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**F/YR24/0237/F**

**Applicant: Extors L Allpress**

**Agent : Mr John Maxey  
Maxey Grounds & Co**

**Land South West Of 16, London Road, Chatteris, Cambridgeshire**

**Erect 5 x dwellings (single storey 4-bed) with detached garages, and repositioning and widening of existing vehicular access**

**Officer recommendation: Refuse**

**Reason for Committee: Town Council comments contrary to officer recommendation**

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## **1 EXECUTIVE SUMMARY**

- 1.1 The application seeks full planning permission for the erection of five single-storey, four-bedroom dwellings and three detached garages, in addition to repositioning and widening of the existing vehicular access.
- 1.2 No.16 London Road (the host Grade II listed building) was listed with the wide frontage being part of its curtilage. The frontage includes an established hedge, trees and a modest width domestic driveway which contributes positively to the verdant character and appearance of the conservation area and the setting of the host Grade II listed building.
- 1.3 By virtue of building a housing estate within the curtilage of the host Grade II listed building (No.16 London Road), including the re-siting and substantial increase in width of the access and the removal of the established trees and hedging along the frontage of the site, the proposed development would cause less than substantial (medium on the spectrum) harm to the character and appearance of the Chatteris conservation area and the setting of the host Grade II listed building. The Council's Conservation Officer objects to the proposed development due to the identified harm to those heritage assets.
- 1.4 With consideration given to the significance of the Chatteris conservation area and the host listed Grade II building, it is considered that the less than substantial harm to the character and appearance of the Chatteris conservation area and the setting of the host Grade II listed building would not be outweighed by the limited public benefits associated with the proposed development, contrary to policies LP16 and LP18 of the Local Plan and paragraph 215 of the National Planning Policy Framework.
- 1.5 The application is therefore recommended for refusal.

## **2 SITE DESCRIPTION**

- 2.1 The application site is located on, and accessed from, the west side of London Road in Chatteris. The application site is located within the built settlement of Chatteris and is surrounded by residential properties on all sides. The residential properties surrounding the application site are located on London Road, Linden Drive, Yorke Road, Westbourne Road and Westbourne Close.
- 2.2 The eastern extent of the application site comprises the dwelling and residential curtilage of No.16 London Road, including an existing vehicular access (circa 3 metres wide) adjoining London Road which serves a single driveway adjacent to part of the southern boundary of the application site. There is a dwarf wall located along part of the boundary with the London Road, terminating at the southern extent of the host dwelling, beyond which the frontage comprises a landscaped garden and vehicular access.
- 2.3 The western extent of the application site comprises grassland and trees located immediately to the west of the residential curtilage of No.16 London Road. This parcel of land was historically used for agricultural purposes and includes a small derelict shelter.
- 2.4 No.16 London Road is a Grade II listed building, located on the west side of London Road. The Official List Entry, within the National Heritage List, provides the following description of the listed building:
- “Mid C19 house, Gault brick. Hipped, slate roof with dentil eaves cornice. Two storeys. Road frontage has 4 window range of hung sashes with glazing bars in flat, moulded arches. Ground floor with 4 full length casements with fixed headed lights and louvred shutters. Side entry with Gothic arch to porch.”*
- 2.5 The listed building is located wholly within the Chatteris conservation area. The remainder of the site is located partly within, and partly outside of, the Chatteris conservation area.
- 2.6 Environment Agency data indicates that the application site is located within Flood Zone 1 (low probability of flooding from rivers and sea) and is at very low risk of flooding from all other sources.
- 2.7 There is a ditch located between the western boundary fence and the rear boundaries of the neighbouring gardens of Westbourne Close.

### **3 PROPOSAL**

- 3.1 The application seeks full planning permission for the erection of five single-storey, four-bedroom dwellings and three detached garages, in addition to repositioning and widening of the existing vehicular access.
- 3.2 The proposed dwellings would measure 14.6 metres wide and 14.8 metres deep, with a ridge height of 6.4 metres and an eaves height of 2.4 metres. The proposed garages would measure 7.2 metres wide and 7.7 metres deep, with a ridge height of 5.4 metres and an eaves height of 2.5 metres. The main external materials of the proposed dwellings and garages would comprise facing brickwork and roof tiles to be agreed with the Local Planning Authority.

- 3.3 Plots 1 and 2 would be orientated with front elevations facing south towards the rear boundaries and elevations of residential properties along Westbourne Road, and rear elevations facing north towards the rear boundaries and elevations of residential properties along Linden Drive.
- 3.4 Plots 3, 4 and 5 would be orientated with front elevations facing east towards residential properties along London Road, and rear elevations facing west towards the rear boundaries and elevations of residential properties along Westbourne Close.
- 3.5 The proposed repositioning and widening of the existing vehicular access adjoining London Road would facilitate access to the proposed dwellings via a new shared driveway, which would replace the existing single driveway. The proposed access would be 5.5 metres wide where it adjoins London Road, which would then narrow to a 5 metres wide shared driveway further west into the site. The proposed access would be in excess of 4.5 metres further north than the existing access.
- 3.6 The proposal includes the removal of a number of trees and a derelict shelter. The proposal also includes the removal of the existing hedge along the eastern boundary fronting London Road and replacement with new landscaping.
- 3.7 Full plans and associated documents for this application can be found at: <https://www.publicaccess.fenland.gov.uk/publicaccess/>

#### 4 SITE PLANNING HISTORY

Reference	Description	Decision
F/YR22/1039/F	Erect 5 x dwellings (1 x 2-storey 5 bed, 1 x 2-storey 4 bed and 3 x 1-storey 3-bed), Plots 1,2,4 with detached garages	Refused 25/08/2023
F/YR08/0698/LB	Installation of roof lantern involving removal of existing roof lights, alterations to 2 existing windows to form 2 french doors and internal works	Granted 15/09/2008
F/YR01/1125/O	Erection of 4 dwellings and formation of a private drive	Granted 12/02/2002
F/97/0570/O	Residential Development 0.525	Withdrawn
F/93/0318/O	Erection of 3 dwellings and formation of a private drive	Granted 17/01/1994
F/0617/84/F	Extensions and alterations Yorks House	Granted 13/09/1984

#### 5 CONSULTATIONS

##### 5.1 Chatteris Town Council

Support with the condition that all trees removed are replaced with suitable species.

## 5.2 Historic England

Do not wish to offer comments / advice. This should not be interpreted as comment on the merits of the application. Suggests that views are sought from the Council's specialist conservation and archaeological advisers.

## 5.3 Fenland District Council Principal Conservation Officer

1. *Consideration is given to the impact of the proposal on the architectural and historic interests with special regard paid to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses according to the duty in law under S16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.*
2. *Consideration is given to the impact of the proposal on the architectural and historic interests of a listed building with special regard paid to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses according to the duty in law under S66 Planning (Listed Buildings and Conservation Areas) Act 1990.*
3. *Consideration is given to the impact of this proposal on the character and appearance of Chatteris Conservation Area with special attention paid to the desirability of preserving or enhancing the character or appearance of that area according to the duty in law under S72 Planning (Listed Buildings and Conservation Areas) Act 1990.*
4. *Comments are made with due regard to Section 16 of the National Planning Policy Framework, 2023, specifically, paragraphs 201, 203, 205, 206, and 208.*
5. *The Draft Fenland Local Plan (2022) was published for consultation on 25th August 2022, the first stage of the statutory process leading towards the adoption of the Plan. Given the very early stage which the Plan is therefore at, it is considered, in accordance with Paragraph 48 of the NPPF, that the policies of this should carry extremely limited weight in decision making. Of relevance to this application are policies:*

### Proposal:

*Erect 5 x dwellings (single storey 4-bed) with detached garages involving the widening of domestic existing access.*

### Comments:

*A heritage statement has been submitted that meets the requirements of the NPPF, but is somewhat deficient in assessing the impact of this proposed development, its access and splitting up the plot on the setting of the listed building. Development within the historic curtilage of a listed building should be exceptional.*

*There have been previous approvals on the land to the rear for 3 dwellings in 1993 and 4 dwellings in 2001. Policy has changed considerably since this time and*

*should not be used as any precedent going forward. It should also be noted that these were permitted with access from Linden Drive, making this current proposal substantially more impacting on the host listed building and the Chatteris Conservation Area than the historic approvals. This is owing to having to bring formal housing estate access to London Road, including the considerable widening of the access and the loss of positive trees and vegetation.*

*The site frontage is wide as a result of the loss of a frontage dwelling between 16 and 20 in the later C20. Despite this, the host building was listed with wide frontage, part of its curtilage which now integrates well and adds to its setting. The frontage is particularly positive with an established hedge and number of trees alongside the pleasantly modest width domestic driveway that currently screens views to the rear. This area of mature frontage garden is of particular benefit to verdant character and appearance of the immediate conservation area and setting of the listed building, being of strong visual amenity value.*

*The loss of a not inconsiderable number of trees and front boundary hedging for the visibility splays and widened access will also act to open up views into the proposed development site and detract from the character and appearance of the conservation area and the setting of the host listed building. The full 5m width entrance roadway remains of particular concern.*

*It is positive to see that the incongruous proposed sections of freestanding walling have been deleted from the entrance. It remains unfortunate that the established hedge along the footpath is being removed. If the council are minded to approve the application, this makes the need for a condition to provide and implement in full a proposed soft landscaping scheme a highly important element of any potential approval.*

#### *Design:*

*The immediate surroundings of the development site to the rear are all single storey bungalow style buildings. The proposals are for 5 single storey dwellings of mediocre design. Whilst still impacting by virtue of turning the rear curtilage of the listed building into a small housing estate, some improvement has been made by deleting the two storey dwellings from the scheme.*

*Although not noted on the site plan, the introduction of close board fencing appears to remain proposed to bound the reduced curtilage of the host listed building. If this application does for whatever reason get recommended for approval, traditional brick walling is suggested to be the appropriate boundary enclosure here, owing to it being in close proximity to the Listed Building. It might also go some way to partially mitigate some of the harm. Alternatively, no fencing, but a simple native hedge being established as early as possible to ensure it provides privacy screening by the time the development is occupied.*

#### *Conclusions:*

*The submitted heritage statement has been considered. However, as previously commented, there is clear harm to the character and appearance of the conservation area and the setting of the host GII listed building through this proposal by virtue of building a housing estate within its curtilage and the re-siting and substantial increase in width of the access. This in principle objection remains despite some improvements to the scheme and the submission of a heritage statement.*

*It is noted that there is a scheme for tree replacements, this is limited in scope and does not make up for a large and formal 5m wide access.*

*Whilst some efforts have been made to improve this proposal, which are noted, the proposals still fail to conserve or enhance the designated heritage asset or the conservation area and result in harm (less than substantial - medium on the spectrum).*

*Therefore, in accordance with national and local planning policy (heritage considerations) there should be a strong presumption to refuse this proposal unless public benefits are considered to outweigh this harm. It should be noted that the public benefits would have to be substantial to outweigh the harm identified.*

#### **5.4 Cambridgeshire County Council Historic Environment Team**

Records indicate that the site lies in an area of archaeological potential, lying to the south-west of the historic core of Chatteris.

Due to the archaeological potential of the site, a programme of investigation and recording is required in order to provide information regarding the presence or absence, and condition, of surviving archaeological remains within the development area, and to establish the need for archaeological mitigation of the development as necessary.

Requests a condition is appended to any permission granted:

#### **5.5 CCC Local Highway Authority**

Considers that the proposed development is acceptable.

The proposed access onto London Road can achieve all necessary visibility and is of a design standard suitable for the proposed development. While the bend in the initial length will inconvenience users, it is not unsafe.

Suitable parking and turning is provided.

The shared access road is not to a standard which would be considered for adoption by Cambridgeshire County Council. It will therefore need to remain in private ownership.

Recommends consultation with Fenland District Council's waste team regarding refuse collection from private streets.

Requests conditions are appended to any permission granted:

#### **5.6 Environmental Health**

Note and accept the submitted information and have no objections to the proposal as it is unlikely to have a detrimental effect on local air quality or be affected by ground contamination.

Due to the close proximity to existing residential properties, requests the following condition is appended to any permission granted:

- *No construction work shall be carried out and no plant or power operated machinery operated other than between the following hours: 0800 hours and 1800 hours on Monday to Friday, 0800 hours and 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays, unless otherwise previously agreed in writing with the Local Planning Authority*

## 5.7 Fenland District Council Tree Officer

No objections.

The arboricultural report demonstrates the project is feasible and the trees to be retained can be protected.

The proposed new tree species and locations are acceptable.

Recommends a pre-commencement Arboricultural Method Statement to include details on when arboricultural supervision is to be present such as pre commencement, when excavation works are undertaken in the root protection area, and how excavation works in the root protection area are executed.

## 5.8 Fenland District Council Principal Ecologist

### Bats and Birds

*I would accept the results of the dedicated bat activity surveys and bird surveys of the site that the site is of only local importance for foraging bats and nesting birds. The number of bats using the site was relatively low and the species of bat involved were relatively common. Similarly, the bird species which use the site are not notable outside of a local context, likely reflective of the location of the site within the built-up landscape.*

*It is unlikely that foraging bats will rely on this site alone as a foraging resource.*

*Nevertheless, precautions should be taken to avoid undue harm to nesting birds and foraging bats. I would advise –*

- *That a detailed Landscape Plan of the site should be required by Condition. The Landscape Plan should include –*
  - *Plant species, numbers, sizes and planting densities*
  - *Boundary details, to include gaps in garden fences to allow for the movement of small mammals, particularly hedgehogs*
  - *Plans for the installation of new bird nesting and bat roosting boxes on the site, post-completion*
- *No tree removals or vegetation clearance required to facilitate the scheme should take place during the optimum time of year for nesting birds (March to August inclusive) unless nesting birds have been shown to be absent by a suitably qualified person. All nesting birds their eggs and young are legally protected under the terms of the Wildlife and Countryside Act 1981 (as amended).*

### Hedgehogs and other Small Mammals

*I am aware of reports of hedgehogs using the site. Hedgehogs have undergone significant population declines in recent years, and measures to conserve hedgehogs are fully justified. I would advise that a Reasonable Avoidance Measures method statement giving details of measures to be taken during any site clearance and construction works to prevent any harm to hedgehogs should be required to be prepared and implemented by Condition.*

*Any Landscape Plan prepared for the site should include provision for hedgehog hibernaculum to be created.*

## 5.9 Local Residents/Interested Parties

2 letters of support were received regarding this application from London Road, Chatteris.

7 letters of objection were received regarding this application from Westbourne Road; Linden Drive; Railway Lane and London Road, Chatteris. 2 additional letters of objection were received from address points in Swadlincote and Harpenden which are situated outside of the district.

