
F/YR19/1106/F

**Applicant: Mr Green
Ely Diocesan Board of Finance**

**Agent : Dr Wickham
Howard Sharp and Partners LLP**

Land East Of St Marys Church Hall, Wisbech Road, Westry,

Erect 6 dwellings (4 x 2-storey 2-bed and 2 x 2-storey 3-bed) and associated works

Officer recommendation: Refuse

Reason for Committee: Town Council comments contrary to officer recommendation

1 EXECUTIVE SUMMARY

- 1.1 The application seeks full planning permission for a 2-storey terrace of 4 x 2-bed dwellings and 2-storey, semi-detached 3-bed dwellings with shared detached garage. There would be a single point of access from Wisbech Road, utilising the existing access to the church hall.
- 1.2 The principle of residential development of this site in this sustainable location is considered acceptable. The access is considered to be acceptable, a suitable surface water drainage scheme can be achieved and no protected species would be harmed by the development; all subject to conditions securing provision and/or further details.
- 1.3 The proposed development seeks to introduce higher density development (more than double the density of the Limetree Close development), which results in an over development of the site and an urbanising impact at odds with the prevailing rural character of the area. Furthermore, the introduction of substantial areas of hardstanding is considered to diminish the verdant quality of the area. Overall, the proposal is considered to result in a significant detrimental impact on the character and visual amenity of the area.
- 1.4 Whilst the relationships with existing (or approved) surrounding dwellings is considered to be acceptable, the proposed development is considered to be of a poor design which would not provide a high quality living environment or an acceptable level of internal or external residential amenity.
- 1.5 The development is considered to create clear harm to the setting of grade II listed St Mary's Church and the setting contributes to the significance of the heritage asset. It is considered that the harm created is less than substantial. Para 202 of the NPPF states that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Whilst the proposal would provide 6 additional dwellings which would provide some public benefit, this is considered to be outweighed by the significant detrimental impact on the character of the area, poor design, failure to create a high quality environment and unacceptable levels of residential amenity afforded to future

occupiers. As such, the harm created to the heritage asset is considered to be unacceptable.

2 SITE DESCRIPTION

The application site is located on the north eastern side of Wisbech Road, Westry and incorporates land to the rear of the Grade II Listed St Mary's Church and associated Church Hall and consists of the informal parking area serving these and the main section of the site beyond this which is gated off and overgrown. There are substantial trees on site protected by TPO MU/2/465/15. The existing access is to be utilised and upgraded. The site is located within Flood Zone 1.

3 PROPOSAL

- 3.1 The application seeks full planning permission for a 2-storey terrace of 4 x 2-bed dwellings and 2-storey, semi-detached 3-bed dwellings with shared detached garage.
- 3.2 There would be a single point of access from Wisbech Road, utilising the existing access to the church hall. The access road would then run past the church hall to serve, initially, a retained car parking area for this. The access road then runs into the wider part of the site, with two ninety degree turns, where the dwellings would be located in a block of four and a block of two either side of the road.
- 3.3 Plots 1 – 4 measure 29.5m x 8.55m and 7.8m in height; accommodation comprises open plan living/dining/kitchen, study and bathroom at ground floor level and 2 bedrooms and bathroom or shower room at first floor level.
- 3.4 Plots 5-6 measure 24.3m x 8.5m and 7.8m in height; accommodation comprises open plan living/dining/kitchen, study and bathroom at ground floor level and 3 bedrooms and shower room at first floor level.
- 3.5 The shared detached garage measures 6.7m x 6.3m and 4.2m in height. Bin and cycle storage areas are also provided for each dwelling along with Sheffield cycle stands for visitor cycle parking.
- 3.6 An attenuation basin is also proposed to the south of plot 5, adjacent to the southern boundary of the site.

Full plans and associated documents for this application can be found at:

[F/YR19/1106/F | Erect 6 dwellings \(4 x 2-storey 2-bed and 2 x 2-storey 3-bed\) and associated works | Land East Of St Marys Church Hall Wisbech Road Westry \(fenland.gov.uk\)](#)

4 SITE PLANNING HISTORY

None of relevance; pre-application advice is detailed in the background section below.

5 CONSULTATIONS

5.1 Arboricultural Officer (FDC) (10/2/2020)

The proposed development requires the removal of a number of trees and groups within the site including three groups classed as Category U, two trees graded as Category C and two trees graded as Category B one of which has an additional report justifying its downgrading to a Category C due to structural condition.

I have no objection to the tree report by Lockhart Garratt and accept their classification of the condition of the trees.

The proposed layout utilises the root protection areas (RPAs) of a number of the trees for the placement of parking bays including two Category A trees (T31 & T38), two Category C trees (T11 & T15) and one Category C tree (T15). The proposed access road will also impact on the RPAs of Category A, B and C trees.

British Standard BS5837:2012 notes that the default position for structures (manufactured object, such as a building, carriageway, path, wall, service run, and built or excavated earthwork) is outside the RPA. Whilst there are methods of construction within the RPAs of trees they require strict supervision by a qualified arboricultural consultant to ensure contractors follow the procedures.

In this case the applicant will need to demonstrate that the necessary systems (cellular confinement system) can be installed for the parking bays/access without major changes in soil levels to achieve the necessary levels and there is an auditable system of site supervision detailing inspection intervals and reports to the Planning Department including the provision of photographic evidence.

5.2 Arboricultural Officer (FDC) (15/10/2020)

The proposed development requires the removal of eight trees and three groups of trees. In general, those trees noted for removal are of low value and structurally poor with a number (particularly within groups) of low vigour and dead/dying.

The submitted arboricultural impact assessment and method statement provides the necessary guidance to ensure the retained trees are protected during the development.

As there are significant encroachments into the RPAs of retained trees, the applicant must ensure that the arboricultural method statement is followed to the letter and that the project arboricultural consultant visits the site to supervise key stages such as position of protective fencing and ground protection and the installation of the cellular confinement systems to ensure there is no damage to the root systems.

5.3 Arboricultural Officer (FDC) (12/1/2021)

The impact assessment notes that there will be a requirement for an arboricultural method statement to detail how the project will be constructed with regard to tree protection. Whilst I agree that, in most cases, tree protection can be conditioned, in this instance I consider that we need detail up front regarding the practicality of constructing a swale and gutter within the RPAs of retained trees.

It is stated, and shown on drawings, that the swale will be within the RPA of tree T31 and close to the trunk, not just skirting the periphery of the RPA. The swale is stated to be 300mm deep and with the need to have a gentle slope from ground

level to the base of the swale there is a chance of roots being damaged/severed to enable this. The developer will need to show the swale and gutter can be installed without long-term damage to retained trees and therefore a trial excavation will need to be carried out using an airspade and supervised by the project arboricultural consultant to assess the volume and size of roots present within the area of the proposed drainage runs.

There are also additional excavations required to install the swale inlets and flow control and this requires use of concrete foundations within the RPA of the tree presumably to a depth greater than 300mm; cement is toxic to roots and would require a separation barrier to prevent damage to roots.

Currently there is too little detail to grant approval and the preliminary excavation by air spade is essential to determine if the proposed scheme is viable.

5.4 Arboricultural Officer (FDC) 12/2/2021

Many thanks for the supplied information. I appreciate your cooperation and I have no objection to the amended layout for the site drainage.

5.5 Wildlife Officer (8/1/2021)

The proposal would involve removing a tree (T28) which has been assessed as having moderate bat roost potential. An activity survey is needed to determine whether bats are in fact using the tree. This can't be done until May when the activity survey season starts (and runs through September).

The survey was recommended by the ecologists but as it hasn't been done the council doesn't yet have sufficient information to determine the application.

I would not support determination or approval at this time.

5.6 Wildlife Officer (19/4/2021)

Recommendation:

The application scheme is acceptable but only if conditions are imposed.

Recommended condition(s)/Reason(s) for refusal:

Pre-commencement Condition(s) –

• No development shall take place (including demolition, ground works, vegetation clearance) 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:

- a) Risk assessment of potentially damaging construction activities.*
- b) Identification of "biodiversity protection zones"*
- . c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) including ensuring no Non-Native Invasive Species are spread across the site, how rubbish is planned to be collected during and post construction, and how all polluting materials and liquids (such as cooking oil, or deasil) will be stored safely and safely transported off site during and post construction.*
- 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.*

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

Reason: To ensure that the recommended mitigation and compensation suggested in section 10 of the Preliminary Ecological Appraisal (Lockhard Garratt, 2020), section 7 of the Bat Emergence Report (Hiller Ecology, 2021) and the ecological note (Samsara Ecology, 2021) are followed correctly. This will ensure that the development aligns with the National Planning Policy Framework and Fenland Council Local Policy.

• No development shall take place until an ecological design strategy (EDS) addressing mitigation and compensation for the lost on-site habitats has been submitted to and approved in writing by the local planning authority. The EDS shall include the following.

- a) Purpose and conservation objectives for the proposed works.*
- b) Review of site potential and constraints.*
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.*
- d) Extent and location/area of proposed works on appropriate scale maps and plans.*
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.*
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.*
- g) Persons responsible for implementing the works.*
- h) Details of initial aftercare and long-term maintenance.*
- i) Details for monitoring and remedial measures.*
- j) Details for disposal of any wastes arising from works.*

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To ensure that the recommended mitigation and compensation suggested in section 10 of the Preliminary Ecological Appraisal (Lockhard Garratt, 2020), section 7 of the Bat Emergence Report (Hiller Ecology, 2021) and the ecological note (Samsara Ecology, 2021) are followed correctly. This will ensure that the development aligns with the National Planning Policy Framework and Fenland Council Local Policy.

Pre-occupation Condition(s) –

- Prior to occupation, a “lighting design strategy for biodiversity” for all lighting across the site shall be submitted to and approved in writing by the local planning authority. The strategy shall:*
 - a) identify those areas/features on site that are particularly sensitive for bat and 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*

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.

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.

Reason: To ensure that the recommended mitigation and compensation suggested in section 10 of the Preliminary Ecological Appraisal (Lockhard Garratt, 2020), section 7 of the Bat Emergence Report (Hiller Ecology, 2021) and the ecological note (Samsara Ecology, 2021) are followed correctly. This will ensure that the development aligns with the National Planning Policy Framework and Fenland Council Local Policy.

Assessment/Comment:

The site assessment surveys have established that no protected species will be harmed by the development so long as certain mitigation and compensation is completed. The CEMP and EMP described in the conditions above will outline how the mitigation and compensation will be achieved. The EMP in particular should be created in collaboration between the consultant ecologist and the soft landscape designer to ensure that both aspects eld together correctly.

Due to the rural location of the proposal small mammal holes should be installed into all dividing fences to allow small mammals to transverse the site.

No lighting plan was submitted as part of this application, good practice states that lighting should be designed with sensitivity to protected species including bats.

Planning Policies/Legislation:

The Council is required to have regard to the safeguarding of species and habitats protected under UK, European and International legislation when determining all planning applications. The main legislation includes:

- the Wildlife and Countryside Act 1981 (as amended)*
- the Hedgerows Regulations 1997*
- the Conservation of Habitats & Species Regulations 2017 (The Habitats Regulations)*
- the Protection of Badgers Act 1992 and*
- Wild Mammals (Protection) Act 1996*

Under the Wildlife and Countryside Act 1981 (as amended) it is an offence to take, damage or destroy the nest of any wild bird while that nest is in use or being built. Trees and scrub are likely to contain nesting birds between 1 March and 31 August. Trees within the application should be assumed to contain nesting birds between the above dates unless a survey has shown it is absolutely certain that nesting birds are not present.

