
F/YR20/0365/F, F/YR20/0371/F & F/YR20/0372/LB

Applicant: Mr S Howard

**Agent : Mr Lee Bevens
L Bevens Associates Ltd**

Land East Of 133, High Street, Chatteris, Cambridgeshire

F/YR20/0365/F: Erect 9 x 2-storey dwellings comprising of 7 x 3-bed and 2 x 2-bed with garages and erect detached garage and 2.4 (approx) metre high wall to serve 133 High Street

F/YR20/0371/F: Demolition of a wall within a Conservation Area

F/YR20/0372/LB: Demolition of existing wall and rebuilding of 2.4 (max) metre all to a Listed Building

**Officer recommendation: F/YR20/0365/F: Refuse
F/YR20/0371/F: Approve
F/YR20/0372/LB: Refuse**

Reason for Committee: Town Council comments and number of representations received are contrary to the Officer recommendation for F/YR20/0365/F. The other two applications are reported to as they are intrinsically linked.

1 EXECUTIVE SUMMARY

- 1.1 The three applications are all linked together and cumulatively comprise of the demolition of a modern boundary wall and the erection of a new boundary wall, together with full planning permission for 9 dwellings on land to the rear of No.133 High Street, Chatteris.
- 1.2 The erection of three dwellings on this land was previously considered, on balance, to be acceptable in order to allow for the Listed Building at No.133 High Street to be renovated. That judgement was formed despite highway objections to that proposal. Contrary to the conditions of that permission the applicant restored 133 High Street first and has yet to develop the remaining land. This proposal cannot therefore be determined on the basis of it being enabling development in relation to the Listed Building.
- 1.3 The applicant now proposes nine dwellings rather than the three which were previously permitted. Nine dwellings inevitably create greater impacts upon the setting of the Listed Building and the character and appearance of the Conservation Area. In relation to the Listed Building this would be left with a very limited amount of garden space and its curtilage would be irreversibly detached. The previously approved scheme retained a portion of land and consequently a sense of space which continued to relate to the Listed Building.
- 1.4 The harm created in respect of heritage impacts would be less than substantial (but harm nonetheless) in terms of the NPPF tests, and would be significant in

the context of Local Plan Policies LP16 and LP18. The harm would be permanent and irreversible.

- 1.5 This level of harm is to be weighed against the public benefits arising from the proposal. Those benefits are considered to be the delivery of new market housing (albeit these are not required for enabling purposes and the Council has a sufficient supply of housing) and the temporary construction impacts. Those benefits are not capable of outweighing the harm caused.
- 1.6 In highway terms the LPA previously considered that the development of 3 dwellings at the site was acceptable as an enabling form of development such that this outweighed the highways objection. The proposal continues to utilise the sub-standard junction of Black Horse Lane and High Street. The proposal seeks nine dwellings which would result in even more vehicles using this junction than the approved scheme and with consequent implications for highway safety.
- 1.7 The development would also adversely impact upon the amenity of neighbouring occupiers through overshadowing and overbearing, as well as affording inadequate amenity for future residents.
- 1.8 The demolition of the wall is appropriate in the context of the listed building and has no implications for the character of the conservation area or the building. Accordingly that scheme achieves full compliance with planning policy and is therefore favourably recommended. However the replacement wall would harm the setting of the listed building and is therefore recommended for refusal.
- 1.9 The overall recommendations are therefore to refuse the full application for the nine dwellings and the listed building application for the new brick wall (F/YR20/0365/F and F/YR20/0372/LB). The application for the demolition of the wall is recommended for approval (F/YR20/0371/F).

2 SITE DESCRIPTION

- 2.1 The site consists of an area of undeveloped land to the rear of the frontage properties at No.133 (Grade II Listed), 129, 127, 125, 123 and 121 High Street, Chatteris. To the north are two properties fronting Black Horse Lane and to the east is Budgies Lane which separates the more modern development of Gull Way from the site. To the south are older properties fronting Dobbs Yard.
- 2.2 The area surrounding the site is mainly in residential use, with various architectural styles including terraced, semi-detached houses, detached houses and bungalows. The site is located within the Chatteris Conservation Area and forms part of the curtilage of 133 High Street.

3 PROPOSAL

- 3.1 The proposals are all linked together and cumulatively comprise as follows:

The demolition of the modern boundary wall located to the rear of 133 High Street to facilitate a shared surface access into the site, with the existing boundary wall being re-built;

Full planning permission for 9 dwellings in the form of both detached and semi-detached units. The dwellings are laid out to the southern and eastern side of a shared private access road running into the site from Black Horse Lane. The scheme includes single and double garages to serve the new dwellings as well as a detached double garage to serve the applicant's property at No.133: and

The erection of a new wall (to replace that to be demolished as discussed above) is also proposed in order to enclose the proposed rear garden of 133 High Street.

