

**Applicant: Mr David Aplin
Lovell Partnerships**

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Land East Of, The Elms, Chatteris, Cambridgeshire

Variation of condition 7 (southern access) and removal of condition 16 (LEAP) of planning permission F/YR22/0967/FDL (Erect up to 80 x dwellings (outline application with matters committed in respect of access)) - re wording of condition

Officer recommendation: Approve, subject to completion of S106

Reason for Committee: Fenland Futures Ltd are the land owners.

1 EXECUTIVE SUMMARY

1.1 This Section 73 application relates to land east of The Elms, Chatteris; a 3.59-hectare site forming the northern part of the East Chatteris Strategic Allocation (Policy LP10, Fenland Local Plan 2014). Outline planning permission was granted in September 2024 for up to 80 dwellings, subject to a Section 106 agreement securing 20% affordable housing and financial contributions, including the provision of an on-site Locally Equipped Area for Play (LEAP).

1.2 The application seeks:

- To amend Condition 7 to remove the requirement for a vehicular access to the southern boundary, retaining only a cycleway/footpath link;
- To remove Condition 16 requiring an on-site LEAP, replacing this with a financial contribution towards improvements at the Wenny Recreation Ground; and
- To remove affordable housing provision, supported by a detailed viability assessment.

1.3 Independent reviews of the applicant's Financial Viability Assessment by CP Viability Ltd and an independent Quantity Surveyor (Thornton Firkin) confirm that the scheme is unviable even without affordable housing or S106 contributions. On this basis, officers accept that the removal of these obligations is justified to ensure the site's delivery, consistent with national and local policy objectives to maintain housing supply on allocated sites.

1.4 The proposed rewording of Condition 7 is also considered acceptable. The Local Highway Authority raises no objection, confirming that the outline permission was assessed on the basis of access from The Elms only. The amendment retains pedestrian and cycle connectivity and avoids potential "rat run" issues, remaining broadly consistent with the East Chatteris Broad Concept Plan.

1.5 The removal of Condition 16, with a £67,000 off-site contribution secured through a Deed of Variation to the S106 agreement, is likewise supported. This contribution will enhance local play facilities at Wenny Recreation Ground, providing an equivalent community benefit within walking distance of the site.

- 1.6 In summary, the application is supported by robust independent evidence, and the proposed variations are considered to comply with Policies LP5, LP7, LP10, and LP16 of the Fenland Local Plan (2014). The amendments will facilitate the delivery of housing on this strategic allocation without adverse impacts on highway safety, open space provision, or the wider planning objectives for East Chatteris.
- 1.7 The application is subsequently recommended for approval, subject to the variation to the legal agreement.

2 SITE DESCRIPTION

- 2.1. The application site is located at the eastern edge of Chatteris and can be accessed from The Elms (cul-de-sac) and Green Park, existing residential areas to the west and north of the site respectively. The site measures 3.59 hectares and is located within Flood Zone 1, but is subject to surface water flooding.
- 2.2. The site is currently informal grassland. The land to the south and east, beyond the A142, are similarly undeveloped and are comprised of largely open pasture/meadow land.
- 2.3. The site forms the northern part of the East Chatteris Strategic Allocation in the adopted local plan. A Broad Concept Plan was adopted by Planning Committee in June 2017, which covered a larger 26-hectare site in total, including land north of Wenny Road and west of the A142. The adopted BCP identified overall potential for up to 350 dwellings across the whole BCP area.

3 PROPOSAL

- 3.1. This application seeks alter the wording of Condition 7 and remove Condition 16 of the outline planning permission (F/YR22/0967/FDL) for the land to the east of The Elms. Condition 7 of the outline permission states:

The submission of a detailed layout as required by condition No 1, shall include a vehicular access and cycleway/footpath which will abut the southern boundary of the site enabling a future link for development of land to the south within the East Chatteris BCP allocation.

Reason: In accordance with policy LP10 of the Fenland Local Plan 2014, and the adopted East Chatteris BCP, and in the interests of comprehensive development.

- 3.2 Condition 16 of the outline permission states the following:

Notwithstanding the indicative layout submitted with the application, the submission of a detailed layout as required by condition No 1, shall include details of a LEAP to be provided. The submission shall include full details of specifications and layout of the play area, management and maintenance and a timetable for delivery. The development shall be carried out only in accordance with the approved details.

Reason: In the interest of satisfactory development and in accordance with policy LP16 of the Fenland Local Plan 2014.

- 3.3 The applicant is seeking to reword Condition 7 by removing the words ‘vehicular access and’, which would amend the condition to read as follows:

The submission of a detailed layout as required by condition No 1, shall include a cycleway/footpath which will abut the southern boundary of the site enabling a future link for development of land to the south within the East Chatteris BCP allocation.

Reason: In accordance with policy LP10 of the Fenland Local Plan 2014, and the adopted East Chatteris BCP, and in the interests of comprehensive development.

- 3.4 It is proposed to remove Condition 16 entirely and a financial sum would be provided for improvements to existing play space within the area through a Deed of Variation to the existing s106 agreement.
- 3.5 Also proposed is the removal of the provision of affordable housing, on viability grounds.

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/YR25/0350/RM	Reserved Matters application relating to detailed matters of appearance, landscaping, layout and scale pursuant to outline permission F/YR22/0967/FDL to erect 54 x dwellings	Pending Consideration
F/YR25/0249/NONMAT	Non-material amendment: variation to condition 11, 12, 23 and 24 wording, relating to planning permission F/YR22/0967/FDL (erect up to 80 dwellings – outline application with matters committed in respect of access)	Approved 16 th April 2025
F/YR22/0967/FDL	Erect up to 80 dwellings – outline application with matters committed in respect of access)	Granted 23 rd September 2024

5 CONSULTATIONS

- 5.1 It is important to note that the original submission for the variation of conditions related solely to the amendment of Condition 7 and the removal of Condition 16. The request to remove the affordable housing provision was not included until 31st

July 2025, which prompted a full re-consultation. The responses below reflect and incorporate comments received from both rounds of consultation.

5.2 Chatteris Town Council

Objection: initially the Town Council raised concerns that the removal of the vehicular access will increase traffic on St Martins Road, Birch Avenue, and The Elms, which cannot cope with additional volumes. Following the second consultation, the Town Council recommends refusal, noting the development is unpopular and provides no direct community benefit. Affordable housing, urgently needed for local young people, was the only planned benefit, and its removal is strongly opposed. The Council disputes the viability report and considers the application should be determined by an independent authority, such as the County Council. Following the consultation due to the receipt of the viability review information the Town Council maintain their objection stating:

“Recommend Refusal and strongly object to the proposal. There are no section 106 agreements which will benefit the town, despite the fact that the land was sold by FDC for a profit. The town will gain nothing from this development. Affordable housing, which is badly needed for the young people of the town was to be the only benefit for the community and the proposal is now to remove that element. The Town Council continues to dispute the viability report and notes that it appears that FDC keeps on getting viability reports until it gets the answer it wants. The Council believes this FDC application should be determined by another authority, such as the County Council, as there is clearly a conflict of interest.

