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**F/YR22/0118/F**

**Applicant: Mr Lockhart  
GL Developments**

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

**Land South East Of 106, Wype Road, Eastrea, Cambridgeshire**

**Erect 3 x dwellings (2-storey 5-bed) involving the formation of 3 x new accesses**

**Officer recommendation: Refuse**

**Reason for Committee: Parish Council comments contrary to Officer recommendation**

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## **1 EXECUTIVE SUMMARY**

- 1.1 The application site lies at the southern end of Eastrea and comprises three dwellings which are almost complete. The southern boundary borders a dwelling with a rear yard which operates as an agricultural engineering enterprise
- 1.2 The application is a resubmission of a previously approved scheme which was granted permission through F/YR20/0902/F subject to among others, conditions 6 and 7 which sought to secure measures to ensure that future occupiers were protected from any noise from the business on the adjacent site.
- 1.3 The applicant has resubmitted the scheme to make slight alterations to plot 6 and also to effectively implement the permission without complying with Conditions 6 and 7 of F/YR20/0902/F. The applicant has indicated that since no noise mitigation measures were imposed on a new building granted on the adjacent commercial site after F/YR20/0902/F, then this development should also not be required to mitigate against noise as well.
- 1.4 However, without the measures requested through conditions 6 and 7, the development would be unacceptable because it is likely to harm the residential amenities of the future occupiers of the development especially those within plot 6.
- 1.5 The recommendation is therefore for refusal of planning permission

## **2 SITE DESCRIPTION**

- 2.1 The site lies at the southern end of Eastrea and comprises three dwellings which are almost complete. The site is adjacent to another dwelling adjacent to the southern boundary of the site which has an established agricultural engineering business operating from the yard at the rear.

### 3 PROPOSAL

- 3.1 The application seeks retrospective planning permission to erect 3 x dwellings (2-storey 5-bed) involving the formation of 3 x new accesses. Essentially the development proposed is the same as previously granted under F/YR20/0902/F other than in relation to Plot 6. This dwelling is now proposed to be built without the 2.4m acoustic fence along the southern boundary, and also with the first-floor rear balcony and screen wall omitted and a roof lantern installed to the ground floor flat roofed outshot element. These elements were previously required to ensure an acceptable relationship in terms of noise between Plot 6 and the neighbouring business.
- 3.2 Full plans and associated documents for this application can be found at: [F/YR22/0118/F | Erect 3 x dwellings \(2-storey 5-bed\) involving the formation of 3 x new accesses | Land South East Of 106 Wype Road Eastrea Cambridgeshire \(fenland.gov.uk\)](https://fenland.gov.uk/F/YR22/0118/F)

### 4 RELEVANT PLANNING HISTORY

Reference	Description	Decision
F/YR20/0902/F	Erect 3 x dwellings (2-storey 5-bed) involving the formation of 3 x new accesses	Granted 22.1.21
F/YR18/0689/F	Erection of 3 x 5-bed 2-storey dwellings with garages (Plots 1-3 only) and formation of access road to agricultural field	Granted 07.11.2018
F/YR17/0697/O	Erection of up to 6 x dwellings involving 2 x new accesses and agricultural access (Outline application with all matters reserved)	Granted 14.12.2017

### 5 CONSULTATIONS

- 5.1 **Whittlesey Town Council:** *The Town Council have no objection and therefore recommend approval*
- 5.2 **Environment Agency:** *We have reviewed the above application and it is considered that there are no Agency related issues in respect of this application and therefore we have no comment to make.*
- 5.3 **Environmental Health:** *The National Planning Policy Framework recommends that the planning policy system should contribute to, and enhance the natural and local environment by, amongst other things, preventing both new and existing developments from contributing to or being put at unacceptable risk, or being, adversely affected by unacceptable levels of pollution.*

*It goes onto recommend that planning policies and decisions should ensure that new development is appropriate for its location taking into consideration the effects of pollution on health, general amenity, and quality of life amongst other things.*

*In relation to this particular application, I note that the application form and planning tracker states that it is to “Erect 3 x dwellings (2-storey 5-bed) involving the formation of 3 x new accesses – at Land South East Of 106 Wype Road,*

*Eastrea, Cambridgeshire. Matters for consideration for a proposed development of this type would ordinarily include :*

*acoustic environment for future occupiers of the dwellings as proposed. the potential exposure of future land users to contamination which could be present in the land.*

*In relation to these matters, I note the following :*

- the site is located on the edge of an existing residential area, and land which appears to have a history of agricultural use, neighbouring an existing agricultural business.*
- notwithstanding the relatively small scale of the development, there is the potential for an adverse environmental impact on existing residents during the construction phase of the development.*
- notwithstanding conditions 6 and 7 of the decision notice for permission previously granted under a different application (i.e - F/YR20/0902/F – decision notice attached for your ease of reference) - there is no information contained within this application (F/YR22/0118/F) or supporting documentation detailing how satisfactory internal noise levels of the dwellings will be achieved.*
- there is no information contained within this application or supporting documentation detailing any potential contaminants which may be present, in relation to current and historic uses of the site.*

*If you are minded to approve this application, I would recommend that the following conditions are placed on any permission granted :*

### **1 Provision of an Acceptable Acoustic Environment**

*No development shall commence until a noise assessment has been undertaken and a scheme for protecting the proposed dwellings from all noise sources affecting the site has been submitted to and approved in writing by the Local Planning Authority. The assessment shall be prepared by a suitably qualified person (Member of the Institute of Acoustics or equivalent) and have regard to all relevant standards and guidance.*

*Any assessment method and acoustic criteria used shall be prior agreed in writing with the Local Planning Authority. Any works which form part of the scheme shall be completed in accordance with the approved details before any of the permitted dwellings to which the scheme relates are occupied.*

*Reason : To ensure the creation of a satisfactory environment free from intrusive levels of noise.*

### **2 Noise and Dust (from Demolition and Construction activities):**

*Prior to the commencement of development, including any site clearance, groundworks or construction, a limited Construction Environmental Management Plan (CEMP) - to manage the impacts of construction during the life of the works - shall be submitted to and approved in writing by the Local Planning Authority.*

*The CEMP shall include:-*

- a) Identification of best practice measures to be used to control fugitive dust from demolition, earthworks and construction activities*
- b) Identification of best practice measures to be used to control noise from demolition, earthworks and construction activities – including confirmation that no machinery shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the site outside the following times:*
  - Monday - Friday 0800-1800*
  - Saturday 0800 - 1300*

*nor at any time on Sunday, Bank or Public holidays.*

*The details so approved shall be complied with in full and monitored by the applicants to ensure continuing compliance during the construction of the development.*

*Reason: To protect the amenity of local residents from potential impacts whilst demolition, site clearance, groundworks and construction is underway.*

### **3 Contaminated Land**

#### **Desk Study/Site Walk Over**

*a) Prior to the commencement of the development hereby permitted a desk study to identify all potential contaminative uses on site, and to inform the conceptual site model shall be carried out by a competent person.*

*The study shall be undertaken in accordance with all current legislation and relevant technical guidance, including DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11."*

*A site walkover shall be undertaken to inform this study, if deemed necessary by the competent person - and the study shall be submitted in writing to the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written acceptance of this study.*

#### **Intrusive Investigation**

*b) If a potential risk from contamination is identified as a result of the work carried out under a) above, a comprehensive intrusive investigation (to characterise the type, nature and extent of contamination present, the risks to receptors and to inform any remediation strategy proposals) - shall be undertaken by a competent person and documented as a written report. The investigation and report shall be undertaken in accordance with all current legislation and relevant technical guidance, including DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" – and submitted in writing to the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written acceptance of this report.*

#### **Remediation Scheme**

*c. If contamination is found by undertaking the work carried out under b) above, a written scheme of proposed remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person. The scheme shall be prepared in accordance with all current relevant legislation and technical guidance, including DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" - and submitted in writing to the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written acceptance of this scheme.*

#### **Carry Out Remediation**

*d) If remedial works have been identified in c) above, these works shall be undertaken in accordance with the scheme as accepted by the Local Planning Authority. A verification report which confirms adherence to the scheme and the effectiveness of the remediation, shall be prepared by a competent person.*

*The verification report shall be prepared in accordance with all current relevant legislation and technical guidance, including DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" – and submitted in writing to the Local Planning Authority. The development shall not be occupied until the Local Planning Authority has given its written acceptance of this verification report.*

*Reason : To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use.*

#### **4 Unexpected Contamination**

*If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.*

*Reason : To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use.*

- 5.4 **Minerals and Waste:** *The MWPA has no objection to the proposed development but recommends that the applicant be encouraged to use any suitable sand and gravel incidentally excavated as part of the groundworks within the development, and this be noted as in informative on any permission, in the event it is granted.*

- 5.5 **Highways:** *There are no objections to this application however there is no drainage control at the rear of the sealed access. To be conditioned.*

5.6 **Local Residents/Interested Parties**

Eight letters of objection have been received from the operators of the adjacent business, as well as from residents of Thornham Way, Eastrea and Willowbrook Drive, Coates, predominantly contending that removing the noise mitigation measures approved as part of the original permission for development would harm the adjacent agricultural business and its workers.

