PLANNING COMMITTEE DATE: 2<sup>nd</sup> April 2025 Agenda item: 11

APPLICATION NO: F/YR24/0525/O

SITE LOCATION: Mayflower, 12A Westfield Road, Manea, March

Cambridgeshire PE15 0JG

PROPOSAL: Erect up to 7 x dwellings (outline application with matters committed in respect of access) involving the demolition of existing sheds, formation of a detention pond and associated drainage works

# **UPDATE**

# 1. Background

- 1.1. During the Planning Committee meeting of 5<sup>th</sup> March 2025, Members had concerns regarding the following matters:
  - surface and foul water drainage; and
  - highway safety.
- 1.2. With respect to drainage, Officers were asked to reconsult with both Anglian Water and Middle Level Commissioners to seek additional opinion.
- 1.3. With respect to highway safety, Officers were asked to confirm if a highways representative visited the site before compiling their comments or whether the response was generated via desktop analysis only. In addition, concerns were raised over the intensification of use of the access, and whether the visibility splays are appropriate given the sharp bend on Westfield Road to the east and instances of parked cars on the opposite side of the proposed access causing narrowing. It was also queried whether mitigation measures such as double yellow lines may be appropriate to improve the access visibility and road width.
- 1.4. Members resolved to defer determination of the above application requesting that Officers returned to the relevant consultees for additional comments to offer a wider view on such matters from the experts and to enable Members to make an informed decision on the application.
- 1.5. For reference, the original Committee Report, recommendation and suggested conditions are included as an appendix following this update.

# 2. Additional Consultee Responses

## 2.1. **Anglian Water (dated 12.03.25)**

Funding has now been confirmed for the Manea WRC, and therefore we have revised our requested condition in the Wastewater Treatment section of our comments.

#### **ASSETS**

Section 1 - Assets Affected

Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

#### **WASTEWATER SERVICES**

# <u>Section 2 - Wastewater Treatment</u>

This site is within the catchment of Manea Water Recycling Centre (WRC), which currently lacks the capacity to accommodate the additional flows generated by the proposed development. However, Manea WRC is included within our Business Plan as a named growth scheme with investment delivery planned between 2025-2030. To ensure there is no pollution or deterioration in the receiving watercourse due to the additional foul flows that would arise from the development, we recommend a planning condition is applied if permission is granted.

**Condition:** Prior to occupation written confirmation from Anglian Water must be submitted confirming there is sufficient headroom at the water recycling centre to accommodate the foul flows from the development site.

**Reason:** to protect water quality, prevent pollution and secure sustainable development having regard to paragraphs 7/8 and 187 of the National Planning Policy Framework.

## Section 3 - Used Water Network

This response has been based on the following submitted documents: Sustainable Drainage Report Final Report dated March 2023 The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

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

## 2.2. Middle Level Commissioners (dated 19.03.2025)

This response is prepared on behalf of Curf & Wimblington Combined Internal Drainage Board to whom the Middle Level Commissioners provide a planning consultancy service.

Please be advised that the Board are an RMA, as acknowledged by Defra; the "local expert" in respect of managing drainage and flood risk but also have an Ecological role; and is on this occasion the "approving authority". It should be noted that the Boards requirements in respect of its interests, which need to be met, may be different to and more demanding than those of other RMA/statutory consultees.

As you are aware neither the Commissioners or the Board are statutory consultees in the T&CPA process and, therefore, do not actually have to provide a response to the planning authority and receive no external funding to do so. The main reason for supplying previous responses was to protect our interests and ensure that any consents are sought.

However, to further partnership working and having briefly reviewed the submission documents the Boards initial comments include but are not limited to the following:

#### A. The Fenland Situation

Advisory - The Fens is a flat, dry, low-lying region the topography most of which is largely within a few metres of sea level. Flood risk and land drainage infrastructure in the Fens is different to other parts of the country as it is managed through the intervention of man and comprises of an extensive and complex network of assets including pumping stations, sluice gates, coastal and fluvial defences and embankments.

This infrastructure is not only crucial in enabling surrounding agricultural land, businesses and communities to prosper, it also plays a crucial role as enabling infrastructure within the wider river catchments.

Living and working in the Fens is only possible because of this artificial drainage and flood protection. Without it the Fens would be liable to periods of flooding.

The catchment faces some of the most ambitious housing and transport infrastructure growth plans in the country but much of the flood risk infrastructure is nearing the end of its design life and will soon require significant investment.

## B. Treated Foul Effluent Water

Treated foul effluent water discharges into the neighbouring Manea & Welney District Drainage Commissioners (DDC) system via Manea Town Lots WRC. However, it is noted that in recent months the Environment Agency have objected to developments intending to use the WRC stating that "..the discharge is exceeding the limits set for its environmental permit to discharge treated flows to a surface waterbody which in this case is the drain under the jurisdiction of the Manea and Welney Internal Drainage Board which forms part of the Old Bedford and Middle Level catchment".

As a result, the DDC will **not** recommend the issuing of consents to the discharge of treated foul effluent water into watercourses in its District until these matters are resolved to its requirements.

# C. Acute Drainage Area

The site is within the "North of Westfield Road" sub-catchment which the Board has designated as an Acute drainage area, where there are multiple or interlinked sources of flood risk, for example, a combination of:

- 1. Known flooding
- 2. A high ground water table,
- 3. An inappropriate or inadequate drainage system,
- 4. Hydraulic constraints and/or
- 5. Significant urban development pressures

and there is a need for a higher standard of water level management than normal to ensure that any new development will not increase flood risk that affects people, properties, local infrastructure and the environment which may require protection, intervention and/or investment by the applicant/landowner(s) and/or relevant Risk Management Authorities (RMA), including your Council.

