
F/YR22/0786/O

Applicant: Mr & Mrs R, M, J, J Dale & Spires

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

43 The Fold, Coates, Peterborough, Cambridgeshire PE7 2BP

Erect up to 9 x dwellings, involving the demolition of existing dwelling and agricultural buildings (outline application with matters committed in relation to access)

Officer recommendation: Refuse

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

1 EXECUTIVE SUMMARY

- 1.1 The redevelopment of the area of existing built form is considered acceptable in principle due to its edge of settlement location (which is supported by LP12, Part A (a)). However, development would not be supported where this falls outside the existing developed footprint and relates more to the surrounding agricultural land than the built form of the settlement, this would result in an encroachment into the open countryside, creating an urbanising impact to the detriment of the character and appearance area.
- 1.2 It is considered that 9 dwellings would be an overdevelopment of the site, as it has not been demonstrated that this number of dwellings could be accommodated without significant detrimental impacts in relation to the visual amenity and character of The Fold and Blackthorn Court and the residential amenity of existing dwellings on Peakes Drive and conversely on future occupiers of the development.
- 1.3 Whilst the access via The Fold is considered to be acceptable, access to the remaining plot is via Feldale Lane, which in this location is narrow, unmade, does not feature any footpaths and is unlit, with the potential for pedestrian/cycle and vehicle conflict, and as such this element of the proposal is not considered to be sustainably linked to the settlement.
- 1.4 As such, whilst matters in relation to flood risk and drainage, ecology and archaeology can be addressed via conditions, overall, the development is considered to be unacceptable and the recommendation is one of refusal.

2 SITE DESCRIPTION

- 2.1 The application site is located between The Fold/Peakes Drive and Feldale Lane and to the north of Blackthorn Court. The site comprises an existing detached dwelling (43 The Fold) and associated garden including an area of grassland to the front of the dwelling which is bounded by a low level wall to the west, post and wire fencing to the south and hedging/trees to the east, the existing access serving this dwelling is via The Fold onto a gravelled driveway which leads to the farmyard.
- 2.2 There are a number of agricultural buildings within the yard including a large 'Atcost' building which has brick infill to the eastern boundary of the site, the north eastern part site is open to Feldale Lane and an informal access has been created across the field which forms part of the application site. Feldale Lane is a private road which is devoid of street lights and becomes unmade, devoid of footpaths and narrows beyond the shared access serving 16-30 Feldale Lane.

3 PROPOSAL

- 3.1 The application seeks outline planning permission for up to 9 dwellings, involving demolition of the existing dwelling (43 The Fold) and agricultural buildings, with matters committed in relation to access only. It is proposed to access Plots 1 to 8 via The Fold and Plot 9 via Feldale Lane.
- 3.2 Full plans and associated documents for this application can be found at:

[F/YR22/0786/O | Erect up to 9 x dwellings, involving the demolition of existing dwelling and agricultural buildings \(outline application with matters committed in relation to access\) | 43 The Fold Coates Peterborough Cambridgeshire PE7 2BP \(fenland.gov.uk\)](https://fenland.gov.uk/F/YR22/0786/O)

4 SITE PLANNING HISTORY

F/98/0195/O	Erection of up to 9 dwellings	Granted 4/9/1998
F/91/0992/O	Residential development (3 dwellings)	Granted 6/5/1992
F/0316/89/O	Residential development (3 dwellings)	Granted 13/7/1989

There are numerous applications in relation to Feldale Lane itself which has been incorporated within application sites due to the fact it is a private road.

5 CONSULTATIONS

5.1 Town Council (4/8/2022)

The Town Council recommend approval but suggest the 9 properties could be considered over intensification of site and would like it noted, the upkeep of Feldale Lane is undertaken by the residents so the house using this access would need to contribute towards it. There is also potential overlooking issues on

Peakes Drive. When the design comes forward as Full Planning or Reserved Matters the communal outside space must be a minimum of 30%

5.2 Town Council (15/11/2022)

The Town Council recommend refusal due to over intensification of site, potential of overlooking adjacent properties.

5.3 North Level IDB (3/8/2022)

North Level District IDB has no comment to make with regard to the above application.

5.4 North Level IDB (16/2/2023)

My Board has no objections in principle to the development, however I would make the following observations.

The surface water is proposed to be dealt with by infiltration via soakaways for the whole site. The infiltration testing was done in late May 2022 and I do question whether the same results would be obtained if testing was done during a wet winter month.

My preferred option would be to drain positively to the Feldale IDB watercourse bounding the site to the north-western corner. A formal consent to discharge would need to be completed together with payment of a development levy to deal with the additional surface water run-off.

5.5 North Level IDB (2/6/2023)

My original comments dated 16/2/2023 still stand. I am very unhappy with a drainage strategy that suggests 'the max volume (surface water) is stored within the soakaway capacity, however should an event occur that exceeds the capacity of the soakaways there would be additional run-off into the drainage system to the north of the site'.

How will the above actually occur, via overland flows around plots 7 and 8? I strongly recommend a positive outfall into the IDB open watercourse to the north with attenuation on site to minimise the flows and payment of a development levy to deal with the additional run-off from the site.