Under the Wildlife and Countryside Act 1981 (as amended) it is an offence to intentionally kill, injure or take a great crested newt or intentionally or recklessly destroy or disturb a great crested newt breeding or resting place. Great crested newts are likely to be hibernating in tree root systems, underground crevices, mammal burrows, rubble piles or old walls between October and February. Great

crested newts will become active both terrestrially and within ponds between March and the middle of June. Any works impacting aquatic and terrestrial breeding and resting places which is used by great crested newts at any time needs to be certain that great crested newts are not present before the works take place.

Government Circular ODPM 06/2005 Biodiversity & Geological Conservation:

The advice given above takes into account the following guidance:

Paragraph 98 states “the presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat. Local authorities should consult Natural England before granting planning permission. They should consider attaching appropriate planning conditions or entering into planning obligations under which the developer would take steps to secure the long-term protection of the species. They should also advise developers that they must comply with any statutory species’ protection provisions affecting the site concerned. For European protected species (i.e. those species protected under the Habitats Regulations) further strict provisions apply, to which planning authorities must have regard”.

Paragraph 99 states “it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted”. The advice given above is in accordance with the policies in the adopted Fenland Local Plan. The Local Plan provides the framework of local planning policies with which to make planning decisions. These policies are in conformity with the National Planning Policy Framework.

The biodiversity policies relevant to the proposal are:

LP19 – The Natural Environment: The Council, working in partnership with all relevant stakeholders, will conserve, enhance and promote the biodiversity and geological interest of the natural environment throughout Fenland.

Through the processes of development delivery (including the use of planning obligations), grant aid (where available), management agreements and positive initiatives, the Council will:

- Protect and enhance sites which have been designated for their international, national or local importance to an extent that is commensurate with their status, in accordance with national policy in the National Planning Policy Framework.*
- Refuse permission for development that would cause demonstrable harm to a protected habitat or species, unless the need for and public benefits of the development clearly outweigh the harm and mitigation and/or compensation measures can be secured to offset the harm and achieve, where possible, a net gain for biodiversity.*
- Promote the preservation, restoration and re-creation of priority habitats, and the preservation and increase of priority species identified for Fenland in the Cambridgeshire and Peterborough Biodiversity Action Plans.*

• *Ensure opportunities are taken to incorporate beneficial features for biodiversity in new developments, including, where possible, the creation of new habitats that will contribute to a viable ecological network extending beyond the District into the rest of Cambridgeshire and Peterborough, and other adjoining areas*

5.7 Cambridgeshire County Council Archaeology (5/2/2020)

Our records indicate that this site lies in an area of archaeological potential, situated immediately adjacent to the north of a previous area of archaeological investigation at Woodville Business Park which identified archaeological remains of predominantly Roman date, overlain by evidence of post-medieval activity (Cambridgeshire Historic Environment Record reference MCB27382).

Archaeological investigations adjoining the north eastern boundary of the site revealed further evidence of post-medieval occupation (CHER ref ECB4049) and archaeological investigations 150m to the north revealed an Early Iron Age settlement structure (ECB4462). To the north is a series of Bronze Age settlement sites known in the area north-west of March, including Whitemoor Sidings (ECB2014, MCB16673) and another at Hundred Road (ECB3027). In addition, the site is located just south of the line of the Fen Causeway, an important Roman route linking settlements across the Fens (CB15033).

We therefore do not object to development proceeding in this location but consider that the site should be subject to a programme of archaeological investigation secured through the inclusion of a negative condition, such as the example condition approved by DCLG:

Archaeology

No demolition/development shall commence until the applicant, or their agents or successors in title, has implemented a programme of archaeological work which has been secured in accordance with a written scheme of investigation (WSI) which has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than under the provisions of the agreed WSI, which shall include:

- a) the statement of significance and research objectives;*
- b) The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;*
- c) The timetable for the field investigation as part of the development programme;*
- d) The programme and timetable for the analysis, publication & dissemination, and deposition of resulting material*

Informatives:

Partial discharge of the condition can be applied for once the fieldwork at Part c) has been completed to enable the commencement of development. Part d) of the condition shall not be discharged until all elements have been fulfilled in accordance with the programme set out in the WSI.

Reason To ensure that the significance of historic environment assets is conserved in line with NPPF section 1

5.8 Cambridgeshire County Council Archaeology (10/10/2020)

I am writing to confirm that the amendments do not alter the advice previously issued by this department on 05/02/2020.

5.9 March Society

Positive:

The plan for the new houses is very thorough and the design aims to reflect certain features of St Mary's Church in their design to give the appearance of traditional almshouses.

Any impact on the Church building will be mitigated by a landscaped buffer zone.

The new properties will be small but aimed to be sustainable and efficient to run aimed at a first-time buyer market for which there is a demand in the area.

Trees (Positive)

Such a development will require the disappearance of some trees. The proposed layout requires the removal of five trees and three groups of trees. Trees will be protected during construction and new tree planting is promised.

One issue of concern is car parking. The application states in part 9:

Vehicle Parking (Need for clarification)

<i>Existing number of spaces</i>	<i>Total proposed (including spaces retained)</i>	<i>Difference</i>
<i>Cars</i>	<i>17</i>	<i>35</i>
<i>Disability spaces</i>	<i>2</i>	<i>5</i>
<i>Cycle spaces</i>	<i>6</i>	<i>26</i>

On the hard landscaping plan there is no indication of parking spaces near the Church hall. The only ones being near the new houses. However since the application talks of retained places these can only be the present informal ones.

Clarification may be afforded by page 21 of the draft tree protection plan which shows 19 parking spaces (including 2 disabled spaces) between the church hall and the new planted buffer zone. On page 20 the area in question will also have permanent ground protection.

Within the heritage statement

3.3 Land to the north of the site will be retained for the provision of an extension to the adjoining churchyard. This land additionally has a large tree to the centre of its southern boundary that is best retained within a communal area.

3.5 An area of parking to serve the existing church hall has been incorporated within the scheme. This area is currently utilised by the hall for parking in an informal manner. The aim is clearly to attempt to keep parking for the new housing and that for parishioners separate,

3.6 The majority of the parking for the proposed housing is located within a communal area to the South-West of the site. The proposal is to provide the hall with a more considered and structured parking zone to rationalise and maximise this area, further enhancing the setting of St. Mary's Church.

It will be up to the PPC to decide if the amount of parking on site and on the road will be sufficient to meet demand for funerals and other events and for bookings of the church hall.

Finally new fencing will be erected very close to the church hall and will have 1.2m high metal posts and 3- strand horizontal wire as shown on the Hard Landscaping Plan. Presumably this is to increase the safety of the users of the hall

5.10 March Town Council
Recommend Approval

5.11 Environment & Health Services (FDC) (15/1/2020)

I refer to the above application for planning consent and would make the following observations.

The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposed development as it is unlikely to have a detrimental effect on local air quality or the noise climate.

Owing to your site photos showing what appear to be the remains of structures previously erected on the site, I would kindly request that the following condition is attached to any planning consent granted;

UNSUSPECTED CONTAMINATION

CONDITION: If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA, a Method Statement detailing how this unsuspected contamination shall be dealt with.

REASON: To ensure that the development complies with approved details in the interests of the protection of human health and the environment.

5.12 Environment & Health Services (FDC) (5/10/2020)

This response has considered the Environmental Health issues concerning this proposal.

A site visit hasn't been made and this response is based on a desk-top study. Documents considered are:-

	<i>Planning Application dated XXXXXXXX</i>
	<i>Design and Access Statement – Headley Stokes Associates –</i>
<i>May 2020</i>	<i>Location Plan</i>
	<i>Heritage Statement – dated 5 December 2019</i>
	<i>Fenland District Council Environmental Health response – 15</i>
<i>January 2020</i>	<i>Pre-Application Ref:- 17/0150 dated 23 April 2018</i>

There are no concerns that the air quality climate will be adversely affected by this development

There are no issues about this development impacting on the noise climate.

There are no noise sources nearby which are of concern. It is recognised that the A141 March to Wisbech Road is close by, but there is enough distance separation for there to be no need for a noise impact assessment

There is no known ground contamination present or of a former contaminative use. However, I would recommend that attachment of the standard unsuspected contaminated land condition be attached to any consent granted, as recommended in the previous response dated 15 January 2020.

Consequently, there are no objections to the granting of consent to this proposal with the attachment of the following condition:-

UNSUSPECTED CONTAMINATION CONDITION: *If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA, a Method Statement detailing how this unsuspected contamination shall be dealt with. REASON: To ensure that the development complies with approved details in the interests of the protection of human health and the environment*

5.13 Conservation Officer (FDC) (6/10/2020)

This application concerns proposals to erect 6 dwellings on land east of the grade ii listed building, Church of St Mary, Wisbech Road, March. The title of the application is wrong. The previous submission was for 9 dwellings, but the revised drawings indicate only 6. The title however has not changed and still refers to 9 dwellings.

There is no planning history associated with this site.

However, it is noted that in December 2017 a pre-application enquiry was submitted seeking to establish the acceptability of developing the site in question. The conservation view regarding the scheme submitted at that time was that it could not be supported citing that the sense of space and natural qualities around the church and churchyard served to reinforce the church's historic rural context and were an important aspect of setting. It was stated, in regard to the 2017 scheme, that "the intensity of the development would undoubtedly have an imposing and dominant presence within the setting of the church to the harm of the setting of the church". A slight revision was submitted as part of the pre-app in April 2018 which slightly reduced the number of dwellings and introduced a planting scheme. A scheme for 9 dwellings was submitted under F/YR19/1106/F and recommended for refusal.

The scheme now submitted is a revision to that scheme and seems to have had regard to some key conservation considerations previously raised.

Due regard is given to development proposals on land in this vicinity of this site which has been considered in the last decade and includes the following:

To the east of the site in question planning permission, F/YR12/0305/F was granted for the erection of three dwellings which have been built.

To the north of the site in question planning permission, F/YR16/0834/F, was granted for one 1 ½ storey dwelling which has been built.

To the south of the Church Hall planning permission, F/YR16/0436/O was granted for 9 dwellings which is yet to be built. This succeeded earlier applications to develop this site. A Reserve Matters application, F/YR19/0602/RM, associated with the 2016 outline is currently pending decision following negotiation to try and achieve an acceptable scheme.

In 2011 a planning application for 5 houses at the Phoenix House, Wisbech Road, F/YR11/0418/F, was refused and reason 2 of the refusal concerned the adverse impact on the setting of the adjacent listed building (St Mary's Church) by virtue of two of the proposed plots and their proximity to the church.

A Heritage Statement has accompanied this application but it is considered to be of poor quality and hasn't adequately satisfied paragraph 189 NPPF (Feb 2019). It is considered that it fails to full assess, appreciate and describe the fundamental aspects of the setting of the grade ii listed church and contribution this setting makes to the significance of the church. The heritage statement does not account for the interest of the setting in the first instance and does not sufficiently appraise the impact of the development on this setting. No reference is made to the Historic England Historic Environment Good Practice Advice in Planning: 3 (2nd Edition) document The Setting of Heritage Assets (22 December 2017) having been consulted.

Consideration is given to the impact of this proposal on the setting of the grade ii listed church in the vicinity of the site with due regard to the duty in laws under S66 Planning (Listed Buildings and Conservation Areas) Act 1990. The following comments are made:

St Mary's Church is located on the outer edge of the town of March in the ecclesiastical parish of Westry. It was constructed in 1874 some 2 miles north of the town following the formation of the ecclesiastical parish of Westry in the 1860's. Map evidence from the 1889 OS map shows the originally it stood very much alone in its rural location with nearest building being The Rectory to the north east (where Phoenix House now stands) and odd buildings beyond that. As Wisbech Road within March had not been developed at that time the footprint of the town ended at the Norwood Road junction. Today Westry sits on the northern edge of the March Trading Park and the "settlement" of Westry now comprises of houses and businesses stretched out along Wisbech Road (A141). Despite now being associated with a more established grouping of buildings St Mary's Church still benefits from a strong rural setting derived from the sense of space around the building, within the churchyard and beyond, and strong natural qualities around the church comprising of trees and hedging to its boundaries and around the site. The building closest to the church is the simple building that is the Parish Room which is situated south of the church and was shown in position on the 1927 OS map and by its nature has a functional relationship serving the church. Beyond the parish rooms other buildings do not unduly encroach into the setting of the church. It is with due regard to the interests of the setting of the church that this proposal is considered.