As a result, apart from in the most exceptional circumstances, all surface and ground water discharges within the application site must be attenuated to current volumes and/or greenfield rates of run off, where practicable.

### D. Flooding in the vicinity of the site.

There appears to be a history of poor drainage and localised flooding in the area most of which is unsubstantiated or has not been formally reported possibly due to its less vulnerable use and/or value. However, your Council will have noted several of the Public Comments specifically referring to this issue.

# E. Current Drainage Arrangements and proposed improvements

For several reasons including the flat topography and the extent of the urban area the Boards System can surcharge during low level events and it should not be assumed that a free discharge will be available. The Boards System may take several days to return to "normal" levels and this should be accommodated in any design.

The more recent developments to the north east of the application site are served by adopted surface water sewers. In the absence of a positive drainage system within close proximity to the site it is presumed that a small amount of the remaining surface water discharges by infiltration but predominantly overland flows.

The main watercourse that serves this sub-catchment is Darcy Lode, which is a small watercourse maintained to varying standards by the adjacent landowners, which discharges into the Boards District Drain

system via other watercourses.

These watercourses were primarily designed to provide a Standard of Protection (SoP) to serve the needs of agriculture and not meet the requirements of the increased urban development within the subcatchment.

Therefore, it is considered that if development of both this and other sites within the sub-catchment are permitted significant improvements, such as the provision of a new and/or enlargement and realignment of existing watercourses, pipelines and road culverts, will be required to accept the increased flows and provide a suitable SoP, to accommodate the change of the site to a more vulnerable use, and ensure that an adequate freeboard is available to prevent the surcharging of the on-site systems.

These improvement works will be at the developer's expense and this may challenge the viability of the site.

The failure to undertake these improvements will increase the risk of flooding in the area endangering local residents particularly if they are vulnerable, including adverse impacts on peoples well-being and mental health; damage to property and infrastructure; wasteful expenditure at the publics expense to undertake remedial works and/or cause unacceptable detriment to the environment.

# F. Surface Water Disposal System

The contents of the various related submission documents are noted but further information and reassurance on the proposal must be provided to the Board to demonstrate that a suitable surface water drainage scheme can be achieved.

Further information should, dependent upon the solution used, include, as a minimum, ground investigation details; groundwater monitoring; infiltration testing results; topographical survey of the site and surrounding area; suitable hydraulic design of the basin including an assessment of inflow/outflow (reuse) flows, half drain times etc. in accordance with current design guidance including an allowance for climate change, correspondence with Anglian Water or other independent networks.

## G. Maintenance and Management

- 1. There is an expectation that maintenance arrangements for SuDS are secured through the use of planning conditions and may be subject to the SuDS Approval Body (SAB) when they are introduced.
- 2. The Board require further detail on how both the on and off site water level and flood risk management systems serving the site will be maintained in perpetuity.
- 3. In view of the importance to these systems it is considered appropriate to recommend that appropriate access is provided and measures undertaken to ensure that unhindered entry is readily available to carry out both routine maintenance and in case of emergency.
- 4. These requirements may be in addition to those imposed by planning conditions or required by the LLFA and that details of the works to be carried out by the occupier/land owner, adopting authority, the

"Management Company" or other responsible person/authority, together with the costs attached, are included in the "Owners/Operators Pack/Manual" and any Deed of Sale or similar land transfer document.

This will be required as part of any consenting/approval process.

#### H. General Comment

Increasing concern is being raised about the piecemeal development being proposed in the local area which is resulting in many small and isolated systems which will be difficult to maintain and will be a future liability for the parties concerned, the failure of which could potentially increase flood risk. Both the Commissioners and the Board encourage more holistic solutions which could enable and facilitate further development in the area.

All parties are reminded that:

- 1. During an event such as those experienced in December 2020, more recent storms such as Babet or following a high rainfall event the downstream systems may take up to 5 10 days to return to "normal" during which time discharges of any kind may not be possible with half drain times becoming unachievable.
- 2. During a major breach or overtopping event, it may take significantly longer for the local drainage systems to return to a serviceable condition.
- 3. The floodplain shown on the EA's mapping does not show the "backing up" of flood water within the watercourses that serve the area. In the absence of any evidence, it is difficult to be conclusive but this could extend up to the properties in the site.

The Board requires your Council to consider the following during the decision making process:

- a. Changes to the climate and recent rainfall events and patterns, and the recently issued Tyndall Centre for Climate Change Research report for the Future Fens Integrated Adaptation (FFIA).
- b. The need to consider and acknowledge the impacts of development on Special Levy and Defra's Partnership Funding in that property built or converted after January 2012 is not included in FCERM GiA calculations.
- c. That LPA's ought to secure funding toward future capital investment in water management infrastructure that enables life within the fenland environment.

The Board is prepared to work together with the applicant, its various agents and your Council in order to achieve a high quality sustainable lasting and attractive solution that provides many benefits, satisfies multiple parties and in addition to providing a solution to the matters raised above potentially provides a blue green space. It is hoped that all parties will work together amicably to establish solutions that can be used as an exemplar to guide further development in the area.

The Board would be pleased to continue discussions with the applicant and his agents/consultants as part of a Detailed Consultation process. Upon the receipt of a formal application further discussion can commence.

# 2.3. CCC Highways Authority (dated 12.03.25)

In response to the below queries. I can confirm that I have completed a site visit and that I cannot find any reason for objection by the highway authority on highways safety grounds.

I have reviewed the accident data for the area and there have been no police recorded accidents within the last 5 years. The applicant has provided on the access arrangement plan, the correct vehicle visibility splays and the correct junction layout for a development of this size and in this location. From my site observations vehicles approaching the bend in the road reduce their speeds in order to navigate this turn. This will in effect have a positive impact on the required visibility at this proposed junction reducing the required length of visibility splay further. However the correct visibility can already be achieved which has been demonstrated on the submitted plans.