If this outline application is granted without resolving the surface water disposal adequately, then I suggest a condition be put in place requiring full drainage details once the application is submitted for full planning consideration.

5.6 Environmental Health (FDC) (21/7/2022)

The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposed scheme as it is unlikely to have a detrimental effect on local air quality.

Due to the previous site use there may be a potential for contaminants to exist on site. In these circumstances we would recommend a contaminated land assessment (Phase 1) is carried out that includes a site walk over before any development takes place, to ensure the land is suitable for its intended sensitive end use. Given the absence of such an assessment to accompany this outline application, this can be imposed as a condition if outline consent is granted and I

would recommend the full contaminated land assessment below is used in the event that the Phase 1 assessment identifies plausible risks to future site users.

No development approved by this permission shall be commenced prior to a contaminated land assessment and associated remedial strategy, being submitted to the LPA and receipt of approval of the document/documents from the LPA. This applies to paragraphs a) and b). This is an iterative process and the results of each stage will help decide if the following stage is necessary.

(a) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitable qualified and accredited consultant/contractor in accordance with a quality assured sampling and analysis methodology.

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

(c) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance.

(d) If, during the works, contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA.

(e) Upon completion of the works, this condition shall not be discharged until a validation/closure report has been submitted to and approved by the LPA. The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from site, and what has been brought on to site.

Given the proposed demolition and construction, scale and proximity of the site to existing nearby residential properties, in order to mitigate the potential for noise and dust to adversely impact on the amenity of the nearest residents a Construction Environmental 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 demolition or construction work shall be carried out and no plant or power operated machinery operated other than between the following hours: 0800 hours and 1800 hours on Monday to Friday, 0800 hours and 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays, unless otherwise previously agreed in writing with the Local Planning Authority.

5.7 Environmental Health (FDC) (7/11/2022)

The Environmental Health Team note and accept the submitted information, and have 'No Objections' to the above re-consultation.

Previous comments/recommendations made by this service on 21.07.22 are therefore still relevant.

5.8 Cambridgeshire County Council Lead Local Flood Authority

Objections were received from the LLFA on 15/11/2022, 15/2/2023 and 26/4/2023, full comments are available to view via Public Access on the Council's website.

5.9 Cambridgeshire County Council Lead Local Flood Authority (25/5/2023)

We have reviewed the following documents:

Sustainable Drainage Strategy, Ellingham Consulting Ltd, Ref: ECL0775b, Dated: May 2023

Based on these, as Lead Local Flood Authority (LLFA) we can remove our objection to the proposed development.

The above documents demonstrate that surface water from the proposed development can be managed through the use of permeable paving across the access and parking areas within the site. Roofs will drain into individual plot soakaways for each property.

We request the following conditions are imposed:

Condition

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 Sustainable Drainage Strategy prepared by Ellingham Consulting Ltd (ref: ECL0775b) dated May 2023 and shall also include:

- a) Full results of the proposed drainage system modelling in the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) 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;*
- b) 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);*
- c) Full detail on SuDS proposals (including location, type, size, depths, side slopes and cross sections);*
- d) Site Investigation and test results to confirm infiltration rates;*
- e) 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;*
- f) Demonstration that the surface water drainage of the site is in accordance with DEFRA non-statutory technical standards for sustainable drainage systems;*
- g) Full details of the maintenance/adoption of the surface water drainage system;*
- h) Permissions to connect to a receiving watercourse or sewer;*
- i) 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

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.

Infiltration

Infiltration rates should be worked out in accordance with BRE 365. If infiltration methods are likely to be ineffective then discharge into a watercourse/surface water sewer may be appropriate; however soakage testing will be required at a later stage to clarify this.

IDB Consent

This site falls within the Feldale Internal Drainage Board (IDB) district. Under the Land Drainage Act 1991, any person carrying out works on an ordinary watercourse in an IDB area requires Land Drainage Consent from the IDB prior to any works taking place. This is applicable to both permanent and temporary works. Note: In some IDB districts, Byelaw consent may also be required.

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.

5.10 Natural England (21/7/2022)

Quote of summary response:

Please refer to Natural England's letter dated 12 July 2019 (copy attached) regarding appropriate consideration of recreational pressure impacts, through relevant residential development, to sensitive Sites of Special Scientific Interest (SSSI)

Natural England's generic advice on other natural environment issues is set out at Annex A.

5.11 Natural England (17/11/2022)

Natural England has previously commented on this proposal and made comments to the authority in our response dated 21 July 2022, Reference number (400690).

The advice provided in our previous response applies equally to these revised proposals. The revised proposals to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

5.12 Wildlife Officer (FDC) (8/8/2022)

Recommendation:

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

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

Pre-commencement Condition(s) –

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

-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) –

- No removal of hedgerows, trees, buildings 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.*

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.*

Assessment/Comment:

The ecological surveys by Hiller Ecology, 2022 outlines that the proposed development can avoid negative impacts on ecological material concerns. The conditions above ensure that the recommendations from the survey are incorporated into the site design and that the site will result in at least no net loss of biodiversity.