External Consultees

5.3 Cambridgeshire County Council Highways

Raised no object as part of either consultation: *As set out in the covering letter by Carter Jonas (dated 14th March 2025), a southern vehicle link between this development and the development to the south (F/YR23/0697/FDL) was not modelled as part of the outline permission (F/YR22/0967/FDL). In the event that a southern vehicle link was being proposed, then additional assessment of the impacts on the local highway network would be required.*

The outline permission was assessed by the Local Highway Authority on the premise of a sole vehicular point of access (The Elms) and considered accepted at that time. This RM application proposes a sizable reduction in dwelling numbers compared to the number approved at outline. The proposed variation of Condition 7 would not result in a significant impact on the public highway and is in line with the transport assessments presented during the outline application.

Internal Consultees

5.4 FDC Environmental Health

No objection as part of both consultations.

5.5 Leisure and Open Spaces Manager

No objection: *A s106 contribution to Wenny Recreation Ground which is at the other end of the Elms would be a good location for the funds to be allocated, rather than (the provision of) another play area.*

5.6 Local Councillor

As part of the re-consultation Councillor James Carney has objected to the application:

- The proposed change to the southern access is unclear and should remain to support future development, as required by the original planning decision under policy LP10 and the East Chatteris BCP.
- The proposal to remove 20% affordable housing has caused significant concern. The viability report offers no clear justification, and removing this provision undermines local housing needs and the ability for residents to live near work, family, and schools.

5.7 Local Residents/Interested Parties

Four objections to the proposal have been received from three individuals. One of which was in response to the re-consultation, these are summarised below:

Objecting Comments	Officer Response
The Variation of Condition does not conform to either the Local Plan or the East Chatteris Broad Concept Plan (BCP) as the BCP area has been split into three separate applications and is not 'planned and implemented in a coordinated way'.	Comments noted and discussed throughout the below report.
By proposing to remove a vehicular access link, the developer is moving even further away from LP7, the adopted BCP, and the entire purpose of the BCP concept, which is to prevent disjointed development on a Strategic Allocation.	Comments noted and discussed in the below report.
There is insufficient detail to assess if the existing play areas are a suitable substitute for on-site play areas in accordance with the LP's Open Space Standards.	Comments noted and discussed in the below report.
Full vehicular access is required by planning officers between the two sites within the East Chatteris BCP (F/YR23/0697/FDL and F/YR21/0981/F) for the application to comply with the BCP.	Comments noted and discussed throughout the below report.
Vehicular Link (Condition 7): Removing the required southwards vehicular link undermines the adopted Fenland Local Plan (2014) Policy LP7 and the approved East Chatteris BCP (2017).	Comments noted and discussed throughout the below report.

This site's access via The Elms already deviates from the BCP's Wenny Road strategy; removing the internal link worsens this fragmentation, risking isolated estates lacking cohesion and connections, contrary to the BCP's intent.	Comments noted and discussed throughout the below report.
Removing the on-site LEAP is unacceptable - contradicts emerging policy direction, significantly worsens this local deficit for Chatteris, and ignores the distinct function of equipped play versus informal space.	Comments noted and discussed throughout the below report.
Greenfield site - Land has been grassland for decades, making it cost-effective to develop.	Comments noted.
Public ownership - Originally owned by Chatteris Urban Council, transferred to FDC in 1974, and then to FFL (wholly owned subsidiary) at a discounted rate (£200,000).	Comments noted and discussed in the below report.
Developer partnership - FFL partnered with Lovell in March 2024; FDC is effectively both landowner and development partner.	Comments noted and discussed in the below report.
<p>Viability assessment issues:</p> <ul style="list-style-type: none"> - Treats the land transfer as private and arm's-length, inflating Benchmark Land Value (BLV). - Existing Use Value (£10,000/acre) appears high for dormant grassland. - Landowner premium is excessive; FFL does not need additional incentive to develop. 	Comments noted and discussed throughout the below report.
Interrelated parties: FDC, FFL, and Lovell are not independent, contrary to assumptions in the VA.	Comments noted and discussed throughout the below report.
Policy context: Site is part of the East Chatteris Strategic Allocation; Local Plan policies LP7 and LP10 require a broad housing mix including affordable housing.	Comments noted and discussed throughout the below report.
Public expectation: Given public ownership and discounted land transfer, the development should deliver public benefits, including affordable housing.	Comments noted and discussed throughout the below report.

The VA should be revised to account for public ownership, related-party relationships, and existing incentives to accurately assess unviability.	Comments noted and discussed throughout the below report.
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6 STATUTORY DUTY

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

7 POLICY FRAMEWORK

National Planning Policy Framework (NPPF) 2024

Chapter 2 - Achieving sustainable development
Chapter 4 – Decision-making
Chapter 5 – Delivering a sufficient supply of homes
Chapter 8 – Promoting healthy and safe communities
Chapter 9 – Promoting sustainable transport
Chapter 11 – Making effective use of land
Chapter 12 – Achieving well-designed places
Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
Chapter 15 – Conserving and enhancing the natural environment

National Planning Practice Guidance (NPPG)

Determining a Planning Application

National Design Guide 2021

Context
Identity
Built Form
Movement
Nature
Public Spaces

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
LP16 – Delivering and Protecting High Quality Environments across the District
LP17 – Community Safety

Developer Contributions SPD 2015

Cambridgeshire Flood and Water SPD 2016

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
- LP11: Community Safety
- LP12: Meeting Housing Needs
- LP20: Accessibility and Transport
- LP21: Public Rights of Way
- LP25: Biodiversity Net Gain
- LP27: Trees and Planting
- LP28: Landscape
- LP30: Local Green Spaces and Other Existing Open Spaces
- LP31: Open Space and Recreational Facilities
- LP32: Flood and Water Management
- LP46: Residential site allocations in Chatteris
- LP47: Employment allocations in Chatteris

8 KEY ISSUES

- **Principle of Development**
- **Loss of Affordable Housing Provision**
- **Amendment to Condition 7 of the Outline Permission**
- **Amendment to Condition 16 of the Outline Permission**
- **The conditions subject to which planning permission was granted**

9 BACKGROUND

- 9.1 Outline planning permission was granted on 23rd September 2024 for up to 80 dwellings at land east of Elm Road, Chatteris. The application was subject to a s106 agreement which is signed and dated as of 18th September 2024 which amongst other things sought contributions in respect of a Localised Equipped Area of play (LEAP) and 20% affordable housing.
- 9.2 The application site is within the East Chatteris Strategic Allocation in the adopted Local Plan for which a Broad Concept Plan (BCP) has been produced and adopted, this will be discussed further in the relevant sections of the below report.

