F/YR23/1021/F

Applicant: Construct Reason Ltd Agent: Swann Edwards Architecture Ltd

Land South Of Selwyn Farm 71 South Brink Accessed Via, Ellerby Drive, Wisbech, Cambridgeshire

Erect 12x dwellings (7 x 2-storey 3-bed and 5 x 2-storey 2-bed) and associated garages

Officer recommendation: Grant

Reason for Committee: Town Council objection contrary to Officer

recommendation

Government Planning Guarantee

Statutory Target Date For Determination: 5 March 2024

EOT in Place: Yes

EOT Expiry: 18 April 2025 **Application Fee:** £6006

Risk Statement:

This application must be determined by 18 April 2025 otherwise it will be out of time and therefore negatively affect the performance figures.

1 EXECUTIVE SUMMARY

- 1.1. This application relates to a triangular area of open land covering some 0.75ha to the northwest of Ellerby Drive/Cox Close which forms part of a residential estate situated between Weasenham Lane and Cromwell Road/Lickings Drove, originally granted permission under F/YR06/0464/O. This application seeks full planning permission to erect 12 detached dwellings on an area of land that was previously allocated as open space for the wider development. In lieu of the loss of this open space the application proposes a replacement area to the north-east of Selwyn Farm (71 & 73 South Bank) where previously flatted development was intended. The replacement area of open space will need to be secured by a S106 or Deed of Variation, but in principle, the proposed take up of the originally allocated area of open space by residential use and replacement is considered to be acceptable in the context of the wider scheme.
- 1.2. As well as the principle of the development, the application has considered a number of site-specific key issues arising, being informed by relevant consultation responses whereby the proposals are adjudged with regard to relevant Local and National planning policies in respect of highways, flood risk and drainage, residential amenity, and ecology and biodiversity.

- 1.3. Matters relating to concerns of residential amenity and harm caused to visual amenity can be mitigated through appropriate conditions.
- 1.4. Thus, having regard to national and local planning policies, and all comments received, and subject to the resolution of the Section 106 legal agreement, it is considered that the proposal would amount to sustainable development and would accord with the Development Plan taken as a whole. There are no material considerations worthy of sufficient weight that indicate that a decision should be made other than in accordance with the Development Plan.
- 1.5. Accordingly, the recommendation is to approve the application subject to the signing of a Section 106 legal agreement and finalising planning conditions.

2 SITE DESCRIPTION

- 2.1. This application relates to a triangular area of open land covering some 0.75ha to the northwest of Ellerby Drive/Cox Close which forms part of a residential estate situated between Weasenham Lane and Cromwell Road/Lickings Drove, which was originally granted permission under F/YR06/0464/O.
- 2.2. To its northeast, the application site is bounded by Selwyn Farm (Nos 71 and 73 South Brink). Further northeast, and to the southeast of Ellerby Drive is residential development originally consented under F/YR06/0464/O and subsequent applications. To the northwest, the site is bounded by South Brink beyond which lies the River Nene and its tidal defences.
- 2.3. There are currently two areas of open land within the wider estate, located on either side of a pair of semi-detached dwellings (71 & 73 South Brink), between South Brink and Ellerby Drive. The application proposes to construct 12 dwellings on the area of open land to the south of 71 and 73 South Brink.
- 2.4. The site is located in Flood Zones 2 and 3.

3 PROPOSAL

- 3.1. This application seeks full planning permission to erect 12 detached dwellings comprising 7 no. 3 bedroomed units, and 5 no. 2 bedroomed units with each unit to be provided with non-integral garages. Access is to be taken from an existing turning head off Ellerby Drive. The proposed house types have a similar chalet type design with small pitched roofed dormers on the front elevation which is reflective of the existing estate.
- 3.2. Full plans and associated documents for this application can be found at: https://www.publicaccess.fenland.gov.uk/publicaccess/

4 SITE PLANNING HISTORY

F/YR15/0177/PLANOB	Modification of Planning Obligation attached to planning permission F/YR06/0464/O (entered into on 22/05/2007) relating to a financial contribution of £260,000.00 in lieu of the provision of a Health Centre Land Between South Brink And Cromwell Road Wisbech	Granted 30.11.2015
F/YR15/3032/COND	Details reserved by conditions 6, 9 and 10 of planning permission F/YR14/0132/F Land Between South Brink And Cromwell Road Wisbech	Approved 27.07.2015
F/YR14/0132/F	Erection of 12 x 2-storey 2-bed dwellings with garages. access road and associated works (re-plan of Plots 69-72, 95-120) Land Between South Brink And Cromwell Road Wisbech	Granted 11.12.2014
F/YR12/0455/F	Erection of 26 x 2-storey dwellings: 3 x 3-bed and 8 x 2-bed with attached garages, 2 x 3-bed and 12 x 2-bed with detached garages and 1 x 2-bed with attached garage and carport Land East Of Abraham Drive Wisbech	Granted 30.01.2013
F/YR11/0150/PLANOB	Modification of Planning Obligations attached to planning permission F/YR06/0464/O Land Between South Brink And Cromwell Road Wisbech	Pending
F/YR10/3103/COND	Details reserved by condition 5 (phase 2, plots 1-20, 67-68 & 121-131 only) relating to planning permission F/YR06/0464/O Land Between South Brink And Cromwell Road Wisbech	Approved 07.01.2011
F/YR10/0074/RM	Erection of 85 dwellings comprising of 19 x 1-bed flats, 19 x 2-bed flats, 31 x 2-bed houses, 16 x 3 -bed houses with associated garages and parking (amendment to plots 1-20, 67-131 inc of planning permission F/YR08/0259/RM) Land Between South Brink And Cromwell Road Wisbech	Approved 06.07.2010
F/YR09/3015/COND	Details reserved by condition 5 and 10 of Planning Permission F/YR06/0464/O Land Between South Brink And Cromwell Road Wisbech	Approved 20.10.2009
F/YR09/3010/COND	Details reserved by conditions 1 and 2 of planning permission F/YR08/0259/RM Land Between South Brink And Cromwell Road Wisbech	Approved 10.03.2009

F/YR08/0259/RM	Erection of Health Centre (2-storey), bin and cycle stores and 131 dwellings (incorporating 46 affordable dwellings) comprising; 41 Flats (12 x 2-bed with integral car port, 20 x 2-bed, 8 x 1-bed and 1 x 2-bed with parking below) and 90 houses (39 x 3-bed 3-storey with integral garages, 12 x 3-bed and 39 x 2-bed) with associated garages, parking and Public Open Space Land Between South Brink And Cromwell Road Wisbech	Approved 12.05.2008
F/YR06/0464/O	Erection of 145 dwellings (maximum) and Health Centre (4.2 ha) Land Between South Brink And Cromwell Road Wisbech	Granted 24.05.2007
F/YR06/0859/O	Mixed use Development including A1 (Retail), A3 (Restaurants & Cafes) B1 (Business), B2 (General Industry), B8 (Storage & Distribution) and D2 (Leisure) and medical centre Land Between South Brink And Cromwell Road Wisbech	Refused 07.08.2006

5 CONSULTATIONS

5.1. Wisbech Town Council

That no further development ought to be permitted at this site until such time as works have been undertaken to complete the infrastructure (such as carriageways) of the scheme of residential development implemented previously (around 10 years ago) at this location.

5.2. **LLFA**

We have reviewed the following documents:

- Proposed Drainage Plan, MTC, Ref: 3162, Rev:- Dated: 21st March 2024
- Sustainable Drainage Strategy, MTC, Ref: 3162, Rev: B, Dated: April 2024
- Consultant Letter, MTC, Ref: 3162, Dated: 10th July 2024

Based on these, as Lead Local Flood Authority (LLFA) we have no objection in principle to the proposed development.