Please note that it would be considered a significant ecological gain for the existing hedge along Feldale Lane to be increased in length along the length of the development using the species already present within the site. This would be cheap and easy to complete, while providing significant ecological gain.

5.13 Wildlife Officer (FDC) (12/12/2022)

Recommendations:

No further comments to make on top of those given on the 8th of August 2022.

Assessment/Comment:

The revised layout plans do not change my consultation given on the 8th of August 2022. Please note that I recognise that the number of trees proposed within the indicative plan has been reduced. I would expect a suitable number of trees to be confirmed in the final conditioned landscaping plan in order to replace any trees lost and provide an overall uplift in numbers.

5.14 Cambridgeshire County Council Highways (3/9/2022)

Highways have no objections to this application.

However, it is noted that the internal carriageway width is 5m with no footway provision. Should this be up for adoption, it will not be accepted by Highways.

*Vehicle tracking for plot 9 will be required to verify turning within the site
Subject to this, the future reserved matters application to provide access details, footway widths and car parking and turning arrangements that meets FDC parking standards.*

5.15 Cambridgeshire County Council Highways (23/3/2023)

The site benefits from an existing access onto the public highway along The Fold. While the access is irregular in form, in consideration of the existing use, scale of development and settings, it's continued use is not objectionable. However, in the interest of encouraging active travel, it would be preferable to amend the access to one of the below:

- 5m – 5.5m vehicular crossover style access with a continuous footway along the frontage and the height of any boundary restricted to 600mm for at least 2m either side.*
- 5m – 5.5m wide bellmouth with 6m radii where a separate footway is returned into the site.*

The Fold is narrow, irregular in nature and serves as a means of access to Coates Primary School. While it is not automatically of a standard suited for notable intensification, the impact associated with 8 dwellings is likely to be equal or less than the agricultural uses permitted on site. However, in order to mitigate impacts upon the school, I recommend that delivery / muck away times be restricted so that they do not take place within 30 minutes before / after school opening and closing times.

While I appreciate the layout provided is indicative only, the internal roads as currently shown would not be considered for adoption. I would like to refer the applicant to CCC's General Principles of Development should they wish to amend this as part of any future reserved matters application.

<https://www.cambridgeshire.gov.uk/residents/travel-roads-and-parking/roads-and-pathways/highways-development>

Plot 9 is to be accessed from Feldale Lane. As this is a private road, it is outside of my jurisdiction to comment upon. In any case, the impact associated with a single dwelling are likely to be immaterial.

Upon review of the submitted information, I do not object to the application. Please append the following Conditions to any permission granted:

Construction Facilities: Prior to the commencement of the development hereby approved adequate temporary facilities area (details of which shall have previously been submitted to and agreed in writing with the Local Planning Authority) shall be provided clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting the site during the period of construction.

Highway Drainage: The approved access and all hardstanding within the site shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway and retained in perpetuity

Gates/Enclosure/Access Restriction: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking, amending or re-enacting that order) no gates or other means of enclosure shall be erected across the vehicular access hereby approved.

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.

5.16 Cambridgeshire County Council Highways (3/4/2023)

While the differences to the access are subtle, the change is welcome as it will help facilitate pedestrian safety and priority across the access on The Fold.

The changes align with the comments in the initial section of my response dated 23rd March. I do not object to the application, but the various conditions recommended remain applicable.

5.17 Cambridgeshire County Council Archaeology (26/9/2022)

Our records indicate that the site lies in an area of archaeological potential, lying to the north of the historic core of Coates. The development area is situated on the site of a 19th century house (Cambridgeshire Historic Environment Record reference. MCB23057), although no longer extant, the house is illustrated on the 1st edition OS Maps as 'Fold House'. Surviving buildings in the area contemporary with Folds House include the school (CHER ref. MCB23116), chapel (CHER ref. MCB17200) and Holy trinity church (CHER ref. MCB14874). Archaeological investigations has also revealed medieval occupation (CHER ref. MCB17083) 100m to the south, fronting the historic toll road (CHER ref. MCB31388) now known as March Road. Archaeological investigations to the adjacent east of the area revealed prehistoric activity, in the form of Bronze Age to Iron settlement and funerary activity consisting of a series of cremations (CHER ref. ECB1888). Cropmarks 350m to the west show further settlement activity (CHER ref. 11655), potentially Roman in date. The fen causeway, represented by a banked road created in the Roman period as a routeway to cross the fens (CHER ref. MCB15033), is also located near to the development area. Archaeological investigations have not revealed the exact course of the causeway through Coates, however Roman occupation is often clustered along its route.