Issues around access, highway safety and footpath connectivity have also been raised.

5.7 **Councillor Wicks (Ward Councillor)**

Raised several questions regarding the application and raises the loss of the noise mitigation and the problems this may cause.

## **6 STATUTORY DUTY**

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

## **7 POLICY FRAMEWORK**

**National Planning Policy Framework (NPPF)**  
**National Planning Practice Guidance (NPPG)**  
**National Design Guide 2019**

**Fenland Local Plan 2014**

LP16 – Delivering and Protecting High Quality Environments across the District

## **Delivering & Protecting High Quality Environments in Fenland SPD (2014)**

### **8 KEY ISSUES**

- 8.1 The key issue for consideration of this application is the issue of noise and residential amenity.

### **9 BACKGROUND**

- 9.1 The proposal site is located adjacent to an agricultural enterprise and the extant planning permission F/YR20/0902/F was granted subject to conditions which included measures to ensure that future occupiers were protected from any noises from the business on the adjacent site.

### **10 ASSESSMENT**

#### **Previously considered issues**

- 10.1 The proposal is a resubmission of a previously approved development and as such the principle of development has already been established and, indeed, the development is almost complete. Likewise, the issues of character and appearance, impact on highway safety, drainage and ecology have all been previously considered and do not require re-consideration. It is not considered that the changes to the scheme have any implications in terms of character and appearance given they are to the rear of Plot 6.

#### **Residential amenity & existing business**

- 10.2 Wider amenity issues were considered as part of the previous decision to grant planning permission for the development and as such do not need to be re-visited. Therefore, the main issue for consideration is the implication of the proposed changes to the approved scheme in relation to the amenity of future residents of the development, in particular the southernmost Plot 6, in relation to the potential for noise to be experienced from the neighbouring, established business.
- 10.3 This matter was considered in depth as part of the decision to grant planning permission previously, with the approved scheme being deemed as appropriate to safeguard the residential environment for residents of Plot 6 by the Council's Environmental Protection Team.
- 10.4 The current application has been submitted largely to deal with the issue of noise and, according to section 6.9 of the Design and Access Statement states:
- “This new application follows the earlier approval on the site for exactly the same dwellings, however since the approval the commercial enterprise adjacent to the site has had an approval for a larger replacement commercial building which both the planning and environmental health departments confirmed that there was no requirements for any additional acoustic measures required. As this proposed building does not require any acoustic upgrade it is felt that the additional acoustic measures requested on Plot 6 should also no (sic) be required, so these have been removed as part of this application with the slight revisions to plot 6. A 2.0m high timber close boarded fence is to be erected along this boundary retaining the existing hedge”.
- 10.5 The building granted permission at the commercial premises, to which the applicant refers, was for the replacement of an existing building and was not

considered to result in the likelihood of significant additional activity or noise. As stated previously the agricultural engineering business is long established and therefore to require noise mitigation to be provided by the existing noise source would have been unreasonable.

- 10.6 However, it is an established tenet of policy that new development is required to ensure that it protects future residents from established sources of noise. Paragraph 185 of the NPPF(2021) states that,

“Planning policies and decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- a) mitigate and reduce to a minimum, potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life”.

- 10.7 This is further reflected in the Planning Practice Guidance which states;

“Noise needs to be considered when development may create additional noise, or would be sensitive to the prevailing acoustic environment”  
(Paragraph: 001 Reference ID: 30-001-20190722)

and also in Policy LP16(o) of the Local Plan (summarised);

“Proposals for all new development...will only be permitted if it can be demonstrated that the proposal... does not result in any unreasonable constraint(s) or threaten the operation and viability of existing nearby or adjoining businesses or employment sites by introducing “sensitive” developments”

- 10.8 In relation to the current application the Council’s Environmental Protection Team have commented “*there is no information contained within this application (F/YR22/0118/F) or supporting documentation detailing how satisfactory internal noise levels of the dwellings will be achieved*” and recommend that a condition would need to be attached to any permission to ensure a scheme for noise attenuation could be delivered.

- 10.9 Given that the stated purpose of the application is to deliver Plot 6 without any noise mitigation it is not considered that such a condition would be reasonable and that the application should therefore be determined as submitted, and on the basis of no noise mitigation being proposed. It is considered that, given the previous planning permission, the comments of Environmental Protection and the policy considerations set out that to approve the current application would result in a potentially unacceptable noise environment for future residents of Plot 6 affording a sub-standard level of amenity and which could risk the future operation of the established business and which would fly in the face of the previous decision of the Council and both local and national policy.

## **11 CONCLUSIONS**

- 11.1 Based on the assessment above, it is considered that there is no justification provided within the application which would suggest that noise mitigation is no

longer required for the development. The application is therefore contrary to the relevant national and local policies.

## 12 RECOMMENDATION

**Refuse;** for the following reason:

1.	The application proposes no noise mitigation measures. If permitted this would result in the potential creation of an unacceptable noise environment for the future occupiers of the development, in particular Plot 6, with a sub-standard level of residential amenity and the risk of prejudicing the future operation of the established neighbouring business. This would be contrary to Policy LP16 of the Fenland Local Plan (2014) and paragraph 185 of the National Planning Policy Framework.
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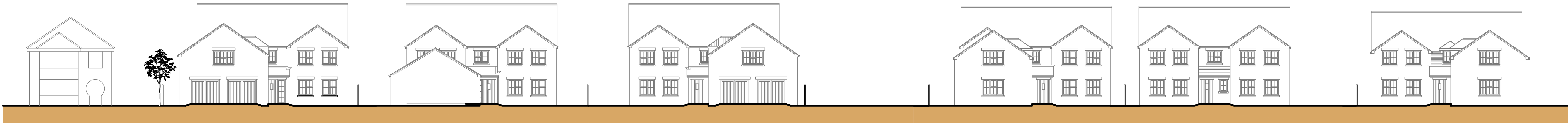
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**F/YR22/0118/F**

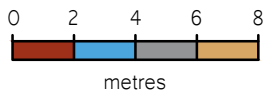
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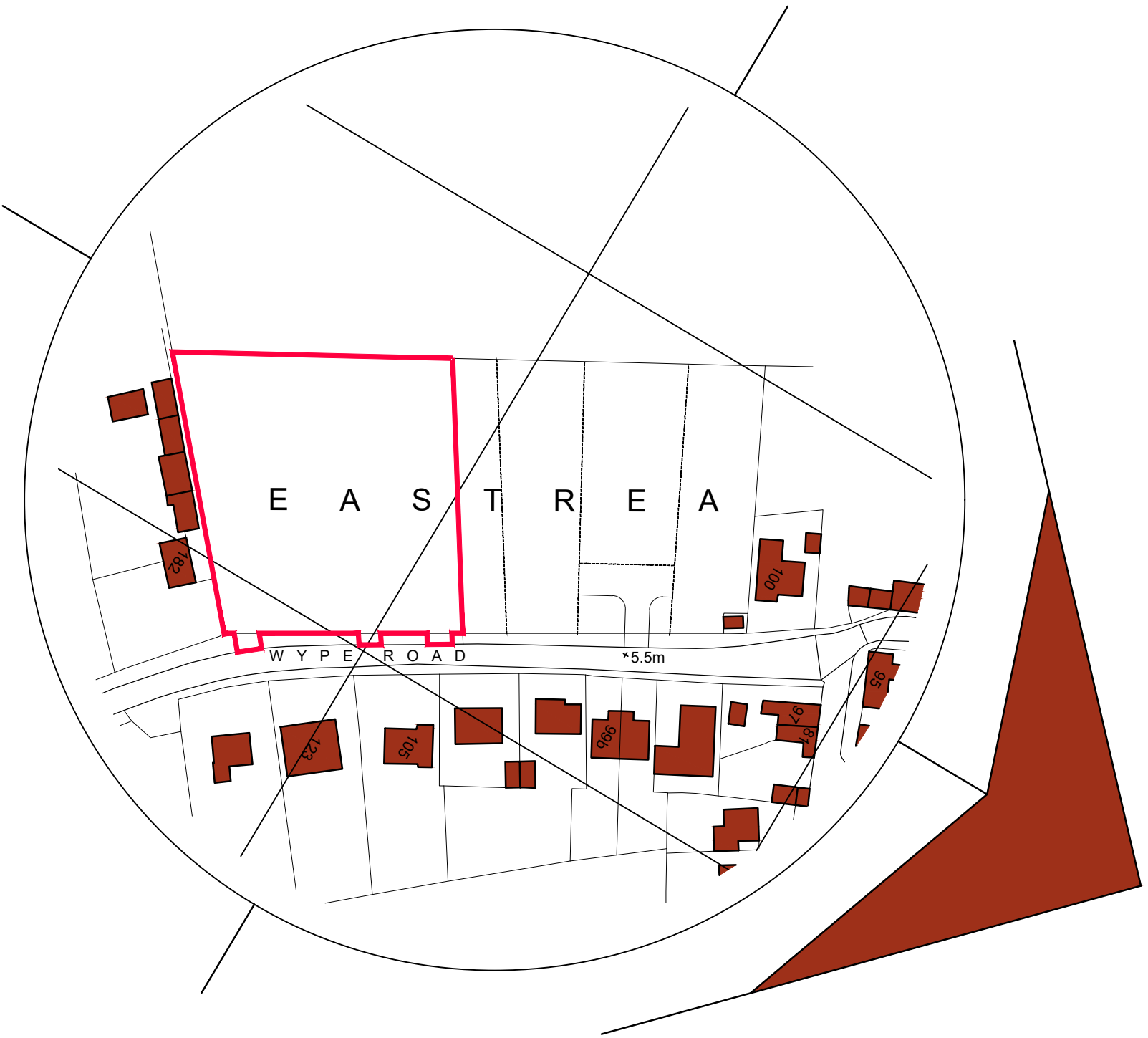
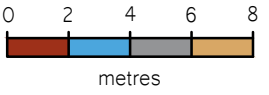
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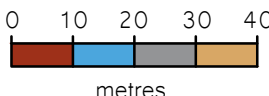
Site Plan