3.2 The proposed dwellings are all 2-storey and the mix is as follows:

- 2 x 2-bed
- 7 x 3-bed

3.3 The following documents have been submitted to support the application:

- Design & Access Statement including Heritage Statement
- Traffic Report – August 2019
- Extended Phase 1 Ecological Survey

3.4 Full plans and associated documents for these applications can be found at:
<https://www.fenland.gov.uk/publicaccess>

4 SITE PLANNING HISTORY

F/YR17/3066/COND	Details reserved by conditions 2, 3, 4, 5, 9, 10 ,16, 17 and 18 relating to planning permission F/YR14/0240/F (Erection of 3 x 2-storey 4-bed dwellings with garages, 2.0 metre high brick wall and associated parking to serve existing dwelling (133 High Street), involving demolition of outbuildings (in conjunction with Listed Building Consent reference F/YR14/0241/LB)	Approved 22/06/2020
F/YR16/0587/LB	Internal and external works to Listed Building involving demolition of attached lean-to and outbuilding and erection of a 2.0 metre high brick wall	Granted 13/09/2016
F/YR14/0241/LB	Internal and external works to existing Listed Building involving demolition of existing attached lean-to and outbuilding and erection of 2.0 metres high brick wall (in conjunction with Full Planning reference F/YR14/0240/F)	Granted 25/07/2014
F/YR14/0240/F	Erection of 3 x 2-storey 4-bed dwellings with garages 2.0 metre high brick wall and associated parking to serve existing dwelling (133 High Street) involving demolition of outbuildings (in conjunction with Listed Building Consent reference F/YR14/0241/LB)	Granted 28/07/2014
F/YR13/0370/CA	Demolition of outbuildings (in conjunction with Full Planning reference F/YR13/0368/F and Listed Building Consent reference F/YR13/0369/LB)	Withdrawn 09/09/2013
F/YR13/0369/LB	Internal and external works to existing Listed Building involving demolition of existing attached lean-to (in conjunction with Full Planning reference F/YR13/0368/F and Listed Building Consent F/YR13/0369/LB)	Withdrawn 09/09/2013

F/YR13/0368/F	Erection of 7 x 3-bed and 1 x 4-bed 2-storey dwellings with associated parking and erection of garage to serve existing dwelling (133 High Street), involving demolition of outbuildings (in conjunction with Listed Building Consent reference F/YR13/0369/LB and Conservation Area Consent reference F/YR13/0370/CA)	Withdrawn 09/09/2013
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5 CONSULTATIONS

- 5.1 **Chatteris Town Council:** Support but request footpath is widened.
- 5.2 **CCC Highways:** No highway objections to the applications relating to the replacement walls. Recommend refusal of the application for 9 dwellings. *The previous planning permission for 3 dwellings was approved against highway recommendation for refusal. This application is to erect 9 dwellings. The impact of 6 additional dwellings therefore needs to be considered along with associated increase in vehicle movements.*

Consented Trips

4.668 x 4 = 18 daily trips or 1.8 trips in peak hour

Proposed Trips

4.668 x 9 = 42 daily trips or 4.2 trips in peak hour

We objected to the original scheme due to visibility concerns at the Black Horse Lane junction with the High Street.

- 5.3 **FDC Conservation Officer:** Recommend refusal for the redevelopment proposal of 9 dwellings due to the adverse impact on the setting of the listed building and Chatteris Conservation Area. No objections to the demolition of the existing wall.

Further comments provided to recommend, on review, the refusal of the application to erect the new wall due to its impact on the setting of the listed building through the loss of its curtilage.

- 5.4 **FDC Environmental Services:** No objections. A Desk Study and Remediation Strategy for the site has been received and approved under F/YR17/3066/COND – a validation report must be submitted and approved by the LPA following implementation of a remediation strategy and this can be secured through planning condition. Given the scale of the proposed development and its close proximity to existing nearby residential properties, a construction management plan which outlines procedures to ensure that any potential disturbance caused to existing nearby residencies will be to a minimum.
- 5.5 **Environment Agency:** No Agency related issues in respect of this application and therefore we have no comment to make.
- 5.6 **CCC Historic Environment Team:** The site has previously been subject to an archaeological evaluation carried out against a condition of a previous planning

permission, for which has been received and approved by us. No objections or requirements for this latest scheme as proposed.

5.7 **Cambs Fire and Rescue:** No objection. Adequate provision should be made for fire hydrants which can be secured through planning condition.