We do not object to development proceeding in this location however, due to the archaeological potential of the site, a further programme of investigation and recording is required in order to provide more information regarding the presence or absence, and condition, of surviving archaeological remains within the development area, and to establish the need for archaeological mitigation of the development as necessary. Usage of the following condition is recommended:

Archaeology Condition

No demolition/development shall commence until the applicant, or their agents or successors in title, has implemented a programme of archaeological work, commencing with the evaluation of the application area, that has been secured in accordance with a Written Scheme of Investigation (WSI) that has been submitted

to and approved by the Local Planning Authority in writing. For land that is included within the WSI, no demolition/development shall take place other than under the provisions of the agreed WSI, which shall include:

- a) the statement of significance and research objectives;*
- b) The programme and methodology of investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;*
- c) The timetable for the field investigation as part of the development programme;*
- d) The programme and timetable for the analysis, publication & dissemination, and deposition of resulting material and digital archives.*

REASON: To safeguard archaeological assets within the approved development boundary from impacts relating to any demolitions or groundworks associated with the development scheme and to ensure the proper and timely preservation and/or investigation, recording, reporting, archiving and presentation of archaeological assets affected by this development, in accordance with national policies contained in the National Planning Policy Framework (MHCLG 2021).

Informatives:

Partial discharge of the condition can be applied for once the fieldwork at Part c) has been completed to enable the commencement of development.

Part d) of the condition shall not be discharged until all elements have been fulfilled in accordance with the programme set out in the WSI.

A brief for the recommended programme of archaeological works is available from this office upon request. Please see our website for [CHET service charges](#)

5.18 Cambridgeshire County Council Archaeology (2/11/2022)

Thank you for your re-consultation with regards to the archaeological implication of the above referenced planning application. We have reviewed the documents and can confirm that the changes do not affect our advice, issued 26/09/2022.

5.19 Local Residents/Interested Parties

3 objections have been received (from Feldale Lane, Coates) in relation to the following:

- Feldale Lane is an unadopted road and residents pay for upkeep, extra traffic will cause more damage
- Access to the property off Feldale Lane would be from a rutted unmade section of the lane/section of road not completed, is gravel and several potholes
- No street lights on Feldale Lane
- Not in keeping with the area
- May clash with access to the fishing lake
- Concerns regarding impact of construction traffic on Feldale Lane

6 supporting comments have been received (from 3 from Feldale Lane, 1 from Willowbrook Drive and 2 from Peakes Drive, all Coates) in relation to the following:

- Replaces old buildings/farmyard with small estate

- In keeping with the area
- More family housing
- Will attract more people and infrastructure
- Support providing that water supply is not compromised and rights to private road remain the same

3 representations have been received (from 1 Peakes Drive, 2 from Feldale Lane) in relation to the following:

- Overall welcome new development, however concerns regarding overlooking and loss of light
- It should be noted that Feldale Lane is unadopted, if further homes are built it should be adopted by the Council to ensure residents are not responsible for maintenance
- Plans don't indicate how access to plot 9 would be adapted to support the development, road surface would be degraded in current condition
- Anglian Water's supply does not extend right along the road, water metres for the Feldale Lane properties are at the junction of Feldale Lane and March Road and from there each property has separate pipe work
- Plans seem to show dwellings larger than 3-bed indicated
- It is agricultural land and makes a mockery of restrictions placed on residents who have similar land
- The hedge provides habitat for wildlife, should be kept
- Would be in close proximity to solar farm, how will the development sit alongside?

Comments, where they relate to planning matters, will be assessed in the sections below. It should be noted that the right of access/maintenance of a private road is a civil matter between relevant parties.

With regards to reference to a solar farm, a screening opinion has been submitted (F/YR22/1218/SC), however no formal application for planning permission has been received to date.

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 – N3

Homes and Buildings –H1, H2, H3

Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

LP12 – Rural Areas Development Policy

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

LP17 – Community Safety

LP19 – The Natural Environment

Emerging Local Plan

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

Policy LP1 – Settlement Hierarchy

Policy LP2 – Spatial Strategy for the Location of Residential Development

Policy LP5 – Health and Wellbeing

Policy LP7 – Design

Policy LP8 – Amenity Provision

Policy LP11 – Community Safety

Policy LP18 – Development in the Countryside

Policy LP20 – Accessibility and Transport

Policy LP22 – Parking Provision (Appendix 6)

Policy LP24 – Natural Environment

Policy LP25 – Biodiversity Net Gain

Policy LP28 – Landscape

Policy LP32 – Flood and Water Management

Policy LP33 – Development on Land Affected by Contamination

Policy LP51 – Residential site allocations in Coates

Delivering and Protecting High Quality Environments in Fenland 2014

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

Whittlesey Neighbourhood Plan 2021-2040

Policy 1 – Spatial Planning

Policy 2 – Local Housing Need

Policy 7 – Design Quality

Policy 11: Adapting to and Mitigating Climate Change

8 KEY ISSUES

- **Principle of Development and Economic Growth**
- **Design considerations and visual amenity of area**
- **Residential Amenity/Health and wellbeing**
- **Highways and parking**
- **Flood Risk and Drainage**
- **Ecology**
- **Archaeology**

9 BACKGROUND

- 9.1 The site has historically been subject to applications for residential development; however, these were considered under a previous development plan and as such no weight is afforded.