Scale: 1:250



Location Plan

Scale: 1:1250



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

CONSTRUCTION DESIGN & MANAGEMENT REGULATIONS 2015

The following information must be read in conjunction with the project Risk register. This drawing highlights significant design related Health & Safety Risks present during Construction phase, and Residual Risks which remain post completion. Other Health & Safety Risks associated with Construction Activities may be present, and must be identified by the Principal Contractor prior to works commencing. Design Risks relating to specialist design items must be identified by the relevant specialist designers/ consultants ad issued to the Principal Designer.

SITE PLAN KEY

- Indicates proposed buildings
- Indicates neighbouring buildings from OS plan
- Indicates neighbouring buildings approved under ref: F/YR18/0689/F
- Indicates proposed trees
- Indicates site access point
- Indicates existing hedges
- Plot boundaries
- 3.5 x 5.0m access to be sealed and drained away from the highway to Cambs CC Highways Specification
- Indicates new hedgerow consisting of:  
60% Yew  
20% Box  
10% Blackthorn  
10% Hawthorn

Revisions		
C	Jan 2022	Revised for validation

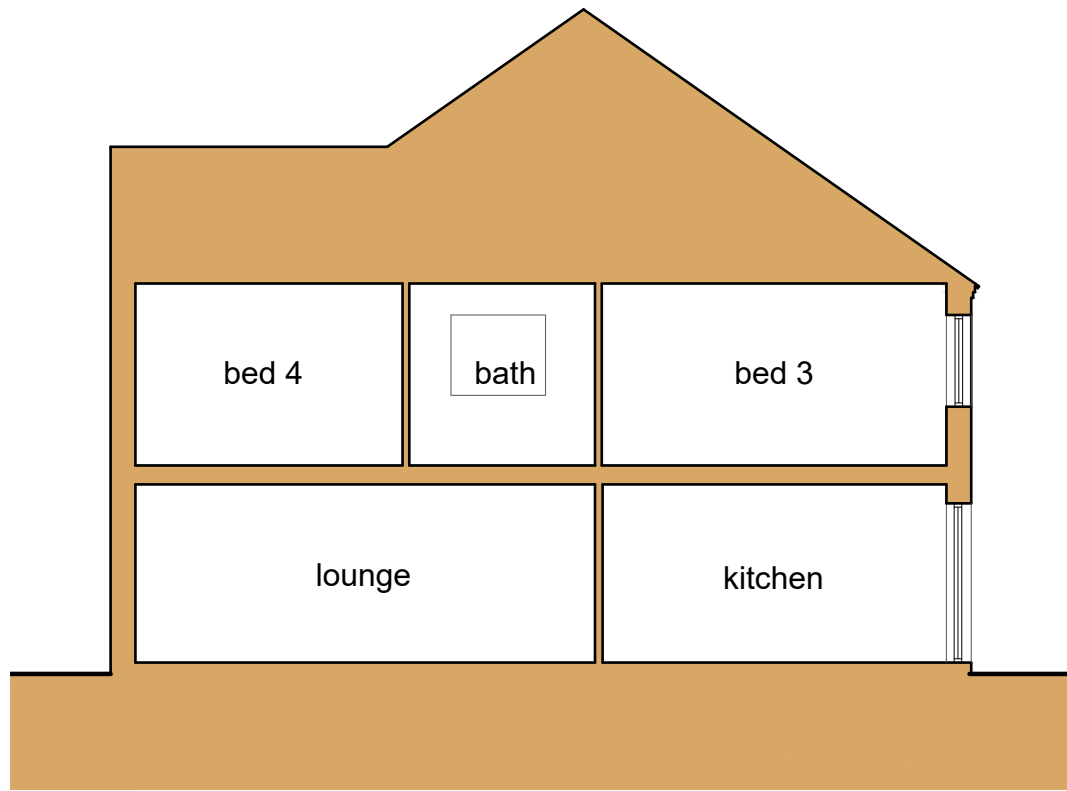
FOR APPROVAL



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

Proposed Residential Development		Job Title	Date	Drawn by
Land N. Eastrea Hill Farm		182 Wype Road, Eastrea	January 2021	She
For: GL Developments				Checked by RS
Building Regulations Drawing		Drawing Title	Job No.	Sheet Size
Site & Location Plan		SE-1449	1000	A1
				Revision C





Section A-A  
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Inner Front Elevation  
Showing Door and Sidelight Scale: 1:100