The above documents demonstrate that surface water from the proposed development can be managed through the use of permeable block paving flowing into an online attenuation basin, this in turn discharges from site via flow control at a rate of 12l/s. As the development will accept existing flows from Ellerby drive the proposed flow control discharge rate of 12l/s is acceptable as reducing the total discharge rate by 0.2l/s.

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

We request the following conditions are imposed:

Condition 1

No laying of services, creation of hard surfaces or erection of a building shall commence until a detailed design of the surface water drainage of the site has been submitted to and approved in writing by the Local Planning Authority. Those elements of the surface water drainage system not adopted by a statutory undertaker shall thereafter be maintained and managed in accordance with the approved management and maintenance plan.

The scheme shall be based upon the principles within the agreed Sustainable Drainage Strategy, MTC, Ref: 3162, Rev: B, Dated: April 2024 and shall also include:

- a) Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events;
- b) Full results of the proposed drainage system modelling in the abovereferenced storm events (as well as 1% AEP plus climate change), inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;
- c) Detailed drawings of the entire proposed surface water drainage system, attenuation and flow control measures, including levels, gradients, dimensions and pipe reference numbers, designed to accord with the CIRIA C753 SuDS Manual (or any equivalent guidance that may supersede or replace it);
- d) Full detail on SuDS proposals (including location, type, size, depths, side slopes and cross sections):
- e) Demonstration that the surface water drainage of the site is in accordance with DEFRA non-statutory technical standards for sustainable drainage systems;
- f) Full details of the maintenance/adoption of the surface water drainage system;
- g) Permissions to connect to a receiving watercourse or sewer;
- h) Measures taken to prevent pollution of the receiving groundwater and/or surface water

Reason

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

Condition 2

No development, including preparatory works, shall commence until details of measures indicating how additional surface water run-off from the site will be avoided during the construction works have been submitted to and approved in writing by the Local Planning Authority. The applicant may be

required to provide collection, balancing and/or settlement systems for these flows. The approved measures and systems shall be brought into operation before any works to create buildings or hard surfaces commence.

Reason

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

Informatives

[...]

5.3. **Environment Agency**

Thank you for your consultation dated 08 July 2024. We have reviewed the documents as submitted and have no objection to the proposed development. We have provided further details below on flood risk, permits and foul drainage.

Flood Risk Assessment

The development should be carried out in accordance with the submitted flood risk assessment (ref: Flood Risk Assessment and Sustainable Drainage Strategy, dated December 2023, complied by MTC Engineering (Cambridge) Ltd) and the following mitigation measures it details:

- Finished floor levels to be set no lower than 0.3 m above Ordnance Datum (AOD)
- The development to have at least two storeys

These mitigation measures should be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Flood Risk Activity Permit

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission.

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Foul Drainage

We did notify you of intention to object to this proposed development as the applicant had not submitted details ensuring a mains connection for foul drainage. We have decided that we will not object at this current moment as the applicant has provided foul drainage design plans indicating connection to the mains network. We do note however, that these plans have not been uploaded to the public access and request that this is done so as soon as possible for transparency and consistency with our response. Further to this, we note that the applicant may still be seeking approval from Anglian Water on this connection, we wish to advise that if at any point non-mains connection is proposed that we wish to be reconsulted and the applicant must submit both a foul drainage strategy document alongside a completed FDA1 form to justify any alternative foul drainage strategy.

5.4. **Anglian Water**

ASSETS

Section 1 - Assets Affected

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

WASTEWATER SERVICES

Section 2 - Wastewater Treatment

The foul drainage from this development is in the catchment of West Walton Water Recycling Centre that will have available capacity for these flows.

Section 3 - Used Water Network

This response has been based on the following submitted documents: Flood Risk Assessment and Sustainable Drainage Strategy 3162 – FRA – Sept 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.

INFORMATIVES [...]

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 applicant has indicated on their application form that their method of surface water drainage is via SuDS. If the developer wishes Anglian Water to be the adopting body for all or part of the proposed SuDS scheme the Design and Construction Guidance must be followed. We would recommend the applicant contact us at the earliest opportunity to discuss their SuDS design via a Pre-Design Strategic Assessment (PDSA). The Lead Local Flood Authority (LLFA) are a statutory consultee for all major development and should be consulted as early as possible to ensure the proposed drainage system meets with minimum operational standards and is beneficial for all concerned organisations and individuals. We promote the use of SuDS as a sustainable and natural way of controlling surface water run-off. We please find below our SuDS website link for further information. https://www.anglianwater.co.uk/developers/drainage-services/sustainable-drainage-systems/

5.5. Cambridgeshire Fire & Rescue Service

With reference to the above application for planning. Should you the Planning Authority grant approval, Cambridgeshire Fire & Rescue Service will require a planning condition against this application, for the provision of fire hydrants to be installed, for the purposes of providing water for firefighting.

The condition should read as follows:

No above ground development should take place until a water scheme for the provision of fire hydrants has been submitted to and agreed with the fire authority.

No occupation of the development can occur prior to the installed fire hydrants being inspected and tested for operational use by the fire authority.

Proposed water schemes should be submitted via email in pdf format. All required hydrants will be plotted and the pdf returned.

Discharge can only be given as follows:

- a. Partial discharge once a water scheme has been submitted to the fire authority for processing and or a phase of the development is complete.
- b. Full discharge will be given once all water scheme fire hydrants have been inspected, tested and are ready for operational use.

All cost for the installations of fire hydrants proposed are to be borne by the developer.

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

The number and location of fire hydrants will be determined following a risk assessment and with reference to guidance contained within the "National

Guidance Document on the Provision of Water for Fire Fighting" 3rd Edition, published January 2007.

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

5.6. Cambridgeshire Constabulary - Designing Out Crime Officers I would consider the proposed location to be an area of medium to high risk to the vulnerability to crime.

[...]

I have the following recommendations for your consideration.

External lighting — Our recommendation for external lighting is that all adopted and un-adopted roads, private roads, shared drives, footpaths, and parking areas/courts, should be lit with columns to BS5489:1 2020. Care should be taken in relation to the location of lighting columns with the entry method for most of the dwelling burglary being via rear gardens, especially where there is little surveillance from neighbouring properties as they can be used as a climbing aid if positioned too close to the fence/wall. Home security lights to the front and rear of the properties should be dusk to dawn LED bulkhead lights, including car ports for the safety of the resident. Please note: Bollard lighting should be used as wayfinding only and not as a main source of lighting. A qualified lighting engineer will be able to produce a lighting plan appropriate for the safety and security of residents and their property as well as ecology and wildlife. I would like to see the lighting plan, including lux levels and calculations when available please.

Cycle Storage – If this provision is proposed for the garage, please provide a wall or ground anchor to allow the resident to secure their bike and enough space to manoeuvre them. If sheds are provided in the rear garden, we would recommend a robust structure, the storage unit should be positioned on a (concrete base). [...]

Boundary Treatments – All boundary treatments should be either 1.8m close boarded fencing and walls. Consideration should be given to increasing the height with 300mm of trellis for the plots backing onto the river Nene to improve the security to the rear of the dwellings. Please note: All private gates should be fitted with self-closers and lockable from both sides and any shared gates should be fitted with self-closers.

Residents parking – All parking is to the side of each dwelling in front of the garage, and most plots have active windows to the front (living rooms), and some have kitchens, this will provide some natural surveillance across the development and help to reduce the risk of crime and the fear of crime.