5.6 **Local Residents/Interested Parties:
Objectors**

10 letters of objection received raising the following concerns material to the application:

- The impact the development will have on Black Horse Lane. The road surface and condition of the pavements are already in a terrible state.
- The application states that there have been no reported accidents at the road junction. In the 4 years living here there have been several near misses and confrontations due to traffic parking on the yellow lines at the junction restricting view.
- Black Horse Lane is a narrow road and is used as a general parking area which is made worse when in the evening when the Boxing Club is in use. The proposal development will make this situation worse.
- Parking arrangements
- Traffic / Highways. Black House Lane is dangerous; the proposal will mean more accidents bound to happen. There will be a further 18 or more vehicles accessing Black Horse Lane onto High Street.
- Access
- Anti-Social Behaviour
- Density/Overdevelopment – the field is too small for 9 dwellings.
- Devaluing property
- Drainage
- Design/Appearance
- Environmental Concerns
- Light pollution
- Local services/schools – unable to cope
- Loss of view/Outlook
- Out of character/not in keeping with area
- Overlooking – Plots 1 – 4 would overlook properties at Gull Way
- Overshadowing / Loss of light
- Proximity to property
- Smell
- Visual Impact
- Waste/Litter
- Would set a precedent
- Wildlife Concerns
- Responsibility of boundary walls once the build is complete.
- No provision for any street lighting.
- Are the solar panels for Plots 1-4 on the correct side?
- The bats haven't returned to the site since the renovations on No.133 were completed just over a year ago.
- The proposal will put the sewage system under higher pressure – there is already drains smelling and some points of flooding as the drains are blocked on the roads.
- No 122 High Street has had to deal with Japanese knot weed – this needs addressing and sorting out by the land owner.

- Noise and disruption during building construction as well as from future residents.

Supporters

18 proforma type letters of support received. The comments can be summarised as follows:

- 9 dwellings on the site will be more suitable than the 3 dwellings previously approved.
- Chatteris is in need for smaller affordable units for first time buyers and small families.
- Never had any issues with the junction of Black Horse Lane and High Street
- There used to be a bus depot and farmyard that used the junction on a regular basis – if it was sufficient for them then, it will certainly be able to accommodate the level of development proposed.

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).
- 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.
- 6.3 Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities in considering whether to grant listed building consent for any works to 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.

7 POLICY FRAMEWORK

7.1 National Planning Policy Framework (NPPF)

- Para 8: The 3 dimensions of sustainability
- Para 57: Viability
- Para 108-110: Safe and suitable access should be achieved for all users
- Para 117: Promote effective use of land.
- Para 127: Well-designed development.
- Para 170: Contribution to and enhancement of the natural and local environment
- Para 189: Need to describe the significant of affected heritage assets
- Para 192: Desirability of new development making a positive contribution to local character and distinctiveness
- Para 193: Weight should be given to the significance of the heritage asset, the more important the asset the greater the weight
- Para 196: Where a development proposal causes less than substantial harm to a heritage asset this harm should be weighed against the public benefits, including securing its optimum viable use

Para 202: Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.

7.2 National Planning Practice Guidance (NPPG)

7.3 National Design Guide 2019

C1 - Relationship with local and wider context
C2 - Value heritage, local history and culture
I1 - Respond to existing local character and identity
I2 - Well-designed, high quality and attractive
B1 - Compact form of development
B2 - Appropriate building types and forms
M3 - well-considered parking, servicing and utilities infrastructure
H1 - Healthy, comfortable and safe internal and external environment
H3 - Attention to detail; storage, waste, servicing and utilities
L3 - A sense of ownership

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 Supplementary Planning Documents/Guidance:

- Delivering & Protecting High Quality Environments in Fenland SPD (2014)
- FDC Developer Contributions SPD (2015)
- Resource Use & Renewable Energy SPD (2014)
- Cambridgeshire Flood & Water SPD (2016)
- RECAP CCC Waste Management Design Guide SPD (2012)

8 KEY ISSUES

- **Principle of Development**
- **Impact on Listed Building and Character of Conservation Area**
- **Access and Highway Safety**
- **Impact on Residential Amenity**
- **Landscaping and Biodiversity**
- **Proposed Boundary Details for 133 High Street**
- **Other considerations**

9 BACKGROUND

- 9.1 The site has planning permission for three large dwelling units (LPA reference: F/YR14/0240/F). The justification for the LPA approving these dwellings was to enable the Listed Building at No.133 to be restored and this was weighed against the negative impacts of the scheme which included an objection from the Local Highway Authority. Despite planning permission F/YR14/0240/F including a condition requiring the phasing of the development to take place in an order such that the new dwellings would be built before the Listed Building was restored (i.e. in accordance with the request for the new dwellings to fund the Listed Building works) the works to the Listed Building have taken place and no dwellings have been completed. The agent asserts that work has commenced on site to implement permission F/YR14/0240/F and it is accepted that this is the case.
- 9.2 Paragraph 202 of the NPPF considers such situations where enabling works are required. It states:

Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.