The proposal put forward would result in residential development occurring on land directly to the rear (east) of St Mary's Church, land which is in the immediate vicinity of the church and forms part of the setting of the church. The NPPF (February 2019) Annex 2 defines the setting of a heritage asset as "The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve". It is very clear that the land proposed for development directly forms part of the surroundings in which the designated heritage asset, the grade ii listed church, is experienced. The site in question makes a tangible contribution to the sense of space and natural qualities around the church and churchyard serving to reinforce the church's historic rural context. The residential development proposed would have a substantial impact on the setting of the church fundamentally changing the surrounding in which the heritage asset it experienced. It is felt the proposed development would have a negative impact on the setting of the church and the surroundings in which it is experience and would harm the setting of the church.

While development has occurred within the wider setting of the church it has sought to respect rural character of the locality and sense of space around the church. The current proposal seeks to replicate an alms house style, with a short terrace of four buildings to the east, and two further units to the west with a drive through arch leading to the garage at the rear. The units will be one and half storey in height. The plots will be gable end on to the church which will soften their impact on the setting of the church, which will be further screened by a planting belt on the boundary shared with the church.

The Design and Access Statement submitted states that natural coursed stonework with banded details and ironstone window surrounds and porches will be used, with plain grey tiled roofs. Joinery is to be stained timber framed double glazed casements. The use of these materials is to be welcomed as it will reflect the character and appearance of the church.

Some minor amendments are suggested in that the trapezoid windows are omitted from the design, as they appear incongruous with the almshouse aesthetic. Roof lights would work equally well to allow light into those spaces. The lancet windows are acceptable.

Any boundaries to the south of the plot currently proposed to be 1.8m fencing ought to be replaced with native hedging in order to further soften impact, improve the planting buffer zone and relate to the rural context of the setting of the church.

This scheme represents a successful outcome after consultation and understanding of the conservation requirements (though these are articulated more clearly in the Design and Access Statement than in the Heritage Statement).

Notwithstanding the approved plans and documents, conditions should require samples for all external materials to be used in the construction of the site to be submitted to and approved in writing by the Local Planning Authority.

Recommendation: Approve subject to amendment and condition.

5.14 Conservation Officer (FDC) (6/1/2021)

This application concerns proposals to erect 6 dwellings on land east of the grade ii listed building, Church of St Mary, Wisbech Road, March. The title of the application has now been amended and refers only to 6 dwellings and not the 9 dwellings previously proposed.

There is no planning history associated with this site beyond the earlier consultation phase of this application.

The Design and Access Statement submitted states that natural coursed stonework with banded details and ironstone window surrounds and porches will be used, with plain grey tiled roofs. However, the drawings indicate a classic buff brick will be used with red brick detailing. This buff may be less sympathetic than the stonework previously indicated. Joinery is to be stained timber framed double glazed casements. Clarification on materials should be sought.

The trapezoid windows have been omitted from the design and this is supported.

Any boundaries to the south of the plot previously proposed to be 1.8m

fencing are now replaced with native hedging in order to further soften impact, improve the planting buffer zone and relate to the rural context of the setting of the church. This is welcomed. However, a large areas of trees situated immediately adjacent to the south gable of plot 5 and to the north of the church is now replaced by an attenuation pond, and whilst some trees are being retained or replanted and hedging introduced, this will not be as thick a buffer as has been previously indicated. Furthermore, a large area of car parking has now been introduced for users of the church and church hall, and while there is clear public benefit to this, it will result in a further loss of green space and tree cover from the setting of the designated church to its detriment.

The issue of setting was not covered sufficiently in the previous consultation and the heritage statement has not been updated to address these alterations and how they might impact on the setting of the church. This should be.

Overall, this scheme represents a successful outcome after consultation and understanding of the conservation requirements (though these are articulated more clearly in the Design and Access Statement than in the Heritage Statement), however, it does not comply with the NPPF paragraph 189.

Notwithstanding the approved plans and documents, conditions should require samples for all external materials to be used in the construction of the site to be submitted to and approved in writing by the Local Planning Authority and a revised heritage statement should be submitted with sufficient detail to satisfy paragraph 189 of the NPPF with reference to Historic England Historic Environment Good Practice Advice in Planning: 3 (2nd Edition) document The Setting of Heritage Assets (22 December 2017).

Recommendation: Approve subject to amendment to accommodate a revised heritage statement and conditions.

5.15 Conservation Officer (FDC) (13/1/2021)

This is now an acceptable heritage statement compliant with para 189 of the NPPF and LP18. I am therefore happy to accept this in relation to the application and don't require any further consultation on this.

5.16 Conservation Officer (FDC) (10/8/2021)

This was a case that I inherited and it was my understanding that previous discussions between officers, applicant and agent had reached a point where initial concerns in relation to the style and density of the proposed development had been addressed.

Under paragraph 6. ii in my comments dated 6th October 2020, I state that: "It is very clear that the land proposed for development directly forms part of the surroundings in which the designated heritage asset, the grade ii listed church, is experienced. The site in question makes a tangible contribution to the sense of space and natural qualities around the church and churchyard serving to reinforce the church's historic rural context. The residential development proposed would have a substantial impact on the setting of the church fundamentally changing the surrounding in which the heritage asset it experienced. It is felt the proposed development would have a negative impact on the setting of the church and the surroundings in which it is experience and would harm the setting of the church".

Subsequent points refer to the details of the development as had been discussed with previous officers. It was felt that the revised scheme had met the concerns

previously raised by colleagues and my comments aimed to remain consistent with previous advice.

However, there is clear harm to the setting and the setting contributes to the significance of this 1873 Parish Church. Historic maps show that it was once entirely open countryside, with a sparse population in the parish of Westry for a relatively large church, so it perhaps also served those living to the north and west of March. The land around has several permissions for development and the rural isolation of the church has been lost so this development changes the immediate setting and amounts to cumulative harm to that setting if not the overall significance of the church. It is certainly less than substantial harm and so needs to be weighed against the public benefit of the proposal. It is not clear if there is sufficient public benefit in 6 dwellings, to outweigh that harm, and this therefore needs to be assessed in the final review of the application.

5.17 CCC (Lead Local Flood Authority)

Comments were received on 5/2/2020, 5/10/2020, 16/10/2020 and 18/12/2020, which are available to view via public access, the most recent response is detailed in full below:

5.18 CCC (Lead Local Flood Authority) (15/3/2021)

Thank you for your re-consultation which we received on the 22nd February 2021.

We have reviewed the following documents:

- Surface Water Drainage Revisions Letter, GHBullard & Associates LLP, 132/2020/002/JAH. Dated: 19/02/2021.*
- Proposed Surface Water Drainage Layout, GHBullard & Associates LLP, 132/2020/03-P6. Dated: 19/02/2021.*
- Flood Risk Assessment And Drainage Strategy Addendum, G.H. Bullard & Associates LLP, 132/2020/FRADS/ADD. Dated: October 2020.*
- March Sixth DDC and March West & White Fen IDB Response, GR/315/PL/165 & 316/PL/773.*
- Flood Risk Assessment And Drainage Strategy, G.H. Bullard & Associates LLP, 132/2020/FRADS-P3. Dated: December 2020*

Based on these, as Lead Local Flood Authority (LLFA) we can now remove our objection to the proposed development.

The above documents demonstrate that surface water from the proposed development can be managed through the use of a shallow basin, a filter strip and permeable paving. Surface water will then discharge into the existing watercourse to the west of the site at 0.8 l/s during all events up to and including a 1 in 100 year storm event plus a 40% allowance for climate change.

Water will pass through a filter medium to manage the risk of blockage to the flow control.

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

We request the following conditions are imposed:

Condition

No above ground works shall commence until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment And Drainage

Strategy prepared by G.H. Bullard & Associates LLP (ref: 132/2020/FRADS-P3) dated December 2020 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.

Reason To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity.

Condition

Details for the long term maintenance arrangements for the surface water drainage system (including all SuDS features) to 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.

Reason To ensure the satisfactory maintenance of drainage systems that are not publically adopted, in accordance with the requirements of paragraphs 163 and 165 of the National Planning Policy Framework.

Informatives

IDB Consent

Part or all of your proposed development area falls within the Middle Level Commissioners (MLC) catchment or that of the March West and White Fen Internal Drainage Board (IDB) whose consents are managed by the MLC. All increased discharges proposed to enter watercourses directly or indirectly or any works affecting watercourses or access to or along them for maintenance if the site is within the Board's district will require MLC/IDB consent. It is therefore recommended that you contact the IDB/MLC to discuss their requirements. Further information is available at: <https://middlelevel.gov.uk/>

Pollution Control

Surface water and groundwater bodies are highly vulnerable to pollution and the impact of construction activities. It is essential that the risk of pollution (particularly during the construction phase) is considered and mitigated appropriately. It is important to remember that flow within the watercourse is likely to vary by season and it could be dry at certain times throughout the year. Dry watercourses should not be overlooked as these watercourses may flow or even flood following heavy rainfall.

5.19 Refuse Team (FDC) (6/2/2020)

To allow access the private road would need to be constructed suitably for a 26 tonne refuse vehicle and indemnity would be required against any potential damage to the road surface etc. which may be caused during vehicle operations.

A swept path plan would be required to demonstrate that a refuse vehicle could access the site turn and leave the site in a forward direction, this would need to include coming on and off the A141.

Alternatively it would require a shared collection point at the top of the access road however this would involve residents having to move bins some distance on collection day.

5.20 Refuse Team (FDC) (6/10/2020)

The vehicle tracking shows that we could access and turn within the site with no issues. The shared bin collection point is located outside the area of block paving which would mean our vehicles would not have to access this area..

Indemnity would be required from landowners or future management company against any potential damage to the road surface etc. which may be caused during vehicle operations. The roadway would need to be constructed suitably for a 26t vehicle.

New residents will require notification of collection and storage details by the developer before moving in and the first collection takes place. - Refuse and recycling bins will be required to be provided as an integral part of the development

5.21 Refuse Team (FDC) (28/10/2021)

I have been out and had a look at the site and it would be very tight with the tree overhang especially when they are in full leaf (our vehicles are 3.5m high).

On reflection are shared collection point next to the 141 as per Church Gardens would be the best solution and remove the need for indemnity etc.

5.22 Cambridgeshire County Council Highways Authority (22/1/2020)

The proposal access road layout is not conducive to CCC road adoption standards. FDC need to be satisfied that the proposed scale of development can be accessed via a private access road.

The access should sealed and drained 5m for the first 10m. This should be clearly annotated on the planning layout. Due to the access widening, the culvert and dropped kerb arrangement will also require extending.

Defer for amended plans or re-consult for highway conditions.

5.23 Cambridgeshire County Council Highways Authority (25/9/2020)

The site plan should refer to CCC Highway Construction Standards and not NCC

The access details pedestrian visibility splays. The splays detailed should form part of the access construction. They should not be referred to as ped visibility in this instance.

The private access should state sealed and drained away from the highway. A high point should be formed at the highway boundary so surface water falls into the site into the highway.

2.4m x120m vehicle to vehicle visibility should also be detailed. Defer for an amended access details plan

5.24 Cambridgeshire County Council Highways Authority (30/9/2020)

I have just had a brief discussion with the agent to explain the following;

The agent should state the Highway access crossover (btw the footway and the highway boundary) will be sealed and drained in accordance with CCC Highway Construction Standards (details will be agreed at S184 Highway Agreement stage).

