

Applicant: FPP Facades

**Agent : Mr Russell Swann
Swann Edwards Architecture Limited**

Land South Of, Eastwood End, Wimblington, Cambridgeshire

Erect 9 x 2-storey 4-bed dwellings with garages including open space/play area with pond and formation of 2.5m high bunding, 2m high bunding with 1m high close boarded fence on top, 3m high close boarded fence, 3m wide foot/cycle path parallel to A141 and 1.8m wide footpath along Eastwood End to meet existing footpath

Officer recommendation: Refuse

Reason for Committee: Number of representations contrary to Officer recommendation.

1 EXECUTIVE SUMMARY

- 1.1 The application seeks full planning permission for 9 x 2-storey, 4-bed dwellings with detached double garages including private access road, open space/play area with pond and formation of 2.5m high bunding, 2m high bunding with 1m high close boarded fence on top, 3m high close boarded fence, 3m wide foot/cycle path parallel to A141 and 1.8m wide footpath along Eastwood End to meet existing footpath.
- 1.2 Noting the most recent appeal decision in Eastwood End a subsequent decision made by the Council to grant permission (F/YR21/0455/F) reinforced this finding and as such the principle development may be considered appropriate. 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 residential or visual amenity, design, parking, highways, sustainability, flood risk or ecology.
- 1.3 There are no significant detrimental impacts in relation to residential amenity subject to inclusion of the recommended noise mitigation measures and a scheme for external lighting and refuse collection. Nor flood risk, drainage or ecology subject to relevant conditions.
- 1.4 However, the site together with the adjoining fields either side of the bypass provide a contribution to the visual quality and openness of this area, the development would urbanise the open and undeveloped nature, exacerbated by the site's prominent position on the A141, provision of 3m high bunding/fences and a 3m wide footpath alongside it, involving replacement of the established hedge; it is therefore considered to result in a significant detrimental impact on the character and visual amenity of the area. This is compounded by the contemporary design and scale of the proposed dwellings and the in depth development is at odds with the rural character and linear settlement form of Eastwood End and which would set a precedent for further such development potentially either side of the A141. The development is therefore contrary to Policy LP2, LP12 (c and d) and LP16 (d) of the Fenland Local Plan 2014, DM3 of

the Delivering and Protecting High Quality Environments in Fenland SPD 2014 and para 130 of the NPPF 2021.

1.5 The development also fails to demonstrate that a safe, adequate and sustainable link to facilities and services can be achieved, contrary to Policy LP2 and LP15 of the Fenland Local Plan 2014 and para 110 of the NPPF 2021 which seek to provide good access to services and sustainable and safe transport networks to these, increasing the use of non-car modes.

1.6 As such, the recommendation is one of refusal.

2 SITE DESCRIPTION

2.1 The application site comprises of a field/paddock land at the junction of Eastwood End and the A141, there are trees/hedges along the northern side of the site and along the A141 with open views to the south and there is a group of substantial trees in the centre of the site. To the north of the site is the Eastwood Industrial Estate, to the east a belt of trees before the linear form of dwellings along Eastwood End is reached, open land to the south and to the west the A141 with further open land extending west before the settlement of Wimblington is reached.

2.2 Eastwood End is a narrow road, there is a footpath alongside the western side of the road from 11 Eastwood End which continues round to 3 Eastwood End and a proposed footpath linking this to the uncontrolled pedestrian crossing across the A141 to King Street, Wimblington (full details of which are yet to be approved).

3 PROPOSAL

3.1 The application seeks full planning permission for 9 x 2-storey, 4-bed dwellings with detached double garages including private access road, open space/play area with pond and formation of 2.5m high bunding, 2m high bunding with 1m high close boarded fence on top, 3m high close boarded fence, 3m wide foot/cycle path parallel to A141 and 1.8m wide footpath along Eastwood End to meet existing footpath.

3.2 The access drive, indicated as being private, would be taken from Eastwood End to the north of the site, running south, before turning westwards and terminating in the south-west corner of the site, with the proposed footpath/cycle link running from this, southwards. The north-western part of the site is proposed as public open space/play area. Within this an attenuation pond is proposed.

3.3 There are 4 house types:

House Type A measures a maximum of 22.3m x 12.2m and 8.25m in height, accommodation comprises sun lounge, lounge, kitchen/diner, hall, study, utility and WC at ground floor level and 4 bedrooms (2 with en-suite) and bathroom at first floor.

House Type B measures a maximum of 18.9m x 15m and 9m in height, accommodation comprises lounge, snug, study, hall, kitchen/dining/family room, utility and WC at ground floor and 4 bedrooms (2 with en-suite) and bathroom at first floor.

House Type C measures a maximum of 21.6m x 12.8m and 8.75m in height, accommodation comprises lounge, dining room, pay room, hall, shower room,

study and kitchen/family room with utility at ground floor level and 4 bedrooms (2 with en-suite) and bathroom at first floor.

House Type D measures a maximum of 18.5m x 14m and 8.9m in height, accommodation comprises lounge, dining room, kitchen/family room, utility, shower room, hall, study and snug at ground floor and 4 bedrooms (2 with en-suite) and bathroom at first floor.

3.4 Garages measure 7.15m x 7.6m and 5.5m in height.

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

[F/YR20/0641/F | Erect 9 x 2-storey 4-bed dwellings with garages including open space/play area with pond and formation of 2.5m high bunding, 2m high bunding with 1m high close boarded fence on top, 3m high close boarded fence, 3m wide foot/cycle path parallel to A141 and 1.8m wide footpath along Eastwood End to meet existing footpath | Land South Of Eastwood End Wimblington Cambridgeshire \(fenland.gov.uk\)](#)

4 SITE PLANNING HISTORY

No recent planning application history, though the site has been subject to pre-application advice which will be discussed in the background section below.

5 CONSULTATIONS

5.1 Wildlife Officer (FDC) (13/1/2022)

Recommendation:

Recommend refusal of application on grounds that there is insufficient information about the potential negative impacts of the proposal on material biodiversity concerns.

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

The proposal documents submitted under F/YR20/0641/F do not provide sufficient information to ensure that this development will result in no harm to a protected species as required under the Wildlife and Countryside Act 1981.

According to the Preliminary Ecological Appraisal Report (Philip Parker Associates Ltd, 2021) the site contains habitats that have the potential to be used by species that are material concern to the Local Planning Authority. It is unclear however it appears that further surveys have been recommended within paragraph 6.10 but no information has been provided within the application about the results of these surveys.

When there is suitable habitat for Great Crested Newts, either a license for the destruction of this habitat or data showing evidence of the absence of a Great Crested Newt population is required. As a pond had been identified within 250m, evidence of absence of Great Crested Newts from this pond will suffice to show that a population is absent from the red line boundary.

At this stage without further information, the Local Planning Authority cannot make a decision on the application without risking contravening the NPPF, Local Plan and the Wildlife and Countryside Act 1981.

Please note the presence of a protected species is a material consideration when a planning authority is considering a development proposal (para 98, ODPM circular 06/2005). It is essential that the presence or otherwise of a 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.

Required amendments/information:

I would therefore recommend the following amendment unless further information is provided that shows Great Crested Newts will not be impacted:

- *The site is surveyed according to the recommendations within the PEA. The assessments should then be submitted to Fenland Council which can then be assured in the positive impact the proposal will have to the local species. The recommended surveys should be carried out in accordance with BS 42020:2013 (Biodiversity Code of Practice for Planning & Development) and by a trained and certified consultant ecologist. The survey should be carried out and a report provided in advance of determination of this application.*

It is highly recommended that the conclusions of the follow on surveys are discussed with your consultant ecologist including potential ramifications they may have on the phasing of the development. It is possible that there will be a requirement for a submission of a Natural England Protected Species Disturbance License which has been counter signed by Natural England.

Assessment/Comment:

Within the PEA there are protections and enhancements for protected species and general biodiversity during the construction stage of the development. Normally a Construction and Environment Management Plan is created to communicate these recommendations to on-site contractors and create lines of responsibility. It is highly probable that after amendments has been submitted a CEMP will be requested as a condition to ensure all recommendations are followed. Please feel free to get in contact to discuss further.

Please note that many ecological surveys are constrained by seasonal restrictions, it is highly recommended that all surveys are conducted as soon as possible to avoid any significant delays to development.

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. It is likely a compliance condition will be added to the approved proposal which requires that the lighting design is submitted to the LPA for approval.

The site potentially will result in a net loss of biodiversity through the loss of trees and hedgerows. Replacements should be planned into the landscape plan. All landscaping decisions should be made with consultation of an ecologist involved.

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 Peterborough 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*

5.2 Wildlife Officer (FDC) (10/3/2022)

Recommendations:

No further recommendations in addition to those given on the 13th of January 2022.

Assessment/Comment:

None of the additions to the application change the recommendations given on the 13th of January 2022.

5.3 Wildlife Officer (FDC) (6/5/2022)

Recommendation:

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

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

Pre-commencement Condition(s) -

- The proposal shall not in any circumstances commence unless the local planning authority has been provided with either:*

a) a licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorizing the specified activity/development to go ahead; or

b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

In order to ensure that all legal regulations surrounding the potential destruction of great Crested Newt Habitat is being complied with.

- 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) Summary of potentially damaging activities.*
- b) Identification of “biodiversity protection zones”.*
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) including ensuring no Non-Native Invasive Species are spread across the site.*
- d) The location and timing of sensitive works to avoid harm to biodiversity features.*
- e) The times during construction when specialist ecologists need to be present on site to oversee works.*
- f) Responsible persons and lines of communication.*
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.*
- h) Use of protective fences, exclusion barriers and warning signs.*

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.

- *Notwithstanding the submitted details, no development shall take place until a scheme for the soft landscaping of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following details:*

-Planting plans to all public areas, retained hedge and trees, species, numbers, size and density of planting;

-Placement, type and number of any recommended biodiversity enhancements; and

-Boundary treatments.

Development shall be carried out in accordance with the submitted details and the compensation and mitigation from the Great Crested Newt survey report (Philip Parker Associates Ltd, 2022):

Any trees, shrubs or hedges forming part of the approved landscaping scheme (except those contained in enclosed rear gardens to individual dwellings) that die, are removed or become diseased within five years of the implementation of the landscaping scheme shall be replaced during the next available planting season by the developers, or their successors in title with an equivalent size, number and species to those being replaced. Any replacement trees, shrubs or hedgerows dying within five years of planting shall themselves be replaced with an equivalent size, number and species.

- *No external lighting shall be erected until, 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 bats 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.

Compliance Condition(s) -

- Where it is intended to create semi-natural habitats, all species used in the landscaping schedules shall be locally native species of local provenance unless otherwise agreed in writing with the local planning authority.*
- The development hereby permitted shall not be occupied until at least 3 bird boxes and 3 bat boxes have been suitably designed into the scheme in accordance with best practice methodology as set out by the Royal Society for the Protection of Birds and Bat Conservation Trust, evidence of the inclusion of these boxes should be provided to the Local Planning Authority.*

Assessment/Comment:

The conditions above have been suggested to ensure that the recommendations made by Philip Parker Associates Ltd, 2022 are incorporated into the landscaping design and enacted during construction of the site. SO long as these recommendations are adopted the Local Planning Authority can be sure of the positive impact the proposal will have on biodiversity.

5.4 Wildlife Officer (FDC) (6/5/2022)

The hedge will need to be replanted in that case as a minimum, preferably at least two times the length to account for the establishment of the hedge. It should be flagged up on the no net loss they have to achieve through the landscaping plans.

5.5 Designing Out Crime Team (28/8/2020)

I have reviewed this application in terms of community safety and potential vulnerability to crime. The area is a rural location and there have been several reports to the Police in the last six months of suspicious activity in the area identified as poaching and hare coursing – although mainly in open spaces they do bring a criminal element to the area and so I am keen to ensure that any new development addresses potential vulnerabilities in its design and layout.

I consider that the overall design and layout is acceptable allowing for good surveillance across the development including open spaces and that vehicle parking is in-curtilage to properties, allowing for surveillance from active windows. This development should provide and encourage territoriality amongst the residents, which always helps deter search behaviour and distraction offences, particular if any resident is elderly/vulnerable.

I do have some concerns re the extension of the footpath along the A141, which is a really busy road to the crossing point for King Street. The current width of the footpath already in use would not allow cyclists and pedestrians pass each other in a safe way plus the existing hedging would need some extensive cutting back or

removal in order to improve natural surveillance and reduce opportunity for hiding places.

I would like to see a lighting plan when available for comment please. I have also noted the comments made on the Design and Access Statement regarding Secured by Design principles – I would also ask that the applicant considers an application should this development receive planning approval so this office can work with them to achieve full Gold certification. They can contact me for more information.

I have no further comments other than to state am supportive of this application.

5.6 Designing Out Crime Team (21/12/2021)

Thank you for the opportunity to comment on this application. I have viewed the documents in relation to crime, disorder and the fear of crime. I note my colleagues previous comments and am happy with the changes to the footpath. I have no further comment in relation to the amendments.

5.7 Designing Out Crime Team (14/2/2022)

In my original comments (F/YR20/0641/F) I said that I 'NOTED' Carol's previous comments and then added that I was happy that the footpath had been widened to 3m, which was a positive addition that Carol mentioned. When I said 'NOTED' I meant that I agreed with the rest of Carol's comments, that: -

- In general, the development appeared to be appropriate in relation to potential vulnerability to crime, the fear of crime and community safety (with some further consultation could possibly achieve some Secured by Design accreditation)*
- Her comments in relation to the overall design and layout,*
- Her concerns regarding the footpath, including the width (since addressed) to allow cyclists and pedestrians to pass each other in a safe way, plus the existing hedging would need some extensive cutting back or removal to improve natural surveillance and reduce the opportunity for hiding places,*
- Request to see an external lighting plan – which would hopefully address lighting of the footpath.*

I see now that I should have made this clearer and for that I apologise. I will expand my thoughts below while considering NPPF Para130(f) and policies LP2, LP15 and LP17 of the Fenland Local Plan 2014.

While making comments to address the vulnerability to crime, reduce the fear and incidence of crime and community safety, we understand that there are competing issues. The health and well-being agenda, connectivity between developments, safer routes to schools and local amenities including bus stops and the move to achieve more sustainable transport methods, non-car modes, walking and cycling. These issues can be more pertinent in rural locations.

Due to the location of this development within Wimblington, I understand the possible requirement to include the footpath to allow access to the school, bus stops and other village amenities which are all to the South of the village and West of the A141. However, if granted, this must be a safe route and as such I would recommend that to increase natural surveillance from the A141, the adjacent hedging between the road and proposed footpath, now very high and overgrown, will need to be removed or reduced to no more than 1m in height (and a good landscape management plan in place to ensure that this is maintained). If removed, safety railings should also be considered along the length of the footpath. While there will be some lighting spill from the main road, the footpath should be lit by columns (NOT BOLLARDS) to the relevant parts of BS5489-

1:2020/BS EN 13201 for the safety of users. A qualified lighting engineer should be able to achieve this while ensuring that ecology and biodiversity issues and wildlife habitat are considered.

In addition - I am not personally aware of how well used the currently un-controlled crossing point from Eastwood End to Kings Road is or have any statistical information relating to collision data at this location but do have some concerns. While the speed limit at this location is reduced to 50mph the A141 is a very busy main arterial road used by all vehicle types including HGV's. Perhaps even without any further development, consideration should be given to making this a controlled crossing.

5.8 Designing Out Crime Team (9/3/2022 and 12/5/2022)

Thank you for the opportunity to comment on this application. I have viewed the documents in relation to crime, disorder and the fear of crime and I have no further comment in relation to the revised proposals at this time.