Since 2016 (and under the current development plan), three pre-application enquiries have been submitted on part of the site for a single dwelling accessed via Feldale Lane. The responses have consistently been that the site relates more to the agricultural land than the built form and as a result the development would have an adverse impact on the character and appearance of the surrounding countryside and would not be in keeping with the core shape and form of the settlement, contrary to Policy LP12.

- 9.2 The applicant's agent was advised that development where it encroached into the open countryside would not be acceptable and a revised application site was suggested to remove this element and enable a transition from built form to open countryside. Furthermore, it was suggested the number of plots was also reduced in order that the proposal respect the character of The Fold/Blackthorn Court and retain an element of openness which the area currently benefits from. These amendments were not forthcoming, however access was committed as requested to enable this to be assessed.

10 ASSESSMENT

Principle of Development and Economic Growth

- 10.1 Policy LP3 of the Fenland Local Plan 2014 identifies Coates as a 'limited growth village' where development within the existing urban area or a small village extension will be acceptable in principle.
- 10.2 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 not be considered brownfield or previously developed land as defined in the NPPF as it is in agricultural use, however the site is located on the edge of the settlement and could be classed as an extension. As such, the redevelopment of the site for housing may be appropriate and potentially more compatible with the adjoining residential use, subject to compliance all other relevant policies which are considered in the sections below.
- 10.3 Whilst the policies of the emerging Local Plan carry extremely limited weight in decision making:

Policy LP1, Part A identifies Coates as a medium village; Part B advises that land outside settlement boundaries is defined as countryside where development is restricted (as set out in LP18), part of this site is within the settlement boundary, with the remainder outside of the defined settlement. LP51 defines residential site allocations in Coates and this site does not have such an allocation. As such the proposal would be considered contrary to the aforementioned policies of the emerging local plan.

- 10.4 Agriculture plays a significant role in the economy of the District, the existing site is a working farm and redevelopment would result in its loss in this location. The applicant's agent has advised that the farm would be relocated further north along Feldale Lane where there are already buildings owned by the applicant and as such the farm would be re-located rather than lost in its entirety.

Design considerations and visual amenity of area

- 10.5 The application is in Outline matter committed in relation to access only, hence detailed design would be subject to a subsequent application should this scheme be successful. It is however necessary to consider the impact of development of this site on the character of the area.
- 10.6 Policies LP2, LP12 and LP16 of the Fenland Local Plan 2014, DM3 of the Delivering and Protecting High Quality Environments in Fenland SPD 2014, paras 130 and 174 of the NPPF 2021 and Chapters C1, I1 and I2 of the NDG 2021 seek to ensure that developments avoid adverse impacts, create high quality environments, which provide a positive contribution to local distinctiveness, are informed by the settlement pattern and local built environment and recognise the beauty and character of the countryside.
- 10.7 The redevelopment of the area of existing built form is considered acceptable in principle due to its edge of settlement location (which is supported by LP12, Part A (a)). However, development would not be supported where this falls outside the existing developed footprint and relates more to the surrounding agricultural land than the built form of the settlement, as is the case for the north-eastern section of the site. This would result in an encroachment into the open countryside, creating an urbanising impact to the detriment of the character and appearance area. It was recommended that the application site was reduced to remove the area of land outside the existing built form, to ensure there was no encroachment into the open countryside and to enable a buffer between the site and Feldale Lane, providing a transition between built form and open countryside. However, unfortunately this was not forthcoming and as such the development is considered contrary to the aforementioned policies.
- 10.8 The existing dwelling and buildings are not considered to be of any particular architectural or historic merit and as such their demolition is considered acceptable. However, the loss of the garden land to the south is regrettable as this contributes positively to the openness and character of the area. There is scope for an element of this to be retained to 'frame' Blackthorn Court together with the area of open space and planting at its southern end and careful consideration would be required in designing a scheme which respects this character and provides an acceptable relationship with the surrounding roads and dwellings.
- 10.9 Whilst this application is outline only, the submitted details would need to demonstrate that the number of dwellings applied for could be accommodated.

Whilst the indicative layout has been amended in order to provide a better relationship with the dwellings on Blackthorn Court, Plot 1 is considered to have a poor relationship with both The Fold and Blackthorn Court to the detriment of visual amenity and the character of the area and as such it has not been demonstrated that 9 dwellings could be accommodated on site without significant detrimental impacts, contrary to the aforementioned policies.