If there are existing parking concerns in the vicinity of the bend in the road, it is not the responsibility of the Developer to correct this. As their proposed junction meets with all of the highways standards and therefore should not have a negative impact on the safety of the highway should it be granted permission.

#### 3. Officer Comment

## Flooding and Drainage

- 3.1. The comments received from Anglian Water are largely similar to those received during the course of the application assessment. However, crucially, funding has now been confirmed by Anglian Water for the Manea WRC. Accordingly, they recommend a prior to occupation condition to confirm these upgrades have been undertaken to safeguard the WRC can accommodate foul water flows from the site.
- 3.2. However, as set out within Paragraphs 10.18 10.20 of the original Committee Report (Appendix 1), Officers consider a pre-occupation condition would not meet the tests as required by Para. 58 of the NPPF (2024). Instead, it is considered more reasonable in this circumstance to append a condition requiring an appropriate foul drainage scheme to be submitted for approval prior to commencement of the development.
- 3.3. With respect to surface water drainage, Anglian Water reviewed the submitted Sustainable Drainage Report Final Report dated March 2023 and confirmed their sewerage system at present has available capacity for these flows, should the applicant seek to discharge to the surface water sewer.
- 3.4. Middle Level Commissioners were also reconsulted, and do not object to the scheme. In particular, they noted that any surface water flooding claims from the area appear to be unsubstantiated or unreported, and

concluded that providing the relevant agencies can be satisfied with a suitable scheme, and appropriate consents obtained, they would be happy to work with the applicant in the event an application to their Board is forthcoming.

- 3.5. Matters regarding surface water drainage can be robustly secured by condition, and any forthcoming surface water drainage scheme would be appropriately consulted with the relevant drainage authorities to ensure capacity in the system, suitability and effectiveness of draining the site.
- 3.6. As such, and as before, it is considered that such matters can be appropriately controlled to ensure the scheme will comply with Policy LP14 and the NPPF with respect to foul and surface water drainage, and a refusal on the basis of such matters would be unreasonable.

# **Highway Safety**

- 3.7. Further to reconsultation, the Highway Authority has confirmed that their recommendation was based upon a physical inspection of the site, concluding that the proposed access meets with all of the highways standards and therefore should not have a negative impact on the safety of the highway should it be granted permission.
- 3.8. Paragraph 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios. The application has been duly considered to not cause an unacceptable impact on highway safety, and thus should not be refused on these grounds.

## 4. Conclusion

4.1. On the basis of the above, there are no reasonable reasons to refuse planning permission. All technical matters have been resolved by the applicant, or can be secured by conditions. Accordingly, it is recommended that the application be approved.

**Recommendation:** Approval – The above update does not alter the original recommendation as set out within the agenda.

Appendix 1, containing the original Committee Report, follows this page.

F/YR24/0525/O

Applicant: Mr & Mr Cliss Agent: Mr G Boreham

**Morton & Hall Consulting Ltd** 

Mayflower, 12A Westfield Road, Manea, March Cambridgeshire PE15 0JG

Erect up to 7 x dwellings (outline application with matters committed in respect of access) involving the demolition of existing sheds, formation of a detention pond and associated drainage works

Officer recommendation: Grant

Reason for Committee: Parish Council comments contrary to Officer

recommendation.

# **Government Planning Guarantee**

Statutory Target Date For Determination: 30 December 2024

**EOT in Place**: Yes

EOT Expiry: 14 March 2025

**Application Fee: £4368** 

**Risk Statement:** 

This application must be determined by 14 March 2025 otherwise it will be out of time and therefore negatively affect the performance figures.

#### 1 EXECUTIVE SUMMARY

- 1.1. The application seeks outline permission (with matters of access committed) for the development of up to 7 dwellings involving the demolition of an existing shed, formation of a pond, on garden land attributed to Mayflower, 12A Westfield Road, Manea. The existing dwelling would be incorporated into the development
- 1.2. The below assessment considers the matters relating to principle of development, character and amenity, access, flooding and drainage, and biodiversity net gain, and concludes these are acceptable in accordance with local and national planning policy, subject to the imposition of relevant conditions or further information to be submitted during the reserved matters stage.
- 1.3. The Parish Council concerns with respect to the application appear unfounded when considered against the evidence and the relevant policies of the Fenland Local Plan 2014. Accordingly, refusal of the scheme on the basis of the issues raised within the comments received is unjustified in this case and thus, the application is recommended for approval.

## 2 SITE DESCRIPTION

- 2.1. Located in Flood Zone 1, the application site is currently garden land attributed to the host dwelling, 12A Westfield Road (Mayflower). The site is accessed via a private drive off the north side of Westfield Road. The host dwelling is a modest single storey dwelling constructed of red brick with a hipped pantile roof.
- 2.2. The overall site comprises a mix of maintained grassland and areas of mature trees and vegetation and is bounded by a mix of 1.8m fencing and vegetation/trees. The site also includes outbuildings and sheds, and an existing pond.
- 2.3. The site is surrounded on all sides by existing residential development.