5.9 Environmental Services Operations Manager FDC (25/8/2020)

In broad principal we have no objection to this development however the following points regarding access would need addressing:

- To allow access the private road would need to be constructed suitably for a 26 tonne refuse vehicle and 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.*
- 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, bin collection points for plots 1 & 7 would be needed at the end of the private access roads.*
- 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.*
- Please refer to the useful supplementary planning guidance for Cambridgeshire and Peterborough available in the RECAP Waste Management Design Guide here*

<https://www.cambridgeshire.gov.uk/business/planning-and-development/water-minerals-and-waste/recap-waste-management-design-guide/>

5.10 Environmental Services Operations Manager FDC (14/3/2022)

In broad principal we have no objection to this development however the following points regarding access would need addressing:

- To allow access the private road would need to be constructed suitably for a 26 tonne refuse vehicle and 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.*
- 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, bin collection point for plots 1 & 2 would be needed at the end of the private access road.*

- 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.

5.11 Parish Council (13/8/2020, 11/1/2022, 9/3/2022, 11/5/2022))

Councillors wish to object as follows:

It is sited too close to a business which creates noise and is operational 24 hours a day 7 days a week. We already receive complaints from local residents about the noise and litter created by the business and about lorries parking on the road outside the business waiting to enter. This has caused difficulties turning into Eastwood End from the A141. The entrance to the developments is opposite Data Shredders which already causes concern.

This area is virtually open countryside and as such has many bats, birds, insects and amphibians, this is a rich area for wildlife which would be disrupted by a development.

4-bedroom houses suggest that they are family houses. There would be difficulty walking to school as owners would have to cross the A141 - an overhead walkway would be necessary ideally, or they would have to drive. We site LP12A/B/C; LP13

5.12 Minerals and Waste Planning Authority (3/8/2020)

The application site falls within the Waste Consultation Area W8AC - Hook Lane, Wimblington as depicted on page 306 of the Cambridgeshire and Peterborough Minerals and Waste Site Specific Document (2012) (SSP). The waste management site, as shown on that map, is a safeguarded waste site under Policy CS30 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (2011) (MWCS). This policy states that "development will only be permitted where it is demonstrated that this will not prejudice existing or future planned waste management operations".

From my review of the documentation this does not appear to be addressed within this application. Until such time as it has been demonstrated that the proposal will not prejudice the existing waste management operations, the Minerals and Waste Planning Authority objects to this application.

It is also suggested that the Local Planning Authority may wish to ask the applicant to specify the quantity and source of material that will be required to construct the 6m high bund. And, in the event that this would cause significant HGV movements, consult with the Highway Authority so they may consider their impact.

5.13 Minerals and Waste Planning Authority (21/12/2021)

I refer to your letter dated 21 December 2021 consulting Cambridgeshire County Council, as the mineral and waste planning authority (MWPA), on the additional information submitted in connection with the above planning application.

In our letter dated 3 August 2020 we drew attention to the proximity of the proposed development site to a protected waste management site and referred to policy CS30 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (2011) (MWCS). This document has been replaced by the Cambridgeshire and Peterborough Minerals and Waste Local Plan (adopted July 2021) (MWLP).

Apart from part of the proposed foot/cycle path, the application site is located wholly within the Consultation Area (CA) for Hook Lane, Wimblington Waste Management Area (WMA) designated in the MWLP. Plot 1 and Plot 2 would be within approximately 10 metres from the boundary of the WMA and directly opposite its access.

MWLP Policy 16 states that:

“Development within a CA will only be permitted where it is demonstrated that the development will:

- (c) not prejudice the existing or future use of the area (i.e. the MAA, MDA, WMA, TIA or WRA) for which the CA has been designated; and*
- (d) not result in unacceptable amenity issues or adverse impacts to human health for the occupiers or users of such new development, due to the ongoing or future use of the area for which the CA has been designated.”*

The purpose of Policy 16 is to safeguard designated mineral and waste sites from development which would prejudice the operation of the designated site and also to protect development that would be adversely affected by the mineral or waste operations, for example residential development subsequently suffering amenity issues.

The applicants do not appear to have addressed the objection raised in our letter of 3 August 2020. Having reviewed the application in the context of MWLP Policy 16, we maintain our objection until the applicants have demonstrated how the proposed development would comply with criteria (c) and (d) above. The applicants should be advised that it is their responsibility to design the new dwellings in such a way that potential impacts, particularly noise, are mitigated to a level appropriate for a residential property. Their attention should be drawn to paragraph 187 of the National Planning Policy Framework (July 2021) which refers to the “agent of change” principle.

5.14 Minerals and Waste Planning Authority (1/3/2022)

I refer to your letter dated 28 February 2022 consulting Cambridgeshire County Council, as the mineral and waste planning authority (MWPA), on the additional information submitted in connection with the above planning application.

As you have pointed out in your email to the agent dated 23 February 2022, the additional information does not address the MWPA’s objection of 3 August 2020 which we maintained in our letter of 22 December 2021.

We therefore maintain our objection until the applicants have demonstrated how the proposed development would comply with criteria (c) and (d) of Policy 16 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021). The applicants are advised that it is their responsibility to design the new dwellings in such a way that potential impacts, particularly noise, are mitigated to a level appropriate for a residential property. Their attention is drawn to paragraph 187 of the National Planning Policy Framework (July 2021) which refers to the “agent of change” principle.

5.15 Minerals and Waste Planning Authority (14/3/2022)

On 9 March 2022 in response to my letter dated 1 March 2022 you drew to my attention information that the applicant had put forward to address the mineral and

waste planning authority's (MWPA) objection.

I am unable to find the agent's response to your email of 23 February 2022 on public access so the extract you quoted is helpful and repeated below:

"Further to your email I note that you have highlighted that the concerns raised by CCC Minerals and Waste have not been addressed. However, in my email dated 02 February 2022 I attached an acoustic report which demonstrates that the noise generated by the waste use will be sufficiently dealt with by the noise mitigation measures incorporated into the scheme. As such there will be no harm caused to future occupiers by reason of noise and disturbance and as such no reverse sensitivity issues whereby the viability and proper functioning of the waste use will be compromised as a result of there being more dwellings in this location. I would also note that our site is located further away from the waste use than other dwellings within the area, which do not have noise mitigation measures in place, and it would seem that these dwellings have not compromised the operations of the waste business. I would be grateful if you could reconsult CCC Minerals and Waste on the acoustic report of 20 February 2022 as I believe it should be sufficient to overcome their concerns."

The noise assessment addendum dated 24 January 2022 (published 2 February 2022) for the most part deals with concerns raised by the environmental health officer (10 November 2021) about Noise Monitoring Location 1 and the impact of road noise on plots 8 and 9. All it does in respect of the potential impact of noise from the industrial premises (including the waste site) is quote the EHO's comments of 10 November 2021. That is not to my mind "an acoustic report which demonstrates that the noise generated by the waste use will be sufficiently dealt with by the noise mitigation measures incorporated into the scheme." I assume by "the acoustic report of 20 February 2022" the agent means the one dated 26 January 2022 and published on 2 February 2022; if not then I don't know what he is referring to.

The EHO seems to agree with the position of Noise Monitoring Location 2 to assess the impact from the waste site on plots 1 and 2 and presumably he agrees with the results and interpretation of the applicant's noise monitoring exercise. I note that the Planning Noise Assessment dated 21.09.2021 refers to Datashredders' operating hours being 05:00 to 17:30 on weekdays (as reported by an employee of Datashredders). The site has a complicated planning history and weekend working is permitted on Saturday mornings. CCC planning permission F/2003/18/CW allows 24/7 working within the confines of Unit 1. Some of the planning permissions impose a noise limit. A current application (CCC/21/247/FUL) which would extend the waste site westwards towards the A141 states: "Working Hours: The site has been operating unofficial working house of Mon-Sat - 04:00-19:00 for 10+ years. This application now seeks formal consent for 24/7 working hours within both the building and yard area." The application is still being considered by the MWPA.

You have advised that the EHO has reviewed the Spectrum Planning Noise Assessment DP710/20370/Rev. 0, is satisfied that consideration has been given to the Datashredders site at Eastwood End and that he and his colleague are comfortable with the proposals, taking into account that there have not been a significant number of complaints made to the service about noise.

On the basis that the EHO is satisfied that the mitigation measures proposed in the planning application will be sufficient to protect the occupiers of the proposed

new dwellings from noise generated by the protected waste management site taking into account the permitted and potentially future 24/7 working then the mineral and waste planning authority has no grounds to maintain an objection. I note that the EHO would expect that if planning permission is granted for the new dwellings, the proposed noise mitigation measures would be secured by condition. The MWPA would support this.

The MWPA has made it clear in our letters of 3 August 2020, 22 December 2021 and 1 March 2022 that there is a protected waste management site close to the proposed development site. If planning permission is granted, and in the event of future complaints from the occupiers of the new dwellings about the legitimate operation of the waste site (i.e. within the permitted hours and noise limits) the MWPA is unlikely to be able to seek remedial action from the waste site operators. In the light of the above the MWPA's objection is removed.

5.16 Cambridgeshire Fire & Rescue (3/8/2020 and 21/12/2021)

With regard to the above application, should the Planning Authority be minded to grant approval, the Fire Authority would ask that adequate provision be made for fire hydrants, which may be by way of Section 106 agreement or a planning condition.

The position of fire hydrants are generally agreed upon when the Water Authority submits plans to:

*Water & Planning Manager
Community Fire Safety Group
Hinchbrook Cottage
Brampton Road
Huntingdon
Cambs
PE29 2NA*

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

The number and location of Fire Hydrants will be determined following Risk Assessment and with reference to guidance contained within the "National Guidance Document on the Provision of Water for Fire Fighting" 3rd Edition, published January 2007.

Access and facilities for the Fire Service should also be provided in accordance with the Building Regulations Approved Document B5, Section 16.

If there are any buildings on the development that are over 11 metres in height (excluding blocks of flats) not fitted with fire mains, then aerial (high reach) appliance access is required, the details of which can be found in the attached document.

5.17 Cambridgeshire County Council Highways (5/8/2020)

The access onto Eastwood End should have 6m kerb radii and an access width of 5.5m.

Eastwood End carriageway geometry and existing accesses should be detailed on the planning layout.

Visibility splays commensurate with the post speed limit should be detailed.

FDC to consider the merits of a footway link between the site access and the existing footway on Eastwood End. This will provide safe pedestrian provision between the site and The Hook (PROW) and provide a link with the existing footway along Eastwood End.

Defer for amended plans/additional information.

5.18 Cambridgeshire County Council Highways (4/1/2022)

I have looked through the latest plans and make the following comments.

1. *Footway north of site – there appears to be a definite need to link the site at the northern end of it with the footway within Eastwood End (at number 11). This will provide not only a link with the rest of the built up area of Eastwood End but also to Hook Lane (byway). As far as I can determine there is sufficient highway to provide a 1.8m wide footway. I recommend that the developer submits a general arrangement for this and the detail can be secured by condition.*

2. *Private drive for plot 1 – the proximity of this to Eastwood End along with the approach alignment not being square to the access road and the sharp change of direction has resulted in the north radius being almost non-existent. There is the potential for kerb strikes for vehicles turning left towards plots 1 and a potential loss of control. I would recommend that the detail of this is revised to provide a larger radius on the north side and ideally re-design the approach alignment completely.*

However, this part of the site serves one dwelling, so I question the need to provide a bellmouth access anyway. Would a simple crossover square to the access road suffice or is the bellmouth and turning area needed as part of the refuse strategy? Also a footway and a 5m wide road for just one dwelling is not really needed.

3. *Road layout around plot 7 – just beyond the parking for plot 7 the road bends towards the south but in doing so there is a pinch point at the bend where the road width appears to be 5m before widening back to 5.5m. Given this is a bend and to avoid side to side collisions the road should be widened at this point. I note that it does not serve anything at the moment but appears to be a potential link for further development. To avoid a potential future constraint I would recommend that it is widened for this application.*

4. *Although I have no objections to the western loop around the trees I would question the need for this in traffic terms and wonder if it could be removed by ending the road just beyond plot 9's parking and running a footway to the east of the trees instead. This has an additional advantage that the two open space areas can be linked without the need to cross the road which would be safer. See sketch below (road ended at red line; new footway in blue).*

5.19 Cambridgeshire County Council Highways (14/3/2022)

The footway requested to connect the proposal to the neighbourhood on Eastwood End, has been added to the plans. The detail should be secured by condition.

The recommended crossover has been added to the plans to alleviate Highways concerns.

There are no further comments to add.

5.20 Cambridgeshire County Council Highways (6/6/2022)

The proposed 3m path along the east side of the A141, separated from the carriageway by a 2m wide verge is accepted. The verge is likely of sufficient width to allow the existing overedge drainage arrangements to continue and thus avoids the need for a positive drainage system, however some re-profiling of the verge may be required in order to accommodate the new path construction and ensure the carriageway drains. This can be considered in greater detail as part of the S278 process post planning.

The verge would also provide a buffer between pedestrians / cyclists on the path and high-speed traffic, thus avoiding the need for fencing, which as the applicant correctly points out, can cause additional safety issues.

I note that the Designing Out Crime officer recommends the provision of lighting along the length of the new path. While I do not object to this in principle, the provision of full street lighting for a relatively short section of highway needs to be considered holistically in the context of the wider A141 route. This will be done as part of the S278 process so I recommend that this is not conditioned, as the provision cannot be guaranteed within the context of the Town and Country Planning Act. If street lighting to full highway specification is not considered necessary by the Highway Authority, other measures such as solar stud lights can be considered.

The proposed 3m path appears partially within the existing highway and partially within the development site. The full extent of the construction will need to be dedicated as highway so that it can be maintained. Once the path crosses into the development site, it will however remain private.

The path along the A141 is annotated as a footway/cycleway. The connecting path on the west of the A141 is a footway only, meaning a cyclist dismount / end of route sign would be needed prior to crossing the A141. Otherwise, the refuge island would need to be widened to 3m, as would the path on King Street to the west. Such works are likely disproportionate to the nine new dwellings. This detail can be addressed post planning.

I accept the argument put forward by MTC Engineering, that the crossing should not be upgraded to a controlled crossing. If a controlled crossing on a major high-speed road, is not frequently used, regular drivers can become complacent and on the rare occasion the crossing is used, they are caught off-guard. While no pedestrian crossing data has been provided, it is unlikely that the threshold for a controlled crossing would be met (PV^2 calculation). In any case, the safety implications of the introduction of a signal-controlled crossing in such close proximity to the existing staggered priority junction would need further consideration such as safety audits. In short, the uncontrolled crossing is existing, and the demand associated with nine new dwellings is unlikely to warrant substantial change.

5.21 Cambridgeshire County Council Lead Local Flood Authority (4/9/2020)

At present we object to the grant of planning permission for the following reasons:

- 1. No Surface Water Strategy*

Paragraph 163 of the National Planning Policy Framework requires planning applications to be supported by a site-specific flood risk assessment. Such an assessment should include a surface water strategy and must demonstrate that the proposed development incorporates sustainable drainage systems (SuDS), unless there is clear evidence that this would be inappropriate. The SuDS should:

- a) Take account of advice from the Lead Local Flood Authority;*
- b) Have appropriate minimum operational standards;*
- c) Have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and*
- d) Where possible, provide multifunctional benefits*

As a flood risk assessment/surface water strategy containing the above information has not been submitted there is insufficient information in order for us to determine the impacts of the proposal.

5.22 Cambridgeshire County Council Lead Local Flood Authority (6/1/2022)

Thank you for your re-consultation which we received on 21st December 2021.