Front Elevation  
Scale: 1:100



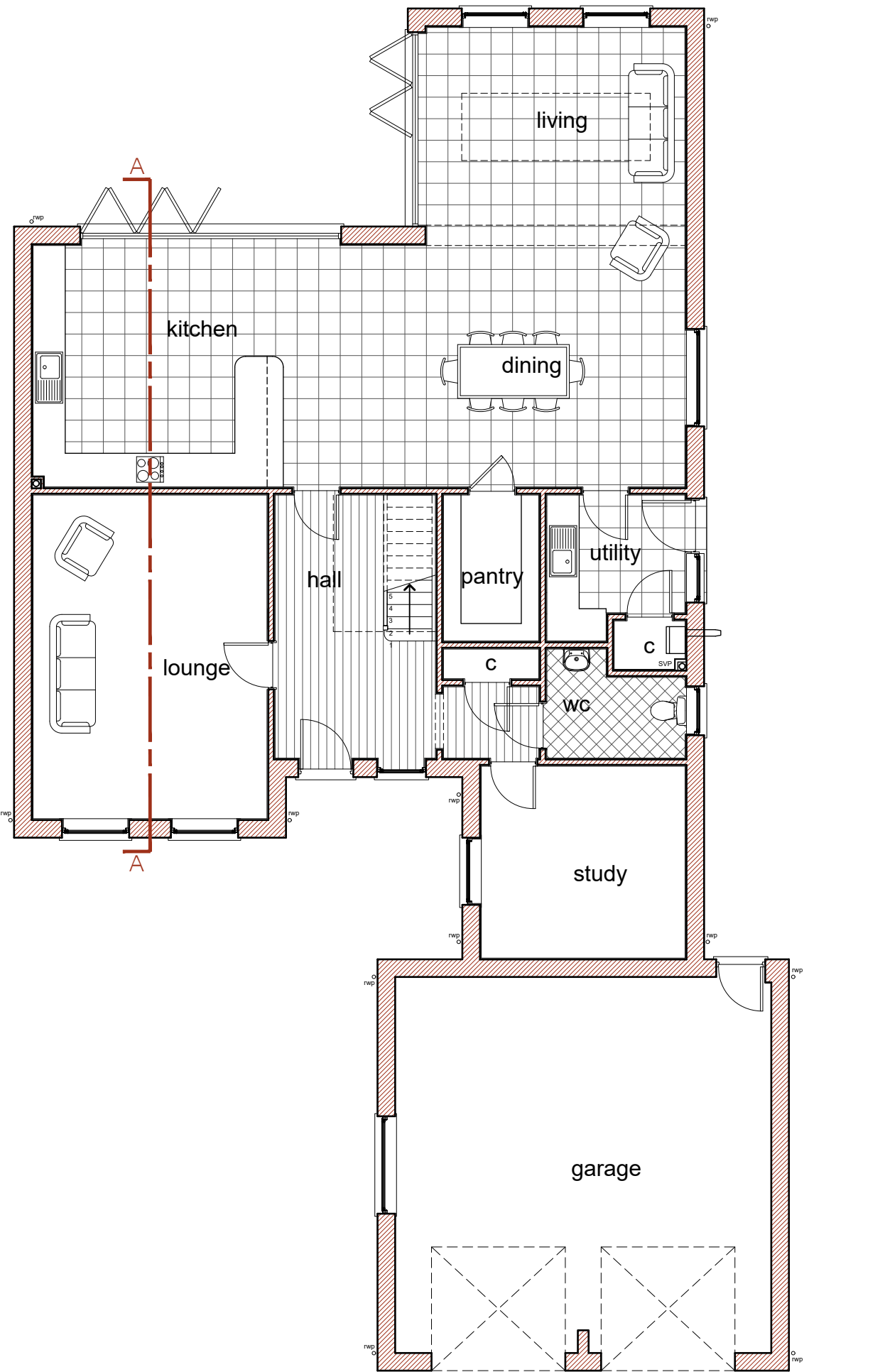
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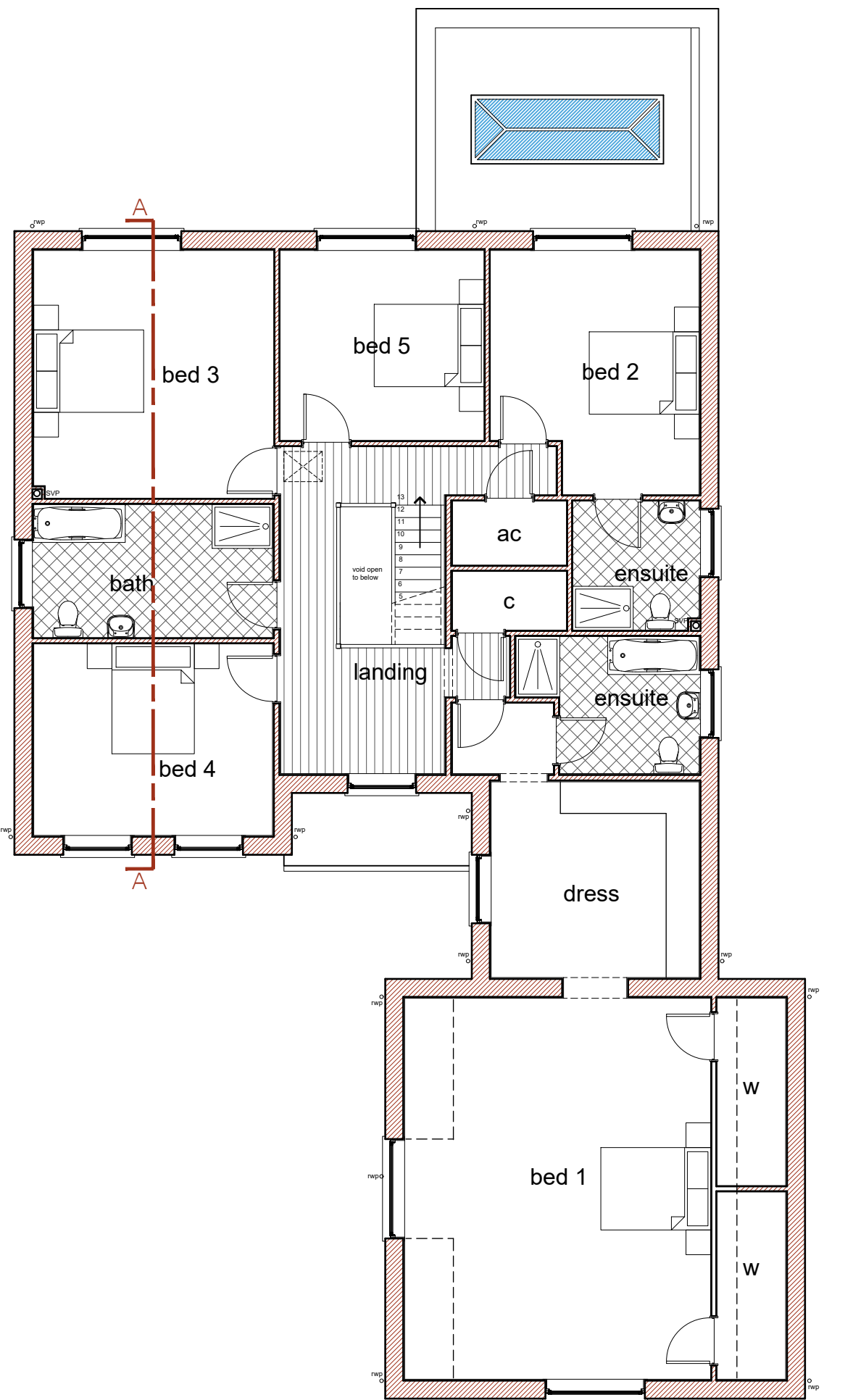
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Rear Elevation  
Scale: 1:100



Ground Floor Plan  
Scale: 1:100



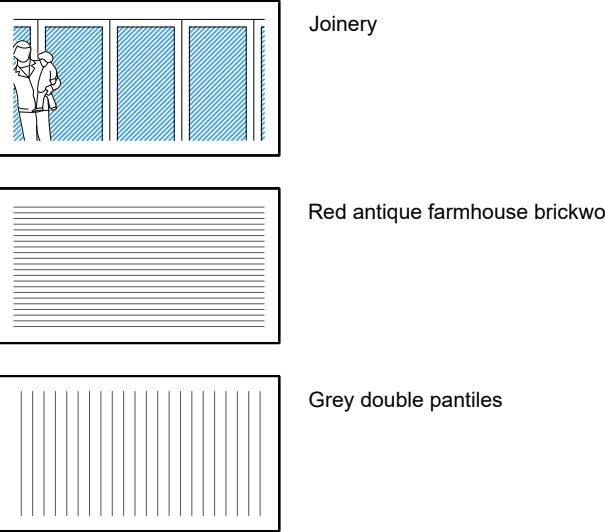
First Floor Plan  
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- General Notes
1. All dimensions are shown in 'mm' unless otherwise stated.
  2. The contractor, sub-contractors and suppliers must verify all dimensions on site prior to the commencement of any work.
  3. This drawing is to be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

**CONSTRUCTION DESIGN & MANAGEMENT REGULATIONS 2015**

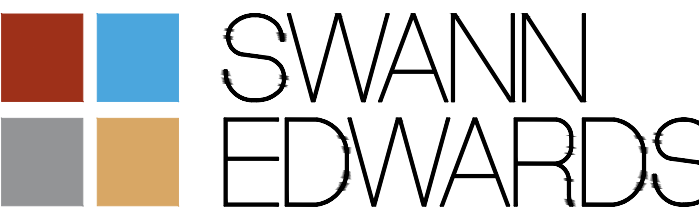
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### ELEVATION KEY



Revisions			Planner Comments Inner Front Elevation, Canopy Elevation
A	Sept 2020		

FOR APPROVAL



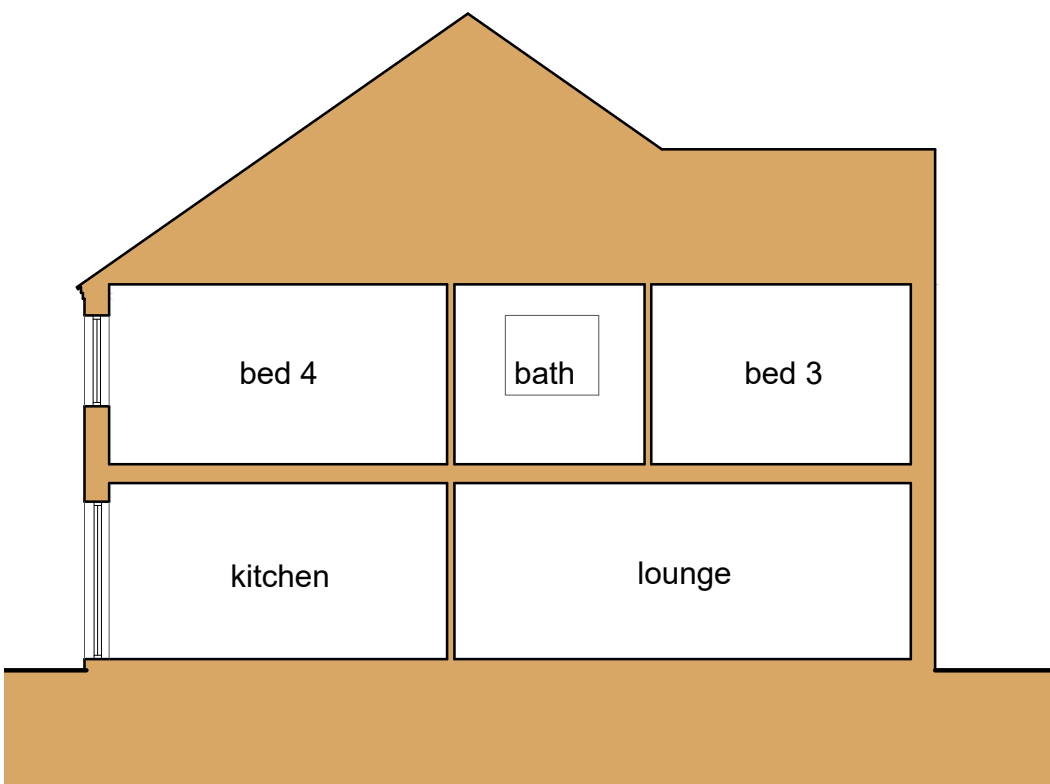
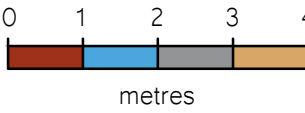
Swann Edwards Architecture Limited, Swann Edwards Architecture, Black Barn, Fen Road, Guyhirn, Wisbech, Cambs, PE13 4AA  
t 01945 450694 e info@swannedwards.co.uk w www.swannedwards.co.uk