- 9.3 Owing to the works to 133 High Street having been undertaken there is now no justification for the development of the application site as there is no enabling development required to improve the Listed Building. The previous justification for the scheme has therefore fallen away in full and so the application is to be assessed such that no weight can be given to the previous benefit.

10 ASSESSMENT

Principle of Development

- 10.1 Policy LP3 of the FLP sets out a focus for growth around the District's four Market Towns. The site is located within the settlement of Chatteris and therefore the provision of residential development in this location accords broadly with Policy LP3. All other relevant Local Plan Policies (in this case particularly Policies LP15, LP16 and LP18) require consideration as does relevant statute as referenced above.

Impact on Listed Building and Character of Conservation Area

- 10.2 The Conservation Officer's comments include the following description of the Conservation Area followed by the application site:

Chatteris Conservation Area derives its character from its layout, originating from ancient routes and junctions, developing gradually over centuries with a rich mixture of mainly domestic buildings in local materials, with a linear street layout, with narrow alleys that run off these arteries, and a survival along the high street of readable mediaeval burgage plots, in which development has been largely resisted. Once a small market town, surrounded by open, agricultural countryside, it has increased in size, and unsympathetic development throughout the later 20th century and beginning of the 21st century has threatened this fragile authenticity.

Historic Maps including the Chatteris Enclosure Map of 1830 and from 1886 show that the plot of land has remained undeveloped (and therefore in use for grazing, subsistence, or orchards, or possibly as curtilage of the listed building (formerly a public house) for 190 years and therefore very probably for several hundred years before detailed maps were made of the area.

- 10.3 It is evident from that analysis that the application site plays an important role in relation to both the setting of the Listed Building and the character and appearance of the Conservation Area. It is considered that the current application, in principle, would result in the almost complete loss of the historic curtilage to the listed building and is therefore of significant detriment to its setting, and consequently would also adversely affect the Conservation Area. It is accepted that the site was granted planning permission previously, but for a lower number of dwellings, and the reasons for accepting that development (see the comments in relation to paragraph 202 of the NPPF above) no longer exist in light of the works to the Listed Building being completed.
- 10.4 There is therefore no reason to allow further development at the site in the interests of enabling heritage assets to be restored. The proposal is therefore to be considered against Policies LP16 and LP18 without any heritage benefits being able to be given to the proposed housing to off-set any harm. The main justification for the proposal, which is advanced by the agent, relates to the previous permission not being viable due to the size of those properties against the perceived housing needs.
- 10.5 To consider the actual form of the proposal, the application proposes a reasonably dense development (equivalent to approximately 31 dwellings per hectare) with a typical layout around a cul-de-sac and typical house types, although perhaps with more design features than is usual. It is considered, in its own right, a reasonable housing scheme which would be appropriate in a number of locations across the District. However, in the context of its location within the Conservation Area and within the setting of the Listed Building, the overall scale of the proposal with maximum ridge heights of 8.8m (relative to the highest ridge of the Listed Building which is estimated as being between 6.5 to 7m), its layout and the design of the dwellings is not considered to reflect the predominant historic character and form of development in the vicinity.
- 10.5 Policies LP16 and LP18 require that new development protects and enhances heritage assets and their setting and that the assessment of impact be carried out in accordance with the NPPF.
- 10.6 In the context of the NPPF the proposal is considered to generate “less than substantial harm” to the setting of the Listed Building and the character and appearance of the Conservation Area. Less than substantial harm is still a level of impact which can be of detriment to a heritage asset and which needs to be weighed against public benefit as set out in the NPPF. This is consistent with the requirement of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires LPAs when considering whether to grant planning permission for development which affects a listed building or its setting and within a conservation area to 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 and the preservation or enhancement of the area.

- 10.7 The harm to the heritage assets arising from the proposal has to be weighed against the public benefits of the scheme and this exercise is undertaken in the conclusion section of the report, below.
- 10.9 In pure heritage terms though, the proposal is considered, for the reasons identified above, to significantly conflict with Local Plan Policies LP16 and LP18, and to create less than substantial (but still significant) harm for the purposes of applying Paragraph 196 of the NPPF.

Access and Highway Safety

- 10.10 CCC Highways objected to the previous consented scheme for 3 dwellings on the basis of inadequate visibility splays at the junction of Black Horse Lane and High Street. The visibility is substandard to the south with the achievable splay being 2.4m x 10.7m against a requirement of 2.4m x 43m. The visibility is constrained by the position of the Listed Building (133 High Street). Nonetheless the LPA approved the application for three dwellings having regard to the benefits of restoring the Listed Building.
- 10.11 The junction of Black Horse Lane is constrained geometrically in terms of junction radii and footway provision, however the main deficiency relates to that of vehicle to vehicle inter-visibility.
- 10.12 This scheme significantly increases the number of proposed dwellings from 3 to 9. The application includes a Traffic Report (dated August 2019) which includes the results of a speed survey. The results show that vehicles are travelling at around 26 mph along the 30 mph road. This does not justify a reduction in the visibility splays and indeed the Traffic Report does not suggest such a situation.
- 10.13 CCC Highways recommend the application for refusal on the same basis as before. The previous scheme as discussed above was an enabling development, however those benefits no longer apply and in any event the proposal would increase the usage of a junction which is unsafe due to the sub-standard visibility splays.
- 10.14 Accordingly the proposal is contrary to Policy LP15 (C) of the Fenland Local Plan as it would not provide a safe access.
- 10.15 The Town Council's comments relate to the path width being increased. This could only be achieved by widening the path along High Street or Black Horse Lane in to the road. This is not proposed by the Applicant.