At present we maintain our objection to the grant of planning permission for the following reasons:

1. Discharge Rates

The applicant is proposing to discharge surface water into the adjacent watercourse at a rate of 4.0 l/s, utilising a 100mm diameter orifice control. This proposed discharge rate is not accepted by the LLFA as it is greater than the existing greenfield 1 in 100 year runoff rate of 3.1 l/s. In line with paragraph 6.3.6 of the adopted Cambridgeshire Flood and Water Supplementary Planning Document (SPD), the applicant must discharge surface water as close to the natural greenfield runoff equivalents as possible. This would be achieved through reducing the orifice diameter, to retain more water on site to ensure that there is no increased flows entering the downstream network. Until every effort has been made to reduce the discharge rate from the site, we are unable to support the application.

Informatives

IDB Consent

Part or all of your proposed development area falls within the Middle Level Commissioners (MLC) catchment and/or that of March East Internal Drainage Board 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.

5.23 Cambridgeshire County Council Lead Local Flood Authority (9/3/2022)

Thank you for your re-consultation which we received on 28th February 2022.
We have reviewed the following documents:

☐ Flood Risk Assessment & Sustainable Drainage Strategy, MTC Engineering (Cambridge) Ltd, Ref: 2739-FRA&DS-RevA, Dated: January 2022
Based on these, as Lead Local Flood Authority (LLFA) we can 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 permeable paving on all access and parking areas. There is also an attenuation basin to retain water, before discharge from the site at a rate of 2.4 l/s into the drain on the northern boundary of the site.

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 laying of services, creation of hard surfaces or erection of a building shall commence until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment & Sustainable Drainage Strategy prepared by MTC Engineering (Cambridge) Ltd (ref: 2739- FRA&DS-RevA) dated January 2022 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 publicly adopted, in accordance with the requirements of paragraphs 163 and 165 of the National Planning Policy Framework.

Condition

No development, including preparatory works, shall commence until details of measures indicating how additional surface water run-off from the site will be avoided during the construction works have been submitted to and approved in writing by the Local Planning Authority. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved measures and systems shall be brought into operation before any works to create buildings or hard surfaces commence.

Reason

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

5.24 Cambridgeshire County Council Lead Local Flood Authority (16/5/2022)

Having reviewed the revised documentation we can confirm that the LLFA has no further comments beyond those set down in our response of 9 March 2022 (ref: 201107312). Our position therefore remains supportive of the development, subject to the imposition of the suggested comments on our previous response

5.25 Environmental Health (FDC) (16/9/2020)

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:-

*Planning Application dated 17 June 2020
Location Plan
Proposed Site Plan
Pre-Application Ref No. – 19/0120/PREAPP dated 19 August 2019
Planning Application Ref No. – F/YR19/0550/O
Design and Access Statement – Swann Edwards Ref. No, SE-1148 – May 2020*

There are industrial premises to the north of the site, including a shredding company, a grain storage business and a recycling business. However, with the nearest plots of the proposed development, Plots 1 and 2, being set back from Eastwood End, with a spur road in between, there could be an adverse impact from noise.

In addition, the Isle of Ely Way (A141) road skirts the western boundary of the site and traffic on this road could impact upon the development, in particular, Plots 8 and 9.

The pre-application advice, 19/0120/PREAPP, suggested that a noise impact assessment be made to investigate these issues and I would recommend this be undertaken and a condition to this effect be attached to any consent granted.

I note that an earth bund is proposed to protect the north-west corner of the site, but I would suggest that if this could this be extended southwards it would protect Plots 8 and 9 from noise from traffic on Isle of Ely Way (A141)

There are no concerns that the local air quality climate will be adversely affected by this proposal.

Similarly, there are no issues with ground contamination as there doesn't appear to be any previous contaminative use of the site. However, I would recommend the unsuspected ground contamination condition be attached to any consent.

There are no objections to the granting of consent to this proposal but would recommend the attachment of the following conditions:-

NOISE

Commencement of development should not take place until a noise impact assessment, to consider the impact of industrial premises to the north of Eastwood End and also the impact of traffic noise on the A141, has been undertaken and forwarded to and considered by Fenland District Council, including proposals on how any recommendations made are to be implemented.

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'.

5.26 Environmental Health (FDC) (10/11/2021)

Having observed the content of the Planning Noise Assessment (Report ref: DP710/20370/Rev. 0) I can confirm that I am satisfied with Noise Monitoring Location 2 (NML 2) which accounts for the nearby industrial premises and their impact on the nearest proposed plots, those being 1 and 2.

I do however have concerns that Noise Monitoring Location 1 (NML1) is to the south of the proposed development site, a significant distance from proposed plots 8 and 9 which are the most likely to be adversely affected by traffic noise from the A101, something highlighted in correspondence provided by Bob Deller from this service on 16.09.20.

Whilst I acknowledge the predicted noise levels at plots 8 and 9 as well as recommended mitigation measures, this is based on measurements from NML1 and doesn't take into account noise from heavy goods vehicles that could be turning left out of the junction A141/Eastwood End and accelerating through gear changes towards Chatteris.

Therefore, for this service to potentially provide comments in support of the scheme, it is requested that noise monitoring is undertaken at a location within the proposed development site at a point indicative of where plots 8 and 9 are to be located, so that more concise predictions from the noise modelling can be gained as to expected daytime and night-time noise exposure levels for both inside dwellings and their external amenity areas. This will also provide clarification as to what mitigation measures are required to confirm compliance with the relevant standards.

I trust that the above clarifies the stance of this service.

5.27 Environmental Health (FDC) (7/3/2022)

Having revisited the Spectrum Acoustic Consultants noise impact assessment report (ref. DP710/20370/Rev. 0) and observed the recently submitted technical document (DP739/20370/First Issue), I acknowledge the details in the latter which aim to provide a justification as to why the former is considered suitable and sufficient for purpose.

The technical document goes into further depth on the specifics of vehicle movements and their association with resulting road traffic noise.

Due the matters outlined in the technical document, I am satisfied that no further noise impact assessment is required and that proposed mitigation measures recommended should achieve compliance with the relevant British Standards.

5.28 Environmental Health (FDC) (11/3/2022)

Confirming our conversation, I have revisited the details within the original Spectrum Acoustic Consultant Planning Noise Assessment (DP710/20370/Rev. 0) paying particular attention to the proposed noise mitigation scheme to protect both internal and external amenity areas of the proposed dwellings.

I am satisfied with the details and that consideration has been given to the Datashredders site on Eastwood End. Whilst I wasn't responsible for comments from this service on CCC/21/247/FUL, I have subsequently liaised with the case officer who is also comfortable with proposals and advised me that a thorough search was undertaken as part of the response process for the aforementioned application, which showed there were not a significant number of complaints made to this service in respect of noise related activities.

As per the email of 09.03.22 from the Cambs County Council Development Management Officer, I too expect that going forward and should planning permission be granted for F/YR20/0641/F, then there will be conditions imposed to ensure that the intended noise mitigation measures are secured in the interests of protecting the amenity of future residents.

5.29 Arboricultural Officer (FDC) (25/9/2022)

The proposed development may impact on established trees.

Whilst the D&A notes the retention of existing landscaping and proposed new planting, we will require an arboricultural impact assessment and method statement indicating potential conflicts with the retained tree population and methods of protection.

The protection plan must show welfare/storage areas and these must be away from the trees. Existing and final levels must be considered to ensure there are no changes within the root protection areas of the retained trees.

The construction method statement must consider the arboricultural method statement to ensure those procedures are included.

No work can be carried out on site until tree protection is in place including ground protection/fencing, where applicable.

5.30 Arboricultural Officer (FDC) (8/6/2022)

The applicant has submitted an Arboricultural Impact Assessment and Method Statement for the protection of retained trees at the site.

I have no issues with the assessment of the trees on site. It is noted that the majority of the trees are to be retained and protected by fencing. The loss of group G1 will be mitigated to some extent by the proposed planting as shown on drawing PP1020. Details of species, sizes and management can be dealt with as a condition.

I object to the proposed removal of the section of hedge parallel with the A141. This is an established hedge providing nesting and foraging for wildlife and screening to and from the road.

Removing this section of hedge, some 200+metres, and replanting would take a number of years to reach the same dimensions reducing the value of the hedge and wildlife opportunities for a significant time. It should be noted that Hawthorn supports over 150 species of insects and numerous native birds and provides protection for small mammals.

5.31 Local Residents/Interested Parties

18 supporting comments have been received (2 from Eastwood End; 2 from Pond Close, 4 from New Woods Drive, 2 from Doddington Road, 1 from Hook Road and 2 from Dobson Walk, all Wimblington; 2 from Sutton; 1 from Worthing; 1 from Thorney; 1 from Wisbech), in relation to the following:

- Project will be an asset to the area
- Government says more homes needed
- Benefit to local community
- Attractive development that will blend into surrounding environment
- Nicely designed with plenty of open space
- Sympathetic development
- Can't have too many homes built

All supporting comments have been submitted on pro-formas.

7 objections have been received (6 from Eastwood End and 1 from Surrey), in relation to the following:

- Traffic problems at the junction
- Traffic accidents
- Rural road not meant for the volume of traffic now using it
- Concerns regarding pedestrian/vehicular conflict
- Impact on ecology
- Eastwood End is not part of Wimblington or a settlement stated in LP3, hence is open countryside
- The threshold for Wimblington has been exceeded and Fenland has a 5 year housing land supply and should not be in favour of further development
- Eastwood End is linear and the development would change this significantly
- No affordable housing
- No public transport to Eastwood End
- Drainage issues
- Concerns regarding the safety of pedestrians crossing the A141

Where they relate to planning matters the comments made will be addressed in the sections below. It should be noted that as this is not a major application it would not trigger affordable housing provision.

6 STATUTORY DUTY

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

7 POLICY FRAMEWORK

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

National Design Guide 2019

Context – C1

Identity – I1, I2

Built Form – B2

Movement – M3

Nature - N1, N2, N3

Public Spaces – P2

Homes and Buildings – 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

LP12 – Rural Areas Development Policy

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

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

DM6 – Mitigating Against Harmful Effects

DM9 – Constraints on Existing Businesses

Cambridgeshire Flood and Water SPD 2016

Cambridgeshire and Peterborough Minerals and Waste Local Plan 2021

8 KEY ISSUES

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

9 BACKGROUND

- 9.1 The site has been subject to pre-application advice (18/0011/PREAPP 19/0120/PREAPP) the most recent of which advised that the site is not considered to form part of the settlement of Wimblington, being physically detached by the A141, more closely related to Eastwood End and as such an 'Elsewhere' location

within LP3 and the Settlement Hierarchy, where the principle of this development would not be supported. The issue of access to services and facilities and the likelihood that future residents would be reliant on private motor vehicles due to the lack of infrastructure to support sustainable transport modes was raised, in addition to the significantly detrimental impact the development would have on the character of the area.

- 9.2 It was advised that the scheme was unlikely to be supported by officers, however recommended that if an application forthcoming that it was accompanied by a flood risk assessment and drainage strategy, an ecology report, noise assessment and arboricultural impact assessment.
- 9.3 This application was submitted without the recommended reports and as such determination has been delayed whilst these were provided, the scheme amended accordingly, and to deal with other matters which have been raised during the course of the application.

10 ASSESSMENT

Principle of Development

- 10.1 Eastwood End has been the subject of several appeals in recent years, all of which have considered the matter of the status of the settlement with regard to the settlement hierarchy set out in policy LP3 of the Fenland Local Plan 2014.
- 10.2 Four appeal decisions are of particular note stretching back to 2014 and the adoption of the current development plan. Each considered the matter of the status of Eastwood End with regard to the settlement hierarchy. Two of the decisions (both dismissed) considered that Eastwood End is an 'Elsewhere' location as identified within Policy LP3, where development requires special justification, and that Eastwood End was an unsustainable location. A third appeal (also dismissed) similarly concluded that Eastwood End was an 'Elsewhere' location requiring special justification for development, but, noted that some journeys may be undertaken by means other than the private car to the nearby settlement of Wimblington. The final appeal (allowed) concluded that as Eastwood End was not defined as a separate settlement in its own right under policy LP3, its status was a matter of judgement. The Inspector concluded that Eastwood End was in fact an outlying part of the larger settlement of Wimblington and not a distinct entity. Subsequent to this appeal decision the Council granted F/YR21/0455/F, an application for three dwellings which effectively endorsed the view of the latest Inspector regarding the status of Eastwood End in the settlement hierarchy.
- 10.3 Consequently, the broad principle of residential development in this general location may be deemed as being 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 residential or visual amenity, design, parking, highways, sustainability, flood risk or ecology.

Design considerations and visual amenity of area

- 10.4 Policy LP16 seeks to ensure that development makes a positive contribution to the local distinctiveness and character of the area. DM2 seeks to retain existing character and natural features and DM3 seeks to ensure that the character of the landscape, local built environment and settlement pattern inform development proposals.

- 10.5 LP12 highlights that new development will be supported where it contributes to the sustainability of the settlement and does not harm the wide-open character of the countryside. To ensure this there are a number of criteria expressed in this policy namely (a) - (k). These criteria, in summary, seek to achieve compliance with the settlement hierarchy in terms of amount of development, whilst also ensuring that development responds to the existing built form and settlement character, retains and respects existing features of the site and the locality, respects biodiversity and ecology and provides appropriate servicing etc.
- 10.6 The site together with the adjoining fields either side of the bypass are considered to provide a contribution to the visual quality and openness of this area, the development would urbanise this open and undeveloped nature, exacerbated by the site's prominent position on the A141, provision of 3m high bunding/fences and a 3m wide footpath alongside it, involving replacement of the established hedge. It is therefore considered to result in a significant detrimental impact on the character and visual amenity of the area. The contemporary design and scale of the proposed dwellings is not considered to respect the rural nature of the site and surrounding area, compounding the adverse impact of the scheme. Furthermore, the in-depth development is at odds with the rural character and linear settlement form of Eastwood End and would set a precedent for further such development potentially either side of the A141. The development is therefore contrary to Policy LP2, LP12 (c and d) and LP16 (d) of the Fenland Local Plan 2014, DM3 of the Delivering and Protecting High Quality Environments in Fenland SPD 2014 and para 130 of the NPPF 2021.
- 10.7 The application is accompanied by an Arboricultural Impact Assessment and Method Statement, which identified 10 individual trees, and 3 groups of trees, of particular note are 4 large Horse Chestnut specimen trees in the centre of the site. The scheme only requires the removal of one group to achieve the access and associated visibility and this is considered to be a low quality group. It is recommended that pre-emptive root pruning and tree protection measures are undertaken to ensure that the proposal will not have a material effect on the health of retained trees or their value.
- 10.8 It is acknowledged that the existing trees and hedging are proposed to be retained/replaced, however this is not considered to sufficiently mitigate the development of the site particularly when a large section of the boundary is proposed planting, which would take a number of years to mature. The submitted streetscene from the A141 indicates 4.5m high hedging which obscures the bunding/fence, however the hedge would not be established for some time and this does not therefore provide an accurate representation of the impact of the development. Full details of a soft landscaping scheme could, however, be secured by way of a condition.
- 10.9 External materials are indicated as being brick, tiles and vertical timber cladding, however full details have not been provided and, again, could be secured by way of a condition.

Residential Amenity/Health and wellbeing

- 10.10 The site is a sufficient distance from existing dwellings that their residential amenity would not be significantly detrimentally affected by the proposal.
- 10.11 The proposed dwellings are located on large plots, with adequate separation distance and have been designed as such so that there would not be a significant detrimental impact in relation to overlooking, loss of privacy, light or outlook.