The note regarding the private access construction should state the access will be sealed and drained away from the highway. These notes just avoid the need for pre-commencement drainage/access construction conditions

5.25 Cambridgeshire County Council Highways Authority (05/10/2020)

I have no highway objections subject to the following condition recommendations;

1.) The buildings shall not be occupied until the means of vehicular access has been laid out and constructed in accordance with the approved plans.

Reason: In the interests of highway safety and to ensure satisfactory access into the site.

2.) The vehicle turning and parking spaces shown on the approved plans shall be provided before the development is brought into use and shall be retained thereafter. Reason - To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety.

3.) Prior to the first occupation of the development any gate or gates to the vehicular access shall be set back a minimum of 6m from the near edge of the highway footway. Any access gate or gates shall be hung to open inwards.

Reason: In the interests of highway safety.

Advisories

1.) This development involves work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicants responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council. Public Utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, the cost of which must be borne by the applicant.

2.) The applicant should note that the nature of the highway works proposed will necessitate the completion of a Section 184 Highway Works Agreement between the developer and the LHA prior to commencement.

3.) The development proposes a greater number than 5 dwellings served by a private drive. Your Authority must consider the long-term implications of permitting such development in terms of construction, future maintenance, lighting and surface water drainage of the access road(s) together with refuse collection.

5.26 Cambridgeshire County Council Highways Authority (17/12/2020)

I have no further comments

5.27 Cambridgeshire County Council Highways Authority (10/8/2021)

The visibility splays are achievable along the existing highway verge and the applicant has detailed the visibility splays on submitted plan 23 REV F, albeit they have not detailed the full length. This does however provide sufficient detail/evidence to demonstrate they are achievable with the existing public highway.

5.28 Middle Level Commissioners

Thank you for your email of the 23rd September 2020 advising of revised proposals in relation to the above planning application. Please be advised that neither the Middle Level Commissioners nor our associated Boards are, in

planning terms, statutory consultees and, therefore, do not actually have to provide a response to the planning authority and receive no external funding to do so.

With the exception of the simplest matters, we are instructed to advise that we no longer provide bespoke responses to planning applications unless we are requested to do so by the Board and/or the applicant, as part of a pre/post-application process.

However, on this occasion, the Board has requested that we contact your authority in respect of the above development. We respond as follows:

We received an initial enquiry from G H Bullard & Associates LLP acting on behalf of the applicant requesting an “approval in principal” for the discharge of surface water at a rate of 2l/sec to a receiving watercourse which runs alongside the A141 Wisbech Road and the front of St Mary’s Hall and St Mary’s Church. It is believed that this watercourse drains via a culvert beneath Wisbech Road to connect to the drainage system which ultimately drains to the March West and White Fen IDB system. Please note that positive connection to the west of Wisbech Road has not been confirmed nor the state of the drains downstream of the site along Wisbech Road. The site in question also straddles the Highland Catchment boundary with the March Sixth District Drainage Commissioners area.

We have had discussions with representatives of both respective Boards regarding the above development and also the other developments within the immediate area references F/YR19/0307/O, F/YR19/3090/COND and F/YR16/0356/F. Subsequent to these discussions I have outlined below the position of both Boards in relation to drainage matters from these developments.

- Surface water discharge to the private watercourse alongside Wisbech Road/A141 at St Mary’s Church Hall. “In principle” discharge to this watercourse would be acceptable although this would be based on an attenuated discharge to greenfield rates. In addition, the Board would require that the receiving watercourse is of a suitable condition to accept the discharge and there is a positive connection to the wider drainage network to the west of Wisbech Road. This would be subject to proving the connection, it is assumed there is a pipe crossing Wisbech Road, and this pipe is of sufficient capacity to accommodate the flows.*

- As a suggested alternative discharging to the private watercourse on the eastern boundary of the adjacent site, which drains to the March Sixth DDC district, if practical, may be a viable alternative. Please note that such a discharge would also be required to be attenuated to greenfield rates and is also conditional on the condition of the receiving watercourse which would require clearance works to the downstream sections.*

- In both cases as the proposed receiving watercourses are private drains agreement from riparian owners downstream would be required. The alternative watercourse is suggested as this is also the proposed discharge for the other two developments at Woodgate, therefore a “combined” approach may present a viable solution of benefit to all parties.*

- Please be advised that a discharge consent for treated foul effluent from the above development or the other two at Woodgate, to either watercourse or systems would not be granted consent at this time. Due to the number of*

properties from all of the developments the volume of treated effluent discharge would be significant. This would place a significant increased “load” on the receiving systems in addition to the other issues associated with the disposal of treated effluent water from non-adopted systems, including the increased risk of pollution and odours as a result of “spills”, possibly due to the lack of maintenance of the units; potential detrimental effect on the water environment etc.

• The disposal of treated effluent from all development sites would therefore need to be to the local public sewer, the closest being located in Hostmoor Avenue. We have advised all of the developers that they should liaise with each other to propose a suitable system to provide connection for all of the proposed developments. Please note that a discharge consent for treated effluent would still be required, although in this respect to the Middle Level Commissioners, as the local AWS foul system ultimately discharges to the Middle Level System via the March Treatment Plant.

5.30 Local Residents/Interested Parties

6 objections have been received (4 from Church Gardens, Westry, 1 from High Street, March, 1 from Wisbech Road, March), in relation to the following:

- Drainage/surface water/flooding/ground levels
- Traffic exit/entry
- Parking provision for large functions held at church/church hall and knock on impact
- Access and impact on A141, A141 dangerous and lots of accidents, access needs upgrading, lorries parked in layby block visibility
- Communal parking from proposed dwellings – disputes, unable to charge electric vehicles
- Impact on the setting of the church
- Loss of privacy/overlooking
- Noise
- Loss of/impact on trees
- Overdevelopment/ contrary to rural environment/urbanisation/poor design
- Unsuitable mass and form of building
- 9 dwellings off a private road
- The footpath into town is narrow, poor and inadequate – how will schools be accessed
- Refuse collection point required adjacent highway
- Security and maintenance issues
- No mains drainage or gas – how will foul drainage and heating/hot water be provided
- No windows should be provided in the north elevations and construction hours should be limited
- Plots 2 and 3 only have access to gardens through the dwellings, gardens are largely overshadowed, how will garden waste be dealt with
- Concerns regarding the removal of a portion of 1.8m high boundary fence
- Cellular confinement system appears unsuitable
- Site is in an ‘elsewhere’ location and unsustainable
- Not brownfield
- Smaller number of detached dwellings should be proposed.
- Can refuse vehicles access the site
- Concerns regarding the attenuation basin

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).

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities when considering development to pay special attention to preserving a listed building or its setting.

7 POLICY FRAMEWORK

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

National Model Design Code 2021

National Design Guide 2019

Context – C1, C2

Identity – I1, I2

Built Form – B2

Movement – M3

Nature – N2, N3

Homes and Buildings – H1, H2, H3

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

LP9 – March

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

Delivering and Protecting High Quality Environments in Fenland SPD 2014

DM2 – Natural Features and Landscaping Schemes

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

DM4 – Waste and Recycling Facilities

Cambridgeshire Flood and Water SPD 2016

March Neighbourhood Plan 2017

H2 – Windfall Development

H3 – Local Housing Need

8 KEY ISSUES

- **Principle of Development**
- **Heritage**
- **Design considerations and visual amenity of area**
- **Residential Amenity/Health and wellbeing**
- **Highways and parking**
- **Flood Risk and Drainage**
- **Ecology**

9 BACKGROUND

- 9.1 Pre-application advice was given (reference 17/0150/PREAPP) that the principle of development in terms of access to facilities was considered to be acceptable, issues to be considered were the impact on the setting of the Grade II listed church, parking and access and the overall design context.
- 9.2 The original submission was for 9 dwellings, it was considered that the proposal put forward failed to preserve the setting of the listed church, the terraced style housing was completely at odds with the prevailing character of the area (relatively rural, low density, detached dwellings on spacious plots) and significant information was outstanding. It was recommended that the application be withdrawn. Subsequently a meeting was held where it was suggested by the Council that a maximum of 3 units be put forward, the agent suggested 6 dwellings on a layout reflecting Church Gardens. A scheme for 5 dwellings was reviewed and informal advice given.
- 9.3 A revised scheme for 6 dwellings was then submitted and revised, a surface water drainage scheme has been proposed and amended due to roots of protected trees, ecology reports have been submitted and a subsequent bat emergence survey undertaken.

10 ASSESSMENT

Principle of Development

- 10.1 March is listed as a 'primary market town' in Policy LP3 of the Fenland Local Plan, where the majority of the district's new housing, employment growth, retail growth and wider service provision is directed to.
- 10.2 The site is considered to be located within the existing built form and within a reasonable walking distance of some local services and facilities, as such the principle of residential development of this site in this sustainable location is considered acceptable. This is however on the basis that the development is in keeping with and reflects the character of the area and that there are no significant issues in respect of heritage, residential or visual amenity, design, parking, highways, flood risk and ecology.

Heritage,

- 10.3 The application site is located within the setting of the Grade II listed St Mary's Church; constructed in 1874 some 2 miles north of the town following the formation of the ecclesiastical parish of Westry in the 1860's. Map evidence from the 1889 OS map shows the originally it stood very much alone in its rural location. Despite now being associated with a more established grouping of buildings St Mary's Church still benefits from a strong rural setting derived from the sense of space around the building, within the churchyard and beyond, and strong natural qualities around the church comprising of trees and hedging to its boundaries and around the site. The building closest to the church is the simple building that is the Parish Room which is situated south of the church and was shown in position on the 1927 OS map and by

its nature has a functional relationship serving the church. Beyond the parish rooms other buildings do not unduly encroach into the setting of the church.

- 10.4 The proposal put forward would result in residential development occurring on land directly to the rear (east) of St Mary's Church, which is in the immediate vicinity of the church and forms part of its setting. The site in question makes a tangible contribution to the sense of space and natural qualities around the church and churchyard serving to reinforce the church's historic rural context. This setting therefore contributes to the significance of the heritage asset. The residential development proposed would have a substantial impact on the setting of the church fundamentally changing the surrounding in which the heritage asset is experienced. Consequently, this would result in harm to the setting of the church. While development has occurred within the wider setting of the church it has sought to largely respect the rural character of the locality and sense of space around the church.
- 10.5 The scheme has been amended to address the significant conservation concerns initially raised and the current proposal seeks to replicate an alms house style. The plots will be gable end on to the church which will soften their impact on the setting of the church and as such the development is considered to create less than substantial harm to the heritage asset.
- 10.6 Para 197 of the NPPF requires local planning authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets, para 199 states that when considering the impact of a proposal on the significance of a designated heritage asset great weight should be given to its conservation and para 202 states that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 10.7 Cambridgeshire County Council Archaeology have advised that the site lies in an area of archaeological potential and whilst they do not object to development proceeding in this location consider that the site should be subject to a programme of archaeological investigation which can be secured through a pre-commencement condition.

Design considerations and visual amenity of area

- 10.8 The development proposes a terraced block of 4 dwellings and a pair of semi-detached dwellings opposite featuring undercroft parking and a shared detached garage. Whilst proposing rooms in the roof, the dwellings are 7.8m high, with eaves at 2.62m resulting in the roof slopes appearing dominant and there are opportunities to improve the design, that said this is not considered significant enough to warrant a refusal purely on architectural merits. The plots feature defensible space to the front providing separation from the access road. Views when travelling along the access road would be to the side of plot 1 and the rear of plots 1-4 would be visible, this is considered poor in visual amenity term as there is no focal point or sense of arrival.
- 10.9 As noted in the heritage section above, the surrounding area is relatively rural, with a sense of space and verdant character. Where developments have been allowed (for example Church Gardens to the north east and Limetree Close to the south east) these are mainly detached housing on spacious plots and overall, the area is generally low density. The proposed development seeks to introduce higher density development (more than double the density of the Limetree Close development), which results in an over development of the site and an urbanising impact at odds with the prevailing rural character of the area. Furthermore, the introduction of

substantial areas of hardstanding is considered to diminish the verdant quality of the area. Overall, the proposal is considered to result in a significant detrimental impact on the character and visual amenity of the area.