Impact on Residential Amenity

- 10.16 Policy LP16(e) considers the impact upon neighbouring amenity. The proposal would create significant adverse impacts in respect of 6a Black Horse Lane as a result of the following.
- 10.17 Firstly the siting of Plot 1 introduces a 8.75m high gable wall within 7.9m of the rear of the bungalow at 6a Horse Lane. The bungalow has a very limited garden to its southern boundary and the proposed dwelling would introduce a bulk and scale which would create substantial overbearing and overshadowing impacts. The agent refers to the previously approved scheme and notes that the dwelling in that case was closer to the site boundary but that scheme involved a single-

storey element to the relevant dwelling which would not have created such overbearing and overshadowing impacts.

- 10.18 Secondly Plot 1 has car parking located to the north which is adjacent to the boundary with the bungalow. This would create noise and disturbance impacts which add to the unacceptable impacts identified above.
- 10.19 Policy LP16 (h) also requires that sufficient private amenity space is provided. Plot 1's amenity space is compromised by the location of existing trees which would create a rear amenity space which would inevitably be dark due to the overbearing nature of the trees. The agent confirms that the trees are not owned by the applicant and considers that work could be undertaken to them to improve this relationship. Those works are not though proposed in this application and given that the trees are within the Conservation Area an assessment would need to be made as to whether any works to the trees were acceptable or not. Plot 1's amenity space is therefore not considered to be sufficient.
- 10.20 Policy LP16 (h) refers to a guide as to the extent of private amenity space: it states as a guide that a minimum of the third of the plot curtilage should be set aside as private amenity space. The proposal involves the use of land associated with 133 High Street. The previous proposal retained a large area of the application site as garden for this property and did not result in the garden area being constrained in the manner now proposed. Whilst the amenity space is around a third of the plot and therefore policy compliant it is considered to be disproportionate to the extent of the building. The proposed siting of a new garage to serve 133 High Street (which was not proposed on the previous application) also encloses the garden space further. However on balance it is not considered that, from an amenity perspective, the garden area to the existing dwelling would be so unacceptable as to refuse planning permission on this basis.
- 10.21 In terms of other neighbouring relationships with the proposed development to existing residents, the proposal is not considered to give rise to issues of amenity to the existing dwellings at Gull Way, Dobbs Yard and High Street which border the site. There is approximately 27m between the rear elevations of Plots 1 – 4 to the rear elevations of those properties in Gull Way. Similarly there is approximately 21m distance between Plots 5 -9 to the existing dwellings in Dobbs Yard. In terms of the High Street properties there is a distance of approximately 15.4m from the side elevation of Plot 9 to the rear elevation of No.125 High Street. These distances together with the orientation of the proposed dwellings are considered sufficient in order that no adverse impacts to residential amenity will arise.
- 10.22 The layout of the dwellings and their design are not considered to give rise to unacceptable overlooking, overbearing impact or overshadowing of each other. However it is noted that the parking for Plot 9 is far from ideal as it is disconnected by virtue of the position of Plot 8. Similarly there will be vehicular conflicts between parking for Plots 8 and 9 and the garage to serve No.133 High Street due to their positions in relation to each other.
- 10.23 It should also be noted that all of the garages proposed do not conform to the minimum sizes set out in Appendix A of the Fenland Local Plan, but do though provide sufficient space to be able to accommodate a vehicle.

Landscaping and Biodiversity

- 10.24 An Extended Phase 1 Ecological Survey has been submitted during the course of the application. The report concludes that the site has low ecological value, however would benefit from the opportunity for enhancement offered by development. The report recommends bird nest and bat boxes positioned on dwellings, external lighting kept to the minimum and hedgehog friendly fencing. These measures could be secured through planning conditions and as such the proposal complies with Policy LP19 of the Fenland Local Plan.
- 10.25 A Landscape Plan for the site indicates areas of soft landscaping including tree planting within the rear garden areas of all of the new dwellings and shrub planting to the front gardens and along the sides of dwellings. The implementation of the landscaping could be secured through planning condition.
- 10.26 With regards to the hard landscaping the materials proposed to the surfaces of the shared surface and private drives and boundary treatments of timber palisade fencing and estate rail fencing do create an urban characteristic for the development. It is considered that alternative material choices could be sought to retain a rural rather than an urban characteristic for the site.