- 10.12 The site is located in close proximity to the A141, junction with Eastwood End/A141 and a number of industrial/commercial units, including Datashredders, which is a protected waste management site, all of which have the potential to have an adverse impact on the residential amenity (both internal and external) of future residents in terms of noise and disturbance contrary to Policy LP2 and LP16 (l). Furthermore, the introduction of a sensitive use (dwellings) in this location also has the potential to threaten the operation and viability of the existing businesses, contrary to Policy LP16(o) of the Fenland Local Plan 2014 and DM9 of the Delivering and Protecting High Quality Environments in Fenland SPD 2014 and Policy 16 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan 2021. The application has been accompanied by a noise assessment which recommended uprated façade mitigation (triple glazing and acoustic vents are proposed) be incorporated along with a 3m high acoustic barrier on the western boundary of the site, 3m high boundary fences where indicated and a 2m high bund is also proposed to the northern boundary.
- 10.13 Concerns were initially raised by the Council's Environmental Health (EH) team regarding the suitability of the noise monitoring locations. This was followed by the submission of a technical document which was considered to justify the suitability of the original report and EH were content that no further assessment was required. Concerns were raised by County Planning, Minerals and Waste regarding the reverse sensitivity impact on Datashredders a protected waste management site with a complicated planning history and potential for 24/7 working. The EH team were again consulted regarding this and confirmed that they were satisfied with the details submitted and that consideration had been given to the impact of and on this site. On this basis County removed their objection. In order for the development to be acceptable in acoustic terms it would be necessary to impose a condition to ensure that the recommended noise mitigation measures are provided and retained in perpetuity.
- 10.14 There is currently no external lighting scheme submitted, which would be required due to the scale and location of the development and can be secured by condition to ensure an adequate scheme, with consideration to community safety and ecology is achieved.
- 10.15 The plots are more than capable of providing bin storage clear of the streetscene. In order for a Council refuse vehicle to access the development the access road would need to be constructed suitably for a 26 tonne vehicle and an 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. A swept path plan would also be required for all elements of the development to demonstrate that a refuse vehicle could access, turn and leave the site in forward gear. Full details of this have not been provided and as such could be obtained by way of a condition.
- 10.16 The scheme indicates an area of public open space for the benefit of health and well-being and public footpath links which will be discussed in the section below.

Parking, Highways and Sustainability

- 10.17 The development proposes access off Eastwood End to the north of the site, kerb radii and visibility splays have been indicated.

- 10.18 The internal road layout has been altered as a result of highway comments, including the removal of the western loop which provides a more useable open space.
- 10.19 The access drive is to remain private, it is 5.5m wide allowing cars to pass, with 1.8m wide footpaths either side and this is considered acceptable. A management and maintenance scheme would be required for all shared areas.
- 10.20 The dwellings are all 4-bed and as such require at least 3 parking spaces in accordance with Policy LP15 and Appendix A of the Fenland Local Plan 2014. Each dwelling is afforded 4 parking spaces at the required dimensions.
- 10.21 The development proposes an area of public open space, however there are concerns regarding sustainable access to this, and indeed to the site itself, given the relationship to the services and facilities within Wimblington.
- 10.22 It is proposed to provide a 1.8m wide footpath link along Eastwood End from the access drive to join the existing footway to the east which begins at 11 Eastwood End. This would provide pedestrian linkage to Hook Lane (byway) and around Eastwood End, full details would be required to be secured by condition. It is however acknowledged that Eastwood End does not benefit from streetlighting and as such residents would be dissuaded from utilising the footpath during the hours of darkness and in particular the winter months or bad weather.
- 10.23 There is also a 3m wide footway/cycleway proposed alongside the A141 running south from the south-western corner of the development. It is noted that this will require a new highway drainage system and the hedge will be required to be replaced by twice the amount to mitigate the removal of the established hedge, though full details could be secured by way of a condition. Concerns have been raised by the Designing Out Crime Officer regarding the safety of this and the uncontrolled crossing, he has recommended safety railings and consideration of a controlled crossing neither of which have been put forward, though it is noted evidence provided by the applicant's agent indicates that there has not been an incident in the vicinity of the crossing point in the past 5 years. A carefully considered lighting scheme would also be required given the proximity to the A141, the need to be suitable in community safety terms and not detrimentally affect ecology.
- 10.24 CCC Highways advise that the 3m wide footway/cycleway and 2m wide verge are accepted and details can be secured as part of the S278 process. However, it has been recommended that a condition is not imposed regarding the lighting of this as the level of lighting required by the Designing Out Crime Team in relation to community safety may not be achievable under the S278, which raises concerns regarding its suitability as a sustainable link. It is possible that the maintenance of the footpath would be split between Highways and private ownership due to land ownership which may lead to management and maintenance issues going forward. Furthermore, whilst the proposed path is suitable as a cycleway, the infrastructure it links to (the uncontrolled crossing and path at the junction with King Street) is not which raises questions as to whether it is fit for purpose. Highways have advised that upgrade works to the crossing and footpath opposite (the refuge island would need to be widened to 3m as would the path on King Street) would be disproportionate to the development and as such could not be secured by condition.

- 10.25 Policy LP2 and LP15 of the Fenland Local Plan 2014 and para 110 of the NPPF 2021 seek to provide good access to services and sustainable and safe transport networks to these, increasing the use of non-car modes. Given the issues identified above concerning the private ownership of a section of the link, the uncertainty over the lighting of this and the substandard facilities which this currently connects to it is considered that the application fails to demonstrate that a safe, adequate and sustainable link to facilities and services can be achieved, contrary to the aforementioned policies

Flood Risk and Drainage

- 10.26 The site is located in Flood Zone 1, the lowest risk of flooding, hence the sequential and exception tests are not applicable to this site. The application is accompanied by a Flood Risk Assessment and Sustainable Drainage Strategy which advises that there is a minor fluvial risk to the site associated with the drains along the boundary, however any flow would be low and would not have any significant impact upon the site, the overall fluvial flood risk is considered to be low. The Environment Agency's Surface Water Flood Map indicates that the site is at a very low risk of surface water flooding during a medium risk event, however an extreme event could result in some shallow ponding in low points of the site in isolated patches and would remain below 300mm. The risk from ground water is considered to be low and the area is well outside the area considered to be at risk of tidal flooding. It is advised that the setting of minimum floor levels or resilient construction measures is not required.
- 10.27 The LLFA consider that the submitted documentation demonstrates that surface water from the proposed development can be managed through the use of permeable paving on all access and parking areas, and there is also an attenuation basin to retain water before discharge from the site into the drain on the northern boundary. Pre-commencement conditions are recommended in relation to a detailed surface water drainage scheme and how surface water run off will be avoided during construction, along with a prior to occupation condition in relation to maintenance arrangements.

Ecology

- 10.28 A preliminary ecology appraisal was submitted to accompany the application which recommended a mitigation/enhancement strategy but also raised the potential of Great Crested Newts (GCN) in a nearby pond. The Council's Wildlife Officer considered that the report did not provide sufficient information to ensure that this development will result in no harm to a protected species as required under the Wildlife and Countryside Act 1981 as it recommended further surveys/assessment in relation to GCN which has not been undertaken.
- 10.29 Subsequently a GCN assessment was carried out which confirmed their presence in the nearby pond and the potential for them to be impacted by the proposed development, as such the Wildlife Officer has recommended pre-commencement in relation to a license being obtained from Natural England or a statement from the licensing body that one will not be required. Pre-commencement conditions are also recommended in relation to a construction environmental management plan (CEMP: Biodiversity) and landscaping scheme and further conditions in relation to external lighting, native species for landscaping and bat and bird boxes. On the basis of these conditions, the Wildlife Officer is content that a positive impact on biodiversity can be achieved.

11 CONCLUSIONS

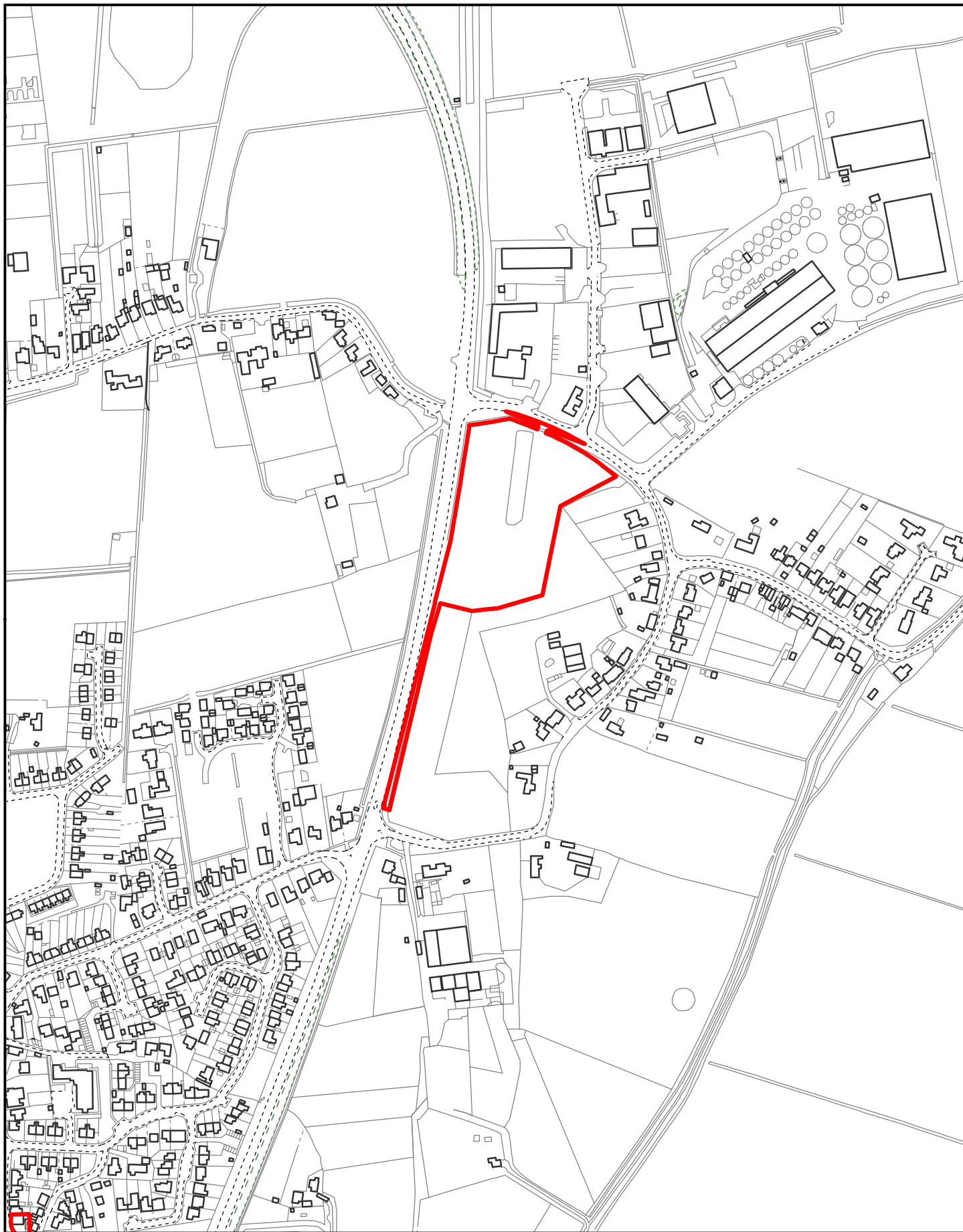
- 11.1 Noting the most recent appeal decision in Eastwood End and the scheme recently granted by the Council which reinforced this finding, the broad principle of development may be considered appropriate in terms of general location. This is however on the basis that the development is in keeping with and reflects the character of the area and that there are no significant issues in respect of residential or visual amenity, design, parking, highways, flood risk or ecology. It is considered that there are no significant detrimental impacts in relation to residential amenity subject to inclusion of the recommended noise mitigation measures and schemes for appropriate external lighting and refuse collection. Nor are there any flood risk, drainage or ecology matters subject to relevant conditions.
- 11.2 However, the site together with the adjoining fields either side of the bypass provide a contribution to the visual quality and openness of this area, the development would urbanise this open and undeveloped nature, exacerbated by the sites prominent position on the A141, provision of 3m high bunding/fences and a 3m wide footpath alongside it, involving replacement of the established hedge; it is therefore considered to result in a significant detrimental impact on the character and visual amenity of the area. This is compounded by the contemporary design and scale of the proposed dwellings and the in-depth development which is at odds with the rural character and linear settlement form of Eastwood End which would set a precedent for further such development, potentially either side of the A141. The development is therefore contrary to Policy LP2, LP12 (c and d) and LP16 (d) of the Fenland Local Plan 2014, DM3 of the Delivering and Protecting High Quality Environments in Fenland SPD 2014 and para 130 of the NPPF 2021. The development also fails to demonstrate that a safe, adequate and sustainable link to facilities and services can be achieved, contrary to Policy LP2 and LP15 of the Fenland Local Plan 2014 and para 110 of the NPPF 2021 which seek to provide good access to services and sustainable and safe transport networks to these, increasing the use of non-car modes.

12 RECOMMENDATION

Refuse; for the following reasons:

1.	<p>Policy LP2, LP12 (c and d) and LP16 (d) of the Fenland Local Plan 2014, DM3 of the Delivering and Protecting High Quality Environments in Fenland SPD 2014 and para 130 of the NPPF 2021 seek to ensure that that development makes a positive contribution to the local distinctiveness and character of the area, that the character of the landscape, local built environment and settlement pattern inform development and that proposals do not harm the wide-open character of the countryside.</p> <p>The site together with the adjoining fields either side of the bypass provide a contribution to the visual quality and openness of this area, the development would urbanise the open and undeveloped nature, exacerbated by the sites prominent position on the A141, provision of 3m high bunding/fences and a 3m wide footpath alongside it, and it is considered to result in a significant detrimental impact on the character and visual amenity of the area. The contemporary design and scale of the proposed dwellings is not considered to respect the rural nature of the site and surrounding area, compounding the adverse impact of the scheme. Furthermore, the in-depth development is at odds with the</p>
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	<p>rural character and linear settlement form of Eastwood End and would set a precedent for further such development potentially either side of the A141. The proposal is therefore considered contrary to the aforementioned policies.</p>
2	<p>Policy LP2 and LP15 of the Fenland Local Plan 2014 and para 110 of the NPPF 2021 seek to provide good access to services and sustainable and safe transport networks to these, increasing the use of non-car modes. Given the separation of Eastwood End from Wimblington by the A141 and issues identified concerning the private ownership of a section of the proposed footway/cycleway link, the uncertainty over the lighting of this and the substandard facilities which this would currently connect to the application fails to demonstrate that a safe, adequate and sustainable link to facilities and services can be achieved, contrary to the aforementioned policies</p>