- 10.10 There are discrepancies on the submitted details in relation to the materials proposed, hence if minded to grant the application it is considered necessary to impose a condition to secure suitable materials; given the location of the site within the setting of a listed building, samples of all external materials would also be required.
- 10.11 The trees on site and surrounding are protected by TPO MU/2/465/15. The application is accompanied by an Arboricultural Impact Assessment, a total of 39 trees and tree groups were recorded and the proposal requires the removal of eight trees and three groups of trees. The three groups and one tree are considered of poor arboricultural quality, six trees are of low quality and T28 is of moderate quality and requires removing as it creates a significant constraint to the development and has a reduced life expectancy due to structural defects. Following further investigation, the drainage scheme was amended due to the presence of major roots, the Council's Arboricultural Officer has no objections to the revised scheme, however it is considered that a method statement be secured by way of a condition to ensure the trees are adequately protected and construction methods are suitable.
- 10.12 Due to the construction methods required to protect the trees there is potential for land levels to be altered, hence , if minded to grant the application it is considered necessary to impose a condition in relation to existing and proposed site levels to enable the acceptability of amendments to be considered. A soft landscaping scheme is also required, this was requested during the course of the application however the agent wished for this to be conditioned.

Residential Amenity/Health and wellbeing Surrounding buildings

- 10.13 To the north east of the site is the substantial 3-storey dwelling of 4 Church Gardens which is located on a substantial plot at the end of a long private drive. There is 1.8m high close boarded fencing separating Church Gardens from the application site and a landscaping strip with significant trees before the private drive is reached. The closest building on this plot is the detached garage and store, which is located approximately 11.5m from the development site, the dwelling itself is located approximately 23m distant at the closest point. It is acknowledged that there would be some additional overlooking as a result of the proposed development, however this would mainly affect land to the front of No.4 which is visible from users of Church Gardens, the dwelling is located on a substantial plot with large areas of amenity space a sufficient distance from the development and the dwelling is located at an acceptable distance away, as such the impact in relation to overlooking/loss of privacy is not considered to be significant. Similarly, there are not considered to be significant adverse impacts on the residential amenity of this dwelling in respect outlook, loss of light or overshadowing.
- 10.14 To the south east is the Limetree Close development of 9 dwellings, approved under F/YR19/0602/RM which are currently under construction, none of these appear to be occupied at this time. Plots 1, 3 and 5 adjoin the application site. Plots 1 and 3 may experience additional noise and disturbance in respect of the intensification of the use of the access, however this is separated by tree/landscaping belt and the access is proposed to be of a bound material mitigating noise, as such this is not considered to have a significant impact on the residential amenity of future occupier of these dwellings. Plot 5 Limetree Close is located alongside the gardens of plots 1-4, the

proposed dwellings are located approximately 18m distant with first-floor windows facing towards plot 5 Limetree Close serving bathrooms, shower rooms and the landing, only the landing window would be clear glazed, and a condition could be imposed to ensure all windows were obscure glazed given these do not serve habitable rooms. Plot 5 Limetree Close does feature a first floor window in the gable end facing towards the proposed development, however this is located 8m from the boundary with the application site. As such there are not considered to be any significant detrimental impacts in relation to the residential amenity of the future occupants of plot 5 Limetree Close.

- 10.15 The dwellings on the opposite site of Wisbech Road are not considered to be significantly affected.
- 10.16 St Mary's Church and Church Hall are surrounded by the application site and the scheme encompasses the car park serving these, the proposed dwellings are some 41m from the church and 56m away from the hall, both aforementioned buildings would be used for events and functions. Policy LP16(o) seeks to ensure that developments would not result in any unreasonable constraints on adjoining facilities by introducing 'sensitive' developments such as dwellings in close proximity. There is potential for the proposed dwellings to be impacted by the use of the hall, and the layout of the site is such that users of the car park are likely to use the private road to turn, particularly if the car park is full as it would be necessary to enter the site before this would be known, resulting in noise, disturbance and potential parking conflict, however this is not considered to cause such harm to justify a refusal in this regard.
- 10.17 To the north west of the site is the 2-storey dwelling of 5 Church Gardens. Plots 2 and 6 are in closest proximity which their gardens bounding, the proposed dwellings are approximately 34m from the boundary and garage closer at approximately 25.5m, at these distances the proposal is not considered to have a significant detrimental impact on the residential amenity of 5 Church Gardens.

Proposed development

- 10.18 The proposed dwellings feature rooms in the roof space and the majority of the bedrooms are afforded only rooflights limiting outlook, some are afforded small traditional windows however these bedrooms are long and narrow and as such would have limited natural light.
- 10.19 Plots 2 and 3 have no external access to the rear gardens and would be required to access this through the house, this also results in bin and cycle stores being located to the front of the dwellings which would create a cluttered appearance to the detriment of visual amenity.
- 10.20 Whilst good sized rear gardens are provided to plots 2-6 these are dominated by the substantial protected trees which would limit usability and result in a loss of light and potential for significant overshadowing, and if permitted would lead to pressure to undertake works or fell these trees. The garden to plot 1 is considered unacceptable, not only is it dominated by the existing trees, the parking spaces serving this plot are located within it and only hedging is provided to the southern boundary leading to a lack of privacy to a plot that would be visible the full length of the access road; whilst a suitable boundary treatment could be conditioned the other issues remain.
- 10.21 Plots 5 and 6 feature kitchen windows facing the undercroft parking area, these would either have a poor outlook onto vehicles if cars were parked, or direct views

into the kitchen of the other unit if the space was kept clear. Is it acknowledged that these are secondary windows to the kitchen/dining area, nevertheless this further evidences the poor design and residential amenity afforded to the development.

- 10.22 The separation distance between blocks is approximately 27.5m and this relationship is considered acceptable. However overall, the proposed development is considered to be of poor design which would not provide a high quality living environment or an acceptable level of internal or external residential amenity.
- 10.23 The Council's Environmental Health team consider that whilst the A141 is close by, there is sufficient separation distance for a noise assessment to be unnecessary. They do however request that an unsuspected contamination condition is imposed.
- 10.24 The scheme has been designed to enable refuse vehicles to enter the site for collection, however it was subsequently advised that due to the scale of vehicles and protected trees on site (the vehicles may not clear the trees), that a shared collection point is required within 10m of the A141. A suitable collection point is required for up to 12 bins on collection day (2 per dwelling), the collection point currently shown is both inaccessible to refuse vehicles and insufficient for this number of bins. An alternative scheme will need to be put forward, DM4 and RECAP guidance states that users should not have to carry their waste and recycling more than 30m between storage and collection areas, the closest dwelling would need to carry bins at least 72m, well in excess of the recommended distance with other dwellings being required to carry them a much greater distance. Furthermore, the only option for a bin collection area within 10m of the A141 would be within the root protection area and canopies of the protected trees on the boundary.

Highways and parking

- 10.25 The site is accessed from the A141 which has a 40mph speed limit in this location, the existing access is to be utilised and upgraded. The LHA consider that the submitted details demonstrate that the required visibility splays are achievable within the existing public highway as such they have no objections subject to conditions in relation to provision of the access, parking and turning and no gates within 6m of the highway.
- 10.26 The private access road is 5m wide with turning heads, allowing cars to pass, turn and exit the site in forward gear; a separate 2m wide path is provided for pedestrians. The road is proposed to be porous asphalt (sealed and drained away from the highway for the first 10m) and charcoal block paving; footpaths are to be brindle block paving, parking for the church hall is gravel and parking for the proposed dwellings broken block paving or asphalt.
- 10.27 The application form submitted indicates that there are 19 parking spaces on site and 6 cycle spaces as existing serving the church/church hall, though this is an informal arrangement, on a small area of gravel with the rest of the site remaining unmade. Policy LP15 and Appendix A require 1 parking space for every 5 sqm of public floor space, this equates to 25 parking spaces. The proposed site plan details 25 spaces of 2.5m x 5m with 6m in between spaces to enable entrance/exit, though with the gravel surface proposed these are unlikely to be demarcated (unless conditioned) resulting in a free for all as is currently the case and there is less space available for parking due to the location of the access road, however this is not considered to cause such harm to justify a refusal in this regard.
- 10.28 With regards to the proposed dwellings, Policy LP15 and Appendix A require 2 parking spaces per dwelling, this can include a garage where internal measurements

are at least 3m x 7m. Each dwelling has 2 parking spaces of 3m x 5.5m, however the garage serving plots 5 and 6 is not large enough to be considered parking, as such their spaces will be located in front of the garage and within the undercroft. The parking for plot 1 is considered to have limited visibility to the north due to the presence of high fencing and it is unclear whether the turning from these plots is workable, further evidencing the poor design of the scheme.

Flood Risk and Drainage

- 10.29 The site is located within Flood Zone 1, the lowest risk of flooding; existing site levels are generally level with a slight fall towards the west of the site. Floor levels are to be set at 150mm above surrounding ground levels.
- 10.30 The government website indicates that there is very low risk of surface water flooding to the site itself, and a localised area of low risk at the access to the site; this data can be viewed here:

[Check the long term flood risk for an area in England - GOV.UK \(flood-warning-information.service.gov.uk\)](https://www.gov.uk/government/checklist/check-the-long-term-flood-risk-for-an-area-in-england)

- 10.31 Cambridgeshire County Council Lead Local Flood Authority consider that the submitted information demonstrates that surface water from the proposed development can be managed through the use of a shallow basin, a filter strip and permeable paving. Surface water will then discharge into the existing watercourse to the west of the site (which has been agreed in principle with MLC. They require a detailed surface water drainage scheme, and maintenance arrangements to be secured by way of conditions.

Ecology

- 10.32 Public Authorities have a duty under Section 40 of the Natural Environment and Rural Communities Act 2006 to have regard to conserving biodiversity in policy and decision making.
- 10.33 Policies LP16 (b) and LP19 of the Fenland Local Plan 2014 and Paragraph 174 of the NPPF 2019 seek to conserve, enhance and promote biodiversity. Paragraph 182 advises that the presumption in favour of sustainable development does not apply where a project is likely to have a significant effect on a habitats site, unless an appropriate assessment has concluded that it will not adversely affect the integrity of the habitats site.
- 10.34 A preliminary ecology appraisal survey was undertaken on 20/11/2020, this found low to moderate bat roosting potential within seven trees on site along with foraging and commuting features, T28 is proposed to be felled and there is potential for disturbance to all trees as a result of the development. The site is also considered to provide suitable habitat for amphibians, birds, reptiles and hedgehog. Phased vegetation clearance is recommended along with mammal safeguards. Bat dusk emergence/dawn re-entry surveys were required due to the roosting potential on site, trees and hedgerows should be retained where possible and an external lighting strategy should be approved to ensure this is bat friendly. Enhancements were recommended including provision of bird and bat boxes.
- 10.35 Further survey work was undertaken on T28 which revealed low to moderate bat roosting potential. Subsequently a Nocturnal Bat Emergence Survey was carried out in May 2021 which recorded five bat species in low numbers using the site for foraging and commuting, however no bats were seen emerging from the tree and it was concluded that it was not a bat roost.