The reasons for support and objection are detailed as follows:

<b>Supporting Comments</b>	<b>Officer Response</b>
Management and maintenance of boundary treatments.	Addressed in 'Residential amenity' section of this report.
Request that some existing trees are felled and replaced with shrubs.	Addressed in 'Trees' section of this report.

<b>Objecting Comments</b>	<b>Officer Response</b>
Impact on listed building which should retain adequate gardens / setting.	Addressed in 'Character and heritage assets' section of this report.
Impacts on the Chatteris conservation area.	Addressed in 'Character and heritage assets' section of this report.
Inadequate Heritage Statement.	Addressed in 'Character and heritage assets' section of this report.
Density of development.	Addressed in 'Character and heritage assets' section of this report.
Negative impact on residential amenity of neighbouring properties.	Addressed in 'Residential amenity' section of this report.
Overlooking / privacy impacts.	Addressed in 'Residential amenity' section of this report.
Loss of light and overshadowing from trees.	Addressed in 'Residential amenity' section of this report.
Provision, management and maintenance of boundary treatments.	Addressed in 'Residential amenity' section of this report.
Noise and pollution impacts from proposed shared driveway.	Addressed in 'Residential amenity' section of this report.
Management and maintenance of existing and proposed trees.	Addressed in 'Trees' section of this report.
Danger from existing trees.	Addressed in 'Trees' section of this report.
Loss of trees.	Addressed in 'Trees' section of this report.
Flood risk and surface water drainage impacts.	Addressed in 'Flood risk and drainage' section of this report.



Biodiversity impacts.	Addressed in 'Biodiversity' section of this report.
Additional entrance / exit onto the already congested London Road.	Addressed in 'Highway safety and parking provision' section of this report.
Inadequate access for emergency services	The proposed access and shared driveway is of appropriate width to facilitate accessibility for emergency service vehicles. Notwithstanding this, the proposed development would be required to comply with Building Regulations Fire safety: Approved Document B, which is outside of the scope of this planning application.
Management of asbestos removal from derelict shelter.	Management of asbestos removal is regulated by the Control of Asbestos Regulations 2012 and the Health and Safety Executive. As such, the management of asbestos relating to the removal of the derelict shelter within the site is outside of the scope of this planning application.
Vulnerability to crime during construction phase.	<p>In order to create safe environments and to prevent crime, policy LP17 of the Fenland Local Plan 2014 requires development proposals to demonstrate that they provide suitable surveillance, lighting and landscaping. Such details, where reasonable in relation to the nature and scale of the proposed development, could be reasonably secured by a planning condition in any event of planning permission being granted.</p> <p>However, the Local Planning Authority are not in receipt of any evidence which suggests that the proposed development would be of any unordinary or increased vulnerability to crime during the construction phase, particularly in comparison to any other development proposals of a similar nature and scale. Therefore, there is insufficient justification to warrant refusal of planning permission for any reason relating to vulnerability to crime.</p>
Bin collection distances would be contradictory of Part H of Building Regulations.	Building Regulations are not a material planning consideration. Suitable waste collection arrangements could be secured by a planning condition, if considered necessary, in any event of planning permission being granted.
Proposed bungalows would provide an opportunity to comply with Building Regulations M4(2) standards.	Building Regulations are not a material planning consideration. However, it is acknowledged that the proposed

	development would provide an opportunity to comply with Building Regulations M4(2) standards.
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## **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).
- 6.2 Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require Local Planning Authorities when considering development to pay special attention to preserving a listed building or its setting and to the desirability of preserving or enhancing the character or appearance of a conservation area.

## **7 POLICY FRAMEWORK**

### **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 6 – Building a strong, competitive economy

Chapter 8 – Promoting healthy and safe communities

Chapter 9 – Promoting sustainable transport

Chapter 11 – Making effective use of land

Chapter 12 – Achieving well-designed places

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

Chapter 15 – Conserving and enhancing the natural environment

Chapter 16 – Conserving and enhancing the historic environment

### **7.2 National Planning Practice Guidance (NPPG)**

### **7.3 National Design Guide 2021**

### **7.4 Fenland Local Plan 2014**

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

LP5 – Meeting Housing Need

LP10 – Chatteris

LP13 – Supporting and Managing the Impact of a Growing District

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

LP17 – Community Safety

LP18 – The Historic Environment

LP19 – The Natural Environment

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

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

## 7.7 **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

LP4 - Securing Fenland's Future

LP5 - Health and Wellbeing

LP7 - Design

LP8 - Amenity Provision

LP12 - Meeting Housing Needs

LP19 - Strategic Infrastructure

LP20 - Accessibility and Transport

LP22 - Parking Provision

LP23 - Historic Environment

LP24 - Natural Environment

LP27 - Trees and Planting

LP28 - Landscape

LP32 - Flood and Water Management

LP33 - Development on Land Affected by Contamination

LP34 - Air Quality

## 8 **KEY ISSUES**

- Principle of development
- Character and heritage impacts
- Residential amenity
- Flood risk and drainage
- Highway safety and parking provision
- Archaeology
- Trees
- Biodiversity
- Biodiversity Net Gain (BNG)

## 9 **BACKGROUND**

- 9.1 A previous planning application (reference: F/YR22/1039/F) for the erection of 5No. dwellings, comprising 3No. single-storey dwellings and 2No. two-storey dwellings, on the application site was refused in August 2023 for the following two reasons:

1. *The proposed development would fail to preserve or enhance the character and appearance of the Chatteris Conservation Area and the setting of the adjacent listed building. The re-siting and increased width of the access would lead to the loss of not an inconsiderable amount of trees and hedging at the front boundary of the site leading to a substantial loss of the verdant character it currently provides to the street scene. Furthermore, the removal of the existing trees and hedging will lead to increased views of the proposed development in the backdrop leading to an unfortunate level of harm. The proposal would result in a less than substantial level of harm, however any benefits arising from the development would not outweigh the harm on the Conservation Area and adjacent listed building which are designated heritage assets. The proposed development would therefore be contrary to Policies LP16 and LP18 of the Fenland Local Plan 2014 and Section 16 of the NPPF.*
2. *Policies LP16 (b) and LP19 of the Fenland Local Plan 2014 and Paragraph 170 of the NPPF 2019 seek to conserve, enhance and promote biodiversity and Paragraph 177 advises that the presumption in favour of sustainable development does not apply where a project is likely to have a significant effect on a habitats site, unless an appropriate assessment has concluded that it will not adversely affect the integrity of the habitats site.*

*The application site is considered to have potential to provide habitat for or support protected species. Insufficient assessment has been undertaken and inadequate information submitted to enable the Local Planning Authority to ascertain whether the proposal would impact protected species. As such the proposal is considered contrary to the aforementioned policies.*

## **10 ASSESSMENT**

### **Principle of development**

- 10.1 Policy LP3 of the Fenland Local Plan 2014 (the Local Plan) states that the majority of the district's new housing should take place within the district's four market towns.
- 10.2 The application site is located within one of the district's primary market towns, where the principle of residential development is acceptable subject to compliance with other policies within the Local Plan.

### **Character and heritage assets**

- 10.3 Policy LP16 of the Local Plan requires that development proposals make a positive contribution to the local distinctiveness and character of the area, enhance its local setting, respond to and improve the character of the local built environment, reinforces local identity and not adversely impact, either in design or scale terms, on the street scene, settlement pattern or the landscape character of the surrounding area.
- 10.4 The proposed development would be surrounded by existing residential built form, and it is considered that the location and form of the proposed development is in

keeping with the mixed character and pattern of development within the surrounding area. The density of the proposed dwellings would be in keeping with the density of some of the existing nearby dwellings on nearby residential streets, such as those on Linden Drive and Westbourne Close. The proposed dwellings are of a scale and design which would be in keeping with some of the existing dwellings on nearby residential streets, such as those on Linden Drive.

- 10.5 Notwithstanding the above, the proposed development would be located partly within the Chatteris conservation area and within the curtilage of a Grade II listed building (No.16 London Road) and therefore consideration must also be given to the impacts of the proposed development on these heritage assets. The impacts of the proposed development on these heritage assets is assessed below.

#### Planning (Listed Buildings and Conservation Areas) Act 1990

- 10.6 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

*“In considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

- 10.7 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

*“In the exercise, with respect to any buildings or other land in a conservation area [...] special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”*

#### National Planning Policy Framework (NPPF)

- 10.8 Paragraph 208 of the NPPF states:

*“Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.”*

- 10.9 Paragraph 210 of the NPPF states:

*“In determining applications, local planning authorities should take account of:*

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) the desirability of new development making a positive contribution to local character and distinctiveness.”*

- 10.10 Paragraph 212 of the NPPF states:

*“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”*

10.11 Paragraph 213 of the NPPF states:

*“Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.”*

10.12 Paragraph 215 of the NPPF states that:

*“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”*

### Local Plan

10.13 Policy LP16 of the Local Plan requires development proposals to protect and enhance any affected heritage assets and their settings to an extent commensurate with policy in the National Planning Policy Framework and in accordance with Policy LP18.

10.14 Policy LP18 of the Local Plan states that the Council will protect, conserve and seek opportunities to enhance the historic environment throughout Fenland.

10.15 Furthermore, policy LP18 of the Local Plan requires development proposals affecting a designated heritage asset to:

- (a) describe and assess the significance of the asset and/or its setting to determine its architectural, historic or archaeological interest; and
- (b) identify the impact of the proposed works on the special character of the asset; and
- (c) provide a clear justification for the works, especially if these would harm the asset or its setting, so that the harm can be weighed against public benefits.

### National policy and guidance relating to the setting of heritage assets

10.16 The NPPF defines the setting of a heritage asset as follows:

*“The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.”*

10.17 Paragraph 013 of Planning Practice Guidance relating to the Historic Environment states:

*“All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not. The setting of a heritage asset and the asset’s curtilage may not have the same extent.*

*The extent and importance of setting is often expressed by reference to the visual relationship between the asset and the proposed development and associated visual/physical considerations. Although views of or from an asset will play an important part in the assessment of impacts on setting, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust, smell and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each.*

*The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights of way or an ability to otherwise access or experience that setting. The contribution may vary over time.*

*When assessing any application which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change. They may also need to consider the fact that developments which materially detract from the asset's significance may also damage its economic viability now, or in the future, thereby threatening its ongoing conservation."*

10.18 The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3 (Second Edition) includes, but is not limited to, the following guidance relating to the setting of heritage assets.

- *The setting of a heritage asset will include, but generally be more extensive than, its curtilage.*
- *The historic character of a place is the group of qualities derived from its past uses that make it distinctive. This may include: its associations with people, now and through time; its visual aspects; and the features, materials, and spaces associated with its history, including its original configuration and subsequent losses and changes. Character is a broad concept, often used in relation to entire historic areas and landscapes, to which heritage assets and their settings may contribute.*
- *Setting is not itself a heritage asset, nor a heritage designation, although land comprising a setting may itself be designated (see below Designed settings). Its importance lies in what it contributes to the significance of the heritage asset or to the ability to appreciate that significance.*
- *Settings of heritage assets change over time. Understanding this history of change will help to determine how further development within the asset's setting is likely to affect the contribution made by setting to the significance of the heritage asset. Settings of heritage assets which closely resemble the setting at the time the asset was constructed or formed are likely to contribute particularly strongly to significance but settings which have changed may also themselves enhance significance, for instance where townscape character has been shaped by cycles of change over the long term.*
- *Because the contribution of setting to significance does not depend on public rights or ability to access it, significance is not dependent on numbers of people visiting it; this would downplay such qualitative issues as the importance of quiet and tranquillity as an attribute of setting, constraints on access such as remoteness or challenging terrain, and the importance of the setting to a local community who may be few in number.*
- *The setting of a heritage asset is 'the surroundings in which a heritage asset is experienced' (NPPF, Annex 2: Glossary). Where that experience is capable of being affected by a proposed development (in any way) then the proposed development can be said to affect the setting of that asset.*

Available evidence and necessary expertise

10.19 Paragraph 208 of the NPPF is explicit that the local planning authority should take account of the available evidence and any necessary expertise when identifying and assessing the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset). In addition, paragraph 010 of Planning Practice Guidance relating to the Historic Environment advises that, in most cases, the assessment of the significance of the heritage asset by the local planning authority is likely to need expert advice which may be sought from appropriately qualified staff and experienced in-house experts. In this case, the available evidence and necessary expertise includes the applicants' Heritage Statement and the Principal Conservation Officer's consultation response, which are discussed below.

#### Applicants' Heritage Statement

10.20 The application is accompanied by a Heritage Statement that meets the requirements of the NPPF. However, the Principal Conservation Officer advises that the Heritage Statement is deficient in assessing the impact of this proposed development, its access and splitting up the plot on the setting of the listed building.

10.21 The applicants' Heritage Statement includes the following statements:

- *“Communal Value:*  
*The evidence suggests that No 16 has had a presence on London Road for some considerable time and has for some of its history been in use as an agricultural holding. Its setting is redolent of this former use and is suggestive of the agrarian aspect of this section of the Chatteris Conservation Area. Its external appearance and setting contribute to the public realm and both make a positive contribution to the Chatteris Conservation Area.”*
- *“No 16 London Road is a Grade II Listed Building located within the Chatteris Conservation Area. Soft landscaping and views to the wider landholding to the west mean that there are rural qualities to the site which contribute to the setting and special interest of these heritage assets.”*
- *“The London Road frontage boundary and the hedged western delineation within the site are verdant, with a number of trees along the driveway. This landscaping is of benefit to the character and appearance of the Conservation Area and the setting of No 16 and holds strong visual amenity value.”*

10.22 The applicants' Heritage Statement therefore acknowledges that the existing setting of No.16 London Road, including the soft landscaping and views to the wider landholding to the west, contribute to the setting and special interest of the Grade II listed building and the Chatteris conservation area.