Proposed Residential Development Land N. Eastrea Hill Farm 182 Wype Road, Eastrea For: GL Developments	Job Title	Date	Drawn by
		August 2020	CR
			Checked by
			RS
Drawing Title Planning Drawing Plot 4 - Plans and Elevations	Job No.	Sheet Size	
	SE-1449	A1	
	Dwg No.	Revision	
	PP1100	A	

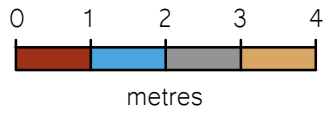




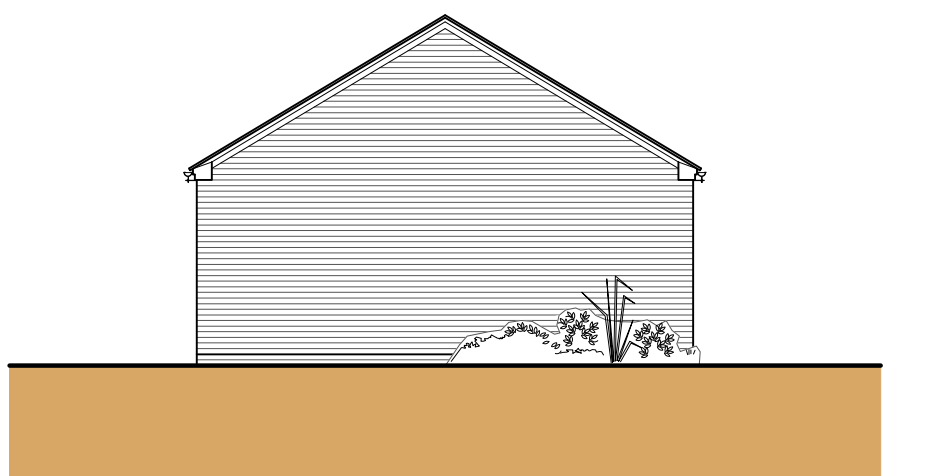
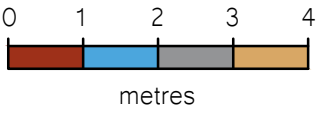
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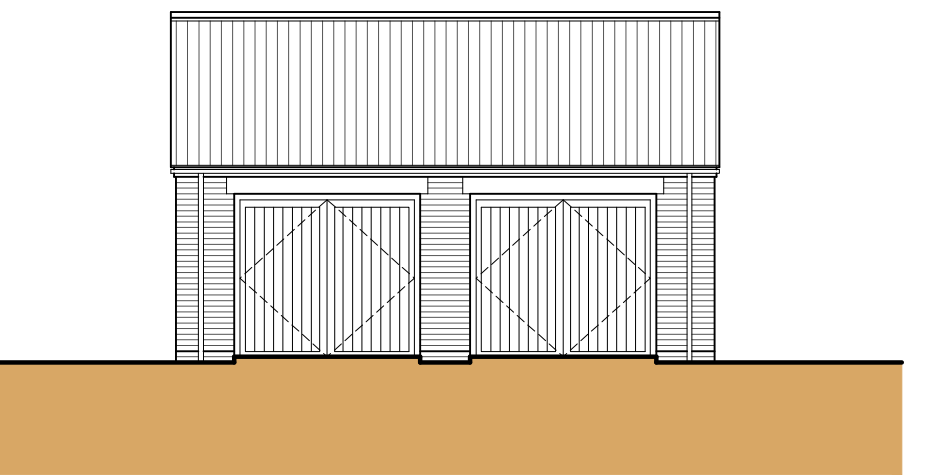
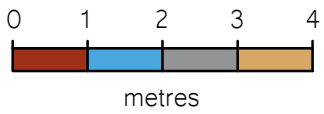
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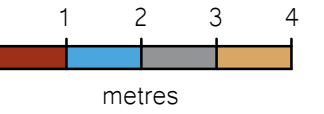
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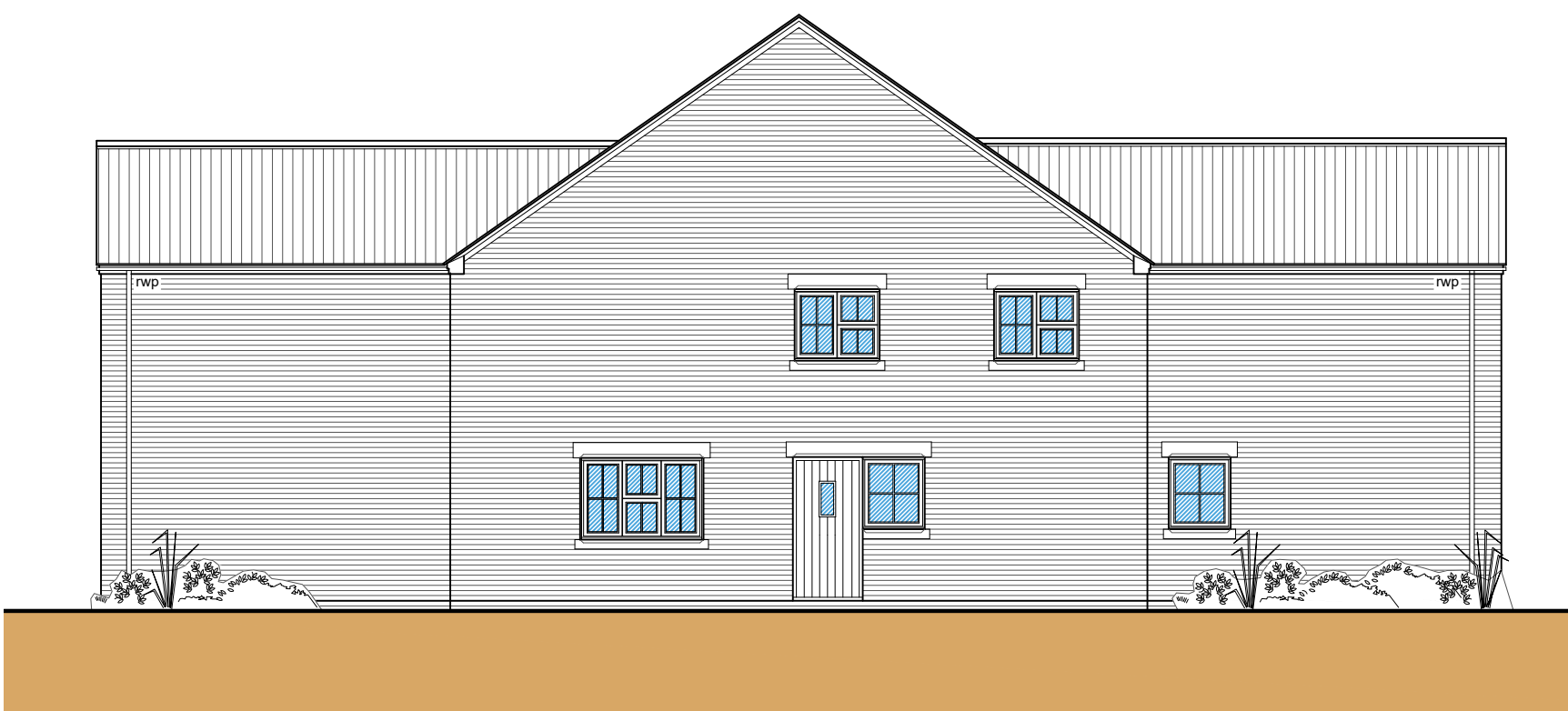