Landscaping - It is also important to ensure that there is a management plan in place to maintain and ensure tree crowns are raised above 2m in height and ground planting and hedging is kept to a minimum of 1-1.2m in

height, this will allow for ongoing natural surveillance across the development, open spaces, and footpaths and to reduce possible conflict with lighting.

Public Open Spaces & footpaths – Open spaces with footpaths should be well lit with a good landscaping management plan in place, this is very important to ensure that there is good surveillance and visibility across the open areas (See external lighting above for lighting standard). Footpaths linking to the development should also be well-lit, and straight in design to improve surveillance and to help prevent any hiding places for a would-be offender.

5.7. Cambridgeshire County Council Highways Authority

This development site is not accessed directly off the highway, as Ellerby Drive does not form part of the adopted highway. Please note that the redline site boundary therefore does not join the highway but a private road.

However, the junction of Weasenham Lane with the Cromwell Road/B198 is suitable for the proposed intensification of use for a development of this size.

5.8. NHS England (East)

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

The proposed development is likely to have an impact on the services of the 3 x GP Practices operating within the vicinity of the application: North Brink Practice, Trinity Surgery and Clarkson Surgery. There is zero capacity in the Wisbech area to take on additional patients and this development of 13 dwellings would see an increase patient pressure of circa 30 new residents which would require additional Whole Time Equivalent GP/Nurse / (Admin support) workforce to support increase in appointments as follows: GP = 0.02 / Nurse = 0.01 and Admin = 0.03 with a resulting increase on estate demand of 2.04sqm net internal area.

The ICB has sought advice from its NHS partner, NHS Property Services Ltd, on recent costs benchmarks for healthcare developments for a single storey extension to an existing premises and refurbishment. This equates to £5,224 per m² (once adjusted for professional fees, fit out and contingency). Having rebased this cost to Fenland using BCIS Tender Price Index, the cost remains the same at £5,224 per m².

A developer contribution will therefore be required to mitigate the impacts of this proposal. CAPICS calculates the level of contribution required, in this instance to be £10,664.12 (2.04sqm at £5,224 per sqm).

Payment should be made before the development commences. CAPICS therefore requests that this sum be secured through a planning obligation linked to any grant of planning permission - in the form of a Section 106 planning obligation — with the proposal that the sum be used to fund a

project which increases clinical capacity at one of the GP Practices, or any of the other health premises/facility, in the vicinity of the development.

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

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

Additional comments dated 04.03.2025

Our revised mitigation, due to a reduction in the number of dwellings from 13 to 12, is £10,316.65.

5.9. **FDC Housing Strategy**

Please find my consultation comments below for F/YR23/1021/F for 13 Dwellings at Land South Of Selwyn Farm 71 South Brink Accessed Via Ellerby Drive Wisbech Cambridgeshire

Fenland Local Plan Policy LP5 Requirements

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

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

The Fenland Viability Report (March 2020)

To inform the preparation of Fenland's emerging Local Plan, a Viability Assessment was undertaken which looked at the cost of building new homes and the costs associated with the policies in this Local Plan.

This report concluded that viability in Fenland is marginal and varies between localities in the district. The assessment indicates that 20% affordable housing is likely to be the maximum level of provision that can be

achieved through planning obligations. In response to the report, the Council has confirmed that finding of the viability assessment will be taken into account when determining planning applications from May 2020 onwards.

Consequently, while the Council aims to deliver policy compliant 25% affordable Housing provision on qualifying schemes where possible, it is acknowledged that a reduced percentage of affordable housing via planning obligations to a maximum of 20%, will be achievable in most instances.

Since this planning application proposes the provision of 13 number of dwellings, our policy seeks to secure a contribution of 25% affordable housing which equates to 3 affordable dwellings in this instance.

Based on the provision of 20% affordable housing, 3 affordable dwellings would be required in this instance too.

The current tenure split we would expect to see delivered for affordable housing in Fenland is 70% affordable rented tenure and 30% shared ownership. This would equate to the delivery of 2 affordable rented homes and 1 shared ownership in both cases.

The provision of on-site affordable housing or a financial contribution

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

Since 2016 Fenland has had arrangements in place to mitigate the difficulty of implementing an onsite policy for sites with a planning obligation to deliver less than 10 affordable homes. These arrangements are regularly reviewed to ensure that they continue to accurately reflect the challenges of securing small scale on site affordable housing delivery through planning obligations.

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

Accordingly, Fenland's current approach is to agree that sites that yield less than 10 (i.e. 9 or fewer) affordable homes through planning obligations can be discharged by way of a financial contribution rather than on-site provision. The application of this arrangement is not dependent on the total number of dwellings seeking consent for delivery, instead, it is triggered by the number of affordable homes that are deliverable.

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

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

5.10. FDC Environmental Health

Air Quality

Air Quality — I note that the Air Quality Assessment report reference air quality and the monitoring results, unfortunately the information provided is not relevant to this application location. Within close proximity to this development site Fenland District Council undertake NO2 monitoring by the use of diffusion tubes. Monitoring results at this location should national objective levels are not being exceeded, nor is the amount of traffic associated with this development likely to indicate concerns of exceedances to be likely.

The report notes dust from site clearance and demolition is possible and therefore has identified construction mitigation measures and operation mitigation measures. The construction mitigation measure should be submitted as part of a construction management plan.

Contaminated Land

This site has been previously investigated and contamination in excess of safe levels for residential receptors have been identified and a remediation plan* was submitted and accepted for planning application F/YR10/0074/RM. I note that this application has not submitted an updated assessment or remediation plan. Prior to development the applicant should submit an updated remediation plan, the site should continue to monitor for further contaminates during development and a validation report should be provide on the completion of works.

*Remediation plan (REC Report 50726/RMS/5.1 Oct 2009) – The report identified asbestos fragments and benzo(a)pyrene were identified in the north west corner of the site within an area of demolished sheds.

Noise

The application site is in close proximity to residential receptors and therefore noise should be considered as part of a construction management plan, with specific consideration to hours of work and management of noise from piling.

Please find the following recommended conditions for your consideration.

Construction Environmental Management Plan

No development shall take place, including any demolition works, until a Construction Environmental Management Plan (CEMP) has been submitted to and then approved in writing by the Local Planning Authority. The approved CEMP shall be adhered to throughout the demolition and/or construction period and must demonstrate the adoption of best practice to reduce the potentially adverse effects on those living and working nearby the

development site, whilst also acknowledging the health, safety and welfare of those working on site.

The CEMP should be in accordance with the template on the Fenland District Council website via the following link: Planning forms, fees and validation checklists - Fenland District Council

Dust

No development shall commence until a scheme to minimise the spread of airborne dust from the site including subsequent dust monitoring during the period of demolition and construction, has been submitted to and approved in writing by the local planning authority The development shall be implemented in accordance with the approved scheme.

Demolition and Construction

Work shall not begin on the demolition and construction of the development until a method statement for the control of dust and emissions arising from the demolition and construction of the development has been submitted to and approved in writing by the local planning authority. All works which form part of the approved scheme method statement shall be implemented throughout the construction and demolition phase of the development.

Reason: To minimise the impacts to air quality associated with the development and to protect the health and wellbeing of residents in accordance with BCCS Policy ENV8 - Air Quality.

Asbestos

The existing asbestos containing materials, should be removed by a licensed asbestos removal contractor. However, if the amount of asbestos is such that a licensed waste removal facility is prepared to receive a minimal amount of such material without the need for a contractor to remove it, then this requirement can be waived.

If a Licensed Asbestos Removal Contractor is required to be engaged, then an Asbestos Removal Work Plan should be submitted to and approved by Fenland District Council before any work on the removal of the structure commences. The applicant is to advise Fenland District Council which course of action is to be taken in either event and must ensure that they notify Fenland District Council's environmental health team on completion of works.