10.23 The applicants' Heritage Statement also states:

- *“The current proposal has been designed to minimise the impact on trees and vegetation; although the route to the new development will result in the widening and extending of the existing driveway, there will be minimal loss to the existing leafy character and where it is necessary to remove foliage, this will be replaced. Views to the wider site will therefore remain closed and any perceived harm to the heritage assets will be mitigated.”*



- *“The bungalows will be screened by the site vegetation and will therefore have a minimal impact on how the heritage assets and their setting are fundamentally experienced.”*
- *“With due regard to S16(2), 66(1) and 72(1) of the Planning (listed buildings and conservation areas) Act 1990, the heritage provisions of the NPPF (2024) and Policies LP18 of the Fenland Local Plan (2014) as well as Policy LP23 of the emerging plan 2021-2040, the proposed development will preserve, conserve and sustain the significance and setting of No 16 London Road and the Chatteris Conservation Area. Any perceived harm will be less than substantial and will be outweighed by the deliverance of residential dwellings within a town centre location which will be of clear public benefit.”*

#### Principal Conservation Officer consultation response

- 10.24 The Principal Conservation Officer has given consideration to the impact of the proposal on the listed building and Chatteris conservation area according to the duty in law under Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and with due regard to Section 16 of the National Planning Policy Framework.
- 10.25 The Principal Conservation Officer acknowledges that planning permissions were previously granted, for three dwellings in 1993 and for four dwellings in 2001; though states that policy has changed considerably since that time and that it should not be used as any precedent going forward. Furthermore, the Principal Conservation Officer states that current proposal would be substantially more impacting on the host listed building and the Chatteris conservation area due to it creating a formal housing estate access on London Road, in comparison to the previous planning permissions which were approved with access from Linden Drive.
- 10.26 The Principal Conservation Officer states that the site frontage is wide due to the loss of a dwelling between No's 16 and 20 London Road in the late 20<sup>th</sup> Century; however, despite this, the host building was listed with the wide frontage being part of its curtilage which now integrates well and adds to its setting. The Principal Conservation Officer states that the frontage is particularly positive with an established hedge and number of trees alongside the pleasantly modest width domestic driveway that currently screens views to the rear, and that this area of mature frontage garden is of particular benefit to verdant character and appearance of the immediate conservation area and is of strong visual amenity value.
- 10.27 The Principal Conservation Officer states that development within the historic curtilage of a listed building should be exceptional and considers the proposed dwellings to be of mediocre design and with the the loss of trees and hedging along the frontage of the site, and the widened access, will open up views into the proposed development site and detract from the character and appearance of the conservation area and the setting of the host listed building. The Principal Conservation Officer objects to the proposed development, concluding that it would result in less than substantial (medium on the spectrum) harm to the character and appearance of the Chatteris conservation area and the setting of the host listed building, by virtue of building a housing estate within its curtilage and the re-siting and substantial increase in width of the access. Furthermore, stating that, in accordance with national and local planning policies, there should be a strong presumption to refuse planning permission unless there are public

benefits that outweigh the identified harm to the heritage assets, and that any public benefits would have to be substantial to outweigh the identified harm to the heritage assets.

### Conclusion

- 10.28 In accordance with the requirements of paragraph 212 of the NPPF, in considering the impact of the proposed development on the significance of the Chatteris conservation area and host Grade II listed building (No.16 London Road), great weight is given to the conservation of those heritage assets.
- 10.29 The existing frontage of the application site, comprising a modest width domestic driveway and well-established hedging and trees, contributes positively to the verdant character and appearance of the conservation area and the setting of the host Grade II listed building.
- 10.30 By virtue of building a housing estate within the curtilage of the host Grade II listed building, including the re-siting and substantial increase in width of the access and the removal of the established trees and hedging along the frontage of the site, the proposed development would cause less than substantial (medium on the spectrum) harm to the character and appearance of the Chatteris conservation area and the setting of the host Grade II listed building (No.16 London Road).
- 10.31 In accordance with the requirements of paragraph 215 of the NPPF, the less than substantial (medium on the spectrum) harm to the character and appearance of the Chatteris conservation area and the setting of the host Grade II listed building has been weighed against the public benefits of the proposal. The applicants' Heritage Statement states that any perceived harm will be less than substantial and will be outweighed by the deliverance of residential dwellings within a town centre location which will be of clear public benefit. However, the Council can currently demonstrate a 6.6 years supply of housing land, which is well in excess of five years supply, and therefore the delivery of additional housing is not considered to be a public benefit of sufficient weight to outweigh the identified harm to the character and appearance of the Chatteris conservation area and the settling of the host Grade II listed building (No.16 London Road). In addition, there is no other clear and convincing justification to warrant harm being caused to the significance of the character and appearance of the Chatteris conservation area and the settling of the host Grade II listed building (No.16 London Road). It is therefore considered that the limited public benefits of the proposed development fail to outweigh the identified harm to the significance of the character and appearance of the Chatteris conservation area and the settling of the host Grade II listed building (No.16 London Road), contrary to paragraph 215 of the National Planning Policy Framework.
- 10.32 With consideration given to the significance of the Chatteris conservation area and the host listed building (taking into account the assessments made within the applicant's Heritage Statement and Principal Conservation Officer's consultation response), it is considered that the proposed development would cause less than substantial (medium on the spectrum) harm to the character and appearance of the Chatteris conservation area and the setting of the host Grade II listed building, which would not be outweighed by the public benefits associated with the proposed development, contrary to policies LP16 and LP18 of the Local Plan and paragraph 215 of the National Planning Policy Framework.

### **Residential amenity**

- 10.33 Paragraph 135 of the National Planning Policy Framework (NPPF) states that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 10.34 Policy LP2 of the Local Plan states that development proposals should positively contribute to creating a healthy, safe and equitable living environment by promoting high levels of residential amenity and avoiding adverse impacts. In addition, policy LP16 of the Local Plan requires that development proposals do not adversely impact on the amenity of neighbouring users such as noise, light pollution, loss of privacy and loss of light.
- 10.35 The proposed dwellings are single-storey, with ridge heights of 6.4 metres. The ground levels within the application site are lower than the ground levels of some of the neighbouring properties located adjacent to the application site.
- 10.36 Part of the northern boundary of the application site is located immediately adjacent to the rear gardens of No's 25-27 Linden Drive. These neighbouring properties are single-storey dwellings and contain windows facing towards the application site. In addition, the ground levels of these neighbouring properties are higher than the ground levels within the application site, as detailed within the Topographical Survey (drawing no. 10365-1) accompanying the application. The rear garden boundaries of these neighbouring properties are located directly adjacent to the rear garden boundaries of Plots 1-3 of the proposed development, with existing close boarded fencing along the boundary. The rear elevations of Plots 1 and 2 would face north, towards the rear elevations and gardens of No's 25 and 27 Linden Drive, and they would be distanced in excess of 20 metres from the rear garden boundaries and in excess of 25 metres from the rear elevation windows of the neighbouring properties on Linden Drive. The side elevation of Plot 3, which does not contain any habitable room windows, would face north towards No.26 Linden Drive and would be distanced approximately 11 metres from the boundary and 13 metres from the rear elevation of this neighbouring property. The main area of outdoor amenity space to Plot 3 would be well screened from the Linden Drive properties by the proposed dwelling within that plot. Although there would be some intervisibility between the gardens and windows of No's 25-27 Linden Drive and Plots 1-3 due to the differences in ground levels, this would not result in any significant overlooking or other residential amenity impacts between these properties due to the single-storey heights, generous separation distances and partial screening between them.
- 10.37 The rear elevations of Plots 3-5 would face towards the rear elevations and gardens of neighbouring properties located on Westbourne Close. The rear elevation of Plot 3, which is the dwelling proposed closest to the western boundary and the neighbouring properties on Westbourne Close, would be distanced in excess of 9.5 metres from the rear garden boundaries and in excess of 18 metres from the closest rear elevation of these neighbouring properties (with the majority of back-to-back distances between Plots 3-5 and the neighbouring properties on Westbourne Close being significantly greater). Due to the single-storey heights, separation distances and partial screening between them. Although there would be some intervisibility between the gardens and windows of neighbouring properties on Westbourne Close and Plots 3-5, this would not result in any significant overlooking or other residential amenity impacts between these properties due to the single-storey heights, generous separation distances and partial screening between them.

- 10.38 The neighbouring properties located on Westbourne Road, adjoining the south of application site, have rear gardens of substantial depth. The rear elevations and main outdoor amenity spaces of these neighbouring properties are located in excess of 35 metres from the closest proposed dwelling. There are also neighbouring properties on London Road (including the host property of No.16 London Road) which are located adjacent to the south and east boundaries of the application site. The proposed development would not result in any significant overlooking or other residential amenity impacts between these properties due to the single-storey heights, generous separation distances and partial screening between them.
- 10.39 Use of the proposed shared drive by vehicles would result in additional pollution, including noise and light, however such impacts would not result in any significant harm to the residential amenity of neighbouring properties due to the small amount of dwellings that it would serve and intervening landscaping and boundary treatments.
- 10.40 Amendments have been made to the soft landscaping details for the proposed development during the course of the application, which included amendments to the species and locations of proposed new trees in order to demonstrate that they would not have any significant detrimental impacts on the residential amenity of neighbouring properties. The Council's Tree Officer confirmed that a previous iteration of the Proposed Site Plan demonstrated acceptable species and locations of trees. The current iteration of the Proposed Site Plan has removed details of the proposed tree species, however appropriate location and species of new trees could be secured by a planning condition requiring a soft landscaping scheme to be agreed with the Local Planning Authority.
- 10.41 Although an appropriate soft landscaping scheme which has acceptable impacts on the residential amenity of neighbouring properties could be secured by a planning condition in any event of planning permission being granted, it is relevant to note that the planting of any additional new trees within the application site in the future cannot be controlled by this planning application.
- 10.42 Provision and future retention of additional boundary treatments within the application site could be controlled by a planning condition, should it be deemed necessary, in any event of planning permission being granted. However, any other management and maintenance responsibilities of existing and proposed boundary treatments are civil issues.
- 10.43 It is therefore considered that the proposed development would not cause any significant adverse impacts to the amenity of neighbouring users, and it would provide a high standard of residential amenity to future occupiers of the proposed dwellings, in accordance with policies LP2 and LP16 of the Local Plan and paragraph 135 of the NPPF.

### **Flood risk and drainage**

- 10.44 Paragraph 181 of the National Planning Policy Framework states that, when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.
- 10.45 Paragraph 182 of the National Planning Policy Framework states that applications which could affect drainage on or around the site should incorporate sustainable

drainage systems to control flow rates and reduce volumes of runoff, and which are proportionate to the nature and scale of the proposal.

10.46 Policy LP14 of the Local Plan states that all development proposals should adopt a sequential approach to flood risk from all forms of flooding, and that development in areas known to be at risk from any form of flooding will only be permitted following:

- (a) the successful completion of a sequential test (if necessary), having regard to actual and residual flood risks
- (b) an exception test (if necessary),
- (c) the suitable demonstration of meeting an identified need, and
- (d) through the submission of a site specific flood risk assessment, demonstrating appropriate flood risk management and safety measures and a positive approach to reducing flood risk overall, and without reliance on emergency services.

10.47 The sequential approach to flood risk is also a requirement of the NPPF and the Cambridgeshire Flood and Water SPD.

10.48 Policy LP14 of the Local Plan also states that, in addition to the requirements of the NPPF and associated technical guide, all applications for relevant developments must include a drainage strategy to demonstrate that suitable consideration has been given to surface water drainage; appropriate arrangements for attenuating surface water run-off can be accommodated within the site; and issues of ownership and maintenance are addressed. The use of Sustainable Drainage Systems (SuDs) will be required to ensure that runoff from the site (post development) is to Greenfield runoff rates for all previously undeveloped sites and for developed sites (where feasible).

10.49 Policy LP16 of the Local Plan requires proposals for all new development to demonstrate that the site is suitable for its proposed use with layout and drainage taking account of ground conditions, with no significant surface water impacts.

10.50 The application site is located within Flood Zone 1 and within an area at low risk of flooding from all sources. It is therefore considered that the proposed development adopts a sequential approach to flood risk, in accordance with policy LP14 of the Local Plan, the NPPF and the Cambridgeshire Flood and Water SPD.

10.51 It is acknowledged that flood risk and surface water drainage concerns have been raised by local residents, however there is no evidence available to the Local Planning Authority to warrant refusal of planning permission on the basis of flood risk or surface water drainage impacts. Therefore, with consideration given to the low flood risk of the site from all sources of flooding (as indicated by Environment Agency data), and the minor scale of the proposed development, it is considered that acceptable drainage impacts could be secured by a planning condition.

10.52 It is therefore considered the proposed development would have acceptable flood risk and drainage impacts, in accordance with policies LP14 and LP16 of the Local Plan, and the provisions of the NPPF and the Cambridgeshire Flood and Water SPD.

### **Highway safety and parking provision**

10.53 Policy LP15 of the Local Plan requires all development proposals to:

- Provide well designed, safe and convenient access for all, giving priority to the needs of pedestrians, cyclists, people with impaired mobility and users

of public transport by providing a network of pedestrian and cycle routes and green corridors including habitat connectivity (linking to existing routes where opportunities exist) that give easy access and permeability to adjacent areas; and

- Provide well designed car and cycle parking appropriate to the amount of development proposed, ensuring it meets the Council's defined parking standards as set out in Appendix A.

10.54 The proposed development includes repositioning and widening of the existing vehicular access adjoining London Road, facilitating access to a new shared driveway. The proposed access would be 5.5 metres wide where it adjoins London Road, which would then narrow to a 5 metres wide shared driveway further west into the site. The layout of the proposed shared driveway is sufficient to facilitate on-site turning for domestic vehicles so that they can access and egress the public highway in a forward gear.

10.55 Due to the small number of dwellings proposed, the proposed development is unlikely to result in any significant congestion impacts to the public highway and the Local Highway Authority has not raised any concerns regarding such impacts.

10.56 The Local Highway Authority have reviewed the highway safety impacts and consider the proposed development to be acceptable, subject to conditions to secure satisfactory construction parking facilities, drainage measures and arrangements for future management and maintenance of the access road, and to remove permitted development rights for gates or any other enclosure being erected across the vehicular access.

10.57 With consideration given to the recommendation of the Local Highway Authority, it is considered that the proposed development would have acceptable highway safety impacts, in accordance with policy LP15 of the Local Plan.

10.58 The Council's parking standards specify that dwellings of four bedrooms or more should have a minimum of three car parking spaces. The proposed development would provide in excess of three car parking spaces per dwelling. The proposed development would therefore provide adequate car parking provision, in accordance with policy LP15 and Appendix A of the Local Plan.

## **Archaeology**

10.59 Policy LP16 of the Fenland Local Plan 2014 requires that proposals for all new development to protect and enhance any affected heritage assets and their settings to an extent commensurate with policy in the National Planning Policy Framework and in accordance with Policy LP18 of the Local Plan.

10.60 Policy LP18 of the Local Plan requires development proposals, that affect any designated or undesignated heritage asset, to:

- (a) describe and assess the significance of the asset and/or its setting to determine its architectural, historic or archaeological interest; and
- (b) identify the impact of the proposed works on the special character of the asset; and
- (c) provide a clear justification for the works, especially if these would harm the asset or its setting, so that the harm can be weighed against public benefits.