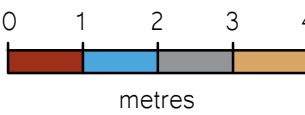
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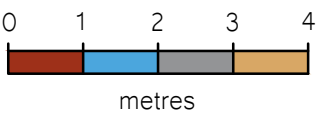
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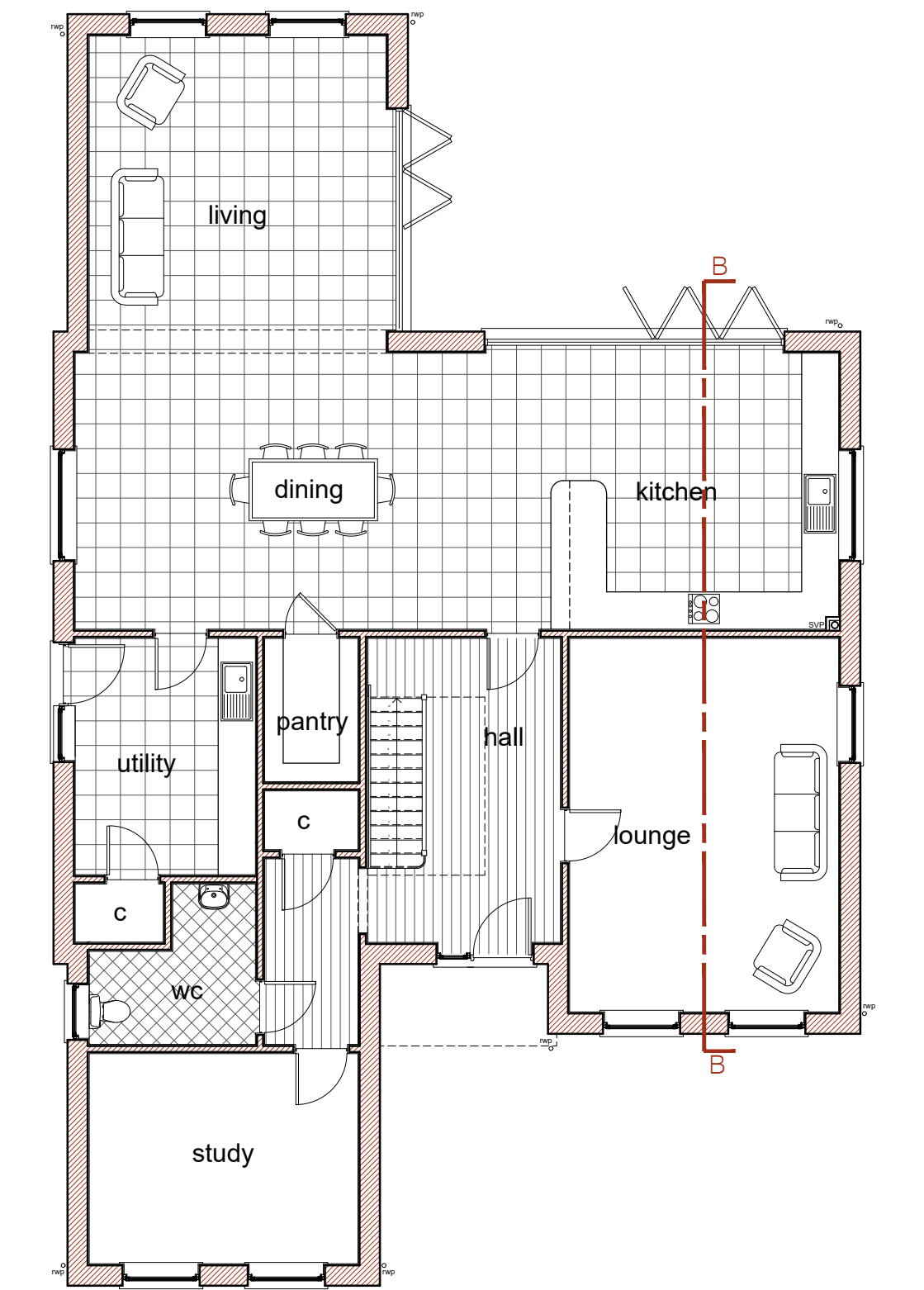
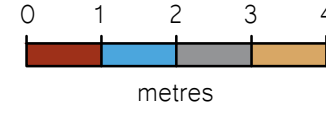
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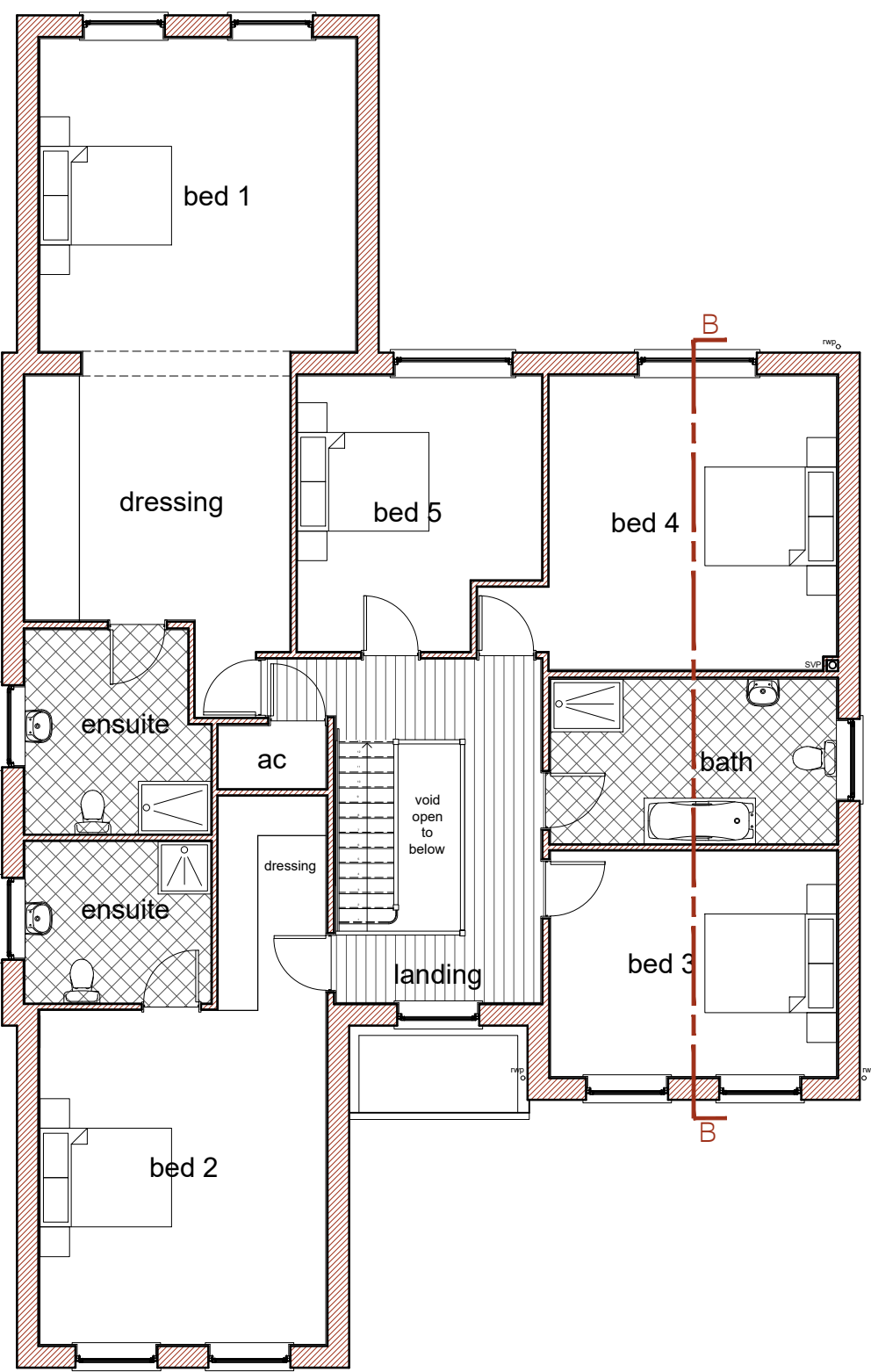
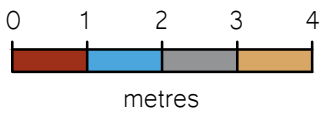
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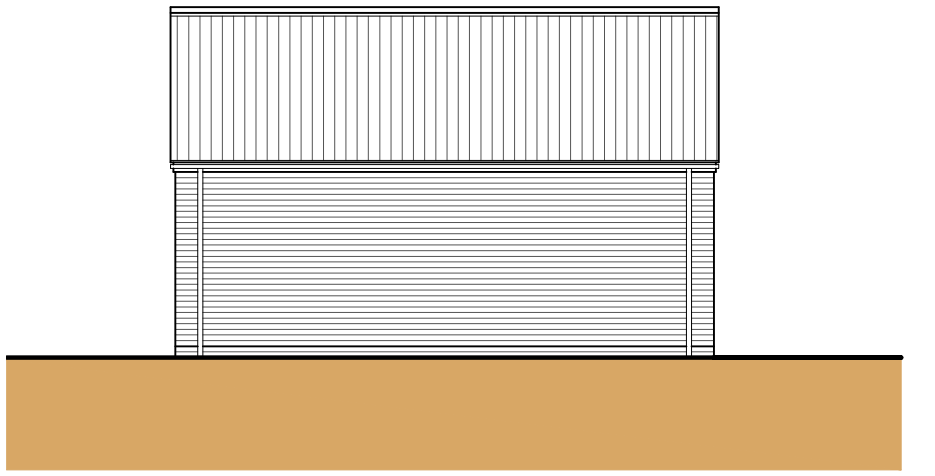
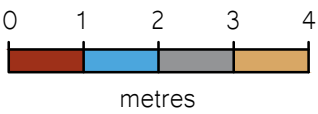
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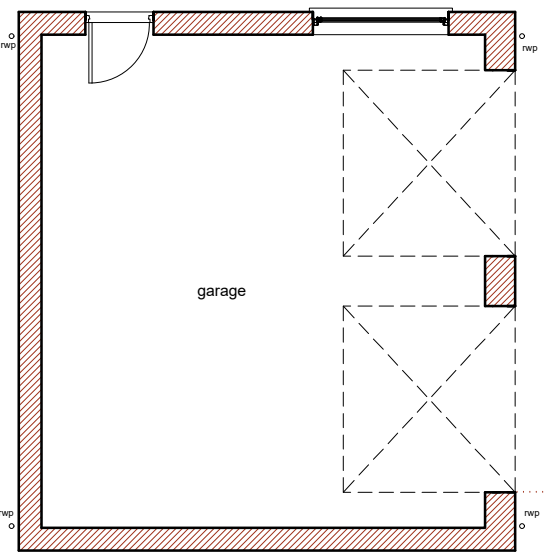
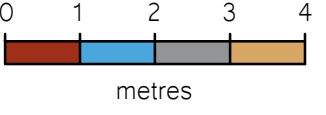
Ground Floor Plan  
Scale: 1:100