#### 3 PROPOSAL

- 3.1. This application is outline in nature with matters committed in respect of access only, and proposes residential development of up to seven dwellings including the demolition of existing sheds and the formation of a detention pond.
- 3.2. Indicative plans have been submitted indicating that the proposed dwellings would be detached properties including a mix of attached and detached garages. The development is intended to be served by a central private roadway with turning head, with improved access where it meets Westfield Road. The existing dwelling is to be incorporated into the development and will be accessed via the proposed roadway. The existing pond is intended to be enlarged and utilised as a detention basin for the site.
- 3.3. Drainage is indicated to be taken to the north east of the site where it will link with an existing surface water sewer to the north of Cox Way.
- 3.4. Full plans and associated documents for this application can be found at: https://www.publicaccess.fenland.gov.uk/publicaccess/

## 4 SITE PLANNING HISTORY

4.1 While there have been a number of planning applications in the vicinity of the site the only history pertinent to the site is set out below:

F/YR23/0268/O Erect up to 7no dwellings (outline application with all matters reserved) and retain existing dwelling Mayflower 12A Westfield Road Manea	Withdrawn 22.09.2023
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## 5 CONSULTATIONS

### 5.1. Manea Parish Council

OBJECT. The proposed access is close to the bends in Westfield Road, inadequate details of disposal of surface water. No proposal to mitigate possible flooding of adjacent properties.

# 5.2. Anglian Water Services Ltd Section 1 - Assets Affected

Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

#### Section 2 - Wastewater Treatment

This development is within the catchment of Manea-Town Lots water recycling centre (WRC), which currently lacks the capacity to accommodate the additional flows that would be generated by the proposed development. However, Manea-Town Lots WRC is included within our submitted Business Plan as a named growth scheme with investment delivery planned between 2025-2030. Our Business Plan is waiting for approval from Ofwat, December 2024, and until such time we cannot confirm this scheme will be included. Once Final Determination has been received from Ofwat we will update stakeholders, if a scheme has subsequently not been identified for investment we will update our planning responses. To ensure there is no pollution or deterioration in the receiving watercourse due to the development foul flows we recommend a planning condition is applied if permission is granted.

[...]

## Section 3 - Used Water Network

This response has been based on the following submitted documents: Sustainable Drainage Report Final Report dated March 2023 The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

[...]

# Section 4 - Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

The preferred method of surface water disposal would be to a sustainable drainage system SUDS with connection to the sewer seen as the last option. The Sustainable Drainage Report Final Report dated March 2023 submitted with the planning application relevant to Anglian Water states that the surface water from the proposed development site is to be discharge onto Anglian Water surface water network at a restricted rate of 2l/s via a private surface water sewer. Before a connection can be considered into the Anglian Water surface water network the applicant is required to follow the surface water hierarchy. It is stated that infiltration testing has not been carried out. All the connections into Anglian Water surface water network is subject to satisfactory evidence which shows the surface water management hierarchy as outlined in Building Regulations Part H has been fully explored. This would encompass the results from the site-specific infiltration testing and/or

confirmation that the flows cannot be discharged to a watercourse. These would be required to be carried out before a connection into our network can be considered. We request a condition be applied to the decision notice if permission is granted. Further assessment is required to establish whether network reinforcement is required, please note that this assessment and any necessary reinforcement work will be at the developers cost. We request a condition be applied to the decision notice if permission is granted. The purpose of the planning system is to achieve sustainable development. This includes the most sustainable approach to surface water disposal in accordance with the surface water hierarchy. It is appreciated that surface water disposal can be dealt with, in part, via Part H of the Building Regulations, it is felt that it is too late at this stage to manage any potential adverse effect. Drainage systems are an early activity in the construction process and it is in the interest of all that this is dealt with early on in the development process.

# Section 5 - Suggested Planning Conditions

Anglian Water would therefore recommend the following planning condition if the Local Planning Authority is mindful to grant planning approval.

# Wastewater Treatment (Section 2)

<u>Condition:</u> Prior to occupation written confirmation from Anglian Water must be submitted confirming the upgrades at Manea-Town Lots water recycling centre have been completed, and there is sufficient headroom to accommodate the foul flows from the development site.

<u>Reason:</u> To protect water quality, prevent pollution and secure sustainable development having regard to paragraphs 7/8 and 180 of the National Planning Policy Framework.

#### Surface Water Disposal (Section 4)

No development shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the strategy.

# 5.3. **CCC Archaeology**

Our records indicate that the site lies in an area of archaeological potential, located on Manea island, an important and favoured location for settlement in the fens. Archaeological investigations have been undertaken to the south, which revealed six phases of activity dating between the 12th and 18th centuries (Cambridgeshire Historic Environment Record reference. MCB24908). This included a number of pits including substantial quantities of domestic waste and fired clay, indicating the presence of an associated settlement in the vicinity. Further activity is known from archaeological investigations to the adjacent east which found further evidence for medieval pitting (CHER ref. MCB19940). A series of find spots to the north-east (CHER ref. 06048), including samian ware, coins and a pewter hoard (CHER ref. 05867) also indicates the presence of an earlier Roman settlement within the vicinity of the development area.

We recommend that due to the archaeological potential of the site a further programme of investigation and recording is required in order to provide more information regarding the presence or absence, and condition, of

surviving archaeological remains within the development area, and to establish the need for archaeological mitigation of the development as necessary. 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 (DLUHC 2023).

### 5.4. **FDC Environmental Health**

The Environmental Health team note and accept the submitted information and in principle have 'No Objections' to the proposed development. In the interests of protecting the amenity of existing nearby residents during the construction phase, this service would request the submission of a Construction Environmental Management Plan (CEMP). This should be in accordance with the template available on the Fenland District Council website.

# 5.5. **CCC Highways Authority**

The proposed junction layout is acceptable to the LHA as it is suitable for the proposed use and has the correct dimensions and visibility splays shown on the plans. Should the development gain the benefit of planning permission I would recommend the following conditions

# **Conditions**

Access – Prior to first use the junction with the highway will be installed as per approved plan number H8616/04 Rev C.