10.61 Paragraph 207 of the National Planning Policy Framework states that, in determining applications, local planning authorities should require an applicant to

describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

10.62 Cambridgeshire County Council Historic Environment Team has stated that they have no objection to the proposed development, however they consider that the site should be subject to a programme of archaeological investigation secured by a planning condition.

10.63 With consideration given to the recommendations of Cambridgeshire County Council Historic Environment Team, it is considered necessary to append the recommended condition in any event of planning permission being granted, in order to safeguard archaeological assets within the approved development boundary from impacts relating to any demolitions or groundworks associated with the development scheme and to ensure the proper and timely preservation and/or investigation, recording, reporting, archiving and presentation of archaeological assets affected by this development.

10.64 It is therefore considered that the recommended condition would secure an adequate archaeological evaluation of the site and the proposed development would adequately protect archaeological assets, in accordance with policies LP16 and LP18 of the Local Plan and the provisions of the National Planning Policy Framework.

### **Trees**

10.65 Policy LP16 of the Local Plan requires proposals for new development to demonstrate that they retain and incorporate natural features of the site, such as trees.

10.66 The application is accompanied by an arboricultural report which records 73 individual trees plus 7 groups, and classifies them as follows:

- Category A (high quality) – 1No. tree;
- Category B (moderate quality) – 20No. trees and 1No. group;
- Category C (low quality) – 47No. trees and 6No. groups.
- Category U (unsuitable for retention) – 5No. trees.

10.67 The arboricultural report specifies that 25 trees (comprising 8No. Category B trees and 17No. Category C trees) would be removed to accommodate the proposed development, and that 5No. Category U trees would be removed under routine arboricultural maintenance due to being dead or dying, which would reduce the likelihood of any danger being caused by existing trees. The arboricultural report further indicates that the remaining trees could be adequately protected during construction and retained as part of the proposed development.

10.68 The loss of Category B trees can be acceptable where suitably justified or compensated, whereas Category C trees should not normally be a constraint to development. The Council's Tree Officer has no objections to the application and

has not raised any concerns regarding the proposed tree removals. Furthermore, the application is accompanied by a soft landscaping scheme which would secure suitable compensatory planting for the trees which are proposed to be removed. The proposed tree removals are therefore considered to be acceptable.

- 10.69 The Council's Tree Officer has stated that the arboricultural report demonstrates the project is feasible and the trees to be retained can be protected; though recommends a pre-commencement Arboricultural Method Statement which would ensure adequate protection and management of the trees to be retained.
- 10.70 With consideration given to the information contained within the arboricultural report, the replacement tree planting which could be secured by the proposed soft landscaping scheme, and the recommendation of the Council's Tree Officer, it is concluded that the proposed development could be accommodated within the application site without having a significant detrimental impact on the arboricultural value of the site. Although the proposed development would result in some conflict with policy LP16 of the Local Plan as it does not demonstrate retention and incorporation of all existing trees, it would not be reasonable to refuse the planning application on this basis due to the absence of any identified harm to the arboricultural value of the site.

### **Biodiversity**

- 10.71 Policy LP16 of the Local Plan requires development proposals to protect and enhance biodiversity on and surrounding the proposal site, taking into account locally designated sites and the special protection given to internationally and nationally designated sites, in accordance with policy LP19 of the Local Plan.
- 10.72 Policy LP19 of the Local Plan states that the Council will conserve, enhance and promote the biodiversity interest of the natural environment throughout Fenland and, through the processes of development delivery (including the use of planning obligations), will ensure opportunities are taken to incorporate beneficial features for biodiversity in new developments.
- 10.73 The proposed development would result in the loss of generally species-poor modified grassland, mixed scrub, trees and ornamental vegetation, non-native hedgerow and a small derelict shelter.
- 10.74 The application is accompanied by a Preliminary Ecological Appraisal (PEA) which states that no mitigation is required for protected sites or for the following protected species:- Water Vole, Otter, Badger, Other Mammals and Reptiles. The PEA states that the application site is suitable for supporting hedgehog, foraging amphibians and invertebrates and recommends mitigation measures to prevent harm to these species. The PEA recommended further survey work for bats and breeding birds which is discussed below.
- 10.75 Cambridgeshire County Council Ecology Officer's original consultation response stated that the application provided insufficient evidence to demonstrate the level of impact of the scheme on biodiversity and therefore recommended refusal until further survey work for breeding birds and bats was completed (as per the recommendations of the applicants' Preliminary Ecological Appraisal). Subsequent to the Ecology Officer's consultation response, a Phase 2 Bat and Bird Survey was received by the Local Planning Authority.



- 10.76 The Phase 2 Bat and Bird Survey comprised a bat tree (endoscope) survey, a bat transect survey and a bat static detector survey. The bat tree (endoscope) survey found no evidence of bats and found the identified features to be unsuitable for roosting bats. The bat transect survey and bat static detector survey found evidence of the site being used by foraging and commuting bats. The survey recommends mitigation measures to enable the local bat population to continue to commute and to prevent foraging from being significantly impaired. In addition, the survey recommends bat roosting feature and landscape features to enhance the availability of bat habitats. Provision of the mitigation and enhancement measures recommended within the survey could be secured by a planning condition in any event of planning permission being granted.
- 10.77 The Phase 2 Bat and Bird Survey states that site supports a range of common nesting birds as might normally be associated with such habitat (namely trees, grassland and scrub). However, no evidence of Schedule 1 birds or any red list species were noted to be nesting within the application site. Despite a full breeding bird survey not having been carried out, the level of assessment confirmed that the site is of no more than site/local value to nesting birds. The survey recommends mitigation measures to prevent disturbance to breeding birds, such as any building works being undertaken outside of the bird nesting season. In addition, the survey recommends bird enhancement measures comprising a variety of bird boxes (swift boxes, startling boxes and house sparrow boxes) and the omission of bird combs from the roofs of the proposed dwellings. Provision of the mitigation and enhancement measures recommended within the survey could be secured by a planning condition in any event of planning permission being granted.
- 10.78 The Council's Principal Ecologist accepts the results of the Phase 2 Bat and Bird Survey that the site is of only local importance for foraging bats and nesting birds, noting relatively low numbers of common bat species and no notable bird species beyond a local context. Notwithstanding this, the Council's Principal Ecologist states that precautions should be taken to avoid undue harm to nesting birds and foraging bats and therefore advises that protection and enhancement measures should be secured by planning conditions in any event of planning permission being granted.
- 10.79 In addition, the Council's Principal Ecologist states that he is aware of reports of hedgehogs using the site and, due to their significant population decline in recent years, considers that measures to conserve hedgehogs are fully justified. The Council's Principal Ecologist therefore recommends planning conditions are imposed, in any event of planning permission being granted, to secure a Reasonable Avoidance Measures method statement (containing details of measures to be taken during any site clearance and construction works to prevent any harm to hedgehogs), and to secure the provision hedgehog hibernaculum within the landscaping scheme for the site.
- 10.80 With consideration given to the information and conclusions contained within the Preliminary Ecological Appraisal and Phase 2 Bat and Bird Survey (including the mitigation and enhancement measures contained within them), and the recommendation of the Council's Principal Ecologist, it is considered that the proposed development would adequately protect and enhance biodiversity, in accordance with policies LP16 and LP19 of the Local Plan and the provisions of the National Planning Policy Framework.

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

- 10.81 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 off-setting. 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.
- 10.82 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, a Biodiversity Gain Condition is not required to be approved before development is begun because the application was submitted prior to the requirement for statutory net gain coming into force.

## **11 CONCLUSIONS**

- 11.1 In accordance with the requirements of paragraph 212 of the NPPF, in considering the impact of the proposed development on the significance of the Chatteris conservation area and host listed building (No.16 London Road), great weight is given to the conservation of those identified heritage assets.
- 11.2 In accordance with the requirements of paragraph 208 of the NPPF, the significance of the heritage assets and setting affected by the proposal has been identified and assessed taking account of the available evidence and necessary expertise. With consideration given to the recommendation of the Principal Conservation Officer (the Council's expertise in respect of heritage assets), it is considered that the proposed development would result in less than substantial (medium on the spectrum) harm to the character and appearance of the Chatteris conservation area and the setting of the host listed building.
- 11.3 In accordance with the requirements of paragraph 215 of the NPPF, the less than substantial (medium on the spectrum) harm to the character and appearance of the Chatteris conservation area and the setting of the host listed building has been weighed against the public benefits of the proposal, the delivery of five dwellings and the economic and social benefits which this would deliver. However, it is considered that the limited public benefits of the proposed development, owing to the limited scale of the development and its subsequent limited benefits, especially in the context of the Council being able to demonstrate an above Five Year Land Supply of housing, fail to outweigh the harm to the significance of the character and appearance of the Chatteris conservation area and the settling of the host listed building. Therefore, there is no clear and convincing justification to warrant harm being caused to the significance of the character and appearance of the Chatteris conservation area and the settling of the host listed building, contrary to paragraph 213 of the National Planning Policy Framework.
- 11.4 With consideration given to the significance of the Chatteris conservation area and the host listed building (taking into account the assessments made within the applicant's Heritage Statement and Principal Conservation Officer's consultation response), it is considered that the proposed development would cause less than substantial (medium on the spectrum) harm to the character and appearance of the Chatteris conservation area and the setting of the host listed building, which would not be outweighed by the public benefits associated with the proposed

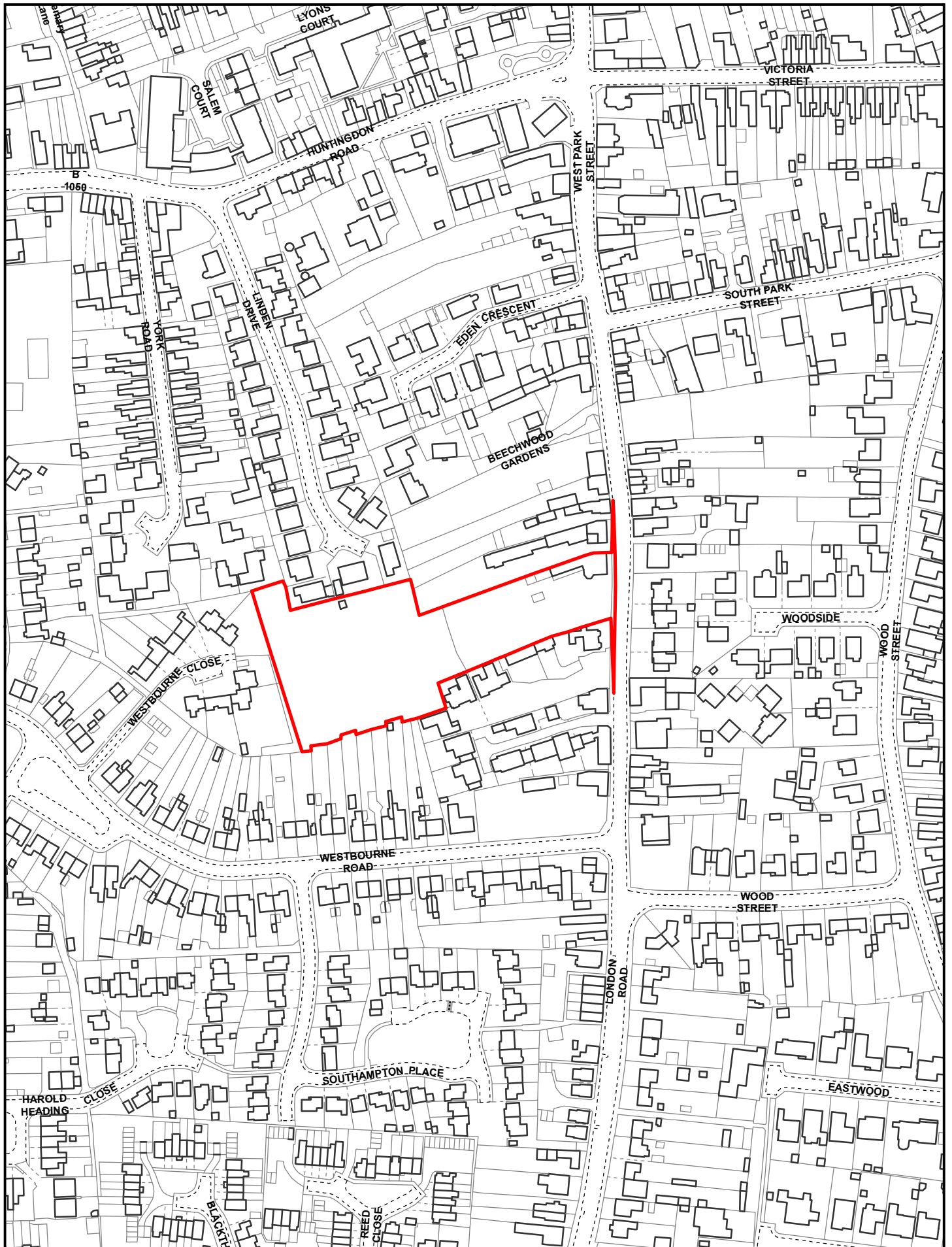
development, contrary to policies LP16 and LP18 of the Local Plan and paragraph 215 of the National Planning Policy Framework.