- 10.36 The Council's Wildlife Officer considers that the site assessment surveys have established that no protected species will be harmed by the development, so long as certain mitigation and compensation is completed and that the scheme is acceptable but only if conditions are imposed. Pre-commencement conditions are required in relation to a Construction Environmental Management Plan (CEMP) and an Ecological Design Strategy (EDS) and a pre-occupation condition in relation to a lighting strategy.

11 PLANNING BALANCE AND CONCLUSIONS

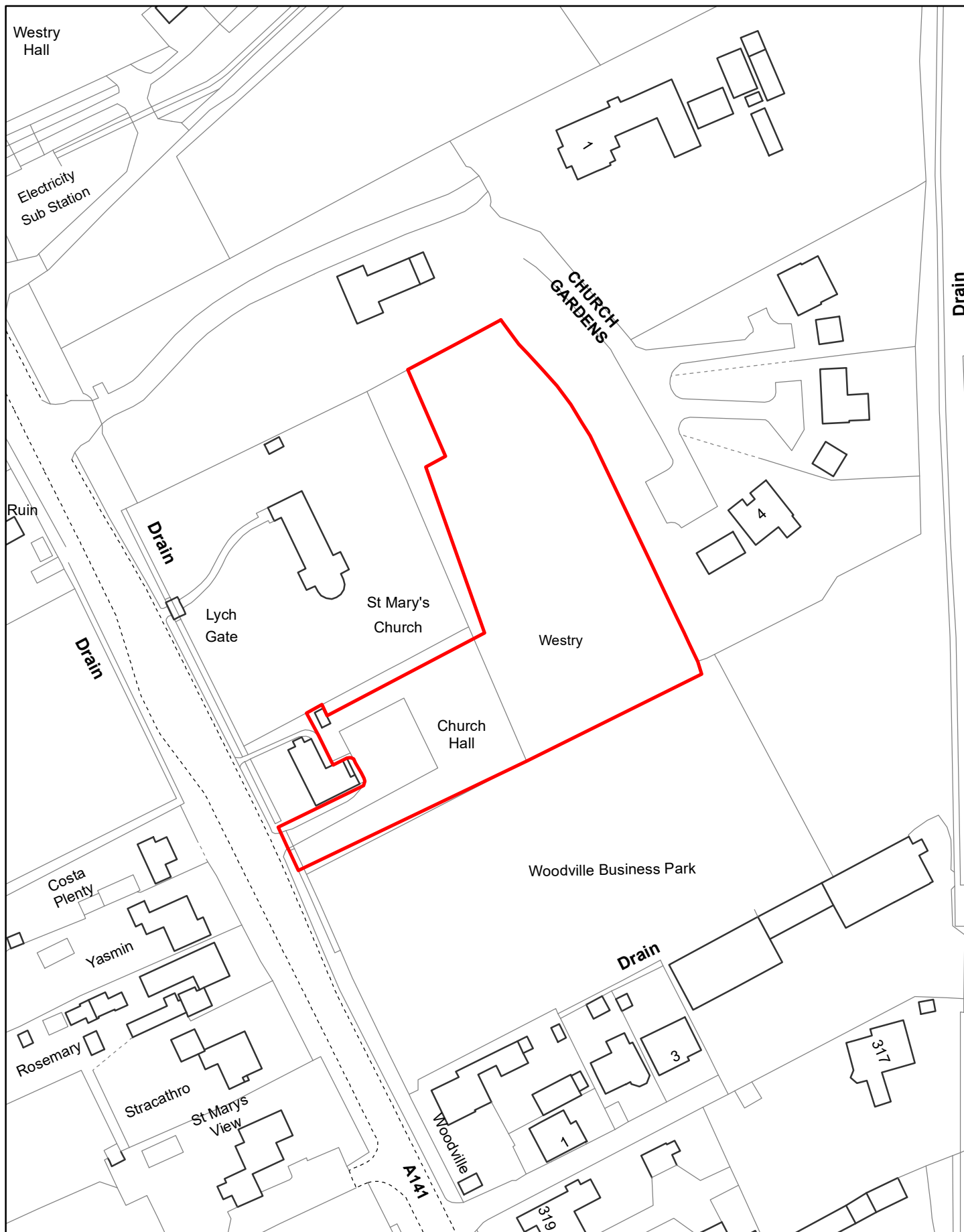
- 11.1 The principle of residential development of this site in this sustainable location is considered acceptable. The access is considered to be acceptable, a suitable surface water drainage scheme can be achieved and no protected species would be harmed by the development; all subject to conditions securing provision and/or further details.
- 11.2 The proposed development seeks to introduce higher density development (more than double the density of the Limetree Close development), which results in an over development of the site and an urbanising impact at odds with the prevailing rural character of the area. Furthermore, the introduction of substantial areas of hardstanding is considered to diminish the verdant quality of the area. Overall, the proposal is considered to result in a significant detrimental impact on the character and visual amenity of the area.
- 11.3 Whilst the relationships with existing (or approved) surrounding dwellings is considered to be acceptable, the proposed development is considered to be of a poor design which would not provide a high quality living environment or an acceptable level of internal or external residential amenity.
- 11.4 The development is considered to create clear harm to the setting of grade II listed St Mary's Church and the setting contributes to the significance. It is considered that the harm created is less than substantial harm. Para 202 of the NPPF states that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Whilst the proposal would provide 6 additional dwellings which would provide some limited public benefit, this is considered to be outweighed by the significant detrimental impact on the character of the area, poor design, failure to create a high quality environment and unacceptable levels of residential amenity afforded to future occupiers. As such, the harm created to the heritage asset is considered to be unacceptable and the application considered to conflict with Policies LP2, LP16 (a, d, f and h) and LP18 of the Fenland Local Plan 2014, DM3 and DM4 of the Delivering and Protecting High Quality Environments in Fenland SPD 2014, chapters C1 C2 and I1 of the NDG 2019 and paras 130, 197, 199 and 202 of the NPPF 2021

12 RECOMMENDATION

Refuse for the following reasons

1	Policies LP2 and LP16 (d) of the Fenland Local Plan 2014, DM3 of the Delivering and Protecting High Quality Environments in Fenland SPD 2014, chapters C1 and I1 of the NDG 2019 and para 130 of the NPPF 2021 seek to ensure that the character of the landscape, local build environment and settlement pattern inform the proposed development, high quality design which provides a positive contribution and to the
---	--

	<p>local distinctiveness and character of the area is achieved and that developments do not adversely impact the landscape character of the surrounding area.</p> <p>The proposed development seeks to introduce higher density development, which results in an over development of the site and an urbanising impact at odds with the prevailing rural character of the area. Furthermore, the introduction of substantial areas of hardstanding is considered to diminish the verdant quality of the area. Overall, the proposal is considered to result in a significant detrimental impact on the character and visual amenity of the area, contrary to the aforementioned policies.</p>
2	<p>Policies LP2 and LP16 (f and h) of the Fenland Local Plan 2014, DM4 of the Delivering and Protecting High Quality Environments in Fenland SPD 2014, para 130 of the NPPF 2021 seek to avoid adverse impacts, achieve a high design quality which promotes health and well-being, provides a high standard of amenity for future users and provides well designed facilities for the storage and collection of waste.</p> <p>The proposed development is considered to be of a poor design which would not provide a high quality living environment or an acceptable level of internal or external residential amenity for future occupants. Furthermore, a suitable waste storage and collection strategy has not been evidenced. As such, the proposal is considered contrary to the aforementioned policies.</p>
3	<p>Policies LP2, LP16 (a) and LP18 of the Fenland Local Plan 2014, chapter C2 of the NDG 2019 and paras 197, 199 and 202 of the NPPF 2021 seek to avoid adverse impacts and protect, sustain and enhance the significance of heritage assets.</p> <p>The site forms part of the setting of the grade II listed St Mary's Church and contributes significantly to its significance. The development would result in less than substantial harm to the heritage asset by diminishing this setting and this harm needs weighing against the public benefit of the development in accordance with para 202 of the NPPF 2021.</p> <p>Whilst the proposal would provide 6 additional dwellings and formalise the parking to the church hall, which would provide some public benefit, this is considered to be outweighed by the significant detrimental impact on the character of the area, poor design, failure to create a high quality environment and unacceptable levels of residential amenity afforded to future occupiers. As such, the proposal is considered contrary to the aforementioned policies.</p>



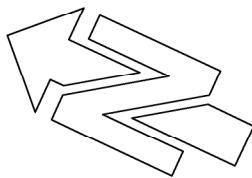
Created on: 08/01/2020

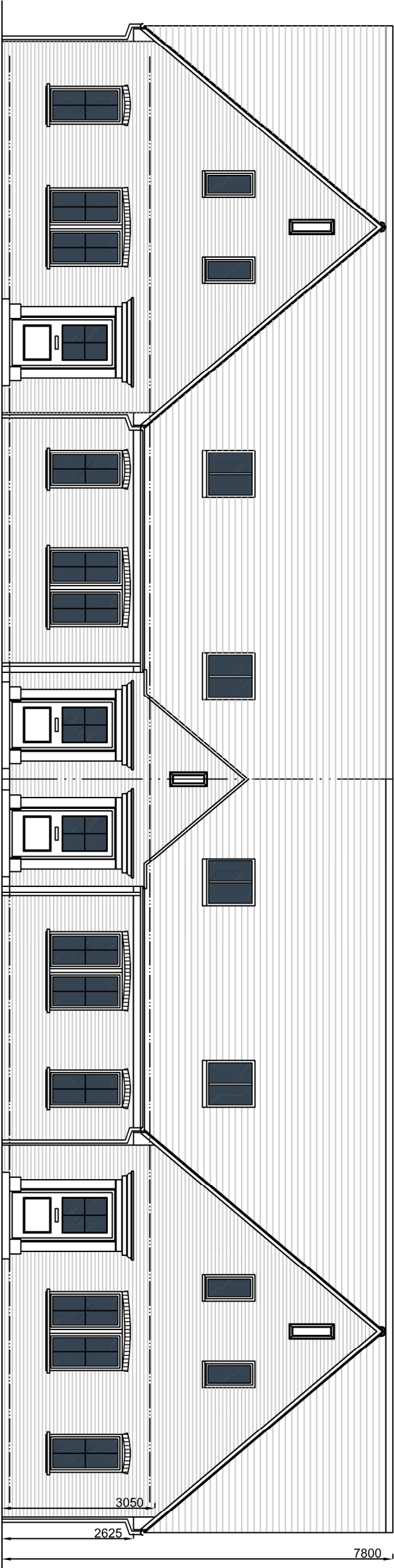
© Crown Copyright and database
rights 2020 Ordnance Survey 10023778