## 5.6. **CCC Definitive Maps Team**

Public Footpath, Number 2, Manea, runs alongside two boundaries of the proposed site, to the north-west and south-west.

Whilst the Definitive Map Team has no objection to this proposal, the Public Footpath must remain open and unobstructed at all times.

A number of informatives were included to append to any subsequent decision notice.

# 5.7. **CCC Ecology**

We welcome the submission of additional ecological information, which addresses our previous concerns.

The proposal is acceptable on ecology grounds, providing that mandatory biodiversity net gain is secured through suitably worded conditions / obligations:

- 1. Informative regarding national condition for Biodiversity Gain
- 2. Planning condition / Section 106 agreement to monitor delivery of "significant" on-site BNG, including 30 years management
- 3. Detailed landscape and biodiversity enhancement scheme
- 4. Wildlife sensitive lighting scheme
- 5. Time limit to ecological resurvey

# 5.8. Local Residents/Interested Parties

## **Objectors**

Three letters of objection received from two local addresses within the Old Dairy Yard. Reasons for objection can be summarised as:

- Concerns over flooding and drainage & proposed drainage discharge route:
- Highway safety concerns;
- Possible overlooking; and
- Letters of support do not appear to be from local residents.

### **Supporters**

This application garnered 20 letters of support for the application, most of which were in a pro-forma format, received from various address points within Manea including School Lane, Parkview Lane, Williams Way, Station Road, Cox Way, Westfield Road, High Street, Poppyfields, and Wisbech Road. The reasons for supporting the scheme can be summarised as:

- An ideal location close to amenities;
- Will aid in achieving housing target;
- · Manea is identified growth village;
- No flooding concerns:
- Will not be out of character;
- Ties in with planning policy; and
- · No highway safety concerns.

# **6** STATUTORY DUTY

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

adopted Fenland Local Plan (2014) and the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021).

### 7 POLICY FRAMEWORK

# 7.1. National Planning Policy Framework (NPPF) 2024

Chapter 2 – Achieving sustainable development

Chapter 4 – Decision-making

Chapter 5 – Delivering a sufficient supply of homes

Chapter 8 – Promoting healthy and safe communities

Chapter 9 – Promoting sustainable transport

Chapter 11 – Making effective use of land

Chapter 12 – Achieving well-designed places

Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Chapter 15 – Conserving and enhancing the natural environment

# 7.2. National Planning Practice Guidance (NPPG)

**Determining a Planning Application** 

# 7.3. National Design Guide 2021

## 7.4. Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

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

LP15 – Facilitating the Creation of a More Sustainable Transport Network

LP16 – Delivering and Protecting High Quality Environments across the District

LP19 – The Natural Environment

# 7.5. Cambridgeshire and Peterborough Minerals and Waste Local Plan 2021

# 7.6. Delivering and Protecting High Quality Environments in Fenland SPD 2014

# 7.7. Cambridgeshire Flood and Water SPD 2016

### 7.8. **Emerging Local Plan**

The Draft Fenland Local Plan (2022) was published for consultation between 25th August 2022 and 19 October 2022, all comments received will be reviewed and any changes arising from the consultation will be made to the draft Local Plan. Given the very early stage which the Plan is therefore at, it is considered, in accordance with Paragraph 49 of the NPPF, that the policies of this should carry extremely limited weight in decision making. Of relevance to this application are policies:

LP1: Settlement Hierarchy

LP2: Spatial Strategy for the Location of Residential Development

LP4: Securing Fenland's Future

LP5: Health and Wellbeing

LP7: Design

LP8: Amenity Provision

LP12: Meeting Housing Needs

LP22: Parking Provision

LP24: Natural Environment LP25: Biodiversity Net Gain

LP32: Flood and Water Management

#### 8 KEY ISSUES

- Principle of Development
- Character and Amenity
- Access and Parking
- Flooding and Drainage
- Parish Council Objection
- Biodiversity Net Gain

## 9 BACKGROUND

9.1. This application follows a similar previous application for development on the site, F/YR23/0268/O which was withdrawn owing to an outstanding Preliminary Ecology Assessment that would delay determination. The current application includes the appropriate surveys.

#### 10 ASSESSMENT

# **Principle of Development**

- 10.1. The spatial strategy and settlement hierarchy for Fenland is set out in Policy LP3 of the Fenland Local Plan (adopted 2014) ('the local plan'). Manea is designated as a growth village whereby development and new service provision either within the existing urban area or as small village extensions will be appropriate, albeit of a considerably more limited scale than is appropriate to the market towns.
- 10.2. The proposed site is set within the built settlement of Manea and would therefore meet Policy LP3 in principle whereby the site is located within a sustainable position within close proximity to bus stops and local village services. Therefore, in the broad terms as set out in Policy LP3, the principle of development would be acceptable.

# **Character and Amenity**

10.3. Policy LP16 of the adopted local plan states that high quality environments will be delivered and protected throughout the district. LP16 (e) specifically states that development shall not adversely impact on the amenity of neighbouring users such as noise, light pollution, loss of privacy and loss of light, whilst LP16 (h) states that development shall provide sufficient private amenity space, suitable to the type and amount of development proposed. Policy LP2 echoes LP16 where it states that development should avoid adverse impacts.