11.5 The application is therefore recommended for refusal.

## 12 RECOMMENDATION

**Refuse;** for the following reason:

1.	The existing frontage of the application site, comprising a modest width domestic driveway and well-established hedging and trees, contributes positively to the verdant character and appearance of the conservation area and the setting of the host Grade II listed building (No.16 London Road). By virtue of building a housing estate within the curtilage of the host Grade II listed building (No.16 London Road), including the re-siting and substantial increase in width of the access and the removal of the established trees and hedging along the frontage of the site, the proposed development would cause less than substantial (medium on the spectrum) harm to the character and appearance of the Chatteris conservation area and the setting of the host Grade II listed building (No.16 London Road), which would not be outweighed by the limited public benefits associated with the proposed development, contrary to policies LP16 and LP18 of the Local Plan and paragraph 215 of the National Planning Policy Framework.
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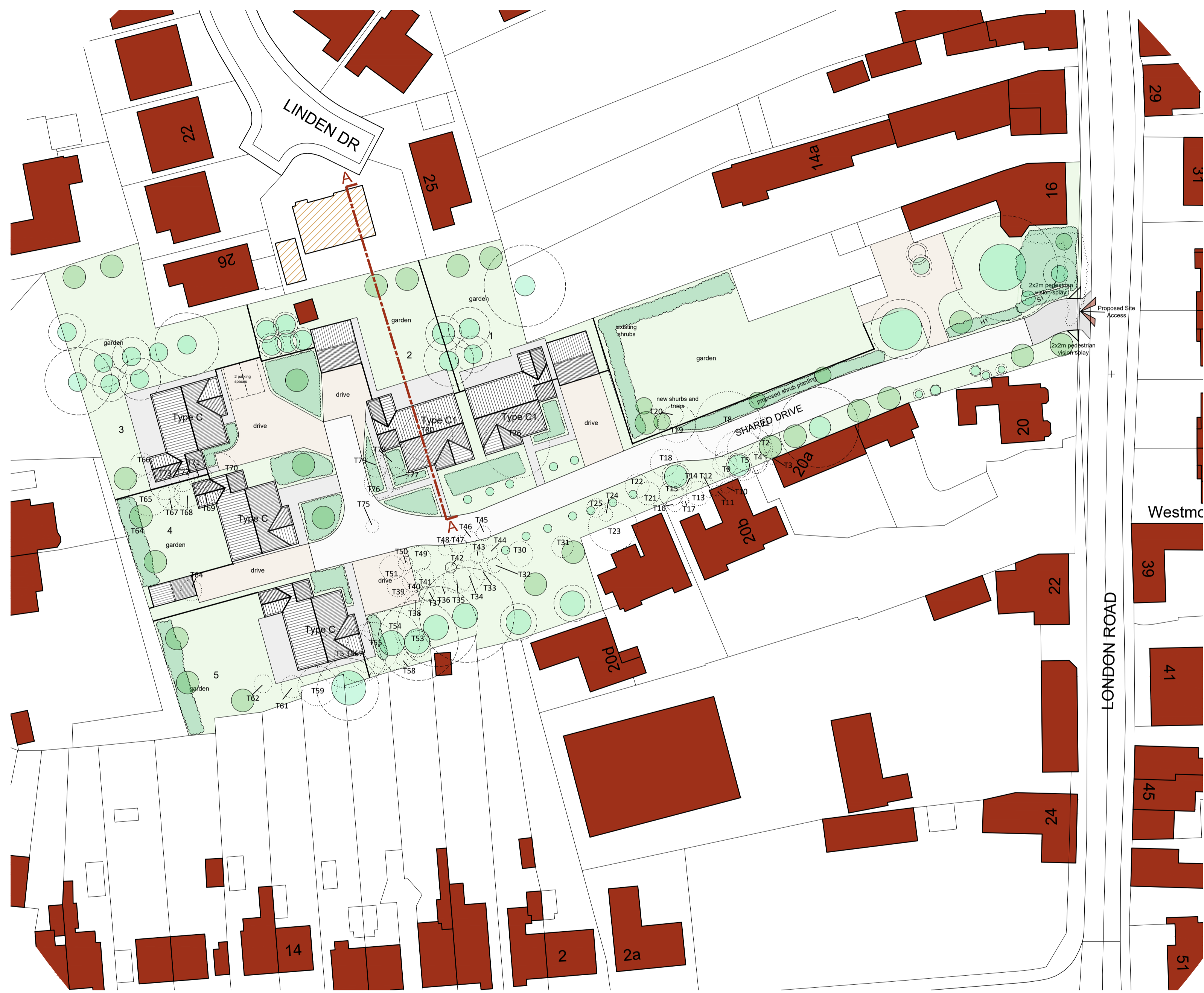
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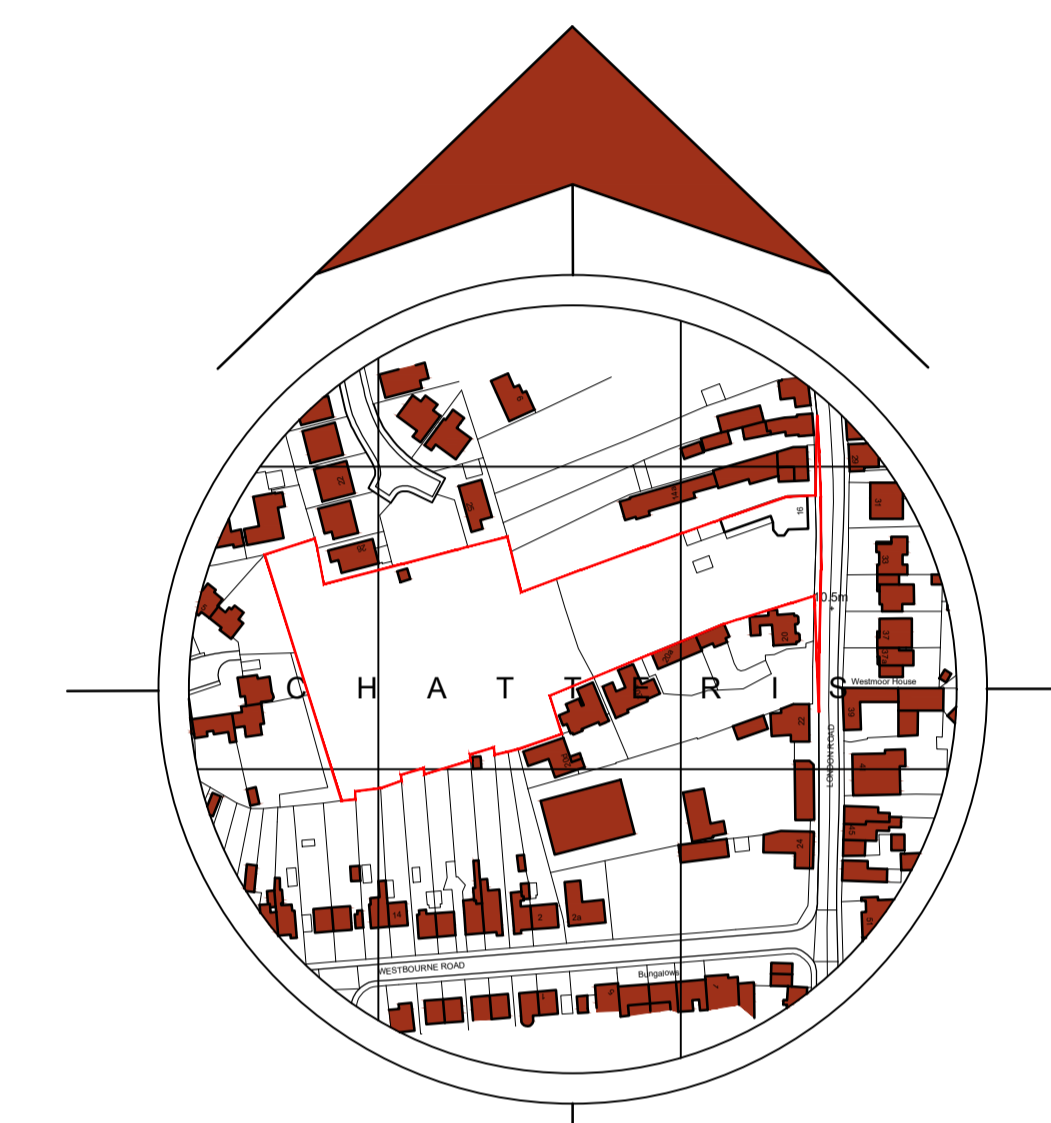




Site Plan  
Scale: 1:500  
metres

### AREA SCHEDULE

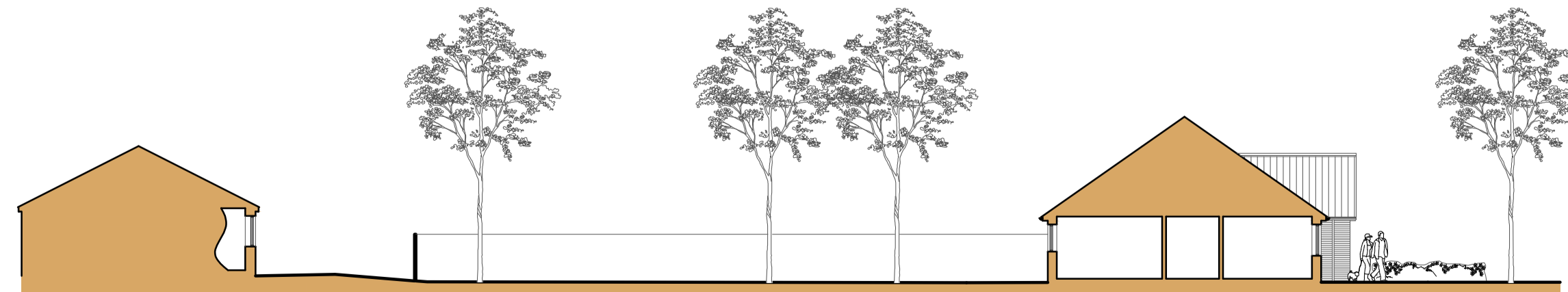
NB: Floor Areas Exclude Garage Floor Areas  
TYPE C  
Ground Floor Area = 138m<sup>2</sup>



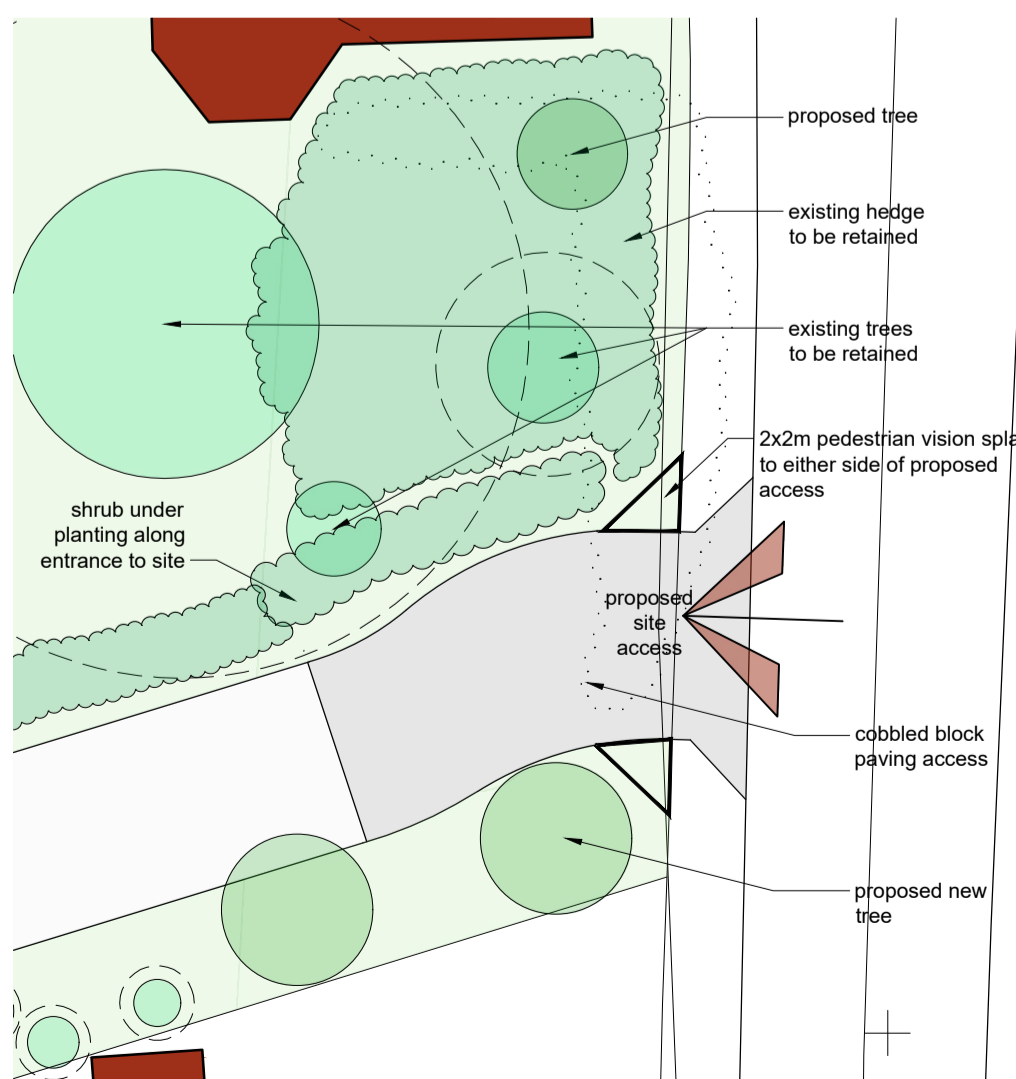
Location Plan  
Scale: 1:2500  
metres



London Road Street Scene  
Scale: 1:200  
metres



Site Section A-A  
Scale: 1:200  
metres



Proposed Access  
Scale: 1:50  
metres

- General Notes**
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  - The contractor, sub-contractors and suppliers must verify all dimensions on site prior to the commencement of any work.
  - This drawing is to be read in conjunction with all relevant engineers and specialist sub-contractors drawings and specifications.
  - Any discrepancies are to be brought to the designers attention.