F/YR19/1106/F

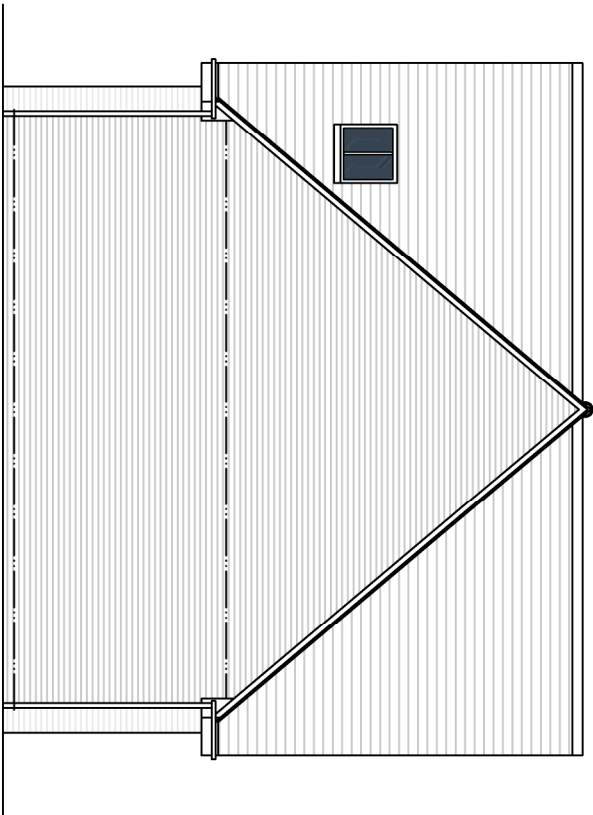
Scale = 1:1,250



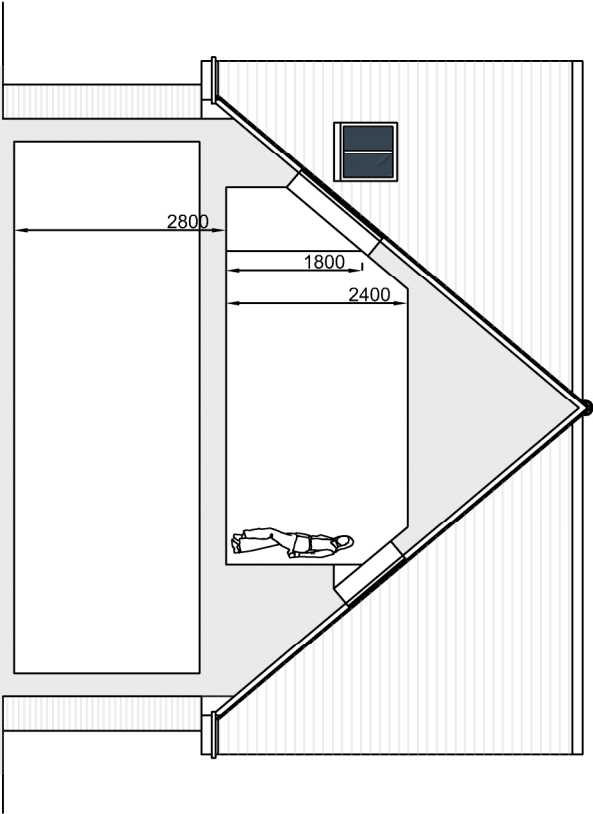




FRONT (NORTH WEST) ELEVATION



END (SOUTH WEST) ELEVATION

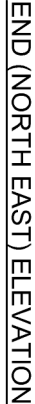


TYPICAL SECTION

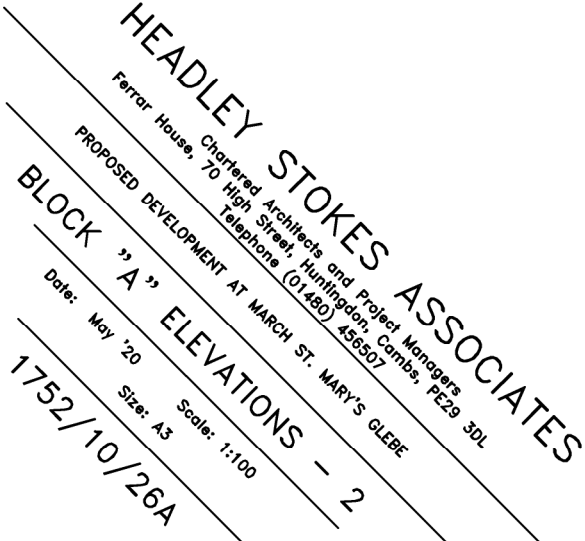
MATERIALS

- Walls -
All facing brickwork to be: BEA Classic Buff Multi 65mm
Arched head details to be: BEA Classic Red 65mm
All stone features to be in Warrick Stone "Bath"
- Roof -
Spanish slate 20x10 Elapi Standard Slate A1, T1 & S1. 30 yr guarantee
- Windows & Doors -
Charcoal Grey painted timber framed double glazed casements with royal blue / postbox red gloss paint to front doors
- Fascias and Soffits -
Black painted timber
- Rainwater Goods -
Black, Heritage range aluminium half-round gutters and matching downpipes

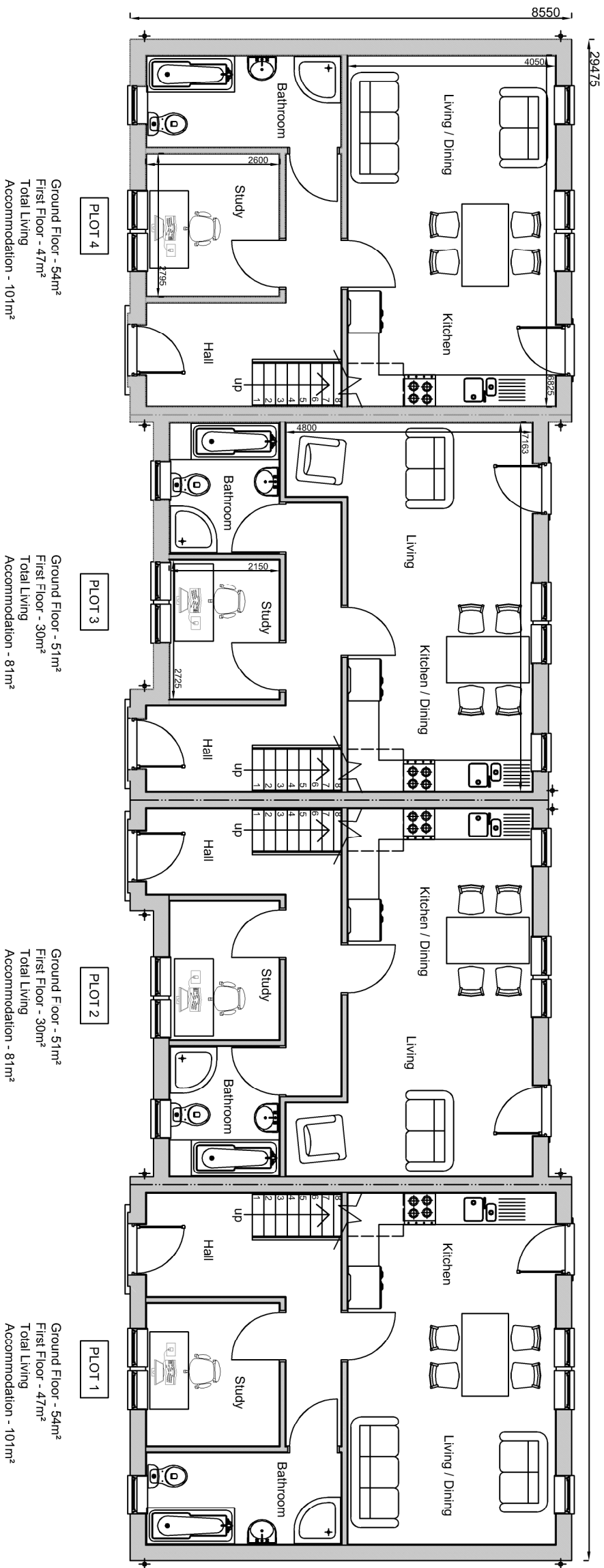




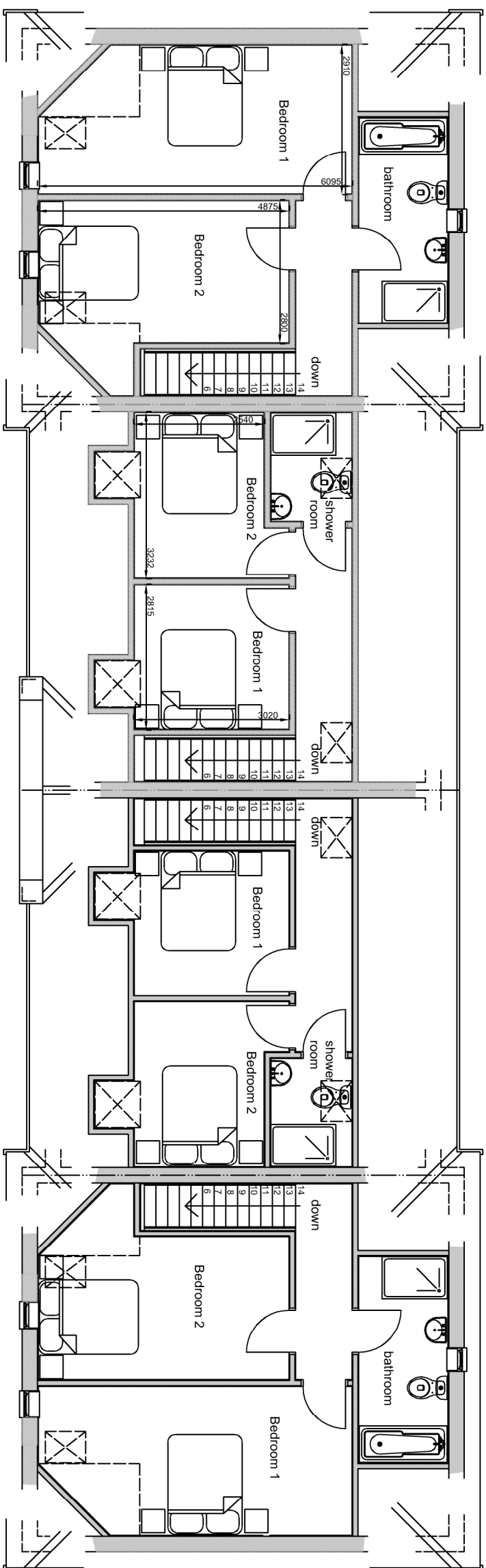
**Rainwater Goods -
Black, Heritage range aluminium half-round gutters
and matching downpipes**