Piling

In the event of piling, no development shall commence until a method statement detailing the type of piling, mitigation measures and monitoring to protect local residents from noise and/or vibration has been submitted to and approved in writing by the Local Planning Authority. Potential noise and vibration levels at the nearest noise sensitive locations shall assessed in accordance with the provisions of BS 5228:2009+A1:2014 Code of Practice for noise and vibration control on construction and open sites. (BS 5228-1:2009+A1:2014 — mainly focuses on noise / BS 5228-2:2009+A1:2014 — concentrates on vibration). Development shall be carried out in accordance with the approved statement.

Reason: To protect the amenity of the adjoining/neighbouring properties.

Working Hours

No demolition or construction work shall be carried out and no plant or power operated machinery operated other than between the following hours: 08:00 hours and 18:00 hours on Monday to Friday, 08:00 hours and 13:00 hours on Saturday and at no time on Sundays, Bank or Public Holidays, unless otherwise previously agreed in writing with the Local Planning Authority.

Reason: To protect the amenity of the nearby occupiers.

Burning

During the period of development that includes any site clearance, demolition of structure(s) and/or construction, no burning of any waste materials including vegetative matter shall take place on site.

Plant, Machinery and Equipment Noise Assessment

No operational plant, machinery or equipment shall be installed until a noise assessment and any noise insulation/mitigation as required has been submitted to and approved in writing by the Local Planning Authority. Any required noise insulation/mitigation shall be carried out as approved and retained as such.

Reason: To protect the amenity of nearby properties

Land affected by contamination

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), b) and c). This is an iterative process and the results of each stage will help decide if the following stage is necessary..

- (a) The contaminated land assessment shall include a desk study to be submitted to the LPA for approval. The desk study shall detail the history of the site uses, the proposed site usage, and include a conceptual model. The site investigation strategy will be based on the relevant information discovered by the desk study. The strategy shall be approved by the LPA prior to investigations commencing on site.
- (b) 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.
- (c) 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 d), e) and f).
- (d) 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
- (e) 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.
- (f) 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.

Reason: To control pollution of land or water in the interests of the environment and public safety.

<u>Land affected by contamination - Reporting of Unexpected</u> Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition (SPECIFY) and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition (SPECIFY), which is to be submitted to and be approved in writing by the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition (SPECIFY).

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

5.11. **FDC Ecology**

The protected species surveys have been undertaken to appropriate standards, and I have no reason to disagree with the survey findings – that is, reptiles and harvest mice are likely absent from the site. No further surveys are required prior to deciding the application. My recommended Conditions / Informatives remain relevant. [...]

Conditions / Informatives

- A Construction Ecological Method Statement should be required to be prepared by Condition and, once approved, implemented in full. The offsite habitat enhancement and long-term management may need to be secured by an S106 planning obligation.
- A comprehensive Landscape and Habitat Creation Scheme and a Landscape Management Plan should be required to be prepared by Condition. The Landscape Scheme and management should include the proposed off-site habitats and should include features which would benefit notable species, for example bird nesting and bat roosting boxes and permeable boundaries to allow small mammals to pass freely through the site.
- As an Informative, I would advise the applicant that no vegetation clearance required to facilitate the proposals should be undertaken during the optimum time of year for bird nesting (March to August inclusive), unless nesting birds have been shown to be absent by a suitably qualified person.
- As an Informative, if the presence of any specially protected species is suspected or confirmed at any time during the course of development, work must cease and advice sought from a suitably qualified person about how best to proceed.

Reasons – in accord with Policies 16 and 19 of the Fenland Local Plan, in the interests of nature conservation.

5.12. **Arboricultural Officer (FDC)**

I have no objections. If you are minded to approve, there is an established Hawthorn on the boundary with South Brink which will need to be retained and protected. This along with suitable landscape details could be conditioned.

5.13. Local Residents/Interested Parties

<u>Objectors</u>

The LPA received five letters of objection to the application, from four local address points including, Ellerby Drive, Abraham Drive and South Brink. Reasons for objection can be summarised as:

- Concerns over lack of completion of earlier phases of development, including unadopted roadways, GP surgery, open space etc;
- Concerns over environmental health matters such as dust, noise, vibration from the proposed construction;
- Impact to wildlife and environment;
- Loss of privacy;
- Traffic and parking impacts;
- Loss of light;
- · Noise and disturbance from increased dwellings; and
- Impact on visual landscape.

Supporters

The LPA received 1 letter of support from a local resident of Ellerby Drive, stating "The developer is trying to complete the site and should be given planning permissions to do so. The site being incomplete has caused a lot of stress to residents and The consent to planning would not only create much needed affordable homes, but a resolution to an ongoing issue."

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 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

Context - C1

Identity – I1, I2

Built Form – B2

Movement – M3

Nature – N3

Homes and Buildings – H1, H2, H3

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

LP5 - Meeting Housing Need

LP8 – Wisbech

LP13 – Supporting and Managing the Impact of a Growing District

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

LP17 – Community Safety

LP19 – The Natural Environment

7.5. Cambridgeshire and Peterborough Minerals and Waste Local Plan 2021

Policy 14 - Waste management needs arising from residential and commercial Development

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

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

DM6 – Mitigating Against Harmful Effects

7.7. Developer Contributions SPD 2015

7.8. Cambridgeshire Flood and Water SPD 2016

7.9. 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

LP5: Health and Wellbeing

LP7: Design

LP8: Amenity Provision

LP11: Community Safety

LP12: Meeting Housing Needs

LP20: Accessibility and Transport

LP22: Parking Provision

LP24: Natural Environment

LP25: Biodiversity Net Gain

LP32: Flood and Water Management

LP33: Development on Land Affected by Contamination

LP34: Air Quality

LP36: Residential Site Allocations for Wisbech (LP36.15 relates to this site)

8 KEY ISSUES

- Principle of Development
- Design, Layout & Residential Amenity
- Visual Amenity
- Environmental Health
- Parking and Highways

- Developer Contributions
- Flood Risk and Drainage
- Affordable Housing
- Open Space
- Ecology, Landscaping & Biodiversity Net Gain

9 BACKGROUND

- 9.1. Outline planning permission for residential development and a health centre was granted in 2006 under F/YR06/0464/O. This application related to land covering some 4.2ha bounded by Cromwell Road, South Brink and Weasenham Lane. Residential development and associated open space covered some 3.6 ha, while a health centre covered the remaining 0.6 ha at the junction of Cromwell Road and Weasenham Lane. The permission was subject to a S106 agreement relating to the provision/maintenance of open space, provision of affordable housing and the health centre, and financial contributions towards highway improvements and education.
- 9.2. Under F/YR08/0259/RM reserved matters were approved for the health centre, 131 dwellings (incorporating 46 affordable units) and public open space. The requirement to provide the Heath Centre was waived in exchange for £260,000 towards the provision of health and welfare facilities within Wisbech in a Deed of Variation accompanying application F/YR12/0455/F for 26 dwellings in the area previously intended to be occupied by the Health Centre. No affordable housing was sought under this application (F/YR12/0455/F) as it was assessed as not being viable, and the 46 affordable units provided in respect of the wider site considered sufficient for the overall development. No public open space contributions were sought either as the this was also sufficiently provided as part of the original planning application F/YR06/0464/O.
- 9.3. An amendment to the larger development scheme (approved under F/YR06/0464/O) involved a change in the type of development from 30 flats to 12 houses on part of the northwestern corner of the site along the River Nene/South Brink was approved under F/YR14/0132/F. A viability assessment accompanying F/YR14/0132/F demonstrated that the scheme was not viable to support the payment of £260,000 in lieu of the health centre. Under F/YR15/0177/PLANOB an agreement made at Planning Committee on 10th December 2014 to waive the £260,000 in lieu of the health centre was formalised through a Deed of Variation.
- 9.4. Under F/YR06/0464/O the application site area of the current application (F/YR23/1021/F) is shown as a public open space. The current blue line area has extant permission for residential development, which would include a residential scheme of 26no. mixed dwellings and flats in this area, as agreed under F/YR10/0074/RM, which also showed the current application site as public open space. The current application seeks to reverse the two areas, providing dwellings within the red lined area and leaving the blue lined area as public open space for the wider development.