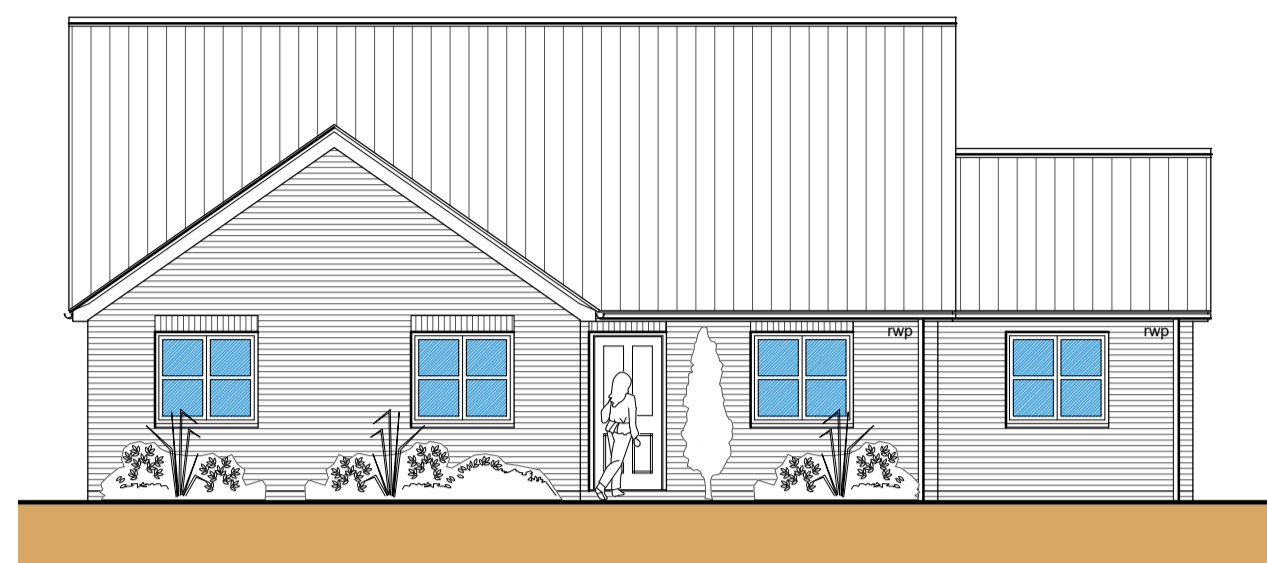
- SITE PLAN KEY**
- Indicates un-surveyed buildings taken from OS map
  - Indicates approximate position of trees
  - Indicates proposed landscaping and trees
  - Indicates grass
  - Indicates cobble block paving surface treatment to access
  - Indicates 5m wide shared private permeable drive
  - Indicates proposed drive
  - Indicates proposed patio and paths
  - Indicates proposed 1.8m high close boarded timber fence
  - Indicates proposed 1-1.6m wall framing entrance
  - Indicates existing trees to be demolished - to be read in conjunction with tree report and associated schedule

Status  
**FOR APPROVAL**

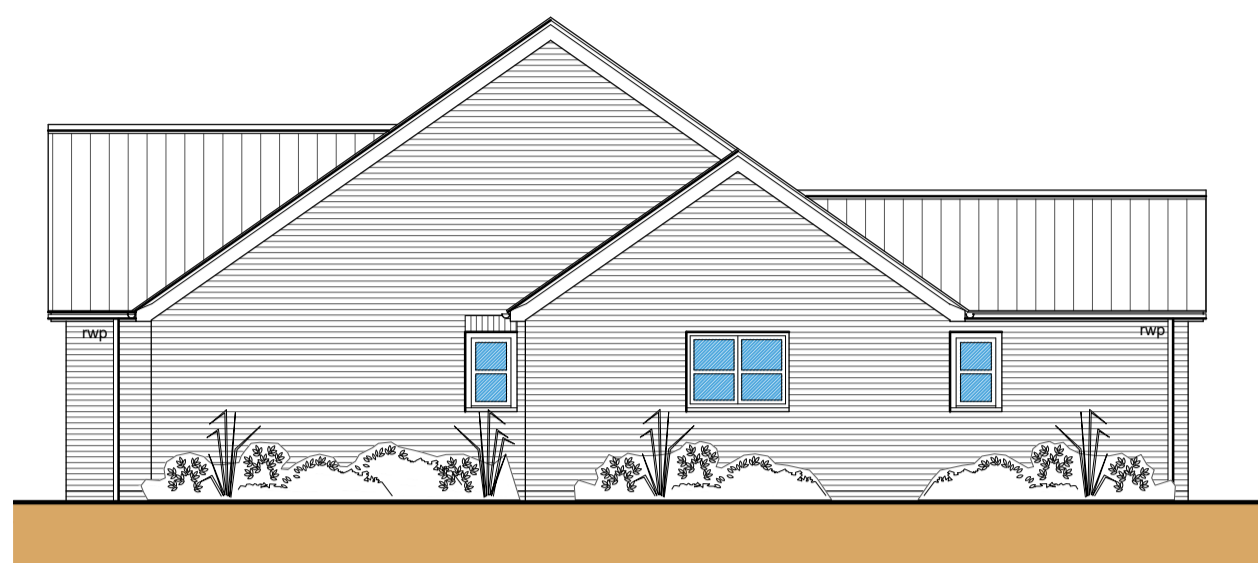
**SWANN EDWARDS ARCHITECTURE**

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t 01945 450694 e info@swannedwards.co.uk w www.swannedwards.co.uk

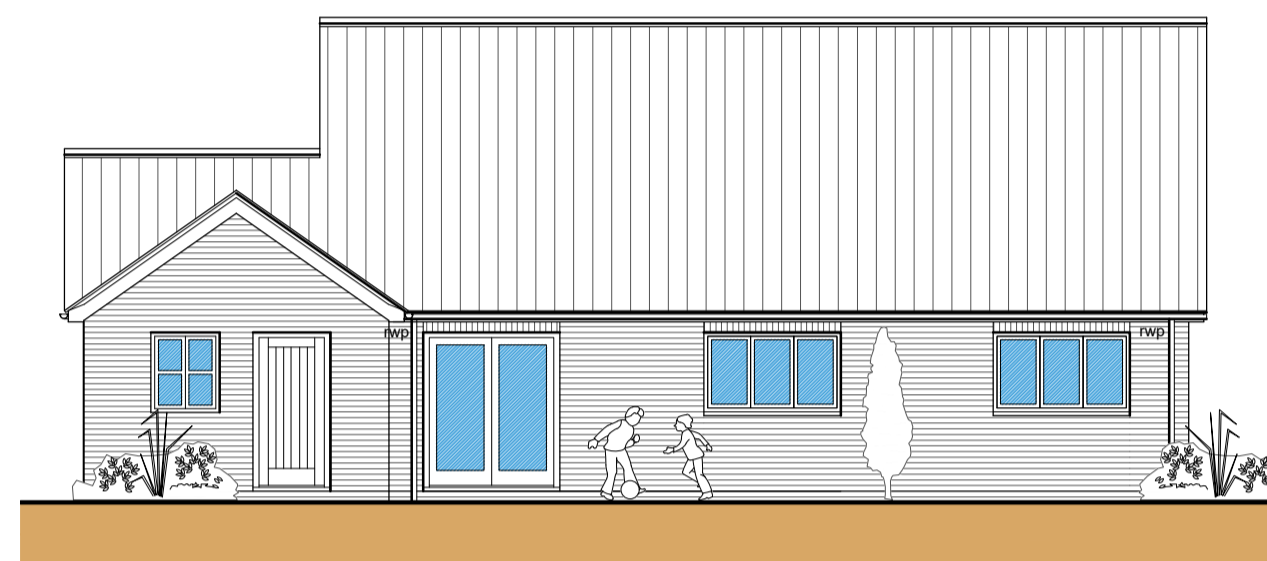
Proposed Residential Development Land Rear of 16 London Road Chatteris	Job Title	Date	Drawn by
	Planning Drawing Site Plan & Location Plan	Feb 2025	GT
	Job No.	Checked by	Sheet Size
	SE-1872	JB	A1
	Dwg No.	Revision	
	PP1050	B	



Front Elevation  
Scale: 1:100  
metres



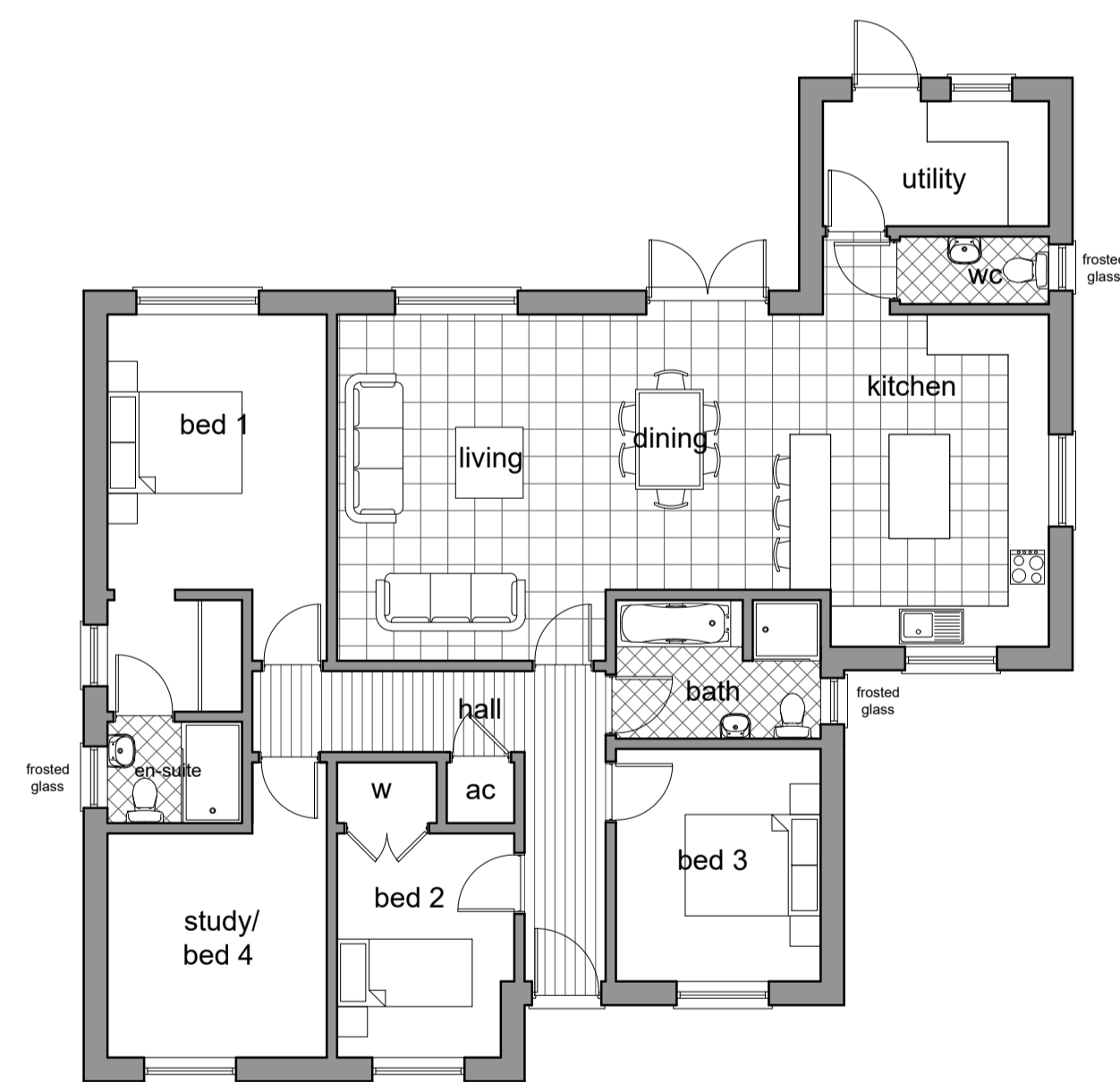
Side Elevation  
Scale: 1:100  
metres



Rear Elevation  
Scale: 1:100  
metres



Side Elevation  
Scale: 1:100  
metres

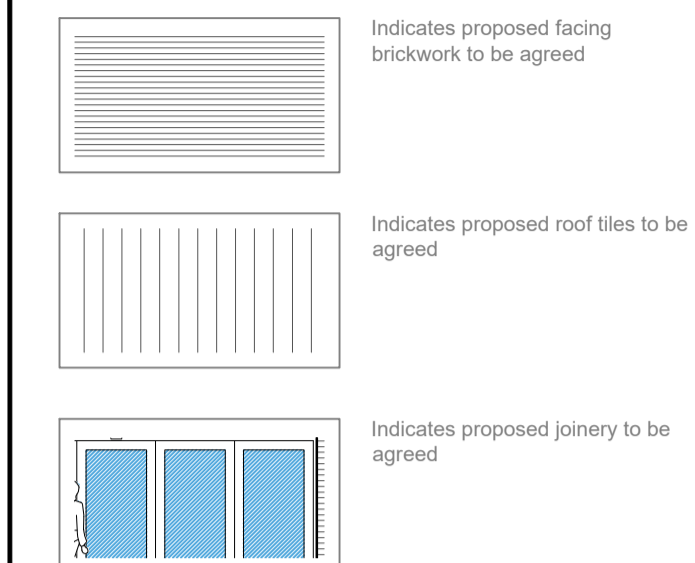


Floor Plan  
Scale: 1:100  
metres

Type C Plots 1 - 2 -  
Plot 2 handed

- General Notes
1. All dimensions are shown in 'mm' unless otherwise stated.
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  4. Any discrepancies are to be brought to the designers attention.