- 9.3 Schedule 2 of the signed S106 agreement sets out that prior to implementation 50% of the Infrastructure contribution (£80,000) shall be paid with the other 50% to be paid prior to occupation of any part of the development, the definitions provided provide further clarity about where this contribution will be allocated
- 9.4 Schedule 3 (para 2) goes on to state that no less than 20% of the total number of dwelling shall be affordable housing units. With para 3 setting out the tenure (70% affordable rent and 30% shared ownership).
- 9.5 Schedule 4 sets out the open space, which as per the definitions includes the LEAP, as noted above this was originally proposed to be provided on-site. However, the developer is now proposing to provide a financial contribution instead.
- 9.6 It is also pertinent to note that Fenland Future Ltd own the land. Fenland Future is a wholly owned subsidiary of FDC which has the objective of, amongst other things, maximising the return to the Council as shareholder from its asset portfolio and exploiting opportunities for acquisitions, development and commercial return from assets and to create a delivery model that operates with a degree of commerciality in line with aspirations that mirror the Council's Business Plans and Commercial Investment Strategy.

10 ASSESSMENT

Principle of Development

- 10.1. Section 73 of the Town and Country Planning Act 1990 allows amendments to, or the removal of, conditions previously applied to planning permissions. Applications under this section require the local planning authority to consider only the questions of the conditions under which planning permission should be granted. Accordingly, this assessment focuses on the proposed removal of Conditions 7 and 16 attached to planning permission F/YR22/0967/FDL.
- 10.2. Notwithstanding the Section 73 requirements, the proposed amendments must be considered in the context of the wider planning permission, the East Chatteris Broad Concept Plan, and Policies LP7 and LP10 of the Fenland District Local Plan (2014). Each condition is considered individually below.
- 10.3. The application also seeks to remove the affordable housing provision on viability grounds. While variations to affordable housing obligations can be considered at any stage, any approval would require modifications to the associated legal agreement, making it logical to consider under this application.
- 10.4. The below assessment will discuss and assess each matter in turn against relevant considerations starting with affordable housing provision then moving on to each condition in turn.

Removal of Affordable Housing Provision

- 10.5. The Courts have made it clear that there are four essential questions to be considered when a Council determines an application to vary or discharge an agreement after five years. It is considered that these same questions are appropriate when a landowner requests a variation of an agreement within the five-year period. They are set out and assessed independently as follows:

What is the current obligation?

- 10.6. The existing obligation is that the development provides an element of affordable housing and a financial contribution calculated on a per-dwelling basis. These obligations are not incidental; they were fundamental to the grant of outline planning permission and represented a balance struck between allowing the development to proceed and ensuring that its impacts on housing need and infrastructure were properly mitigated.

- 10.7. This is clear from the original officer report presented to committee on 8th March 2023 with the following paragraphs of importance:

3.2 The proposal includes provision of 20% affordable units and provision of a total of £2,000 per dwelling accordance with the Council's own viability assessment part of the evidence base of the emerging plan. The provision will be proportioned between the infrastructure requirements respectively. The contributions and affordable housing will be safeguarded by provision of a unilateral agreement

10.11 The proposal is to provide 20% affordable and comply with the current position following the Council's own viability assessment. This should result in 11 affordable rented and 5 shared ownership homes to be included in the Unilateral Agreement. This is considered to accord with Policy LP5 of the Fenland Local Plan

- 10.8. In terms of other infrastructure contributions:

10.14 As the development can provide only £2,000 per plot (accepted viability in Fenland due to the evidence base viability study undertaken as part of the emerging plan) this excludes the library provision as proportionately would be a meaningless amount, the remaining proportionate contributions to be included in the Unilateral agreement are as follows: £5120 towards the George Clare Surgery. £31,360 Early Years provision in east Chatteris, £71,680 towards Primary school places in East Chatteris (Glebelands or Kingsfield primary schools) £51,840 towards Secondary school at Cromwell School Total £160,000.

10.15 The Unilateral agreement shall also include provision and details of management and maintenance of the open space and LEAP, and 20% affordable housing subject to the final number of houses provided, a maximum of 11 affordable rented and 5 shared ownership homes

What purpose does it fulfil?

- 10.9. The purpose of the obligation is twofold: firstly, to secure the provision of affordable housing as part of the development, meeting an identified need within the local housing market; and secondly, to ensure that an appropriate financial contribution is made to mitigate the impact of the development on local services and infrastructure. Without these provisions, the planning permission might not have been granted, as the scheme would otherwise fail to accord with development plan policies on affordable housing and the delivery of necessary infrastructure.

Does it have a useful purpose?

- 10.10. It is clear that the obligation continues to serve a useful purpose. The need for affordable housing has not diminished; if anything, it remains pressing. Similarly,

financial contributions are necessary to ensure that local facilities and services can respond to the increased demand generated by the new development. These considerations remain material planning concerns today, just as they were at the time the outline permission was granted. The fact that the landowner willingly entered into the agreement in order to secure the planning consent is evidence that the purpose was, and remains, of real significance.

Will the proposed modification equally serve the identified purpose?

- 10.11. The proposed modification; namely, the removal of both the affordable housing obligation and the financial contribution, would not serve the identified purpose at all, let alone equally. By stripping out these obligations, the development would cease to provide affordable housing and would contribute nothing towards mitigating its impact. The purposes identified under questions 2 and 3 would therefore be wholly undermined. A variation in such terms cannot be said to maintain the balance originally struck between the grant of permission and the securing of planning obligations.
- 10.12. The case of *R (The Garden and Leisure Group Ltd) v North Somerset Council* [2003] confirms that the statutory test under section 106A is a specific one, distinct from the broader range of planning considerations that might otherwise be relevant when determining a planning application. In applying this statutory test, it is the four questions set out above that are determinative.
- 10.13. Taking into account the above, the original outline consent was granted on the strength of the affordable housing provision and financial contribution. These elements were material to the decision at the time, and they remain so today. Removing them would not satisfy the statutory test, particularly question 4.
- 10.14. The preamble to Local Plan Policy LP5 makes the delivery of affordable housing a key priority. The Strategic Housing Market Assessment (2012) identifies a need for 3,527 affordable dwellings in the district over the plan period. To help meet this, Policy LP5 requires that a significant proportion of new housing developments provide affordable homes, with requirements informed by local market conditions, identified need and viability evidence.
- 10.15. Policy LP5 requires affordable housing on all sites of five or more dwellings. Larger schemes (10+ units) must provide 25%, rounded to the nearest whole dwelling. However, 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.
- 10.16. 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.
- 10.17. Provision should normally be on-site, but off-site delivery or financial contributions may be accepted in exceptional cases. Where robust viability assessments show full compliance is not possible, the Council will negotiate. Beyond affordable housing, the policy promotes a balanced housing mix, including executive and self-build homes and housing for older or disabled residents. Where viable, new

homes should be built to Lifetime Homes Standards to support independent living.