Residential Amenity/Health and wellbeing

- 10.10 The application is in Outline with all matters reserved hence detailed design would be subject to a subsequent application should this scheme be successful. It is however necessary to consider whether a policy compliant scheme could be achieved in respect of residential amenity.
- 10.11 The indicative site layout indicates that a third of a plot for private amenity space can be achieved for each proposed dwelling, in accordance with Policy LP16 (h), though the arrangement for plots 7 and 8 is somewhat convoluted due to the need to need to provide a 3m easement to the ditch to the north of the site.
- 10.12 The boundary of the site is approximately 48m from the dwellings on Feldale Lane, there is a detached carport/office/garage with storage above serving 30 Feldale Lane in closer proximity, however this has no openings on the side facing towards the site and does not provide habitable accommodation. As such it is considered that a policy compliant scheme in relation to the impact on the residential amenity of the Feldale Lane dwellings could be achieved.
- 10.13 The scheme would need to be carefully designed to ensure that there are no significant detrimental impacts upon the residential amenity of the dwellings on Blackthorn Court, particularly as these have limited amenity space.
- 10.14 Of concern however are the relationships between the proposal and the dwellings on Peakes Drive, at the closest point these are located between 3m-4m of the boundary of the site and have limited amenity space, whilst indicative, a 2-storey dwelling on plot 7 in such close proximity would result in a poor outlook and a level of overshadowing to the detriment of the residential amenity of the existing dwellings of 6-8 Peakes Drive and conversely these would overlook the proposal resulting in an adverse impact on the residential amenity of future occupiers.
- 10.15 The Council's Environmental Health team have advised that due to the existing use of the site there may be potential for contaminants to exist and as such it is recommended that a contaminated land condition is imposed to ensure the land is suitable for residential development. They also recommend a Construction Environmental Management Plan is secured given the proposed demolition, construction and proximity of the site to nearby dwellings. It is also considered necessary to secure a refuse collection strategy as part of any detailed scheme should this application be successful.

Highways and parking

- 10.16 Aside from the principle of development, access is the only matter being committed as part of this application. 8 dwellings are proposed to be accessed via The Fold, with the remaining plot via Feldale Lane.
- 10.17 The access to 8 dwellings via The Fold has been amended following the advice of the Local Highways Authority (LHA), they do acknowledge that The Fold is narrow, irregular in nature and serves as a means of access to Coates Primary

School and whilst it is not automatically of a standard suited for notable intensification, the impact associated with 8 dwellings is likely to be equal or less than the agricultural uses permitted on site. As such, they do not have any objections to this aspect of the development subject to conditions in relation to Construction Management, Highway Drainage and to ensure the accesses are not gated/enclosed.

- 10.18 The remaining plot (plot 9) is accessed via Feldale Lane, which is a private road and as such outside the LHA's jurisdiction to comment, however they consider that the impact of a single dwelling is likely to be immaterial. However, Feldale Lane to the north of the shared access serving 18-30 Feldale Lane (approximately 150m from the access to Plot 9), is narrow, unmade, does not feature any footpaths and is unlit, with the potential for pedestrian/cycle and vehicle conflict, hence it is likely there would be reliance upon the use of private motor vehicles, and as such this element of the proposal is not considered to be sustainably linked to the settlement. As such, this element of the development is considered contrary to Policy LP2, LP12 and LP15 of the Fenland Local Plan which seek to provide sustainable, adequate and safe access to essential services and paras 110 and 112 of the NPPF and chapter M1 of the NDG 2021 which seek to prioritise pedestrians and cyclists by ensuring that routes are safe, direct, convenient and accessible for people of all abilities and that people should not need to rely on the car for everyday journeys.
- 10.19 The indicative site plan indicates 2 parking spaces per dwelling which would be in accordance with Policy LP15 and Appendix A of the Fenland Local Plan 2014 for dwellings with up to 3 bedrooms. However, these are not well designed in the most part, supporting the view that it has not been demonstrated that the number of dwellings applied for could be accommodated.

Flood Risk and Drainage

- 10.20 The site is located in Flood Zone 1, the lowest risk of flooding, hence the sequential and exception tests are not applicable to this site. It is also at a low risk of surface water flooding.
- 10.21 Nevertheless, the application is accompanied by a drainage strategy which demonstrates that surface water from the proposed development can be managed through the use of permeable paving and soakaways, on this basis the LLFA have removed their objections and recommend conditions in relation to detailed drainage design and surface water during construction. The comments of North Level IDB are noted and as aforementioned should the application be successful a condition would need to be imposed to secure a detailed drainage design.

Ecology

- 10.22 The application is accompanied by a Preliminary Roost Assessment and Preliminary Ecological Appraisal which concluded that no further surveys were required, that overall the site is of low ecological value and would benefit from enhancement.
- 10.23 The Council's Wildlife Officer has no objection to the development subject to conditions in relation to landscaping (ensuring that suitable number of trees are provided to replace those removed and provide an uplift in numbers), biodiversity enhancements and site clearance to avoid bird nesting season.

- 10.24 The site is located with a SSSI impact zone and Natural England have advised that there should be appropriate consideration of recreational pressure impacts. The proposal is for up to 9 additional dwellings and as such there is not considered to be a significant impact in this regard.

Archaeology

- 10.25 Cambridgeshire County Council Archaeology have advised that the site lies in an area of archaeological potential, they do not object to the development, however request a pre-commencement condition is imposed to secure of programme of archaeological works, should the application be successful.