ELEVATION KEY

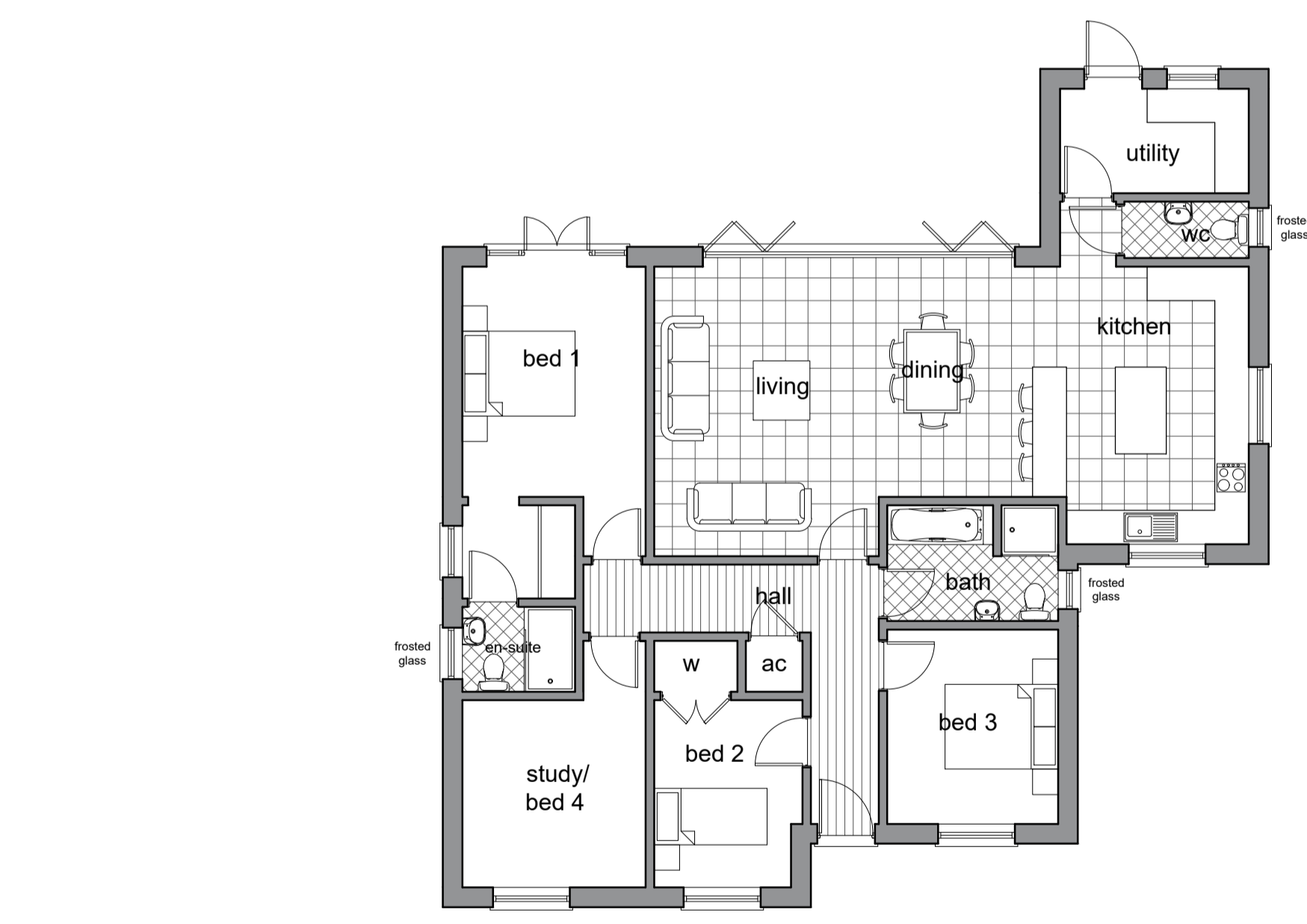


Status  
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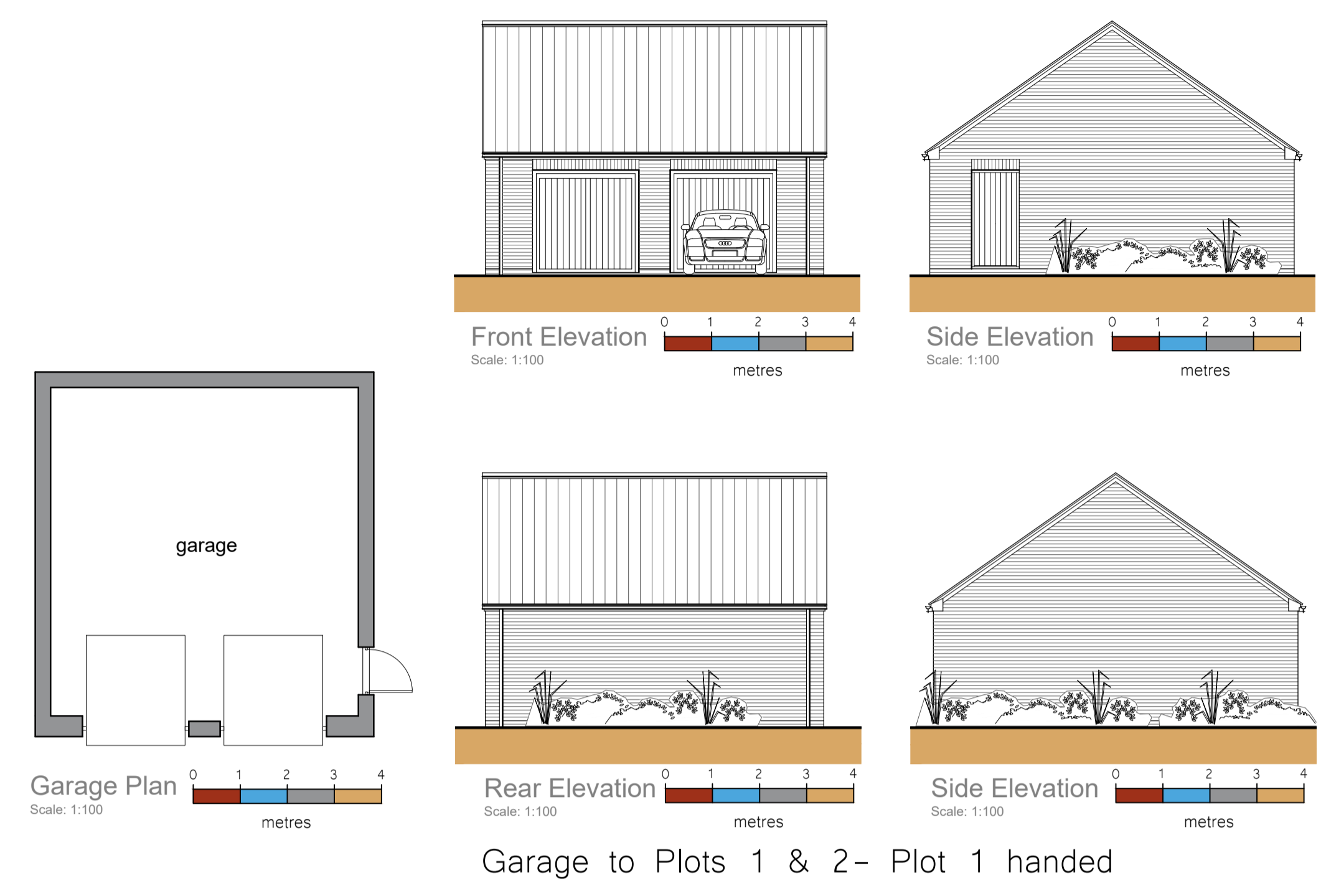
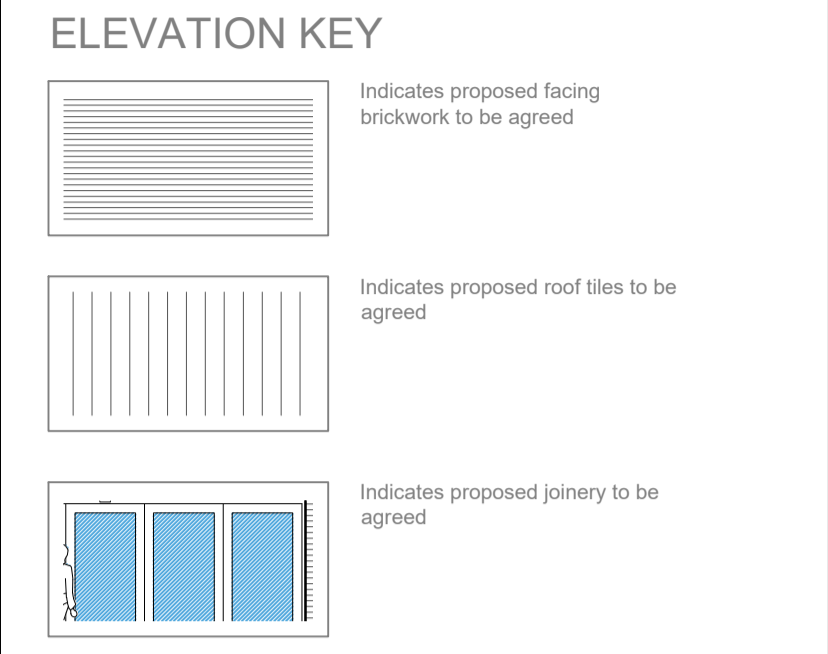
Proposed Residential Development Land Rear of 16 London Road Chatteris	Job Title	Date	Drawn by
		Feb 2025	GT
			Checked by JB
Planning Drawing Type C1 Plans & Elevations	Job No.	Sheet Size	
	SE-1872	A1	
	Dwg No. PP1052	Revision	



Floor Plan  
Scale: 1:100  
metres

Type C Plots 3 - 5 -  
Plots 3 handed

**General Notes**  
 1. All dimensions are shown in 'mm' unless otherwise stated.  
 2. The contractor, sub-contractors and suppliers must verify all dimensions on site prior to the commencement of any work.  
 3. This drawing is to be read in conjunction with all relevant engineers and specialist sub-contractors drawings and specifications.  
 4. Any discrepancies are to be brought to the designers attention.



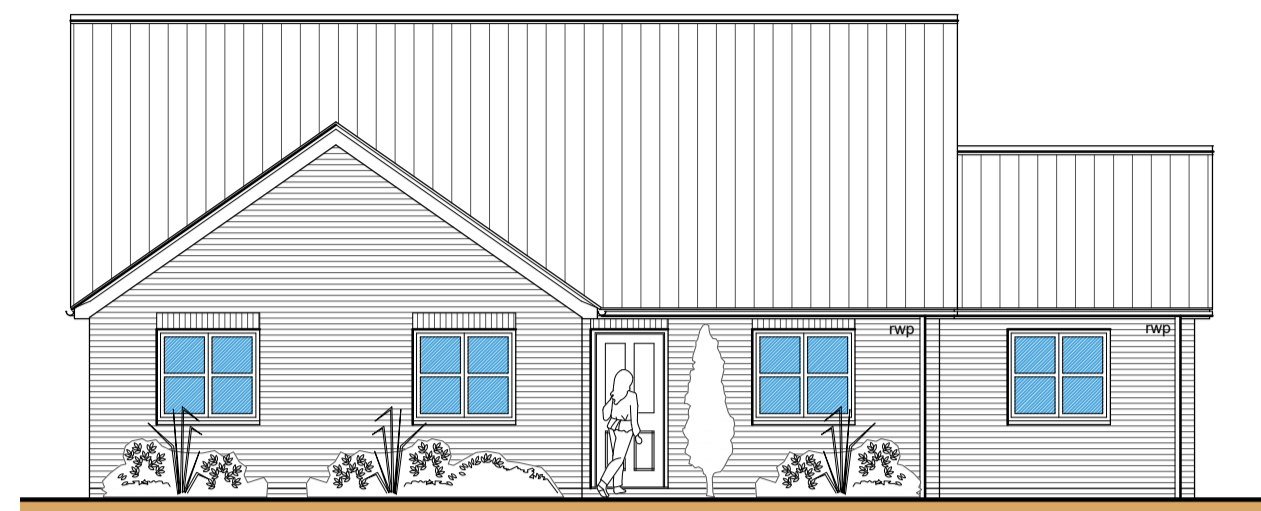
Status

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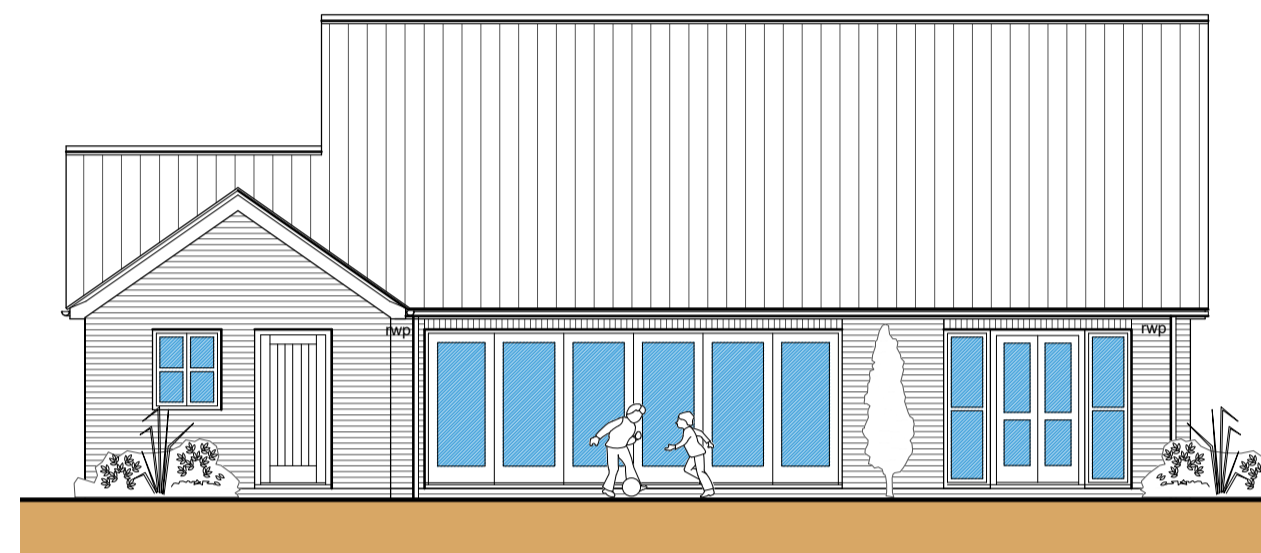
Job Title Proposed Residential Development Land Rear of 16 London Road Chatteris	Date Jan 2024	Drawn by AL Checked by JB
Drawing Title Planning Drawing Type C & Garage Plans & Elevations	Job No. SE-1872 Dwg No. PP1051	Sheet Size A1 Revision A