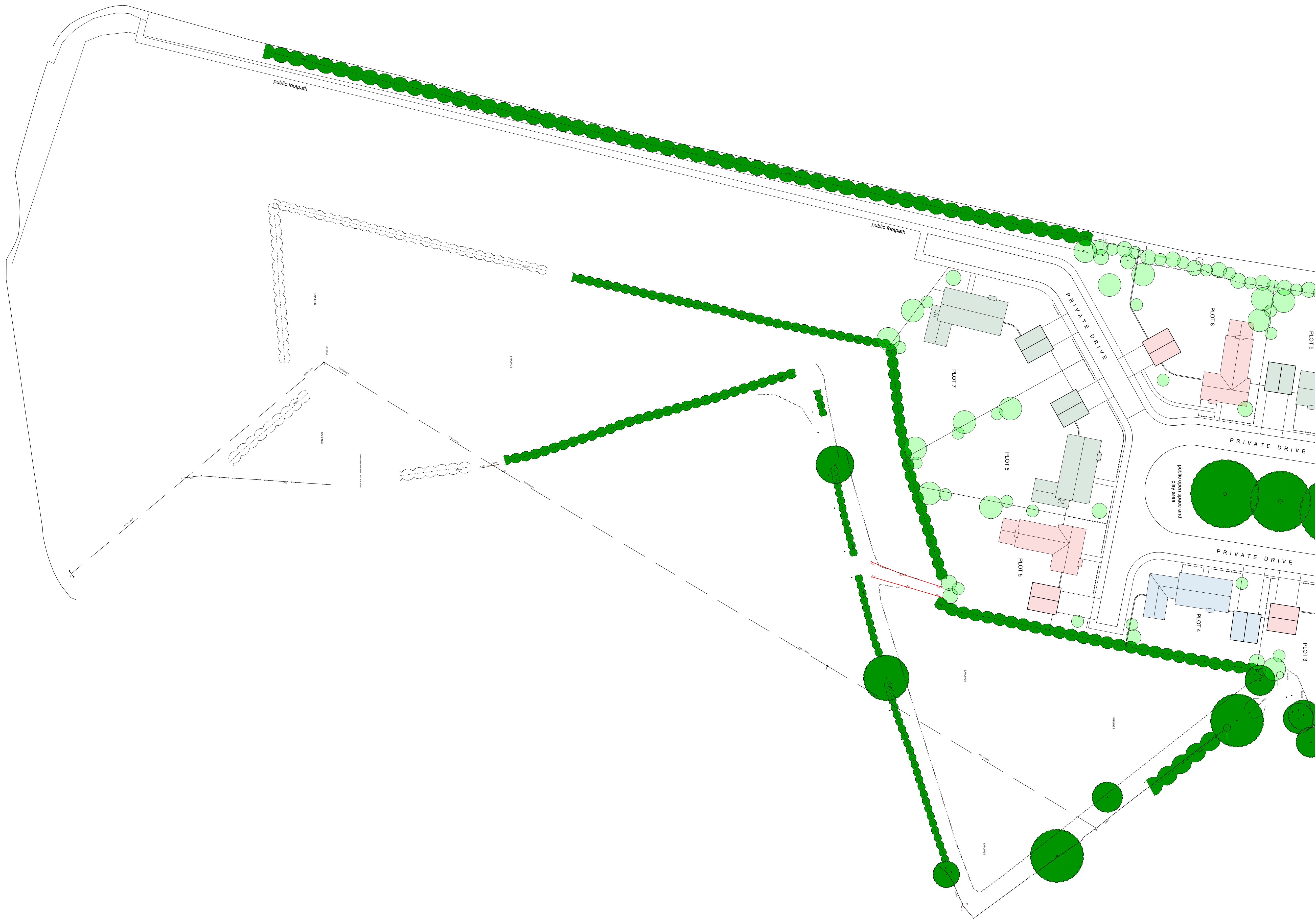
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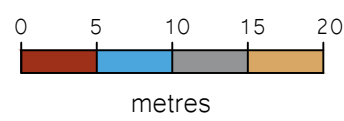
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Scale = 1:5,000





Site Plan Showing Extent of Proposed Footpath
Scale 1:500



- General Notes
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Status

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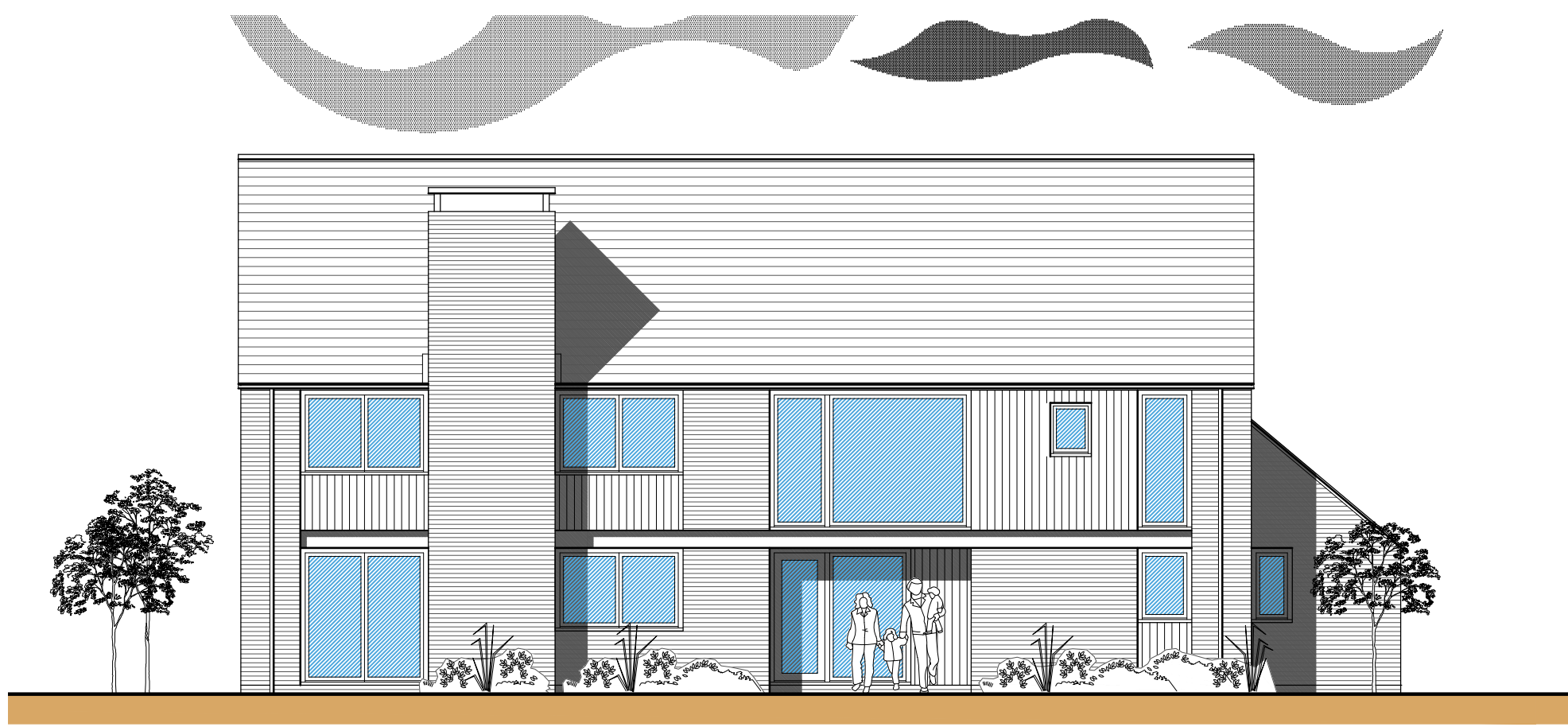
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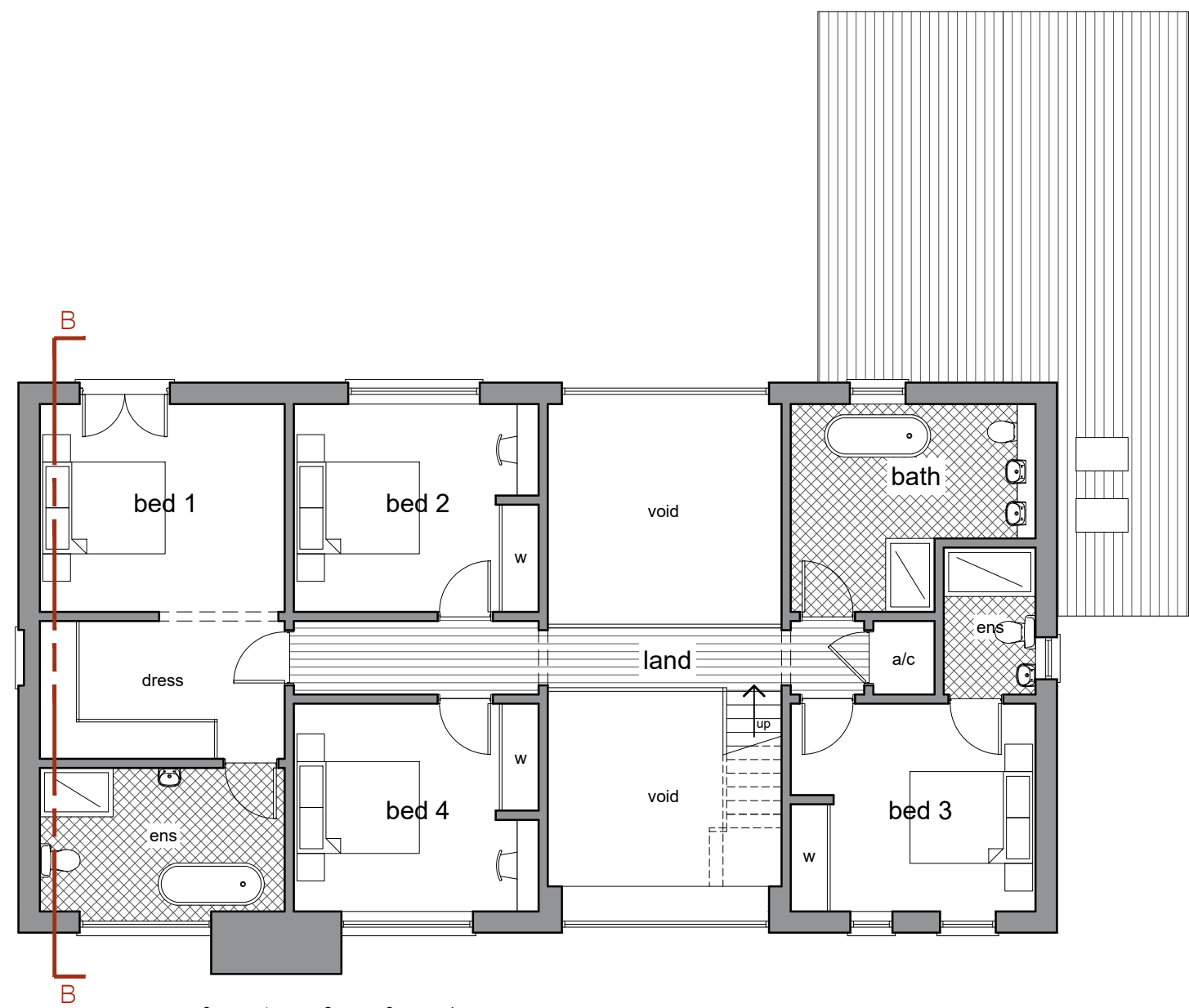
Proposed Residential Development Eastwood End, Wimblington PE15 0QH for: FPP Facades	Job Title	Date	Drawn by
	SE1148	July 2020	RS
Drawing Title Planning Drawing Plan Inc Footpath	Checked by		GE
	Sheet Size		A1
	Dwg No.		Revision
	PP1021		



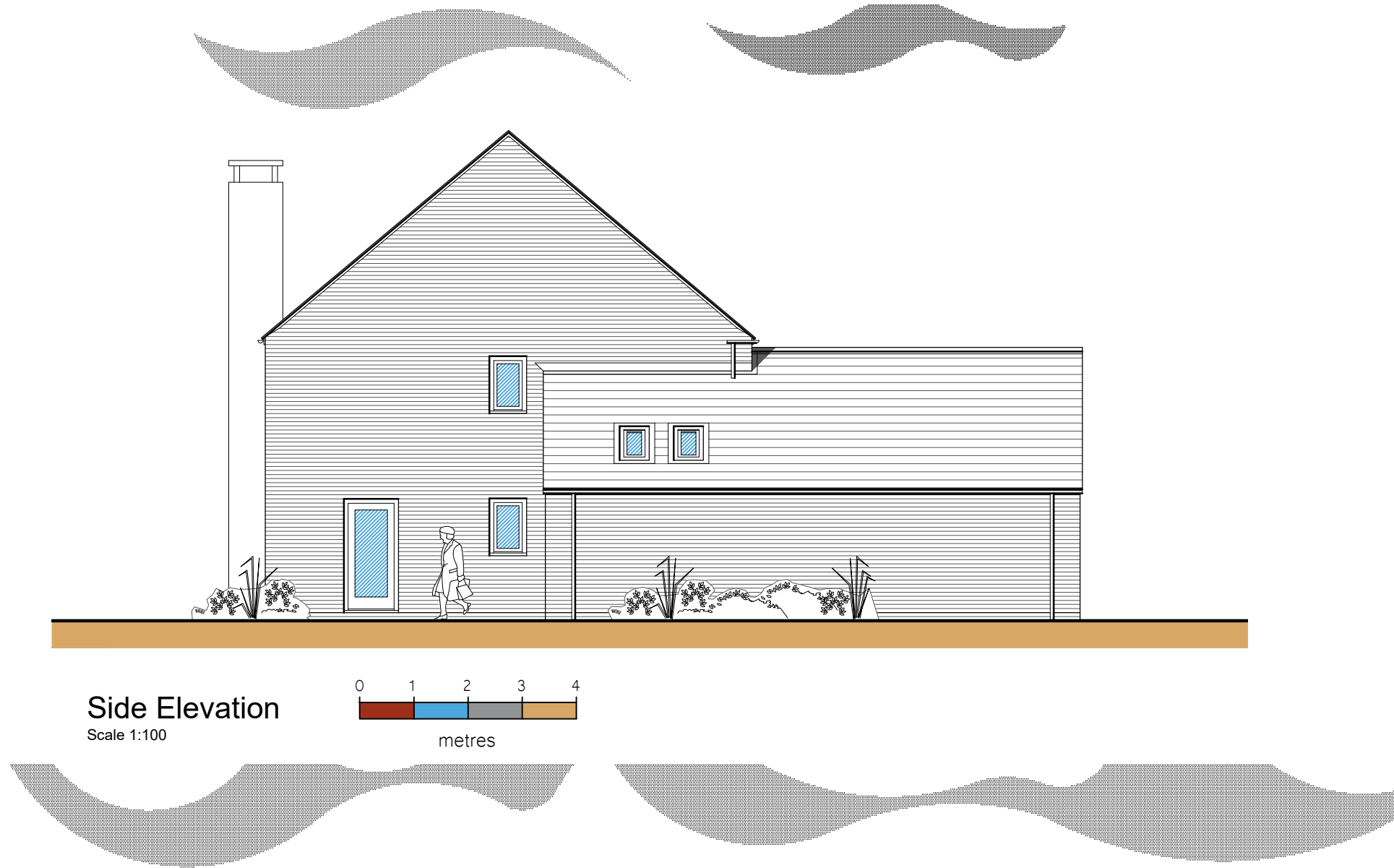
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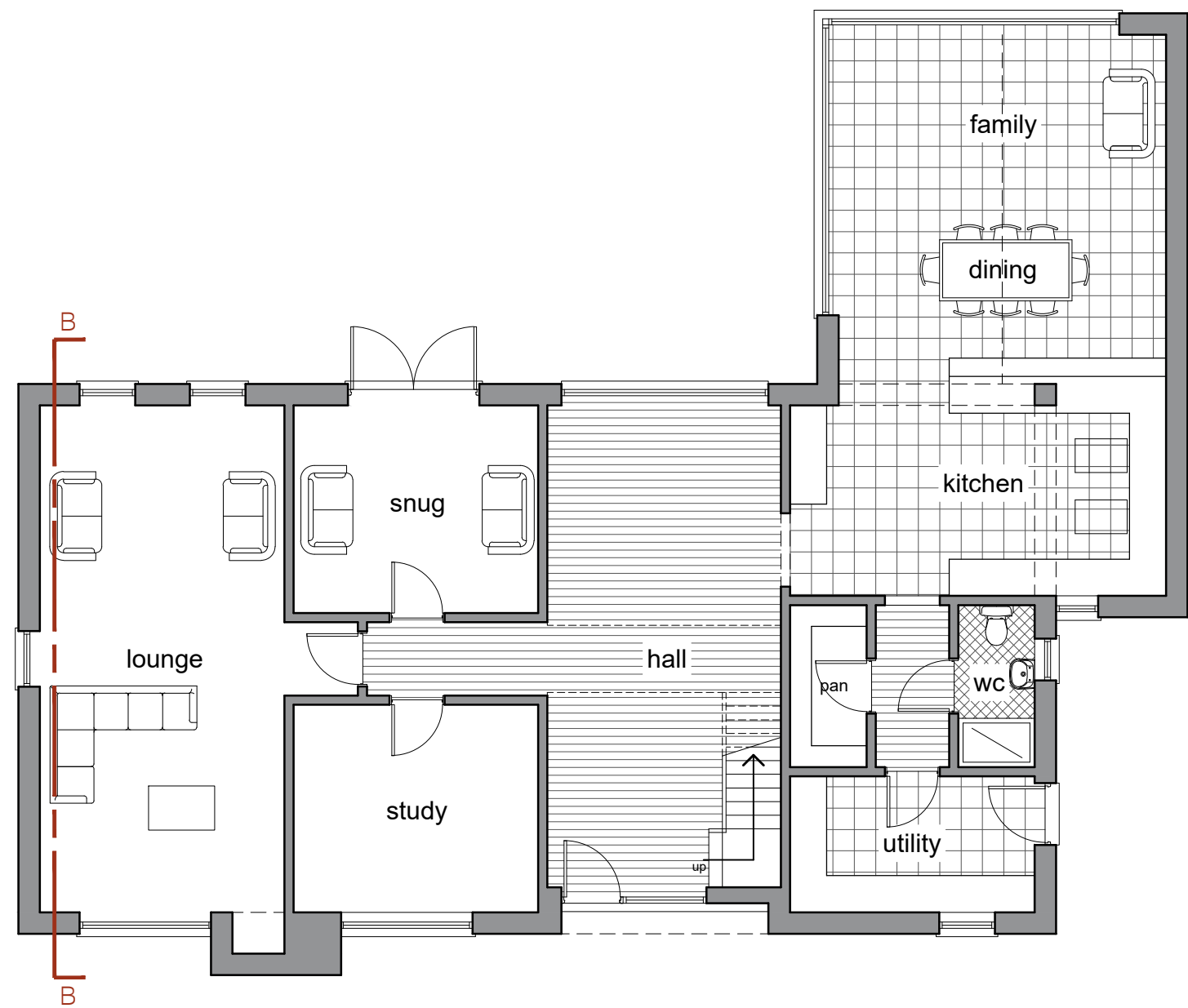
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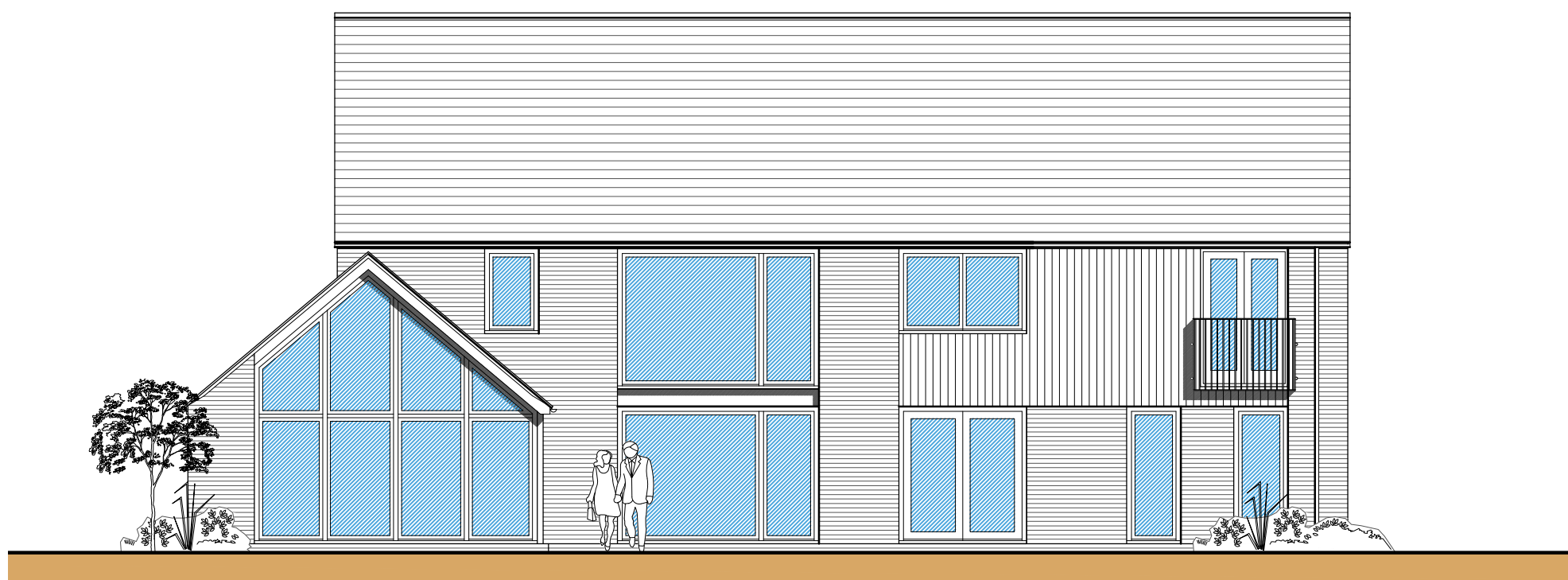
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Side Elevation
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Ground Floor Plan
Scale 1:100
metres