- 10.4. Matters of Scale, Layout, Appearance and Landscaping (Design) are reserved matters which do not fall to be considered for the current outline application. However, the submitted indicative site layout plan shows how up to seven detached dwellings with a combination of garages and hardstanding parking spaces could be accommodated at the site to front the proposed spine access road in conjunction with the existing bungalow at No.12A that is due to remain.
- 10.5. The submitted Design and Access Statement states that a mix of house types, including bungalows, chalets and two-storey dwellings, would be provided and that an active street frontage would be maintained. This is broadly considered to be in keeping with the character of the surrounding area. It is expected that the proposed dwellings would reflect the local vernacular with the use of traditional materials and finishes, although specific matters of Appearance are a reserved matter. Additional landscaping and use of a detention basin would be provided to augment the existing pond and existing boundary vegetation would be retained/trimmed back where possible. It is stated that optimum use would be made of sustainable energy sources in accordance with Building Regulations.
- 10.6. The indicated proposed site layout shows that the site would be large enough to reasonably accommodate up to seven new dwellings with appropriately sized rear gardens, separation distances and general layout. Whilst comments regarding possible overlooking are noted, the submitted plans illustrate a scheme which with appropriate detailed design is considered to have the potential to be acceptable in this regard.
- 10.7. Any residential impacts which were to occur could be lessened were existing established flank vegetation to the site to be retained, which is indicated. Additionally, a Construction Environmental Management Plan (CEMP) condition could be imposed on any planning permission granted for the submitted scheme to lessen the incidence of noise and disturbance arising from the development, such as working times, delivery times, storage of plant and machinery and dust prevention measures.
- 10.8. As such, it is considered that the issue of character and residential amenity could be satisfactorily dealt with through the submission of a subsequent reserved matters application to accord with Policies LP2 and LP16.

## **Access and Parking**

- 10.9. Policy LP15 of the Fenland Local Plan 2014 seeks to ensure safe and convenient access for all within the district.
- 10.10. The application includes the improvement and widening of the existing access off Westfield Road to include extension of existing footpaths within the bell mouth to facilitate a crossing location, leading to a 6m wide private roadway to serve the development. There are suitable parking/turning areas indicated for each proposed dwelling. There is sufficient turning space shown to allow vehicles to enter and exit in a forward gear, and it is likely that the parking areas will offer sufficient parking in line with the parking provision requirements set out in Appendix A of Policy LP15. Notwithstanding, the exact parking requirement is unknown as matters of Layout and Scale are reserved for later approval.

- 10.11. Comments from the Highway Authority raised no concerns regarding highway safety, and had no objection to the proposed access arrangements subject to the access complying with the submitted plans as these depicted appropriate access geometry given the proposed level of use. Accordingly, it is considered that the scheme complies with Policy LP15.
- 10.12. Tracking details have been included to demonstrate that a refuse collection vehicle could satisfactorily access the site and to be turned around in the indicated turning head at the end of the proposed service road to egress the site in forward gear. Accordingly, subject to appropriate indemnities, Local Authority kerbside collections may be possible. Notwithstanding, given this, and that Layout is a reserved matter for the current outline application, it is considered that this issue can be sufficiently addressed at the detailed stage should planning permission be granted for the current outline application. However, it is considered prudent that any subsequent reserved matters submission be accompanied by a refuse collection strategy to inform the final design of the proposed scheme which can be conditioned on any planning permission granted for the current application.

# Flooding and Drainage

- 10.13. Policy LP14 of the Fenland Local Plan (2014) and chapter 14 of the National Planning Policy Framework set out the policy approach towards development in areas of flood risk. Both of these policies seek to encourage development first within areas of lower flood risk, before considering development in areas at higher risk of flooding. They also seek to ensure developments remain safe from all sources of flooding.
- 10.14. The application site is located in Flood Zone 1, the area of lowest risk, and thus the development is acceptable with respect to current policy. This application is minor, and given its location in Flood Zone 1, does not trigger statutory consultation with the Environment Agency on this matter. Notwithstanding, it should be noted that the site is designated at "very low" risk of surface water, fluvial or tidal flooding likelihood as detailed on the Environment Agency's flood risk summary guidance page.
- 10.15. Matters of surface water flooding and foul drainage were noted as concerns within representations received. The application includes an indicative sustainable drainage strategy that considers matters of surface water drainage for the site. The indicative scheme includes a proposed attenuation basin which would serve the proposed development in which surface water from permeable areas would collect before discharging by a flow control device to the surface water sewer to the north of Cox Way. Anglian Water has considered this proposal for surface water run-off and notes that the submitted drainage strategy does not appear to follow the SUDS hierarchy and that direct discharge into an Anglian Water sewer would be the least favourable/sustainable option. However, they did not object to the drainage strategy but recommended a condition regarding a suitable surface water drainage strategy, based upon the SUDs Hierarchy, be submitted.
- 10.16. The submitted drainage strategy indicates that while no infiltration testing has taken place on site other testing in the vicinity has identified the ground conditions as heavy clay which is not suitable for infiltration. The strategy

also states that there are no existing watercourses adjacent to the site which could take surface water. As such the use of a surface water sewer would be the next tier on the hierarchy. While it would be preferable for the drainage hierarchy to have been more fully explored it is not considered unacceptable for this to be addressed via condition with the backstop position of the use of a surface water sewer being available.

- 10.17. With respect to foul drainage, Anglian Water confirmed that the application site is within the catchment of Manea-Town Lots water recycling centre (WRC), which currently lacks the capacity to accommodate the additional flows that would be generated by the proposed development. However, the Manea WRC is included within their Business Plan as a named growth scheme with investment delivery planned between 2025-2030. Consequently, they did not object to the development on the basis of foul drainage, however they did require imposition of a condition to ensure written confirmation of the upgrades to Manea WRC is obtained, and thus capacity available, prior to occupation of the development.
- 10.18. However, on review of this condition, it was considered it would not meet the tests as required by Para. 58 of the NPPF (2024), as it was considered unreasonable to preclude occupation of the development whilst awaiting the outcome of the Manea WRC improvements, that would ultimately be out of the applicant's control and may risk the development standing empty until such time that the infrastructure improvements were in place which could in itself bring additional issues notwithstanding the foul drainage.
- 10.19. As such, given the known issue relating to the lack of capacity within Manea WRC, and noting Anglian Water's intention to upgrade its infrastructure within Manea by 2030, should the application be approved, it is considered more reasonable in this circumstance to append a condition requiring an appropriate foul drainage scheme to be submitted for approval prior to commencement of the development.
- 10.20. Notwithstanding, it is considered that such matters can be appropriately controlled by condition to ensure the scheme will comply with Policy LP14 and the NPPF.