Front Elevation  
Scale: 1:100  
metres



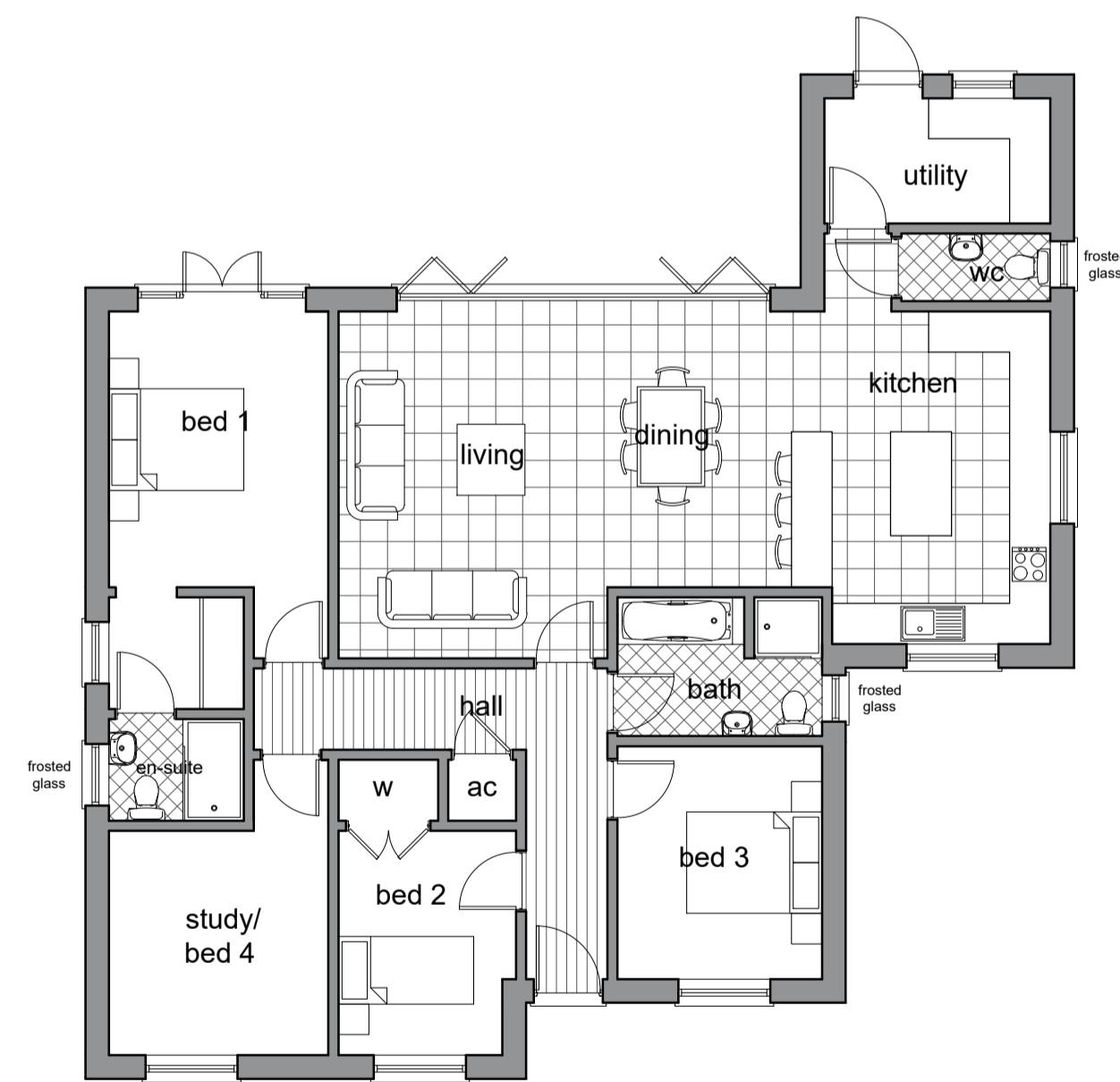
Side Elevation  
Scale: 1:100  
metres



Rear Elevation  
Scale: 1:100  
metres



Side Elevation  
Scale: 1:100  
metres

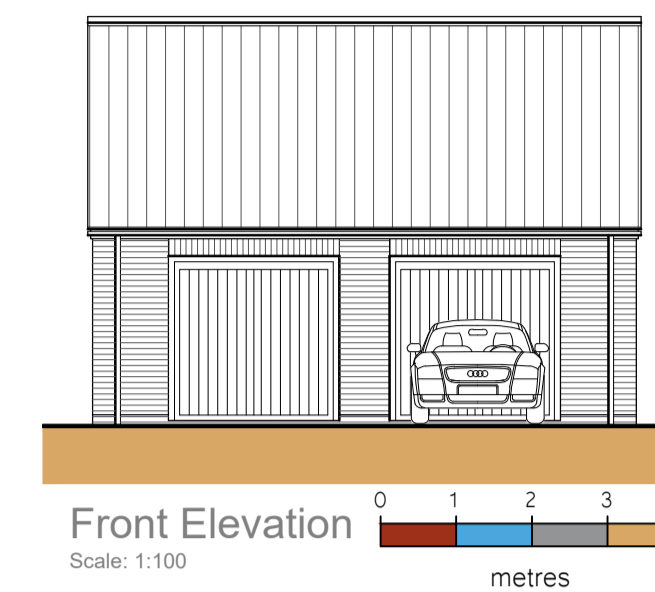
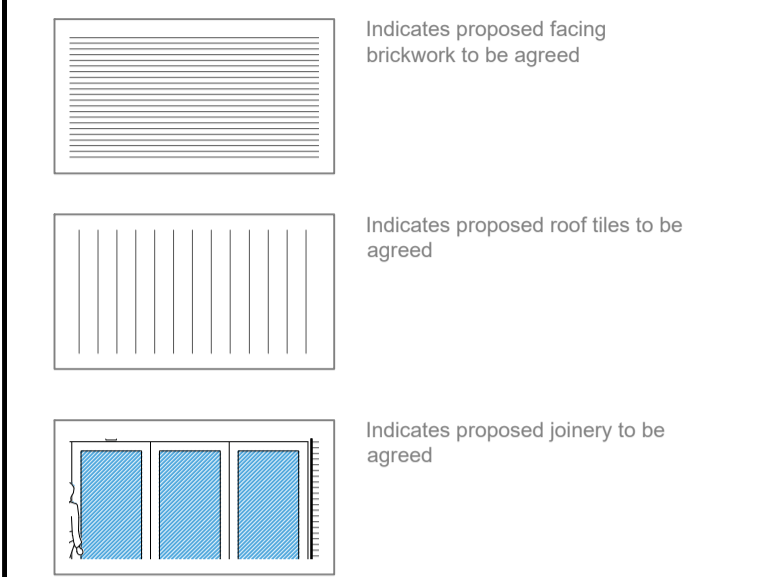


Floor Plan  
Scale: 1:100  
metres

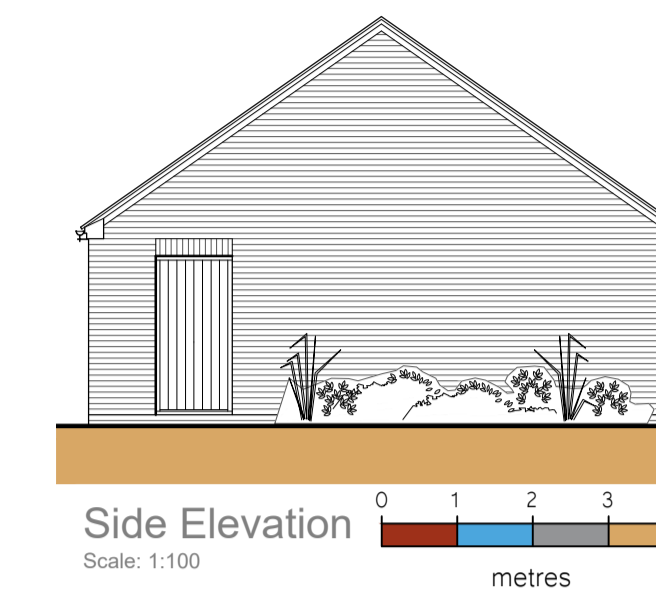
Type C Plots 1 - 5 -  
Plots 2 & 3 handed

- General Notes
1. All dimensions are shown in 'mm' unless otherwise stated.
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  3. This drawing is to be read in conjunction with all relevant engineers and specialist sub-contractors drawings and specifications.
  4. Any discrepancies are to be brought to the designers attention.

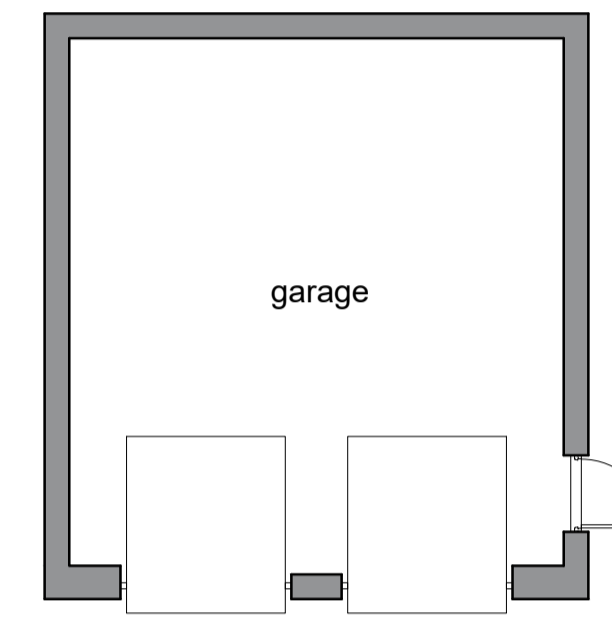
ELEVATION KEY



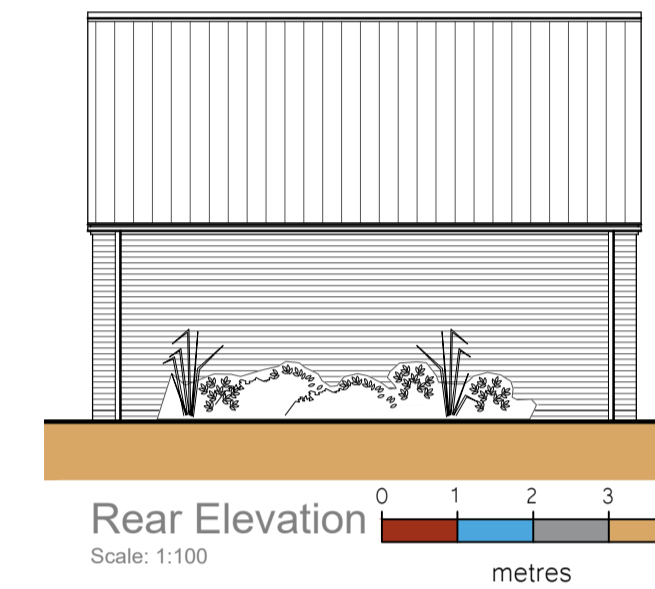
Front Elevation  
Scale: 1:100  
metres



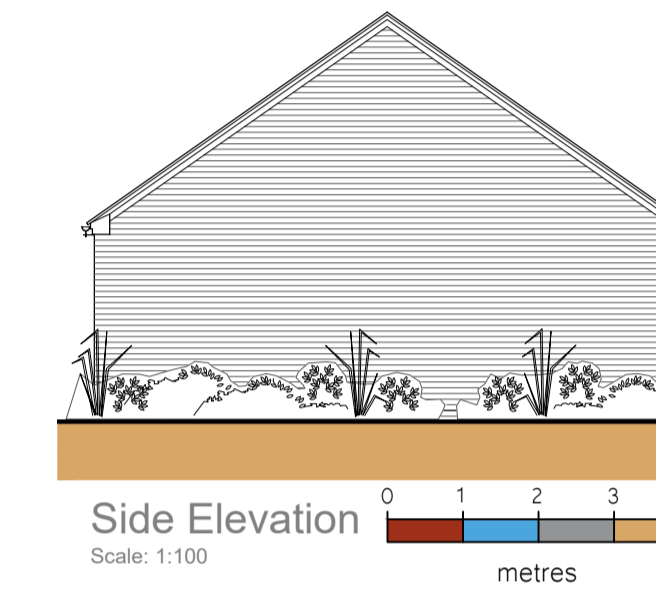
Side Elevation  
Scale: 1:100  
metres



Garage Plan  
Scale: 1:100  
metres

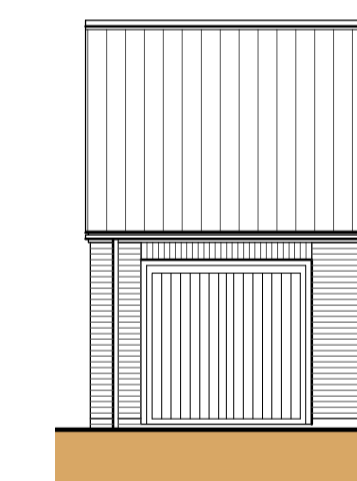


Rear Elevation  
Scale: 1:100  
metres

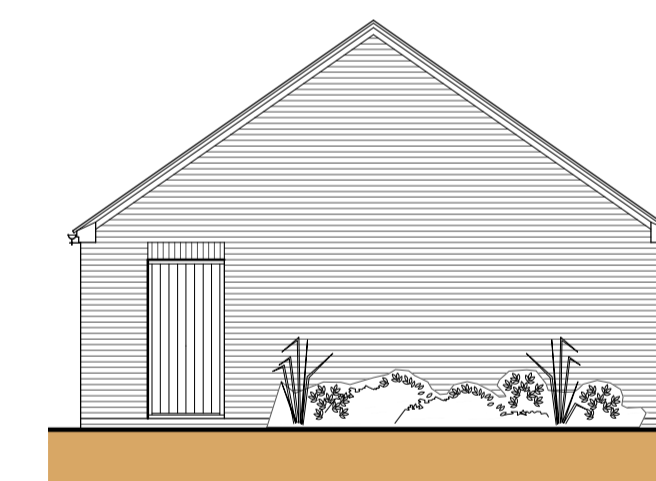


Side Elevation  
Scale: 1:100  
metres

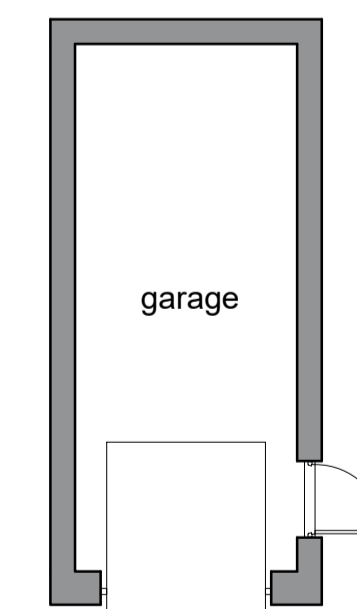
Garage to Plots 1 & 2- Plot 1 handed



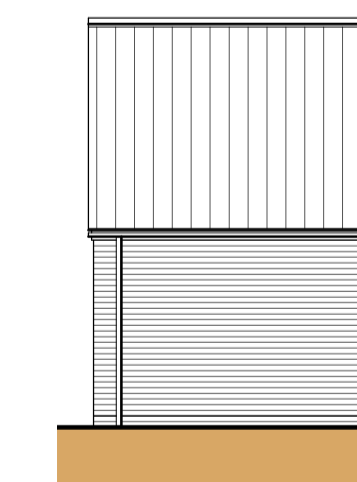
Front Elevation  
Scale: 1:100  
metres



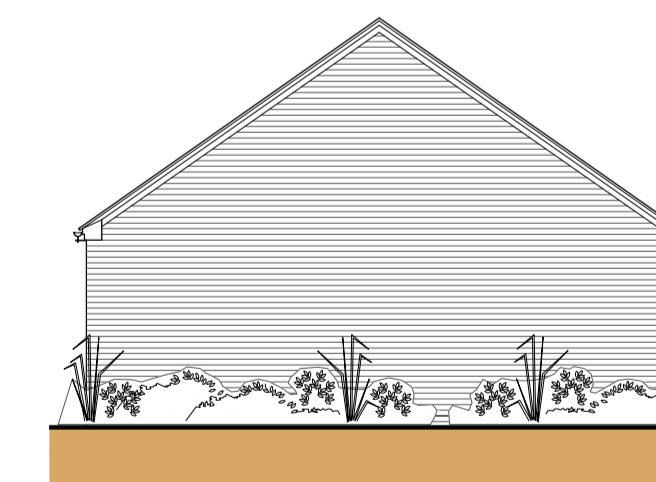
Side Elevation  
Scale: 1:100  
metres



Garage Plan  
Scale: 1:100  
metres



Rear Elevation  
Scale: 1:100  
metres



Side Elevation  
Scale: 1:100  
metres

Garage to Plot 4

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Proposed Residential Development Land Rear of 16 London Road Chatteris	Job Title	Date	Drawn by
		Jan 2024	AL
Planning Drawing Type C & Garage Plans & Elevations	Job No.	Checked by	Sheet Size
	SE-1872	JB	A1
	Dwg No.	Revision	
	PP1051	A	