10 ASSESSMENT

Principle of Development

- 10.1. The principle of residential development of the wider area has already been accepted by the previous approvals, and development of previous phases have been largely completed.
- 10.2. The main issue that needs to be taken into account in the consideration of this application is whether a reduction in the size and shape of open space provision, and a change of location is acceptable.
- 10.3. Originally approximately 0.75ha of open space was secured through a S106 agreement to be provided in the southwestern corner of the site set against South Brink. The current application seeks to replace this area of open space with housing and provide a replacement open space area measuring some 0.25 ha on the northwestern boundary of the site along South Brink. Where the original was triangular shaped and larger, the open space now proposed is on a narrower (approximately 18m in width and 140m in length). The applicant states that the change is necessitated as flats originally intended for the open space now proposed are no longer viable; the Council previously accepted this argument with the grant of F/YR14/0132/F (as discussed above).
- 10.4. Due regard should be given to the planning history with respect to the most recent intended provision within the area of open space, which included a children's play area along with landscaped informal areas. The Officer Report, along with supporting drawings, relevant to application F/YR08/0259/RM, that secured details pertaining to the intended open space, stated:

A large area of Public Open Space is to be provided in the south western part of the site and this will include a formal tree planting scheme along South Brink including clusters of trees. It is also proposed to include a circular walk on the open space with footpath links to South Brink. A new equipped play area will also be provided in the northern part of the open space.

Whilst it is acknowledged that the described open space provision within the site has not been forthcoming, and whilst specific details of the intended replacement open space have not been submitted as this area is outside the red line boundary of the current application site, it is considered that the intended replacement provision would be required offer similar facilities as the originally intended scheme, as a designated children's play space.

10.5. Accordingly, it is considered that the 'Children's Play' category in Appendix B of the Fenland Local Plan (2014) (Open Space Standards) is most appropriate to assess the intended replacement provision in this case. Appendix B recommends the local quality standard for play spaces as 0.4ha open space per 10ha development site (pro-rata), with one-third providing designated equipped play space, and two-thirds informal open play space.

- 10.6. The overall wider development site area is approximately 4.2ha, which would require a minimum of 0.2ha to be provided (*pro-rata*). The original provision (under F/YR06/0464/O), provided approximately 0.75ha of open space. Whereas the proposed application would see a relocated open space of approximately 0.25ha, and thus the current proposed 0.25ha would still exceed the requirements set out in Appendix B. In accordance with Appendix B, the replacement space would require one-third (0.08ha; 800m²) of designated equipped play area to be provided, with the remaining two-thirds (0.17ha, 1700m²) as informal open landscaped space. These ratios will offer an acceptable provision of both equipped and non-equipped space for use by residents of a satisfactory quantum and quality relative to the overall development.
- 10.7. Notwithstanding the proposed reduction in total open space area owing to the development and on the basis that the original space has not been forthcoming, the provision of an alternative and useable space (that can be secured by an updated legal agreement) will therefore offer an improvement to the overall amenity of the wider development than the current situation. Furthermore, as more than twice the number of dwellings on the estate are sited closer to the proposed area of open space than as originally proposed, there are no objections in locational terms. Accordingly, it is considered that, in this case, the intended space would offer a better quality, and wider community benefit than currently exists.
- 10.8. In summary, the take up of the originally allocated 0.75ha area of open space by residential use and replacement with an open space area of 0.25ha on an alternative area of the wider site is considered to be acceptable and will offer appropriate provision in the context of the wider scheme. Given that the proposed replacement space is outside the red line boundary of the current application site, the amendment would need to be secured via an updated legal agreement to agree the design and ensure the future provision of the intended space.

Design, Layout & Residential Amenity

- 10.9. Policy LP16 (d) seeks to ensure development makes a positive contribution to the local distinctiveness and character of the area, enhances its local setting, responds to and improves the character of the local built environment, reinforces local identity and does not adversely impact, either in design or scale terms, on the street scene, settlement pattern or landscape character of the surrounding area.
- 10.10. Policy LP2 seeks to promote high levels of residential amenity and Policy LP16 (e) ensures development causes no undue harm to neighbouring amenity, particularly with respect to noise, light pollution, loss of privacy and loss of light.
- 10.11. The access road serving the site is laid out in a 'C' shape with 10 dwellings set on its outside, and two inside together with an attenuation pond. As this land was not intended to form part of the original layout the proposed road layout does not have the sweeping flow of the existing and therefore does appear somewhat contrived.

- 10.12. The three house types proposed are similarly designed as chalet bungalows with steeply pitched roofs and front dormer/s, and front and rear rooflight/s, a design which is reflective of the existing dwellings on the estate. With Red and grey pantiles are proposed for roofing and Cambridge buff bricks for walling, the materials match those used on existing dwellings on the estate, and thus in terms of scale and appearance will not form incongruous development.
- 10.13. Generally, the relationships between dwellings within the intended development are appropriate, with limited instances of direct overlooking or issues of overshadowing. With respect to impacts on existing dwellings surrounding the development, Plots 1, 4 & 11 offer potential relationship concerns.

Plot 1

- 10.14. The side elevation of Plot 1 is positioned approximately 9m from the rear elevation of No.70 Ellerby Drive, which is a relatively close proximity. Typically, back to side relationships should be in excess of 10m. However, given the close knit character of the wider development, and no adopted design guidance which stipulates relationship distances, it is considered unreasonable to refuse the scheme on this basis.
- 10.15. Furthermore, there are no intended upper floor windows proposed within the Chilton house type proposed at Plot 1, nor are there any rear facing windows within No.70, and as such there will be no likely overlooking potential here. Finally, given than Plot 1 is positioned to the west of No.70, with an angled roof noting the gable end profile, it is unlikely that any undue overshadowing would occur to No.70, save for perhaps limited instances in the late afternoons only.

Plot 4

10.16. The rear elevation of the existing dwellings at 71/73 South Brink have a separation distance of approximately 18.2m to the gable wall of Plot 4. A Coggeshall Hall house type is proposed for Plot 4 which has bedroom windows on each gable end at the first floor. However, it is considered that due to the angle of relationship, and sufficient separation, no undue overlooking or overshadowing will occur from this plot to neighbouring dwellings.

Plot 11

- 10.17. Plot 11 is intended as a Coggeshall house type, with a bedroom window situated at first floor level. To the southeast of this plot are the dwellings Nos. 6, 8, 10 & 12 Cox Close, which are two storey properties, at approximate distances of between 15.5m (No.12) and 26.6m (No.6). At these distances, the dwelling that stands to be most affected from any overlooking is No.12, however given the relative positions between No.12 and the proposed dwelling at Plot 11, any view will be at an acute angle, and thus will result in limited direct overlooking opportunity.
- 10.18. The local plan requirement for a minimum of a third of the plot to be set aside as private amenity space is achieved or exceeded, and as such future occupier amenity in this regard will be secured.

10.19. Given the above, it is considered that the proposal will offer acceptable internal and external relationships and will not result in unacceptable amenity impacts. Any noise relating from the occupancy of the intended dwellings is considered acceptable within the residential context of the wider site. Accordingly, the scheme is considered acceptable with respect to design, layout and residential amenity in accordance with Policies LP2 & LP16, subject to conditions.