## **Parish Council Objection**

- 10.21. Comments from Manea Parish Council in objection to the current outline application for up to seven dwellings is noted, and include concerns regarding highway safety, surface water drainage and possible flooding.
- 10.22. As can be seen in the above assessment, these matters are not subject to any technical objection, and details can be secured by appropriate condition.
- 10.23. As such, the Parish Council concerns with respect to the current application appear unfounded when considered against the evidence and in accordance with Local and National Planning Policy. Accordingly, refusal of the scheme on the basis of the issues raised within the comments received is unjustified in this case.

## **Biodiversity Net Gain (BNG)**

10.24. The Environment Act 2021 requires development proposals to deliver a net gain in biodiversity following a mitigation hierarchy which is focused on

avoiding ecological harm over minimising, rectifying, reducing and then offsetting. This approach accords with Local Plan policies LP16 and LP19 which outlines a primary objective for biodiversity to be conserved or enhanced and provides for the protection of Protected Species, Priority Species and Priority Habitat.

- 10.25. In accordance with statutory guidelines, the application was supported by a Preliminary Ecology Report (PEA) and a Biodiversity Net Gain Metric and statement. The PEA concluded that there is low potential for the site to support protected species and will benefit from the opportunity for enhancement. These findings were supported by Ecology Officers, who recommended conditions to ensure the scheme is compliant with Policy LP19 and National Policy.
- 10.26. The Biodiversity Statement Results show that there is the potential for the site to have a 10.25% net gain in habitat units and a 179.69% net gain in hedgerow units. As such, a Biodiversity Gain Condition is required to secure provision of these units, along with requirement for a Habitat Management and Monitoring Plan (HMMP) to be approved to ensure habitats (both on and off site) are appropriately managed to achieve their desired condition in perpetuity and ensure the scheme complies with Policies LP16, LP19 and the Environment Act 2021.

### 11 CONCLUSIONS

- 11.1. The objective of an outline application with all matters reserved is to determine if the principle of residential development is acceptable, subject to the reserved matters to be committed at a later stage. The principle of developing the site for residential use is considered acceptable with regard to Policy LP3 of the Fenland Local Plan. Matters of Access were committed within this application, and the scheme is considered appropriate with respect to Policy LP15 under consultation with the Highway Authority.
- 11.2. In other respects, the development could be made acceptable by imposing conditions if planning permission were granted, and there are no material considerations to justify refusal of the scheme. As such a favourable recommendation is forthcoming.

#### 12 RECOMMENDATION

**Grant**, subject to the following conditions;

- 1 Approval of the details of:
  - i. the layout of the site
  - ii. the scale of the building(s);
  - iii. the external appearance of the building(s);
  - iv. the landscaping

(hereinafter called "the Reserved Matters") shall be obtained from the Local Planning Authority prior to the commencement of development.

	Reason: To enable the Local Planning Authority to control the details of the development hereby permitted.
2	Application for approval of the Reserved Matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.
	Reason: To ensure compliance with Section 92 of the Town and Country Planning Act 1990.
3	The development hereby permitted shall begin before the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.
	Reason: To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.
4	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).
5	Prior to the commencement of any development, a scheme and timetable for the provision, implementation, management, and maintenance of foul and surface water drainage shall be submitted and approved in writing by the Local Authority. The foul water scheme must include written confirmation from Anglian Water that the upgrades at Manea-Town Lots water recycling centre have been completed and there is sufficient headroom to accommodate the foul flows from the development site.

	The works/scheme shall then be constructed and completed in accordance with the approved plans/specification at such time(s) as may be specified in the approved scheme and thereafter retained in perpetuity.
	Reason: To ensure a satisfactory method of foul and surface water drainage, to protect water quality, prevent pollution and secure sustainable development and to prevent the increased risk of flooding in accordance with the National Planning Policy Framework and Policy LP14 of the Fenland Local Plan (Adopted May 2014).
6	No development shall take place, including any works of demolition, until a Construction Environmental Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Plan shall be created in accordance with the Template available on Fenland District Council Website ( <a href="https://www.fenland.gov.uk/planningforms">https://www.fenland.gov.uk/planningforms</a> ).
	Reason: To prevent harm being caused to the amenity of the area in accordance with the provisions of Policies LP2 and LP16 of the Fenland Local Plan (Adopted May 2014).
7	The details submitted in accordance with Condition 01 of this permission shall include a proposed refuse collection strategy for the development hereby approved. Details shall include the location and design of any refuse storage areas and collection points. This should include provision for the storage of three standard sized wheeled bins for each dwelling and details of intended means of refuse collection, including any indemnities where necessary. The refuse collection strategy shall accord with the agreed details and thereafter be retained in perpetuity, unless otherwise agreed in writing.
	Reason: To ensure a satisfactory form of waste management and in the interests of amenity and sustainability as required by Policy LP16 of the Fenland Local Plan (Adopted May 2014).
8	Prior to commencement of the use of the development hereby approved, the access shall be fully constructed in accordance with approved plan H8616/04 Rev C, and thereafter retained in perpetuity.
	Reason: In the interests of highway safety in accordance with Policy LP15 of the Fenland Local Plan (Adopted May 2014).
9	Prior to the occupation of the first of the dwellings hereby approved, full details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved in writing by the Local Planning Authority. (The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an Agreement has been entered into unto Section 38 of the Highways Act 1980 or a Private Management and Maintenance

Company has been established).