- 10.18. Furthermore, as outlined above the site is part of the East Chatteris Strategic Allocation, as set out in the adopted Local Plan in policy LP10 and is therefore an urban extension. Policy LP7 covers urban extensions stating; unless unviable to do so, LP7c) requires; *‘(c) Provide a broad range of housing choice by size and tenure (including market and affordable housing) and cater for people with special housing needs’*
- 10.19. A viability survey carried out by Carter Jonas (CJ) dated February 2025, has been submitted to support the claims the scheme would no longer be able to provide 20% affordable housing, which concludes the viability modelling of the site indicates that the scheme is not viable at either 20% affordable housing or zero affordable housing.
- 10.20. CJ’s Financial Viability Assessment tested two scenarios. In Scenario 1, a policy-compliant scheme with 20% affordable housing and £108,000 in S106 costs produced a residual land value (RLV) of –£2.65m, far below their benchmark land value (BLV) of £986,113, rendering it unviable. Scenario 2, with zero affordable housing but the same S106 costs, still produced a negative RLV of –£1.87m, again well below the BLV. Even with sensitivity testing, the scheme only became viable if both costs fell by 10% and revenues rose by 10%, giving a positive RLV of just over £1m.
- 10.21. For Scenario 1, CJ estimated a Gross Development Value (GDV) of £14.8m, against Gross Development Costs (GDC) of £17.5m, including build costs, external works, contingency, professional and abnormal costs, finance, profit and S106 obligations. This generated the negative RLV. Their conclusion was that the scheme is unviable both with and without affordable housing.
- 10.22. In accordance with procedure, the Council has had this viability assessment independently reviewed by CP Viability Ltd (CP) whereby it was concluded that the site would remain viable with 20% affordable housing and a financial contribution of £108,000. However, following additional information in terms of abnormal costings and the receipt of additional information on how these figures were derived, a subsequent review of CJ costing and abnormal costs was undertaken by an independent Quantity Surveyor(QS) with a further viability review undertaken as a result of this. The following conclusions were drawn:

QS conclusion

‘In compiling our assessments and comments above we consider the total abnormal cost to be £620,588 against the £1,308,428 included in the Financial Viability Assessment.’

‘In compiling our comments and assessments, we consider the total estimated cost to be £11,896,132, compared to that of £12,996,460 set out in the Financial Viability Assessment’

CP conclusion

‘This shows that with nil affordable housing and nil S106 costs the residual land value is (minus) -£50,994. As this is below the benchmark land value of £986,113

this fails to meet the viability threshold, even before any planning policy contributions are factored in.

3.2. With Thornton Firkin's cost advice inputted, the scheme therefore is shown to be unviable and unable to support any affordable housing or S106 contributions. Based on this 3rd party, independent advice we now therefore agree with the applicant that there is a justification here for removing the affordable housing / S106 in order to give the scheme the best chance of being delivered.'

- 10.23. Having undertaken a comprehensive review of the applicant's viability submission prepared by Carter Jonas, together with the independent appraisal by CP Viability Ltd and the subsequent cost review provided by an independent Quantity Surveyor (Thornton Firkin), it is clear that the financial case has been subject to a thorough and transparent level of scrutiny. The independent reviews have examined in detail the assumptions used in the applicant's modelling, including development values, build costs, abnormal costs, professional fees, finance, and developer profit.
- 10.24. The Quantity Surveyor's findings identified a notable overstatement of the abnormal and total development costs within the applicant's original assessment. Specifically, total abnormal costs were reduced from approximately £1.3 million to £0.6 million, and overall scheme costs from around £13 million to £11.9 million. When these revised figures were tested within the updated financial appraisal undertaken by CP Viability Ltd, the scheme continued to demonstrate that it would not achieve a viable outcome, even when assuming no affordable housing provision or financial contributions.
- 10.25. On the basis of this independently verified evidence, it is accepted that the development cannot support the provision of affordable housing or financial contributions towards local infrastructure without becoming unviable. This conclusion accords with national guidance set out in the National Planning Policy Framework and Planning Practice Guidance, which recognise that planning obligations should not be applied to the extent that they would threaten the viability and deliverability of a development.
- 10.26. While it is acknowledged that the removal of affordable housing and associated contributions would alter the balance of considerations that originally justified the grant of planning permission, this must be weighed against the wider strategic imperative of securing housing delivery, especially on an allocated site. The site forms part of the East Chatteris Broad Concept Plan and is a key component of the District's planned growth under Policies LP7 and LP10 of the Fenland Local Plan.
- 10.27. Accordingly, although the loss of affordable housing and infrastructure contributions is regrettable, the evidence demonstrates that the development cannot proceed if these obligations are retained. Allowing their removal is therefore considered necessary to enable the scheme to come forward, ensuring that housing delivery on this strategic site can be realised in accordance with both local and national objectives to boost the supply of homes.

Amendment to Condition 7 of the Outline Permission

- 10.38. Outline planning permission F/YR22/0967/FDL granted approval for up to 80 dwellings on land to the east of The Elms, Chatteris. This site is part of a wider site, which was allocated for development for around 300 dwellings as part of the

Local Plan. In particular, Policy LP7 covers the strategic allocations for the District and Policy LP10 refers to those at the edge of Chatteris. Policy LP7 is specific in a number of requirements for development at these allocated sites, namely the need for a Broad Concept Plan to be developed for the site prior to the determination of planning applications for the sites.

10.39. In the case of land to the east of The Elms a Broad Concept Plan was submitted to Fenland District Council and approved in 2017 which proposes a masterplan for the development of the allocation. Outline permission was approved based on the approved East Chatteris Broad Concept Plan. The allocation has come forward for development as three separate applications and land to the east of The Elms is the northernmost of the three. The Broad Concept Plan envisages that the three application areas will have a vehicular access link between them. The effect of this proposal would be to remove the need to provide a vehicular access from this site to the site to the south and thus the wider allocation site.

10.40. Condition 7 of F/YR22/0967/FDL is worded as follows:

The submission of a detailed layout as required by condition No 1, shall include a vehicular access and cycleway/footpath which will abut the southern boundary of the site enabling a future link for development of land to the south within the East Chatteris BCP allocation.

Reason: In accordance with policy LP10 of the Fenland Local Plan 2014, and the adopted East Chatteris BCP, and in the interests of comprehensive development.

10.41. It is proposed to remove the reference to the vehicular access, which would result in a vehicular access between the northernmost parcel of the allocation, which has outline planning permission for up to 80 dwellings, to no longer have vehicular access to the site to the south. However, the condition would still require pedestrian and cycle access between the two application sites, and thus the allocation as a whole.

East Chatteris Broad Concept Plan Implications

10.42. Two objections to the proposed re-wording of Condition 7 of F/YR22/0967/FDL argue that the East Chatteris Broad Concept Plan requires vehicular access through the whole site, effectively functioning as a spine road for the allocation. The Broad Concept Plan intended that there would be three main vehicular accesses into the allocated site. No access is included in the Broad Concept Plan for the area to the east of The Elms.

10.43. It is considered that the Broad Concept Plan indicatively proposed vehicular routes through the allocated site. However, it is noted that non-vehicular connectivity continues to be provided, and there are arguably better outcomes for existing residents in terms of amenity and highway safety where a vehicular route is not introduced. The Local Highway Authority has raised no objection to this approach. On balance, the limited non-compliance with the overall aims of the BCP is not considered to outweigh the overall acceptability of the proposal.