Visual Amenity

- 10.20. It is acknowledged that there will be a loss of visual openness across the site when viewed from Ellerby Drive near the site access and existing dwellings that adjoin the application site. However, the design and layout of the dwellings as discussed above will enable the scheme to assimilate from this side as a backdrop to the existing development.
- 10.21. The main visual impact will be as viewed from South Brink, where the site is currently seen as an overgrown triangular shaped field with dwellings behind. There is an existing hedge along the boundary of the site, that should be retained as part of the site landscaping to aid in screening from this side. Areas where hedging cannot be retained should be replanted and inappropriate boundary treatments avoided, which can be secured by condition.
- 10.22. Accordingly, in the context of the wider development and surroundings, it is considered the scheme will not detrimentally impact the visual amenity of the area in accordance with Policy LP16, subject to conditions.

Environmental Health

- 10.23. Policy LP16 (I) requires development proposals to identify, manage, and mitigate any existing or proposed risks from sources of noise, emissions, pollution, contamination, odour and dust, vibration, landfill gas and protects from water body deterioration. Concerns have been raised from local residents regarding the potential disruption and amenity impacts from construction of the proposed dwellings.
- 10.24. The Environmental Health team have reviewed the application and note the potential for impacts from noise, vibration, contamination, dust, and other factors that may occur as a result of construction of the scheme. They have raised no objection to the application, noting that such matters can be robustly and safely managed and mitigated using appropriate conditions to ensure compliance with Policy LP16. Notwithstanding, statutory nuisance action can be taken in the event that environmental health complaints are substantiated in respect of the site or its construction under separate Environmental Health legislation.

Parking and Highways

10.25. Fenland Local Plan Policy LP15 states that new development will only be permitted if, among other things, it can be demonstrated that safe and convenient pedestrian and vehicle access to and from the public highway as well as adequate space for vehicle parking, turning and servicing would be achieved. In addition, appropriate levels of parking provision should be

- provided in accordance with the Council's defined parking standards as set out in Appendix A of the Local Plan.
- 10.26. The submitted layout plan shows vehicular access will be via an extension to Ellerby Drive, with footpaths and similar surfacing. The Highways Authority note that Ellerby Drive does not form part of the adopted highway, and as such offer no comment on its suitability. They do consider that the link to the public highway at the junction of Weasenham Lane and Cromwell road is suitable for the proposed intensification of use as a result of the development. On this basis, Officers have not been provided with any technical grounds with which to oppose the scheme with respect to Policy LP15 or Paragraph 116 of the NPPF.
- 10.27. It is noted that concerns have been raised with respect to the finishing of roads and footpaths within the wider development, however as this application stands alone (in planning terms), there is no mechanism for the Council to impose conditions requiring improvements to the highway serving the remainder of the development. Notwithstanding, conditions can be applied relevant to the application site to ensure the roads and footpaths are completed to an appropriate standard before occupation of the proposed development.
- 10.28. As such, the scheme is considered acceptable with respect to Policy LP15, subject to conditions.

Developer Contributions

- 10.29. Local Plan policy LP5 states Local Plan on sites of 10 or more dwellings, 25% of the dwellings as affordable houses and that for a development of this size this would be expected to be delivered on-site. Policy LP13 of the Local Plan sets out that planning permission will only be granted if it can be demonstrated that there is, or will be, sufficient infrastructure capacity to support and meet all the requirements arising from the proposed development. Conditions or a planning obligation are likely to be required for many proposals to ensure that new development meets this principle. Developers will either make direct provision or will contribute towards the provision of local and strategic infrastructure required by the development either alone or cumulatively with other developments. Where a planning obligation is required, in order to meet the above principles of infrastructure provision, this will be negotiated on a site-by-site basis.
- 10.30. The Council's own Local Plan & CIL Viability Assessment (HDH, December 2019) sets out expectations of viability for sites across the district. The assessment indicates that 20% affordable housing is likely to be the maximum level of provision that can be achieved through planning obligations. In response to the report, the Council has confirmed that finding of the viability assessment will be taken into account when determining planning applications from May 2020 onwards.
- 10.31. In light of the above, the Council's Housing Strategy Team recommends the provision of 3 affordable dwellings to meet a 20% provision of affordable housing.

10.32. Policy LP5 of the Local Plan sets out that:

If a development scheme comes forward which in accordance with Part A of this Policy does not require the provision of affordable housing, but the scheme is followed by an obviously linked subsequent second development scheme at any point where the original permission remains extant, or up to 5 years following completion of the first scheme, then if the combined total of dwellings provided by the first scheme and the second or subsequent scheme provides 5 or more dwellings, then the above thresholds will apply cumulatively.

The policy goes on to state that:

Development viability will be assessed on the entire scheme (i.e. both application sites), not the second in isolation.

- 10.33. The applicants have sought to link the current scheme to the wider development.
- 10.34. Policy LP5 makes clear that there should be a full viability assessment of both of the schemes to ensure that the Council is securing the optimum level of contributions. No such assessment has been submitted.
- 10.35. Notwithstanding, given the intended link between the two schemes, and the requirement for a cumulative consideration of affordable housing provision, the following factors apply;
 - (i) the wider development includes a total of 117 built out units currently, of which 46 units are affordable (39%);
 - (ii) the proposed development would see an additional 12 units built, which would equate to a total of 129 units across the site;
 - (iii) a 25% affordable housing requirement for 129 units would require a minimum provision of 32 affordable housing units.

Given that the existing scheme currently includes 46 affordable units, which already exceeds the 25% requirement, it would not be considered reasonable to seek further affordable housing provision on the basis of the current 12 dwelling scheme, as the affordable housing percentage would equate to 35% cumulatively.

- 10.36. In respect of other contributions, however, the NHS has requested a sum of £10,316.65 to mitigate impact of the proposal on local GP surgeries. This request must be considered against the planning background, where the intended Health Centre did not proceed, and a contribution of £260,000 in lieu not made. In this context, the request for £10,316.65 is considered reasonable and should be secured through a \$106 agreement.
- 10.37. Accordingly, it is considered that the proposals will conform with Local Plan policies, LP5 and LP13, subject to S106.

Flood Risk and Drainage

- 10.38. The site falls within Flood Zone 3 (high risk).
- 10.39. The proposal involves residential development within a wider site that already benefits from extant planning consent (F/YR06/0464/O and F/YR08/0259/RM) and thus the Sequential and Exception Tests are not required in this instance as they have already been passed by virtue of the earlier approvals. The application proposes the relocation of residential development from one area within Flood Zone 3 to another area in the same flood zone. Accordingly, it is considered that the proposal will see no overall change in vulnerability or flood risk from the previously approved schemes.
- 10.40. The EA and LLFA have reviewed the application and offer no objections, subject to conditions.
- 10.41. On the basis of the above, matters of flooding and drainage are considered acceptable with regard to Policy LP14, subject to conditions.