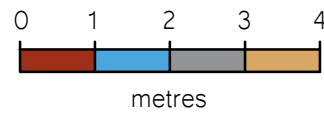
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Side Elevation  
Scale: 1:100



Garage Floor Plan  
Scale: 1:100

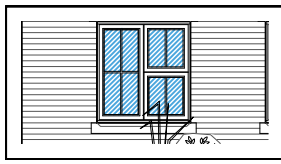


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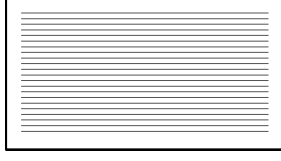
CONSTRUCTION DESIGN & MANAGEMENT REGULATIONS 2015

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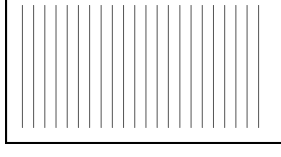
ELEVATION KEY



Joinery



Red antique farmhouse brickwork



Rustic red pantiles

Revisions	
D	Nov 2020 Planners Comments Revised Garage Size

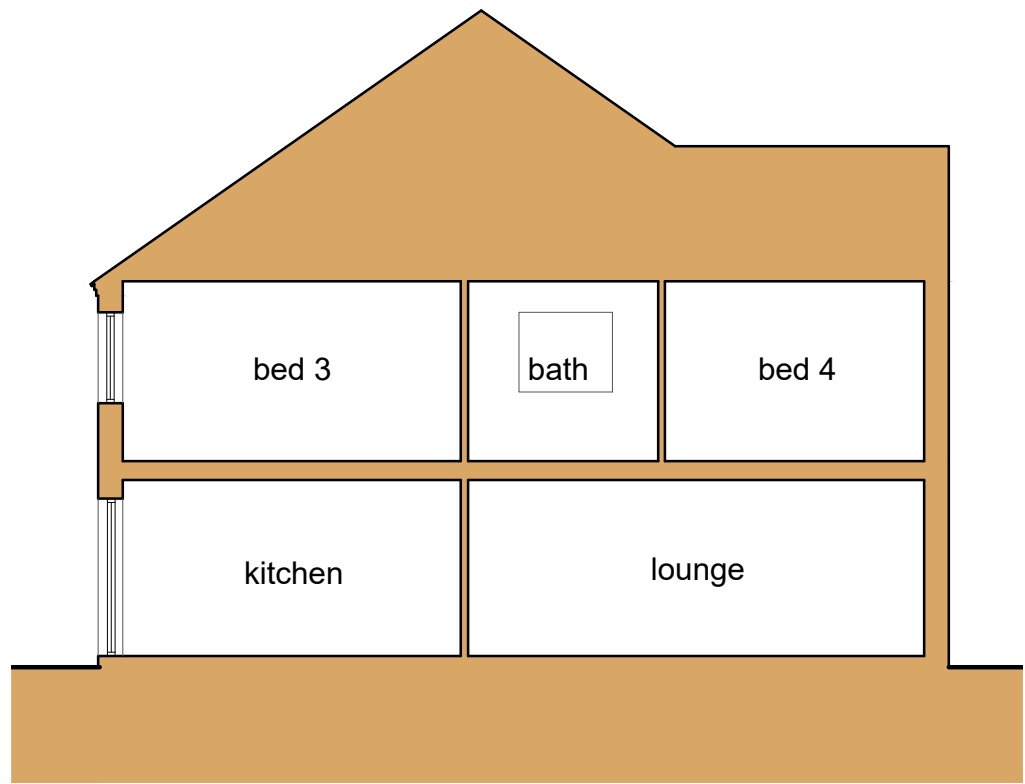
Status  
**FOR APPROVAL**

**SWANN EDWARDS**  
ARCHITECTURE

Swann Edwards Architecture Limited, Swann Edwards Architecture, Black Barn, Fen Road, Guyhirn, Wisbech, Cambs. PE13 4AA  
t 01945 450634 e info@swannedwards.co.uk w www.swannedwards.co.uk

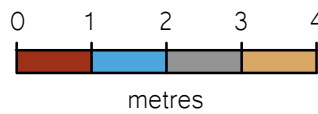
Proposed Residential Development Land N. Eastrea Hill Farm 182 Wype Road, Eastrea For: GL Developments	Job Title Date August 2020	Drawn by CR
	Checked by RS	
Drawing Title Planning Drawing Plot 5 - Plans and Elevations	Job No. SE-1449	Sheet Size A1
	Dwg No. PP1101	Revision D





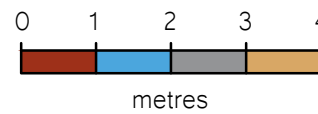
Section C-C

Scale: 1:100



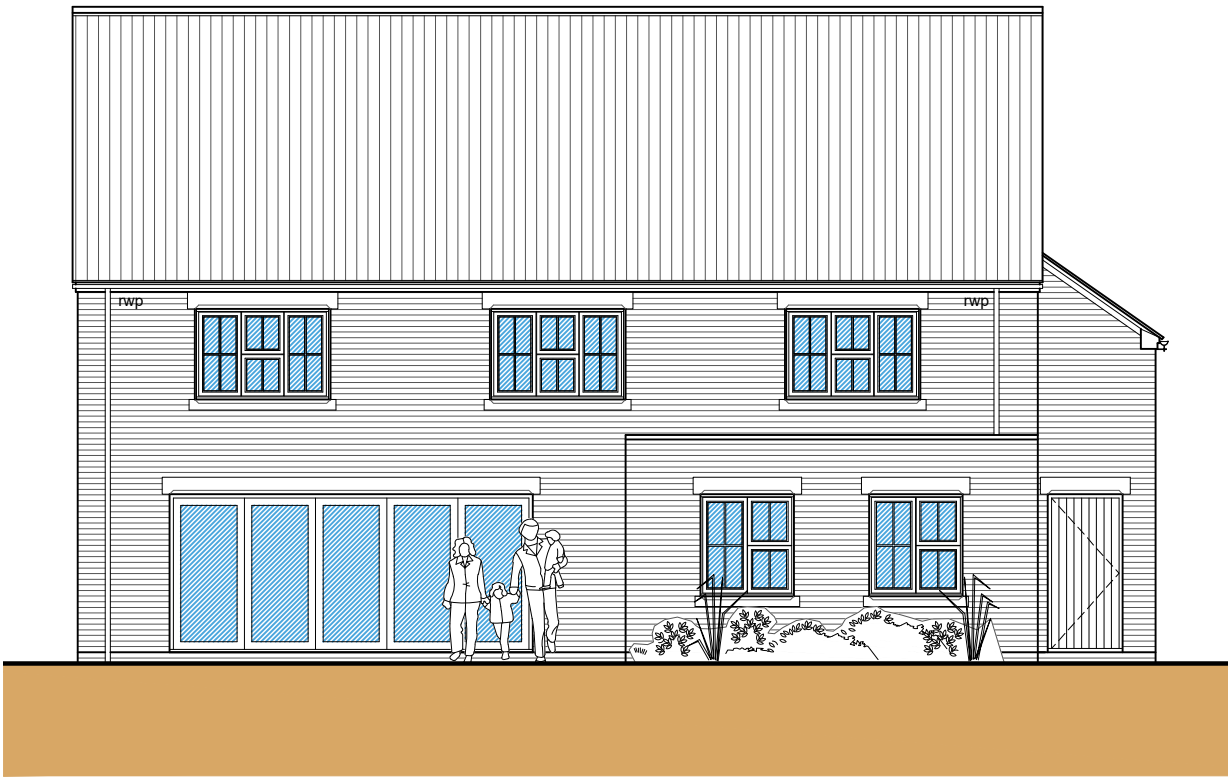
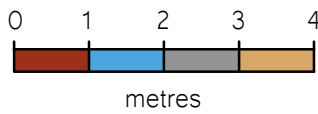
Inner Front Elevation