Rear Elevation
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metres

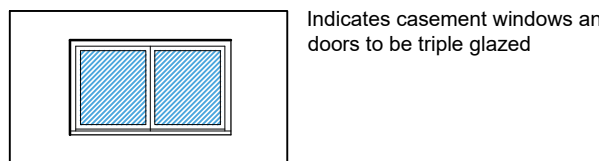
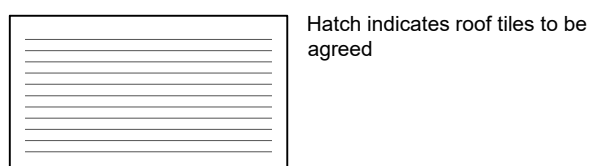
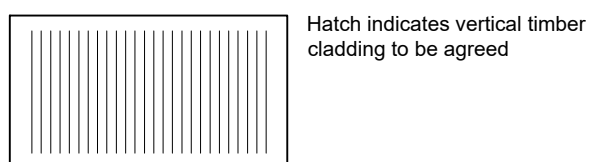
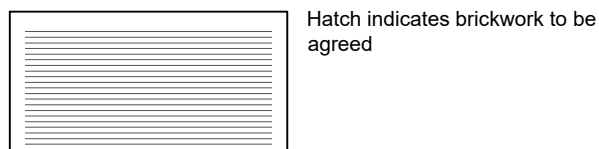


Side Elevation
Scale 1:100
metres

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House Type B Schedule of Sizes	
Internal Floor Areas	
Ground Floor	177.2m ²
First Floor	134.9m ²
Total	312.1m ²

MATERIALS KEY



Rainwater goods - black half round gutters and black round downpipes

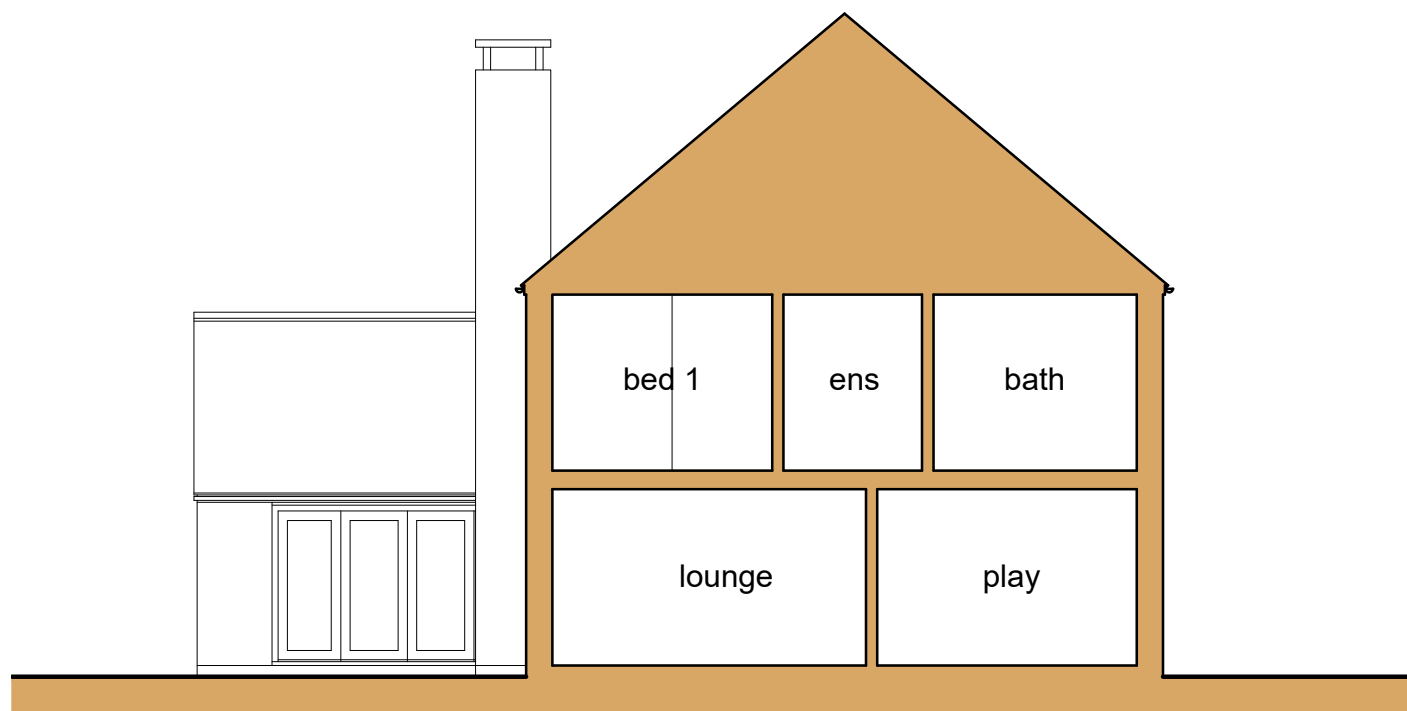
Vents - all vents to be acoustic vents

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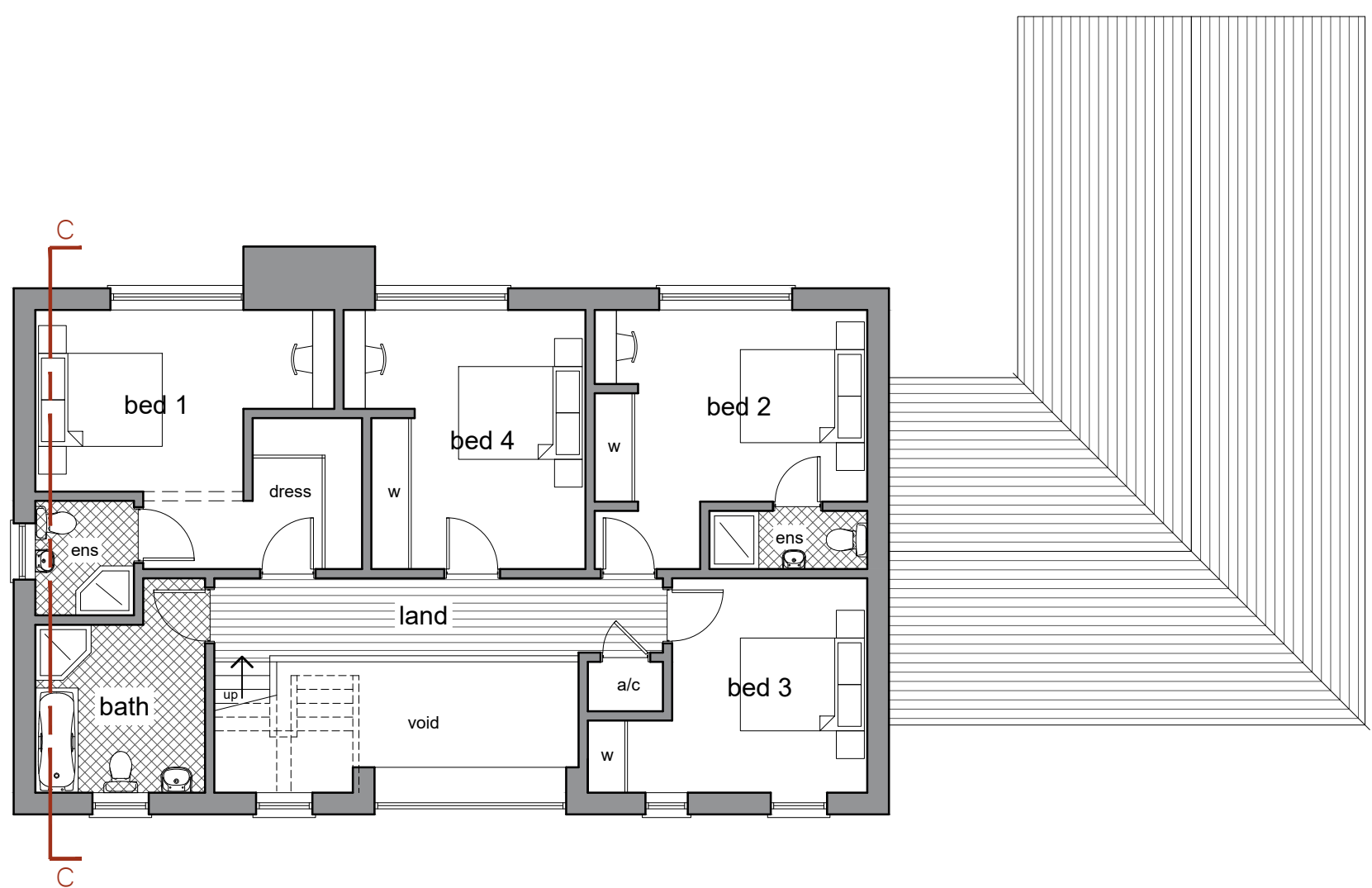


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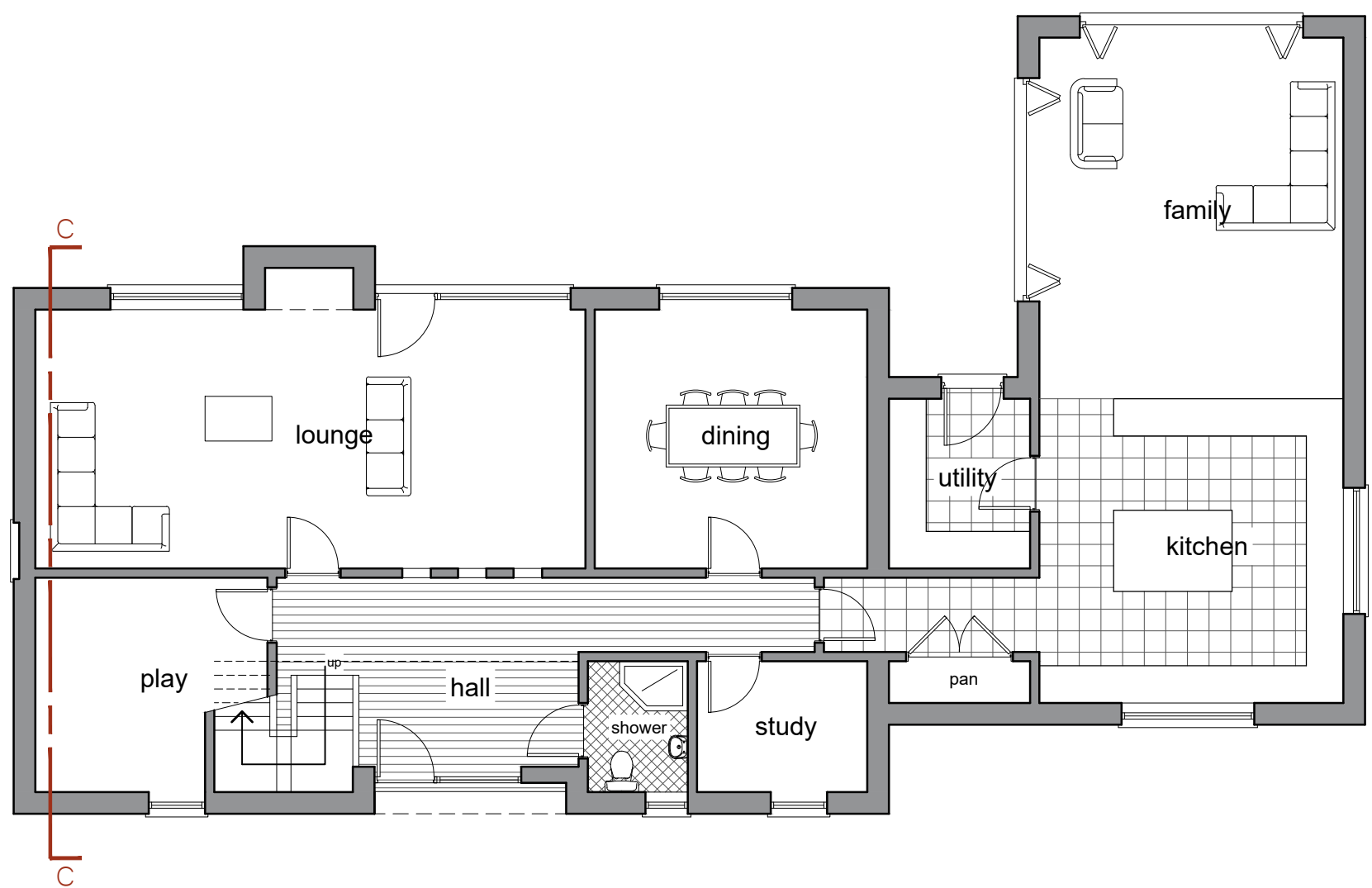
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	Checked by GE	Sheet Size A1
Drawing Title Planning Drawing House Type B Plans and Elevations	Job No. SE1148	Sheet Size A1
	Dwg No. PP1121	Revision A