Ecology, Landscaping & Biodiversity Net Gain

- 10.42. 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.
- 10.43. There are statutory exemptions, transitional arrangements and requirements relating to irreplaceable habitat which mean that the biodiversity gain condition does not always apply. In this instance, one or more of the exemptions / transitional arrangements are considered to apply and the statutory Biodiversity Gain Condition is not required to be approved before development is begun because this application was submitted prior to the requirement for statutory net gain coming into force.
- 10.44. In accordance with statutory guidelines, the application was supported by a Phase Two Ecology Survey Report and a Biodiversity Net Gain Metric and Report. The survey report sought to address concerns regarding the site having potential to support reptiles and harvest mice, and followed up from an earlier Preliminary Ecological Assessment. The survey concluded that there is low-negligible potential to support protected species, but offers recommendations to secure ecological enhancements to support biodiversity on the site that can be secured by condition. The FDC Ecology Team reviewed the submitted report offered no objection to the scheme.
- 10.45. The Biodiversity Net Gain Report concluded that that the proposed development would generate a net loss of 0.22 habitat units. Notwithstanding the exemption regarding statutory Biodiversity Net Gain applicable to this application, Policy LP19 seeks to conserve, enhance and promote the biodiversity of the natural environment throughout Fenland, to ensure development proposals offer no net loss in biodiversity. Accordingly,

to compensate for the limited loss of habitat units, appropriate conditions should be imposed to ensure biodiversity enhancement is included within the scheme in line with the recommendations within the submitted Ecology Survey Report and Biodiversity Net Gain Report to ensure compliance with Policies LP16, LP19 and the Environment Act 2021.

11 CONCLUSIONS

- 11.1. Aligning with the NPPF, policy LP1 of the adopted Local Plan provides a presumption in favour of sustainable development. To be sustainable, development must strike a satisfactory balance between the applicable economic, environmental and the social considerations. Policy LP1 goes on to state that planning applications that accord with the policies in the Local Plan will be approved without delay, unless material considerations indicate otherwise.
- 11.2. It is recognised that the development will result in changes to the landscape character through the development of currently undeveloped land. However, by virtue of the adjacent development, the overall character of the scheme will be acceptable in the wider context. The final positioning of the dwellings within the site and the requirement for landscaping could allow for screening. As such, it is considered that there would be no unacceptable adverse effects that should preclude the development in landscape and visual terms. In addition, the site results in a logical conclusion of the wider development on land that was previously included within the development boundary.
- 11.3. The take up of the originally allocated area of open space by the proposed residential use and replacement is considered to be acceptable in the context of the wider scheme; any proposed replacement area of open space will need to be secured by appropriate legal agreement.
- 11.4. Having regard to national and local planning policies, and all comments received, and subject to the resolution of the Section 106 legal agreement, it is considered that the proposal would amount to sustainable development and would accord with the Development Plan taken as a whole. There are no material considerations worthy of sufficient weight that indicate that a decision should be made other than in accordance with the Development Plan. Accordingly, the conclusion reached is that the development should be approved.

12 RECOMMENDATION

- 12.1. Members are recommended to Grant the application in accordance with the following terms;
 - The Committee delegates authority to finalise the terms and completion of the Section106 legal agreement and planning conditions to the Head of Planning; and

2. Following the completion of the Section106 agreement, application F/YR23/1021/F be granted subject to the planning conditions set out in principle below;

OR

3. The Committee delegates authority to refuse the application in the event that the Applicant does not agree any necessary extensions to the determination period to enable the completion of the Section 106 legal agreement or on the grounds that the applicant is unwilling to complete the obligation necessary to make the development acceptable.

Proposed Conditions

Start date

The development permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.

2 Surface Water Drainage

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, MTC, Ref: 3162, Rev: B, Dated: April 2024 and shall also include:

- a) Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events;
- b) Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change), inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;
- c) Detailed drawings of the entire proposed surface water drainage system, attenuation and flow control measures, including levels, gradients, dimensions and pipe reference numbers, designed to accord with the CIRIA C753 SuDS Manual (or any equivalent guidance that may supersede or replace it);
- d) Full detail on SuDS proposals (including location, type, size, depths, side slopes and cross sections);

- e) Demonstration that the surface water drainage of the site is in accordance with DEFRA non-statutory technical standards for sustainable drainage systems;
- f) Full details of the maintenance/adoption of the surface water drainage system;
- g) Permissions to connect to a receiving watercourse or sewer;
- h) 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 and to ensure the scheme complies with Policy LP14.

3 Surface water during construction

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.

4 Flood Risk

The development shall operate in strict accordance with approved Flood Risk Assessment (Flood Risk Assessment and Sustainable Drainage Strategy, dated December 2023, complied by MTC Engineering (Cambridge) Ltd) and in particular the following mitigation measures:

- Finished floor levels to be set no lower than 0.3 m above Ordnance Datum (AOD) and
- The development to have at least two storeys.

These mitigation measures should be fully implemented prior to occupation of the development hereby approved. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants in line with Policy LP14 of the Fenland Local Plan (2014).

5 Land affected by contamination

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), b) and c). This is an iterative process and the results of each stage will help decide if the following stage is necessary.

- a) The contaminated land assessment shall include a desk study to be submitted to the LPA for approval. The desk study shall detail the history of the site uses, the proposed site usage, and include a conceptual model. The site investigation strategy will be based on the relevant information discovered by the desk study. The strategy shall be approved by the LPA prior to investigations commencing on site.
- b) 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.
- c) 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 d), e) and f).
- d) 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
- e) 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.
- f) 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.

Reason: To control pollution of land or water in the interests of the environment and public safety, in accordance with Policy LP16 of the Fenland Local Plan 2014.

6 **CMP**

Prior to the commencement of development, a Construction Environmental Management Plan (CMP), shall be submitted to and approved in writing by the Local Planning Authority. The CMP should be in accordance with the template on the Fenland District Council website. The CMP shall include the consideration of the following aspects of construction:

- a) Site wide construction programme;
- b) Contractors' access arrangements for vehicles, plant and personnel including the location of construction traffic routes to, from and within the site, details of their signing, monitoring and enforcement measures, along with location of parking for contractors and construction workers;
- c) Construction hours and delivery times for construction purposes;
- d) Maximum noise mitigation levels for construction equipment, plant and vehicles
- e) Dust suppression management including:
 - (i) method statement for the control of dust and emissions;
 - (ii) identification of person responsible for air quality and dust issues:
 - (iii) the recording of dust and air quality complaints;
 - (iv) to undertake appropriate measures to reduce emissions in a timely manner;
 - (v) an agreement for dust deposition, dust flux, or real-time particulate matter monitoring locations with the Local Authority including baseline monitoring before work commences;
 - (vi) machinery and dust causing activities to be located away from receptors;
 - (vii) the provision of Wheel washing measures to prevent the deposition of debris on the highway and the general environment which shall be operated and retained for the duration of the development, and the use of road sweepers to clean highways that suffer from mud generated by the development;
- f) Site lighting;
- g) Location of Contractors compound and method of moving materials, plant and equipment around the site;
- h) Details and locations of hoardings;

The Construction Environmental Management Plan shall be implemented in accordance with the agreed details unless minor

variations are otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of protection of residential amenity in accordance with Policy LP16 of the Fenland Local Plan, 2014.

7 Piling

In the event of piling, no development shall commence until a method statement detailing the type of piling, mitigation measures and monitoring to protect local residents from noise and/or vibration has been submitted to and approved in writing by the Local Planning Authority.

Potential noise and vibration levels at the nearest noise sensitive locations shall assessed in accordance with the provisions of BS 5228:2009+A1:2014 Code of Practice for noise and vibration control on construction and open sites. (BS 5228-1:2009+A1:2014 / BS 5228-2:2009+A1:2014). Development shall be carried out in accordance with the approved statement.

Reason: In the interests of protection of residential amenity in accordance with Policy LP16 of the Fenland Local Plan, 2014.

8 **Burning**

During the period of development that includes any site clearance, demolition of structure(s) and/or construction, strictly no burning of any waste materials including vegetative matter shall take place on site at any time.

Reason: In the interests of protection of residential amenity in accordance with Policy LP16 of the Fenland Local Plan, 2014.