11 CONCLUSIONS

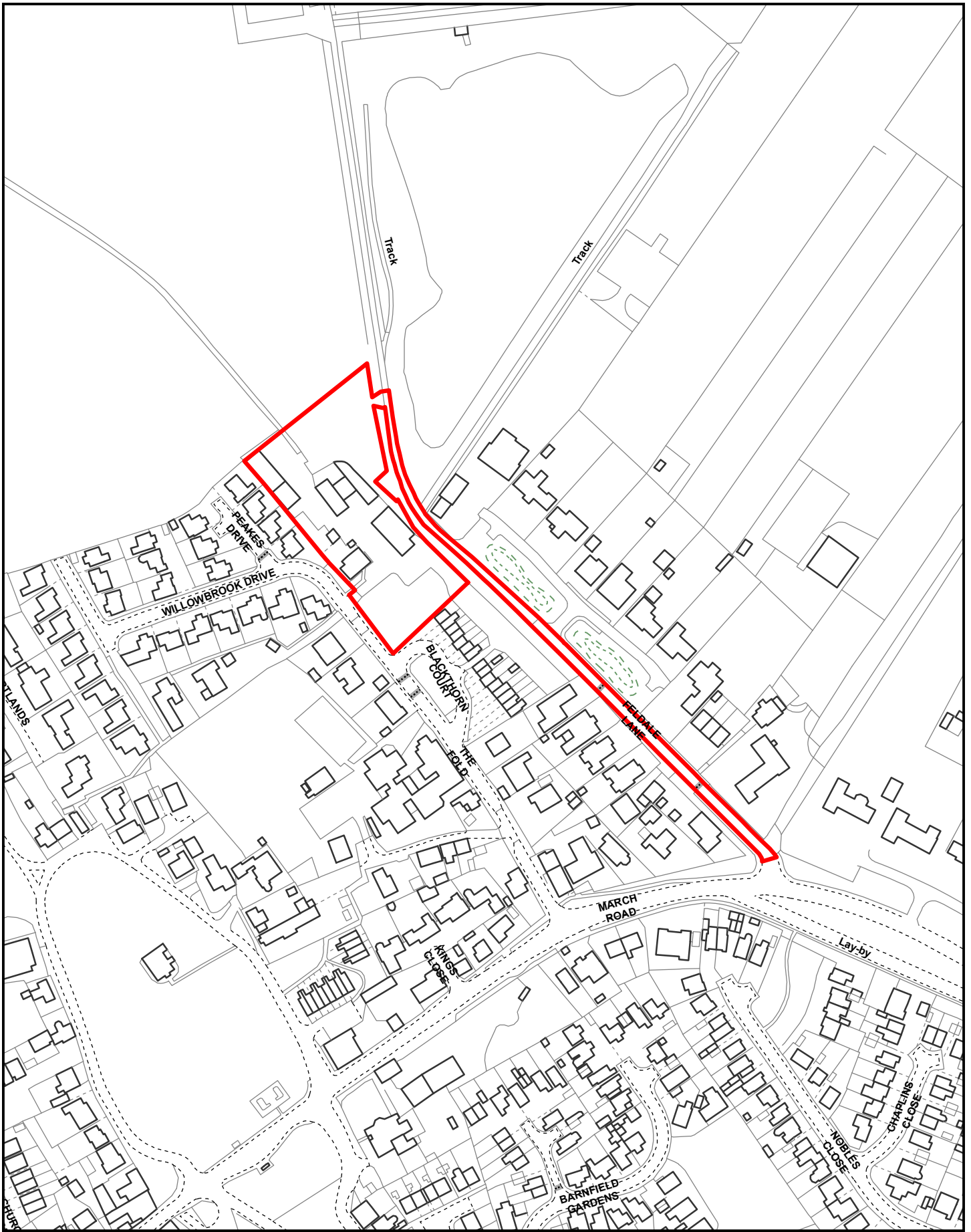
- 11.1 The redevelopment of the area of existing built form is considered acceptable in principle due to its edge of settlement location (which is supported by LP12, Part A (a)). However, development would not be supported where this falls outside the existing developed footprint and relates more to the surrounding agricultural land than the built form of the settlement, this would result in an encroachment into the open countryside, creating an urbanising impact to the detriment of the character and appearance area.
- 11.2 It is considered that 9 dwellings would be an overdevelopment of the site, as it has not been demonstrated that this number of dwellings could be accommodated without significant detrimental impacts in relation to the visual amenity and character of The Fold and Blackthorn Court and the residential amenity of existing dwellings on Peakes Drive and conversely on future occupiers of the development.
- 11.3 Whilst the access via The Fold is considered to be acceptable, access to the remaining plot is via Feldale Lane, which in this location is narrow, unmade, does not feature any footpaths and is unlit, with the potential for pedestrian/cycle and vehicle conflict, and as such this element of the proposal is not considered to be sustainably linked to the settlement.
- 11.4 As such, whilst matters in relation to flood risk and drainage, ecology and archaeology can be addressed via conditions, overall the development is considered to be unacceptable and the recommendation is one of refusal.