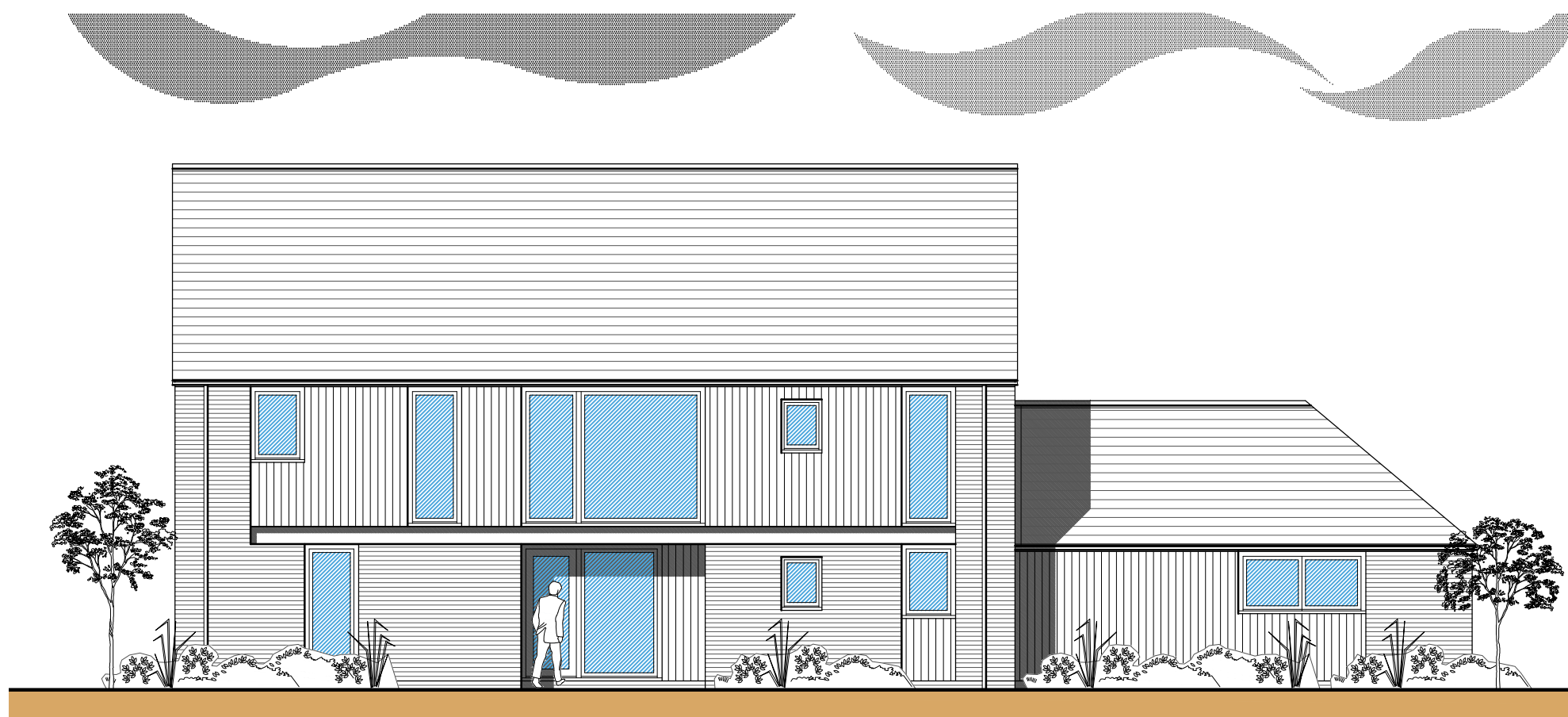
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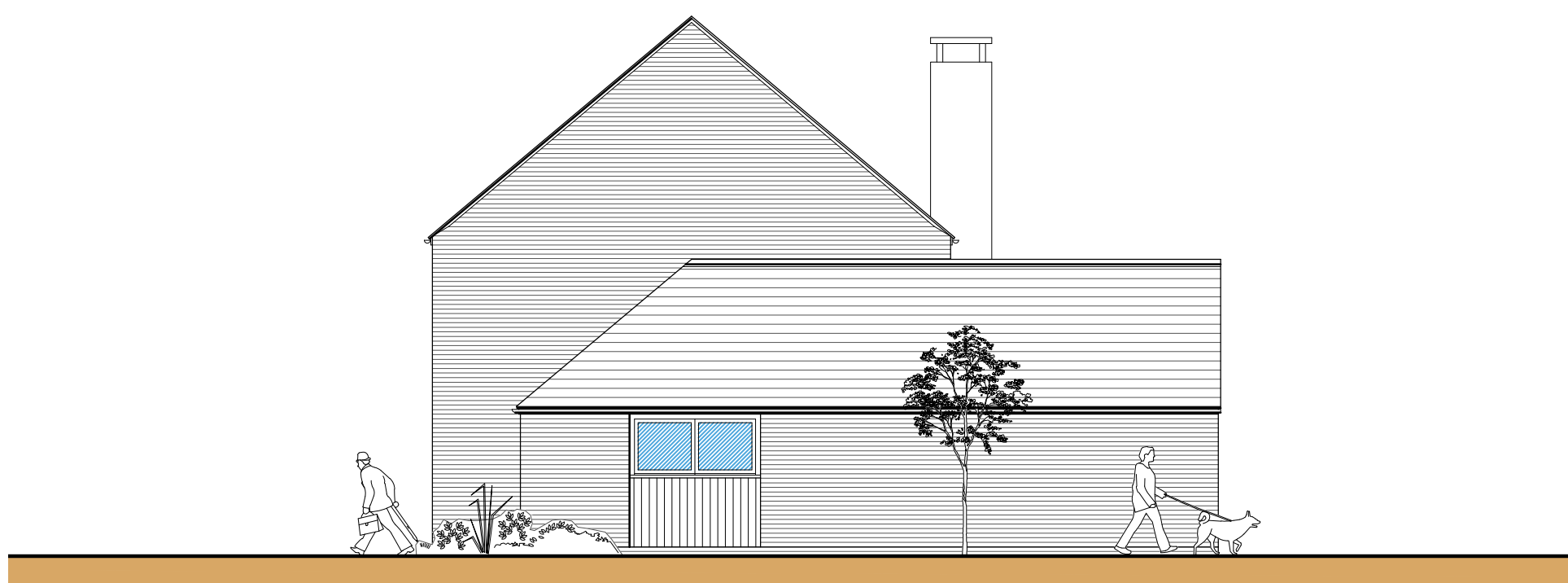
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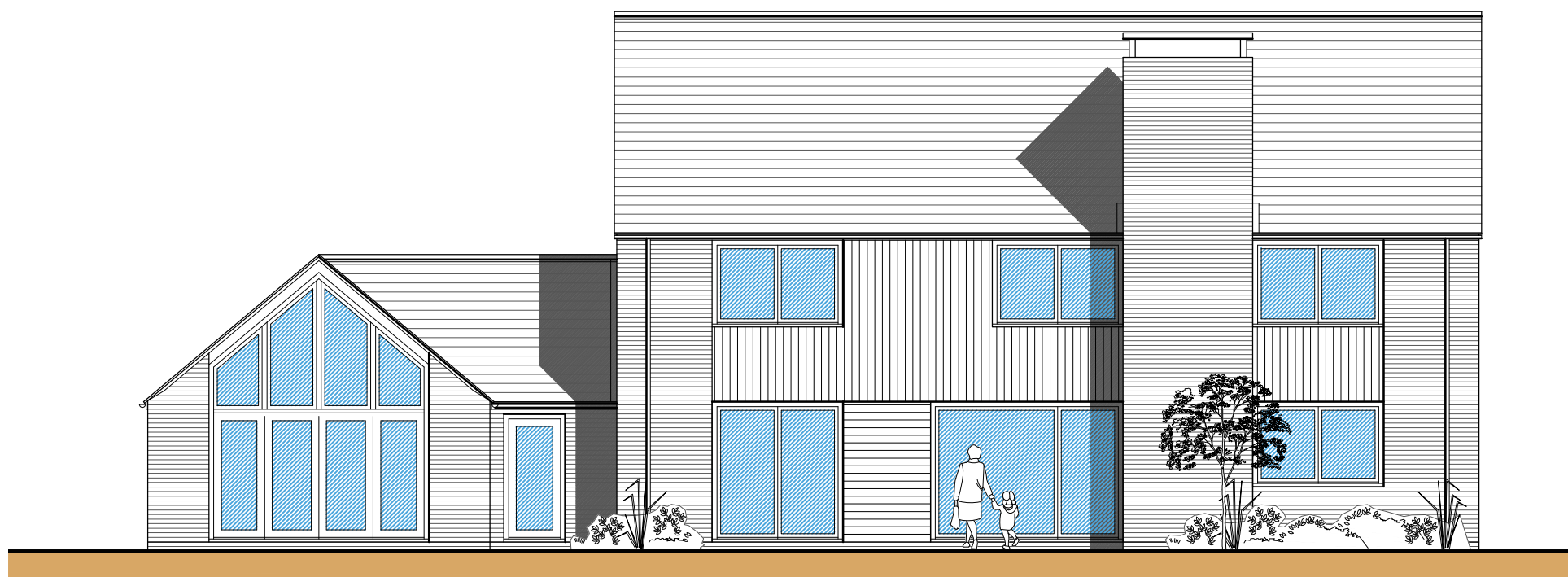
Ground Floor Plan
Scale 1:100



Front Elevation
Scale 1:100



Side Elevation
Scale 1:100



Rear Elevation
Scale 1:100



Side Elevation
Scale 1:100

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House Type C Schedule of Sizes	
Internal Floor Areas	
Ground Floor (exc garage)	169.7m2
First Floor	104.8m2
Total	274.5m2

MATERIALS KEY

Hatch indicates brickwork to be agreed

Hatch indicates vertical timber cladding to be agreed

Hatch indicates roof tiles to be agreed

Indicates casement windows and doors to be triple glazed

Rainwater goods - black half round gutters and black round downpipes

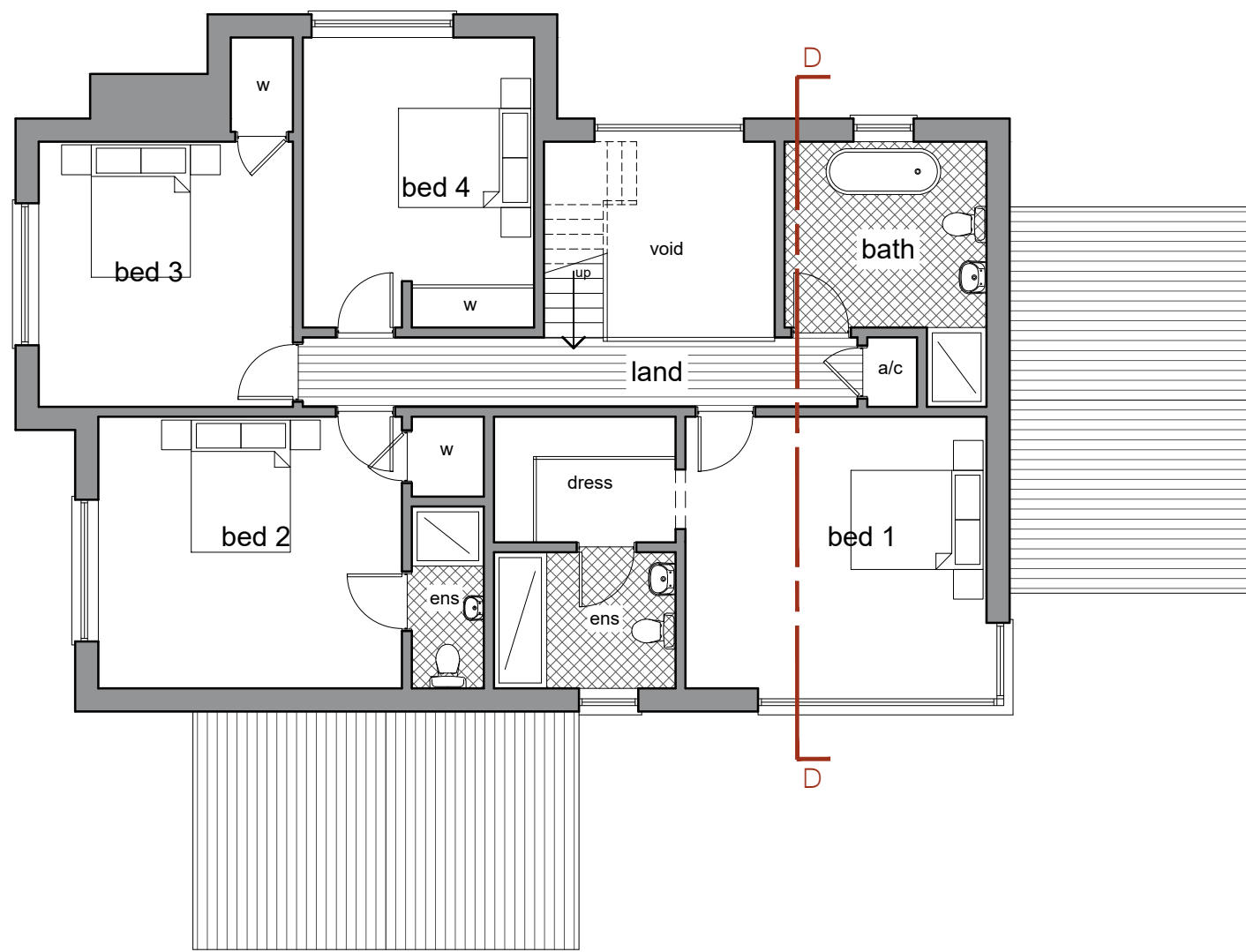
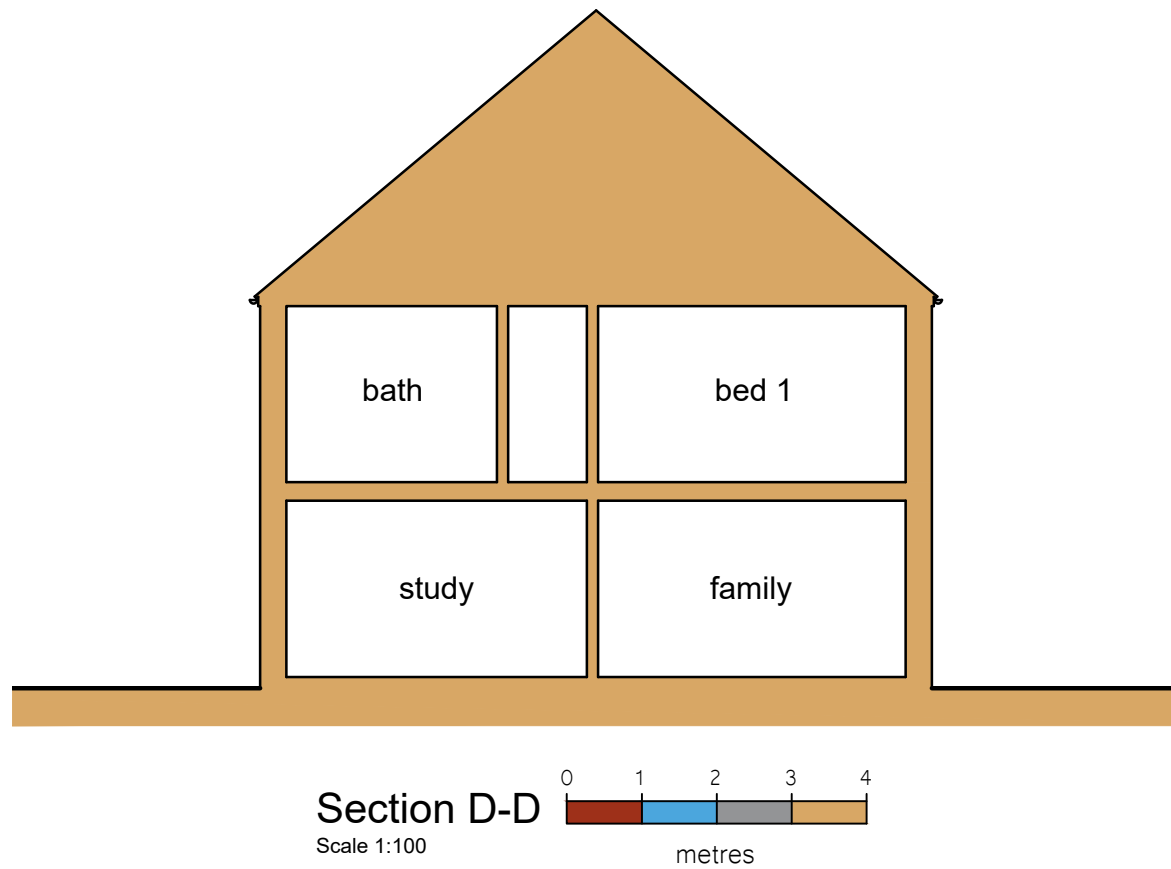
Vents - all vents to be acoustic vents