Showing Door and Sidelight Scale: 1:100



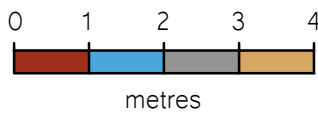
Front Elevation

Scale: 1:100



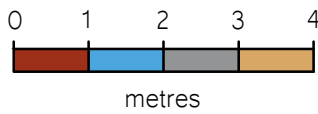
Rear Elevation

Scale: 1:100



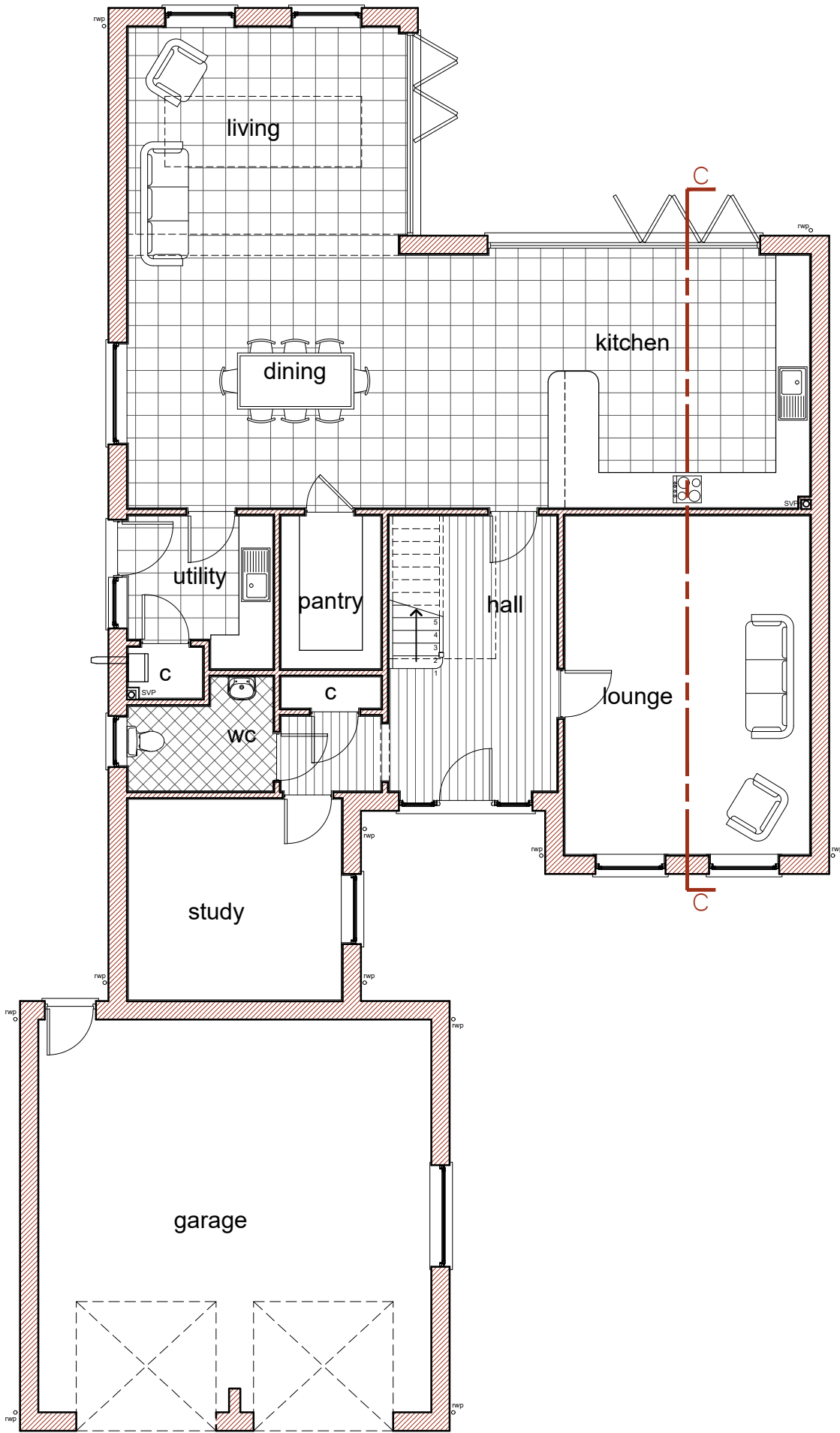
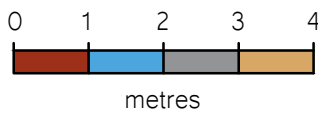
Side Elevation

Scale: 1:100



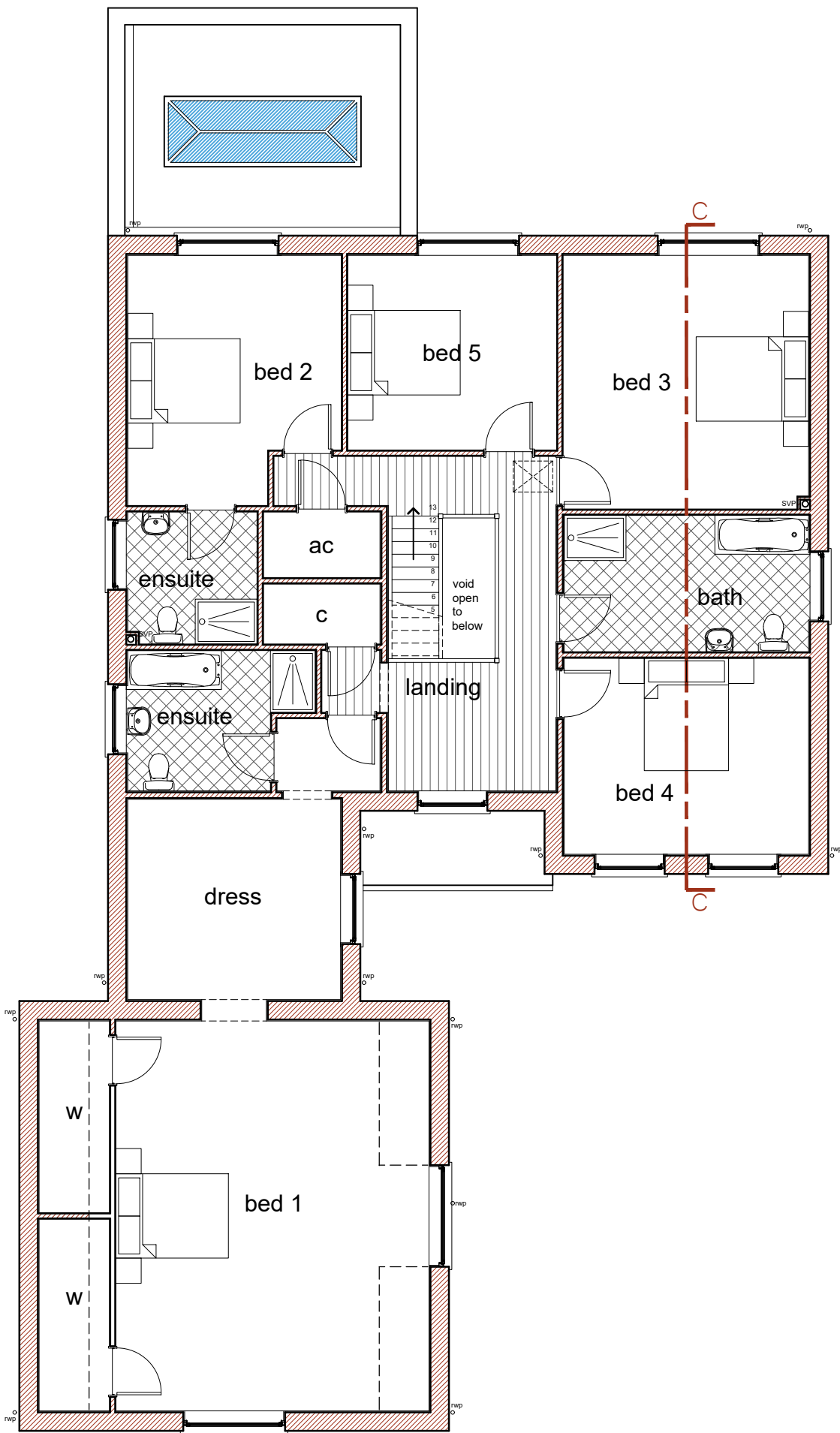
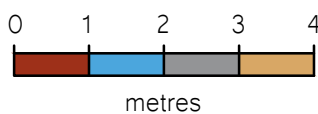
Side Elevation

Scale: 1:100



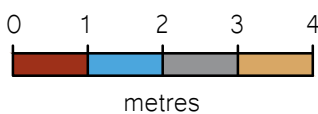
Ground Floor Plan

Scale: 1:100



First Floor Plan

Scale: 1:100

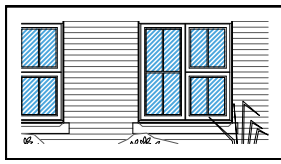


- General Notes
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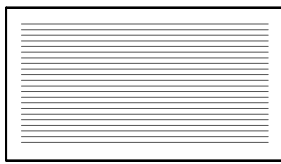
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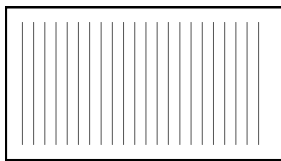
ELEVATION KEY



Joinery



Grantchester blend brickwork



Rustic red pantiles

Revisions	
C	Dec 2020
Revised following Client Comments	

Status

FOR APPROVAL

**SWANN EDWARDS**  
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t: 01945 450694 e: info@swannedwards.co.uk w: www.swannedwards.co.uk

Proposed Residential Development Land N. Eastrea Hill Farm 182 Wype Road, Eastrea For: GL Developments	Job Title Date August 2020	Drawn by CR
	Checked by RS	
Drawing Title Planning Drawing Plot 6 - Plans and Elevations	Job No. SE-1449	Sheet Size A1
	Dwg No. PP1102	Revision C