Proposed Boundary Details for 133 High Street

- 10.27 Application F/YR20/0371/F involves the demolition of a modern wall which currently encloses part of the existing garden for the Listed Building. The wall is of no historic importance and its removal is considered to be acceptable.
- 10.28 Application F/YR20/0372/LB also seeks to demolish the modern wall but then also seeks consent to build a new wall to enclose the garden of the Listed Building. The demolition of the modern wall is acceptable however the proposed new wall would harm the setting of the Listed Building by enclosing its rear garden and enforce the loss of curtilage which is referenced above. This harm would again be less than substantial in the context of the NPPF but again significant. The works would harm the setting of the Listed Building contrary to Local Plan Policies LP16 (a) and LP18.
- 10.29 A timber close boarded fence has been erected at the rear of 133 High Street without consent. The agent suggests this will be temporary but nonetheless the works are unauthorised.

Other Considerations

- 10.30 The site is within Flood Zone 1 an area at lowest risk of flooding. Given the scale of the development and the size of the site a site specific Flood Risk Assessment is not required. The proposal accords with Policy LP14 of the Fenland Local Plan.
- 10.31 Local residents have raised concerns about local infrastructure such as schools. The proposal is though below the threshold for requiring any contributions towards such facilities.
- 10.32 Matters have also been raised with regard to devaluing property; however these matters are not material considerations and as such cannot be taken into account.

11 CONCLUSIONS

- 11.1 The erection of three dwellings on this land was previously considered to be acceptable in order to allow for the Listed Building at 133 High Street to be renovated. That judgement was formed despite highway objections to that proposal. Contrary to the conditions of that permission the applicant restored 133 High Street first and has yet to develop the remaining land, although the permission remains extant. This proposal cannot therefore be determined on the basis of it being enabling development in connection to the Listed Building.
- 11.2 The applicant now proposes nine dwellings rather than the three which were previously permitted. The nine dwellings inevitably create significant and greater impacts upon the setting of the Listed Building and the character and appearance of the Conservation Area. In relation to the Listed Building this would be left with a very limited amount of garden space and its curtilage would be irreversibly detached from the Listed Building. The previously approved scheme retained a sense of space and also land which continued to relate to the Listed Building.
- 11.3 Whilst the harm created in respect of heritage impacts would be less than substantial in terms of the NPPF tests it would be significant in the context of Local Plan Policies LP16 and LP18. The harm would be permanent and irreversible.
- 11.4 The less than substantial harm is to be weighed against the public benefits arising from the proposal. Those benefits are considered to be the delivery of new market housing (albeit these are not required for enabling purposes and the Council has a sufficient supply of housing) and the temporary construction impacts. Those benefits are not considered capable of outweighing the harm caused.
- 11.5 In highway terms the LPA previously considered that the development of three dwellings at the site was acceptable as an enabling form of development such that this outweighed the highways objection. The development would continue to rely on sub-standard visibility at the junction of Black Horse Lane and High Street. The proposal now seeks nine dwellings, which would result in more movements at this sub-standard junction, and without the enabling argument, as set out above.
- 11.6 The demolition of the wall is appropriate in the context of the listed building and has no implications for the character of the conservation area or the building. Accordingly that scheme achieves full compliance with planning policy and is therefore favourably recommended.
- 11.7 However the proposed new wall would restrict the curtilage of the listed building and not respect its historic setting and is therefore recommended for refusal.