9 **Hydrants**

Prior to commencement of the development hereby approved, a scheme for the provision of fire hydrants or equivalent emergency water supply shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and made available for use prior to the occupation of the first dwelling.

Reason: In the interests of the safety of the occupiers and to ensure there are available public water mains in the area to provide for a suitable water supply in accordance with infrastructure requirements within Policy LP13 of the Fenland Local Plan 2014.

10 **Security**

Prior to construction above slab level, details of measures for the safety and security of future residents of the development hereby permitted (to address Designing out Crime comments attached on the Councils website attached to this application) shall be

submitted to and approved by the Local Planning Authority. The development shall be implemented in accordance with the approved plans.

Reason: In the interest of designing out crime in accordance with Policy LP16(j) and Policy LP17 of the Fenland Local Plan (2014).

11 Binder Course

Prior to the occupation of the first dwelling hereby approved the roads and footways required to access that dwelling shall be constructed to at least binder course surfacing level from the dwelling to the adjoining Ellerby Drive in accordance with the details approved on PP1000 E.

Reason: In the Interest of highway safety and in accordance with Policy LP15 of the Fenland Local Plan (2014).

12 Management of streets

Prior to the occupation of the first dwelling 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: In the interest of satisfactory development and highway safety in accordance with Policy LP15 of the Fenland Local Plan. 2014.

13 **Parking**

Prior to the first occupation of the dwelling(s) to which they relate, the proposed on-site parking/turning area shall be laid out in accordance with the approved plan, PP1000E, surfaced in a bound material and drained within the site. The parking/turning area, surfacing and drainage shall thereafter be retained as such in perpetuity (notwithstanding the provisions of Schedule 2, Part 1, Class F of The Town and Country Planning (General Permitted Development) (England) Order 2015, or any instrument revoking or re-enacting that Order).

Reason: In the interests of highway safety in accordance with Policy LP15 of the Fenland Local Plan 2014.

14 Materials

No development other than groundworks and foundations shall take place until full a full plot schedule detailing the materials to be used in the development hereby approved for the walls and roof are submitted to and approved in writing by the

Local Planning Authority. The details submitted for approval shall include the name of the manufacturer, the product type, colour and reference number. The development shall then be carried out in accordance with the approved details and retained in perpetuity thereafter.

Reason: To safeguard the visual amenities of the area in accordance with Policy LP16 and LP18 of the Fenland Local Plan, adopted May 2014.

15 No windows

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (or any other Order revoking or re-enacting that Order with or without modification), no additional windows other than those shown on the plans hereby approved shall be installed in any dwelling.

Reason To protect the amenities of the adjoining properties in accordance with Policy LP16 of the Fenland Local Plan, 2014.

16 Refuse

Notwithstanding the submitted strategy, prior to the first occupation of the development hereby approved a detailed refuse collection strategy (along with any relevant indemnities) shall be submitted to and approved in writing by the Local Planning Authority. The approved refuse collection strategy shall be implemented in accordance with the agreed details in full and thereafter be retained in perpetuity unless otherwise agreed in writing.

Reason: To ensure a satisfactory form of refuse collection and compliance with Policy LP16 of the Fenland Local Plan, adopted May 2014.

17 **CEMP (Biodiversity)**

No development shall take place (including demolition, ground works and vegetation clearance) until a Construction Ecological Management Plan (CEMP Biodiversity) has been submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall incorporate recommendations of the Ecological Impact Assessment and must include the following:

- a) Risk assessment of potentially damaging construction activities:
- b) Identification of "biodiversity protection zones";
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) The location and timings of sensitive works to avoid harm to biodiversity features;
- e) The times during which construction when specialist ecologists need to be present on site to oversee works;

- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; and
- h) Use of protective fences, exclusion barriers and warning signs if applicable.

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

Reason: In order to ensure compliance with Section 1 of the Wildlife and Countryside Act 1981 (as amended) and to provide appropriate biodiversity mitigation in line with the aims of the National Planning Policy Framework and Policy LP19 of the Fenland Local Plan 2014.

18 Landscaping

Prior to commencement of development full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:-

- a) hard surfacing, other hard landscape features and materials:
- b) boundary treatments;
- c) existing trees, hedges or other soft features to be retained
- d) planting plans, including specifications of species, sizes, planting centres number and percentage mix;
- e) placement, type, number and details of any recommended biodiversity enhancements and habitat improvements, including bird and bat boxes and hedgehog holes;
- f) a timetable for landscaping and biodiversity enhancement implementation; and
- g) management and maintenance details;

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.

19 Landscaping implementation

All hard and soft landscape works including any management and maintenance details, shall be carried out in accordance with the approved details. All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, or the completion of the development, whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased (except those

contained in the enclosed rear garden) shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure proper implementation of the agreed landscape details in the interest of the amenity and biodiversity value of the development in accordance with Policy LP16 and LP19 of the Fenland Local Plan 2014.

20 **Ecology if not commenced**

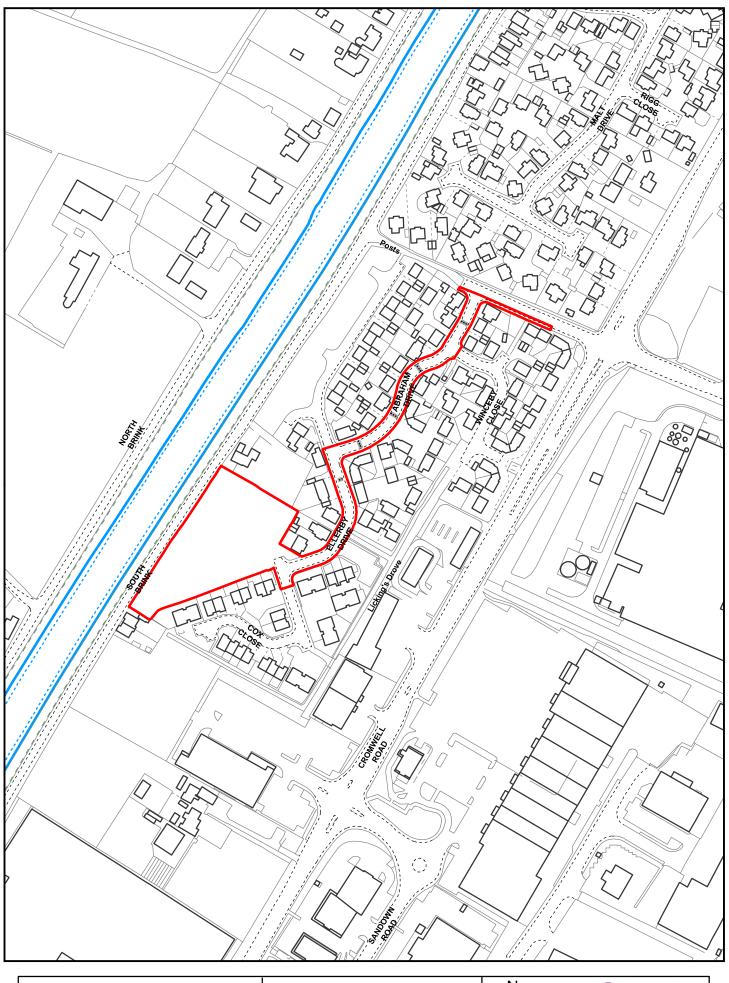
If the development hereby approved does not commence within 12 months from the date of the planning consent, the approved ecological measures secured through other conditions shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to:

- (i) establish if there have been any changes in the presence and/or abundance of key species (e.g. breeding birds, bats and reptiles), and
- (ii) 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, will 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 protect biodiversity in accordance with Fenland Local Plan Policies LP16 & LP19 (2014).

21 Approved Plans



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