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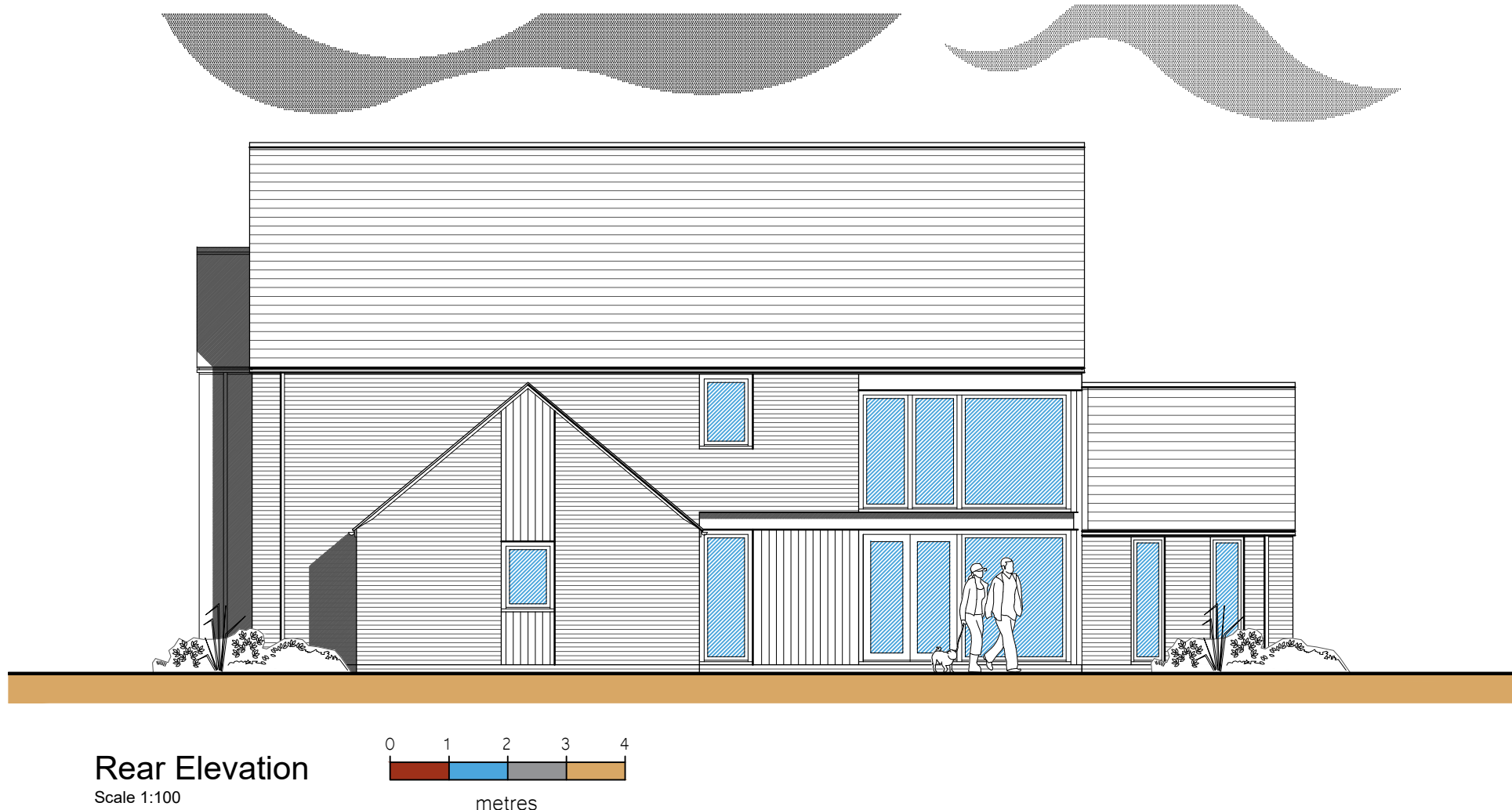
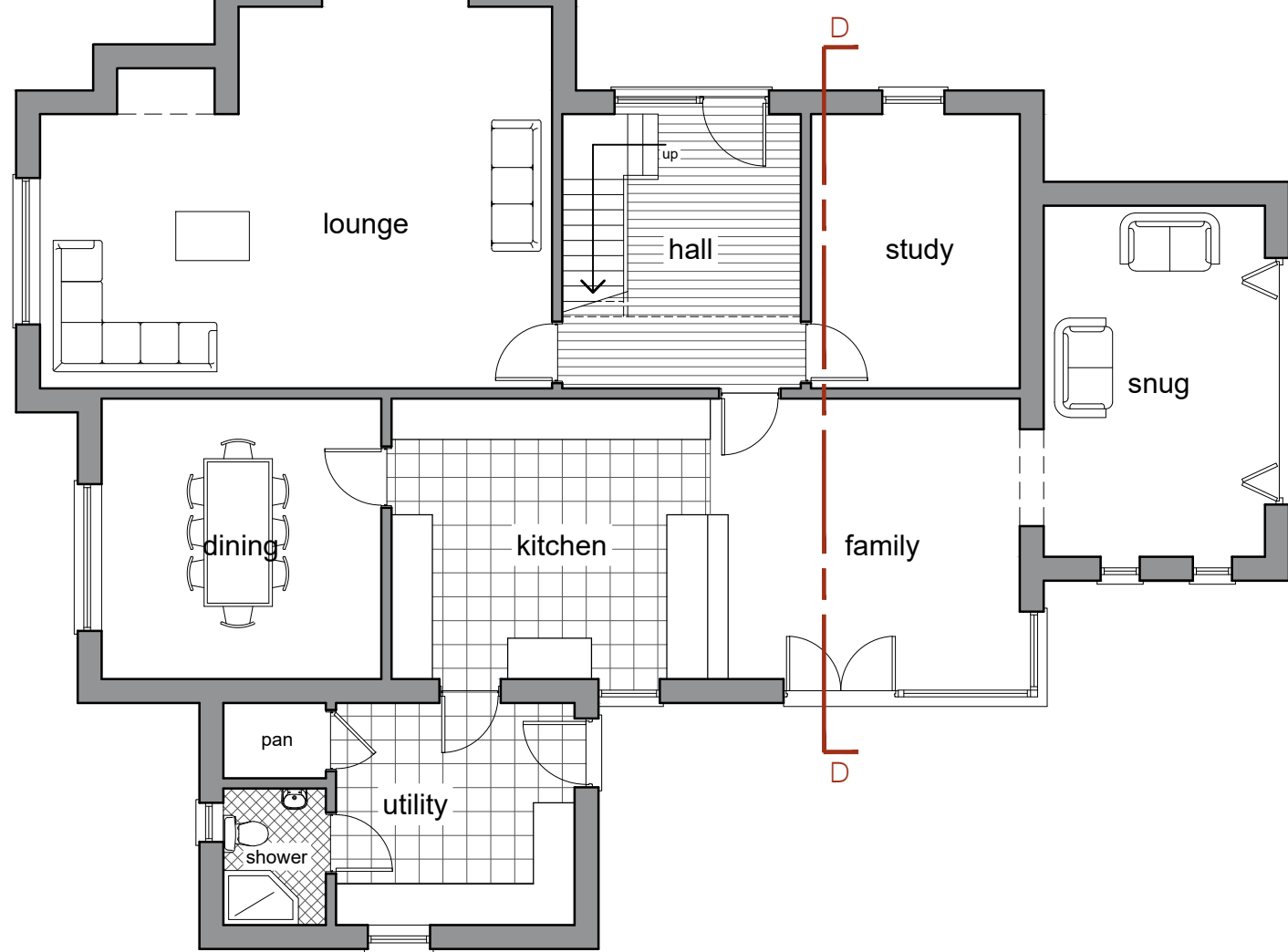
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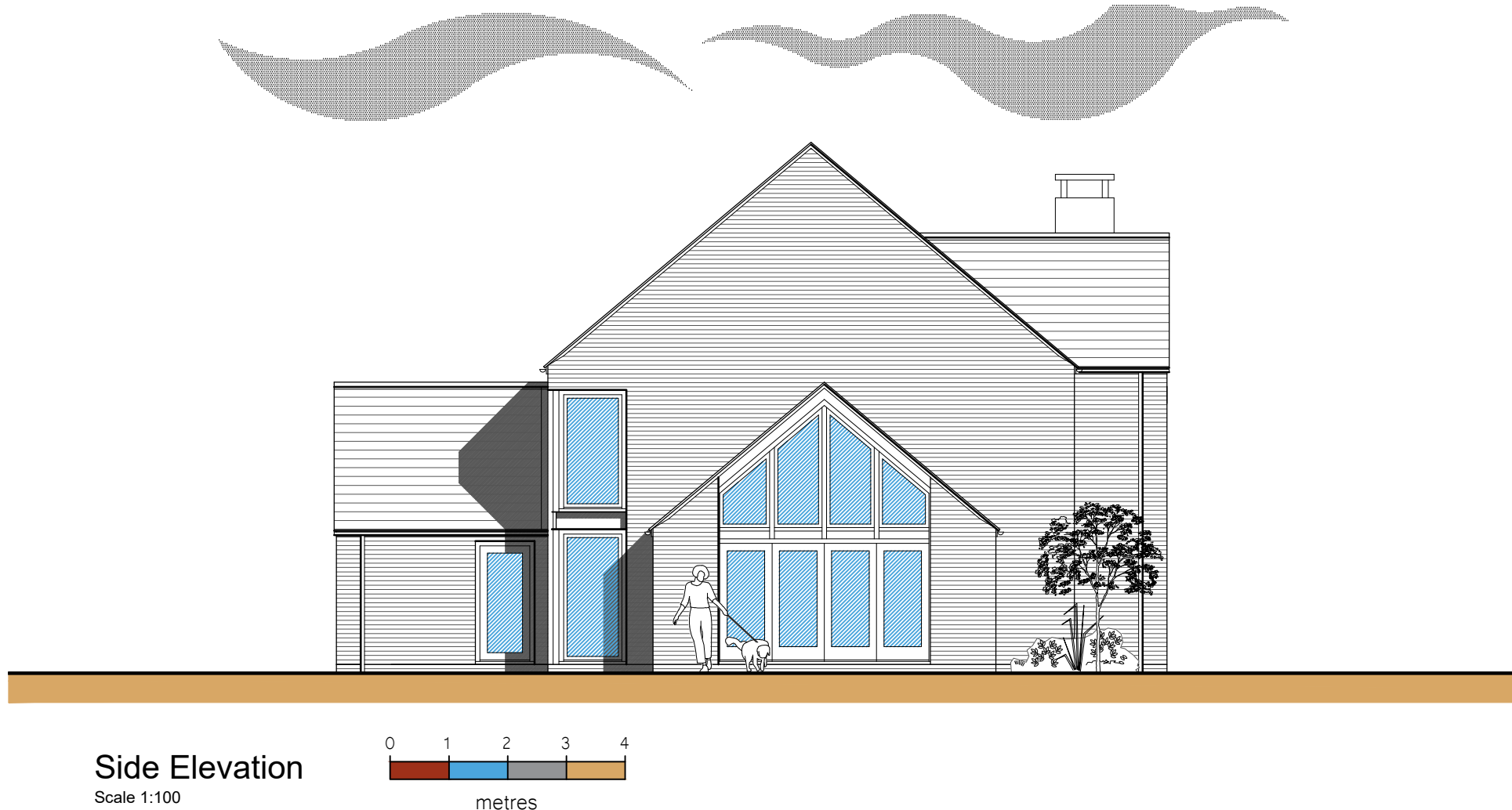
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	Checked by GE	Sheet Size A1
Drawing Title Planning Drawing House Type C Plans and Elevations	Job No. SE1148	Revision A
	Dwg No. PP1122	



First Floor Plan
Scale 1:100



Ground Floor Plan
Scale 1:100



- General Notes
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House Type D Schedule of Sizes	
Internal Floor Areas	
Ground Floor	158.8m ²
First Floor	121.7m ²
Total	280.5m ²

MATERIALS KEY

Hatch indicates brickwork to be agreed

Hatch indicates vertical timber cladding to be agreed

Hatch indicates roof tiles to be agreed

Indicates casement windows and doors to be triple glazed

Rainwater goods - black half round gutters and black round downpipes

Vents - all vents to be acoustic vents

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Job Title Proposed Residential Development Eastwood End, Wimblington PE15 0QH for: FPP Facades	Date May 2020	Drawn by RS Checked by GE
Drawing Title Planning Drawing House Type D Plans and Elevations	Job No. SE1148 Dwg No. PP1123	Sheet Size A1 Revision A