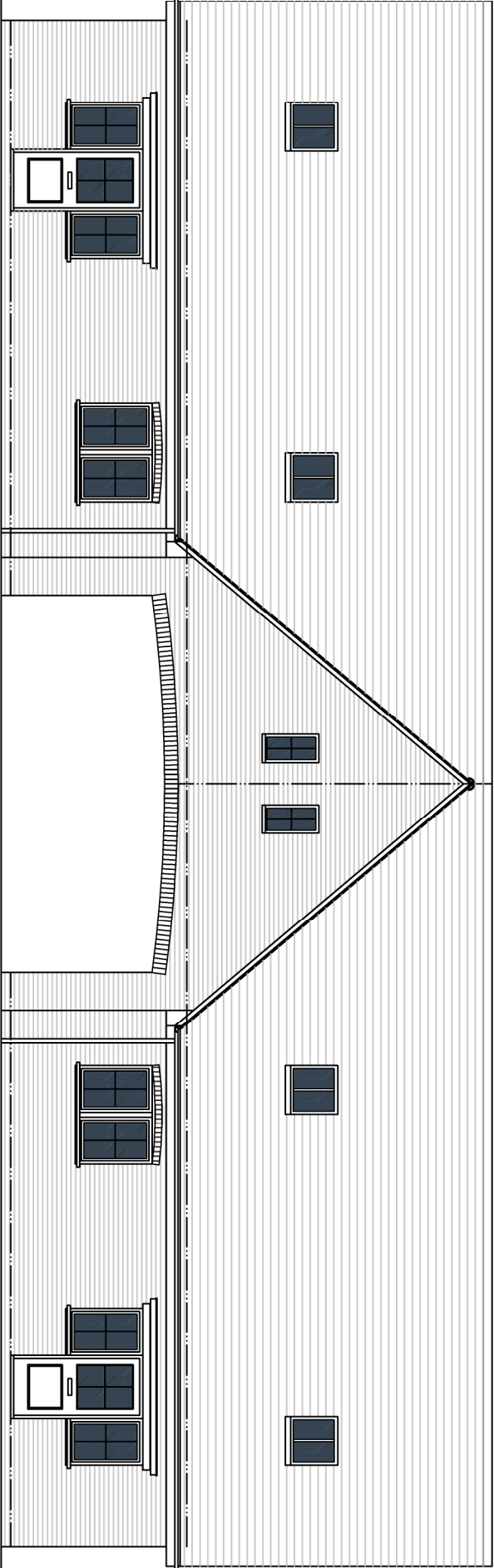


GROUND FLOOR PLAN

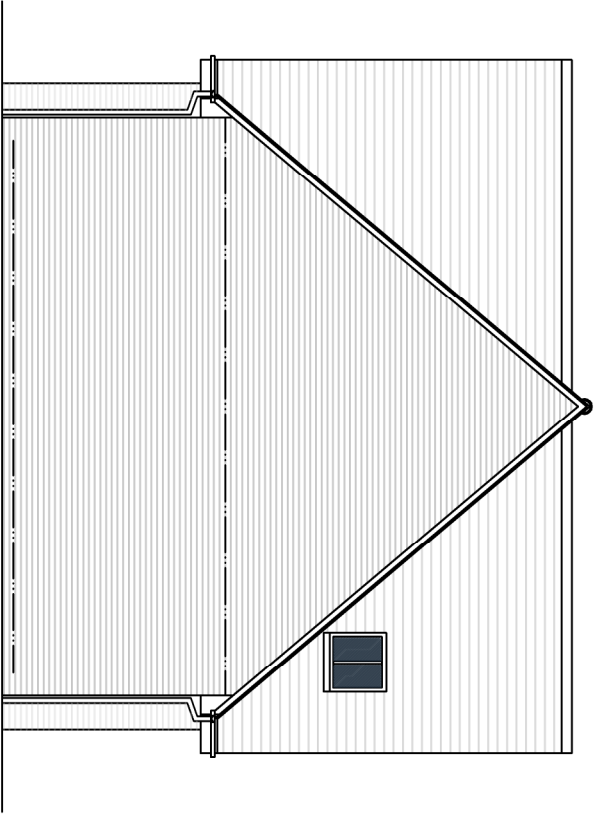


FIRST FLOOR PLAN





FRONT (NORTH WEST) ELEVATION

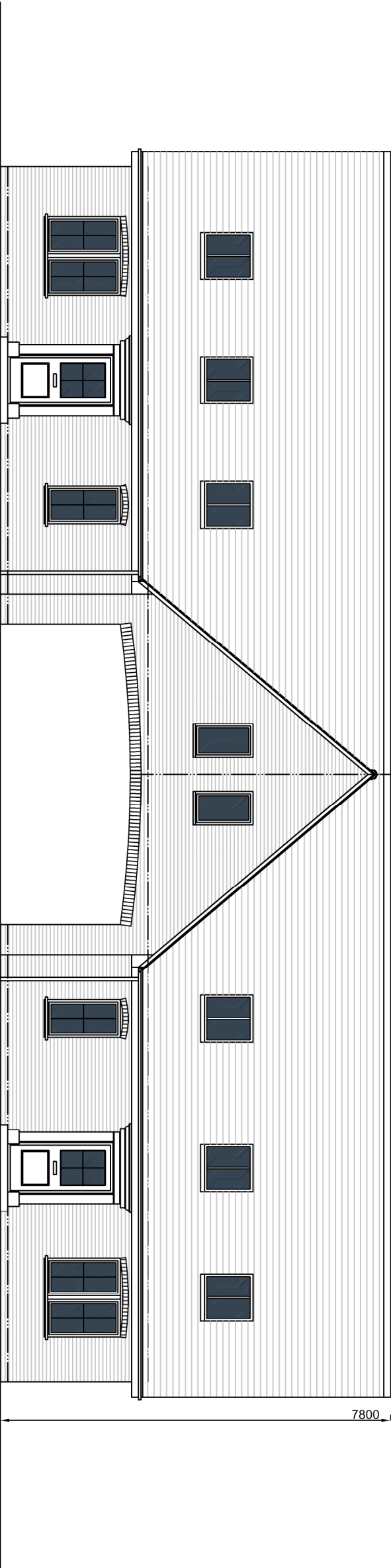


END (NORTH EAST) ELEVATION

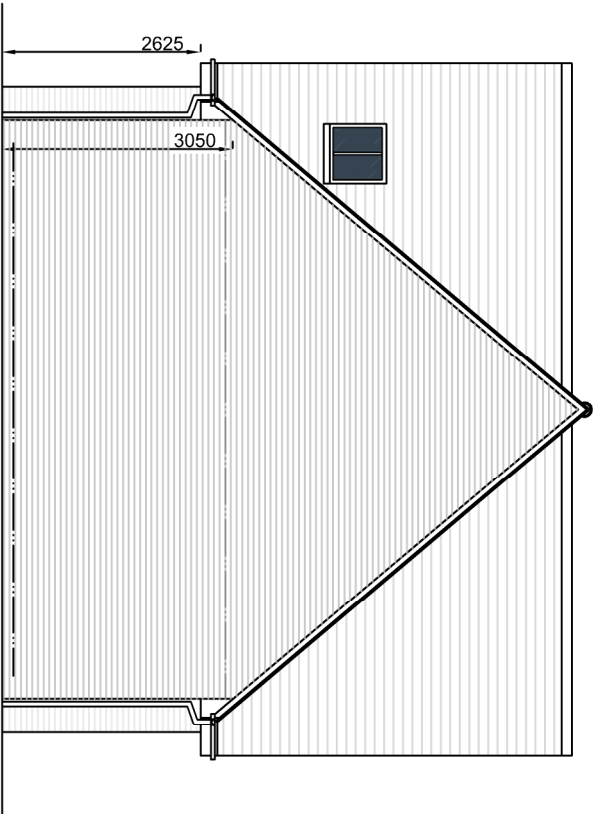
MATERIALS

- Walls -
All facing brickwork to be: BEA Classic Buff Multi
65mm
Arched head details to be: BEA Classic Red 65mm
All stone features to be in Warwick Stone "Bath"
- Roof -
Spanish slate 20x10 Elapi Standard Slate A1, T1 &
S1, .30 yr guarantee
- Windows & Doors -
Charcoal Grey painted timber framed double glazed
casements with royal blue / postbox red gloss paint
to front doors
- Fascias and Soffits -
Black painted timber
- Rainwater Goods -
Black, Heritage range aluminium half-round gutters
and matching downpipes

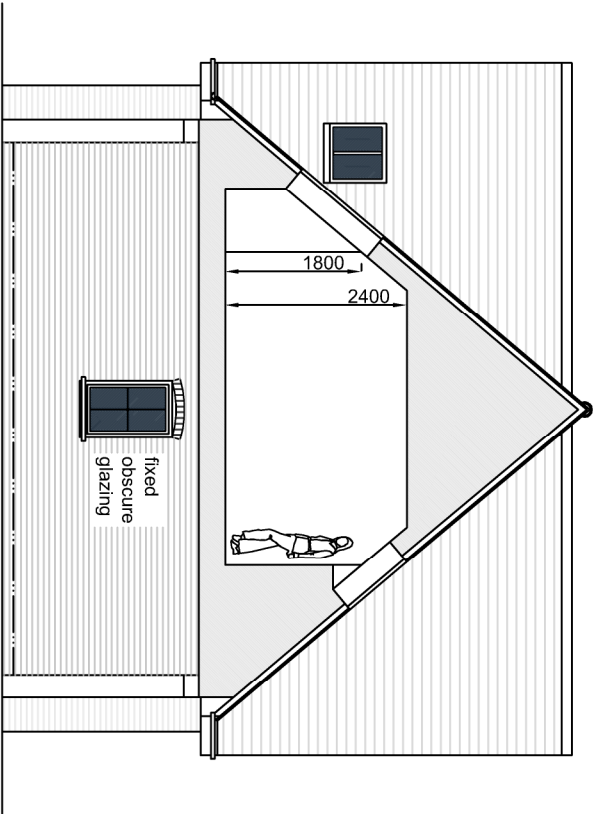




FRONT (SOUTH EAST) ELEVATION



END (SOUTH WEST) ELEVATION



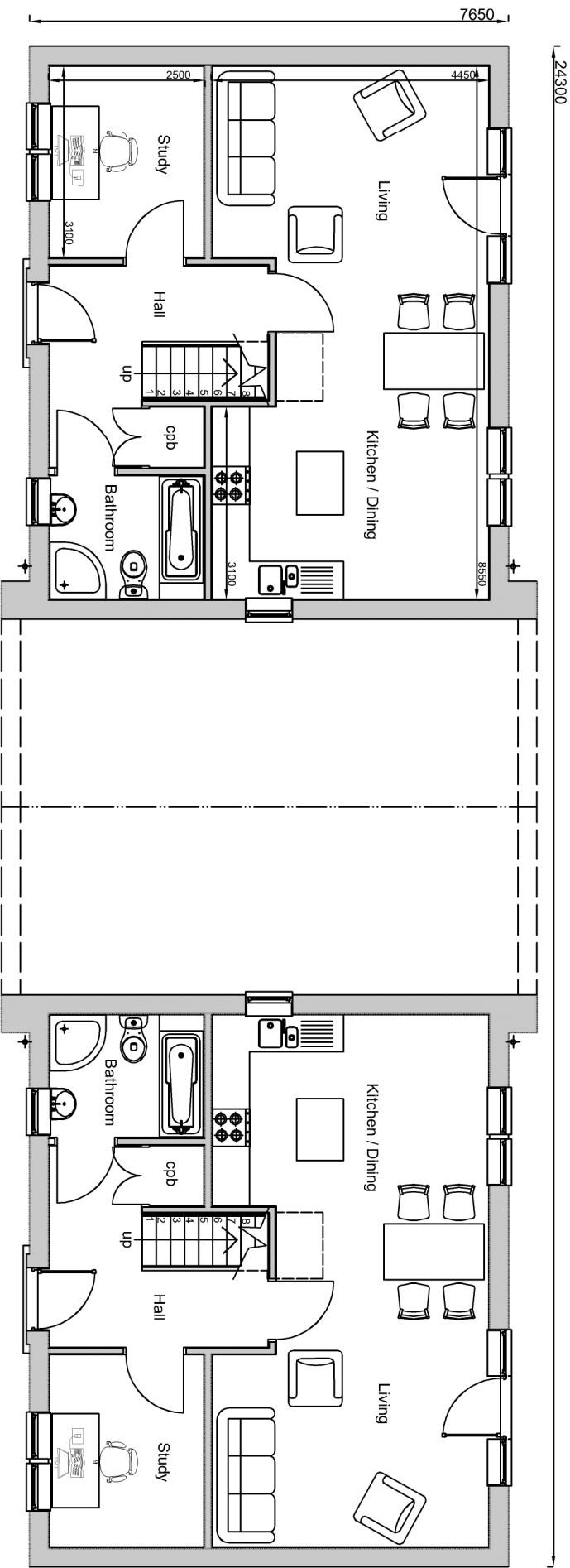
TYPICAL SECTION

MATERIALS

- Walls -
All facing brickwork to be: BEA Classic Buff Multi
65mm
Arched head details to be: EEA Classic Red 65mm
All stone features to be in Warrick Stone "Bath"
- Roof -
Spanish slate 20x10 Elapi Standard Slate A1, T1 &
S1. 30 yr guarantee
- Windows & Doors -
Charcoal Grey painted timber framed double glazed
casements with royal blue / postbox red gloss paint
to front doors
- Fascias and Soffits -
Black painted timber
- Rainwater Goods -
Black, Heritage range aluminium half-round gutters
and matching downpipes



GROUND FLOOR PLAN



PLOT 5

Ground Floor - 60m²
First Floor - 55m²
Total Living
Accommodation - 115m²

PLOT 6

Ground Floor - 60m²
First Floor - 55m²
Total Living
Accommodation - 115m²

FIRST FLOOR PLAN