Reason- To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard, in accordance with Policy LP15 of the Fenland Local Plan 2014.

- 10 The details submitted in accordance with Condition 01 of this permission shall include full details of biodiversity enhancements and habitat improvements, including those recommended within the approved Preliminary Ecological Appraisal (Hillier Ecology, Feb. 2023). The landscaping and biodiversity enhancement details to be submitted shall include:
  - a) planting plans to all areas, retained hedge and trees, species, numbers, size and density of planting; the planting shall be sufficient to result in overall no net loss of biodiversity,
  - b) placement, type, number and details of any recommended biodiversity enhancements and habitat improvements.
  - c) means of enclosure noting that all new garden fencing should be designed to allow hedgehogs to be able to pass through the fencing
  - d) details of bird and bat boxes (including elevation drawings)
  - e) details of siting and timing of all construction activities to avoid harm to all nature conservation features
  - f) a timetable for landscaping and biodiversity enhancement implementation, and
  - g) management and maintenance details.

The approved biodiversity enhancement scheme shall be carried out prior to the occupation of the dwellings and the soft landscaping shall be carried out within the first available planting season following completion of the development or first occupation (whichever is the sooner) or alternatively in accordance with a timetable for landscape implementation which has been approved as part of the submitted landscape scheme.

Reason: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policies LP16 and LP19 of the Fenland Local Plan 2014 (Adopted May 2014).

11 Within 6-months of the commencement of development hereby approved, a scheme for the provision of external lighting relating to all dwellings and common areas within the site shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to occupation of any dwellings and retained thereafter in perpetuity.

> The external lighting shall be carefully designed for wildlife, in accordance with recommendation set out in the Preliminary Ecological Appraisal, and baffled downwards away from the retained trees, boundary vegetation and hedgerows/scrub corridors.

Reason: To protect the biodiversity value of the habitat within the

site from ongoing operations in accordance with Policies LP16 and LP19 of the Fenland Local Plan 2014.

If the development hereby approved does not commence within 2 years from the date of this permission, the approved ecological measures secured through the condition above shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to establish if there have been any changes in the presence and/or abundance of breeding birds or bats; and identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

Reason: To ensure compliance with the Wildlife and Countryside Act and to protect features of nature conservation importance in relation to any on-site changes in accordance with Policy LP19 of the Fenland Local Plan 2014.

Prior to the commencement of any development, a Biodiversity Gain plan shall be submitted to and approved in writing by the Local Planning Authority;

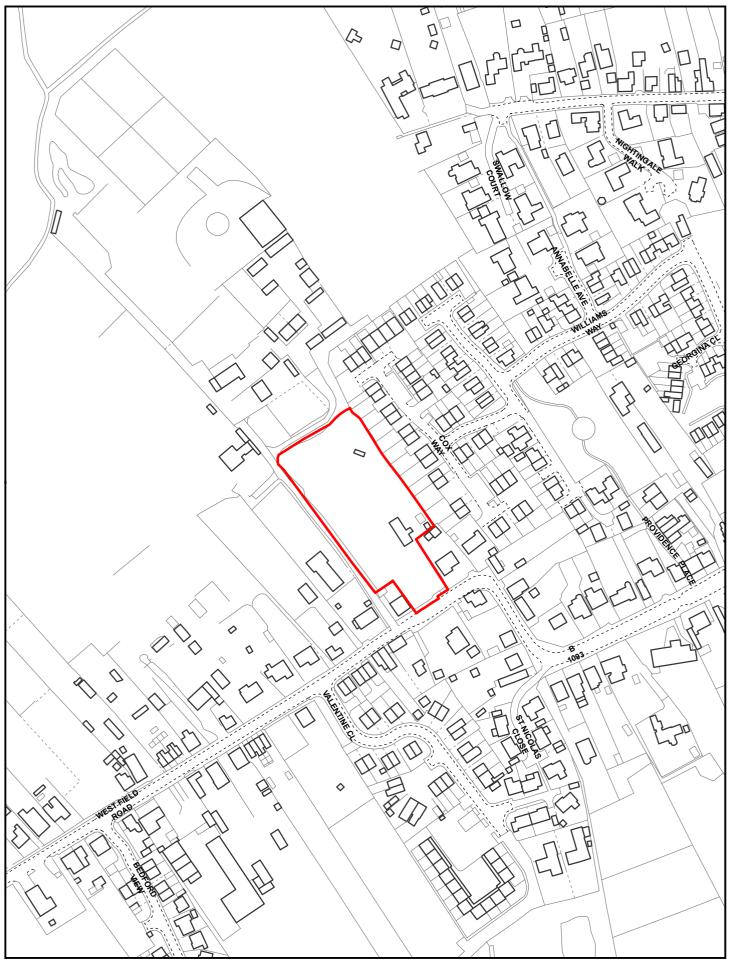
The Biodiversity Gain plan shall deliver a minimum of 10% biodiversity net gain and will include as a minimum, where applicable:

- i) Details regarding how the biodiversity gain hierarchy has been applied;
- ii) Details regarding proposed significant on-site biodiversity enhancements; and/or;
- iii) Details regarding proposed significant off-site biodiversity gains;
- iv) A completed pre and post development biodiversity metric calculation; and
- v) A Habitat management and monitoring plan for both on and off site improvements.

The approved plan will be implemented within 1 year of the approval and so maintained for at least 30 years after the development is completed.

Reason: To ensure compliance with Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021).

14 Approved Plans



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Fenland District Council