12 RECOMMENDATION

Refuse; for the following reasons:

1.	<p>Policies LP2, LP12 (Part A), and LP16 of the Fenland Local Plan 2014, DM3 of the Delivering and Protecting High Quality Environments in Fenland SPD 2014, paras 130 and 174 of the NPPF 2021 and Chapters C1, I1 and I2 of the NDG 2021 seek to ensure that developments avoid adverse impacts, create high quality environments, which provide a positive contribution to local distinctiveness, are informed by the settlement pattern and local built environment and recognise the beauty and character of the countryside.</p> <p>The application site incorporates a substantial area of land which falls outside the existing developed footprint and relates more to the</p>
----	---

	<p>surrounding agricultural land than the built form of the settlement, this would result in an encroachment into the open countryside, creating an urbanising impact to the detriment of the character and appearance area. The development is therefore considered contrary to the aforementioned policies.</p>
2.	<p>Policies LP2, LP12 and LP16 of the Fenland Local Plan 2014, DM3 of the Delivering and Protecting High Quality Environments in Fenland SPD 2014, paras 130 of the NPPF 2021 and Chapters C1, I1 and I2 of the NDG 2021 seek to ensure that developments avoid adverse impacts, create high quality environments, which provide a positive contribution to local distinctiveness and are informed by the settlement pattern.</p> <p>It is considered that 9 dwellings would be an overdevelopment of the site, as it has not been demonstrated that this number of dwellings could be accommodated without significant detrimental impacts in relation to the visual amenity and character of The Fold and Blackthorn Court and the residential amenity of existing dwellings on Peakes Drive and conversely on future occupiers of the development. As such, the development is contrary to the aforementioned policies.</p>
3.	<p>Policy LP2, LP12 and LP15 of the Fenland Local Plan 2014 seek to provide sustainable, adequate and safe access to essential services and paras 110 and 112 of the NPPF and chapter M1 of the NDG 2021 seek to prioritise pedestrians and cyclists by ensuring that routes are safe, direct, convenient and accessible for people of all abilities and that people should not need to rely on the car for everyday journeys.</p> <p>Access to one of the plots is via Feldale Lane, which in this location is narrow, unmade, does not feature any footpaths and is unlit, with the potential for pedestrian/cycle and vehicle conflict, and as such this element of the proposal is not considered to be sustainably linked to the settlement. The development is therefore considered contrary to the aforementioned policies.</p>



Created on: 13/07/2022

© Crown Copyright and database
rights 2022 Ordnance Survey 10023778

F/YR22/0786/O

Scale = 1:2,500



Copyright in all drawings prepared by Morton & Hall Consulting Limited is their property. Drawings and designs may not be reproduced in part or in whole without their written permission.
 Please read, if in doubt ask. Change nothing without consulting the Engineers.
 Contractor to check all dimensions on site before work starts or materials are ordered. If in doubt ask.
 Where materials, products and workmanship are not fully specified they are to be of the standard appropriate to the works and suitable for the purpose stated in or reasonably to be inferred from the drawings and specifications. All work to be in accordance with good building practice and BS 8000 to the extent that the recommendations define the quality of the finished work. Materials products and workmanship to comply with all British Standards and COTD standards with, where appropriate, BS or EC marks.
 All products and materials to be handled, stored, prepared and used or fixed in accordance with the manufacturers current recommendations.
 The contractor is to arrange inspections of the works by the BCU (or WABC) as required by the Building Regulations and is to obtain completion certificate and forward to the Engineer.

LEGEND

- GRAVEL (PERMEABLE COVERING)
- TARMAC
- GRASS
- BLOCK PAVING
- PATHS/PATIO AREA
- APPLICATION SITE
- LAND OWNED BY APPLICANT
- HOUSEHOLDER BIN LOCATIONS

PROPOSED SITE PLAN 1:200
 0 5 10 15 20



EASEMENT STRIP OF 3m TO ALLOW MAINTENANCE COMPANY TO MAINTAIN DITCH AS NECESSARY. NO PLANTING IS TO BE PERMITTED.

1m WIDE ACCESS LEFT FOR ACCESS TO REAR DITCH FOR MAINTENANCE PURPOSES

ACCESS REVISED TO ENSURE 3m WIDE, SEALED AND DRAINED AWAY FROM THE HIGHWAY

EXTENT OF FOOTWAY CROSSOVER

2.4m x 43m VISIBILITY SPY

D	DRAWINGS UPDATED	MAY 23
C	PLANNERS COMMENTS	MAR 23
B	PLANNERS COMMENTS	SEP 22
A	CLIENTS COMMENTS	MAY 22
	REVISIONS	DATE

MORTON & HALL CONSULTING LIMITED
 CONSULTING STRUCTURAL ENGINEERS

1 Gordon Avenue, March, Cambridgeshire, PE15 8AU
 Tel: 01354 655454
 Fax: 01354 660467
 E-mail: info@mortonandhall.co.uk
 Website: www.mortonandhall.co.uk

Fenland District Council
 Building Design Awards
 Building Excellence in Fenland

Mr R Dale, Mr M Dale, Mr J Dale & Mrs J Spires

43 The Fold
 Coates
 Whittlesey
 Peterborough
 PE7 2BP

Proposed Site Plan
 INDICATIVE LAYOUT

DATE	MH	DRAWN BY
DATE		SCALE
DATE	April 2022	PROJECT
DATE	1:200 AT A3	REF

H8139/04c