12 RECOMMENDATION

F/YR20/0365/F – Refuse

F/YR20/0371/F – Approve

F/YR20/0372/LB - Refuse

Reasons for refusal for F/YR20/0365/F

1	The proposed development by virtue of external appearance, layout and scale would represent a cumulative detrimental impact to the setting of the Listed Building at No.133 High Street and to the character and appearance of the Chatteris Conservation Area. The proposal is therefore considered to
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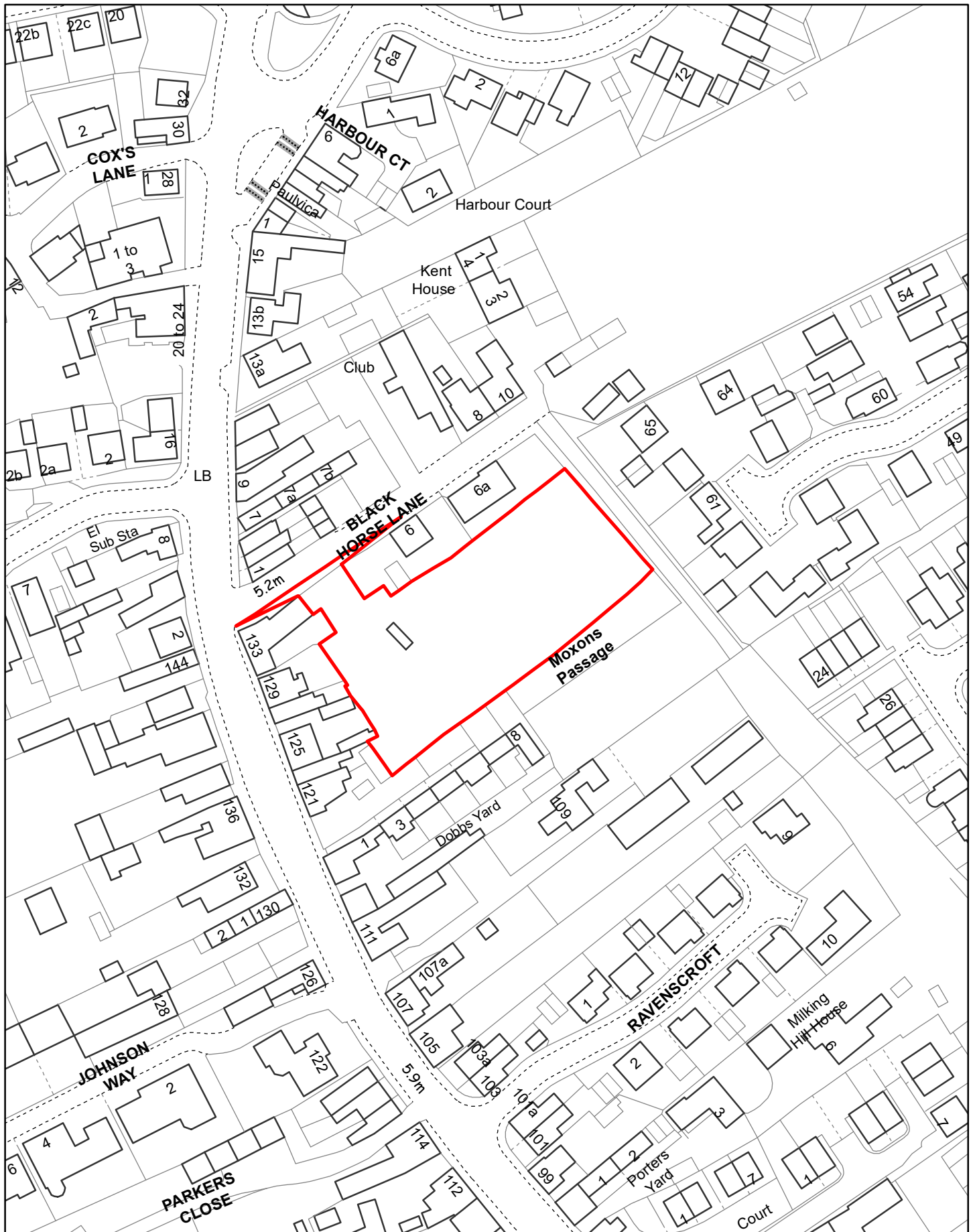
	be contrary to chapter 16 of NPPF (2019) in particular paragraph 196, as this “less than substantial harm” to the heritage assets would not be outweighed by any public benefit and Policies LP16(a) and LP18 of the Fenland Local Plan 2014.
2	Policies LP16 (a) and LP18 of the Local Plan require all new development to protect and enhance any affected heritage asset and their setting. The application, if permitted, would result in the elimination of any curtilage to the Listed Building and the unacceptable loss of its historic setting contrary to Policies LP16 (a) and LP18 of the Fenland Local Plan 2014 and also conflicting with Paragraph 196 of the NPPF, as this “less than substantial harm” to the heritage assets would not be outweighed by any public benefit.
3	Policy LP15 Part C of the Fenland Local Plan 2014 requires that new development should, amongst other things, provide safe access for all. The NPPF states (at paragraphs 108 and 110) that developments should ensure that safe and suitable access to the site can be achieved for all users and development should create places that are safe, secure and attractive which minimise the scope for conflicts between pedestrians, cyclists, and vehicles. The visibility at the junction of Black Horse Lane with High Street is considered to be inadequate to serve the development proposed such that this would result in unsafe vehicular movements at that junction. The proposal would conflict with Policy LP15 Part C of the Fenland Local Plan 2014, and paragraphs 108 and 110 of NPPF.
4	Policy LP16 (e) of the Fenland Local Plan 2014 requires all new development to not adversely impact on the amenity of neighbouring users. The proposal would create an unacceptable impact on the amenity of 6a Black Horse Lane by virtue of overbearing and overshadowing to the detriment of residential amenity that would result from the location and scale of the proposed Plot 1. Accordingly the proposal is contrary to Policy LP16 (e) of the Fenland Local Plan 2014.
5	Policy LP16 of the Fenland Local Plan 2014 (h) requires all new development to provide sufficient private amenity space suitable to the type and amount of development proposed. The proposed dwelling at Plot 1 would have an unacceptable level of usable private amenity space by virtue of the impacts from overshadowing created by existing trees. Accordingly the proposal is contrary to Policy LP16 (h) of the Fenland Local Plan 2014.

