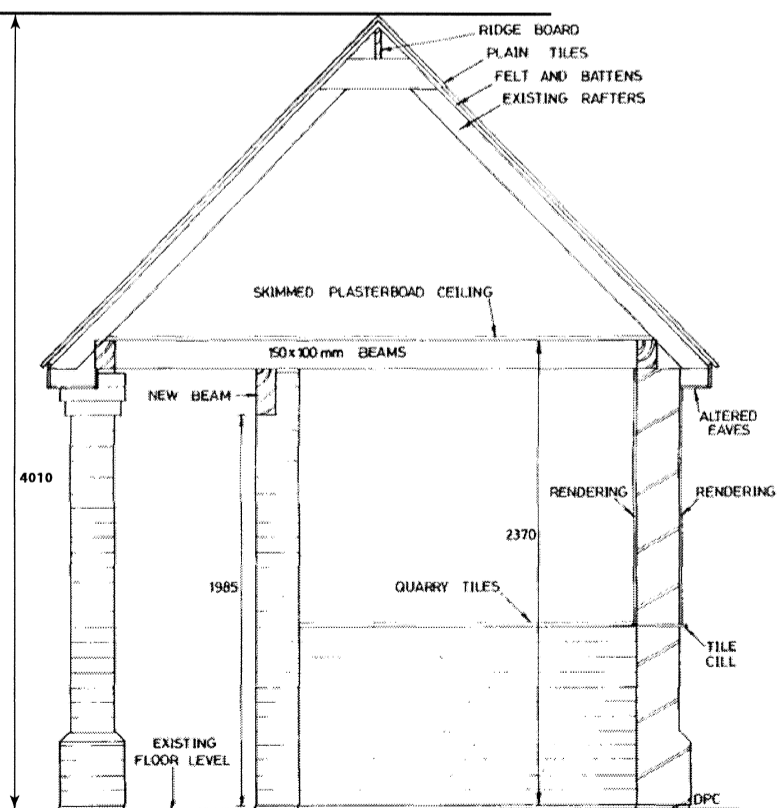
SIDE ELEVATION



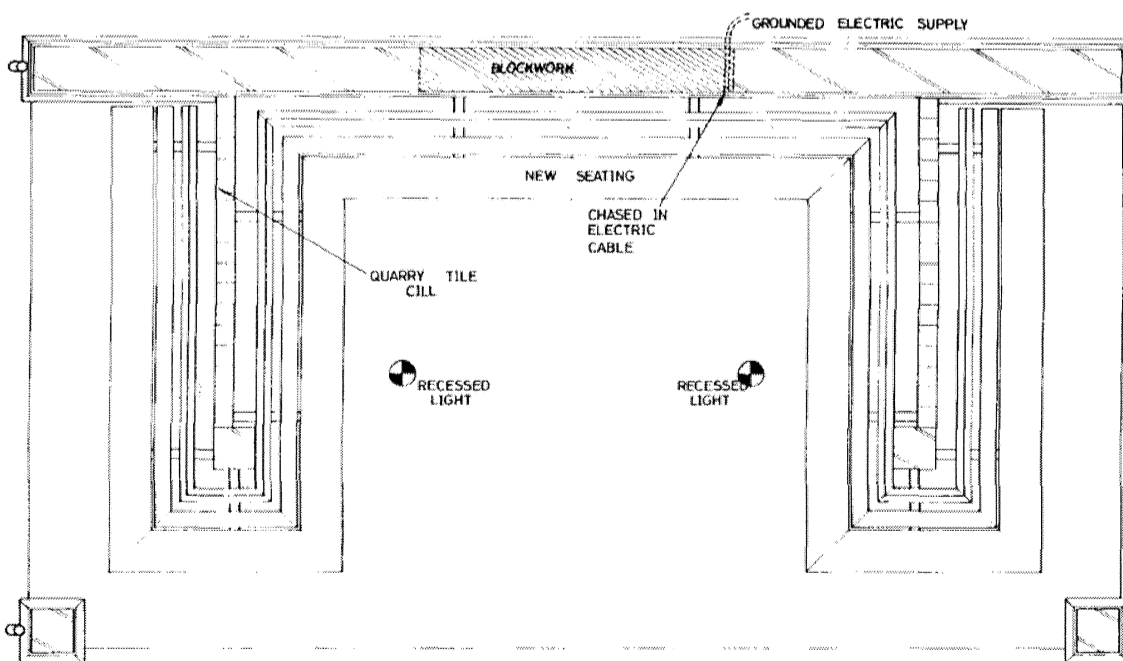
SIDE ELEVATION



REAR ELEVATION



SECTION



LAYOUT

Drawing Title			
SHELTER, BROAD STREET, MARCH.			
Client			
FENLAND DISTRICT COUNCIL			
Scales	Date	Drawing No.	Rev
	26.7.1991	TP 17/4	

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