10.44. Furthermore, outline planning permission F/YR22/0967/FDL was determined with full consideration given to the Broad Concept Plan. It was accepted, given that the proposed vehicular access to the site is from the existing highway along The Elms to the west, that the application is not fully in accordance with the Broad Concept Plan. There are no approved plans or documents in the outline

application that propose a vehicular link to the south, neither the approved Location Plan nor the submitted Transport Assessment. As such, as the applicant's own supporting information states, there appears to be no specific reason or obvious requirement as to why vehicular access to the site to the south would be included in Condition 7.

East Chatteris Broad Concept Plan Practicalities

- 10.45. As referred to above, the Movement and Connectivity diagram on Page 37 of the Broad Concept Plan shows two potential 'indicative new connections' from the land to the south of the area which is the subject of this application. They are located around the existing watercourse and would not be practical in terms of their location to the east of parcel, the constraints such as the existing hedgerow and watercourse and would not function as a useable or direct route between the two application areas.
- 10.46. Added to this, were a vehicular link between the two areas to be created, it could potentially have the opposite effect to that intended by the Broad Concept Plan, which would be rather than creating a link road/spine road, such a vehicular link could create a dangerous 'rat run' for existing residents from The Elms area, or enabling residents of the wider allocated site to use The Elms as a 'rat run'.
- 10.47. Cambridgeshire County Council (CCC) Highways has been consulted on this application and confirms that they do not object to the proposal to amend Condition 7, which in effect removes the need for a vehicular link to the south. They offer the following comments that *'a southern vehicle link between this development and the development to the south (F/YR23/0697/FDL) was not modelled as part of the outline permission (F/YR22/0967/FDL). In the event that a southern vehicle link was being proposed, then additional assessment of the impacts on the local highway network would be required'*.
- 10.48. It is concluded that *'the outline permission was assessed by the Local Highway Authority on the premise of a sole vehicular point of access (The Elms) and considered accepted at that time...The proposed variation of Condition 7 would not result in a significant impact on the public highway and is in line with the transport assessments presented during the outline application.*
- 10.49. Chatteris Town Council objects to the proposal based on the traffic impact on residents of St Martins Road, Birch Avenue and The Elms. The outline permission was granted on the basis that vehicular access to the site would be along those roads. This proposal would do nothing to amend that situation as assessed as part of the outline planning permission. In fact, this proposal would ensure no further vehicular movements are generated along those roads from traffic generated from the development to the south.
- 10.50. Given that the Local Highway Authority raises no objection to the proposal on practical or highway safety grounds, that the land east of The Elms site will function appropriately in respect of vehicular access and that the outline planning permission (F/YR22/0967/FDL) established that the development is not fully in accordance with the approved Broad Concept Plan it is considered that the proposal to amend the wording of Condition 7 to remove the need for a vehicular access to the south is acceptable and would neither be contrary to the broad principles of the Broad Concept Plan and therefore would comply with Policies LP7 and LP10 of the Local Plan.

Amendment to Condition 16 of the Outline Permission

- 10.51. Condition 16 of the outline planning permission requires a Locally Equipped Area of Play (LEAP) to be provided on site as part of this development. The condition is worded as follows:

Notwithstanding the indicative layout submitted with the application, the submission of a detailed layout as required by condition No 1, shall include details of a LEAP to be provided. The submission shall include full details of specifications and layout of the play area, management and maintenance and a timetable for delivery. The development shall be carried out only in accordance with the approved details.

Reason: In the interest of satisfactory development and in accordance with policy LP16 of the Fenland Local Plan 2014.

- 10.52. The applicant proposes to remove the condition from the permission entirely. As the application is in outline the amount of open space required will be determined at reserved matters stage and the removal of this condition would not affect the amount of open space required, just whether it has play equipment as part of it. The applicant has proposed to provide a financial contribution to an existing play facility in the vicinity for upgrades and improvements in lieu of the LEAP required by condition.
- 10.53. The application site measures 3.59 hectares and therefore, in accordance with Policies LP7, LP10 and LP16 of the Local Plan, Appendix B requires the proposal to provide 1,436sqm of informal and equipped play space. The applicant accepts that the effect of this application would mean that no equipped play space would be proposed, but as stated above a financial contribution would be made for improvements to play equipment nearby.
- 10.54. The applicant states in their submission that 1.75ha of open space would be provided in the submitted reserved matters application, which amounts to ten times the requirement set out in the Local Plan. However, there are no conditions within the outline application requiring this and this is therefore a matter for consideration as part of the reserved matters application for this site.
- 10.55. Both Fenland District Council's Leisure and Open Spaces Manager and the s106 Monitoring Officer have been consulted on the proposal and have confirmed that there is no objection to a financial contribution towards the upgrade or improvement of equipment at a nearby play space in lieu of an on-site LEAP. The Leisure and Open Spaces Manager has proposed that the contribution could make improvements to the existing facilities at the Wenny Recreation Ground. The Leisure and Open Spaces Manager has advised that a contribution of £67,000 is required for improvements. This would fund the replacement of older play equipment with modern items, upgrade outdated fencing to secure, family-friendly designs, and carry out a general overhaul to ensure the facility remains fit for use for the next 15 years. Due to the high cost of open space and play equipment, a full-scale replacement is not feasible or reasonable.
- 10.56. It is considered that not only would this ensure that an equivalent improvement is delivered for local residents, but it would also mean that residents of this development site would benefit from it, as the Wenny Recreation Ground is less than 10 minutes' walk from the application site.

- 10.57. No objections have been received to the proposal for a financial contribution towards the improvement of a nearby play space in lieu of an on-site LEAP. As such, the removal of this condition is considered to accord with Policies LP7, LP10 and LP16 of the Local Plan.
- 10.58. A Deed of Variation to the existing s106 agreement will therefore be necessary to secure the financial contribution.

LEAP and Viability

- 10.59. As a result of this variation of conditions application, an additional financial contribution would ultimately be required, as outlined above. It is recognised that the viability assessments undertaken by both Carter Jonas and CP Viability Ltd did not make specific allowance for this additional contribution. However, this omission is not considered to materially alter the overall conclusions reached in either assessment. Both appraisals included provision for the Local Equipped Area for Play (LEAP), with Carter Jonas allocating a sum of £32,550 for this purpose, and CP Viability Ltd accepting this figure as a reasonable allowance within the overall cost assumptions and abnormal cost items.
- 10.60. It is further acknowledged that the contribution requested by the Council's Leisure Services Manager exceeds the £32,550 allowance identified within the submitted viability evidence. This has been accepted by the Applicant with no concerns raised upon the impact on viability and therefore, there are no concerns in this respect.

Other Matters Raised during consultation

- 10.61. The Local Planning Authority notes the objections raised regarding the application, which can be grouped under site ownership, developer relationships, viability, policy compliance, and local impacts. It is accepted that the site is publicly owned, having been transferred from Chatteris Urban Council to FDC and subsequently to FFL, a wholly owned subsidiary. Objecting comments advise that FFL's partnership with Lovell means that the landowner and developer roles are closely interrelated, contrary to the arm's-length assumptions made in the submitted viability assessment. Concerns regarding the viability assessment are acknowledged, including the treatment of the land as privately owned, the potentially high Existing Use Value for dormant grassland, and an excessive landowner premium, which may overstate the scheme's unviability. As discussed in preceding sections of this report, the VA has been independently assessed and therefore, it is not considered to prejudice the determination of this application in any respect.
- 10.62. The site forms part of the East Chatteris Strategic Allocation, and policies LP7 and LP10 require a broad housing mix, including affordable housing. Objecting comments state that given the site's public ownership and discounted transfer, there is a clear public expectation that the development should deliver tangible community benefits, particularly affordable housing. This is considered to be adequately addressed within the relevant section of the above report.

Reimposition of previous conditions

- 10.63. As this application relates solely to the variation of one condition and the removal of another, and neither change has any wider implications for the remaining

conditions attached to the original permission, all other conditions will be retained in full, as is standard for an application of this nature.

11. CONCLUSION

- 11.1. Taking into account the findings of the preceding assessment, it is considered that the independently reviewed viability evidence prepared by CP Viability Ltd, supported by the cost verification undertaken by an independent Quantity Surveyor, provides a robust and transparent basis for decision-making. The evidence confirms that, even when applying realistic and independently verified assumptions for build costs, sales values, contingency, and finance, the development is unable to generate a viable outcome while accommodating the previously required 20% on-site affordable housing and £108,000 in infrastructure contributions.
- 11.2. This conclusion contrasts with the initial position taken during the original grant of permission, where the scheme was deemed capable of supporting those obligations. However, the updated viability testing, reflecting current construction costs, market conditions, and abnormal site requirements, demonstrates that these assumptions are no longer achievable. The independent appraisal has verified that the inclusion of affordable housing or financial contributions would render the scheme unviable, even under favourable sensitivity scenarios.
- 11.3. Accordingly, it is accepted that the applicant's position is substantiated by credible, independently tested evidence. On this basis, it is concluded that the removal of the affordable housing and financial contributions is justified in order to ensure the deliverability of the development, consistent with the objectives of both local and national planning policy to maintain housing delivery on allocated sites.
- 11.4. Furthermore, the proposed amendment to Condition 7 is considered acceptable. The site will still provide pedestrian and cycle connectivity between parcels, preserving movement through the wider allocation. The Local Highway Authority has raised no objection, noting that the original outline permission assessed the site with a single vehicular access from The Elms. The indicative nature of the Broad Concept Plan does not mandate a vehicular link, and practical constraints such as hedgerows and watercourses would make such a link unfeasible or potentially unsafe. This amendment therefore aligns with the broad principles of the East Chatteris Broad Concept Plan and complies with Policies LP7 and LP10 of the Local Plan.
- 11.5. Similarly in terms of the amendment to Condition 16, the removal of the on-site LEAP is considered acceptable, subject to a financial contribution of £67,000 to upgrade nearby facilities at Wenny Recreation Ground. This contribution will fund the replacement of outdated play equipment, the installation of secure and family-friendly fencing, and a general overhaul to ensure the facility remains fit for use over the next 15 years. Given the prohibitive costs of full-scale on-site provision, this approach represents a reasonable, deliverable, and community-led solution. It ensures that residents of the development benefit from equivalent recreational provision within walking distance, and it complies with Policies LP7, LP10, and LP16 of the Local Plan.

12 RECOMMENDATION

Members are recommended to APPROVE the application in accordance with the following terms;

- 1. The Committee delegates authority to finalise the terms and completion of the s106 legal agreement and planning conditions to the Head of Planning; and,**
- 2. Following the completion of the s106 application F/YR25/0258/VOC be approved subject to planning conditions set out below; or,**
- 3. The Committee delegates authority to refuse the application in the event that the Applicant does not agree to any necessary extensions to the determination period to enable the completion of the s106 legal agreement, or on the grounds that the applicant is unwilling to complete the obligation necessary to make the development acceptable**

1	<p>Approval of the details of:</p> <ul style="list-style-type: none">i. the layout of the siteii. the scale of the building(s);iii. the external appearance of the building(s);iv. the landscaping <p>(hereinafter called "the Reserved Matters") shall be obtained from the Local Planning Authority prior to the commencement of development.</p> <p>Reason - To enable the Local Planning Authority to control the details of the development hereby permitted.</p>
2	<p>Application for approval of the Reserved Matters shall be made to the Local Planning Authority before 23rd September 2027</p> <p>Reason - To ensure compliance with Section 92 of the Town and Country Planning Act 1990.</p>
3	<p>The residential elements of the development shall be up to and no more than 80 dwellings (Use Class C3). 80 dwellings shall depend on the submission of an acceptable layout at the submission of reserved matters stage. No layout of 80 dwellings has been accepted by the granting of this outline permission.</p> <p>Reason: For the avoidance of doubt and to ensure a satisfactory standard of development</p>
4	<p>Prior to the commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to, and approved in writing by, the Local Planning Authority. The CEMP shall include the consideration of the following aspects of construction:</p> <ul style="list-style-type: none">a) Site wide construction programmeb) 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 workersc) Construction hours and delivery times for construction purposesd) Maximum noise mitigation levels for construction equipment, plant and vehicles

	<p>e) Dust suppression management including</p> <ol style="list-style-type: none"> 1, identification of person responsible for air quality and dust issues 2, the recording of dust and air quality complaints 3, to undertake appropriate measures to reduce emissions in a timely manner 4, An agreement for dust deposition, dust flux, or real-time particulate matter monitoring locations with the Local Authority including baseline monitoring before work commences 5, machinery and dust causing activities to be located away from receptors 6, Wheel washing measures to prevent the deposition of debris on the highway and the general environment <p>f) Site lighting</p> <p>g) Location of Contractors compound and method of moving materials, plant and equipment around the site</p> <p>h) Details and locations of hoardings</p> <p>The CEMP shall be implemented in accordance with the agreed details unless minor variations are otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: In the interests of safe operation of the highway and protection of residential amenity, in accordance with policies LP15, LP16 and LP19 of the Fenland Local Plan 2014.</p>
5	<p>The submission of a detailed layout as required by condition No 1, shall include a noise mitigation scheme. This shall be in accordance with details set out within the submitted noise assessment under the terms of application F/YR22/0967/FDL and shall have regard to the internal and external noise levels as stipulated in British standard 8223:2014 Guidance on sound insulation and noise reduction for buildings and the World Health Organisation (WHO) Guidelines for Community Noise.</p> <p>The noise mitigation scheme shall confirm 'final' details of:</p> <ol style="list-style-type: none"> a) the façade mitigation performance having regard to the building fabric, glazing and ventilation b) mitigation measures to reduce the level of noise experienced externally <p>The scheme shall be carried out as approved before the residential properties are occupied and shall be retained thereafter.</p> <p>Reason: In the interests of safeguarding the amenity of future residents of the dwellings and in accordance with Policy LP16(I) of the Fenland Local Plan 2014.</p>
6	<p>Prior to the commencement of development, a scheme and timetable to deal with contamination of land and/or groundwater shall be submitted to, and approved in writing by, the Local Planning Authority. The approved scheme and timetable shall then be implemented on site. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing:</p> <ol style="list-style-type: none"> a) A written method statement for the remediation of land and or groundwater contamination affecting the site. This shall be based upon the findings of a phase 2 site investigation and results of the

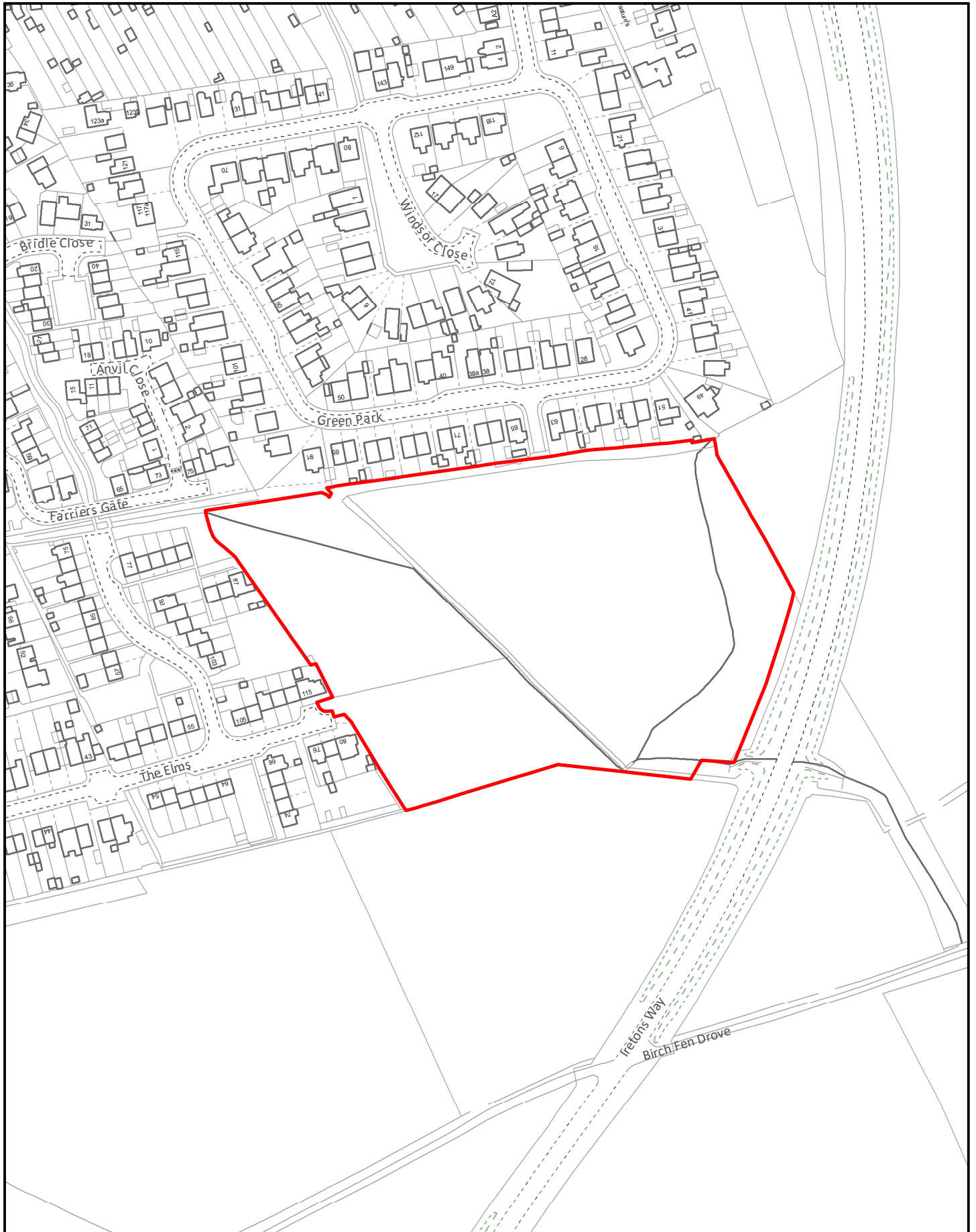
	<p>phase 1 risk assessment (Geo-Environmental Desk Top Study B030853). This shall include the following: Assessing ground conditions to determine the contamination status at the site (particularly the north of the site); Carrying out groundwater and ground gas monitoring; Assessing ground conditions to inform foundation design, including the depth of the infilled pond; Assessing the presence or absence of shallow groundwater; Assessing potential suitability of the site for infiltration drainage; and Undertaking chemical characterisation of soils in the event they are to be reused or disposed of off-site (e.g., foundation arisings).</p> <p>b) No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.</p> <p>c) The provision of two full copies of a full completion report confirming the objectives, methods, results and conclusions of all remediation works, together with any requirements for longer-term monitoring and pollutant linkages, maintenance and arrangements for contingency action shall be submitted and approved in writing by the Local Planning Authority.</p> <p>Reason: To control pollution of land or water in the interests of the environment and public safety in accordance with the National Planning Policy Framework, in particular paragraph 189, and policy LP16 of the Fenland Local Plan 2014.</p>
7	<p>The submission of a detailed layout as required by condition No 1, shall include a cycleway/footpath which will abut the southern boundary of the site enabling a future link for development of land to the south within the East Chatteris BCP allocation.</p> <p>Reason: In accordance with policy LP10 of the Fenland Local Plan 2014, and the adopted East Chatteris BCP, and in the interests of comprehensive development.</p>
8	<p>The submission of a detailed layout as required by condition No 1, shall include as part of the reserved matters, the principal vehicular access into the site being from The Elms, with an emergency vehicle access provided from Green Park.</p> <p>Reason: For the avoidance of doubt and to ensure the reserved matters accords with the supporting Transport Assessment and supporting evidence within this outline planning permission and in accordance with policy LP15 of the Fenland Local Plan 2014.</p>
9	<p>Prior to the commencement of development, a Public Rights of Way scheme shall be submitted to, and approved by, the Local Planning Authority in consultation with the Local Highway Authority. Such scheme shall include provision for:</p> <p>a) the design of public rights of way routes, their surfacing, widths, gradients, landscaping and structures.</p> <p>b) any proposals for diversion and closure of public rights of way and alternative route provision</p> <p>Reason: In the interests of amenity and the safety of the public, in accordance with policies LP15, LP16 and LP17 of the Fenland Local Plan 2014.</p>
10	<p>Prior to the commencement of the development a scheme and timetable for the provision of fire hydrants shall be submitted to, and</p>

	<p>agreed in writing by, the Local Planning Authority in consultation with the Chief Fire Officer and provision of the fire hydrants shall be made in accordance with the scheme and timetable.</p> <p>Reason: To ensure a satisfactory form of development, in accordance with the National Planning Policy Framework.</p>
11	<p>No laying of services, creation of hard surfaces or erection of a building shall commence until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment & Drainage Strategy prepared by Tetra Tech Limited (ref: 784-B030853) dated February 2023 as submitted and approved under the terms of application F/YR22/0967/FDL, has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall subsequently be implemented in full accordance with the approved details prior to occupation of the first dwelling.</p> <p>Reason: To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity and in accordance with policy LP14 of the Fenland Local Plan 2014.</p>
12	<p>The surface water drainage scheme, as required by condition No 11, shall include details of the existing ground levels (in relation to an existing datum point) within the application site and on land surrounding the application site, and details of the proposed finished ground levels of the development. The development shall be carried out in accordance with the approved details.</p> <p>Reason: To ensure a satisfactory method of surface water drainage and to prevent the increased risk of flooding, in accordance with policy LP14 of the Fenland Local Plan 2014.</p>
13	<p>Details for the long-term maintenance arrangements for the surface water drainage system (including all SuDS features) shall be submitted to, and approved in writing by, the Local Planning Authority prior to the first occupation of any of the dwellings hereby permitted. The submitted details should identify runoff sub-catchments, SuDS components, control structures, flow routes and outfalls. In addition, the plan must clarify the access that is required to each surface water management component for maintenance purposes. The maintenance plan shall be carried out in full thereafter.</p> <p>Reason: In the interest of satisfactory development and for the avoidance of flooding, in accordance with policy LP14 of the Fenland Local Plan 2014.</p>
14	<p>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.</p> <p>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</p>

	could bring about unacceptable impacts and in accordance with policy LP14 of the Fenland Local Plan 2014.
15	<p>Upon completion of the surface water drainage system, including any attenuation ponds and swales, and prior to their adoption by a statutory undertaker or management company; a survey and report from an independent surveyor shall be submitted to, and approved in writing by, the Local Planning Authority. The survey and report shall be carried out by an appropriately qualified Chartered Surveyor or Chartered Engineer and demonstrate that the surface water drainage system has been constructed in accordance with the details approved under the planning permission. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed by an independent surveyor, with their findings submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: To ensure the effective operation of the surface water drainage scheme following construction of the development, in accordance with policy LP14 of the Fenland Local Plan 2014.</p>
16	<p>No development shall take place until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to, and approved in writing by, the Local Planning Authority. The CEMP (Biodiversity) shall include the following:</p> <ul style="list-style-type: none"> a) Summary of potentially damaging activities. b) Identification of "biodiversity protection zones". c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) including ensuring no Non-Native Invasive Species are spread across the site. d) The location and timing of sensitive works to avoid harm to biodiversity features. e) The times during construction when specialist ecologists need to be present on site to oversee works. f) Responsible persons and lines of communication. g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person. h) Use of protective fences, exclusion barriers and warning signs. <p>The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: In the interest of biodiversity and the safeguarding of protected species and in accordance with policy LP19 of the Fenland Local Plan 2014.</p>
17	<p>No development shall take place (including any demolition, ground works) until a method statement for reptile translocation has been submitted to, and approved in writing by, the Local Planning Authority. The content of the method statement shall include the:</p> <ul style="list-style-type: none"> a) purpose and objectives for the proposed works;

	<p>b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);</p> <p>c) extent and location of proposed works shown on appropriate scale maps and plans;</p> <p>e) persons responsible for implementing the works;</p> <p>f) initial aftercare and long-term maintenance, as applicable;</p> <p>g) disposal of any wastes arising from works, as applicable.</p> <p>The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.</p> <p>Reason: In the interest of biodiversity and the safeguarding of protected species and in accordance with policy LP19 of the Fenland Local Plan 2014.</p>
18	<p>No external lighting shall be erected until, a "lighting design strategy for biodiversity" for all lighting across the site has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall:</p> <p>a) identify those areas/features on site that are particularly sensitive for ecological constraints that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and</p> <p>b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.</p> <p>All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.</p> <p>Reason: In the interest of biodiversity and the safeguarding of protected species and in accordance with policy LP19 of the Fenland Local Plan 2014.</p>
19	<p>Details to be included in accordance with condition 1 shall include the soft landscaping of the site. The scheme shall include the following details:</p> <p>a) Planting plans to all public areas including a tree lined avenue next to the watercourse, retained hedge and trees in accordance with the Arboricultural report, species, numbers, size and density of planting with screen planting adjacent to site boundaries for existing nearby residents.</p> <p>b) Placement, type and number of any recommended biodiversity enhancements.</p> <p>c) Management and maintenance details and a timetable for planting,</p> <p>Development shall be carried out in accordance with the submitted</p>

	<p>details.</p> <p>Any trees, shrubs or hedges forming part of the approved landscaping scheme (except those contained in enclosed rear gardens to individual dwellings) that die, are removed or become diseased within five years of the implementation of the landscaping scheme shall be replaced during the next available planting season by the developers, or their successors in title with an equivalent size, number and species to those being replaced. Any replacement trees, shrubs or hedgerows dying within five years of planting shall themselves be replaced with an equivalent size, number and species.</p> <p>Reason: In the interest of amenity and biodiversity of the area and in accordance with policies LP16 and LP19 of the Fenland Local Plan 2014.</p>
20	<p>Prior to the commencement of any works or storage of materials on the site, all trees that are to be retained shall be protected in accordance with British Standard 5837:2012. Moreover, measures for protection in accordance with that standard shall be implemented and shall be maintained to the Local Planning Authority's reasonable satisfaction until the completion of the development for Building Regulations purposes.</p> <p>Reason: To ensure that retained trees are adequately protected, in accordance with policy LP16 of the Fenland Local Plan 2014.</p>
21	<p>Prior to first occupation of the development, the developer shall be responsible for the provision and implementation of Welcome Travel Packs to be agreed in writing with the Local Planning Authority. The Welcome Travel Packs shall include the provision of bus taster tickets and/or cycle discount vouchers. The Welcome Travel Packs shall be provided to residents upon first occupation of each dwelling.</p> <p>Reason: In the interests of sustainable travel and in accordance with policy LP15 of the Fenland Local Plan 2014.</p>
22	<p>The details submitted in accordance with condition No 1 of this permission shall accord with the recommendations in the Tree Survey report as submitted under the terms of application F/YR22/0967/FDL (Job Number: B030853, Revision V2.0, Recommendations section 5.0 - 5.3) and shall include submission of an Arboricultural Impact Assessment, a Tree Protection Plan and Arboricultural Method Statement.</p> <p>Reason: To ensure that the appearance of the development is satisfactory and that it contributes to the visual character and amenity of the area and to protect the character of the site, in accordance with policy LP16 of the Fenland Local Plan 2014.</p>
23	<p>The development hereby permitted shall be carried out in accordance with the following approved plans and documents:</p>



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