Conditions for F/YR20/0371/F

1	The development permitted shall be begun before the expiration of 3 years from the date of this permission. Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.
2	Approved Plans

Reason for refusal for F/YR20/0372/LB

1	The works would result in the elimination of any curtilage to the Listed Building and the unacceptable loss of its historic setting contrary to Policies LP16 (a) and LP18 of the Fenland Local Plan 2014 and the aims and objectives of the NPPF.
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Created on: 30/04/2020

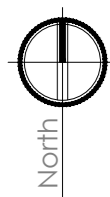
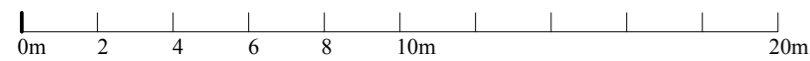
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F/YR20/0365/F

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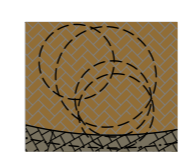
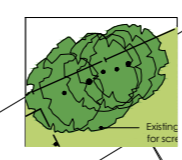
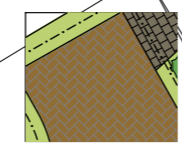
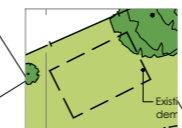
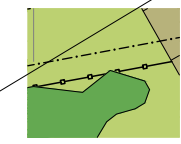
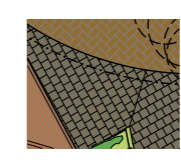
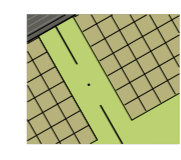
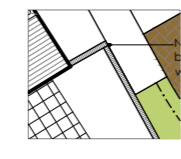
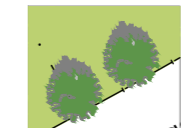
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DESCRIPTION KEY

-  Existing trees to be removed
-  Existing trees to be retained
-  Shared Surface to be block paving Charcon 'Europa' or equal and approved. Colour to be Burnt Oker.
-  Existing buildings to be removed
-  Estate rail fence to detail
-  Private drives with permeable block paving Charcon 'Infilta' or equal and approved. Colour to be Brindle.
-  1.8m high timber palisade fencing to detail
-  New 2m high brick wall to detail.
-  Indicative tree planting

L BEVENS
Associates Ltd
Architects
10 Cricketers Way
Chatteris
Cambridgeshire
PE 16 6JR
Tel: 01354 693969
Fax: 01354 692426
Email: enquiries@lbevens-associatesltd.co.uk
Web: www.lbevens-associatesltd.co.uk

DRAWING STATUS	PRELIMINARY	PLANNING	CONSTRUCTION	FILE COPY
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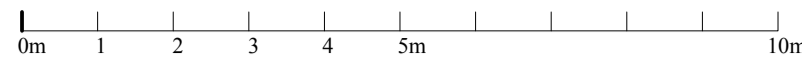
CLIENT
Mr S Howard

PROJECT
Land south east of 133 High Street,
Chatteris, Cambridgeshire

DRAWING TITLE
Proposed Site Plan Proposals

SCALE	DATE	DRAWN	CHECKED
1:200 @ A2	Mar. 2020	LB	
DRAWING NUMBER	REVISION		
CH20/LBA/536/FP-1-101			

Scale: 1:100



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Plot 1

Plot 5

Plot 6

Plot 7

Plot 8

Plot 9

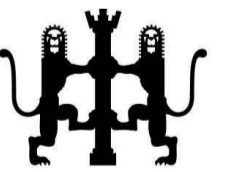


Plot 1

Plot 2

Plot 3

Plot 4



L Bevens Associates Architects Ltd
The Doghouse
10 Cricketers Way
Chatteris
Cambridgeshire
PE16 6UR
Tel: 01354 653969
Mob: 07739 562818
Email: enquiries@lbevsn-associatesltd.co.uk
Web: www.lbevsn-associatesltd.co.uk

DRAWING STATUS: PRELIMINARY PLANNING CONSTRUCTION
FILE COPY

CLIENT: Mr S Howard

PROJECT: Land south east of 133 High Street,
Chatteris, Cambridgeshire.

DRAWING TITLE: Proposed Street Elevations

SCALE: 1:100 @ A1 DATE: March 2020 DRAWN: LB CHECKED:

DRAWING NUMBER: CH20/LBA/536/FP-1-107 REVISION: