

AGENDA

PLANNING COMMITTEE

WEDNESDAY, 29 MAY 2024

1.00 PM

**COUNCIL CHAMBER, FENLAND HALL,
COUNTY ROAD, MARCH, PE15 8NQ**

Committee Officer: Jo Goodrum
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- 1 Appointment of the Chairman of the Planning Committee for the Municipal Year 2024/25
- 2 To receive apologies for absence.
- 3 Appointment of the Vice Chairman of the Planning Committee for the Municipal Year 2024/25
- 4 Previous Minutes (Pages 3 - 20)

To confirm and sign the minutes from the previous meeting of 1 May, 2024.
- 5 To report additional items for consideration which the Chairman deems urgent by virtue of the special circumstances to be now specified
- 6 To receive Members declarations of any interests under the Local Code of Conduct or any interest under the Local Code of Conduct or any interest under the Code of Conduct on Planning Matters in respect of any item to be discussed at the meeting.
- 7 F/YR23/0206/F
Land North of Stoneleigh, 22A Eaton Estate, Wimblington
Erect 45 dwellings involving demolition of existing dwelling and outbuildings.

(Pages 21 - 90)

To determine the application.

- 8 F/YR23/0768/F
91 High Street, March
Erect a 3-storey building comprising of 2 x commercial units (Class E and Sui Generis) and 7 x dwellings (5 x 1-bed flats and 2 x 2-bed flats) with associated waste and cycle storage involving demolition of existing 2-storey building within a Conservation Area

(Pages 91 - 114)

To determine the application.

- 9 F/YR23/0939/PIP
Land North of Cherrytree House, Fallow Corner Drove, Manea
Permission in principle for up to 5 x dwellings (Pages 115 - 128)

To determine the application.

- 10 F/YR24/0194/O
Land North of 22C School Lane, Manea
Erect 1 x dwelling (outline application with matters committed in respect of access) involving the demolition of existing garage (Pages 129 - 138)

To determine the application.

- 11 Items which the Chairman has under item 5 deemed urgent

Members: Councillor D Connor (Chairman), Councillor C Marks (Vice-Chairman), Councillor I Benney, Councillor Mrs J French, Councillor P Hicks, Councillor S Imafidon and Councillor Mrs K Mayor,

PLANNING COMMITTEE

WEDNESDAY, 1 MAY 2024 - 1.00 PM



PRESENT: Councillor D Connor (Chairman), Councillor C Marks (Vice-Chairman), Councillor I Benney, Councillor Mrs J French, Councillor R Gerstner, Councillor P Hicks and Councillor S Imafidon.

Officers in attendance: Troy Healy (Interim Head of Planning), Gavin Taylor (Principal Development Officer), Stephen Turnbull (Legal Officer) and Jo Goodrum (Member Services & Governance Officer)

P125/23 PREVIOUS MINUTES

The minutes of the meetings of the 20 March and 3 April 2024 were confirmed and signed.

P126/23 F/YR23/0209/RM LAND SOUTH WEST OF 317 WISBECH ROAD, WESTRY RESERVED MATTERS APPLICATION RELATING TO DETAILED MATTERS OF ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE PURSUANT TO OUTLINE PERMISSION F/YR20/0905/O TO ERECT 3 X DWELLINGS (3 X 2- STOREY 3-BED)

Gavin Taylor presented the report to members and drew attention to the update report that had been circulated.

Members asked officers the following questions:

- Councillor Marks referred to condition five in the officer's report and expressed concern over how the discharge of water will be dealt with as over the last 2 to 3 months that area has suffered from major episodes of flooding causing issues for those residents living in the vicinity and also flooding onto the highway. He made the point that due to the episodes of flooding it necessitated in the removal of large volumes of water being taken away by tankers and asked officers what guarantees they could provide with regards to having a robust enough drainage plan for the site? Gavin Taylor explained that the proposal for the drainage strategy is to rely on the underground storage crates to the south of the dwellings to attenuate the surface water and then through percolation to discharge the water as the site does currently. He made the point that, under Building Regulations Part H, it would need to be demonstrated that the site is conducive to percolation. Gavin Taylor stated if the application reaches the Building Regulation stage and it transpires that the proposal is not conducive to the strategy in terms of surface water then the condition in the officer's report states that the development must accord with the proposed plans and, therefore, the applicant would need to bring a revised strategy back to the officers for consideration. He explained that, when considering foul drainage, the proposal is to discharge into existing foul sewers and the Internal Drainage Board have made a comment previously which states that it leads to their system and, therefore, there would need to be a consent built in there. Gavin Taylor added that, when considering the foul water, it would be down to Building Regulations to be satisfied whether the foul drainage aspect is achievable and if they are not satisfied then a revised strategy would need to be submitted. He explained that in regard to the latest Environment Agency map the site is shown to be in a low flood risk area from rivers and seas and also at a low flood risk area from surface water and there is no

technical evidence to demonstrate that this would lead to any sort of additional significant flooding, however, the applicant would need to satisfy Building Regulations of that drainage strategy but the proposal is not dissimilar to what has been agreed on other schemes so there would be nothing from a planning point of view to indicate that it could not be accepted at the current time. Councillor Marks stated that he still has concerns that the properties built over the last 2 to 3 years have also gone through the same process of submitting plans but there has still been flooding issues and he asked whether there is any process before the foundations are commenced where a proper robust drainage plan can be agreed and implemented? Gavin Taylor responded that the committee would need to agree that what is in the officer's report is not robust enough. He stated that officers are satisfied that the details submitted are adequate for a scheme of three dwellings as it is not a major scheme and there would not be the expectation for the Lead Local Flood Authority or Anglian Water to comment on as they only deal with major schemes. Gavin Taylor stated that if members are not satisfied that the submitted details are not robust enough to convince them that this is a satisfactory scheme then that would have to form part of their considerations when making their determination.

- Councillor Connor stated that he is not satisfied with the scheme, and it is well known that there have been issues with regards to flooding at that location and the application does not fill him with confidence. He stated that he is not confident that the percolation of the soil will work, and he is disappointed that the agent and applicant have chosen not to come before the committee to answer any queries and questions that the members may have. Councillor Connor added that he would like to see something far more substantial to be provided which would include where the connectivity to the main sewer was going to be. He made the point that the committee need to be mindful of what has happened over the last 3 to 4 months and the committee cannot subject other residents to the flooding episodes which have taken place in recent times.
- Councillor Imafidon asked officers to provide the distance from the site to the connection for the main sewer and for clarification that officers have advised the committee that the foul water will be discharged into the Internal Drainage Board (IDB) drainage system. Gavin Taylor referred the committee to the aerial photograph and pointed out that the buildings to the east of the red line site there is a foul sewer in that location and the run from that drain is looked after by the IDB, as they have indicated that in their comments to officers. He explained that the applicant would need to join that run under Part H of Building Regulations, but they would need to demonstrate how that would be achievable and what the flow rates would be, with the distance from the site to Martin Avenue being around ninety metres.
- Councillor Hicks stated that it is his understanding that the site needs to be connected through the yard area of FACT, the community transport organisation, and he questioned whether that is correct and if permission has been sought. Gavin Taylor explained that would be a private matter and not a material consideration. He added that the proposal is to connect to the foul and if successful it would be in accordance with the plans as proposed and if that is not achievable because of either agreement or otherwise then the development would not be able to accord with those plans as proposed. Councillor Hicks questioned whether his understanding is correct that if that permission is not granted then the planning permission cannot be obtained? Gavin Taylor explained that planning permission has already been granted through the outline application stage and it is the reserved matters part of the application process which is being determined by the committee today. He made the point that it is the details which are being agreed today, however, the development would need to accord with those details and if that transpires not to be achievable then the applicant would need to come back with a further application to amend those plans.
- Councillor Benney expressed the view that nobody appears to be content with the application before them today. He added that he is aware that Councillor Mrs French lives adjacent to the development site and he is aware of the issues that she has encountered over the last few months, and he cannot see how the application will not alleviate any of those concerns and, in his opinion, will add to those problems. He expressed the view that

he would like to see a condition in place with regards to where the water is going to run to as he has serious concerns.

- Councillor Gerstner asked whether officers are satisfied that the bin collection can be undertaken from the shared private driveway? Gavin Taylor responded that subject to the applicant obtaining the right agreement to place their bins at that location it is achievable in his view.
- Councillor Connor stated that the applicant would need to get permission from whoever owns Woodville Drive, however, the applicant could engage with a private contractor to enter at the rear of KFC in order to service a bin collection.

Members asked questions, made comments and received responses as follows:

- Councillor Benney stated that there is nothing that he likes with this application and the site is shoehorned in and he does not feel that the drainage strategy is at all suitable for what is there including the wastewater and sewerage. He stated that there is no access for the bin collection unless a private agreement is introduced where the waste can be collected from Woodville Drive and, in his view, there appears to be many assumptions with the application which makes it an incomplete application, making the point that it is disappointing that the applicant or agent are not present in order to answer the committees' questions. Councillor Benney expressed the view that he has serious concerns with regards to the drainage at the site and he witnessed first hand the flooding issues that Councillor Mrs French and her family encountered which was very distressing to see. He added that he does not feel that the application should be approved just because it means somebody can make a profit and the residents who live near to the site must also be considered. Councillor Benney added that the site will not alleviate the flooding problems which this area suffers from which resulted in neighbouring properties pumping the water out onto the highway and the Police being called. He expressed the view that the application is incomplete and does not satisfy him in various aspects of the proposal and he feels that it should not be approved.
- Councillor Gerstner stated that he agrees with the points made by Councillor Benney, and added that within the officer's report it does make reference to a revised drainage and pump and sewerage plan which was submitted. He expressed the view that he does agree with the other members of the committee that the application is very questionable and more detailed information needs to be supplied.
- Councillor Marks expressed the view that he also has major concerns over the proposal and whilst it appears that there is supplementary information concerning drainage it does not make it clear when that was undertaken. He stated that there have been episodes of flooding which have taken place since Christmas, and he made the point that the drainage information could have been compiled prior to the instances of flooding which took place. Councillor Marks made reference to the aerial photographs and expressed the view that they appear to be quite old as around the site there has been a lot more properties built which in turn has meant there is more land coverage of tarmacked drives, and he is concerned that all is going to happen is to make further problems for the local residents. He added that he would like to see the application deferred in order that the developer can be attend committee to answer their concerns and questions.
- Councillor Benney stated that he would like to see drawings and drainage plans to demonstrate the connectivity in order that the committee have the confidence that the water and sewerage from the site can be dealt with properly and agreed that the application should be deferred in order for further information to be provided. He added that if permission cannot be sought to access over third-party land then the development will not take place anyway.
- Councillor Imafidon agreed and added that he would like to see the drainage plans before any decision can be made. He made the point that he has been advised that the soil in that area is mainly clay and, therefore, careful consideration has to be given before a decision is made.
- Councillor Benney stated that he is not happy to approve the application as he does feel that it is fit for purpose and asked officers to clarify that, if the application was deferred in

order to give the applicant a fair chance to come back with the necessary documentation concerning the drainage schemes and how the water and sewage is going to be dealt with, would that be something that officers could work with as without that information he cannot see how the committee can consider the application. Gavin Taylor stated that, in order to gain a better understanding of what drainage information is required in order to satisfy members, a request could be made to ask where the foul connection point is and how that would be made from the site to the nearest connection point. He added that when considering the surface water, a request could be made with regards to the demonstration of the ground conditions being suitable for soakaways as proposed percolation tests as he is not aware that there are any Planning Officers who are qualified to be able to understand in-depth drainage information. Gavin Taylor explained that the applicant could submit drainage information from a qualified hydrologist or drainage consultant who could confirm that the ground is suitable for the proposed drainage strategy.

- Councillor Marks stated that the committee need to see clarification for the discharge of foul water and whilst he appreciates that it is going through third party land, he would like to see some evidence that they have the permission to do so. The Legal Officer stated that the question can be asked of the developer, however, it is not a planning matter and advised the committee that it would not be prudent to do so. He added that if the applicant chooses to provide the information then that is their choice, but it is not relevant to the committee's determination of the application.
- Gavin Taylor asked the committee to clarify what further information is being requested with regards to the bin collection? Councillor Benney stated that he is not confident that there is access to empty the bins from Woodville Drive and he asked for a different scheme to be provided by using private collectors by accessing the properties from Gypsy Lane. He added that the applicant may also consider submitting an in-principle agreement that the landowners would allow the bin collection to take place from there.
- Councillor Connor added that he would also like a request added for more information with regards to the sewer connection at the first available point.

Proposed by Councillor Benney, seconded by Councillor Marks and agreed that the application be DEFERRED, solely on the grounds of drainage, foul water, percolation and sewage details together with the bin collection arrangements.

Members do not support the officer's recommendation of approval as they require further detailed information concerning the drainage and surface water sewage arrangements as well as details concerning the bin collection for the site before they are in a position to consider the application further.

(Councillor Mrs French declared that she lives in close proximity to the application site and took no part in the discussion or voting on this item)

**P127/23 F/YR24/0034/O
LAND NORTH OF WINDY WILLOWS, CHURCH LANE, TYDD ST GILES
ERECT UP TO 2 X DWELLINGS AND THE FORMATION OF AN ACCESS
(OUTLINE APPLICATION WITH MATTERS COMMITTED IN RESPECT OF
ACCESS)**

Gavin Taylor presented the report to members and drew attention to the update report that had been circulated.

Members received a presentation, in accordance with the public participation procedure from Shanna Jackson, the agent. Mrs Jackson stated that the application is for two dwellings and is submitted in outline form with matters committed in respect of access only. She explained that the site is located on the approach into Tydd St Giles, and it presents an excellent opportunity to provide high quality dwellings positioned on the entrance to the village setting the scene from the

southern approach.

Mrs Jackson explained that Church Lane is the main route into Tydd St Giles from the south with Kirkgate being the main route into the village from the east and the proposal will result in development on either side of Church Lane which would reflect the character of Kirkgate which also has housing on either side of the road and as a result both main routes into the village would be characterised by high quality residential development on both sides. She stated that a footpath extension is proposed to the east of the site which will link the dwellings to the village centre to the site by foot and will also benefit the housing opposite.

Mrs Jackson made reference to 5.3 of the officer's report which states that the Highway Authority has deemed that the application is acceptable and whilst the application would not strictly meet the definition of infill as set out in Policy LP3, it would reinforce the cluster of development in this particular location and as such the proposal would be in line with what infill development seeks to achieve. She explained that since the previous refusal on site a barn conversion has been approved to the south and this has resulted in a change in character making this part of Church Lane more likened to a residential location than to open countryside and it is for this reason that it can be argued that there is no conflict with Policies LP3 or LP12 of the Local Plan.

Mrs Jackson stated that a sequential test has been undertaken on site which has demonstrated that there are no alternative sites available for development within the village and the reason for refusal states that the area of search should be the whole of the district but, in her view, it is not possible to pass a sequential test if the whole of the district should be searched for a site at a lower risk of flooding and if this stance was to be applied across the board then there would be a fair chance that there would be no new housing outside of the land allocations in villages such as Tydd St Giles which in turn would cause a lack of growth and turn villages stale, meaning a failure by the local authority in their requirement to provide new housing. She stated that it has been demonstrated that the site is technically safe from flooding and the actual risk to life and property in this location is low which the Environment Agency have agreed with, therefore, on that basis the site and development is technically safe, so, in her opinion, the benefits gained by providing new quality homes in this location would outweigh the concerns raised with the sequential test.

Mrs Jackson made the point that the proposal would provide new housing in an area which would enhance the entrance into Tydd St Giles and would also reinforce the existing residential cluster therefore being supported by Policies LP3 and LP12 of the Local Plan as well as Section 12 of the National Planning Policy Framework (NPPF). She stated that whilst the sequential test is not passed according to officers, in her view, the benefits gained by providing housing in the location would outweigh the sequential test and its issues particularly since it is proven that the site is technically safe from flooding and, therefore, there is no conflict with Policy LP14 of the Local Plan or Section 14 of the NPPF.

Members asked Mrs Jackson the following questions:

- Councillor Gerstner asked whether there is a school in Tydd St Giles as he presumes that new homes will be aimed at families? Mrs Jackson stated that the application is in outline form, with the site being able accommodate two family homes and Kinderley Primary School is almost opposite the site. She confirmed that there is also a bus service.
- Councillor Marks asked Mrs Jackson to identify where the barn conversion is located on the presentation screen? Mrs Jackson advised members that it is the barn that officers referred to with regards to the change of use from commercial to residential.
- Councillor Imafidon stated that the dwelling Windy Willows is next door to the application site along with the barn conversion and school. He asked Mrs Jackson whether she considers the application site as being in an elsewhere location due to the properties around it? Mrs Jackson expressed the view that the application site is within a cluster of existing development, not isolated and she does not consider it to be elsewhere.

Members asked officers the following questions:

- Councillor Imafidon asked officers to clarify why they consider the application site to be in an elsewhere location when there is other development in the vicinity and adjacent to the site? Gavin Taylor stated that Policy LP12 is the main policy for identifying whether sites sit either within, adjacent or outside of existing settlements and that adopted policy sets out whether the developed footprint is sitting where it should be or where it should be adjacent to. He added that it states that the 'developed footprint of the village is defined as the continuous built form of the settlement and excludes individual buildings and groups of dispersed or intermittent buildings that are clearly detached from the continuous built up area of the settlement, gardens, paddocks and other undeveloped land within the curtilage of buildings on the edge of the settlement where the land relates more to the surrounding countryside than to the built up area of the settlement and it excludes agricultural buildings and associated land on the edge of the settlement'. Gavin Taylor explained that when you consider the site in context and on the opposite side of the road it is built up, the application site is separated from the continuous built frontage of Tydd St Giles. He explained to the committee that there is a distance of 350 metres which separates the site from where the built form picks up from that side of the road and, therefore, in accordance with LP12 of the adopted Local Plan it does not fulfil the requirements on that basis and sits outside of the continuous built frontage. Gavin Taylor advised members that the application was refused by the Planning Committee in December 2022 for that reason and, therefore, members should consider that.
- Councillor Imafidon stated that was before the barn conversion was approved and when referring to the continuous built form there is a barn conversion and Windy Willows is an old property and has been there for some time and he does not understand why the application site can be considered as an elsewhere location. Gavin Taylor stated that the footnote associated with LP12 sets out that developed footprint excludes individual buildings and groups of dispersed or intermittent buildings and, therefore, the barn which has permission for conversion and the single farmhouse which is sited to the south of the application site is intermittent or dispersed development and it, therefore, fails to meet the criteria of developed footprint on that basis. Councillor Imafidon expressed the view that this is down to personal interpretation.

Members asked questions, made comments, and received responses as follows:

- Councillor Hicks expressed the view it is down to personal interpretation whether the site can be classed as an elsewhere location. He added that the site is located in Flood Zone 3 and consideration does need to be given to previous decisions made by the committee.
- Councillor Marks stated that when considering Flood Zone 3, there is also a barn conversion nearby which must also be in the same flood zone which received approval recently and, therefore, there needs to be consistency with decision making. He added that the application has been refused previously, however, there have been some material changes in the fact that the barn has now become living accommodation and was also more than likely in Flood Zone 3.
- Councillor Benney stated that he welcomes the application and added that he does like to see nice houses as you enter a village as it sets the tone about how you feel about a village as you drive into it. He added that Tydd St Giles is a nice village, and he does not consider the application site to be in an elsewhere location. Councillor Benney stated that he appreciates that it is an outline application, but the plot is a fair size which in turn will accommodate two nice sized homes and villages need homes, with the village having a school, which he would not want to see close, and the village also has public transport. He made the point that by approving houses it does provide first time homes for people and it is a good use of land. He added that to apply the sequential test across the whole district is unfair and the need for housing would probably lead to overcoming the sequential test as he sees the test as a block to delivery and, in his opinion, the application will make two very nice homes.

- Councillor Mrs French expressed the view that there appears to be conflicting information in the report as the Parish Council are objecting to the proposal stating that the school is full and those supporting the proposal are stating that the application will help the school thrive. She asked whether the school has any capacity? Gavin Taylor stated that he does not know what capacity the school is at but added that consideration would need to be given to what the pupil yield would be for two dwellings and consider that pupil numbers vary and fluctuate from year to year. Councillor Mrs French stated that she cannot see anymore than 4 to 6 children living within the 2 dwellings and schools need supporting along with the village shop.
- Councillor Connor made the point that 4 or 5 children will not overburden the school and those children will help to fill a gap once older children move on to the next stage in their education at a secondary school.
- Councillor Hicks expressed the view that should the application be approved, it will set a precedent for the remaining strip of land to be considered for further development.
- Councillor Connor made the point that the committee need to consider the application before them.
- Councillor Marks stated that most Fenland villages are built on main roads and most started as one road in and one road out. He added that the proposal is not for development behind properties as the proposal is for development on the roadside in a Fenland village.
- Councillor Benney stated that every application is judged on its own merits and some Fenland villages are linear in design, but committee has had applications before it where there has not been enough depth or too much depth.
- Councillor Gerstner stated that he is undecided on the proposal as there appears to be some much conflict in information provided, with there having been three previous refusals on the site, and nothing appears to have changed significantly since the last applications. He made the point that he has to give weight to the views of Tydd St Giles Parish Council as they are the local people who know the area and their village and do not support the proposal. Councillor Gerstner stated that as a committee there needs to be consistency and if the barn was given planning permission, then the committee are in a difficult position as the barn is almost next door.
- Gavin Taylor stated that planning permission was not granted by the Council for the barn as it was inherent within the Permitted Development Order and officers assessed whether or not it met the conditions and limitations of the general permitted development order but nonetheless it was concluded that it adhered to the conditions and limitations and, therefore, it has permission to be converted.
- Gavin Taylor referred to the point raised by Councillor Hicks with regards to setting a precedent and he added that he has noted through the members discussion the point which has been raised as to whether the site is inside or outside the settlement and if it is concluded today that the site is inside the settlement and complies with the spatial policies of the Local Plan contrary to previous recommendations then the committee would be saying that the land in between the application site and the main settlement would also be inside the settlement. He added that where members have raised concerns about setting a precedent and if the committee determines that the site is inside the settlement, given its relationship with the continuous built form, it would be difficult to determine that the rest of those 350 metres between it and the main core is not also the settlement.
- Councillor Marks asked for clarity concerning the barn where officers have stated that it fell within the parameters but appears to be located in Flood Zone 3. Gavin Taylor stated that the sequential test is based on new development on a site and the barn has been in place for many years and, therefore, is existing development and the sequential test does not apply. He explained that the sequential test is about locating new development on land in areas of low flood risk and the existing barn is already creating the surface water issues as it is displacing water because it already has a footprint and under the General Permitted Development Order consideration is given as to what mitigation can be put in place to deal with the risks of flooding. Gavin Taylor stated that a sequential test is not undertaken when dealing with prior approval applications such as this under Class Q of the Permitted

Development Order as it is completely different regime because the building already exists, and the sequential and exceptions test is all about new development and land that is not already developed.

- Gavin Taylor stated that the previous refusal reason back in 2022 set out quite clearly that it was outside the settlement and members would need to cite what has changed in those circumstances to the present time.

It was proposed by Councillor Hicks, seconded by Councillor Gerstner to refuse the application as per the officer's recommendation but this proposal failed as it was not supported by the majority of members.

Proposed by Councillor Benney, seconded by Councillor Imafidon and agreed that the application be GRANTED against the officer's recommendation.

Members do not support the officer's recommendation of refusal as they feel that the site is in part of the built form, the fact that the sequential test is taken into consideration across the whole of the district is unfair to the village of Tydd St Giles and the homes will support the bus service, the school and the village shop and will bring a benefit to the community.

**P128/23 F/YR24/0108/F
59 ELWYN ROAD, MARCH
ERECT A DETACHED DOUBLE GARAGE TO EXISTING DWELLING**

Gavin Taylor presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Tania Hudson, an objector to the proposal. Ms Hudson stated that she lives at 63 Elwyn Road which is the property that is next door to the proposed garage, and she made reference to the presentation screen which details the concerns of both her and other neighbours who have also raised concerns over the proposal. She stated that some of the reasons which have been put forward in objection to the proposal are that the proposal is excessive and has only been reduced slightly in height, it distorts the spacious and traditional character of the street, and it has a negative impact on the street scene of Elwyn Road.

Ms Hudson added that further comments have been made stating that most properties on Elwyn Road either have low walls or shrubs and trees with no buildings close to the boundaries with the footpaths and highway, with the proposal setting a precedent for using house frontage for buildings. She stated that the neighbour opposite currently has a hedge in front, but this could be removed or reduced in height and then the garage would be in full sight and the neighbours opposite have also stated that the property benefitted from an integrated garage before and has already undergone a change of use to become part of the house and it did already have a double garage at the application site.

Ms Hudson added that Elwyn Road is a delightful street with older style properties with garages at the side and back of the properties and she made the point that to construct a garage of that size in the front garden would look inconsistent with the other surrounding properties. She expressed the view that when you look at the Ordnance Survey map it is demonstrated that all properties have their garages either at the side or the back of their dwellings as is hers and they are not as big as the proposed garage.

Ms Hudson stated that the Planning Officer has referred to number 36 having a garage in their front garden, however, that property is located on the corner of Elwyn Court and sits on a much larger plot and the garage is not 1 metre off the boundary, it is 3 metres. She added that the garage at number 36 does not run for 9 metres along the boundary which differs from the application and there are no windows affecting the neighbouring property along the boundary.

Ms Hudson stated that she agrees with all the objections of her neighbours, and she made the point that she also has a further objection with regards to the right to light and the reduction to her family's quality of life that the garage will inflict due to blocking three windows to her kitchen, diner and family room. She made the point that when she received the letter from the Planning Officer advising of the first application, she went to see the neighbours at number 59 to discuss the concerns, especially as it was past her boundary line and nearer the road, explaining to them that any building along the boundary would affect the light to her families main living space and invited the neighbours to see firsthand as to how the garage would remove the natural light from her home, however, the neighbours declined the invitation and submitted their application which was subsequently amended slightly in height but this only took place after there were many objections and it was looking as though the application was likely to be refused.

Ms Hudson referred to the presentation screen and explained that the slide shows the proposed garage highlighted in red which is 8 metres by 9 metres and the size of a 2-bedroom bungalow, with the garage depicted in blue, and her kitchen family room can be seen marked in purple. She explained that if you look at the street view, the height of the building is almost in line with the eaves of number 59 and halfway between the ground and first floor shown by the red line in the bottom picture, with the garage being very close to the boundary at a distance of 1 metre and is 4.5 metres from her kitchen window.

Ms Hudson explained that there is an old 2.9 metre fence, but the proposed building is 4.3 metres high and, therefore, the building will block natural light and contrary to the officers' views it will definitely be overbearing and oppressive. She explained that her property has had the benefit of natural light since it was built in 1937 and this benefit has been legally entitled to her by buyer prescription and she wished to retain the right to light.

Ms Hudson referred to the presentation screen and added that she has suggested a solution to demonstrate that she is not adverse to the neighbours having a double garage and the solution would mean that the wooden pagoda could be moved to the rear of the garden at which point the garden could go to the left or to the right at the back of the property and this would be supported by her without objection. She stated that the proposed garage is excessive in size, is detrimental to the street view and the property previously did have an integrated double garage, with the garage being oppressive and overbearing to number 63 depriving the property to the right to light.

Members asked Ms Hudson the following questions:

- Councillor Marks asked for clarification as to where the other property is sited to which she referred has a garage at the front? Ms Hudson stated that it is the property which officers had made reference to which she highlighted on the presentation screen to the committee. She added that it is unlike the proposed garage because it does not run all the way along the boundary, and it is approximately 3 metres away from the boundary line and the adjacent property does not have any windows to the side where the garage is and, therefore, would not be impacted.
- Councillor Imafidon referred to the integrated garage. Ms Hudson highlighted this on the presentation screen and explained that the owners applied for a change of use and made it part of the dwelling.

Members received a presentation, in accordance with the public participation procedure, from Matthew Hall, the agent. Mr Hall referred to the Ordnance Survey map on the presentation screen and highlighted number 36 on the screen, making the point that the double garage was approved by planning in 2012 and it is built out on the frontage, with the garage being extended in the last two years so it has now become a triple garage and is now closer to the boundary. He explained that the property next door is a chalet bungalow and referred to a point made by Ms Hudson which he disagreed with due to the fact that the property next door does have windows on the side facing the garage.

Mr Hall stated that he has looked at the character of the area and ascertained that 80 metres further up the road there is a garage at the front of the property which has been approved and extended and is higher than the proposal before the committee. He referred to the presentation screen and the 3D image which he has provided, which shows number 63 and also where the proposed garage will be built and stated that the property next door has no first-floor windows and there are three windows downstairs which in the officer's report states are a toilet, cloakroom, and kitchen.

Mr Hall explained that from the screen members will see that there is a fence which is 2.9 metres in height and has been in place for over 10 years, which is where the proposed garage is going to be located and it is situated to the north of the property and that property is to the south. He referred to the presentation slides, explaining that the slide shows diagrams of an overshadowing survey which has been undertaken in July and August and demonstrate two drawings without the garage and two with the proposed garage on site and referred to the high fence which is there and is not in the ownership of the applicant, however, it can be seen that there is overshadowing of the windows now where the section of high fence is.

Mr Hall stated that the drawings which show the garage in situ and also in July and August appear to show additional overshadowing, however, it goes up to the first floor and there are no windows on first floor. He explained that the height of the garage has been decreased through the process to 4.3 metres with a shallow pitch roof and due to the height limitation, you can no longer stand up in the loft and, therefore, there will never be a room up there as there are no windows or doors facing next doors property, making the point that the garage is a metre from the boundary and 4.5 metres from the side of the neighbouring property.

Mr Hall referred to the officer's report and stated that at 9.7 it states that the existing high fence already obscures the view of the existing windows which he also agrees with. He made the point that at 9.8 it states that the garage would not introduce any significant overshadowing impacts and at 9.9 there are no overlooking issues to address, and officers have also stated that the application is policy compliant.

Members asked Mr Hall the following questions:

- Councillor Hicks asked whether the overshadowing survey was undertaken by Mr Hall's office? Mr Hall explained that it was undertaken by one of his colleagues in the office and it is linked to ordnance datum from Google which gives sun paths.
- Councillor Imafidon stated that when he reviewed the site, the windows of the neighbouring property seem to be closer to the front of the property than what has been indicated in the overshadowing images. Mr Hall explained that he did not go round and measure the neighbouring property, however, the bricks were counted to position of the actual windows and a previous application from 2014 was reviewed which was on the next-door property.
- Councillor Imafidon stated that he has considered the application and he questioned why the fence is so high as it would impact the neighbour from receiving natural light. He added that with the height of the existing fence and the fact that the height of the garage has been reduced he finds the shadowing survey very interesting and whilst he is not going to question its accuracy, in his opinion, the window does not appear to be in the correct place.
- Councillor Hicks stated that he visited the site, and he indicated on the presentation screen where, in his opinion, the window is situated.
- Mr Hall referred to the presentation screen and demonstrated to the committee that if all the windows were moved along with no garage there would still be overshadowing in place.
- Councillor Marks asked what the distance is from the end of the garage to the roadway? Mr Hall stated that it is 15 metres. Councillor Marks asked whether Mr Hall knows how that corresponds to the other property which he has referred to which has previously had planning permission? Mr Hall explained that the other building is a lot closer to the road and he highlighted that to the committee on the presentation screen.

- Councillor Marks stated that Mr Hall has explained that he has undertaken work on the application site previously which had a double garage and he asked whether they were the same occupants who are now looking to include an extra garage? Mr Hall explained that it is his understanding that it was the previous occupants who converted the garage. Ms Hudson confirmed that they are new occupants who have lived there for 2 years.
- Gavin Taylor responded to Councillor Marks earlier query regarding the distance from the end of the garage to the highway and confirmed that it is 16 metres at its nearest point to the highway.
- Councillor Imafidon stated that there are two chimney stacks on the neighbouring property and the actual window is closer to the chimney which is closest to the front of the road. He highlighted that point to the committee on the presentation screen. Mr Hall stated that if the windows are moved further forward in effect, then they would still be overshadowed by the existing fence.
- Councillor Marks stated that if you look at number one clearly by the drainpipe you can see the window clearly by the drainpipe and the projected overshadowing goes to the back of the property. He stated that there are still windows which suffer from overshadowing apart from one and he questioned that by adding the garage would that one window then suffer from the issue. Mr Hall made the point that the two windows that cannot be seen at the back as it stands now are overshadowed and the small window, which is 2 feet wide, and, in his view, there would still be some overshadowing from the fence and there would also be overshadowing if the garage was built onto the window and further up the wall.

Members asked officers the following questions:

- Councillor Gerstner referred to the officer's report and at 9.8 it states that it is not considered that the scheme would significantly impact on the neighbouring property by way of overshadowing. He added that the sun travels from east to west and unless there is an indicative illustration to show how far the sun moves round, the committee are unsure as to how much the overshadowing is impacting on that one particular window. Councillor Gerstner expressed the view that it is very difficult to use the static pictures and he has solely looked at the officer's report and listened to what the objector and agent have said. He added that there is a slight conflict as the indicative pictures, in his opinion, do not appear to be quite correct as the windows are probably situated further along and the fence already produces overshadowing and, therefore, consideration must be given to the fact that if a garage is added how much further any overshadowing could become. Councillor Gerstner asked officers to provide an explanation to the point made at 9.8 of the report. Gavin Taylor stated that the path of the sun starts from the east and rotates southwards and ends westward and the windows along the northern elevation of number 63 would never receive direct sunlight possibly until the very late part of the day when the sun is in westerly lower position. He made the point that ultimately direct sunlight would not be directly streaming onto the northern face of number 63 and, therefore, the garage itself could not cast a shadow over the windows. Gavin Taylor stated that a pertinent point is with regard to the outlook from the windows and you can gain light and views of light as well as an outlook from the windows along the northern elevation. He made the point that there may not be overshadowing as a result of the path of the sun but there could be an impact on the light to a degree, although the fence already creates a disruption to the outlook anyway. Gavin Taylor stated that the garage is considered to be cited far enough away and taking into account the roof slopes away would not result in a significant impact.

Members asked questions, made comments, and received responses as follows:

- Councillor Hicks stated that he is concerned about the proposal as he does not feel that it is compatible with the street scene and the houses along the road are all individual with spaces between them and the proposal is totally against that in his opinion. He made the point that he has considered whether he would want anything built close to his property if he lived at number 63 and, in his view, he would not. Councillor Hicks added that whether or not the proposal blocks out the light to the window is another matter, but the fact that the

proposed garage is so close is intrusive in his opinion and he will be going against the officer's recommendation and refusing the proposal as it is totally out of character with the other houses in the road.

- Councillor Mrs French stated that she agrees with the views of Councillor Hicks, and she made the point that, under Policy LP16, the application does have an adverse impact on the street scene. She stated that the houses on that side of the road are nice houses and the right-hand side is different as the plot sizes are bigger. Councillor Mrs French expressed the view that number 63 is a nice-looking house and she would hate to have to look at this, making the point that it is a stark cold building and it does not do anything to enhance Elwyn Road and she will not support the application.
- Councillor Marks stated that he agrees with the views of members and added that there are some lovely houses in the road and if the hedge were to be removed at any time then it would be left with something totally out of character. He added that it would appear that there was already a garage at the property and he will not be supporting the application.
- Councillor Connor made the point that the proposal would affect the street scene so much and it would look out of place in that location. He stated that he will not support the application.

Proposed by Councillor Hicks, seconded by Councillor Mrs French and agreed that the application be REFUSED against the officer's recommendation.

Members do not support the officer's recommendation of approval as they feel that the proposal will be detrimental to the street scene and cause a loss of natural light to the neighbouring property.

(Councillor Benney declared that the agent has undertaken work for Chatteris Town Council and himself personally, but he is not pre-determined and will consider the application with an open mind)

(Councillor Mrs French declared, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that she is a member of March Town Council, but takes no part in planning)

**P129/23 F/YR24/0173/PIP
LAND NORTH EAST OF THE GRANGE, LONDON ROAD, CHATTERIS,
PERMISSION IN PRINCIPLE TO ERECT UP TO 4 X DWELLINGS**

Gavin Taylor presented the report to members and drew attention to the update report that had been circulated.

Members received a presentation, in accordance with the public participation procedure, from Matthew Hall, the agent. Mr Hall stated that there have been 12 dwellings approved in this immediate area in the last 4 years and made reference to the presentation screen which displayed a map and highlighted to the committee the application site outlined in red. He added that there were five dwellings approved in Stocking Drove, 2 dwellings in facing Ferry Farm either side, another at The Grange right next to the application site and on the opposite side there are three plots which he has been involved with, with the development having commenced, making the point that once all the sites are built out there will be 26 dwellings at that location without including the proposal before the committee.

Mr Hall referred to Policy LP3 and stated that there are 14 properties at the moment in the area of Chatteris and 12 further planning approvals which have all been given by the Planning Committee. He expressed the opinion that the current proposal is part of Chatteris under LP3 and not in an elsewhere location as there are existing established dwellings in the location all of which are occupied, with there being an existing footpath along the frontage of the site and all along London Road and to the best of his knowledge the footpath has been there quite a while.

Mr Hall stated that the site is adjacent to a cluster of existing homes and Policy LP16(d) states that development should make a positive contribution to the character of the area, with the indicative layout demonstrating four family style executive dwellings on large plots with open frontages and large gardens which will make a positive contribution to the area. He explained that the land is paddock land and not agricultural land, and the application has the full support of Chatteris Town Council.

Mr Hall made the point that a concern has been raised by the neighbour of The Grange which is to the west of the site and is located 42ft away from where an indicative dwelling has been shown on the plan, but explained that the dwelling could be changed to a bungalow and it could also be moved further away if that should help when the technical details are submitted. He added that the site is all located in Flood Zone 1 and the proposal is for a linear development which is similar to all adjacent dwellings in that part of Chatteris and, in his view, the principle of development has been established by those applications which have been approved previously.

Members asked Mr Hall the following questions:

- Councillor Imafidon asked Mr Hall whether he would consider the location to be an elsewhere location and if not why? Mr Hall stated that there are 14 dwellings located in the area at the moment, referring to the site plan and highlighting the purple shaded area which is the new garden centre in Chatteris. He added that there is a footpath link all the way along London Road and a number of dwellings and he does not consider the area to be an elsewhere location.
- Councillor Marks referred to the presentation screen and asked for confirmation that the land is paddock land as, in his opinion, the presentation slide looks like a cut corn field. Mr Hall stated that when he went to the site it looked to be a grass field and this was confirmed by viewing the presentation slides.

Members asked officers the following questions:

- Councillor Imafidon asked officers to clarify how they consider the application site to be an elsewhere location, with Mr Hall advising that there are recent approvals and developments which are ongoing. Councillor Imafidon stated that he has visited the site and, in his opinion, it is not an elsewhere location and asked officers to provide an explanation. Gavin Taylor stated that contained within Policy LP12 is a footnote which sets out when something is or is not inside the settlement. He added that when you look at the development along this area it is clear that there is not a continuation of built frontage leading from the main settlement to the application site, with there being no other development on the southern side of the road until you reach the main area to the north. He explained that on the other side of the site there is sporadic loose knit dispersed dwellings, and they are not continuous as there are various areas of land which separates them and, therefore, it does not technically comply with the definition of the built settlement. Gavin Taylor added that the policy is very clear and sets out that if it is not within the continuous built area then it is an elsewhere location. Councillor Imafidon questioned whether the properties situated opposite do not count and that maybe the view of an elsewhere location is down to personal interpretation.
- Councillor Marks asked for clarity with regards to the 14 different applications which have yet to be built out or are being built at the moment in the area. He added that whilst he has sat on the committee, officers have advised that the location is elsewhere, however, permission has still been given and he questioned whether it could now be classed as an elsewhere location. Gavin Taylor stated that he would refer the committee back to the Local Plan and the planning policies as the starting point for any decision making. He explained that the fact that there have been previous approvals given may be a material consideration, but it is down to the decision maker to consider that accordingly. Gavin Taylor stated that officers do not consider that there is sufficient weight to have regard to the previous permissions to indicate that this is not an elsewhere location having regard to the criteria as set out in LP12. He made reference to the application in Tydd St Giles which had previously

been refused by virtue of the fact that it was considered an elsewhere location to now make a different conclusion based on a single barn, in his view, is difficult to balance. Gavin Taylor stated that when considering the current application if members are minded to say that the site is in the settlement then they would need to be clear as it does have implications as detailed within the officer's report with regards to the remaining area of land leading back into Chatteris and noting the emerging Local Plan, which whilst can only be given limited weight to, the settlement boundary for that does not include the area of land either and whilst that may change in the future as it currently stands when considering the current adopted Local Plan the application does not conform to an 'in the settlement' scenario in the opinion of officers.

- Councillor Marks stated but now there are 26 extra properties surely some weight needs to be given to that and, in his opinion, it does not feel like the application site can be considered as an elsewhere location. Gavin Taylor stated that he is not familiar with the circumstances concerning those applications and it is for the committee to consider that for themselves.
- Councillor Gerstner stated that there have been 14 previous dwellings approved and he questioned whether those approvals were given by the Committee or under delegation to officers. He expressed the view that if those dwellings have been approved under delegated powers by officers then, in his opinion, that must give weight to the current application. Gavin Taylor stated that it is his understanding that planning permission for the residential dwellings in that location were approvals made by the Planning Committee contrary to the officer's recommendation. He added that the Garden Centre may have been an approval but that is a different type of development and is also on a brownfield site that already had a history of being a garden centre and, therefore, has a completely different criteria of assessment.

Members asked questions, made comments and received responses as follows:

- Councillor Benney stated that the application site falls in his electoral ward and he has sat on the committee for all of the other applications which have been committee overturns. He added that the application being considered is no different to any of the other applications which have been discussed today and, in his opinion, the committee need to be consistent with their decision making. Councillor Benney expressed the view that the application will provide nice homes as they enter into the town of Chatteris and the street sign which says Chatteris is a mile further out of town and way past the Garden Centre. He stated that the field which is between that and Chatteris is shown as Hallam Land which is going to be development land and, therefore, will link it to the town, and he does not see anything wrong with the application and it should be approved.
- Gavin Taylor stated that members need to consider whether the application is within the settlement for consistency and also to remain mindful that the application is for a permission in principle and, therefore with reference to nice houses, that cannot be considered when looking at land use as to whether residential land use at the location is agreeable or not. He made reference to the Chatteris street sign being a mile away and to the earlier application in Tydd St Giles where the village sign was quite a bit further north of that. Gavin Taylor explained that the Hallam Land site is 300 metres away from the application site and with regards to the footpath and nearest schools it is approximately one and a half mile walk and, therefore, he advised members to consider just how sustainable they consider the application site to be.

Proposed by Councillor Benney, seconded by Councillor Imafidon and agreed that the application be GRANTED against the officer's recommendation.

Members do not support the officer's recommendation of refusal as they feel that the committee need to be consistent in their approach, with it passing several other applications in this area, they do not feel that the application site is in an elsewhere location and the application will enhance the street scene and the area.

(Councillor Benney declared, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that he is a member of Chatteris Town Council but takes no part in planning)

(Councillor Benney declared that the agent has undertaken work for Chatteris Town Council and himself personally, but he is not pre-determined and will consider the application with an open mind)

P130/23 **F/YR24/0179/PIP**
LAND SOUTH OF DIXIE LODGE, HIGH ROAD, THOLOMAS DROVE
PERMISSION IN PRINCIPLE TO ERECT UP TO 3 X DWELLINGS AND THE
FORMATION OF 3 X ACCESSES

Gavin Taylor presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Matthew Hall, the agent. Mr Hall stated that the application is located in Flood Zone 1 and, in his opinion, the application is an infill proposal which is set between existing established residential two storey dwellings which have been in existence for over 50 years, referring to the officer's report at 9.12 where it states that the Local Plan defines infilling as development between existing buildings which is what the application proposes. He explained that along the High Road, it is linear frontage development which is also what is being applied for to match in with the street scene and on the indicative layout he has highlighted three dwellings as well as maintaining all of the trees and all of the riparian ditches will also be kept.

Mr Hall added that had a single dwelling been shown, in his opinion, then it would have been an inefficient use of the land and that has been listed as another reason for refusal on another application which was in Doddington and that is why three dwellings have been shown. He referred to Policy LP12 and explained that the site is not agricultural land and has not been used as such for over 40 years, it is used as a wood chip yard and has been owned by the family for at least 30 years and it is clear from the map that there are residential dwellings on either side of the application site and the site, in his opinion, forms part of Tholomas Drove.

Mr Hall stated that to the north of the site there is the Chequers Pub as well as the village pond and, therefore, he considers the site to form part of Tholomas Drove between dwellings. He made the point that Policy LP16(d) states that the development should make a positive contribution to the character of the area and on the indicative layout submitted he has shown family executive style houses on large plots with open frontages and large gardens which will make a positive contribution to the area in his view.

Mr Hall stated that there has been a lot of support for the proposal with 16 letters of support coming from Tholomas Drove and he added that there have been no letters of objection received or from any of the consultees. He made the point that the local public house is a key village asset and explained that one of his colleagues attended the Parish Council meeting at Thorney Toll and in the officers report at 5.1 it states that the Parish Council have stated that a development in this location would enhance the area and the Parish Council fully support the proposal, noting the community support and the site being in flood zone 1.

Members asked Mr Hall the following questions:

- Councillor Imafidon stated that the speed limit outside of the development site is 60mph and the speed marker sign where it becomes 60mph is right outside of the site changing from a 40mph to the higher speed limit. He made the point that he is concerned that there is no footpath and asked Mr Hall whether he would know if the applicant would be willing to implement a footpath? Mr Hall stated that if the application was approved then he does think that the applicant would be agreeable to this as there is plenty of frontage.

- Councillor Mrs French asked whether the applicant would also consider putting in a Traffic Regulation Order (TRO) to lower the speed limit to 40MPH? Mr Hall stated that within the Parish Council's comments it was also noted that councillors have considered changing the speed limit of the road from 40mph to 30mph following representation from residents and, therefore, he does think that could be something he could consider.
- Councillor Hicks stated that consideration also needs to be given with regards to moving the sign back because the other side says 60mph and he would like to see all of the properties within the 30mph sign. Mr Hall added that it would be a decision for the Highway Authority and the signs are all placed within the highway verge, however, if they agree that could be possible.

Members asked officers the following questions:

- Councillor Imafidon stated that an infill is a development between two established properties and he questioned where it states that it has to be a single development or three dwellings due to the fact that the committee have determined an application previously where officers classified it as infill development and that was made up of 6 dwellings built between existing properties. Gavin Taylor explained that Policy LP3 sets out the hierarchy of settlements, market towns, large villages, small villages, and other villages, with the hierarchy going down there is an expectation that there would be less development overall and in particular to Tholomas Drove, it is defined as an other village, where residential development will be considered on its merits and will normally be restricted to single dwelling infill sites situated within the built up frontage. He explained that LP3 sets out that there is the expectation that there is a restriction in terms of the amount of growth for Tholomas Drove and it states that it would normally be for a single dwelling so members need to consider whether or not the merits of the scheme for three dwellings is acceptable or not and in the officer's opinion they do not consider that the policy applies as it is not inside the settlement.

Members asked questions, made comments, and received responses as follows:

- Councillor Hicks expressed the view that he believes that the proposal is infill development and as long as the agent takes steps to reduce the speed limit then he is a happy for the application to be approved.
- Councillor Gerstner stated that the Parish Council do not have issue with the proposal and are happy for it to be approved and the view of the Parish Council needs to be given weight.
- Councillor Benney stated that, in his opinion, it is a solid application and by adding three dwellings on the site it makes good use of the land and planning is all about land usage. He expressed the view that he can see nothing negative about the application and as long as the speed reduction issue can be resolved and the introduction of the footpath, both aspects are a community benefit and outweigh any negative points.
- The Legal Officer advised the committee that the fact that the Parish Council are in favour of the proposal is not a material planning consideration.
- Gavin Taylor stated that with regards to the proposal to secure the footpath, the application is a permission in principle and conditions cannot be secured as it is the first stage. He added that in terms of securing a footpath, after the development heading northwards there is no footpath and up until the public house there is still no footpath and in terms of the justification and reasonableness of securing a footpath, it is dependent on where it would extend to and what it would connect to. He added that whilst members may wish to secure a footpath, if it does not connect to a continuation of a footpath, it could be seen as irrelevant. Gavin Taylor referred to the implementation of a TRO and explained that when the detailed matters are submitted, the Highways Officer may consider that it is not necessary and, therefore, if the committee have the opinion today that the proposal is only acceptable subject to the implementation of a TRO and Highways state that it is not needed then it may also affect decision making and it may be an application that the committee would like to see back before them in the event that these kind of additions are being asked for at this stage are not achievable, possible or reasonable.
- Councillor Mrs French stated that she knows that there is a lack of footpaths in the villages

and many of the Parish Councils are submitting Highway Improvement applications for introduction of footpaths and speed reduction.

Proposed by Councillor Imafidon, seconded by Councillor Mrs French and agreed that the application be GRANTED against the officer's recommendation.

Members do not support the officer's recommendation of refusal as they feel that the application is an infill site.

(Councillor Benney declared that the agent has undertaken work for Chatteris Town Council and himself personally, but he is not pre-determined and will consider the application with an open mind)

3.30 pm

Chairman

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F/YR23/0206/F

**Applicant: Mr L Russell
Seagate Homes**

Agent :

Land North Of Stoneleigh 22A, Eaton Estate, Wimblington, Cambridgeshire

Erect 45 dwellings involving demolition of existing dwelling and outbuildings.

Officer recommendation: Grant

Reason for Committee: Parish Council comments and number of representations contrary to Officer recommendation

Government Planning Guarantee

Statutory Target Date For Determination: 8 June 2023

EOT in Place: Yes

EOT Expiry: 4th April 2024

Application Fee: £23411

Risk Statement:

This application must be determined by 3rd June otherwise it will be out of time and therefore negatively affect the performance figures.

1 EXECUTIVE SUMMARY

This application was deferred on the 6th of March Planning Committee meeting to consider further the following issues:

- Residential amenity (Loss of privacy) and overdevelopment.
- Flooding/drainage (after the late receipt of comments from Middle Level Commissioners and impact on public sewers);
- Highways (Parking) and public footpath (historic route crossing the site) and adoption.
- Management of Public open space/SUDs;
- Residential amenity (Loss of privacy),
- Infrastructure contributions (Play equipment)

In an attempt to address these concerns, the applicant has submitted an amended scheme reducing the number of houses proposed from the previous scheme of 48, to the amended which is now 45, and also changing a small number of some of the house types from two-storey to single storey. Further publicity and re-consultations have taken place. This report updates members on these issues further to the original report, which is contained within Appendix 1

2 SITE DESCRIPTION

- 2.1 The application site is situated within the settlement of Wimblington and comprises approximately 1.69 ha of former agricultural/paddock land directly adjacent to the north side of the Eaton Estate. Public Footpath 5(Wimblington) runs to the east of the site. However, a former route crosses the southern section of the site. The site abuts the backs of properties on 3 sides (Hassock Way, Eaton Estate and Lily Way).

3 AMENDED PROPOSAL

- 3.1 Following the deferral, the applicant has amended the proposal which now provides the following:
- a total of 45 dwellings which represents a density per hectare of 26.6 dwellings per hectare previously 29. This includes bungalows replacing the previous pair of semi-detached dwellings near No's 27/28 Eaton Estate, 2 bungalows on the eastern edge which abuts Nos 1,3,9,11,19 Hassock Way. The Bungalows will comply with of the Building Regulations M4(2) Accessible and adaptable dwellings standards.
 - As regards affordable housing the amended proposal provides 3 shared ownership and 6 affordable rented units (a reduction in one from the previous proposal. These are not grouped together as previously proposed, now being spread across the site).
 - The amended plan makes clear there is no building over the former footpath line. Additional parking has been provided and now totals 103 spaces which includes 6 visitor parking spaces (an additional 8 spaces above Local Plan requirements).
 - The amended drainage scheme, which the applicant clarifies has been designed in consultation with Middle Level, has moved the position of the outfall to the northern drain as requested by the IDB. The applicant has also clarified that the attenuation basin and downstream pipework is to be adopted by Anglian Water under a Section 104 agreement with maintenance and funding to be provided by Anglian Water.

Further consultations and publicity have been undertaken with updated replies reported.

4 CONSULTATIONS

- 4.1 **Anglian Water** reported the following regarding public reports of sewage spilling in the area near the site:

I have checked with our Operation Teams on your behalf, and I have received a response today. It was confirmed that we have had received reports within the area. The issues reported to us, were as a result of the extreme weather that have occurred recently, and our local pumping station was struggling with the high demand due to sudden surge of surface water flows coming into our network at the time. The issue is now resolved however we would encourage residents to continue to report such issues to Anglian Water so that our Operation Team can arrange site visit to inspect and resolve these issues. We can also confirm that our previous response remains the same, the issue above is not a capacity related issue with our network but is due to the extreme rain/weather events that happen lately.

4.2 **CCC Archaeology**

Previous comments still stand, and the same condition is requested.

4.3 **CCC Education**, have confirmed a request for contributions.

Early Years £57,289
Primary school £119,125
Secondary school £94,918

This represents an increase on the previous scheme, for 3 less dwellings.

4.4 Designing Out Crime Team

Thank you for the opportunity to comment on this planning application, I note the changes to the layout of this proposed development and the reduction on properties. Having read all associated documents, I note my colleague's original comments dated 30th March 2023 these still stand.

4.5 FDC Environmental Health

Previous comments still stand having no further objection.

4.6 FDC Housing Strategy

Based on the provision of 20% affordable housing 9 affordable dwellings would be required in this instance. The current tenure split we would expect to see delivered for affordable housing in Fenland is 70% affordable rented tenure and 30% shared ownership. This would equate to the delivery of 8 affordable rented homes and 3 shared ownerships based on the provision of 25% affordable housing or 6 affordable rented homes and 3 shared ownerships based on the provision of 20% affordable housing

4.7 Lead Local Flood Authority

(7th May) At present we object to the grant of planning permission for the following reasons:

- 1. Hydraulic Calculations The basin drainage layout has been updated to change the attenuation basin to an online basin. This new layout needs to be reflected in updated drainage calculations for the 1% and 3.3% AEP considering climate change allowances and using FEH rainfall data.*
- 2. Discharge Rate It is acknowledged that the applicant has stated the flow control will discharge surface water from site at greenfield rates, however it has not been confirmed what rate this will be. It is acknowledged that the updated calculations will display the discharge rate.*

Following receipt of further documents, 13th May

We have reviewed the following documents:

- Preliminary Drainage Strategy, Jackson, Ref: DR-REP-0249, Rev: 02, Dated: 8th May 2024*
- Proposed Drainage Strategy, Jackson, Ref: 0249-JCE-00-SK-C-9000, Rev: P06, Dated: 8th May 2024*

Based on these, as Lead Local Flood Authority (LLFA) we have no objection in principle to the proposed development. The above documents demonstrate that surface water from the proposed development can be managed through the use of permeable paving flowing into an attenuation basin. This basin then discharges into the existing watercourse via a flow control which restricts the discharge rate to the greenfield rate of 1.8l/s. The applicant has provided maintenance and adoption details of all surface water drainage features. The LLFA is supportive of the use of permeable paving as in addition to controlling the rate of surface water leaving the site it also provides water quality treatment which is of particular importance when discharging into a watercourse). 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 1

No laying of services, creation of hard surfaces or erection of a building shall commence until a detailed design of the surface water drainage of the site has been submitted to and approved in writing by the Local Planning Authority. Those elements of the surface water drainage system not adopted by a statutory undertaker shall thereafter be maintained and managed in accordance with the approved management and maintenance plan. The scheme shall be based upon the principles within the agreed Preliminary Drainage Strategy, Jackson, Ref: DR-REP-0249, Rev: 02, Dated: 8th May 2024 and shall also include: a) Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events; b) Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change), inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance; c) Detailed drawings of the entire proposed surface water drainage system, attenuation and flow control measures, including levels, gradients, dimensions and pipe reference numbers, designed to accord with the CIRIA C753 SuDS Manual (or any equivalent guidance that may supersede or replace it); d) Full detail on SuDS proposals (including location, type, size, depths, side slopes and cross sections); e) Demonstration that the surface water drainage of the site is in accordance with DEFRA non-statutory technical standards for sustainable drainage systems; f) Full details of the maintenance/adoption of the surface water drainage system; g) Permissions to connect to a receiving watercourse or sewer; h) Measures taken to prevent pollution of the receiving groundwater and/or surface water Reason To ensure that the proposed development can be adequately drained and to ensure that there is no increased flood risk on or off site resulting from the proposed development and to ensure that the principles of sustainable drainage can be incorporated into the development, noting that initial preparatory and/or construction works may compromise the ability to mitigate harmful impacts.

Condition 2

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.

Informatives IDB Consent Part or all of your proposed development area falls within the Middle Level Commissioners (MLC) catchment and that of the March East IDB whose consents are managed by the MLC. All increased discharges proposed to enter watercourses directly or indirectly or any works affecting watercourses or access to or along them for maintenance if the site is within the

Board's district will require MLC/IDB consent. It is therefore recommended that you contact the IDB/MLC to discuss their requirements. Further information is available at: <https://middlelevel.gov.uk/>

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

Construction Surface Water Maintenance

Prior to final handover of the development, the developer must ensure that appropriate remediation of all surface water drainage infrastructure has taken place, particularly where the permanent drainage infrastructure has been installed early in the construction phase. This may include but is not limited to jetting of all pipes, silt removal and reinstating bed levels. Developers should also ensure that watercourses have been appropriately maintained and remediated, with any obstructions to flows (such as debris, litter and fallen trees) removed, ensuring the condition of the watercourse is better than initially found. This is irrespective of the proposed method of surface water disposal, particularly if an ordinary watercourse is riparian owned.

4.8 Middle Level Commissioners

Middle Level have been consulted on the amended scheme, invited to send an officer to Planning Committee and direct email sent regarding this application following discussions between the applicant and IDB officers. At present no comments have been received.

4.9 Wimblington Parish Council

The Parish requested an extension to 15th May which was agreed. Further comments are awaited.

4.10 FDC Leisure Services

The Head of Leisure and Open Spaces confirms the following: *FDC's current policy is that we do not adopt open space or play areas from developments and instead expect developers to put in place a management scheme for these.*

4.11 CCC Highways.

(7th May) The proposed changes to the site layout are largely immaterial in highway terms. However, the visitor parking bay opposite plot 29 must be removed as a vehicle accessing the space will compromise the safety of the footway. Similarly, the parking spaces for plot 25 must be amended to align with the approach carriageway and not the footway; it is not acceptable for a vehicle to drive linearly over a footway to access a parking space. Both of these spaces in need of change are marked up on the below image. Provided that the above is resolved, I have no objection and the conditions in my previous response apply.

(8th May) After receiving an adjusted site layout (version M) the following was received:

I can confirm that the attached (version M) addresses my comments and that I therefore have no objection.

4.12 NHS

Further to the revision of 45 dwellings, our revised mitigation is as follows: The development of 45 dwellings would see an increase patient pressure circa 103 new residents. CAPICS calculates the level of contribution required, in this instance to be £37,075.47 (7.09sqm at £5224 per sqm)

4.13 CCC Ecology

(28th March) CCC Ecology commented on the previous scheme as follows: *A Preliminary Ecological Appraisal and Preliminary Roost Assessment, as well as 'screen shots' of the BNG metric have been submitted. However, we cannot find a Biodiversity Net Gain assessment. It is therefore not possible to assess whether or not the BNG scores shown on the metric documents are accurate. Therefore, the applicant has not demonstrated how the scheme will accordance with Fenland Local Plan policy LP19, which states that "Through the processes of development delivery (including the use of planning obligations), the Council will achieve, where possible, a net gain for biodiversity":*

We therefore recommend that a Biodiversity Net Gain assessment is submitted to the LPA prior to determination. The report should be based on CIEEM's best practice guidance¹ and include details of the habitat survey (conducted to UK Habs criteria), habitat condition assessment and provide a habitat map and BNG metric spreadsheet.

Following submission and discussions with the applicant CCC Ecology withdrew its previous comments and stated the following:

8th May. We welcome the submission of the Biodiversity Metric and accompanying information to demonstrate how the scheme will deliver 3% Biodiversity Net Gain. Therefore, we remove our previous objection. The proposal is acceptable on ecology grounds, providing that the biodiversity compensation / mitigation measures and enhancements recommended within the Preliminary Ecological Appraisal and Preliminary Roost Assessment are secured through a suitable worded condition(s) to ensure compliance with Fenland Local Plan 2014 policies LP16 and LP19 that seek to conserve, enhance, and protect biodiversity through the planning process: We recommend the following conditions:

- 1. Construction Ecological Management Plan (CEMP: biodiversity)*
- 2. Time Limit on Development Before Further Surveys are required*
- 3. Lighting Design Strategy for Biodiversity*
- 4. Landscape and Biodiversity Enhancement Scheme*

4.14 CCC Definitive Map Officer

Conforms no objection to the amended scheme.

4.15 Wimblington Parish Council objected referring to the following:

Further to last night's Parish Council meeting, Councillors wish to object to the above application as follows: Please note the Parish Council's continued objection and recommended refusal of this planning application. Our previous response still applies, and further comments are:

The initial outline planning application was for 30 affordable family homes to which local residents had less objection but the new revised 45/46 dwellings, an increase of 50%, with only 9 affordable homes is far from acceptable.

Flooding is an ever increasing, constant concern for many local resident's properties and surrounding areas. Anglian Water are insistent that the system can

cope yet council were informed that Anglian Water were present in Eaton Estate on Sunday 12th and Tuesday 14th May 2024, this compacts concerns. It is obvious that the system isn't functioning properly especially with the recent sewerage overflow problems on the Lily Avenue estate also adjacent to the proposed site. The applicant's revised drainage plans now show piping leading to the northern boundary of the proposed site, the fields to the north of this site are already highlighted by LLFA as a flood risk and a recent planning application was refused because of this fact.

This planning application can be refused because it does not comply with a number of FDC Local Planning Policies and NPPF policies, also it is not supported by the local community or local Parish Council. As previously stated, Wimblington has far exceeded its 'village threshold' for LP12 Part A.

LP2 - Facilitating Health and Wellbeing of Fenland Residents creating sufficient and the right mix of homes to meet people's needs, and in the right location (LP3, LP4 and LP5) building homes which are safe from flooding (LP14B) avoiding adverse impacts (LP16)

LP3 - 3.4.3 - Distribution - the distribution of housing development will comply Policy LP3 which aims to ensure that development takes place in the most sustainable locations in the district, whilst addressing local needs. - Wimblington is no longer a sustainable location and struggles to address local needs, there is no validated need for more housing at present.

LP4 - Housing - total target need - 11,000 in 20 years
Other locations - 1,200 - Wimblington*, Doddington*, Manea and Wisbech St Mary. 300 per 'growth village'! *Note: Development at Wimblington and Doddington will be appropriate provided that capacity at, or in the sewerage network leading to, the Wastewater Treatment Work in Doddington can be addressed. At present there are major problems with flooding within areas of the village and this development will exacerbate this. Anglian Water cannot manage the present water and sewerage problems and there are a further 88 dwellings off March Road and 21 dwellings off of Willow Gardens that have still to be added to the existing system WHICH ISN'T COPING.

LP5 - this application is not meeting 'housing needs' for the village. A recent Housing Need Assessment, now adopted by the Parish Council, was undertaken by the proposed Neighbourhood Planning steering group and it states that the housing need in the village is for smaller, affordable housing.

NPPF Delivering a sufficient supply of homes.

61 To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment.

64 Provision of affordable housing should be sought for residential developments that are not major developments.

159 inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or in the future)

160 strategic policies should be informed by a strategic flood risk assessment and should manage flood risk from all sources. They should consider cumulative impacts in, or effecting, local areas susceptible to flooding, and take account of advice from the Environmental Agency and other relevant flood risk management authorities, such as lead local flood authorities and internal drainage boards.

*161 all plans should apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by:
b) safeguarding land from development that is required, or likely to be required, for current and future flood management*

- 1. when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.*

LP12 - Rural Areas Development Policy It would not put people or property in danger from identified risks and - it will increase vehicle movement around a residential play area. It will increase the risk of flooding of people's properties.

It can be served by sustainable infrastructure provision, such as surface water and wastewater drainage and highways - the infrastructure within the village is already struggling.

Please also note that in the event this application is approved, despite our objection, that we would ask for S106 to include for play equipment on either the Clarion play area in the middle of Eaton Estate (badly in need of upgrading) if this is permitted or contribution to our recently installed Ninja Trail at the War Memorial Playing Field on Doddington Road. Cost of Ninja Trail £33,000 (Parish Council paying £27,000 and a grant from Burnthouse Windmill Farm of £6,000)

4.16 Cllr Tim Taylor

The areas drainage commissioners have identified that their system is at capacity and should not accept surface water discharge at less than greenfield rate. Loss of food producing land will have a detrimental impact of food security.

4.17 Objectors

Further representations have been received since 6th March regarding the following:

The agent implied that the built form for the proposed 48 dwellings was in keeping with the homes on both Hassock Way and Eaton Estate. Whilst speaking the applicant agent said, "there are up to six terraced dwellings on Eaton Estate", but omitted these were six terraced bungalows from approx. 1950. There are NO terraces houses in Eaton Estate, and only one set of three terraced houses in Hassock Way. How is the proposed development similar?

Why is Hassock Way continually referenced? The reason is because it represents the closet density match to what Seagate Homes want to build to maximise their return (very selective). Originally six homes in Hassock Way were built in 1995 (almost 30 years ago), another 15 homes were added in 2005, nearly 20 years ago. If anything, the planning application should be compared to recent developments in Wimblington. Laws, policy and guidelines change and evolve taking in account a number of factors. This is to protect communities, homeowners, and prospective residents. I feel this planning application does not benefit Wimblington and will affect nearby housing in a negative way. How can a building application in 2024 use the housing development of 21 homes in Hassock Way from 2005 and 1995 to validate a building application now? It shouldn't. This is a dangerous precedent and not forward thinking.

A new planning application could use this development to create further dense living areas. The planning committee have a chance of stopping this. The newer built forms of sites, such as those mentioned in Councillor Johnson's presentation, reflect the fact the 48 dwellings application is a much more compact, dense housing site than any other within the village settlement.

*Proposed Development – 1.65 – 48 dwellings
Willow Gardens - 1.7 hectare - 37 bungalows
Extension of Willow Gardens - 1.65 hectare - 21 bungalows
Lily Avenue - 3.6 hectares - 80 dwellings
Bellway - 3.7 hectare - 88 dwellings*

There are a number of other planning applications pending that also have a much smaller density than this proposal. This application is not in keeping with the design and character of the village and as such we as local residents have no idea why the planning officer has not recognised this and refused the application? The original outline planning application was for 30 family homes; that is what was agreed in the decision so that is what should still be built. When this planning application is re-considered by the Planning Committee, we appeal to them to refuse it.

Following publicity regarding the amended scheme for 45 dwellings the following further objections were received from 6 residents on Hassock Way, Willow Gardens, Eaton Estate, and Bridge Lane. They refer to the following issues:

In principle objections include:

- Insufficient infrastructure
- The village has exceeded its village threshold contrary to LP12(A)
- Fails to create the right mix of homes to meet people's needs in the right location contrary to LP 3,4 and 5,
- Green spaces disappearing with impact on wildlife,
- Chatteris, Dodington Wimblington and March will become one big town,
- Many houses up for sale therefore negating the need for new housing,
- Lack of communication with residents,
- Increased volume of traffic,
- Water pressure is poor,
- Flooding concerns in general contrary to LP14, It should be served by sustainable surface water and waste water drainage and highway provision,
- *Wimblington is no longer a sustainable location and struggles to address local needs, there is no validated need for more housing at present.*
- This planning application can be refused because it does not comply with a number of FDC Local Planning Policies and NPPF policies, also it is not supported by the local community or local Parish Council.
- Delivering a sufficient supply of homes
- Contrary to NPPF section 61 To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment.
- Cannot see how the proposal benefits the community resulting in a loss of green space.
- No cumulative study undertaken on developments in Wimblington,
- Concern regarding impact on Greenhouse gases and Climate change

Site specific objections include:

- Flooding concern of back garden (22 Hassock Way immediately adjacent the site) Concerns of the new application linking to the ditch to the north due to proximity to fields that flood to the north known to the LLFA, Concern about the logic of design for a dry attenuation area,
- Access road too narrow,
- Resulting safety concerns for elderly and children on play area nearby (an unfenced provision),
- Loss of mature trees,
- Disagreement with Anglian Waters comments regarding one-off flooding events (on a site nearby).
- *Development at Wimblington and Doddington will be appropriate provided that capacity at, or in the sewerage network leading to, the Wastewater Treatment Work in Doddington can be addressed. At present there are major problems with flooding within areas of the village and this development will exasperate this. Anglian Water cannot manage the present water and sewerage problems and there are a further 88 dwellings off March Road and 21 dwellings off Willow Gardens that have still to be added to the existing system which isn't coping.*
- Residents are not 'nimby's' and would support a development that met the needs of the local community, but do not believe this application does,
- Concern that drainage direction would increase likelihood of flooding towards properties on Bridge Lane, Councillor Taylor referred to *commissioners concerns regarding no more surface water due to systems being at capacity, and to discharge water at less than greenfield rates increase long term pressure on overloaded system.*
- Creates adverse impacts contrary to policy LP16,
- LP5 - this application is not meeting 'housing needs' for the village. A recent Housing Need Assessment, now adopted by the Parish Council, was undertaken by the proposed Neighbourhood Planning steering group and it states that the housing need in the village is for smaller, affordable housing.
- An occupier of Lily Avenue (recent development of 80 larger dwellings) objects to the Housing density still being out of keeping with surrounding development and still too high for the existing infrastructure.
- Layout has minimal gardens, only a small number of affordable as opposed to 30 on the previous scheme,
- No access to culvert on the southern boundary,
- Still provides minimum visitor parking,

5 POLICY FRAMEWORK –

Members are reminded of the policy framework which is detailed in the original report.

However additionally, Wimblington Parish Council has produced a Housing Needs Assessment as part of the Wimblington and Stonea Neighbourhood Plan process, available on the Parish Council's website. It states amongst other things the following:

11. This study estimates that Wimblington & Stonea requires roughly 119.6 units of affordable rented housing and 82.4 units of affordable home ownership over the Plan period (2022-2040). Both forms of Affordable Housing appear to be valuable in meeting the needs of people on various incomes. In both 2011 and 2021 the majority of households in Wimblington & Stonea lived in detached dwellings, with

the proportion decreasing very slightly in this time. The proportion of semi-detached dwellings remained the same in both years, with a slight decrease in the proportion of terraced dwellings. VOA data shows in 2021 approximately 38.3% of dwellings were bungalows, well above the proportion of bungalows in Fenland (25.2%), and England (9.2%). The proportion of semi-detached and terraced dwellings in the NA was below district and national levels in 2021, with the proportion of flats considerably lower than England especially.

19. Turning to dwellings size, the greatest proportion of dwellings in 2011 and 2021 were 3-bedroom, with the prevalence decreasing slightly between 2011 and 2021. In 2011 this was followed by 2-bedroom dwellings but in 2021 this was followed by 4+ bedroom dwellings, showing growth in the proportion of larger dwellings over the last decade. The proportion of 1-bedroom dwellings increased slightly but remained low, at 4.8% of dwellings. The NA had a smaller proportion of 1-bedroom and 2-bedroom dwellings than Fenland and England and a greater proportion of larger (4+ bedroom) dwellings than the comparator areas.

Future size mix

24. AECOM modelling suggests that by 2040 there should be a greater proportion of smaller 1- and 2-bedroom dwellings and a smaller proportion of mid-sized and larger dwellings in Wimblington & Stonea. In order to reach the indicative mix by the end of the plan period it is suggested that the greatest proportion of dwellings are delivered as 2-bedroom dwellings, at 53.5% of development, with the development of 1-bedroom and 3-bedroom dwellings also encouraged.

25. Generally, it would be unwise for any new housing that does come forward to be delivered in an unbalanced way. Those wishing to move within or relocate to the area will have a range of circumstances and preferences, and they should be offered a range of choices. As such, it is recommended that priority is given to smaller homes but that this is done to a degree that aligns with the wider objectives of the community and does not limit choice or threaten viability. The evidence in this section represents a starting point for further thought and consultation.

6 KEY ISSUES

Principle of development

Deferral issues

Residential Amenity (Overdevelopment and impact on the character of the area, Loss of privacy).

Flooding, surface, and foul water drainage.

Highways, Parking, Public footpath and adoption.

Management of Public open space (and attenuation area)

Other issues

Benefit to the community/S106 contributions.

Ecology

Planning Guarantee

7 ASSESSMENT

Principle of development

- 7.1 As stated in the original report, the principle of residential development of the majority of this site was established with the previous decision of the Council to grant permission for up to 30 dwellings. The part of the site omitted from the

previous decision was where the single bungalow was situated. The principle was assessed against the same adopted plan policies.

- 7.2 The previous decision addressed concerns regarding Policy LP12A and included the loss of high-grade agricultural land. It concluded that the outline application as regards the location of the development, the existing settlement pattern, and the indicative layout provided, the criteria of LP12A (a) (b) (d) and (e) were satisfied. The latter part of LP12A concerning the need to demonstrate community support was dealt with separately and was considered no longer a reason to refuse applications due to planning Appeal decisions. No objections were received to that application (a single letter of support referred to congestion concerns in the village). Therefore, the principle of development was established.
- 7.3 Cllr Taylor refers to Food Production concerns. However, the principle of development was established from the previous permission. The issue of loss of 1.46 hectares of Agricultural land was addressed in detail and was considered to result in no conflict with Policy LP12(i). Furthermore, it was understood the site was used as paddock land at the time of the 2019 application (i.e. was not in use for food production). Given the relatively small scale of land and its proximity to housing on 3 sides its usefulness and likelihood of successfully being used for food production appears somewhat remote. Nevertheless, the principle of residential development was established when assessed against the same adopted policies.
- 7.4 It should be noted that the point of access proposed is identical to that previously approved. No reason to refuse that application was given based on the access or increased traffic impact. The principle of development was therefore established by the previous permission and remains acceptable.

Residential Amenity (Overdevelopment and the impact on the character of the area, and harm to neighbouring residential amenity by loss of privacy)

- 7.5 Members of the Committee raised concerns of overdevelopment. The previous report and the officer presentation detailed that F/YR19/0945/O was permitted on a smaller site, 1.46 hectares (excluding the land on which the bungalow is currently situated). This development proposed is on 1.69 hectares. The NPPF (Achieving appropriate densities Para 128) refers to *decisions should support development that makes efficient use of land, taking account of the character of the area.*
- 7.6 Normally an efficient use of land, particularly in suburban locations, would generally average around 30 dwellings per hectare (Dph). However, as the applicant has reduced the scheme to 45 dwellings the density becomes now 26.6 Dph. Therefore, falling below 30 Dph it could perhaps be considered the proposal does not entirely represent an efficient use of land. Nevertheless, further consideration needs to be given to section d of Para 128 and the desirability of maintaining the character of the area.
- 7.7 When assessing the issue of overdevelopment consideration needs to be given particularly to the adjacent existing housing. Would it far exceed the density and have a harmful impact upon the character of the immediate neighbours? By comparison Hassock Way (immediately abutting the site) is approximately 30 Dph, Eaton Estate, are all semi-detached houses (No's 14-30) and is approximately 24 Dph in that small area. The Bellway homes development to the northwest represents 25.1 Dph largely because of a significant easement crossing the site. Development at 37-45 King Street to the east has 21.7 Dph. The Matthew Homes development which has mainly 3-4 bed detached houses has a lower density of 18.6 due largely to the high numbers of 3 and 4 bed detached houses and the

space around the Suds features. The area as a whole has densities ranging from 18-30 Dph. The amended proposal at 26.6 is within and does not significantly exceed that range. If the proposal were for 65 or 70 houses with a density exceeding 40 or 50dph this would likely jar with the prevailing character, however this is not the case.

- 7.8 An assessment resulting in overdevelopment might be justified if the layout resulted in unacceptable separation standards. The separation distances and implications on immediate existing neighbours are similar, and in some instances because of the rear gardens of Eaton Estates, significantly exceed neighbouring developments. The previous report detailed compliance with normal standards, but privacy concerns (particularly that of residents abutting the site on Eaton Estate) have been further addressed by the introduction of bungalows. An objector raises concerns of small garden sizes. However, these are similar in form to those on Lily Way, Hassock Way, the Bellway development and Willow Gardens to the east and as such will be in keeping and provides over 1/3rd of the plot according with policy LP16(h).
- 7.9 It is considered therefore that in terms of density, in comparison to existing neighbouring developments, and those recently developed in the vicinity, the proposal does not jar significantly and will not therefore result in overdevelopment.
- 7.10 In terms of impact on the character of the area the application needs to be compared with in particular Hassock Way, Eaton Estate and Lily Way. Eaton Estate is former Council housing comprised of semi-detached red brick facades and gables with ridged roofs with interlocking concrete rooftiles. As demonstrated in the presentation, the southern part of the site has a derelict bungalow and outbuildings. Comparisons with more historic development is worth considering. At the time earlier developments would not have had planning policy guidance (NPPF) seeking the need to use land efficiently. More modern housebuilding will inevitably be at higher densities than in the 1950s or 60s. General concerns of developing out into the open countryside are increased if new development does not use land efficiently. Nevertheless, it is appropriate to consider the spaciousness of development. Reference is made to more recent developments.
- 7.11 Hassock Way is largely semi-detached housing with simple two-storey red brick and contrasting cream or buff brick facades with gable and ridged roofs. There are some bungalows abutting the application site that have blank gables facing the site. A terrace of 3 properties exists. (The amended proposal includes two terraces). It is considered that in close comparison the proposed development will not conflict with the character of Hassock Way.
- 7.12 Arial photos and site photos of Lily Way demonstrate the prevalence of larger detached houses with mixed red brick facades with grey rooftiles and red brick and red tiles alternative treatments. Some have half hipped roof constructions, similar in style to a house type proposed on this application. The previous scheme and the amended 3d visualisations, are considered to have similar characteristics to the abutting developments and they have similar separation standards.
- 7.13 In assessing impact to the character of the area Planning Inspectors focus on the public access to views of the development from nearby highways or public rights of way. In this case the access (as previously permitted on the 30 dwellings scheme) has a narrow visual view into the site leaving only glimpsed views from Eaton Estate, the main highway near the site. Some similar views will exist between houses on Hassock Way (a cul-de-sac). Lily Way has minimal views of the site,

mainly backs of houses facing the rears of new houses. The site will be visible from the public footpaths to the north, however a developed edge similar to the Matthew Homes/Lily Way development, and critically would be very similar to the indicative scheme previously permitted for 30 dwellings, with houses abutting the open countryside in a uniform manner. It is concluded therefore that the visual harm would be minimal in terms of impact on publicly accessible routes or in comparison to neighbouring or previously permitted schemes.

- 7.14 In conclusion when considering in detail the site's impact on the character of the proposal with nearby abutting housing, and more recent developments in the area, it is Officers' professional view that it would not result in identifiable conflicting or jarring harm to the area's character and that the amended proposal compares favourably and is considered to accord with Policy LP16(d) and Para 128 of the NPPF.
- 7.15 At the Committee meeting on the 6th of March a presentation was given from a neighbour referring in particular to the issue of loss of privacy, in that case relating to proposed plots 44/45 and the immediate properties on Eaton Estate. Members were informed that the separation distance in question exceeded 35 metres. Fenland District Council has no defined separation distances, however chooses to apply appropriate standards normally accepted by the development industry. It is widely accepted that rear gardens aim to be 10 metres deep (particularly for two storey houses, which when orientated in a back-to-back relationship, results in a 20 metres separation. This is likely to increase if the land between the dwellings slopes. However, it is widely accepted that 20 metres separation on two-storey properties will result in acceptable levels of privacy. All of the properties on Eaton Estate are well over the 20-metres away from the boundary with the site with back-to-back separation therefore considered acceptable. Nevertheless, the applicant has amended the layout to provide bungalows on Plots 30, 40, 41 and 42. He also confirms that the trees/hedgerow referred to by the objector will be retained. It is noted that there are no first-floor windows to consider from No 27 or 28 Eaton Estate.
- 7.16 Similarly, properties on the western edge of Hassock Way abut bungalows and they therefore have no overlooking or overdominance issues. There remains one property (a two-storey semi-detached, Plot No. 29) with a side-to-rear relationship with No 22 Hassock Way. This has been amended increasing the separation to 15.4metres to a blank gable of Plot 29, this house type has no windows in the side gable and therefore no overlooking or loss of privacy could occur. Plot 29 has a ridge height of 8 metres and eaves of 5 metres. A separation of 15 metres in terms of two-storey side gable to two-storey rear aspect is normally considered acceptable in terms of overdominance. There will be no loss of sunlight being a northerly orientation. A condition removing permitted development rights regarding windows is added regarding Plot 29. It is concluded therefore that there are no significant negative impacts of the amended proposal on neighbouring residential amenity upon which to base a reason for refusal. The proposal is considered to accord with policy LP16(e).

Type of housing proposed.

- 7.17 Some concerns have been raised regarding what type of housing should be provided. Wimblington Parish Council has produced a Housing Needs Assessment as part of the Neighbourhood Plan process the findings of which are available on the Parish Council's website. This has been raised directly by objectors along with concerns regarding the lack of benefit to the community. The provision of affordable dwellings and smaller houses is perhaps very beneficial to those in

need. This local evidence states there is a need for 202 affordable houses in total, and that priority be given to smaller homes (there has been mainly larger detached houses in recent developments). The application is in keeping with the evidence produced by the Parish Council in terms of providing smaller and therefore more 'affordable' houses. It now provides some M4(2) compliant bungalows in accordance with the Council's current position. The benefits of complying with Building Regulation M4(2) include enhanced accessibility and adaptability for occupants, suitable for a diverse range of people and can be easily modified if needed. To be clear the previous scheme for up to 30 dwellings provided a viability argument to avoid provision of affordable housing on site making only a small off-site contribution and provided no adaptable forms of housing. Therefore, it was not affordable, and it did not identify bungalow provision.

- 7.18 It should be noted that when developments include smaller houses the net result usually increases densities and numbers. Concerns that the proposal does not accord with the housing needs assessment appear somewhat surprising in that to be more in keeping with the Parish Council's needs assessment (providing more smaller, more 'affordable' houses) would likely increase numbers proposed, which appears to conflict with the main concerns expressed in respect of this development. This proposal is therefore more in keeping with the village Housing Needs Assessment than the neighbouring recent developments and the previous permission that provided no affordable units on site and would likely have been larger houses. The affordable provision accords with the Council's current position on affordable housing (20%). This proposal therefore accords with Para 128 of the NPPF in terms of meeting an identifiable need. Members are therefore advised there is no reasonable ground on this issue to refuse the application.

Flooding, surface, and foul water drainage.

- 7.19 As regards the matters raised at planning Committee regarding the spillage of sewage, highlighted again by resident's objections, Anglian Water responded to residents' concerns as follows:

A problem experienced with a pump on a nearby site, due to excessive levels of surface water. The company confirms the matter is resolved. However Anglian Water confirm this does not alter its view that capacity to serve the development exists within the system. Anglian water does however encourage reporting of such spillages to enable them to address the matters on site.

A similar issue was raised with the recent appeal decision relating to 110 dwellings on Upwell Road in March (F/YR22/0062/O) where the same type of concern about sewage spilling on a neighbouring development site was raised. Anglian Water confirmed in that case there was sufficient capacity to serve that site and the inspector gave the view that if the drainage authority gives a clear statement that capacity exists, then that proposal was acceptable. The inspector therefore gave no reason to refuse the application on foul drainage grounds. Therefore, given Anglian Water's further clarification with this application, the issue of foul drainage, in terms of capacity is addressed. Members are therefore advised there is no reasonable reason on the capacity of the Foul Water network in which to refuse this planning application.

- 7.20 An amended drainage scheme has come forward following detailed discussions between the applicant and Middle Level IDB. The surface water outfall now links into the northern ditch as requested by the IDB. Similarly, the wastewater now links to the sewer to the east of the site again requested by the IDB. The applicant

states that the dry attenuation area is to be adopted by Anglian Water which therefore will address IDB concerns regarding access and maintenance.

- 7.21 The LLFA highlighted omissions in the drainage strategy. This has been addressed and the LLFA has withdrawn its objection subject to conditions.
- 7.22 Councillor Taylor raises concerns as follows: *To discharge surface water at less than greenfield rate increases long term pressure on an already overloaded system.*
- 7.23 The application details discharge rates which consider flood events up to 1 in 100 years plus 40% and 8% urban creep. These discharge rates are all below existing greenfield rates (to discharge at less than greenfield rates decrease pressure on the system rather than increases). This is confirmed as acceptable and necessary by the LLFA. Therefore, there are no reasons in terms of discharge rates to base a reason of refusal.
- 7.24 As regards concerns of residents on Lily Way and Bridge Lane, regarding impact from the development affecting sites to the west, it should be noted that the surface water and foul water flows from this proposal will be running away from these areas. Concern regarding responsibility for a culvert to the south of the site is not affected being in separate ownership and is outside the application site remaining the responsibility of a third party.
- 7.25 In summary, none of the drainage authorities object to this application. The IDB has been involved in discussions with the applicant regarding an amended drainage strategy, resulting in the amended scheme currently being considered, and the IDB has been further consulted on the revised application and invited to attend the Committee meeting. No further objection is received. The issue of maintenance and the applicant's wish to proceed to adoption of the Suds and necessary pipework by Anglian Water has been clarified. The issue of capacity of the public sewer system has been addressed and the public concern relates to an issue outside of the application site that does not affect the issue of capacity. Therefore, there are no outstanding matters regarding drainage. The application is therefore considered to be acceptable subject to conditions and is therefore considered to accord with Policy LP14.

Highways, Parking Public footpath and adoption.

- 7.26 The proposed access is almost identical to that permitted on the previous application being located in the same position. On the previous permission one letter of support referred to concern of traffic in the wider village. No concerns were raised on that development regarding width of the access or the issue of increased traffic leading to safety concerns on the nearby play area from the development of 30 dwellings. This proposal on a larger site increases by 15 dwellings. The Local Highway Authority raises no objection.
- 7.27 The application previously provided Local Plan compliant parking. However, the applicant's amended scheme refers to extra parking spaces including 6 dedicated visitor spaces. Generally, visitor parking is seldom provided with major housing developments. Officers total 97 on-plot spaces (some may provide slightly more but fall short of full space provision) and it provides 6 visitor spaces, so 103 in total. This now exceeds Local Plan Standards of 95 spaces by 8 spaces. Members are advised that to refuse an application on grounds of insufficient parking, that

provides more parking than the adopted local plan parking standard, is likely to be considered unreasonable.

- 7.28 It is understood the applicant has discussed the site further with the Definitive Map Officer. The amended scheme seeks to retain the line of the historic footpath as open land therefore enabling access to it should it be required. However, the footpath line has been terminated outside the application site. It is understood from the Definitive Map Officer a previous proposal initiated the stopping-up of the footpath, but the County Council has not yet implemented that order. Nevertheless, the application has carefully not obstructed the historic line. Therefore, there is no reason on which to refuse the application on this issue as the former footpath line is not obstructed and a stopping up process is in place.
- 7.29 At the Committee Meeting of the 6th of March, Members raised concerns and sought a guarantee that the highway would be adopted. The applicant confirmed his intention to seek adoption of the road. Members were reminded that the adoption process takes place outside of the planning process and is subject to matters not necessarily relevant to planning considerations, i.e. compliance with detailed highway or engineering adoption standards. The LHA in confirming it has no objection to the application on Highway grounds, gives advice to be included in an informative note to the applicant when seeking adoption. Given that the issue of adoption takes place outside of, and usually by necessity can only take place after, planning permission is granted for developments, a guarantee of adoption cannot be given on any development. It is not therefore considered a reasonable reason on which to determine or to delay a planning application.

Management of Public open space (and attenuation area).

- 7.30 The applicant's submission on the amendments states the following:

A Management plan has been produced for the site showing areas maintained by management company and that the dry basin will be adopted by Anglian Water. Management Company costs were queried, but it is now illustrated that it's only the grass cutting and tree pruning of the public open space that will require their maintenance. Therefore, management company costs per dwelling would still be circa £100/plot/annum as suggested. We have asked FDC's open space officer if they would adopt the POS, but he confirmed that all open spaces should be transferred to management companies. We would be happy for FDC to take adoption if this stance ever changed, or even Wimblington Parish Council should they desire.

- 7.31 The applicant has approached Fenland District Council, the Parish Council and Middle Level IDB asking if they would wish to adopt the relevant areas. Fenland District Council does not adopt Public Open Space. At the time of writing no interest in adoption has been confirmed. Therefore, there does not appear to be an alternative other than to manage/maintain the remaining open space areas via a Management Company. A planning condition is attached seeking details of landscaping maintenance (a programme/timetable) and management, which includes public open space to be submitted. All major developments are forced to utilise Management Companies when no alternatives exist. Given it appears that no body or Council is willing to adopt and take on the responsibility of maintenance and management of the public areas (other than Anglian Water), and a mechanism is in place to consider the details, it is considered it would be unreasonable to refuse an application on such an issue.

Other matters raised by representations or consultation responses received.

Infrastructure contributions and benefits to the community.

7.32 To inform the preparation of Fenland's emerging Local Plan, a Viability Assessment was undertaken which looked at the cost of building new homes and the costs associated with the policies in this Local Plan. This report concluded that viability in Fenland is marginal. It is understood that due to more recent viability studies on individual applications the council is moving back to Local Plan policy position. However, for applications that have been with the Council for over 6 months prior to reverting to the local plan position it is considered unreasonable to change position. The result has been that the Council considers this development can provide contributions to the total sum of £2,000 per plot and remain viable. Therefore, in this instance the total off site contribution totals £90,000.

The contribution requests were as follows:

NHS (East of England Ambulance Service) previously requested £15,360.

NHS £37,075.47 (7.09sqm at £5224 per sqm) sum be used to fund a project which increases clinical capacity at one of the GP Practices in the vicinity of the development.

Early Years amended to £57,289.

Primary school amended to £119,125.

Secondary school £94,918

Open space/Play equipment (from Local Plan/SPD off site calculations) £6,456

7.33 The contribution to the NHS and the education infrastructure, and any open space/play equipment request will now be proportionate to the £2,000 per plot and the subsequent 'pot' of money available. Following the concern from the March 6th Committee Meeting regarding provision for play equipment, the Parish Council have been asked to identify an open space/play equipment project in the village that a contribution could be made towards. The applicant informs the Council that the Parish Council has identified 'A Ninja Trail' at the War Memorial playing field on Doddington Road where a contribution could be appropriately directed and is now included. The proposal therefore is required to meet the following proportionate infrastructure requirements in a Section 106 agreement:

NHS Ambulance service	£4391
NHS GP services	£11305
Early Years Education	£13572
Primary School	£31708
Secondary School	£27137
Open Space/Play equipment	£1887
Total	£90,000

7.34 The amended application now requires only 9 affordable units (20% of 45 dwellings) providing 6 affordable rented and 3 shared ownership dwellings. This provision will help to meet the needs identified in the Village Housing Needs Assessment. The reduction of affordable housing in accordance with the reduction in total units overall perhaps reduces the benefit to the community from the previous scheme, due to the applicant seeking to address the Planning Committee concerns.

7.35 The section 106 will also include the requirement to provide/manage the area of public open space.

Ecology

7.36 The County Council Ecologist has considered the Biodiversity Net Gain (BNG) assessment which evidences a 3% gain which given the application was submitted prior to the need to achieve 10% gain, is considered acceptable. The requested conditions are attached and therefore the proposal is considered to accord with policies LP16 and LP19 of the adopted Local Plan.

Planning Guarantee

7.37 The top of this report refers to the Governments Planning Guarantee. It includes Time periods for determining planning applications once validated, and the fact resulting issue that the local planning authority aims to make a decision promptly. Statutory time limits exist for different types of applications, major developments decisions should be made within 13 weeks. Applicants can agree extensions of times with the local planning authority. However, if the applicant is unwilling to do so the failure to determine the application promptly can count against the council in terms of performance. Poor performing planning authorities are at risk of having planning function operated by a third party (usually the Planning Inspectorate). The table is in place to remind the committee of the importance of timely decision-making in accordance with the Planning guarantee.

8 CONCLUSIONS

8.1 This application was deferred at the 6th March committee for concerns of:

- Residential amenity, Overdevelopment and Loss of privacy)
- Flooding/drainage (after comments from Middle Level and impact on public sewers).
- Highways adoption, Parking and Public footpath (historic route crossing the site)
- Management of Public open space/Suds
- Provision of play equipment

8.2 The applicant has chosen to amend the scheme and reduce the number of houses to 45 in order to address the committee's concerns. He has altered the drainage strategy in discussions with the IDB and have increased the parking provision including visitor parking. He has confirmed that the historic footpath route remains unobstructed despite the County Council previously having undertaken to stop the route. The Management of the Suds and Public open space has been clarified and his intention to adopt the roads reaffirmed. There are no outstanding matters of loss of privacy having directly addressed the matter previously presented.

8.3 Officers have addressed the matter of overdevelopment and the impact on the character of the area in some detail. A proposed density of 26.6 which abuts Hassock Way (approx. 30 dph) demonstrates it would be extremely difficult to evidence the proposal is out of character with the immediate area. The rears of houses that face each other separated by a ditch (Lily Road) have the same separation and character. The edge of the open countryside has the rears of gardens to a uniform line of houses almost identical to the illustrative details accompanying the approved development and similar to neighbouring sites. The existing relationship of the rears of houses and the application site on the southern edge is currently a somewhat derelict bungalow and outbuildings where development would usually be welcomed. When the application is examined in detail this proposal would be very difficult to demonstrate that it would result in a jarring obtrusive impact to the character of the area.

- 8.4 Objections raised are largely in principle which, given that the principle was previously established when no objections were raised, is somewhat perplexing. Concerns regarding site specific matters have been individually addressed. This remains a development (predominantly infill in nature given its relationship to the wider built form) in a Growth Settlement in the Council's adopted settlement hierarchy on a site where previous permission has been granted. It is concluded the amended scheme is acceptable and complies with relevant planning policies, and the matters on which the application was deferred have been addressed.

9 RECOMMENDATION

- 1 That the Committee delegates authority to finalise the planning conditions and terms of the S.106 agreement to the Head of Planning, and
- 2 Following completion of the S106 obligation to secure the necessary affordable housing, open space and infrastructure contributions as detailed in this report, the application be granted.

Or

- 3 Refuse the application in the event that the S.106 unilateral agreement referred to above has not been completed within 4 months and that the applicant is unwilling to agree to an extended period of determination to accommodate this, or on the grounds that the applicant is unwilling to complete the obligation necessary to make the development acceptable.

Section 100ZA(5) of the Town and Country Planning Act 1990 provides that planning permission for the development of land may not be granted subject to a pre-commencement condition without the written agreement of the applicant to the terms of the condition (except in the circumstances set out in the Town and Country Planning (Pre-commencement Conditions) Regulations 2018). The applicant has been consulted on the proposed conditions and has confirmed their agreement to these in writing. It is therefore considered that the requirements of section 100ZA(5) have been met.

The initially proposed conditions are as follows;

1	<p>The development permitted shall be begun before the expiration of 3 years from the date of this permission.</p> <p>Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2	<p>No laying of services, creation of hard surfaces or erection of a building shall commence until a detailed design of the surface water drainage of the site has been submitted to and approved in writing by the Local Planning Authority. Those elements of the surface water drainage system not adopted by a statutory undertaker shall thereafter be maintained and managed in accordance with the approved management and maintenance plan.</p> <p>The scheme shall be based upon the principles within the agreed Preliminary Drainage Strategy, Jackson Consulting Engineers, Ref: DR-REP-0249, Rev: 01, Dated: 20th September 2022 and shall also include:</p>

	<p>a) Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events;</p> <p>b) Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change), inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;</p> <p>c) Detailed drawings of the entire proposed surface water drainage system, attenuation and flow control measures, including levels, gradients, dimensions and pipe reference numbers, designed to accord with the CIRIA C753 SuDS Manual (or any equivalent guidance that may supersede or replace it);</p> <p>d) Full detail on SuDS proposals (including location, type, size, depths, side slopes and cross sections);</p> <p>e) Site Investigation and test results to confirm infiltration rates;</p> <p>f) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;</p> <p>g) Demonstration that the surface water drainage of the site is in accordance with DEFRA non-statutory technical standards for sustainable drainage systems;</p> <p>h) Full details of the maintenance/adoption of the surface water drainage system;</p> <p>i) Permissions to connect to a receiving watercourse or sewer;</p> <p>j) Measures taken to prevent pollution of the receiving groundwater and/or surface water</p> <p>The development shall take place in accordance with the approved details.</p> <p>Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no increased flood risk on or off site resulting from the proposed development and to ensure that the principles of sustainable drainage can be incorporated into the development, noting that initial preparatory and/or construction works may compromise the ability to mitigate harmful impacts.</p>
3	<p>No development, including preparatory works, shall commence until details of measures indicating how additional surface water run-off from the site will be avoided during the construction works have been submitted to and approved in writing by the Local Planning Authority. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved measures and systems shall be brought into operation before any works to create buildings or hard surfaces commence.</p> <p>Reason: To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development itself; recognising that initial works to prepare the site could bring about unacceptable impacts.</p>
4	<p>Prior to the commencement of development, a Construction Environmental Management Plan (CMP), shall be submitted to and approved in writing by the Local Planning Authority. The CMP shall include the consideration of the following aspects of construction:</p>

	<p>a) Site wide construction programme.</p> <p>b) Contractors' access arrangements for vehicles, plant and personnel including the location of construction traffic routes to, from and within the site, details of their signing, monitoring and enforcement measures, along with location of parking for contractors and construction workers,</p> <p>c) Construction hours and delivery times for construction purposes</p> <p>d) Maximum noise mitigation levels for construction equipment, plant and vehicles</p> <p>e) Dust suppression management including</p> <ol style="list-style-type: none"> 1, identification of person responsible for air quality and dust issues, 2, the recording of dust and air quality complaints 3, to undertake appropriate measures to reduce emissions in a timely manner 4, An agreement for dust deposition, dust flux, or real-time particulate matter monitoring locations with the Local Authority including baseline monitoring before work commences, 5, machinery and dust causing activities to be located away from receptors 6, The provision of wheel-washing measures to prevent the deposition of debris on the highway and the general environment which shall be operated and retained for the duration of the development, and the use of road sweepers to clean highways that suffer from mud generated by the development. <p>f) Site lighting</p> <p>g) Location of Contractors compound and method of moving materials, plant and equipment around the site.</p> <p>h) Details and locations of hoardings</p> <p>The Construction Environmental Management Plan shall be implemented in accordance with the agreed details unless minor variations are otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: In the interests of safe operation of the highway and protection of residential amenity in accordance with policy LP15 and LP16 and LP19 of the Fenland Local Plan, 2014.</p>
5	<p>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 Local Planning Authority (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.</p> <p>Reason: In the interest of the protection of the ameity of future occupiers of the development in accordance with Policy LP16 of the Fenland Local Plan 2014</p>
6	<p>No demolition/development shall commence until the applicant, or their agents or successors in title, has implemented a programme of archaeological work, commencing with the evaluation of the application area, that has been secured in accordance with a Written Scheme of Investigation (WSI) that has been submitted to and approved by the Local Planning Authority in writing. For land that is included within the WSI, no demolition/development shall take place other than under the provisions of the agreed WSI, which shall include:</p>

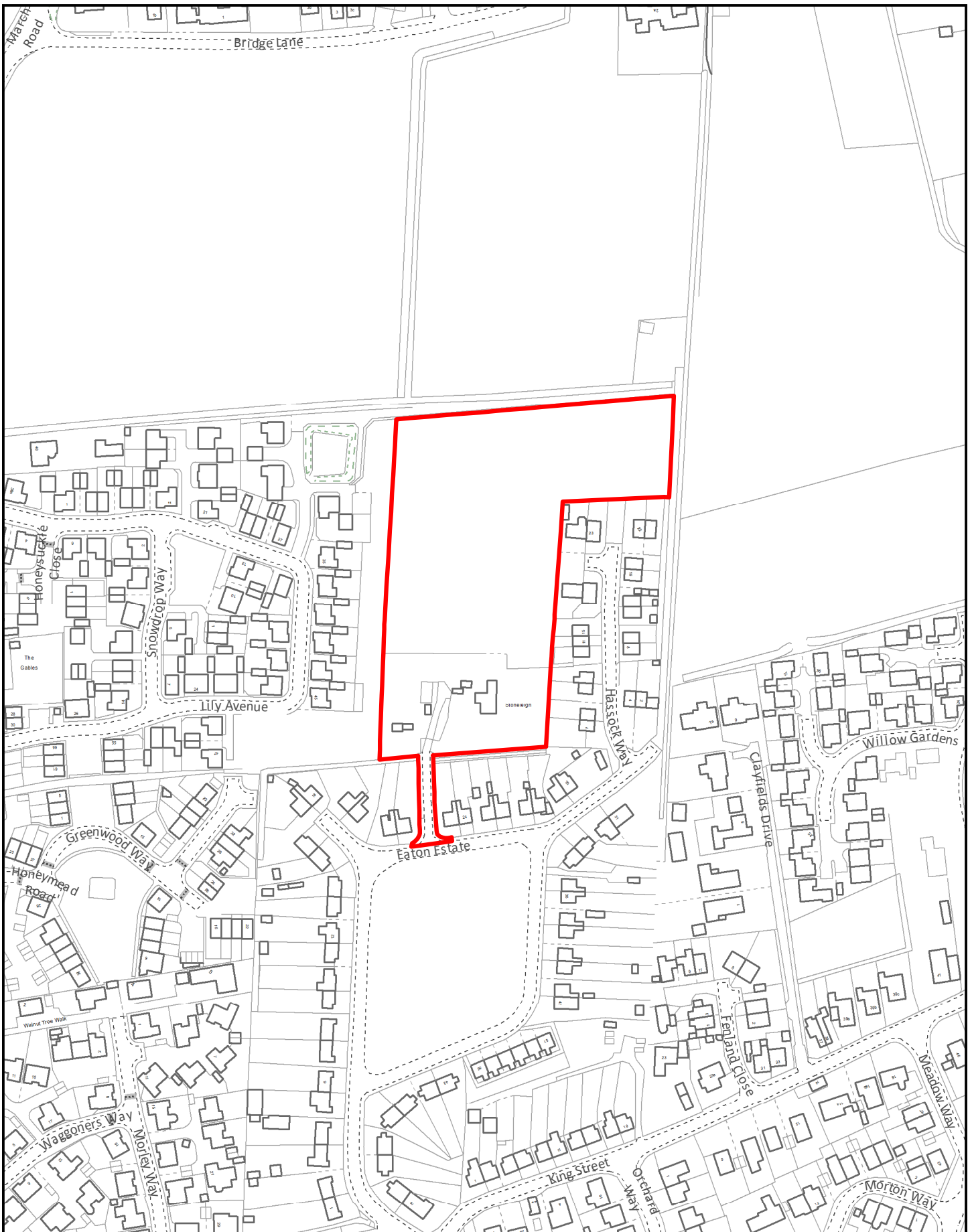
	<p>a) the statement of significance and research objectives;</p> <p>b) The programme and methodology of investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;</p> <p>c) The timetable for the field investigation as part of the development programme;</p> <p>d) The programme and timetable for the analysis, publication & dissemination, and deposition of resulting material and digital archives.</p> <p>Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any demolitions or groundworks associated with the development scheme and to ensure the proper and timely preservation and/or investigation, recording, reporting, archiving and presentation of archaeological assets affected by this development, in accordance with national policies contained in the National Planning Policy Framework (MHCLG 2019).</p>
7	<p>Prior to the commencement of the development hereby approved full details of the materials to be used for the external walls and roof shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved particulars and retained in perpetuity thereafter.</p> <p>Reason - To safeguard the visual amenities of the area in accordance with Policy LP16 of the Fenland Local Plan, 2014.</p>
8	<p>Prior to the occupation of the first dwelling/use hereby approved, full details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an Agreement has been entered into unto Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established.</p> <p>Reason: In the interest of satisfactory development and highway safety in accordance with Policy LP15 of the Fenland Local Plan(2014).</p>
9	<p>Prior to commencement of development full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:-</p> <p>a) hard surfacing, other hard landscape features and materials</p> <p>b) existing trees, hedges or other soft features to be retained</p> <p>c) planting plans, including specifications of species, sizes, planting centres number and percentage mix</p> <p>Reason - The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policy LP16 of the Fenland Local Plan, 2014.</p>

10	<p>All hard and soft landscape works including any management and maintenance plan details, shall be carried out in accordance with the approved details. All planting seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason - To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policy LP16 of the Fenland Local Plan, 2014.</p>
11	<p>Prior to the occupation of the development, a landscape management and maintenance plan, including details of measures to protect and enhance existing flora, fauna and habitats within the development site shall be submitted to and approved by the Local Planning Authority in writing. The landscape management and maintenance plan shall be carried out as approved in accordance with the specified schedule contained therein.</p> <p>Reason - To protect the visual amenity value of the landscaping, and the biodiversity value of the habitat within the site in accordance with Policy LP16 of the Fenland Local Plan, 2014.</p>
12	<p>Prior to the commencement of any works or storage of materials on the site all trees that are to be retained shall be protected in accordance with British Standard 5837:2012. Moreover, measures for protection in accordance with that standard shall be implemented and shall be maintained to the Local Planning Authority's reasonable satisfaction until the completion of the development for Building Regulations purposes.</p> <p>Reason - To ensure that retained trees are adequately protected.</p>
13	<p>Prior to commencement of development a refuse collection strategy shall be submitted to and approved in writing by the Local Planning Authority. The refuse collection shall accord with the agreed details and thereafter be retained in perpetuity unless otherwise agreed in writing.</p> <p>Reason - To ensure a satisfactory form of refuse collection.</p>
14	<p>Prior to the commencement of the development a scheme and timetable for the provision of fire hydrants shall be submitted to, and agreed in writing by, the Local Planning Authority in consultation with the Chief Fire Officer and provision of the fire hydrants shall be made in accordance with the scheme and timetable.</p> <p>Reason - To ensure a satisfactory form of development.</p>

15	<p>Prior to the first occupation of any dwelling the roads and footways required to access that dwelling shall be constructed to at least binder course surfacing level from the dwelling to the adjoining County Road in accordance with the details approved on EEW-SH-PD-SL-1001 M.</p> <p>Reason. In the Interest of highway safety and in accordance with Policy LP15 of the Fenland Local Plan (2014)</p>
16	<p>Before commencement of construction above slab level, details of measures for the safety and security of future residents of the development hereby permitted (to address Designing out Crime comments attached on the Councils website attached to this application) shall be submitted to and approved by the Local Planning Authority. The development shall be implemented in accordance with the approved plans.</p> <p>Reason: In the interest of designing out crime in accordance with policy LP 16(j).</p>
17	<p>No development shall take until a Construction Ecological Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall incorporate recommendations of the Preliminary Ecological Appraisal and Preliminary Roost Assessment report, as well as consideration of impacts to reptiles, and must include the following:</p> <ul style="list-style-type: none"> a) Risk assessment of potentially damaging construction activities. b) Identification of “biodiversity protection zones”. c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) d) The location and timings of sensitive works to avoid harm to biodiversity features. e) The times during which 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 if applicable. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority. <p>Reason: To protect biodiversity in accordance with Fenland Local Plan policies LF16 & LF19 (2014).</p>
18	<p>If the development hereby approved does not commence within 12 months from the date of the planning consent, the approved ecological measures secured through other conditions shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to</p> <ul style="list-style-type: none"> i) establish if there have been any changes in the presence and/or abundance of key species (e.g. breeding birds, bats and reptiles), and ii) identify any likely new ecological impacts that might arise from any changes. <p>Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved</p>

	<p>scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.</p> <p>Reason: To protect biodiversity in accordance with Fenland Local Plan policies LF16 & LF19 (2014).</p>
19	<p>Notwithstanding the submitted details, and prior to occupation, a "lighting design strategy for biodiversity" in accordance with ILP Publications' "Guidance Note 8/23 Bats and artificial lighting" shall be submitted to and approved in writing by the Local Planning Authority for all existing and proposed lighting within the development hereby permitted. The strategy shall: a. identify those areas /features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and b. show how and where external lighting will be installed (through the provisions 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.</p> <p>Reason: To protect biodiversity in accordance with Fenland Local Plan policies LF16 & LF19 (2014).</p>
20	<p>Prior to the commencement of development, a scheme for the landscaping and biodiversity enhancements and habitat improvements at the site shall be submitted to and approved in writing by the Local Planning Authority. The landscaping and biodiversity enhancement details to be submitted shall include:</p> <ul style="list-style-type: none"> a) planting plans to all areas, retained hedge and trees, species, numbers, size and density of planting; the planting shall be sufficient to result in overall no net loss of biodiversity, b) placement, type, number and details of any recommended biodiversity enhancements and habitat improvements, c) means of enclosure noting that all new garden fencing should be designed to allow hedgehogs to be able to pass through the fencing d) details of bird and bat boxes (including elevation drawings) e) details of siting and timing of all construction activities to avoid harm to all nature conservation features f) details of other features identified in the Preliminary Ecological Appraisal & Preliminary Roost Appraisal report g) demonstration how the scheme will deliver, and monitor, on-site biodiversity net gain (metric) g) a timetable for landscaping and biodiversity enhancement implementation. h) management and maintenance details The approved landscape and biodiversity enhancement scheme shall be carried out in accordance with

	<p>the approved timetable. The approved landscape and biodiversity enhancement scheme shall be maintained thereafter in perpetuity.</p> <p>Reason: To protect biodiversity in accordance with Fenland Local Plan policies LF16 & LF19 (2014).</p>
21	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (or any other Order revoking or re-enacting that Order with or without modification), no additional windows other than those shown on the plans hereby approved shall be placed in the southern elevation of Plot 29 (housetype C202) in the development hereby approved.</p> <p>Reason To protect the amenities of the adjoining properties.- in accordance with Policy LP16 of the fenland local plan.</p>
22	<p>The development hereby permitted shall be carried out in accordance with the following approved plans and documents:</p>



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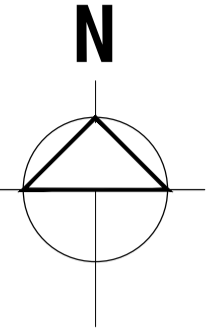
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EATON ESTATE, WIMBLINGTON

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IF IN DOUBT ASK!



LEGEND	
Application Site Boundary	
Proposed Housing	
Existing Surrounding Buildings	
Private Rear Garden Area	
Private Front Garden Area	
Public Open / Green Space	
Private Drive	
Car Parking Spaces	
Block paving on adoptable road	
Adoptable road/ Footpaths	
Private Footpaths	
Proposed Tree Planting	
Proposed Hedge	
Proposed Shrubs	
Bin Collection points (450x450 grey paving slabs to be used)	
Existing Trees / Hedges	

House Type Schedule			
Type	Beds	No	Plots
Type B200 (81m ²)	2	4	30, 40, 41, 42
Type C200 (79.4m ²)	2	7	7, 8, 9, 31, 32, 33, 44
Type C201 (79.4m ²)	2	1	43
Type C202 (70m ²)	2	14	1, 2, 14, 15, 19, 20, 25, 26, 28, 29, 38, 39,
Type C300 (95.5m ²)	3	15	3, 4, 5, 6, 10, 11, 12, 13, 16, 17, 21, 22, 23, 34, 37
Type C301 (97.8m ²)	3	3	24, 35, 36
Type C400 (128m ²)	4	2	18, 27, 45
		Total = 45	

PARKING PROVISION (Policy Compliant)
230 Spaces for 2 & 3 bedrooms and 230 spaces for 4 bedroom properties
(Some dwellings have additional spaces due to plot approach)
In addition 5 extra dedicated visitor spaces are now proposed (V)

AFFORDABLE HOUSING PROVISION
 S104 AFFORDABLE RENT PLOT (6 No)
 S104 SHARED OWNERSHIP PLOT (0 No)



Rev	Notes	Date	By
M	Parking spaces updated to plots 25, 28 & 29 (highway request). Legend updated.	07.05.24	MD
L	Plot 27 changed to a detached house type. Total number of plots is now 45. Notes added to Western boundary for IDB drain. Legend updated.	18.04.24	MD/ WK
K	Layout updated following comments received from FDC Committee and discussions with Planning officer. Bungalows incorporated to plots 31, 41, 42, 43. Parking provisions increased and including new visitor spaces. Hard and soft landscaping updated to suit. House numbers reduced by 2 plots - scheme now 45 dwellings. Additional survey added of existing IDB drain to west. Affordable housing & Legend updated.	10.04.24	MD
J	Affordable housing provision identified.	17.01.24	MD
H	House type change to plot 1. Existing right of way indicated on plan. Plot 48 moved back to enable additional tree planting to front. Hard and Soft landscaping updated to suit changes, along with house type legend.	20.11.23	MD
G	Tabletop repositioned south of plots 23/24, driveway to plot 25 adjusted, tabletop at 13'14" adjusted.	13.10.23	LR
F	Minor amendment to layout following highways comments. Hard and soft landscaping updated to suit.	30.08.2023	MD
E	Site density has been reduced, house type adjustments, open space area has been increased as well as the plot amenity areas also increased.	22.08.23	AC
D	Layout amended following comments received from CCC Highways. Slight adjustment made to estate road into the site. Visibility splays added, parking spaces/drives updated, small turning areas added to private roadways, private drives to be 5.0m min width, adoptable footpath incorporated to south part of road between plots 36 & 42, adopted highway reduced in length adj plot 25, attenuation basin re-aligned to match drainage strategy, table top change in materials incorporated to adoptable highway to reduce traffic speed, house type substitution to plots 23 & 24. Existing buildings omitted from this plan and now indicated on separate plan (to avoid confusion). Hard and soft landscaping updated to suit changes. Legend updated.	26.06.23	MD
C	Demolished buildings indicated, Legend updated.	28.09.22	MD
B	Existing Hedge retained on North East Boundary	16.09.22	MD
A	Layout Completed	13.09.22	MD



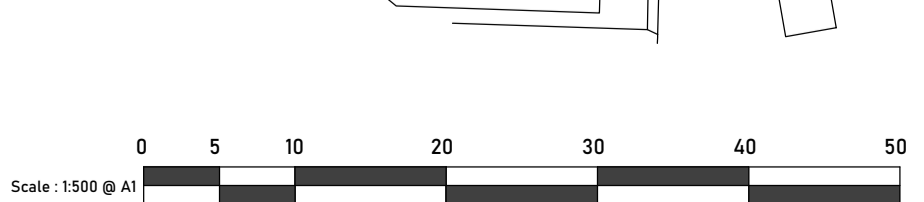
Project: **PROPOSED RESIDENTIAL DEVELOPMENT
EATON ESTATE, WIMBLINGTON, MARCH, CAMBS**

Drawing: **SITE LAYOUT**

Drawn: **MD** Date: **06.09.2022**

Status: **PLANNING** Scale: **1:500 @A1**

Drawing Number: **EEW-SH-PD-SL-1001 M**



F/YR23/0206/F

**Applicant: Mr L Russell
Seagate Homes**

Land North Of Stoneleigh 22A, Eaton Estate, Wimblington, Cambridgeshire

Erect 48 dwellings involving demolition of existing dwelling and outbuildings.

Officer recommendation: Grant subject to conditions and completion of S106 agreement

Reason for Committee: Parish Council comments and number of representations contrary to Officer recommendation.

1 EXECUTIVE SUMMARY

- 1.1 Application in Wimblington, a 'Growth Village' where development and new service provision can be appropriate. Previously an outline permission for 30 dwellings was permitted June 2020.
- 1.2 The proposal abuts existing housing on 3 sides. It is considered similar in character and in separation distances to existing neighbouring housing.
- 1.3 Objections received from residents and the Parish Council.
- 1.4 The proposal provides 20% affordable and infrastructure contributions in accordance with Fenland's current position.
- 1.5 The proposal is considered to accord with relevant planning policies and is recommended for approval subject to conditions and signing of a Section 106 Agreement.

2 SITE DESCRIPTION

- 2.1 The application site is situated within the settlement of Wimblington and comprises approximately 1.46ha of agricultural/paddock land directly adjacent to the north side of the Eaton Estate. Public Footpath 5(Wimblington) runs to the east of the site. However, a former route crosses the southern section of the site. As this route was built over by the development of Hassock Way and Eaton Estate, the current actual line of the footpath lies outside the site and the proposal will not impact on the route of the existing footpath which links to existing footways, in particular the footway running across the northern boundary of the site connecting to Lily Way.
- 2.2 The application site comprises an L-shaped parcel of land situated to the north of Eaton Estate. Access to the main body of the site is via an existing access, between Nos. 22 and 23 Eaton Estate. This access presently serves a bungalow property (Stoneleigh), and the site comprises land historically associated with that property. The dwelling is incorporated into the application site (the outline planning

permission excluded it) and is proposed for demolition as part of the development. Set to the east of the site, and enclosed by the two arms of the site is Hassock Way, a relatively recent development of semi-detached and terraced dwellings and bungalows served from Eaton Estate. To the west the site is Lily Avenue, a recently developed estate of approximately 70 dwellings served from March Road to the west.

2.3 The site is situated within Flood Risk Zone 1.

3 PROPOSAL

3.1 This application seeks full planning permission for the erection of 48 dwellings involving demolition of the existing dwelling and outbuildings.

3.2 This application was revised and reduced in scale from 54 units. The changes to the scheme also include amendments to the access, road and building layout and provision of more garden and open space.

3.3 The access arrangement provides a 5m wide vehicular access with a 1.8m wide footpath along its western side leading into the site and linking with the existing highway, Eaton Estate. Tactile paving provides pedestrian crossing points across the access.

3.4 The application proposals an estate-road northward from Eaton Estate, running centrally through the south-north running arm of the site, and then turning eastwards to run through the centre of the west-east running arm. Dwellings are set alongside the estate road. At the northeastern section between plots 25 and 26/27, a footpath link will connect to Footpath No 5 which continues to the north to Bridge Lane. At the junction of the two arms of the site, an open space area is proposed, incorporating a SUDS drainage area. To the south of the open space area a spur runs eastwards, with dwellings set on the south side of the spur, overlooking the open space area. Further to the south, a second spur is proposed serving further properties, on that portion of the site that did not form part of the original consent, and which is presently occupied by Stoneleigh.

3.5 The development would provide affordable housing that accords with the Council's current position constituting 20% of the new homes. This comprises 7 affordable rented homes and 3 affordable ownership properties which are to be located in the north-eastern section of the site.

4 SITE PLANNING HISTORY

4.1 F/YR19/0945/O – Erect up to 30 dwellings (outline application with matters committed in respect of access) –Granted 15/6/2020.

5 CONSULTATIONS

5.1 Anglian Water

Several responses have been provided during the course of the application essentially repeating the same comments. The most recent response is included below:

19/09/2023

Section 1 - Assets Affected

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore, the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

WASTEWATER SERVICES Section 2 - Wastewater Treatment

The foul drainage from this development is in the catchment of Doddington Water Recycling Centre that will have available capacity for these flows.

Section 3 - Used Water Network

This response has been based on the following submitted documents: Preliminary Drainage Strategy DR-REP-0249 date 20/09/2022, Drainage plan reference 0249-JCE-00-SI-SK-C-9030, and 0249-JCE-00-SI-SK-C-9010 and 0249-JCE-00-SI-SK-C-9000 Based upon the above reference documents, the proposed connection is acceptable. We do not require a condition in planning for foul water. If the developer wishes to connect to our sewerage network, they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection. INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. INFORMATIVE - Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water. INFORMATIVE - Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087. INFORMATIVE: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with sewer sector guidance, design, and construction guidance for developers, as supplemented by Anglian Water's requirements.

Section 4 - Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building

Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. The applicant has indicated on their application form that their method of surface water drainage is via SuDS. If the developer wishes Anglian Water to be the adopting body for all or part of the proposed SuDS scheme the Design and Construction Guidance must be followed. We would recommend the applicant contact us at the earliest opportunity to discuss their SuDS design via a Pre-Design Strategic Assessment (PDSA). The Lead Local Flood Authority (LLFA) are a statutory consultee for all major development and should be consulted as early as possible to ensure the proposed drainage system meets with minimum operational standards and is beneficial for all concerned organisations and individuals. We promote the use of SuDS as a sustainable and natural way of controlling surface water run-off. We please find below our SuDS website link for further information.
<https://www.anglianwater.co.uk/developers/drainage-services/sustainable-drainage-systems>

5.2 Definitive Map Team

05/04/2023

The legal line of Public Footpath 5, Wimblington runs through the Stoneleigh site, which also has a Definitive Map Modification order against it (M072). To view the location of the public footpath, and Definitive Map Modification Order, please view our interactive map online which can be found at
<http://my.cambridgeshire.gov.uk/myCambridgeshire.aspx>.

Until such a time that the Definitive Map Modification Order to delete the affected part of the public right of way has been completed, the legal route of Wimblington Footpath 5 would be permanently obstructed by the new development. The definitive Map Team therefore objects to the planning application.

24/08/2023

We have no further comments beyond our previous response.

The applicant amended the proposal to exclude a footpath link in the north-east corner. The Definitive Map Team have been reconsulted having the following comments:

12/01/2024

I wish to Withdraw our objection for the proposed site.

Whilst the Definitive Map Team has no objection to this proposal, the footpath must remain open and unobstructed at all times. Please note, that Wimblington, Public Footpath 5 has no legally defined width. As the dimensions are not known, we cannot guarantee that the applicant would not be encroaching upon the highway. The applicant therefore would proceed with any development that might affect the highway at their own risk.

Informatives

Should you be minded to grant planning permission we would be grateful that the following informatives are included:

Public Footpath 5, Wimblintgon must remain open and unobstructed at all times. Building materials must not be stored on Public Rights of Way and contractors' vehicles must not be parked on it (it is an offence under s 137 of the Highways Act 1980 to obstruct a public Highway).

The Public Footpath must not be used to access the development site unless the applicant is sure they have lawful authority to do so (it is an offence under S34 of the Road Traffic Act 1988 to drive on a Public Footpath without lawful authority) No alteration to the Footpath's surface is permitted without our consent (it is an offence to damage the surface of a public footpath under s 1 of the Criminal Damage Act 1971).

Landowners are reminded that it is their responsibility to maintain boundaries, including trees, hedges, and fences adjacent to Public Rights of way, and that any transfer of land should account for any such boundaries (s154 Highways Act 1980).

The granting of planning permission does not entitle a developer to obstruct a Public Right of Way (Circular 1/09 para 7.1).

Furthermore, the applicant may be required to temporarily close public rights of way whilst construction work is ongoing. Temporary Traffic Regulation Orders (TTROs) are processed by the County Council's Street Works Team and further information regarding this can be found on the County Council's website at <https://www.cambridgeshire.gov.uk/residents/travel-roads-and-parking/roads-and-pathways/highway-licences-and-permits/>

5.3 Designing Out Crime Team

05/04/2023

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 have searched the Constabulary crime and incident systems covering location and ward for the last 2 years. I would consider the proposed location to be an area of low risk to the vulnerability to crime.

The proposed layout appears to be acceptable in relation to crime prevention and the fear of crime providing reasonable levels of natural surveillance from neighbouring properties with many of the homes facing each other along with defensible space to the front. Pedestrian and vehicle routes are aligned together, is well overlooked and pedestrian safety has been considered. This should encourage some level of territoriality amongst residents.

I have read the documents and have the following comments for your consideration.

** External lighting – Our recommendation for external lighting is that all adopted and un-adopted roads, private roads, shared drives, footpaths, and parking areas/courts, should be lit with columns to BS5489:1 2020. Care should be taken in relation to the location of lighting columns with the entry method for most dwelling burglary being via rear gardens, especially where there is little surveillance from neighbouring properties as they can be used as a climbing aid if positioned too close to the fence/wall. Home security lights to the front and rear of the properties should be dusk to dawn LED bulkhead lights, including car ports & FOG. Please note: Bollard lighting should be used as wayfinding only and not as a*

main source of lighting. I would like to see the lighting plan, including lux levels and calculations when available please.

** Boundary Treatment – Rear Garden access footpaths – Shared gate for plots, 17/18/19 - (shared gate 17 to serve 18 & 19), 38/39 - (shared gate between 40 & 41 to serve 38 & 39) 46/47 - (shared gate between 44 & 45 to serve 46 & 47). A private gate should be positioned between 10 & 11 & 51 & 54 – as close to the front building line as possible. All private gates should have a self-closer and be lockable from both sides and shared gates should have a self-closer.*

** Cycle storage - Will there be any cycle storage provisions in place, such as a shed in the rear garden? Our recommendation for cycle storage sheds within accessible locations in rear gardens are provided with a ground anchor fixed to a concrete sub-base to allow the resident to secure their bike/s. We also recommend a solid secure, gold rated hasp and lock for the door.*

** Parking – There are many parking bays that have good natural surveillance from active windows. However, there are plots that do not allow some residents to see their own vehicles – for example, plots that are allocated bays within parking courts (plots 16 – 19). See above advice regarding external lighting for parking courts.*

** Landscaping - Consideration should be given to the planting of trees too close to fencing as they can also act as a climbing aid to gain entry to rear gardens. It is also important to ensure that there is a management plan in place to maintain and ensure tree crowns are raised above 2m in height and ground planting and hedging is kept to a minimum of 1 – 1.2m in height, this will allow for ongoing natural surveillance across the development, open spaces, and footpaths and to reduce possible conflict with lighting.*

** Link to existing footpath (east of the site) - I believe this link is to allow movement to the other proposed developments in the area. However, by opening the link, it doesn't allow access to all the community facilities, such as bus stops, shops and schools which are at the southern end of the village. This is only a small village and there are other current routes available, I'm concerned that this link will only increase the opportunity for crime leaving the properties / residents vulnerable.*

If I can be of further assistance, please do not hesitate to contact me.

21/09/2023

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 the amendments to the design and layout. All previous comments provided still stand and I have nothing further to add at this stage. If I can be of further assistance, please do not hesitate to contact me.

5.4 Environmental Health Team (FDC)

28/03/2023

The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposed development.

In the event that planning permission is granted, it is recommended that the following matters are addressed by way of condition.

NOISE/DUST/VIBRATION IMPACT

In the interests of protecting the amenity of existing nearby residents during the construction phase, this service welcomes the submission of a Construction Environmental Management Plan (CEMP). This should be in accordance with the template now available on the Fenland District Council website via the following link: <https://www.fenland.gov.uk/planningforms>

UNSUSPECTED CONTAMINATION

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 Local Planning Authority (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.

23/08/2023

The Environmental Health Team note and accept the information submitted in respect of the above re-consultation and have 'No Objections' to the latest content. Previous comments from this service on 28.03.23 therefore still apply.

19/09/2023

The Environmental Health Team note and accept the latest revisions to the above application and have 'No Objections' to the proposals. Previous comments from this service on 28.03.23 are therefore still relevant.

5.5 Environmental Services Operations Management (FDC)

19/09/2023

- With the change in the site layout an updated version of the access arrangements (drawing SHL-1671-01-GA-001 P1) to demonstrate access in the northwest corner of the site (plots 26 - 31) will be required.*
- Should the main estate roads not be adopted (appears some indication from highways) then 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.*
- Shared bin collection point for plots 40-45 suitable, 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.*

5.6 Fire Authority

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.

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 Vehicle Access. Dwellings Section 13 and/or Vol 2. Buildings other than dwellings Section 15 Vehicle Access.

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.

I trust you feel this is reasonable and apply our request to any consent given.

Should you require any further information or assistance I will be pleased to advise.

5.7 Highway Development Management (CCC)

20/04/2023

In order to make an informed decision in respect of the submitted application, further information is required. For ease of review my response has been divided into key headings.

Access

The access onto Eaton Estate is broadly consistent with that approved under F/YR19/0945/O with the key difference being the swapping of the footway from the eastern to western side of the carriageway. While this change reduces impacts on the neighbouring driveway, it results in the carriageway moving further east, which in turn impacts upon the inter-vehicular visibility splays.

The splay to the east is now offset from the carriageway edge where it previously was not and the splay to the west crosses over the opposing recreation grounds land, which is not part of the public highway. While it may be unlikely that the splay will be obstructed given the current use of the land, the applicant is unable to guarantee that the splay can be kept free from obstruction in perpetuity. The access needs to be amended so that the necessary inter-vehicular visibility splays are fully contained within the application boundary and / or the public highway.

The drawing SHL-1671-01-GA-001 has multiple different lines overlaid on top of each other which could lead to ambiguity. I would like to request the applicant provide greater distinction between the existing base mapping and proposals. I would also like to request the drawing be suitably dimensioned.

Due to the restricted width within the application boundary, it may not be possible to construct the access without impacting on neighbouring properties. For this reason, I recommend the access be design upon a topographical base map to ensure the proposals are in fact feasible.

Layout

It is strongly recommended that new residential roads be designed so that they are self-enforcing of a 20mph limit, and it is a CCC adoption requirement that a 20mph enforceable limit be put in place prior to any adoption taking place. To achieve a self-enforcing 20mph design speed, a traffic calming feature¹ is needed at least every 80m length. The layout is not in keeping with this requirement so should it be approved; it would fall short of CCC's adoption criteria and would therefore need to remain private. If the internal roads are to remain private, you will need to consult FDC's waste team regarding refuse collection arrangements from the private streets.

Footways must be provided on both sides of the carriageway throughout. A continuous footway is needed between plots 36 and 42, including around the perimeter of the turning heard.

Shared private drives and access to parking courts must be at least 5m wide to accommodate two cars passing.

Three parking spaces are provided for the house type C400. While this aligns with FDC parking standards, I recommend that three spaces not be placed in tandem as it will result in excessive manoeuvring of vehicles, the impracticalities of which are likely to discourage use of the off-street parking and instead increase the quantum of vehicles parked on-street where they are at greater risk of obstructing other road users.

Parking for Plots 26, 34, 45 & 46 are unacceptable as they require vehicles to manoeuvre linearly across a footway to gain access where they are at increased risk of colliding with pedestrians. As with the site access, a dimensioned plan would help expediate further reviews.

Visibility

The applicant has not demonstrated that the internal layout can achieve appropriate levels of visibility. Additional information is required to demonstrate the following:

- 2.4m x 25m inter-vehicular visibility splays at all internal priority junctions, including shared private drives.*
- 2m x 2m pedestrian visibility splays, measured to the back of footway, for each drive which fronts onto a road proposed for adoption.*

Visibility splays must be free from obstruction from a height of at least 600mm above carriageway or footway surface level.

Vehicle Tracking

The applicant has only provided vehicle tracking for the site access. Tracking for a refuse vehicle and fire tender is needed to demonstrate the internal roads and turning areas are suitably sized. In absence of this information, I cannot provide certainty the site is safely laid out.

Vehicle tracking is also needed to demonstrate space for turning for a modestly sized delivery vehicle (e.g., panel or box van) for the shared private drive serving Plots 37- 41. Absence of suitable turning may result in excessive reversing distances.

Drainage

The attenuation basin must be lined to prevent infiltration into the sub-soils due to the proximity of the basin to the internal roads.

The LHA does not accept permeable paving as a suitable means of surface water drainage in isolation. The maintenance requirements are onerous and practical experience has demonstrated that there is a tendency for such surfacing to quickly fail. Where permeable paving is proposed for private drives, they must be graded to fall away from the roads proposed for adoption. If this cannot be achieved, a secondary means of surface water interception is needed e.g., a channel drain.

Conclusion

If the applicant is unwilling or unable to amend the application or provide additional information as outlined above, please advise me so I may consider making further recommendations, possibly of refusal.

29/08/2023

The revised submission has suitably addressed my previous comments, so I do not object to this application.

However, I would advise that the raised table between Plots 43 and 52 be extended fully to the end of the road where it transitions to a shared private parking court. Extending the raised table will aid driver comfort, but the current proposal is not unsafe.

I would like to reiterate the following advisory comments to the applicant as they may impact upon adoption and construction:

- Due to the restricted width within the application boundary, it may not be possible to easily construct the access without impacting on neighbouring properties. The applicant will need to take extreme care to avoid impacting upon no. 23 Eaton Estate which sits outside of the application boundary.*
- The LHA does not accept permeable paving as a suitable means of surface water drainage in isolation. The maintenance requirements are onerous and practical experience has demonstrated that there is a tendency for such surfacing to quickly fail. Where permeable paving is proposed for private drives, they must be graded to fall away from the roads proposed for adoption. If this cannot be achieved, a secondary means of surface water interception is needed e.g., a channel drain. Failure to comply will prohibit the LHA's ability to adopt internal roads.*

Please append the following conditions and informatives to any permission granted:

Conditions

Binder Course: Prior to the first occupation of any dwelling the road(s), footway(s) and cycleway(s) required to access that dwelling shall be constructed to at least binder course surfacing level from the dwelling to the adjoining County Road in accordance with the details approved on EEW-SH-PD-SL-1001 D.

Management of Estate Roads: Prior to the occupation of the first dwelling/use hereby approved, full details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be

submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an Agreement has been entered into onto Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established.

Wheel Wash Facilities: Development shall not commence until fully operational wheel cleaning equipment has been installed within the site. All vehicles leaving the site shall pass through the wheel cleaning equipment which shall be sited to ensure that vehicles are able to leave the site and enter the public highway in a clean condition and free of debris which could fall onto the public highway. The wheel cleaning equipment shall be retained on site in full working order for the duration of the development.

Non-standard condition: Prior to occupation of a dwelling, the pedestrian visibility splay pertaining to its access, as shown on the drawing SHL-1871-01-GA-001 P1, shall be maintained free from obstruction from a height of 600mm above the adjoining footway surface.

30/09/2023

The changes made to the site layout in the latest submission are all acceptable in principle bar two exceptions.

- The raised table located in front of Plots 24 and 25 needs to be placed further west away from the turning head so that vehicles hit the ramp in a perpendicular direction rather than when they are still turning.*
- The driveway for Plot 25 needs to be amended so that it is not accessed across the corner radius of the turning head (a location where pedestrians are expected to cross the road).*

The previously submitted drawing SHL-1671-01-GA-001 P1 will need to be updated to reflect the latest arrangement to evidence that acceptable visibility and vehicle turning is achievable.

Officer Note.

The further layout accords with the above request and the LHA confirms the proposal to be acceptable.

5.8 Historic Environment Team (Archaeology)

Comments received on 22/09/2023, 20/03/2023 and 18/08/2023 stating the following:

Thank you for the re-consultation with regards to the archaeological implications of the above reference planning application. We have reviewed the amended plans, but the changes to the scheme do not alter our previously issued advice, due to the archaeological potential of the site although we do not object to development proceeding at the location, we consider that the site should be subject to a programme of archaeological investigation secured through the inclusion of a negative condition, such as the example condition approved by DCLG.

Archaeology Condition

No demolition/development shall commence until the applicant, or their agents or successors in title, has implemented a programme of archaeological work,

commencing with the evaluation of the application area, that has been secured in accordance with a Written Scheme of Investigation (WSI) that has been submitted to and approved by the Local Planning Authority in writing. For land that is included within the WSI, no demolition/development shall take place other than under the provisions of the agreed WSI, which shall include:

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

REASON: To safeguard archaeological assets within the approved development boundary from impacts relating to any demolitions or groundworks associated with the development scheme and to ensure the proper and timely preservation and/or investigation, recording, reporting, archiving and presentation of archaeological assets affected by this development, in accordance with national policies contained in the National Planning Policy Framework (MHCLG 2019).

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

A brief for the recommended programme of archaeological works is available from this office upon request. Please see our website for CHET service charges.

5.9 Housing Strategy (FDC)

12/09/2023

Please find my consultation comments below for F/YR23/0206/F for 48 dwellings at Land North of Stoneleigh 22A Eaton Estate Wimblington Cambridgeshire.

I note that the earlier Design and Access/ Planning Statement stated, “The proposed development comprises an affordable housing scheme, with all units falling within relevant definition of affordable housing” has been superseded with a revised statement that reads “The proposed development incorporates policy compliant affordable housing”. Therefore, please find below the requirement for affordable housing within the development.

Fenland Local Plan

Policy LP5 Requirements Policy LP5 of the Fenland Local Plan (adopted May 2014) seeks 25% affordable housing on developments where 10 or more homes will be provided.

On sites of	Level of affordable housing
Minor developments (5-9 dwellings)	Nil affordable housing
Major developments (10 or more dwellings)	25% affordable housing (rounded to the nearest whole dwelling)
Tenure Mix	70% affordable housing for rent (affordable rent tenure) and 30% other affordable routes to home ownership tenure (shared ownership housing)

The Fenland Viability Report (March 2020) To inform the preparation of Fenland's emerging Local Plan, a Viability Assessment was undertaken which looked at the cost of building new homes and the costs associated with the policies in this Local Plan.

This report concluded that viability in Fenland is marginal and varies between localities in the district. The assessment indicates that 20% affordable housing is likely to be the maximum level of provision that can be achieved through planning obligations. In response to the report, the Council has confirmed that finding of the viability assessment will be taken into account when determining planning applications from May 2020 onwards.

Consequently, while the Council aims to deliver policy compliant 25% affordable Housing provision on qualifying schemes where possible, it is acknowledged that a reduced percentage of affordable housing via planning obligations to a maximum of 20%, will be achievable in most instances.

Since this planning application proposes the provision of 48 number of dwellings, our policy seeks to secure a contribution of 25% affordable housing which equates to 12 affordable dwellings in this instance.

Based on the provision of 20% affordable housing 10 affordable dwellings would be required in this instance.

The current tenure split we would expect to see delivered for affordable housing in Fenland is 70% affordable rented tenure and 30% affordable ownership. This would equate to the delivery of 8 affordable rented homes and 4 affordable ownership based on the provision of 25% affordable housing or 7 affordable rented homes and 3 affordable ownership based on the provision of 20% affordable housing.

We ask that Strategic Housing is included in early discussions regarding the house types and sizes by tenure for the affordable provision at the next stage of this application.

5.10 Lead Local Flood Authority (CCC)

12/04/2023

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

1. Water Quality Issue

The applicant has stated that pollution mitigation for the adopted road will be provided by the attenuation basin. However, in the drainage plan the attenuation basin appears to be offline, meaning that low level flows will bypass the attenuation basin and flow straight into the water course via the flow

control. Only when this section of pipe backs up will the water flow into the attenuation basin. This can be rectified by changing the attenuation basin to an online system or providing other means of surface water treatment for runoff from the access road.

2. Climate Change Allowances

The applicant has not included climate change allowances for the 3.3% annual exceedance rainfall event. As the site lies in the Old Bedford and Middle Level Management Catchment the 1 in 30-year storm event calculations should include a 35% climate change allowance.

23/08/2023

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

1. Water Quality The applicant has stated that pollution mitigation for the adopted road will be provided by the attenuation basin. However, in the drainage plan the attenuation basin appears to be offline, meaning that low level flows will bypass the attenuation basin and flow straight into the water course via the flow control. Only when this section of pipe backs up will the water flow into the attenuation basin. This can be rectified by changing the attenuation basin to an online system or providing other means of surface water treatment for runoff from the access road.

2. Climate Change Allowances The applicant has not included climate change allowances for the 3.3% annual exceedance rainfall event. As the site lies in the Old Bedford and Middle Level Management Catchment the 1 in 30-year storm event calculations should include a 35% climate change allowance.

26/09/2023

We have reviewed the following documents:

- Preliminary Drainage Strategy, Jackson Consulting Engineers, Ref: DR-REP-0249, Rev: 01, Dated: 20th September 2022*
- Proposed Drainage Strategy, Jackson Consulting Engineers, Ref: 0249-JCE-00-SI-SK-C-9000, Rev: P01, Dated: 1st September 2023*
- Proposed Flood Exceedance Routes, Jackson Consulting Engineers, Ref: 0249-JCE-00-SI-SK-C-9020, Rev: P01, Dated: 1st September 2022*
- Proposed Map of Drainage Maintenance Details, Jackson Consulting Engineers, Ref: 0249-JCE-00-SI-SK-C-9030, Rev: P01, Dated: 1st September 2022*

Based on these, as Lead Local Flood Authority (LLFA) we have no objection in principle to the proposed development.

The above documents demonstrate that surface water from the proposed development can be managed through the use of permeable paving and attenuation basin discharging into the existing watercourse via flow control, restricting surface water discharge to greenfield equivalents. Maintenance and adoption of these drainage features have been outlined in a maintenance plan.

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 1

No laying of services, creation of hard surfaces or erection of a building shall commence until a detailed design of the surface water drainage of the site has been submitted to and approved in writing by the Local Planning Authority. Those elements of the surface water drainage system not adopted by a statutory undertaker shall thereafter be maintained and managed in accordance with the approved management and maintenance plan.

The scheme shall be based upon the principles within the agreed Preliminary Drainage Strategy, Jackson Consulting Engineers, Ref: DR-REP-0249, Rev: 01, Dated: 20th September 2022 and shall also include:

- a) Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events.*
- b) Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change), inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;*
- c) Detailed drawings of the entire proposed surface water drainage system, attenuation and flow control measures, including levels, gradients, dimensions and pipe reference numbers, designed to accord with the CIRIA C753 SuDS Manual (or any equivalent guidance that may supersede or replace it);*
- d) Full detail on SuDS proposals (including location, type, size, depths, side slopes and cross sections).*
- e) Site Investigation and test results to confirm infiltration rates.*
- f) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants.*
- g) Demonstration that the surface water drainage of the site is in accordance with DEFRA non-statutory technical standards for sustainable drainage systems.*
- h) Full details of the maintenance/adoption of the surface water drainage system;*
- i) Permissions to connect to a receiving watercourse or sewer.*
- j) Measures taken to prevent pollution of the receiving groundwater and/or surface water*

Reason

To ensure that the proposed development can be adequately drained and to ensure that there is no increased flood risk on or off site resulting from the proposed development and to ensure that the principles of sustainable drainage can be incorporated into the development, noting that initial preparatory and/or construction works may compromise the ability to mitigate harmful impacts.

Condition 2

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.

Informatives - IDB Consent

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

<https://middlelevel.gov.uk/>

Pollution Control

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

Riparian Ownership

A considerable number of houses border the existing water course to the west of the site. It appears that there has been a strip of land left for maintenance of the water course, however it may be necessary to confirm the size of this buffer strip to ensure there is sufficient access. The site layout should account for the existing drainage infrastructure, ensuring clear access for maintenance of the ditches by a management body. This should include a suitable easement for any maintenance equipment that may be required for future maintenance works on the ditch.

5.11 NHS (East of England Ambulance Service)

Further to a review of the application details the following comments are made in regard to the provision of ambulance services and are in addition to the request from Cambridgeshire and Peterborough ICS.

Existing Healthcare including Emergency Ambulance Service Provision Proximate to the Planning Application Site

As an essential social infrastructure provider EEAST has an important role to play in contributing to the achievement of sustainable new places (and along with its health and blue light partners) creating the conditions for healthy, safe, and cohesive communities.

EEAST are in a unique position that intersects health, transport and community safety and does not have capacity to accommodate the additional growth resulting from the proposed developments combined with other developments in the vicinity. This development is likely to increase demand upon existing constrained emergency ambulance services and blue light response times (Table 1).

Table 1 AmbSYS 2021-22 data shows EEAST response times outside the quality indicator response times*:

Response Category	Mean Average (Minutes)	Actual 2021-22 (Minutes)	90th centile (Minutes)	Actual 2021-22 (Minutes)	AmbSYS indicator
C1 Life-threatening	< 7	9:50	≤ 15	18:01	A25, A26

The proposed development will have an impact on the March Ambulance Station which no longer fit for modern ambulance facilities/Make Ready Services as defined under the Lord Carter Report (2018) and requires modernisation or relocation to a more suitable site.

The proposed development will have an impact on the March Ambulance Station Response Post: at least one additional ambulance response post is required in the vicinity of the application site in order to achieve the Category 1 (life-threatening) call 7-minute mean time taken for an ambulance to arrive. Using the Shape Atlas, the rush hour drive time is around 15 minutes from the March ambulance station to the development site (NB this is a standard reference point and does not mean ambulances come from this location in order to respond to calls or under blue light conditions).

The age profile is important for EEAST as people at both ends of the age spectrum consume a disproportionately large quantity of healthcare services and resource. Over 75s are most likely to have multiple long-term conditions and complex care needs. Analysis of EEAST activity from 2019/20 indicates residents aged 65 years and over account for over 1/3 (35%) of Category 1 ambulance activity and 52% of all activity. Those aged 2-18 years account for 15% of Category 1 activity and 8% of all activity.

Assessment of Development Impact on Existing Healthcare and Ambulance Service Provision

The capital required through s106/CIL would provide financial resources for EEAST to absorb the additional patient growth and demand generated by this development on emergency ambulance health services. Funding, in agreement with the local council would be used to support one or more of the following:

- Redevelopment or relocation of existing ambulance stations to a more suitable location to meet the increased local demand arising from housing development.
- Increasing the number of ambulances required to meet the expanded demand in order to maintain contractual response times to prevent the application of contractual fines.
- Provision of additional medical, pharmacy & IT equipment/digital software to manage the increased number of incidents arising from the growing population in order to maintain mandated ambulance response times and treatment outcomes. The range of equipment includes stretchers, carry chair, tracks, power chair, scoop, spine board, power load, wheelchair, Corpuls (patient monitoring units with integrated defibrillator/pacemaker, ECG etc)
- Recruiting, training, and providing new equipment for additional Community First Responders (CFRs) to support the proposed development and the community as a whole.

Table 1 shows the population likely to be generated from the proposed development. The capital required to create additional ambulance services to

support the population arising from the proposed development is calculated to be £15,360.

Table 1 Capital Cost calculation of additional health services arising from the development proposal.

Additional Dwellings	Ambulance Cost ¹	Total
48	£320	£15,360

¹ Calculated pro-rata assuming 2.4 persons for each dwelling average - EEAST ambulance callout 'discounted' cost as per IDP Submission of £300 per 2.2 persons per dwelling (2022)

EEAST notes the Health Impact Assessment, but this does not take into consideration the impact of the development on emergency ambulance services.

EEAST notes the development site is fully in Flood Zone 1, at low risk of flooding.

EEAST notes Transport Statement CrashMap data for the latest available five-year period (2017-2021) indicates that there has been a total of nine collisions in the study area three slight accidents and one serious were recorded and no road modifications are suggested.

Conclusion

In its capacity as the healthcare provider, EEAST has identified the development will give rise to a need for additional emergency ambulance healthcare provision to mitigate impacts arising from the development.

The capital required through developer contribution would form a proportion of the required funding for the provision of capacity to absorb the patient growth generated by this development.

Assuming the above is considered in conjunction with the current application process, EEAST would not wish to raise an objection to the proposed development. Otherwise, the Local Planning Authority may wish to review the development's sustainability if such impacts are not satisfactorily mitigated.

The terms set out above are those that EEAST deem appropriate having regard to the formulated needs arising from the development. This request is in addition to s106/CIL requests from Cambridge and Peterborough Integrated Care System (CAPICS) for GP Practices.

EEAST is satisfied that the basis and value of the developer contribution sought is consistent with the policy and tests for imposing planning obligations set out in the NPPF.

5.12 NHS (Integrated Care System)

06/04/2023

Thank you for consulting Cambridgeshire and Peterborough Integrated Care System (CAPICS) on the above referenced, and attached, planning application. I refer to the above planning application and advise that, further to a review of the applicants' submission, the following comments are with regard to the primary healthcare provision on behalf of CAPICS.

The proposed development is likely to have an impact on the services of the nearest GP Practice operating within the vicinity of the application: Fenland Group Wimblington Surgery. This Practice does not have any capacity to take on additional patients, and this development of 54 dwellings would see an increase patient pressure of circa 124 new residents (calculated using the average population per household figure for Fenland of 2.3 (based on 2011 ONS Household data). This would require additional whole time equivalent GP / Nurse / Admin workforce to support increase in appointments as follows: GP = 0.06 / Nurse = 0.04 and Admin = 0.12 with a resulting increase on estate demand of 8.52 sqm net internal area.

The ICB has sought advice from its NHS partner, NHS Property Services Ltd, on recent costs benchmarks for healthcare developments for a single storey extension to an existing premises and refurbishment. This equates to £5,224 per m² (once adjusted for professional fees, fit out and contingency). Having rebased this cost to Fenland using BCIS Tender Price Index, the cost remains the same at £5,224 per m².

A developer contribution will therefore be required to mitigate the impacts of this proposal. CAPICS calculates the level of contribution required, in this instance to be £44,508.48 (8.52sqm at £5224 per sqm). Payment should be made before the development commences. CAPICS therefore requests that this sum be secured through a planning obligation linked to any grant of planning permission - in the form of a Section 106 planning obligation – with the proposal that the sum be used to fund a project which increases clinical capacity at one of the GP Practices in the vicinity of the development.

In its capacity as the healthcare provider, CAPICS has identified that the development will give rise to a need for additional primary healthcare provision to mitigate impacts arising from the development. The capital required through developer contribution would form a proportion of the required funding for the provision of capacity to absorb the patient growth generated by this development. Assuming the above is considered in conjunction with the current application process, CAPICS would not wish to raise an objection to the proposed development. Otherwise, the Local Planning Authority may wish to review the development's sustainability if such impacts are not satisfactorily mitigated.

The terms set out above are those that CAPICS deem appropriate having regard to the formulated needs arising from the development. CAPICS are satisfied that the basis and value of the developer contribution sought is consistent with the policy and tests for imposing planning obligations set out in the NPPF.

26/09/2023

Further to the revision of 48 dwellings, our revised mitigation is as follows:

The development of 48 dwellings would see an increase patient pressure circa 110 new residents.

CAPICS calculates the level of contribution required, in this instance to be £39,547.17 (7.57sqm at £5224 per sqm).

5.13 Minerals and Waste Planning Authority (CCC)

Thank you for consulting Cambridgeshire County Council, in its role as the Minerals and Waste Planning Authority (MWPA), on the above application.

Having reviewed the available documentation, the MWPA wishes to make the following comments:

The site lies within a Sand and Gravel Mineral Safeguarding Area which is safeguarded under Policy 5 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021). This policy seeks to prevent mineral resources of local and/or national importance being needlessly sterilised. Policy 5 sets out a number of exemptions (criteria (a) – (h)), for when Policy 5 is not applicable, none of which relevant in this case. It then goes on to set out that that development will only be permitted in certain circumstances (criteria (i) – (k)). The application documentation does not appear to make any reference to the safeguarded minerals, or Policy 5. Consequently, compliance with criteria (i) – (k) has not, at this time, been demonstrated.

The MWPA notes that this is an application for the development of 51 dwellings and the Site Layout includes a SUDS pond. The site is 1.69 hectares in area and is bounded by existing dwelling to the west, south and east. Consequently, there is only a small proportion of the site that is more than 50 metres from a sensitive receptor. In this context, the MWPA is satisfied that prior extraction is unlikely to be practical but given the likelihood of sand and gravel within the site, that there may be potential for incidental extraction.

Should the Planning Authority be of the view that there is an overriding need for the development, the MWPA will be content that Policy 5 has been addressed, subject to the following informative being included in any permission:

“The site lies within a Sand and Gravel Mineral Safeguarding Area, which indicates that there may be an underlying sand and gravel resource. In this instance, the Planning Authority considers that prior extraction is unlikely to be feasible and that there is an overriding need for the development. Prior extraction of the resource has, therefore, not been required in this instance. However, the applicant is encouraged to make best use of any sand and gravel that may be incidentally extracted as part of the development.”

For reference, the Cambridgeshire and Peterborough Minerals and Waste Local Plan can be found on our website at:

<https://www.cambridgeshire.gov.uk/business/planning-and-development/planning-policy/adopted-minerals-and-waste-plan>. If you have any questions regarding this response, please contact me on the details above.

5.14 Wildlife Officer (PCC)

22/03/2023

Recommendation:

Recommend refusal of application on grounds that there is insufficient information to make a recommendation.

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

The documents provided within F/YR23/0211/F do not provide sufficient information to ensure that all biodiversity material concerns for the Local Planning Authority can be safely discounted.

Following issues require resolution before determination can be provided.

- 1. The Ecological Impact Assessment (Seagate Homes, September 2022) does not recommend adequate mitigation and compensation for the scale of biodiversity loss present. No attempt to quantify the scale of loss using the Biodiversity Metric 3.1 (soon to be Biodiversity Metric 4.0 on the 24th) has been made. Due to the quality and variety of habitats I recommend that this is completed before granting permission, as I currently cannot see how onsite net gain is possible and no offsite solutions have been suggested.*
- 2. The EcIA states that “there is little chance of bats roosting due to inappropriate materials and lack of roosting facilities on site.” I would like to confirm that the walkover in August of 2022 included a new evaluation of the buildings not previously within the development footprint. The survey data for these buildings (and associated surrounding habitats) should be included within the survey report, as they would not have previously been included.*

At this stage without further information on the habitats and species potentially using the site the Local Planning Authority cannot make a decision on the application without risking contravening the NPPF, Local Plan and the Wildlife and Countryside Act 1989.

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 that:

- A Biodiversity Metric (possibly 4.0) is completed detailing the net biodiversity loss of the site and a plan is created demonstrating at least no net loss of biodiversity though either on site or off-site contributions.*
- The EcIA is updated to include missing data within the newly surveyed area. This EcIA should then be reassessed by the Local Planning Authority to ensure that all protected species protections are maintained.*

Recommendations for mitigation and compensation of the negative impacts of the proposal should then be incorporated into the application documents as described within the ecologist’s reports. All recommended site licenses should be applied for.

Assessment/Comment:

Incorporation of recommendations from survey reports into the proposal will significantly reduce the requirement for pre and post commencement conditions on the granted application. It is possible that these recommendations may have to

be included within a Construction and Environment Management Plan (CEMP) this possibility should be discussed with your ecologist. It is highly likely that a CEMP will be requested as a pre-commencement condition in relation to this development. The creation of this document and submission to the proposal will significantly reduce proposal conditions further down the line.

Please note that many ecological surveys are constrained by seasonal restrictions, it is highly recommended that the recommended surveys are completed as soon as possible to avoid any significant delays to development. Please see the PEA and your consultant ecologist for survey timings.

Incorporation of recommendations from survey reports into the proposal will significantly reduce the requirement for pre and post commencement conditions on the granted application.

5.15 CCC Ecology

The Applicant submitted a Biodiversity Metric calculation which was forwarded to the CCC Ecology Officer for assessment. However, CCC Ecology has made no comment to date.

5.16 Wimblington Parish Council

12/04/2023

Further to last night's Parish Council meeting, Councillors wish to object to the above application as follows:

Object – The initial planning application F/YR19/0945/0 was for 30 dwellings on 1.39 Hectares, which Parish Council supported.

The original agreement from Parish Council and conclusion from Cambs ACRE housing needs survey (which identified that 27 affordable houses was appropriate for Wimblington) was to erect 30 affordable houses. There is now another smaller application for 14 affordable houses on Doddington Rd Wimblington which would bring the total of affordable houses in Wimblington, including the 22 to be built on the Bellway's site, to 91, way in excess of identified needs. The above application is for 54 dwellings on 1.69 Hectares which Parish Council object to. Is there a strong, acceptable reason to demolish Stoneleigh Cottage?

An increase of 0.3 of a hectare for an additional 24 dwellings is not acceptable, this is an over development of the site. Dwellings will be too close, resident's amenities will be limited, noise, light and visual effects will be detrimental to those living on and around the estate. (LP7, LP16, promote high levels of residential amenity) The UK Land Directory's comments on building plots: The average estate house these days is built on approximately 1/12th - 1/10th of an acre about 38ft x 95ft (11.5m x 29m). This size plot may not allow for a very large garden or very good access around the house.

Calculation: 1.69 hectares = 4.18 acres x 12 plots per acre = maximum of 50 plots. What isn't included in this equation is the roads, green space, parking facilities etc therefore this application far outreaches the acceptable number of dwellings within the site area. (LP3, LP4, LP5, creating sufficient and the right mix of homes to meet people's needs) Three of the proposed dwelling have an immediate effect on one of the properties in Eaton Estate, light, noise, and privacy, LP16 (e).

Other issues:

The public footpath is there for local residents' safety, the increase in vehicle movement from the proposed development will pose possible congestion around the Eaton Estate where there is a central child's playing area. This playing area, which is used regularly, means that children inevitably have to cross the road, increased traffic will be a hazard. (LP16 avoiding adverse impact)

The probability of flooding associated with blockages in the IDB drainage system is low due to the maintenance standards already achieved and managed by the IDB.

This statement is flawed because Eaton Estate have already had flooding associated with blockages and drainage. There are serious concerns about drainage/sewage as many parts of Wimblington has seen flooding in recent years and it is well known that the Doddington sewage treatment plant is beyond breaking point, with several lorries moving raw sewage every day from that site.

The eastern part of the site is at risk of surface water flooding with depths up to 0.3m during the 1% annual probability (1 in 100 chance each year) event with climate change. The proposed development increases the impermeable area and therefore there is an increased volume of surface water that has the potential to increase flood risk.

The developers plan to raise the dwelling 0.3m in order to avoid flooding, (of that site only) the increase of impermeable areas will impact other residential properties not just the new development. (LP14B)

22/09/2023

The initial planning application F/YR19/0945/0 was for 30 dwellings on 1.39 Hectares, which Parish Council supported. The above application is for 48 dwellings on 1.69 Hectares to which Parish Council object.

An increase of less 0.3 of a hectare to accommodate a further 18 dwellings is not acceptable, the density of dwellings means close, small residential homes and amenities. The overpopulated area could emit excessive, noise, light and the visual effects will be detrimental to those living on and around the estate. (LP7, LP16, promote high levels of residential amenity)

The UK Land Directory's comments on building plots:

The average estate house these days is built on approximately 1/12th - 1/10th of an acre about 38ft x 95ft (11.5m x 29m - this represents approximately 333.5 sq m).

This size plot may not allow for a very large garden or very good access around the house.

Calculation: 1.69 hectares = 4.18 acres x 12 plots per acre = maximum of 50 plots. What isn't included in this equation is the acreage taken up by the attenuation pond, the small play area, roads, green space, parking facilities etc therefore this application far outreaches the acceptable number of dwellings within the site area. Taking away the possible 30% of acreage required for the above this would represent an average square meter of 230 sq. m per plot, as shown above the average estate house should be approximately 333.5 sq. m. (LP3, LP4, LP5, creating sufficient and the right mix of homes to meet people's needs)

The applicant has stated that the site density is not considered to represent the most efficient and effective use of the site. It is considered that a target density range for a site in this location and context is approximately 25-35 dw/ha, instead of the recommended 20.5 dw/ha.

What this doesn't represent is a healthy, wellbeing environment especially with the lack of open/green spaces to accommodate the local residents. Although the applicant states, the site incorporates sizeable open space areas, this is not supported on the site plan. (LP2 - Facilitating Health and Wellbeing of Fenland Residents)

Public spaces should support social interaction, be open and accessible to all, connected to the movement network and appeal to different groups. The proposed play area is not easily accessible, an attenuation pond to the west raises concern of safety both for residents, animals, and wildlife, it is also proposed that the area has hedging on the south edge.

this development is NOT positively contributing to creating a healthy, safe, and equitable living environment (built and social) in which communities can flourish - promoting high levels of residential amenity (LP7 and LP16)

Three of the proposed dwelling have an immediate effect on one of the properties in Eaton Estate, light, noise and privacy and the access road will also impact on two of the properties adjacent. LP16 (e).

Other issues:

The legal line of Public Footpath 5, Wimblington runs through the Stoneleigh site, which also has a Definitive Map Modification order against it (M072) Until such time that the Definitive Map Modification Order to delete the affected part of the public right of way has been completed, the legal route of Wimblington Footpath 5 would be permanently obstructed by the new development. The definitive Map Team therefore objects to the planning application.

The public footpath is there for local residents' safety, the increase in vehicle movement from the proposed development will pose possible congestion around Eaton Estate where there is a central child's playing area. This playing area, which is used regularly, means that children inevitably must cross the road, increased traffic will be a hazard. (LP16 avoiding adverse impact)

Flooding

The probability of flooding associated with blockages in the IDB drainage system is low due to the maintenance standards already achieved and managed by the IDB.

This statement is flawed because Eaton Estate have already experienced flooding associated with blockages and drainage, both water and sewerage. The field to the east of the proposed site also floods causing flooding in the two bungalows in Bridge Lane to the north. Anglian Water and the Highways have also expressed concerns regarding surface water and drainage to the attenuation pond. Highways have highlighted the fact that permeable paving has a tendency to quickly fail. The proposed site, as stated in the Design and Access Statement, has Hassock Way to the east, Eaton Estate to the south and Lily Avenue to the west, are these areas to be subjected to increased flooding? Additionally, a new development of 88 houses is presently being constructed to the northwest of the proposed site.

The eastern part of the site is at risk of surface water flooding with depths up to 0.3m during the 1% annual probability (1 in 100 chance each year) event with climate change. The proposed development increases the impermeable area and therefore there is an increased volume of surface water that has the potential to increase flood risk.

The developers plan to raise the dwelling 0.3m in order to avoid flooding, the increase of impermeable areas will impact other residential properties not just the new development. (LP14B). LLFA have made objections to this proposal and Anglian Water requested that the applicant liaise with LLFA. There are matters concerning the ditch to the west of the site and a buffer strip that needs to remain to assist in maintenance of the ditch, this lessens the acreage even more and impacts on the garden area of the dwelling west of the site and possible north of the site.

Highway issues:

The access point runs adjacent to two homes on the Eaton Estate and is to incorporate a pedestrian way to the west. The narrow access has been agreed by Highways but there seems to be little attention made to the visibility splays on all the access points at the entrance and within the site. There are limited parking spaces for each dwelling, 2 per household, and none for visitors, delivery vehicles, refuse collectors and more importantly emergency vehicles. All parking spaces require either reversing into or out of, this is a potentially hazard for other road users, pedestrians, and cyclists, more so in such a compact estate. The fact that other non-residents vehicles will inevitably be parked on the roadside also creates a hazard with the visibility splay from the access points. Free flow access for refuse and emergency vehicles could be seriously impeded due to parked vehicles. Narrow access points of 5 metre are a concern. Even on the Eaton Estate access there are vehicles parked on the roadside close to the access point, this is even more of a hazard due to the play park being circumnavigated by the Eaton Estate road. There is little to no public transport available in Wimblington and so most residents will use a vehicle regularly possibly twice a day therefore the traffic movement on a daily basis could reach 90/100 at peak times.

Sustainability

The healthcare agency CAPICS and East of England Ambulance Service NHS Trust raised concerns with the lack of medical care available for a further increase in population from this development, possibly 124 new patients. Both have requested a S106 contribution, would this go towards helping the situation within in Wimblington itself or be dispersed to other FD areas?

Compact, dense estates do not reflect high quality local design or make a valuable contribution to the RURAL character of the village.

5.17 Local Residents/Interested Parties

Objectors

21 responses were received in total from 16 objectors. The main summarised concerns were as follows:

- Overdevelopment of the site
- Out of keeping with the character of the area
- Impact on existing infrastructure, especially sewers and public services

- Construction disruptions such as odour, noise, dust, and safety from construction vehicles
- Loss of privacy and overlooking
- Proximity of houses to site boundaries and neighbours
- Access is not adequate for the number of homes.
- Exacerbation of traffic on local roads and road safety concerns
- Insufficient parking, especially for visitors that will cause parking stress on street and obstruct the free flow of traffic.
- Impact on flooding and drainage
- Lack of public open space for children
- Loss of PROW
- Environmental concerns including impact on ecology and biodiversity.
- Poor access for so many houses
- Air pollution
- Loss of trees
- Impact on property values
- The site is not well maintained.
- Unclear how access to future culverts around and in the site would be accessed for maintenance.
- Concern that the attenuation basin will not be delivered or maintained properly.
- The children's play space is located unsafely close to the attenuation basis.
- Already sufficient housing delivery in the area and district

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)

123. Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Achieving appropriate densities

128. Planning policies and decisions should support development that makes efficient use of land, taking into account:

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it.*
- b) local market conditions and viability.*
- c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use.*
- d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and*
- e) the importance of securing well-designed and beautiful, attractive and healthy places.*

National Planning Practice Guidance (NPPG)

National Design Guide 2021

Context

Identity - Where the scale or density of new development is very different to the existing place, it may be more appropriate to create a new identity rather than to scale up the character of an existing place in its context.

Built Form

Movement

Nature

Uses

Homes and Buildings

Resources

Lifespan

Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

LP5 – Meeting Housing Need

LP12 – Rural Areas Development Policy

LP13 – Supporting and Managing the Impact of a Growing District

LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland

LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland

LP16 – Delivering and Protecting High Quality Environments across the District

LP17 – Community Safety

LP18 – The Historic Environment

LP19 – The Natural Environment

Emerging Local Plan

The Draft Fenland Local Plan (2022) was published for consultation between 25th August 2022 and 19 October 2022, all comments received will be reviewed and any changes arising from the consultation will be made to the draft Local Plan. Given the very early stage which the Plan is therefore at, it is considered, in accordance with Paragraph 48 of the NPPF, that the policies of this should carry extremely limited weight in decision making. Of relevance to this application are policies:

Policy LP1 – Settlement Hierarchy

Policy LP2 – Spatial Strategy for the Location of Residential Development

Policy LP4 – Securing Fenland's Future

Policy LP5 – Health and Wellbeing

Policy LP7 – Design

Policy LP8 – Amenity Provision

Policy LP11 – Community Safety

Policy LP12 – Meeting Housing Needs

Policy LP20 – Accessibility and Transport

Policy LP22 – Parking Provision

Policy LP24 – Natural Environment

Policy LP25 – Biodiversity Net Gain

Policy LP27 – Trees and Planting

Policy LP28 – Landscape

Policy LP29 – Green Infrastructure
Policy LP31 – Open Space and Recreational Facilities
Policy LP32 – Flood and Water Management
Policy LP50 – Residential site allocations in Wimblington – allocated for 30 homes.

Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021).

Policy 5 Mineral Safeguarding Areas

8 KEY ISSUES

- **Principle of Development**
- **Economic Growth**
- **Impact on the Character of the Area**
- **Residential Amenity for Future Occupiers**
- **Impact on Neighbours**
- **Air Quality**
- **Noise**
- **Contamination**
- **Flooding and Drainage**
- **Archaeology**
- **Biodiversity and Ecology**
- **Trees and Landscaping**
- **Transport**
- **Designing Out Crime**
- **S106/obligations**

9 BACKGROUND

- 9.1 This application follows approval of an outline planning application ref: F/YR19/0945/O for up to 30 new dwellings on this site. This previous application offered an affordable housing contribution of 25%. This latest proposal seeks an uplift of homes to a total of 48 (amended from the originally submitted 54) with a 20% affordable housing contribution.

10 ASSESSMENT

Principle of Development

- 10.1 Policy LP3 defines Wimblington as a 'Growth Village' where development and new service provision either within the existing urban area or as small village extensions will be appropriate albeit of a considerably more limited scale than that appropriate to the Market Towns. The site, although forming an undeveloped area of open countryside is considered to be within the existing built footprint of the village adjacent to both the established Eaton Estate and Hassock Way development as well as the new Matthew Homes development which has been completed recently and is situated to the West.
- 10.2 Policy LP12 (Part A) supports development which contributes to the sustainability of the settlement and does not harm the wide, open character of the countryside and satisfies all of criteria (a) to (k) covering matter such as; relationship and scale to the settlement and neighbouring settlements, retention and respect of; natural

boundaries, heritage assets, ecology and biodiversity features, loss of agricultural land, exposure to identified risk and infrastructure provision. These are considered below in greater detail and form the general assessment of policies. The site comprises open countryside and any development of this land will result in some landscape harm. This level of harm needs to be balanced with the public benefits of the scheme.

- 10.3 It is also appreciated that the site previously had outline planning permission for up to 30 dwellings (F/YR19/0945/O) on what was a slightly smaller site, and Policy LP 50 of the emerging Local Plan has identified the site for the provision of 30 new dwellings based on that decision. Therefore, it is accepted that the loss of the existing agricultural land had previously been established. However, the quantum and form of development is different. Therefore, although the general principle of developing this site for residential has been accepted, the delivery of 48 new homes needs to be considered.

Health and wellbeing

- 10.4 National Planning Practice Guidance (NPPG) further strengthens the relationship between health and planning and recommended the use of HIAs where there are expected to be significant impacts on an area. Emerging Local Plan Policy LP5 'Health and wellbeing' and Policy LP2 of the adopted Fenland Local Plan (2014), called Facilitating Health & Wellbeing of Fenland Residents, sets out a range of areas and actions where development proposals can contribute to health and wellbeing. It requires the submission of a Health Impact Assessment for development of this scale. This application is supported by a Health Impact Assessment (HIA) which sets out the potential health effects associated with this proposed development.
- 10.5 The proposal will provide the existing community with a new area of open space. The proposal also provides 9 affordable homes which is welcomed. The proposal is considered to accord with Policy LP2.

Economic Growth

- 10.6 The proposed development involves the construction of 48 dwellings with landscaping, access paths and open space. The construction phase of up to 2 years will create temporary employment in the construction sector and elsewhere through multiplier effects. The proposal will make a contribution to temporary and permanent employment in the village and district and the economic benefits should be welcomed.

Impact on the Character of the Area

- 10.7 The proposal amended from 54 to 48 units, results in gross density of 29 dwellings per hectare (site area 1.65 hectares). The neighbouring Hassock Way area has a gross density of approximately 30 dwellings per hectare. The site abuts suburban housing on 3 sides, some with large, detached housing on average to small plots, and some with semi-detached and some terraces. The proposal provides 19 pairs of semi-detached houses 3 detached and 7 terraced houses. The neighbouring developments on Hassock Way and Eaton Estate have similar properties, mainly semi-detached with occasional detached and terraced houses. The previous outline approval for up to 30 dwellings had an indicative layout which included 30 large, detached dwellings with larger built footprints. The two proposals have the same access and similar extent of open

space/attenuation areas. The additional parcel of land accommodates 11 dwellings. This application provides 3 detached, 38 semi semi-detached and 7 terraced houses. The current application has more space around the dwellings and provides 150 new trees (approximately 3 times that of the previous indicative scheme). Therefore, whilst the number of houses has increased, the impact on the character of the area is arguably an improvement in terms of spaciousness and landscaping. Therefore it is possible to have more houses, in this case smaller, but achieve acceptable impact on the character of the area.

- 10.8 The separation standards and space around the houses appear to mirror distances normally considered to be acceptable. Similar separation/rear gardens and parking provision exist on the neighbouring developments. As such the proposal is not considered to represent overdevelopment of the area. Proposed tree-planting and landscaping is similar to, or an improvement on, recent neighbouring sites. Therefore, it is considered the proposal accords with Policy LP16 (d) in that it will not result in adverse impact on the character of the area.

Residential Amenity

- 10.9 The proposed layout results in rear gardens of 10 metres or more in depth apart from plots 1, 46 and 47. Plot 1 has a substantial side garden area at the back of the parking area. Its western aspect does not face a neighbouring property. Its southern aspect has only a landing window at first floor level which will be required to be obscure glazed by an attached condition. The rear façade of the house to the south (No 22 Eaton Estate) is approximately 26 metres distant which far exceeds acceptable separation standards. Plots 46 and 47 fall slightly below 10 metre rear gardens but have a rear aspect which faces a car parking area having no overlooking impact. Plot 43 has a side gable that faces No 9 Hassock Way (9-15 Hassock Way have rear gardens around 9 metres long). The separation between the side gable of Plot 43 and the rear elevation of No 9 Hassock Way is approximately 14.3metres. Plot 43 (housetype C202) will have a blank side gable and therefore there are no overlooking issues resulting. The side gable is set back 4 metres from the rear garden boundary of No 9 Hassock Way. The relationship of the side gable and the rear aspect is not considered to result in overdominance. Similarly, No. 22 Hassock Way, on the north of the turning head of this road, has a separation of 13.5metres to a blank gable of Plot 31, again this housetype has no windows in the side gable and therefore no overlooking or overdominance is considered to occur.
- 10.10 It is noted that the previously permitted scheme (F/YR19/0945/O) the indicative layout for 30 larger detached dwellings had rear-to-side separations of 13.1 and 11.8 to No's 19 and 21 Hassock Way), i.e. slightly closer. Properties on Lily Way have rear to rear separation of 31 to 40 metres.
- 10.11 Finished floor levels are included on the Drainage Strategy drawing Rev P03. There are no proposed houses that exceed 0.35 metres above existing levels. Such raised levels are not considered likely to result in concerns of overdominance or overlooking.
- 10.12 It is considered that there are no instances where separation distances, and therefore loss of privacy /overlooking, could sustain a reason for refusal. Therefore, in this instance the proposal is considered to accord with Policy LP16(e).
- 10.13 The Parish Council comments reference the UK Land Directory and it's density guidance. It should be noted that the UK Land Directory is a private service given

to landowners. It does not provide guidance on planning applications, nor is its guidance considered to be consistent with the 'planning' consideration of development schemes.

Air Quality, Noise and Contamination

- 10.14 The application included Air Quality report. The Environmental health officer raises no concerns other than to request a Construction Management Plan (CEMP) condition to address possible nuisance during construction, which is attached. A precautionary condition is added regarding unexpected contamination. Therefore, the proposal is considered to accord with Policy LP16(I).

Flood Risk

- 10.15 The site is within Flood Zone 1 where the risk of flooding is considered to be minimal and development accords in principle with the NPPF and Policy LP14. As such no sequential test is necessary. The application included a Flood Risk Assessment and Drainage Strategy. The drainage strategy indicates surface water gravity system that flows to the central attenuation basin then will outflow to a headwall into the nearby drain to the west. The Foul drainage will link to an existing public sewer to the north of the site. No pumping stations are required. Anglian Water has no objection and requests no planning conditions. The Lead Local Flood Authority has no objection but requests conditions regarding detailed design and consideration of drainage during construction. These conditions are added. The Middle Level IDB was consulted but no comments have been received.
- 10.16 There is not considered to be any reason to sustain a refusal based on flood risk or drainage issues. Therefore, the proposal is considered to comply with policy LP14 in terms of flood Risk.

Archaeology

- 10.17 The County Archaeologist identifies potential for archaeological remains and requests a condition be imposed seeking a programme of works. The applicant accepts the requirement of the condition. The necessary condition is attached and therefore the proposal is considered to accord with Policy LP18 of the Local Plan.

Biodiversity and Ecology

- 10.18 The Wildlife Officer (Peterborough City Council) originally objected on grounds of insufficient information. However further data has been submitted including a Biodiversity Metric which indicates a Biodiversity Net Gain (BNG) of 3.07%. At the time of submission, the proposal was only required to prove no net harm (i.e. there was no requirement to achieve a 10% gain. A consultation to Cambridgeshire Ecology has been sent however at the time of writing no comments have been received. Nevertheless, as it appears the submission accords with the council's position on BNG at the time of submission and despite Officers best efforts to obtain Ecology advice, it is therefore considered to be acceptable and accord with Policy LP19.

Trees and Landscaping

- 10.19 There are 7 existing trees retained on the western boundary. The recent amended layout includes approximately 150 new trees and proposed shrubs/hedges. Planning conditions attached seeks the details of the landscaping

to be submitted, implemented, and managed and maintained. As such the proposal is considered to accord with policy LP16(i).

Highway impact.

- 10.20 The access is proposed between No's 23 and 24 Eaton Estate. This was amended to satisfy LHA requirements. The roads include raised tables providing traffic calming with detailed amendments to ensure access from car parking spaces are not compromised. Proposed parking accords with Local Plan requirements. The LHA has no objections to the amended layout.
- 10.21 The Definitive Map Team has withdrawn its objection which related to the historic line of Public Footpath 5. However, as this route was built over by Hassock Way and Eaton Estates the current actual line of the footpath lies outside the site and the proposal will not impact on the existing footpath. The Definitive Map Team requested informatives be attached to any grant of permission.
- 10.22 It is considered therefore that the proposal accords with Policy LP15.

Designing Out Crime

- 10.23 The Officer's comments are noted and a condition seeking detailed drawings to address concerns of boundary treatment, cycle storage, surveillance, and landscaping concerns in the interest of designing out crime is included along with informatives. However, the proposed pedestrian link to the north-east which will be overlooked by the occupiers of plots 27/27, is considered an important link in the interest of pedestrian permeability and will be retained.

Infrastructure contributions

- 10.24 The following contributions were requested:
- NHS (East of England Ambulance Service) request £15,360
 - NHS £39,547.17 sum be used to fund a project which increases clinical capacity at one of the GP Practices in the vicinity of the development.

The County Council was consulted but no request for contributions towards Education were received.

- 10.25 Due to The Council's own viability assessment in support of the Emerging Local Plan, the Council considers that as part of the evidence base weight be given to the results. Therefore, any scheme to the south of the A47 that accords with the provision of 20% affordable housing and provides infrastructure contributions to the value of £2000 per dwelling, will be acceptable. Therefore, in this instance the contribution towards the East of England Ambulance service of £15,360, together with NHS£39,547.17 to increase clinical capacity at one of the GP Practices in the vicinity of the development can be provided.

Affordable Housing

- 10.26 The application indicates 7 affordable rent properties and 3 shared ownerships constituting 20% which accords with the Housing Officer requirements and the Councils current position. These will be safeguarded by the Section 106 agreement.

Other Considerations

- 10.27 The Council's Environmental Services team have referred to the access arrangement drawings that demonstrate access to plots at the end of the cul-de-sac. A condition is attached requiring a refuse collection strategy be submitted.

10.28 The County council's Minerals and Waste Team (MWWPA) identify that the site lies within a Sand and Gravel Mineral Safeguarding Area. This policy seeks to prevent mineral resources of local and/or national importance being needlessly sterilised. No exemptions to the policy apply or have been demonstrated. However, the MWWPA point out that the site is relatively small in scale and is bounded by existing housing on 3 sides. Therefore, achieving a safeguard separation of 50 metres to nearby residential properties would leave very little area for extraction, and this would be impractical. Therefore, the MWWPA consider the requirements of the safeguarding policy have been addressed and there is no objection. The MWWPA requests information regarding the applicant being encouraged to make best use of any sand and gravel that may be incidentally extracted as part of the development. The proposal is therefore considered to accord with the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021).

10.29 Regarding other objections received there are the following comments:

- No objections were received from infrastructure providers including Anglian Water, there is not considered to be a reason on which to refuse the application.
- Regarding construction nuisance a CEMP condition is proposed.
- The LHA has no objection regarding the access. A similar access was previously permitted.
- Parking accords with current standards and is similar to neighbouring developments.
- The Drainage authorities do not object and therefore there are no grounds to refuse on flooding,
- An area of open space is provided.
- No objection is made regarding loss of public footpath.
- Significant tree planting is proposed.
- Management of the attenuation basin is addressed in attached condition. A safety fence alongside the attenuation area, is requested as part of the landscaping condition.
- There remains a need for housing, and affordable housing in Fenland.

11 CONCLUSIONS

11.1 It is considered that a development, which is in a Growth Village is a sustainable location, can be considered to be acceptable in principle with the adopted local plan subject to compliance with other relevant policies. The objections raised and summarised in this report, have been considered. The proposal of 48 dwellings will benefit housing supply, the continued provision helps Fenland retain an ongoing supply, and meet much needed affordable housing need. Matters of Flood Risk, Highway safety, impact on infrastructure provision, residential amenity, density, and character of the area have been considered in detail and it is concluded the application accords with policy requirements. Other issues regarding loss of trees and biodiversity are not considered to merit refusal of the application.

12 RECOMMENDATION

- 1 That the Committee delegates authority to finalise the planning conditions and terms of the S.106 unilateral agreement to the Head of Planning, and

- 2 Following completion of the S106 obligation to secure the necessary affordable housing and open space and infrastructure contributions as detailed in this report, F/YR22/0062/O application be granted.

Or

- 3 Refuse the application in the event that the S.106 unilateral agreement referred to above has not been completed within 4 months and that the applicant is unwilling to agree to an extended period of determination to accommodate this, or on the grounds that the applicant is unwilling to complete the obligation necessary to make the development acceptable.

An initially proposed list of conditions is as follows:

1	<p>The development permitted shall be begun before the expiration of 3 years from the date of this permission.</p> <p>Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2	<p>No laying of services, creation of hard surfaces or erection of a building shall commence until a detailed design of the surface water drainage of the site has been submitted to and approved in writing by the Local Planning Authority. Those elements of the surface water drainage system not adopted by a statutory undertaker shall thereafter be maintained and managed in accordance with the approved management and maintenance plan.</p> <p>The scheme shall be based upon the principles within the agreed Preliminary Drainage Strategy, Jackson Consulting Engineers, Ref: DR-REP-0249, Rev: 01, Dated: 20th September 2022 and shall also include:</p> <ul style="list-style-type: none"> a) Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events; b) Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change), inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance; c) Detailed drawings of the entire proposed surface water drainage system, attenuation and flow control measures, including levels, gradients, dimensions and pipe reference numbers, designed to accord with the CIRIA C753 SuDS Manual (or any equivalent guidance that may supersede or replace it); d) Full detail on SuDS proposals (including location, type, size, depths, side slopes and cross sections); e) Site Investigation and test results to confirm infiltration rates. f) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants. g) Demonstration that the surface water drainage of the site is in accordance with DEFRA non-statutory technical standards for sustainable drainage systems;

	<p>h) Full details of the maintenance/adoption of the surface water drainage system; i) Permissions to connect to a receiving watercourse or sewer; j) Measures taken to prevent pollution of the receiving groundwater and/or surface water.</p> <p>The development shall take place in accordance with the approved details.</p> <p>Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no increased flood risk on or off site resulting from the proposed development and to ensure that the principles of sustainable drainage can be incorporated into the development, noting that initial preparatory and/or construction works may compromise the ability to mitigate harmful impacts.</p>
3	<p>No development, including preparatory works, shall commence until details of measures indicating how additional surface water run-off from the site will be avoided during the construction works have been submitted to and approved in writing by the Local Planning Authority. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved measures and systems shall be brought into operation before any works to create buildings or hard surfaces commence.</p> <p>Reason: To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development itself; recognising that initial works to prepare the site could bring about unacceptable impacts.</p>

4	<p>Prior to the commencement of development, a Construction Environmental Management Plan (CMP), shall be submitted to and approved in writing by the Local Planning Authority. The CMP shall include the consideration of the following aspects of construction:</p> <ul style="list-style-type: none"> a) Site wide construction programme. b) Contractors' access arrangements for vehicles, plant and personnel including the location of construction traffic routes to, from and within the site, details of their signing, monitoring, and enforcement measures, along with location of parking for contractors and construction workers, c) Construction hours and delivery times for construction purposes d) Maximum noise mitigation levels for construction equipment, plant, and vehicles e) Dust suppression management including <ul style="list-style-type: none"> 1, identification of person responsible for air quality and dust issues, 2, the recording of dust and air quality complaints 3, to undertake appropriate measures to reduce emissions in a timely manner 4, An agreement for dust deposition, dust flux, or real-time particulate matter monitoring locations with the Local Authority including baseline monitoring before work commences, 5, machinery and dust causing activities to be located away from receptors 6, The provision of Wheel washing measures to prevent the deposition of debris on the highway and the general environment which shall be operated and retained for the duration of the development, and the use of road sweepers to clean highways that suffer from mud generated by the development. f) Site lighting g) Location of Contractors compound and method of moving materials, plant, and equipment around the site. h) Details and locations of hoardings <p>The Construction Environmental Management Plan shall be implemented in accordance with the agreed details unless minor variations are otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: In the interests of safe operation of the highway and protection of residential amenity in accordance with policy LP15 and LP16 and LP19 of the Fenland Local Plan, 2014.</p>
5	<p>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 Local Planning Authority (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.</p> <p>Reason: In the interest of the protection of the amenity of future occupiers of the development in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>

6	<p>No demolition/development shall commence until the applicant, or their agents or successors in title, has implemented a programme of archaeological work, commencing with the evaluation of the application area, that has been secured in accordance with a Written Scheme of Investigation (WSI) that has been submitted to and approved by the Local Planning Authority in writing. For land that is included within the WSI, no demolition/development shall take place other than under the provisions of the agreed WSI, which shall include:</p> <ul style="list-style-type: none"> a) The statement of significance and research objectives. b) The programme and methodology of investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works. c) The timetable for the field investigation as part of the development programme. d) The programme and timetable for the analysis, publication & dissemination, and deposition of resulting material and digital archives. <p>Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any demolitions or groundworks associated with the development scheme and to ensure the proper and timely preservation and/or investigation, recording, reporting, archiving and presentation of archaeological assets affected by this development, in accordance with national policies contained in the National Planning Policy Framework (MHCLG 2019).</p>
7	<p>Prior to the commencement of the development hereby approved full details of the materials to be used for the external walls and roofs shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved particulars and retained in perpetuity thereafter.</p> <p>Reason: To safeguard the visual amenities of the area in accordance with Policy LP16 of the Fenland Local Plan, 2014.</p>
8	<p>Prior to the occupation of the first dwelling/use hereby approved, full details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an Agreement has been entered into unto Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established.</p> <p>Reason: In the interest of satisfactory development and highway safety in accordance with Policy LP15 of the Fenland Local Plan (2014).</p>

9	<p>Prior to commencement of development full details of both hard and soft landscape works, including the Public Open Space and the timing of the delivery of this, and details of future management and maintenance arrangements, shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:-</p> <ul style="list-style-type: none"> a) hard surfacing, other hard landscape features and materials b) existing trees, hedges or other soft features to be retained c) planting plans, including specifications of species, sizes, planting center's number and percentage mix d) railed safety fencing adjacent to the proposed attenuation area <p>Reason - The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts and for safety reasons of the development hereby permitted in accordance with Policy LP16 of the Fenland Local Plan, 2014.</p>
10	<p>All hard and soft landscape works including any management and maintenance plan details, shall be carried out in accordance with the approved details. All planting seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason - To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policy LP16 of the Fenland Local Plan, 2014.</p>
11	<p>Prior to the occupation of the development, a landscape management and maintenance plan, including details of measures to protect and enhance existing flora, fauna and habitats within the development site shall be submitted to and approved by the Local Planning Authority in writing. The landscape management and maintenance plan shall be carried out as approved in accordance with the specified schedule contained therein.</p> <p>Reason - To protect the visual amenity value of the landscaping, and the biodiversity value of the habitat within the site in accordance with policy LP16 of the Fenland Local Plan, 2014.</p>
12	<p>The first-floor landing window in the south; elevation of Plot 1 hereby approved shall be glazed with obscure glass and shall be top opening only, and so maintained in perpetuity thereafter.</p> <p>Reason - To safeguard the amenities currently enjoyed by the</p>

	occupants of adjoining dwellings.
13	<p>Prior to the commencement of any works or storage of materials on the site all trees that are to be retained shall be protected in accordance with British Standard 5837:2012. Moreover, measures for protection in accordance with that standard shall be implemented and shall be maintained to the Local Planning Authority's reasonable satisfaction until the completion of the development for Building Regulations purposes.</p> <p>Reason - To ensure that retained trees are adequately protected.</p>
14	<p>Prior to the commencement of the development hereby approved, details of the location and design of the refuse bin and recycling materials storage areas and collection points shall be submitted to and approved by the Local Planning Authority. This should include provision for the storage of three standard sized wheeled bins for each new property with a collection point no further than 25 metres from the public highway. Where the refuse collection vehicle is required to go onto any road that road shall be constructed to take a load of 26 tonnes. The refuse storage and collection facilities and vehicular access where required shall be provided prior to the first occupation of the units to which they relate and shall be retained in the approved form thereafter.</p> <p>Reason - To meet the District Council requirements for recycling, to prevent the unsightly storage of refuse containers and in the interests of amenity and sustainability.</p>
15	<p>Prior to the commencement of the development a scheme and timetable for the provision of fire hydrants shall be submitted to, and agreed in writing by, the Local Planning Authority in consultation with the Chief Fire Officer and provision of the fire hydrants shall be made in accordance with the scheme and timetable.</p> <p>Reason - To ensure a satisfactory form of development.</p>
16	<p>Prior to the first occupation of any dwelling the road(s), footway(s) and cycleway(s) required to access that dwelling shall be constructed to at least binder course surfacing level from the dwelling to the adjoining County Road in accordance with the details approved on EEW-SH-PD-SL-1001 J.</p> <p>Reason. In the Interest of highway safety and in accordance with Policy LP15 of the Fenland Local Plan (2014)</p>

17	<p>Before commencement of construction above slab level, details of measures for the safety and security of future residents of the development hereby permitted shall be submitted to and approved by the Local Planning Authority. The development shall be implemented in accordance with the approved plans.</p> <p>Reason: In the interest of designing out crime in accordance with policy LP 16(j).</p>
18	<p>All dwellings shall be built to the finished floor levels detailed in drawing ref 0249-JCE-00-SI-SK-C-9000 Rev P03 Proposed drainage strategy.</p> <p>Reason: To ensure the dwellings are constructed to acceptable levels in the interest of neighbouring amenity and for the avoidance of doubt.</p>
19	<p>The development hereby permitted shall be carried out in accordance with the following approved plans and documents:</p>

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F/YR23/0768/F

Applicant: Mr Ali Boyraz

**Agent : Mr Ivan Chonkov
ADP London**

91 High Street, March, Cambridgeshire, PE15 9LH

Erect a 3-storey building comprising of 2 x commercial units (Class E and Sui Generis) and 7 x dwellings (5 x 1-bed flats and 2 x 2-bed flats) with associated waste and cycle storage involving demolition of existing 2-storey building within a Conservation Area

Officer recommendation: Refuse

Reason for Committee: Town Council comments and number of representations received contrary to Officers recommendation.

1 EXECUTIVE SUMMARY

- 1.1 The application site is located on the western side of the High Street in March. The site contains a two-storey building, which sits slightly forward of the building line in the vicinity, alongside an irregular shaped area of hard standing with a 2m high timber and mesh fencing along its eastern and southern boundaries. The latter encloses a car sales business. The building to the north-east of the site currently operates as a pizza takeaway away (Leonardo's Pizza). The site adjacent to the north is a two and a half storey building, no. 89 – 87 High Street that at ground floor currently houses a hair salon and café and residential at first floor.
- 1.2 The application site is located within a Conservation Area, additionally there are two Grade II Listed buildings in close proximity to the site, no. 86 High Street, the former County Courthouse, directly opposite the site and no. 93 High Street, Audmoor House, to the south. As such, the setting of these designated heritage assets are a key consideration in this proposal.
- 1.3 The application seeks full planning permission for the erection of a 3-storey building comprising of 2 x commercial units (Class E) and 7 x dwellings (5 x 1-bed flats and 2 x 2-bed flats) with associated waste and cycle storage involving demolition of existing 2-storey building.
- 1.4 The proposed development would fail to preserve or enhance the character and appearance of the March Conservation Area and the setting of the adjacent listed buildings. By virtue of its scale, siting and design, the proposed development would form an unduly prominent and incongruous feature on High Street to the detriment of the historic buildings around it and this part of the Conservation Area. The proposed development would therefore be contrary to Policies LP16 and LP18 of the Fenland Local Plan 2014, Sections 66 and 72 Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 16 of the NPPF.
- 1.5 Policy LP2 of the Fenland Local Plan 2014 requires development proposals to promote high levels of residential amenity. Policy LP16 of the Fenland Local Plan 2014 requires development proposals to demonstrate that they do not adversely impact on the amenity of neighbouring users whilst providing sufficient amenity space for the proposal. The proposed developed by virtue of its scale, siting and design would create unacceptable adverse impacts on the residential amenity of neighbouring dwellings surrounding the site, particularly those at Chapel Lane and those to the north of the site, in terms of overlooking, overshadowing and overbearing impacts. The proposed development is

therefore considered to be contrary to policy LP16 of the Fenland Local Plan 2014.

- 1.6 The applicant has failed to submit a Noise Impact Assessment and Odour Assessment as required and requested by the Council's Environmental Health officer.
- 1.7 Overall, and in applying the tilted balance, the proposed development is considered to be unacceptable, and the recommendation is one of refusal.

2 SITE DESCRIPTION

- 2.1. The application site comprises an area of approximately 403 sq m on the western side of the High Street in March. The site contains a two-storey building, which sits slightly forward of the building line in the vicinity, alongside an irregular shaped area of hard standing with a 2m high timber paladin fencing along its eastern and southern boundaries. The latter encloses a car sales business. The building to the north-east of the site currently operates as a pizza takeaway away (Leonardo's Pizza). The site adjacent to the north is a two and a half storey building, no. 89 – 87 High Street that at ground floor currently houses a hair salon and café and residential at first floor.
- 2.2. The site is located within the Town Centre Boundary in a mixed commercial/residential area that is characterised by two storey buildings with some three storey buildings interspersed. The site is also located within the March Conservation Area, there are two Grade II Listed buildings in close proximity to the site, no. 86 High Street, the former County Courthouse, directly opposite the site and no. 93 High Street, Audmoor House, adjacent to the south, separated by a narrow roadway serving the Oliver Cromwell Hotel to the rear and Chapel Lane which 'wraps around' the rear of the site.
- 2.3. The site is located within Flood Zone 1.

3 PROPOSAL

- 3.1. The application seeks full planning permission for the erection of a 3-storey building comprising of 2 x commercial units (Class E and Sui Generis) fronting the High Street, and 7 x dwellings (5 x 1-bed flats and 2 x 2-bed flats) with associated waste and cycle storage involving demolition of the existing two storey building. The building would measure a maximum of 17.5m in width, 19.7m in depth and 9m in height with a flat roof and 6 no. dormer windows within the front roof plane.
- 3.2. At ground floor there would be two central accesses to an entrance hall/stairwell to the flats above, one from the High Street and one at the rear of the building in between two commercial units which are to comprise a shop and takeaway. Storage areas are proposed to the rear of both commercial units. The first floor would consist of 4 flats, 3 x one bedroom and 1 x two bedroom and the second floor would consist of 3 flats 2 x one bedroom and 1 x two bedroom. Each of the flats comprises one bathroom with open plan living/dining/kitchen, Flat 3 would also have a utility room. At the rear of the building Flats 3 and 6 would have access to an external terrace. Externally at the rear of the building, a double stacking system cycle store with 10 spaces and commercial and residential bin stores are proposed.
- 3.3. The proposed materials would include buff/yellow bricks, timber framed sliding sash windows and timber doors and a flat green roof.
 - 3.3.1. Full plans and associated documents for this application can be found at: [F/YR23/0768/F | Erect a 3-storey building comprising of 2 x commercial units \(Class E and Sui Generis\) and 7 x dwellings \(5 x 1-bed flats and 2 x 2-bed flats\) with associated waste and cycle storage involving demolition of existing 2-storey building within a Conservation Area | 91 High Street March Cambridgeshire PE15 9LH \(fenland.gov.uk\)](https://fenland.gov.uk/F/YR23/0768/F)

4 SITE PLANNING HISTORY

Reference	Description	Decision	Date
F/YR23/0118/F	Erect a 3-storey building comprising of 2 x commercial units (Class E) and 7 x dwellings (4 x 1-bed flats and 3 x 2-bed flats) with associated waste and cycle storage involving demolition of existing 2-storey building 91 High Street March Cambridgeshire PE15 9LH	Withdrawn	26/07/2023
F/YR20/0014/F	Relocation of extraction flue to side elevation and erect brick effect cladding to ducting on the side elevation to match finish of existing building (part retrospective)	Granted	16/04/2020
F/YR20/0049/F	Erect a single-storey rear extension, alterations to size of 2no first floor front windows and alteration to stairway to rear of existing building (retrospective)	Granted	15/04/2020
F/91/0966/F	Change of use of existing shop to cafe	Granted	29/04/1992

5 CONSULTATIONS

5.2. March Town Council (17/10/2023)

Recommendation: Approval, Cllr Field voted against the majority for this application and wished for his objection to be formally recorded.

5.3. CCC Archaeology (02/10/2023)

Our records indicate that the development lies in an area of high archaeological potential, within the historic core of March, in particular within the bounds of the southwards expansion of the core towards St Wendreda's church (Cambridgeshire Extensive Urban Survey: March 2015). The expansion followed the route of the High Street, an 18th century historic toll road (Cambridgeshire Historic Environment Record reference. MCB31386). Historic mapping shows that the development area itself housed a blacksmith workshop, lying adjacent to a Guildhall (CHER ref. MCB27633). Archaeological investigations in the vicinity have shown evidence for earlier periods such as areas of Roman to medieval quarry pitting to the south (CHER ref. CB14565) to the west of the schedule remains of the Civil War March Sconce (National Heritage List Entry reference. 1015200). Further medieval activity is known to the north-east, where a historic channel associated with medieval ditches and deposit was identified during archaeological investigations (CHER ref. MCB20266).

Due to the archaeological potential of the site a further programme of investigation and recording is required in order to provide more information regarding the presence or absence, and condition, of surviving archaeological remains within the development area, and to establish the need for archaeological mitigation of the development as necessary. Usage of the following condition is recommended:

Archaeology Condition

No demolition/development shall commence until the applicant, or their agents or successors in title, has implemented a programme of archaeological work, commencing with the evaluation of the application area, that has been secured in accordance with a

Written Scheme of Investigation (WSI) that has been submitted to and approved by the Local Planning Authority in writing. For land that is included within the WSI, no demolition/development shall take place other than under the provisions of the agreed WSI, which shall include:

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

REASON: To safeguard archaeological assets within the approved development boundary from impacts relating to any demolitions or groundworks associated with the development scheme and to ensure the proper and timely preservation and/or investigation, recording, reporting, archiving and presentation of archaeological assets affected by this development, in accordance with national policies contained in the National Planning Policy Framework (MHCLG 2021).

A brief for the recommended programme of archaeological works is available from this office upon request. Please see our website for CHET service charges

5.4. FDC Conservation (12/10/2023)

*Due regard is given to the impact of this proposal on the architectural and historic interests of the listed building, setting of adjacent listed buildings and on the character and appearance of the conservation area with due regard to the duty in law under S66 and S72 Planning (Listed Buildings and Conservation Areas) Act 1990. **The proposal requires amendment.** The following comments are made:*

The site is located along High Street within the March Conservation Area. There are two listed buildings in close proximity to the site. One being no.86 directly opposite the site and the other being 93 adjacent south, separated by a narrow roadway. As such, the setting of these designated heritage assets are a key consideration in this proposal.

The existing site is considered to have a negative impact on the character and appearance of the conservation area. The host building, whilst of congruent form and overall proportion and once being a positive building, is much altered from its original appearance. The painted elevations awkwardly proportioned modern windows and a rather unsightly extraction system that has been clad in particularly poorly matching brick slips to the gable. This is an example of the damage that incremental poorly and considered alterations can have on the street scene. The rest of the site to the south is a forecourt bounded by industrial looking fencing and an unfortunate proliferation of unauthorised signage.

The principle of the proposal to demolish the host building is on balance supported owing to the limited contribution that it now provides to the March Conservation Area.

The previous scheme (withdrawn) proposed a three-storey flat roofed building with a parapet, which was considered to be of a scale that was too large for its setting. Concerns were made in relation to the depth of the building making it difficult to provide a positive roofscape that would result in a beneficial appearance within the Conservation Area, as set out below:

‘Similarly designed elevations could be achieved under a pitched roof with modestly proportioned dormers forming the second floor and be far more sympathetic to its immediate surroundings.

Owing to the access road directly to the south of the site, the very deep floorplan of the building would also be highly visible and prominent within the streetscene. Again the elevation detailing is not poor, but the unrelieved boxy form is.

The box like form of the building has to my mind been dictated by a wish to maximise profit from the site, but this has been done in lieu of designing a scheme that is appropriate to the position it is located and the setting of the heritage assets adjacent.'

The revised is essentially of the exact same scale with the only change being an approx. 10 degree tilt to the third floor, the addition of an alien cladding material and the presence of dormers that are frankly far too large. As such, other than the design becoming worse, and the concerns remain the same. It remains the case that not wishing to reduce the floorspace, is dictating the appearance of the proposal.

Additionally, the proposed building stands much further forward of the main building line and therefore will become the dominant feature in views when progressing along the High Street. The south elevation will be particularly visible owing to the gap created by the access road. The appearance is a building that remains far too deep and too tall to be designed in such an unrelieved form. This side elevation design may be acceptable where it is concealed with development on both sides, but not where the side elevation forms a prominent feature. The only change is the aforementioned awkward tilt of the meagre roof pitch with a flat roof above. It remains little changed and simply not good enough.

As a final point the main front entrance door that was previously objected to remains unaltered.

Amendment and Additional Information

- Reduce height to two storey with attic provided by way of a pitched roof.
- Omit boxy form for a design of traditional scale, that is respectful to its surroundings.

Suggested Conditions

All external facing materials to be submitted to and agreed in writing by the LPA.

All windows and doors shall be recessed into their reveals from the front face of the brickwork by at least 50mm to enable depth and shadowlines.

Pointing shall be carried out in a lime-coloured mortar (not grey cement)

RECOMENDATION: OBJECTION - AMENDMENT AND ADDITIONAL INFORMATION REQUIRE

5.5. Designing Out Crime Officer (12/10/2023)

I have viewed the documents in relation to crime, disorder and the fear of crime and have searched the Constabulary crime and incident systems covering the above ward and surrounding streets for the last 2 years. I would consider this to be an area of low to medium risk to the vulnerability to crime, as mentioned in my colleague's response to the planning application dated 22nd March 2023 (Your reference F/YR23/0118/F).

Having viewed the documents, I note the changes made to the design and layout, which appear to be acceptable, and that the building will be built to the standards of secured by design.

Cycle storage - the proposed cycle store must be lockable, and each resident provided with a key. Staff should be provided with a separate store of stands. Refuse store - commercial and residential, clarification required on who and or how this will be collected? Fence – the documents refer to 1.8m fencing, please could you clarify that there will be a matching gate, this should be lockable for all residents and commercial staff and fitted with a self-closer. It appears that this is accessed of the cycle path – could this be confirmed. Access control – audio/visual residential flats. Lighting - There

should be LED dusk to dawn wall mounted lights above each entrance/exit doors. I would like to see the lighting plan, including lux levels and calculations when available please. There should be a column light in the rear yard designed to BS5489-1:2020. Please note: Bollard lighting should be used as wayfinding only and not as a main source of lighting.

Cycle storage - the proposed cycle store must be lockable, and each resident provided with a key. Staff should be provided with a separate store of stands.

Refuse store - commercial and residential, clarification required on who and or how this will be collected?

Fence – the documents refer to 1.8m fencing, please could you clarify that there will be a matching gate, this should be lockable for all residents and commercial staff and fitted with a self-closer. It appears that this is accessed off the cycle path – could this be confirmed.

Access control – audio/visual residential flats.

Lighting - There should be LED dusk to dawn wall mounted lights above each entrance/exit doors. I would like to see the lighting plan, including lux levels and calculations when available please. There should be a column light in the rear yard designed to BS5489-1:2020. Please note: Bollard lighting should be used as wayfinding only and not as a main source of lighting.

The drawings appear to show a gap between the existing retail and the new development, please could you clarify that there will be no access between the two buildings.

This office will be happy to discuss “Secured by Design” Homes and Commercial with the applicant/architect and or developer as I believe this development could achieve the accreditations with discussion.

I am happy for the above to be conditioned.

5.6. FDC Economic Growth Team (04/10/2023)

Fully support this application.

5.7. FDC Environmental Health (20/10/2023)

In the interest of brevity, comments have been received which refers to insufficient information having been submitted with regards to proposed mechanical and ventilation to serve the proposed commercial uses and how this could impact upon residential properties. This should include submission of a noise impact assessment and odour assessment.

Further to this, a request has been made for the hours of opening to be submitted along with a Construction Management Plan.

The introduction of a green roof has been welcomed as a way of maintaining compliance with local air quality objectives.

FDC Environmental Health (revised comments 4/4/24)

I have now had the opportunity to observe the details submitted for the proposed kitchen extraction system.

Whilst in principle the schematics and intended equipment to address noise, vibration and cooking odour look sufficient for purpose, the information has not been accompanied by noise and odour impact assessments as requested by Ms Laura Harwood (Senior Environmental Health Officer) on 20.10.23.

The stance taken was that an objection to the application would have to be raised unless sufficient information was provided, and the aforementioned impact

assessments formed part of that information, as well as the submission of proposed hours of use of the additional Class E and takeaway business.

5.8. **Historic England (24/10/2023)**

This scheme is a re-submission of an earlier proposal within the March Conservation Area, that we commented on in March of this year and raised concerns. We were particularly concerned with the scale of the new building and recommended that a pitched or hipped roof with dormers would be a more appropriate design response than the previous flat-roofed, three-storey design.

The amended scheme however proposes a mansard roof with bulky full height windows that are tightly-arranged with minimal space between them. This is uncharacteristic of the locality and gives the building a rather top-heavy appearance, and in our opinion the scale is not much different to the original scheme.

Whilst we acknowledge that some of the buildings in this part of the conservation area are three-storey, we believe that the proposed building would be somewhat at odds with the prevailing scale and form, which is a more modest two-storeys. We therefore suggest that a traditional pitched-roof with fewer and more modestly proportioned dormers.

Policy context

The National Planning Policy Framework (NPPF) makes it clear that heritage assets are an irreplaceable resource that should be conserved in a manner appropriate to their significance (paragraph 189).

Paragraph 199 reminds us that that great weight should be given to an asset's conservation and the more important that asset, the greater that weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm.

Paragraph 200 states that Any harm to, or loss of significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification, and that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, that harm should be weighed against the public benefits of the proposal, including securing its optimum viable use (paragraph 202).

Historic England's position

We do not consider that the proposal as it stands would enhance the conservation area as fully as it could do. We therefore conclude that the proposal would result in a degree of less than substantial harm to the March Conservation Area in terms of the NPPF. However, we believe that this harm could be mitigated by revisions to the proposal, as per our original advice and as described above.

If however your authority is minded to approve this planning application, then in accordance with the tests and requirements of paragraph 202 of the NPPF we advise that it satisfies itself that the development would deliver public benefit that is sufficient to outweigh any harm that would result.

Recommendation

Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 189, 199, 200, 202 of the NPPF.

In determining this application you should bear in mind the statutory duty of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

5.9. **CCC Highways (25/10/2023)**

Upon reviewing the plans and information submitted as part of this application, I have no objection in principle. However, I note that an access door is proposed where there is currently no footway within the highway, to the left-hand side of the elevation plan reference 210702-A117. I would recommend an extension of the existing footway, currently shown at the frontage of No. 89 and part of 91, that encompasses the full width of the frontage proposals for No. 91. Please provide details of a proposed footway design as an extension of the existing footway, to the right-hand side of the plan previously referenced, and resubmit for further comment or recommendations.

CCC Highways (revised comments 17/4/24)

Upon reviewing the updated plans and information submitted as part of this application, I have no objections in principle. I note that my previous recommendation regarding the extension of the footpath has been added to the submitted plan reference: 210702-01-A123 Revision C. As this amendment has been made, I have no further comments or recommendations. Please include the following informative should this application gain benefit of planning permission.

Works in the Public Highway

This development may involve work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council.

Local Residents/Interested Parties

Supporters

5.10. 15no. letters of support have been received from 14 addresses within March which make the following summarised comments:

- The development will be in keeping with the area and will improve the visual aspect of the area
- Much needed homes for younger people
- Will help the community grow
- Great use of an existing space providing affordable housing for local residents
- Will provide jobs within the area
- Will bring additional retail opportunities at the southern side of town
- Will improve the street appearance and is an ideal location

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), the March Neighbourhood Plan (2017) and the Cambridgeshire & Peterborough Minerals and Waste Local Plan (2021).

6.2. Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require Local Planning Authorities when considering development to pay special attention to preserving a listed building or its setting and to the desirability of preserving or enhancing the character or appearance of a conservation area.

7 POLICY FRAMEWORK

7.1. **Planning Policy Framework (NPPF)**

Para 2: NPPF is a material consideration in planning decisions.

Para 117: Promote effective use of land

Para 118: Opportunities and benefits of the reuse of land

Para 127: Well-designed development

Para 130: Permission should be refused for development of poor design that fails to take opportunities for improving the character and quality of an area.

Para 131: Great weight should be given to outstanding or innovative designs.

Para 184: Heritage assets should be conserved in a manner appropriate to their significance.

Para 189: Applicants should describe the significance of any heritage assets affected.

Para 194: Harm to or loss of significance of a heritage asset should require clear and convincing justification.

Para 195: Substantial harm should result in refusal unless substantial public benefits outweigh it.

Para 196: Less than substantial harm should be weighed against public benefits.

7.2. **National Planning Practice Guidance (NPPG)**

Determining a Planning Application

7.3. **National Design Guide 2021**

- Context
- Identity
- Built Form
- Uses
- Homes and Buildings
- Resources
- Lifespan

7.4. **Fenland Local Plan 2014**

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

LP6 - Employment

LP9 – March

LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland

LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland

LP16 – Delivering and Protecting High Quality Environments Across the District

LP17 – Community Safety

LP18 – The Historic Environment

LP19 – The Natural Environment

7.5. **March Neighbourhood Plan 2017**

H2 – Windfall Development

7.6. **Delivering and Protecting High Quality Environments in Fenland SPD 2014**

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

DM4 – Waste and Recycling Facilities

7.7. **Emerging Local Plan**

The Draft Fenland Local Plan (2022) was published for consultation between 25th August 2022 and 19 October 2022, all comments received will be reviewed and any changes arising from the consultation will be made to the draft Local Plan. Given the very early stage which the Plan is therefore at, it is considered, in accordance with Paragraph 48 of the NPPF, that the policies of this should carry extremely limited weight in decision making. Of relevance to this application are policies:

LP1 – Settlement Hierarchy
LP2 – Spatial Strategy for the Location of Residential Development
LP5 – Health and Wellbeing
LP7 – Design
LP8 – Amenity Provision
LP11 – Community Safety
LP16 – Town Centres
LP20 – Accessibility and Transport
LP22 – Parking Provision
LP23 – Historic Environment
LP27 – Trees and Planting
LP32 – Flood and Water Management

8 KEY ISSUES

- **Principle of Development**
- **Heritage, design considerations and visual amenity of area**
- **Residential Amenity**
- **Parking and Highways**
- **Flood Risk and Drainage**

9 BACKGROUND

- 9.1. Pre-application advice was provided in February 2022 which considered that the principle of development could be supported subject to compliance with other relevant policies. It was advised that there was potential to improve the character and appearance of the site to the benefit of the wider area. However, it was outlined that the proposed part 4 storey, part 3 storey building brought forward at this stage was an overdevelopment and needed to be scaled back considerably, the officer detailed that the height and building should take a steer from 87-89 and 93 High Street and provide a transition between these.
- 9.2. The officer expressed concerns regarding impacts of the proposed on the residential amenity of dwellings located at Chapel Street creating a sense of enclosure due to the proposed scale of the building and landscaping and some separation and/or mitigation should be provided as the existing road here sits lower than the site. Additionally, the officer also expressed concerns of adverse impacts on residential amenity on a number of dwellings to the north, with windows facing towards and gardens abutting the site.
- 9.3. The pre-application submission also detailed that no on-site parking was proposed, the officer commented that this may be preferable on this site given the need to turn within the site to exit onto High Street (which is a B Class road) and the constrained nature of Chapel Street, however the impact of additional traffic movements, potential for on street parking and use of public car parks will need to be considered and justified, it is likely that only a lesser number of units would be acceptable in this regard.
- 9.4. Within this pre-application advice the Conservation Officer also expressed concerns regarding the scale of the proposal on the character and appearance of the conservation area and the setting of listed buildings, by virtue of the potential of the scheme to completely overwhelm and dominate this area of High Street. It was advised that the proposed should be set back to align more with no. 87-89 than the current position of no. 91, as the existing no. 91 building does not overwhelm the area due to

its small scale. Overall, the Conservation Officer expressed concerns about the impact of the loss of 91 High Street on the character of the conservation area – the level impact of this loss could be altered by the impact of the proposed replacement building. The Conservation Officer stated the loss of the quaint and characterful building that is existing is not outweighed (architecturally) by the current proposal.

- 9.5. A full planning application (ref: F/YR23/0118/F) was submitted to the council in January 2023 to 'Erect a 3-storey building comprising of 2 x commercial units (Class E) and 7 x dwellings (4 x 1-bed flats and 3 x 2-bed flats) with associated waste and cycle storage involving demolition of existing 2-storey building'. The application was scheduled to be brought forward to the Planning Committee in July 2023 due to the Town Council comments and number of representations received contrary to the officer's recommendation. The case officer's recommendation was for refusal of the application due to the proposed development failing to conserve and enhance the March Conservation Area by virtue of its scale, siting and design creating a development that would stand unduly prominent and incongruous on High Street to the detriment of the historic buildings around it and this part of the Conservation Area. Furthermore, the application was also recommended for refusal due to adverse impacts on the residential amenity of neighbouring dwellings surrounding the site, particularly those at Chapel Lane and to the north of the site, in terms of overlooking, overshadowing and overbearing impacts the proposed development would create by virtue of its scale, siting and design. Subsequently, the application was withdrawn at the request of the applicant prior to being heard by the Planning Committee.
- 9.6. The submitted application is brought forward as a revised submission to the original application (F/YR23/0118/F) that was withdrawn in July 2023.

10 ASSESSMENT

Principle of Development

- 10.1. The application site is located within the settlement of March which is identified within the Settlement Hierarchy as a Primary Market Town; Market Towns are identified within Policy LP3 as the focus for where housing growth, employment growth, retail growth and wider service provision should take place, accordingly there is a presumption in favour of development within this location.
- 10.2. The site is located within the Town Centre Boundary where retail development would be supported. Policy LP6 of the Fenland Local Plan 2014 seeks to increase employment opportunities across the district and paragraph 85 of the NPPF 2023 places significant weight on the need to support economic growth and the proposed development would support this.
- 10.3. The principle of development is therefore acceptable subject to other considerations including residential and visual amenity, heritage, design, parking, highways and flood risk being addressed.

Heritage, design considerations and visual amenity of area

- 10.4. Paragraph 131 of the NPPF (2023) states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. This is also reflected in Local Plan Policy LP16 which seeks to promote high quality environment through demonstrating they make a positive contribution to the local distinctiveness and character of the area, enhancing their local setting and both responding to and improving the character of the local built environment whilst not adversely impacting on the street scene, settlement pattern or landscape character of the surrounding area.

- 10.5. Policy H2 of the March Neighbourhood Local Plan states that proposals for residential development will be supported where they meet the provisions of the Fenland Local Plan and, inter alia, f) the proposal is of a high standard of design.
- 10.6. Policy LP18 addresses matters concerning the historic environment within Fenland, noting that development proposals will be required to describe and assess the significance of any heritage asset, identify the impact of proposed works on its character and provide justification for those works, especially if they would harm the setting of the asset.
- 10.7. Due regard is given to the impact of this proposal on the architectural and historic interests of the setting of adjacent listed buildings and on the character and appearance of the conservation area with due regard to the duty in law under S66 and S72 Planning (Listed Buildings and Conservation Areas) Act 1990.
- 10.8. The application is located within a Conservation Area, additionally there are two Grade II Listed buildings in close proximity to the site, no. 86 High Street, the former County Courthouse, directly opposite the site across High Street and no. 93 High Street, Audmoor House, adjacent to the south, separated by the roadway serving the Oliver Cromwell hotel and Chapel Lane.
- 10.9. In comparison to the withdrawn application F/YR23/0118/F, the latest scheme has changed in some areas. Flat 5 has been brought forward as one bedroom accommodation rather than the previous two bedrooms. The scale has remained much the same, with the only change being an approx. 10-degree tilt to the third floor, the addition of a cladding material and the presence of 6 no. dormers at third floor within the front roof plane. The flat roof above remains, which is now proposed as a 'living/green' roof.
- 10.10. It is noted that the existing site is considered to have a negative impact on the character and appearance of the conservation area. The host building, whilst of congruent form and overall proportion and once being a positive building, is much altered from its original appearance. Alterations carried out include painted elevations, awkwardly proportioned modern windows and a rather unsightly extraction system. This is an example of the damage that incremental alterations can have on the street scene. The rest of the site to the south is a forecourt bounded by industrial looking fencing and an unfortunate proliferation of unauthorised signage. The principle of the proposal to demolish the host building is, on balance, supported owing to the limited contribution that it now provides to the March Conservation Area.
- 10.11. The area is characterised by two storey buildings, with evidence of three storeys of varied architectural forms, eras and materials. Nevertheless, the proposed height of the replacement building at a height of three floors is considered to be out of scale. The adverse impact of the height is increased further when the building is read in context of the surrounding built environment, as the site is set substantially further forward than the adjacent building no. 89 – 87 High Street which is a two-storey building with attics.
- 10.12. Historic England have provided comments for the application and acknowledge that there is evidence of three storey buildings within the conservation area, however, the proposed development would be at odds with the prevailing scale and form, which is of more modest two-storey buildings. They summarise by stating that the proposal would not enhance the conservation area as fully as it could do and would therefore result in a degree of less than substantial harm to the March Conservation Area in terms of the NPPF.
- 10.13. Further to comments from Historic England, the Councils' Conservation Officer has commented on the application and also objected to the proposed development. The Conservation Officer has stated 'the previous scheme (withdrawn application F/YR23/0118/F) proposed a three-storey flat roofed building with a parapet, which was considered to be of a scale that was too large for its setting. Concerns were made in

relation to the depth of the building making it difficult to provide a positive roofscape that would result in a beneficial appearance within the Conservation Area. The revised is essentially of the exact same scale with the only change being an approx. 10-degree tilt to the third floor, the addition of an alien cladding material and the presence of dormers that considered too large. As such, other than the design becoming worse, the concerns remain the same. It remains the case that not wishing to reduce the floorspace, is dictating the appearance of the proposal.'

- 10.14. Furthermore, the Conservation Officer has also provided comments on the revised scheme brought forward within this application outlining 'the proposed building stands much further forward of the main building line and therefore will become the dominant feature in views when progressing along the High Street. The south elevation will be particularly visible owing to the gap created by the access road. The appearance is a building that remains far too deep and too tall to be designed in such an unrelieved form. This side elevation design may be acceptable where it is concealed with development on both sides, but not where the side elevation forms a prominent feature. The only change is the aforementioned awkward tilt of the meagre roof pitch with a flat roof above. It remains little changed and simply not good enough.'
- 10.15. Amended plans were received during the course of the application that demonstrates the provision of an external flue to the northern elevation. The plans demonstrate that this would be set back from the front elevation and have been annotated to show that it would be boxed in with a brick effect cladding finished to match the proposed brick material with the cowl projecting above the roof by 1m. The Conservation Officer commented further stating that the design of the flue is the lesser of the concerns but notwithstanding that, questioned disguising the flue as a chimney and not extending it to ground floor level. The amended scheme does not alter the objections raised in respect of the development in terms of impact upon heritage assets.
- 10.16. It is therefore evident that the proposed scale, siting and design of the building would lead to an adverse impact on the Conservation Area and Grade II Listed buildings no. 86 and 93 High Street that are in close proximity to the application site. It is observed that the proposed development would provide public benefit associated with the redevelopment of the site, specifically the provision of additional housing catering located in close proximity to the town centre and the creation of commercial units leading to employment provision, though, these benefits would not outweigh the harm that would be created by the proposal on designated heritage assets, as other more sympathetic designs could likely achieve the same outcome without the same degree of harm. Therefore, it is apparent that the proposed development by virtue of its scale, siting and design would lead to an adverse impact on setting of adjacent listed buildings and on the character and appearance of the Conservation Area. Overall. It is therefore considered that the proposed development would be contrary to Policies LP16 and LP18 of the Fenland Local Plan 2014, Sections 66 and 72 Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 16 of the NPPF.

Residential Amenity

- 10.17 Policy H2 of the March Neighbourhood Local Plan states that proposals for residential development will be supported where they meet the provisions of the Fenland Local Plan and, inter alia, a) The proposal will not result in unacceptable impact on levels of light, privacy and private amenity space for the occupants of the proposed dwellings. The impact of proposals on existing neighbouring properties will be assessed against Policy LP16 of the Local Plan and f) the proposal is of a high standard of design.
- 10.18 The proposal has the potential to result in amenity impacts on the surrounding developments through matters such as overlooking, loss of privacy, overshadowing and overbearing impact. Within the pre-application advice provided in February 2022 the officer expressed concerns regarding impacts of the proposed on the residential amenity of dwellings located at Chapel Street creating a sense of enclosure due to the proposed scale of the building and landscaping and some separation and/or mitigation

should be provided as the existing road here sits lower than the site. Additionally, the officer also expressed concerns of adverse impacts on residential amenity on a number of dwellings to the north, with windows facing towards and gardens abutting the site.

- 10.19 Within the latest proposed scheme brought forward it is noted that the four storey element proposed within the pre-application has been removed reducing the building to a maximum height of three storeys. Further to this, several of the previously proposed balconies have been removed with the external terrace remaining to serve flats 3 and 6. Nevertheless, besides the addition of a 1.8m chain and link fence on the boundary wall at the rear of the site, no separation and/or mitigation has been provided to Chapel Street, therefore this would create an additional sense of enclosure to the dwellings existing here that already sit lower than the site. Furthermore, and whilst the building has been reduced in height from that scheme previously withdrawn and some windows marked as obscure glazed, the dwellings to the north would still be adversely affected through overlooking from windows of the proposed flats leading to loss of privacy.
- 10.20 In addition to the above, there are two balcony areas proposed at first and second floor on the rear elevation that will serve flats 3 and 6. Balconies are ordinarily unacceptable within built-up urban areas due to the impact they can have in terms of privacy loss and general disturbance to neighbours. In assessing impact upon amenity, the degree of overlooking will be considered. The balcony areas would introduce an elevated and projecting vantage point on the rear elevation and, whilst the application plans demonstrate the installation of metal railings to enclose the balcony areas, these are 1m high and not sufficient to overcome a significant degree of overlooking that would occur to the neighbouring properties. Notwithstanding this, due to the elevated position of the balcony areas, this would create a higher level of noise and disturbance than would normally be expected in such situations in close proximity to other residential properties.
- 10.21 Overbearing and overshadowing adverse impacts would also be generated to the gardens of these dwellings to the north, especially in the winter months, due to the scale of the proposed building and the building sharing a boundary with the gardens serving these dwellings.
- 10.22 There is no indicated minimum level of amenity space provision within the policies of the development plan for flats, however, the plans demonstrate that the development would provide future occupants with an acceptable level of internal amenity space and in compliance with the Nationally Described Space Standards.

Residential amenity - noise and odours

- 10.23 Policy LP16 (e) and (l) requires proposals not to impact on the amenity of neighbouring users. The application proposes a takeaway. Amended plans have been received during the application that demonstrates the provision of an extraction system with an external flue is to be installed on the northern elevation. Plans show that this will be boxed in with a brick effect cladding finished to match the proposed brick material. The cowl is to project 1m above the roofline which will be powder coated black/grey, as annotated on the plan.
- 10.24 Whilst details of the extraction system have been submitted and welcomed, no accompanying Noise Impact Assessment and Odour Assessment have been submitted, as was requested in the original comments from the Councils Environmental Health Officer. Such assessments provide specific data to assess the effect of a proposed development in respect of noise levels generated and to gauge impacts from any odours that might occur adjacent to an existing receptor. Without submission of these assessments, it is not possible to conclude whether or not the extraction system proposed is sufficient to mitigate impacts upon neighbours amenity in terms of noise and odours. It is to be noted that the agent was made aware of the requirement but decided not to submit these. Further to the above, no details have been provided in

respect of opening hours, something requested from the Councils Environmental Health Officer.

- 10.25 Given the above, insufficient information has been provided to allow the LPA to determine whether or not an adverse impact would occur to existing residential amenity in terms of noise and odour impact and therefore the proposal fails to comply with policies LP2 & LP16 of the Fenland Local Plan 2014 and policy H2 of the March Neighbourhood Plan.
- 10.26 It is therefore considered that due to the adverse impacts the proposed development would have on residential amenity of dwellings located at Chapel Lane and to the north of the site, the proposed development would be contrary to LP2 and LP16 of the Fenland Local Plan 2014 and policy H2 of the March Neighbourhood Plan.

Parking and Highways

- 10.27 Policy LP15 of the Fenland Local Plan (2014) requires development to provide a well-designed, safe and convenient access for all, giving priority to the needs of pedestrians, cyclists, people with impaired mobility and users of public transport. Appendix A of the Fenland Local Plan sets out the parking standards associated with development proposals, noting that for flatted developments, 1.25 spaces per unit are required for units of a single bedroom, and 1.5 per unit for units of more than 1 bedroom. Appendix A also allows development to make an under provision of parking in places with good transport links, such as the central area of a market town.
- 10.28 The proposal includes the development of 5 x 1-bed flats and 2 x 2-bed flats, in line with Policy LP15 and Appendix A of the Fenland Local Plan 2014 the development would be required to provide 10 parking spaces. The submitted scheme has not provided any on-site parking within the proposed development, it is acknowledged that the proposed would provide a double stacking system cycle store with 10 spaces. Within the pre-application advice provided, the officer stated no on-site parking may be preferable on this site given the need to turn within the site to exit onto High Street (which is a B Class road) and the constrained nature of Chapel Street.
- 10.29 Noting the above comments from the pre-application advice given to the applicant, it is acknowledged that the proposed number of flats has been reduced from 8no to 7no. Additionally the constrained nature of the plot and potential inability to provide on-site parking along with availability of public car parks within the local area, existing approvals in the area whereby parking requirements have not been met and the sustainable nature of the site's location and availability to public transport links are noted. It is therefore considered that the presence of no on-site parking would not justify the refusal of this application on this basis.
- 10.30 Amended plans were received during the course of the application which addressed concerns raised from County Highways in respect of extending the footpath within the site. Following this amendment, there are no objections in principle to the development from County Highways subject to an informative to be added in the event of an approval.

Flood Risk and Drainage

- 10.31 The application site is located within Flood Zone 1 (low risk) and at very low risk of surface water flooding, as such the proposal is considered to be appropriate development and there are no issues to address in respect of Policy LP14.

11 CONCLUSIONS

- 11.1. Paragraph 208 of the NPPF states that where a development proposal will lead to less than substantial harm of the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Notwithstanding, any

harm/ disbenefits arising through developments should be weighed against any benefits they may bring.

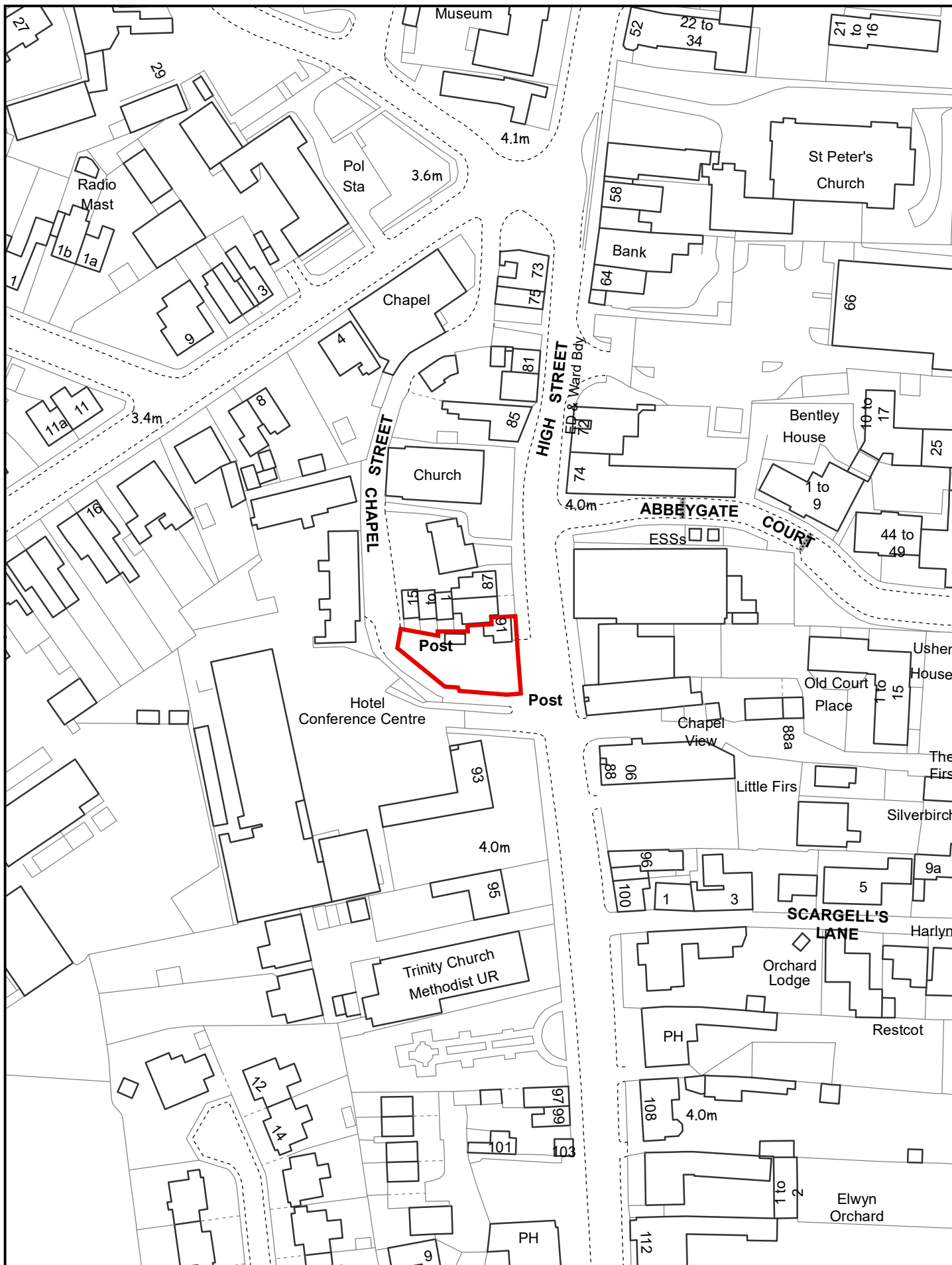
- 11.2. The development would result in the provision of 7no new dwellings along with two commercial units. As well as making a modest contribution to housing provision, economic benefits would be delivered in the construction period along with employment and from future residents spending within the locality. Furthermore, the commercial units would attract potential employment opportunities to the town centre, further choice of goods/ services for the community and therefore opportunities to enhance the vitality and viability of the town centre in general. This all carries substantial positive weight.
- 11.3. Whilst the harm to heritage assets is considered to be less than substantial, the requirements of the NPPF and Act require great weight to be attached the negatives due to the harm that would arise to the setting of the Listed Buildings and the Conservation Area and thereby the significance of these heritage assets. In balancing the conflicting factors, taking into account the public benefits, these would not be sufficient to justify the harm to the significance of the designated heritage assets that would be caused.
- 11.4. Furthermore, Policy LP2 of the Fenland Local Plan 2014 requires development proposals to promote high levels of residential amenity. Policy LP16 of the Fenland Local Plan 2014 requires development proposals to demonstrate that they do not adversely impact on the amenity of neighbouring users. The proposed development would introduce elevated and projecting vantage points beyond the rear elevation. Development of the form proposed is not a characteristic of the area and its creation would present an unacceptable level of disturbance to neighbours. The proposal is therefore contrary to policies LP2 and LP16 of the Fenland Local Plan 2014 and policy H2 of the March Neighbourhood Local Plan.
- 11.5. In addition, Insufficient information has been submitted with the application relating to noise and odour impacts upon nearby residential properties and in order to assess adequately that the site is suitable for its proposed use or can be made through appropriate remediation. Accordingly, the proposal is contrary to Policies LP2 and LP16 of the Fenland Local Plan; paragraph 191 of the NPPF and policy H2 of the March Neighbourhood Plan.
- 11.6 In conclusion therefore, it is considered that the positive weight afforded to the benefits of this proposal, does not outweigh the identified harm and the associated conflicts with the development plan.

12 RECOMMENDATION

Refuse; for the following reasons:

1	The proposed development would fail to preserve or enhance the character and appearance of the March Conservation Area and the setting of the adjacent listed buildings. By virtue of its scale, siting and design, the proposed development would stand unduly prominent and incongruous on High Street to the detriment of the historic buildings around it and this part of the Conservation Area. Any benefits arising from the development would not outweigh the harm on the Conservation Area and adjacent listed buildings which are designated heritage assets. The proposed development would therefore be contrary to Policies LP16 and LP18 of the Fenland Local Plan 2014 and Section 16 of the NPPF.
2	Policy LP2 of the Fenland Local Plan 2014 requires development proposals to promote high levels of residential amenity. Policy LP16 of the Fenland Local Plan 2014 requires development proposals to demonstrate that they do not adversely impact on the amenity of neighbouring users whilst providing sufficient amenity space for the proposal. The proposed developed by virtue

	<p>of its scale, siting and design would create unacceptable adverse impacts on the residential amenity of neighbouring dwellings surrounding the site, particularly those at Chapel Lane and to the north of the site, in terms of overlooking, overshadowing and overbearing impacts. The proposed development is therefore considered to be contrary to policy LP16 of the Fenland Local Plan 2014.</p>
3	<p>Policy LP2 of the Fenland Local Plan 2014 requires development proposals to promote high levels of residential amenity. Policy LP16 of the Fenland Local Plan 2014 requires development proposals to demonstrate that they do not adversely impact on the amenity of neighbouring users. The proposed development would introduce elevated and projecting vantage points beyond the rear elevation. Development of the form proposed is not a characteristic of the area and its creation would present an unacceptable level of disturbance to neighbours. The proposal is therefore contrary to policies LP2 and LP16 of the Fenland Local Plan 2014 and policy H2 of the March Neighbourhood Local Plan.</p>
3	<p>Insufficient information has been submitted with the application relating to noise and odour impacts upon nearby residential properties and in order to assess adequately that the site is suitable for its proposed use or can be made through appropriate remediation. Accordingly, the proposal is contrary to Policies LP2 and LP16 of the Fenland Local Plan; paragraph 191 of the NPPF and policy H2 of the March Neighbourhood Plan.</p>



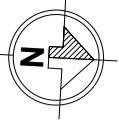
Created on: 02/10/2023

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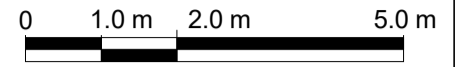
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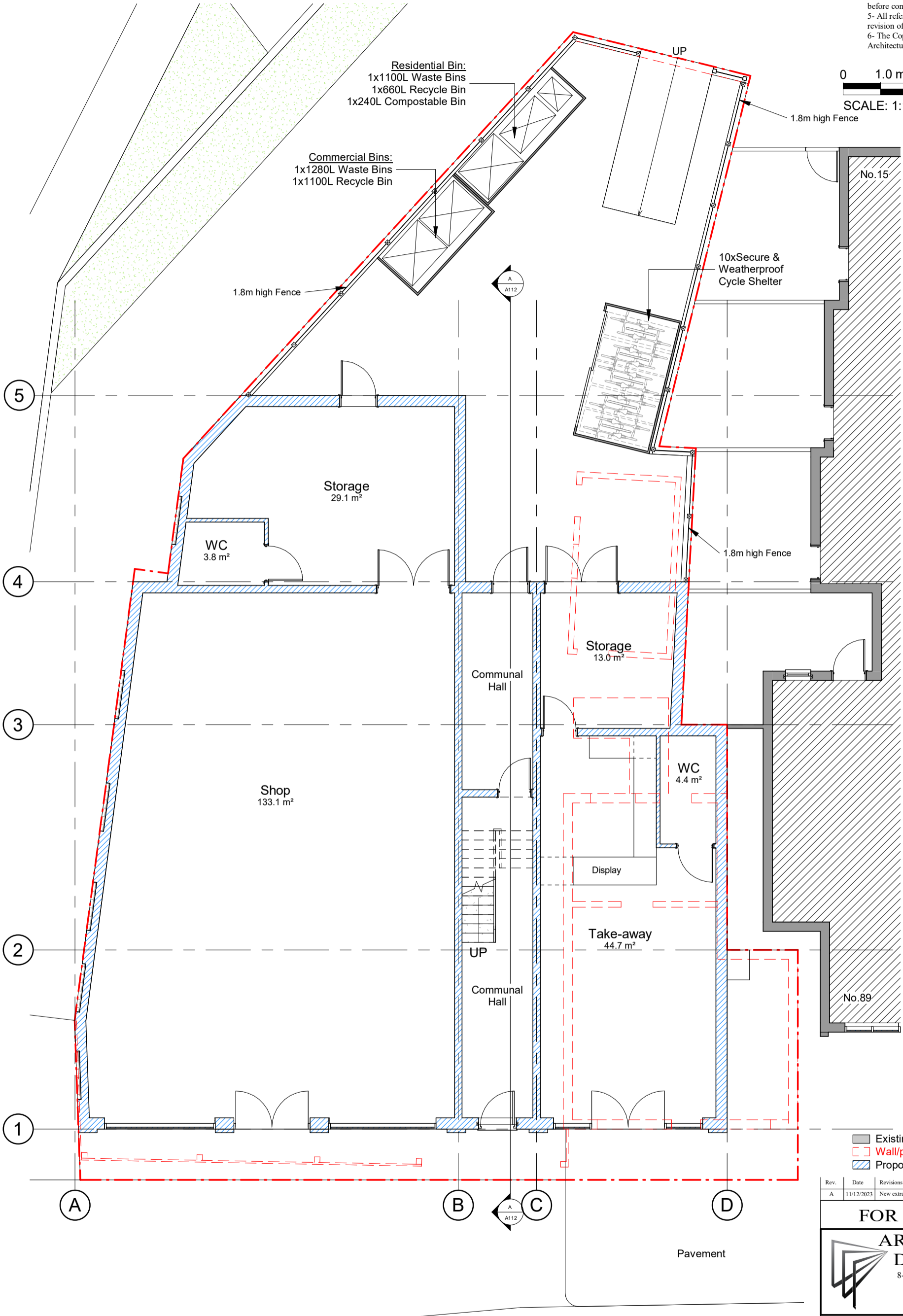




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SCALE: 1:100



- Existing Wall
- Wall/partition to be removed
- Proposed wall/partition

Rev.	Date	Revisions
A	11/12/2023	New extraction system added

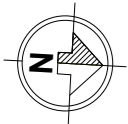
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ARCHITECTURAL DESIGN POINT

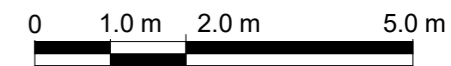
8-10 Silver Street, Enfield, EN1 3ED
Office: 0208 367 7479
Tel: 0796 029 9656
Email: info@adplondon.co.uk

Client	Mr Ali Boyraz		
Project	91 High Street, March, PE15 9LB		
Scale	1 : 100 @A3	Date	08/2023
Drawn By	I.C	Checked By	H.C
Project No.	210702-01	Drawing No.	A108
		Revision	A
Drawing Title Proposed Ground Floor Plan			

PROPOSED GROUND FLOOR PLAN
GIA: 259.54m²

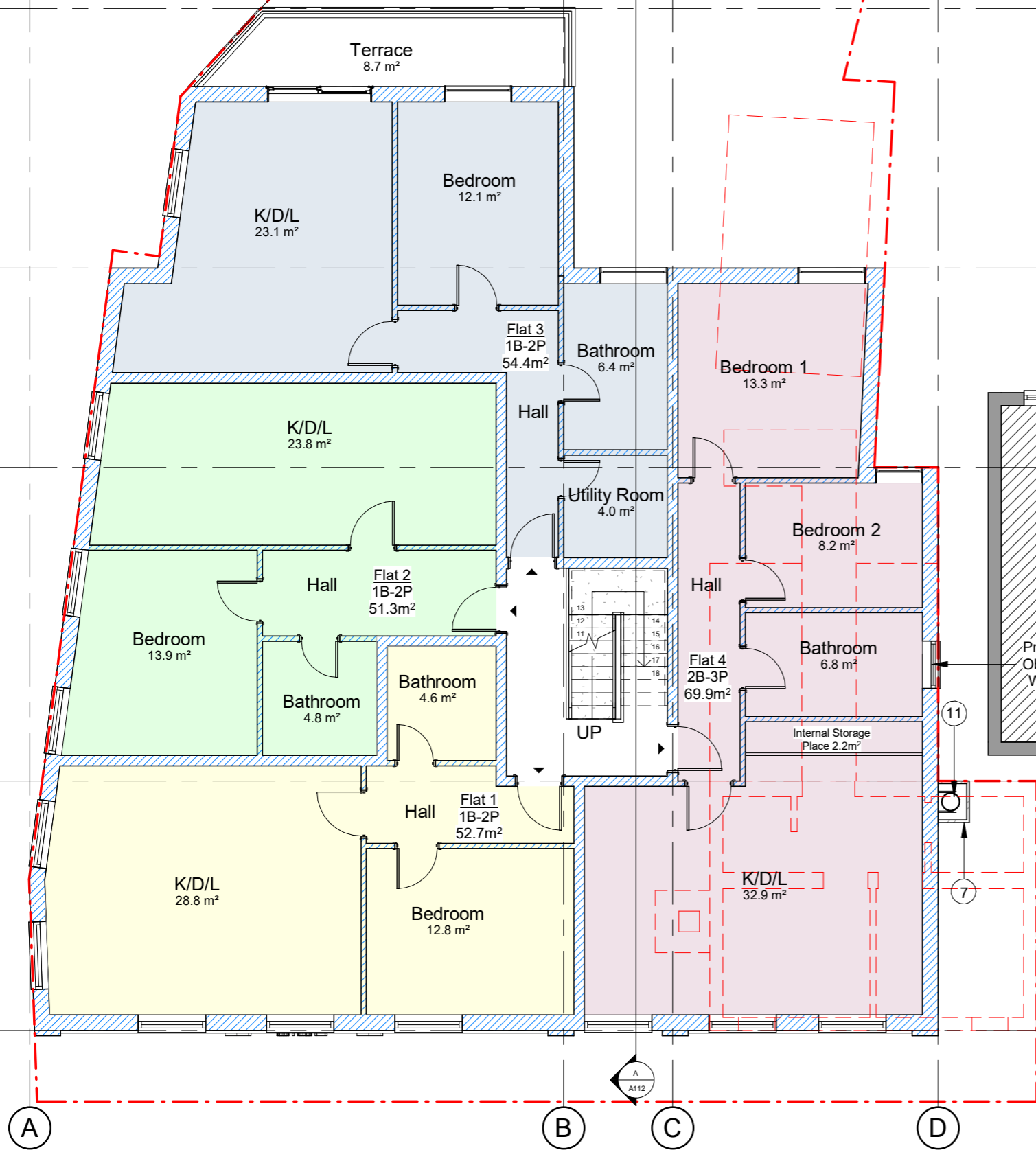


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SCALE: 1:100

5
4
3
2
1



FLATS LEGEND:

FLAT NO.	Type of Dwelling	No. of Persons	GIA (m ²)	L/D/K ROOM (m ²)	BATHROOM (m ²)	BEDROOM1 (m ²)	BEDROOM2 (m ²)	HALL (m ²)	STORAGE (m ²)	TERRACE (m ²)
FLAT 1	1 Bed	2 Person	52.7	28.8	4.6	12.8	-	5.4	-	-
FLAT 2	1 Bed	2 Person	51.3	23.8	4.8	13.9	-	7.4	-	-
FLAT 3	1 Bed	2 Person	54.4	23.1	6.4	12.1	-	7.3	4.0	8.7
FLAT 4	2 Bed	3 Person	69.9	32.9	6.8	13.3	8.2	6.9	2.2	-
FLAT 5	1 Bed	2 Person	55.1	29.1	4.6	15.3	-	6.3	-	-
FLAT 6	2 Bed	3 Person	62.7	32.7	5.1	12.0	8.4	6.5	1.0	27.4
FLAT 7	1 Bed	2 Person	51.8	26.2	5.7	13.2	-	4.3	3.1	-

- Existing Wall
- Wall/partition to be removed
- Proposed wall/partition

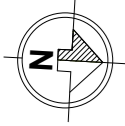
Rev.	Date	Revisions
A	11/12/2023	New extraction system added

FOR PLANNING

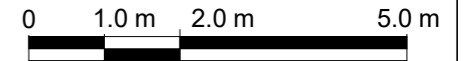
ARCHITECTURAL DESIGN POINT
 8-10 Silver Street, Enfield, EN1 3ED
 Office: 0208 367 7479
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Client	Mr Ali Boyraz	
Project	91 High Street, March, PE15 9LB	
Scale	1 : 100 @A3	Date 08/2023
Drawn By	I.C	Checked By H.C
Project No.	Drawing No.	Revision
210702-01	A109	A
Drawing Title Proposed First Floor Plans		

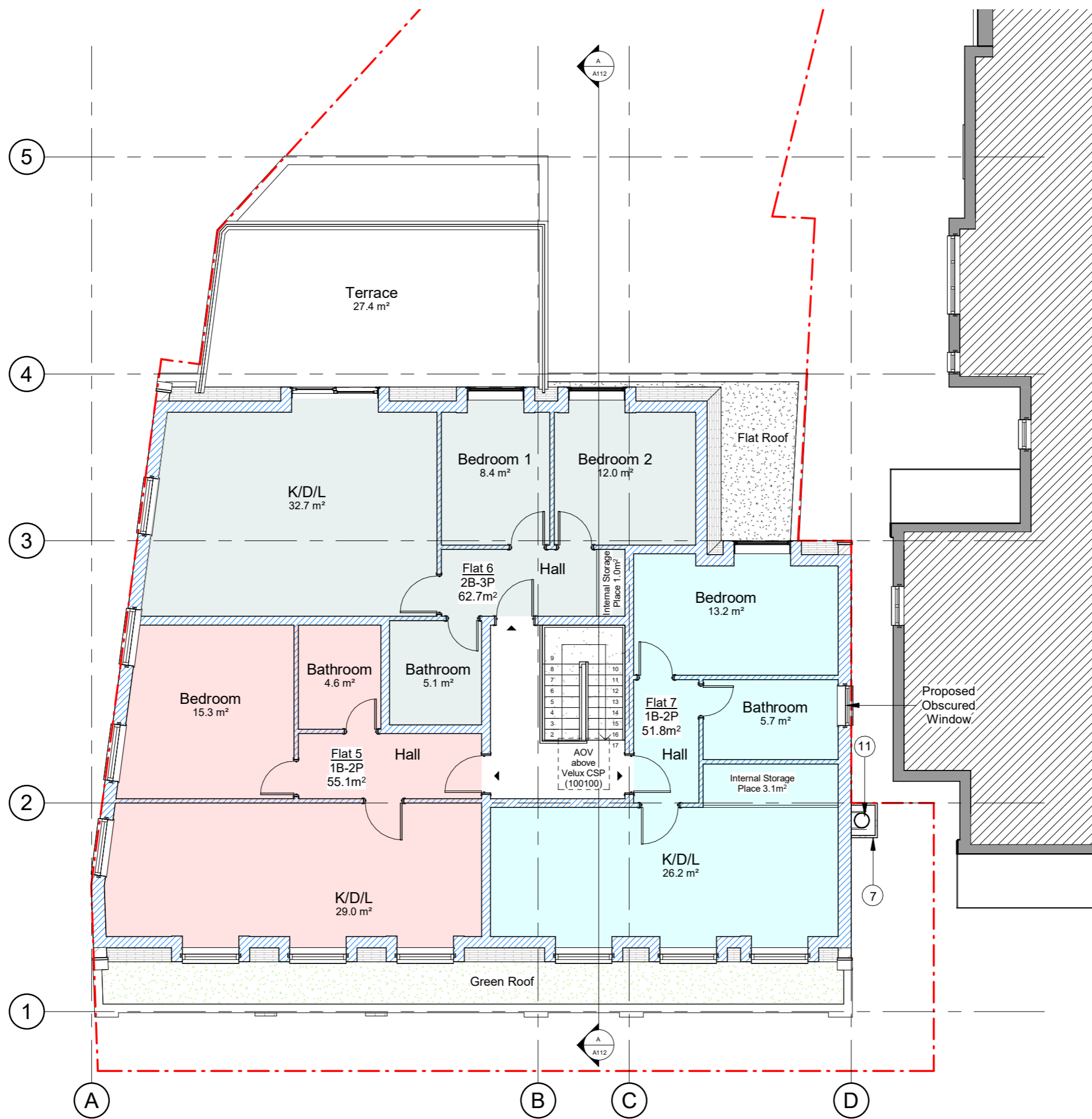
PROPOSED FIRST FLOOR PLAN
 GIA: 250.06m²



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- Existing Wall
- Wall/partition to be removed
- Proposed wall/partition

Rev.	Date	Revisions
A	11/12/2023	New extraction system added

FOR PLANNING

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Project	91 High Street, March, PE15 9LB	
Scale	1 : 100 @A3	Date 08/2023
Drawn By	I.C	Checked By H.C

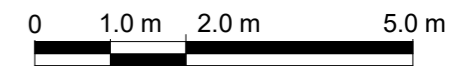
Project No.	Drawing No.	Revision
210702-01	A110	A

Drawing Title
Proposed Second Floor Plan

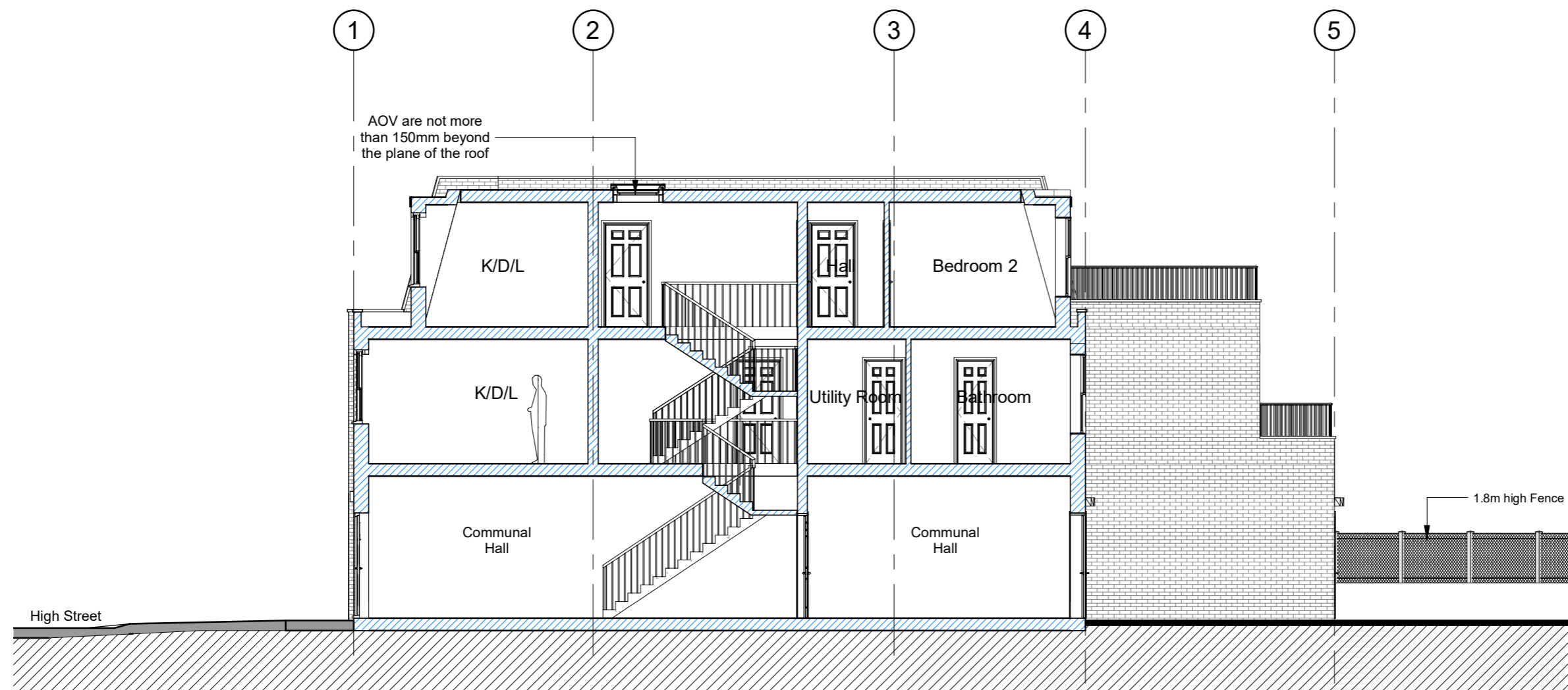
PROPOSED SECOND FLOOR PLAN

GIA: 194.79m²

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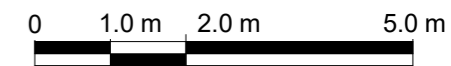


PROPOSED SECTION AA

- Existing Wall
- Wall/partition to be removed
- Proposed wall/partition

Rev.	Date	Revisions
FOR PLANNING		
 ARCHITECTURAL DESIGN POINT 8-10 Silver Street, Enfield, EN1 3ED Office: 0208 367 7479 Tel: 0796 029 9656 Email: info@adplondon.co.uk		
Client		Mr Ali Boyraz
Project		91 High Street, March, PE15 9LB
Scale	1 : 100 @A3	Date 08/2023
Drawn By	Author	Checked By Checker
Project No.	210702-01	Drawing No. A112
Drawing Title		
Proposed Section AA		

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SCALE: 1:100



PROPOSED REAR ELEVATION

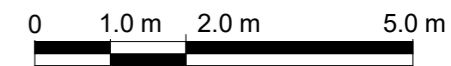
Rev.	Date	Revisions
A	11/12/2023	New extraction system added
B	23/01/2024	Amendments to the roof materials.

FOR PLANNING

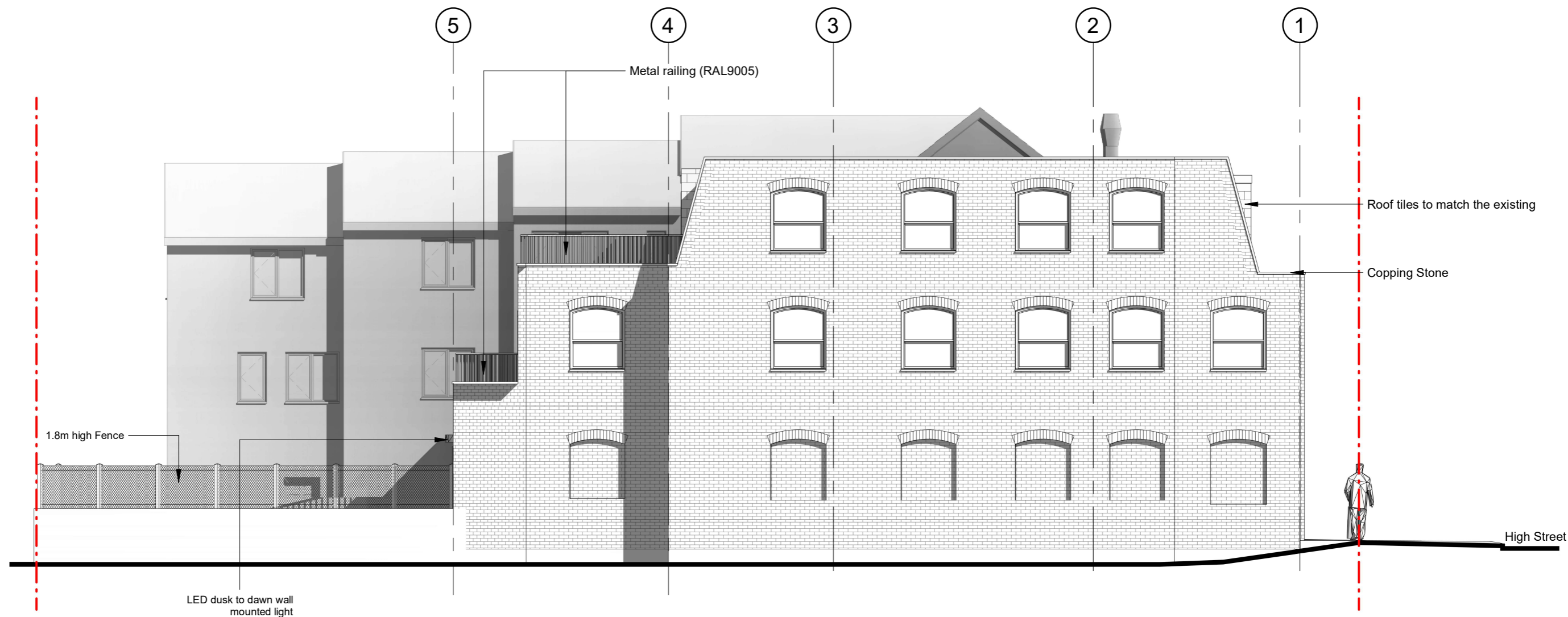
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 Tel: 0796 029 9656
 Email: info@adplondon.co.uk

Client		Mr Ali Boyraz	
Project		91 High Street, March, PE15 9LB	
Scale	1 : 100 @A3	Date	08/2023
Drawn By	I.C	Checked By	H.C
Project No.	210702-01	Drawing No.	A114
		Revision	B
Drawing Title			
Proposed Rear Elevation			

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SCALE: 1:100



PROPOSED SIDE(SOUTH) ELEVATION

Rev.	Date	Revisions
A	11/12/2023	New extraction system added
B	23/01/2024	Amendments to the roof materials.

FOR PLANNING

ARCHITECTURAL DESIGN POINT
 8-10 Silver Street, Enfield, EN1 3ED
 Office: 0208 367 7479
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 Email: info@adplondon.co.uk

Client	Mr Ali Boyraz	
Project	91 High Street, March, PE15 9LB	
Scale	1 : 100 @A3	Date 08/2023
Drawn By	I.C	Checked By H.C
Project No.	Drawing No.	Revision
210702-01	A115	B
Drawing Title		
Proposed Side Elevation		

F/YR23/0939/PIP

Applicant: Mr Mark Goude

Agent: Morton & Hall Consulting Ltd

Land North of Cherrytree House, Fallow Corner Drove, Manea,

Permission in principle for up to 5 x dwellings

Officer recommendation: Refuse

Reason for Committee: Number of representations contrary to Officer recommendation

1. EXECUTIVE SUMMARY

1.1. The proposal is an application for Permission in Principle to develop the site for up to 5 dwellings. The Permission in Principle route has 2 stages: the first stage (or Permission in Principle Stage) establishes whether the site is suitable in principle and assesses the principle issues namely:

- (1) Location
- (2) Use, and
- (3) Amount of development proposed

And the second (Technical Details Consent) stage is when the detailed development proposals are assessed. Technical details consent would need to be applied for should this application be granted.

1.2. Evaluation of a PIP must be restricted to the issues highlighted above; even if technical issues are apparent from the outset there can form no part of the determination of Stage 1 of the process, Accordingly, matters raised via statutory bodies may not be addressed at this time.

1.3. The site lies to the east of the existing linear form of residential development that is part of the settlement of Manea located along the north side of Fallow Corner Drove. The application site forms part of an existing rear garden of Cherry Tree House, the site is relatively open in nature to the north and east and bounded along the western boundary by mature hedges and trees with agricultural fields beyond.

1.4. Policy LP3 states that the Manea is classed as a Growth Village, where development and new service provision either within the existing urban area or as small village extensions will be appropriate. The broad principle of developing the site for residential use would be consistent with this policy.

1.5. The site is rural in character with open fields to the rear and beyond. It is contended that real and actual character harm would arise through the consolidation of backland development and be contrary to the existing linear features within an area which currently serves to mark the gentle transition between the open countryside and the built form of the village this being clearly at odds with Policy LP12 of the Fenland Local Plan (2014) and contrary

to the aims of Policy LP16 (d) which focuses on the need for development to enhance its setting and respond to the character of the local built environment.

- 1.6. The site lies in Flood Zone 3, the highest risk of flooding. Furthermore, insufficient justification has been provided to demonstrate that development of the site is necessary in this instance having regard to national policy which seeks to steer development to the lowest area of flood risk in the first instance. As such, the proposal conflicts with FLP policy LP14 and Chapter 14 of the NPPF.
- 1.7. Overall, the proposed development is considered to be unacceptable, and the recommendation is one of refusal.

2. SITE DESCRIPTION

- 2.1. The application site consists of the rear garden associated with the existing dwelling, Cherrytree House. There is open farmland to the north and east of the site and mature boundary treatments along the eastern and western boundaries.
- 2.2. The site lies to the south of the village of Manea and is accessed via Fallow Corner Drove, mainly single track, unclassified road which serves a number of dwellings and farmsteads. There is an existing access off Fallow Corner Drove for the existing dwelling that would be utilised for the proposed development.
- 2.3. The site is bordered to the south, south-east and west by mature and semi-mature trees and hedgerow and is largely open to the north and east. To the immediate west of the site is an established agricultural engineering operation, which comprises a large agricultural style warehouse/ shed surrounded by hardstanding and various machines and machinery parts.
- 2.4. The site lies in Flood Zone 3.

3. PROPOSAL

- 3.1. The proposal is an application for Permission in Principle to develop the site for up to 5 dwellings. The Permission in Principle route has 2 stages: the first stage (or Permission in Principle Stage) establishes whether the site is suitable in principle and assesses the principle issues namely:

- (1) Location
- (2) Use, and
- (3) Amount of development proposed

And the second (Technical Details Consent) stage is when the detailed development proposals are assessed. Technical details consent would need to be applied for should this application be granted.

- 3.2 Should this application be successful the applicant would have to submit a Technical Details application covering all the other detailed material planning considerations. The approval of Permission in Principle does not constitute the grant of planning permission.

3.3 The applicant is only required to submit minimum information to accompany the application. However, an indicative site plan detailing how the development could be laid out has been submitted showing 5 detached dwellings, 3 with a garage and two access points off Fallow Corner Drive along with access for the host dwelling. This is indicative only and the application is solely for the erection of up to 5 dwellings in principle within the red lined site.

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

[F/YR23/0939/PIP | Permission in principle for up to 5 x dwellings | Land North Of Cherrytree House Fallow Corner Drove Manea \(fenland.gov.uk\)](https://fenland.gov.uk/F/YR23/0939/PIP)

4. SITE PLANNING HISTORY

4.1. F/YR15/0904/F - Siting of a 2-bed mobile home to form annexe ancillary to the main dwelling. Refused. (07.12.2015)

5. CONSULTATIONS

5.1. Manea Parish Council (21.11.23)

Raised objection on the following issues:

- Outside the development area
- Straight Road and Fallow Corner Drove are inadequate and poorly maintained.
- Drainage issues.

5.2. Environment Agency (28.11.23)

Raised Objection

Environment Agency (05.01.24)

We have reviewed the documents as submitted and we are able to remove our objection to this planning application. Please find further information on flood risk in the relevant sections below.

Flood Risk

Flood Risk Assessment

We have no objection to the proposed development, but strongly recommend that the mitigation measures proposed in the submitted Flood Risk Assessment (FRA) are adhered to. In particular, the FRA recommends that:

- Finished floor levels will be set a minimum of 1m above ground level.
- Flood resilient measures will be incorporated up to 0.5m above finished floor levels.

Sequential and Exception Tests

In accordance with the National Planning Policy Framework (NPPF) paragraph 168, development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. It is for you to determine if the Sequential Test has to be applied and whether or not there are other sites available at lower flood risk as required by the Sequential Test

in the NPPF. Our flood risk standing advice reminds you of this and provides advice on how to do this. With regard to the second part of the Exception Test set out in paragraph 170 of the NPPF, you must be satisfied with regard to the safety of people (including those with restricted mobility), the ability of such people to reach places of safety, including safe refuges within buildings, and the ability of the emergency services to access such buildings to rescue and evacuate those people.

In all circumstances where flood warning and evacuation are significant measures in contributing to managing flood risk, we expect you to formally consider the emergency planning and rescue implications of new development in making their decisions. We strongly recommend that your Emergency Planner is consulted on the above issues.

Flood Resilient Construction

Any proposed flood resilient measures should follow current Government Guidance. For more information on flood resilient techniques, please see the Department for Communities and Local Government (DCLG) guidance document "Improving the Flood Performance of New Buildings – Flood Resilient Construction", which can be downloaded from the following website: <https://www.gov.uk/government/publications/flood-resilient-construction-of-newbuildings>. Flood Warnings We operate a flood warning system for existing properties currently at risk of flooding to enable householders to protect life or take action to manage the effect of flooding on property.

Flood Warnings Service

(F.W.S.) is a national system run by us for broadcasting flood warnings. Receiving the flood warnings is free; you can choose to receive your flood warning as a telephone message, email, fax or text message. To register your contact details, please call Floodline on 0345 988 1188 or visit <https://www.gov.uk/sign-up-for-flood-warnings>. Registration to receive flood warnings is not sufficient on its own to act as an evacuation plan. We are unable to comment on evacuation and rescue for developments. Advice should be sought from the Emergency Services and your Emergency Planners when producing a flood evacuation plan.

5.3. Environmental Health (10.12.23)

The Environmental Health Team have 'No Objections' to the proposal in principle, as it is unlikely to have a detrimental effect on local air quality or be adversely affected by ground contamination. In the event that Permission in Principle (PIP) is approved and a further application for the site is submitted, this service may recommend a condition on working time restrictions due to the close proximity to existing noise sensitive receptors.

5.4. CCC Highways (10.12.23)

The Local Highway Authority raises no objections to the proposed development. However, whilst I raise no objections I would note that the Local Planning Authority should be satisfied that the location and number of dwellings proposed is inline with its Sustainability Policies. As there is no footways or accessible public or active travel routes in this area.

Recommended Conditions

Vehicle Access:

Should be a minimum of 5m wide and hardened for a minimum of 6m in to the development.

Parking/Turning Area:

Prior to the first occupation of the development the proposed on-site parking/turning area shall be laid out in accordance with the approved plans, surfaced in a bound material and drained within the site. The parking/turning area, surfacing and drainage shall thereafter be retained as such in perpetuity (notwithstanding the provisions of Schedule 2, Part 1, Class F of The Town and Country Planning (General Permitted Development) (England) Order 2015, or any instrument revoking or re-enacting that Order).

5.5 Natural England – No comments made

5.6 Local Residents/Interested Parties –

18 letters of support have been received in connection with the application. These include six from residents of Manea (two from residents of Cherry Tree House, the application property and sharing the name of the applicant, and one each from Valentine Close, Station Road, Rutland Way and Jolley Close), five and four from residents of Chatteris and March respectively, and one each from residents of Coates, Doddington and Littleport.

One letter of objection has been received from a resident of Fallow Corner Drove, Manea.

The comments have been summarised as follow:

Objections

- Backland development
- Fallow Corner Drove is a narrow road in poor condition that has HGV's, building supplies vehicles and farming equipment travelling along it on a daily basis to the 2 farms, the building plots, the stables and the engineering company.
- Manea is a rural village and needs to keep its character.
- Supporters are from outside Manea.

Support

- Local house for local people should be supported.
- Beneficial for Housing market
- Bring more potential to the local area.
- Other houses have been built in close vicinity and would not be out of character.
- this proposal aligns with the community's needs, fostering responsible growth whilst preserving the area's character.
- Manea needs more houses.

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

7.1. National Planning Policy Framework (NPPF)

Para. 2 - Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Para. 10 - So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development

Para. 12 - The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making.

Para. 47 - Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Para. 135 - Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

7.2 National Planning Practice Guidance (NPPG)

Determining planning applications (21b-001-20140306)
Permission in Principle (58-012-20180615)

7.3 National Design Guide 2021

Context
Identity
Built Form
Movement

7.4 Fenland Local Plan 2014

- LP1 – A Presumption in Favour of Sustainable Development
- LP2 – Facilitating Health and Wellbeing of Fenland Residents
- LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside
- LP4 – Housing
- LP5 – Meeting Housing Need
- 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

7.5 Emerging Local Plan

The Draft Fenland Local Plan (2022) was published for consultation between 25th August 2022 and 19 October 2022, all comments received will be reviewed and any changes arising from the consultation will be made to the draft Local Plan. Given the very early stage which the Plan is therefore at, it is considered, in accordance with Paragraph 48 of the NPPF, that the policies of this should carry extremely limited weight in decision making. Of relevance to this application are policies:

- LP1: Settlement Hierarchy
- LP2: Spatial Strategy for the Location of Residential Development
- LP4: Securing Fenland's Future
- LP5: Health and Wellbeing
- LP7: Design
- LP8: Amenity Provision
- LP12: Meeting Housing Needs
- LP18: Development in the Countryside
- LP22: Parking Provision
- LP25: Biodiversity Net Gain
- LP27: Trees and Planting
- LP32: Flood and Water Management
- LP34: Air Quality
- LP49: Residential site allocations in Manea

7.6 Supplementary Planning Documents/ Guidance

- Delivering & Protecting High Quality Environments in Fenland SPD (2014)
- Cambridgeshire Flood & Water SPD (2016)

8. KEY ISSUES

- 8.1. This application is made pursuant to the Town and Country Planning (Permission in Principle) Order 2017 (as amended) (PIP regulations) that provides opportunity for an applicant to apply as to whether 'Permission in Principle' is acceptable for a site, having regard to specific legislative requirements and, in accordance with the NPPG (58-012-20180615) as to whether the **location, land use and amount of development proposed** is acceptable.

- 8.2. The permission in principle (PiP) consent route is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for proposed development from the technical detail of the development. The approval of PiP alone does not constitute the grant of planning permission.
- 8.3. The PiP consent route has 2 stages: the first stage (or Permission in Principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed.
- 8.4. PiP establishes that a particular scale of housing-led development on a defined site is acceptable. The aim is for a PiP to minimise the upfront and at-risk work of applicants.

9. ASSESSMENT

Location, Land Use and Quantum

- 9.1. Policy LP3 of the Fenland Local Plan sets out the settlement hierarchy for development within the district, grouping settlements into categories based on the level of services available, their sustainability and their capacity to accept further development. In this policy, Manea is classed as a Growth Village, where development and new service provision either within the existing urban area or as small village extensions will be appropriate. The proposed development is located in the rear garden of the existing dwelling that is located at the edge of this part of the Manea and would be considered within the village given its position adjacent to continuous built frontage along Fallow Corner Drove. The broad principle of developing the site for residential use would be consistent with policy LP3 of the Fenland Local plan.
- 9.2. Further to LP3, Policy LP12 (Part A) supports development in villages subject to compliance with 11 criteria (a to k), providing the site is in or adjacent to the existing developed footprint of the village, does not result in coalescence with any neighbouring village, and does not have an adverse impact on the character and appearance of the surrounding countryside. Similarly, the proposal must be in keeping with the core shape and form of the settlement, without resulting in the extension of linear features or create ribbon development, and must retain natural boundaries, respect ecological features, important spaces etc. Finally, the proposal must be served by sustainable infrastructure, and must not put people or property in danger from identified risks.
- 9.3. Concerns have been raised in relation to the proposal being outside the settlement. However, given the recent linear growth in this part of the Manea, the site would be considered to be the continuous built-up frontage of the settlement and would be considered to be within the existing developed footprint of the village.
- 9.4. In addition, Policy LP16 (d) seeks to ensure that development makes a positive contribution to the local distinctiveness and character of the area, enhances its local setting, reinforces local identity and does not adversely impact, either in design or scale terms, on the street scene, settlement pattern or landscape character of the surrounding area.
- 9.5. The proposal seeks to erect up to 5 dwellings on land set to the rear of the host dwelling, Cherrytree House. By virtue of its backland nature, the proposed development would be discordant with the existing core shape and linear built form

of the development within this part of the Manea, which is predominately characterised by frontage residential development, save for sporadic outbuildings.

- 9.6. Development encroaching into backland would be to the detriment of the character and appearance of the area and would arguably create a precedent for further backland development at sites with similar geometry. Backland development such as this would be detrimental to the rural character of the eastern fringe of Fallow Corner Drove which is bounded by swathes of agricultural land this side and would be at odds with existing the settlement pattern of linear frontage development.
- 9.7. As such, it is considered the proposed location of the development is contrary to the requirements of Policy LP12 and Policy LP16 (d) and therefore cannot be supported.
- 9.8. The quantum of development proposed (max. 5 dwellings) would introduce a tighter knit form of development than is currently found in the locality and would result in harm to the character and settlement pattern of the area.
- 9.9. The highways engineer has not raised objection to the proposed development; however, they have raised concerns around the lack of the infrastructure in the local area, as there are no footways or accessible public or active travel routes in this area. Whilst the lack of footways could be a matter to be addressed at technical details stage; however, the lack of infrastructure perhaps reflects the inappropriate location within the village for such a development.
- 9.10. It is noted that the application seeks PiP for 'up to' 5 dwellings and consideration pertaining to visual and residential amenity impacts, highway safety and flood risk of the development would ultimately be considered at technical details stage. However, a reduction of dwelling numbers or scale may be deemed necessary to address any identified risk pertaining to these issues.
- 9.11. Notwithstanding the above, the application site is located adjacent to an established commercial site and there could be potential adverse impacts on future occupiers of the development from activities arising from this commercial site e.g. noise nuisance. Whilst this would be a matter to be addressed at technical details stage, the applicant would need to demonstrate that the development could be achieved without any amenity conflicts arising from the adjacent commercial site e.g. via a noise impact assessment and mitigation scheme, having regard to the requirements of LP16(o) and NPPF (para.193).
- 9.12. In summary, the location, use and amount of development proposed would not be consistent with the character of the area and is therefore not supported.

Flood Risk & Drainage

- 9.13. The site lies in Flood Zone 3 and therefore at a high risk of flooding. National and local planning policies set out strict tests to the approach to flood risk, aiming to locate development in the first instance to areas at lowest risk of flooding (Flood Zone 1). Policy LP14 requires applicants to demonstrate this through the application of the sequential test. In order to justify the development in Flood Zone 3, the sequential test would be expected to demonstrate that there are no reasonably available sites in Flood Zones 1 and then in Zone 2 which could accommodate the development.

- 9.14. Section 4.4 of the adopted Cambridgeshire Flood and Water SPD sets out that the initial approach to carrying out a sequential test should be to agree the scope of the test with the LPA i.e. agree the geographical area for the search which should be justified in the sequential test report.
- 9.15. The applicant has submitted site specific flood risk assessment and that it would be demonstrated that it would be safe for its lifetime from flooding. The submitted Flood Risk Assessment is not accompanied by a separate sequential test which is first required before the exception test demonstration of wider community benefit (that outweighs flood risk) and flood risk safety. The proposal would be to raise the land/ buildings to achieve minimum finished floor levels will be set a minimum of 1m above ground level. It is important to note that the indicative layout drawing does not denote the necessary site/ building levels. Nonetheless, these are technical matters that would need to be satisfied should PiP be granted, notwithstanding that this may compound the visual harm issue, with 2-storey dwellings raised 1m above ground level required to mitigate the impacts of flooding. The EA also set out that it is for the Local Planning Authority to be satisfied by the Sequential and Exception Tests.
- 9.16. Due to the insufficient information about the explicit benefit in developing this site out over other sites in lower flood risk areas within Manea therefore it is considered that the sequential test has not been adequately applied or met. It is considered that having regard to the numerous permissions granted in Manea which has seen the greatest growth of any village in the plan period, that there is likely to be a site or sites reasonably available to accommodate the development which are in lower areas of flood risk.
- 9.17. Consequently, the application fails to demonstrate that there are no alternative reasonably available sites with a lower probability of flooding to accommodate the development. The proposal would therefore place people and property at an increased risk of flooding without justification contrary to Policy LP14 of the Fenland Local Plan (2014), Section 4 of the Cambridgeshire Flood & Water Supplementary Planning Document (2016) and Chapter 14 of the NPPF.

10. CONCLUSIONS

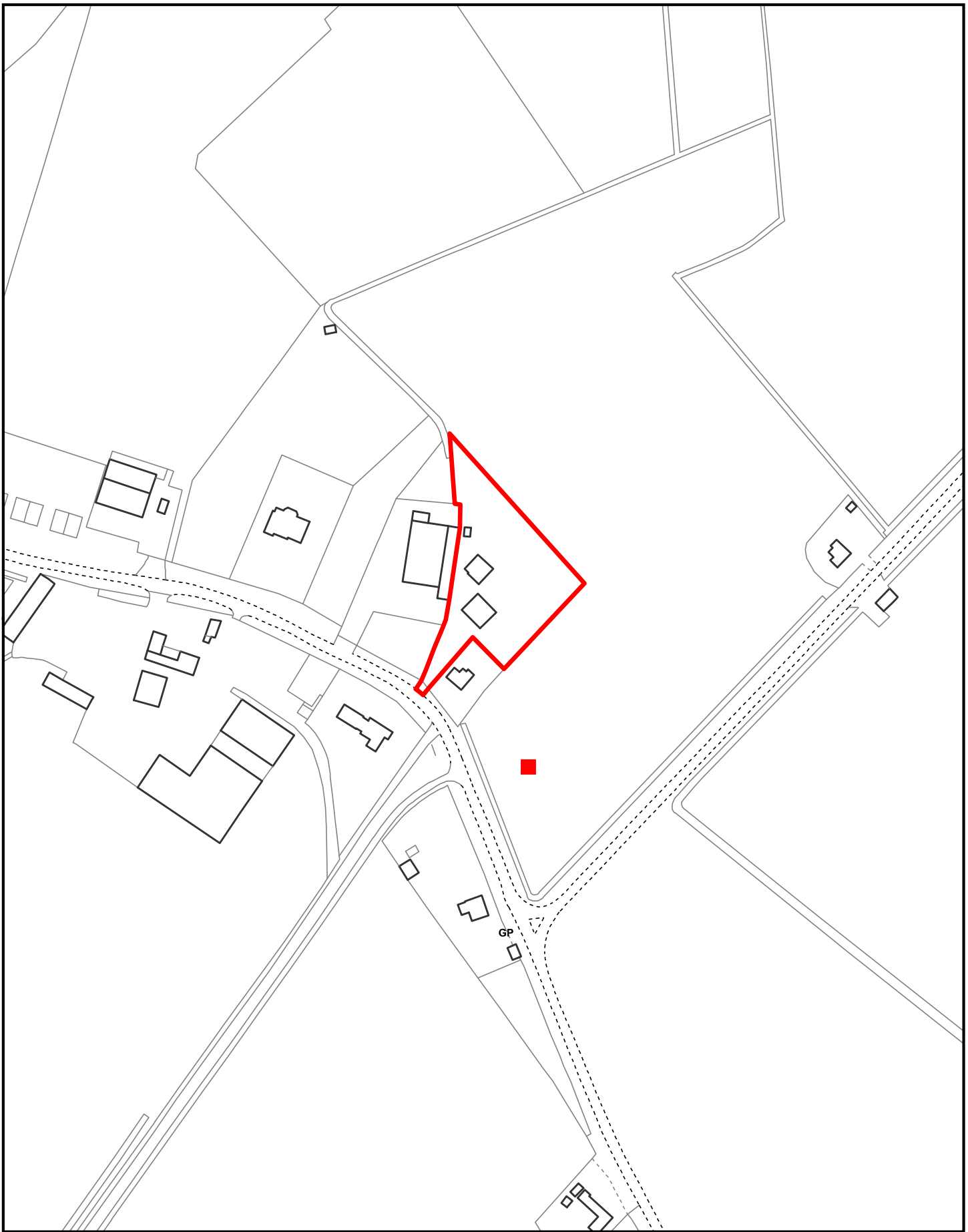
- 10.1 This application seeks to confirm whether 'Permission in Principle' is acceptable for Land North of Cherrytree House. The scope of permission in principle is limited to location, land use and amount of development.
- 10.2 The proposed development for up to five dwellings located on land to the rear of frontage residential development along Fallow Corner Drove, Manea. By virtue of its backland nature, the proposed development would be discordant with the existing core shape and to the detriment of the character and appearance of the area and would create a precedent for further backland development at sites with similar geometry.
- 10.3 Furthermore, the site lies in an area at high risk of flooding and insufficient justification has been provided to demonstrate that development of the site is necessary. In this instance, having regard to national policy which seeks to steer development to the lowest area of flood risk in the first instance. As such, the proposal conflicts with FLP policy LP14 and Chapter 14 of the NPPF.

- 10.4 Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, Officers consider there are no overriding material considerations to indicate a departure from the development plan is warranted in this instance.

11. RECOMMENDATION

Refuse; for the following reasons:

1	<p>Policy LP3 of the Fenland Local Plan (2014) sets out the settlement hierarchy within the district; Policy LP12 details a range of criteria against which development within the villages will be assessed and Policy LP16 seeks to ensure that proposed development responds to and improves the character of the local built environment. The application site proposes the construction of up to five dwellings located on land to the rear of frontage residential development along Fallow Corner Drove, Manea. By virtue of its backland nature, the proposed development would be discordant with the existing core shape and built form of the development along Fallow Corner Drove to the detriment of the character and appearance of the area and would create a precedent for further backland development at sites with similar geometry. Thus, the proposal would therefore fail to comply with the requirements of Policy LP12 and Policy LP16 (d) of the Fenland Local Plan (2014).</p>
2	<p>The site is located within Flood Zone 3 where there is a high probability of flooding. The Sequential test for flood risk has not been adequately applied or met. Consequently, the application fails to demonstrate that there are no alternative sites to accommodate the development which are reasonably available and with a lower probability of flooding. The proposal would therefore place people and property at an increased risk of flooding without justification contrary to Policy LP14 of the Fenland Local Plan (2014), Section 4 of the Cambridgeshire Flood & Water Supplementary Planning Document (2016) and Chapter 14 of the NPPF.</p>



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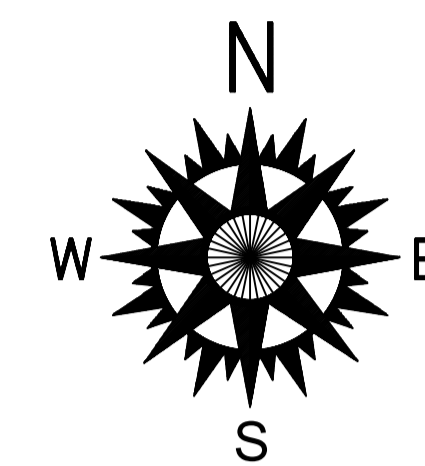
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 All products and materials to be handled, stored, prepared and used or fixed in accordance with the manufacturers current recommendations.
 The contractor is to arrange inspections of the works by the BCO (or NHBC) as required by the Building Regulations and is to obtain completion certificate and forward to the Engineer



LEGEND

- APPLICATION SITE
- LAND OWNED BY APPLICANT
- GRAVEL (PERMEABLE COVERING)
- TARMAC
- GRASS
- BLOCK PAVING
- PATHS/PATIO AREA
- HOUSEHOLDER BIN LOCATIONS

REVISIONS	DATE

MORTON & HALL CONSULTING LIMITED
 CONSULTING STRUCTURAL ENGINEERS

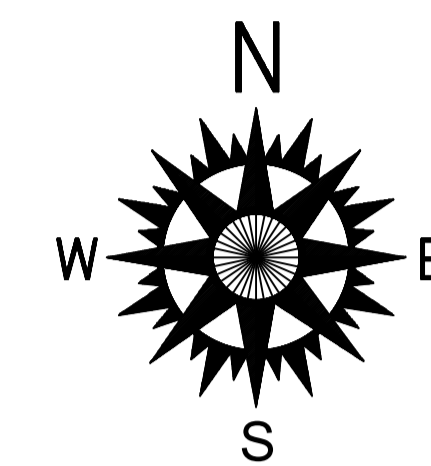
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Fenland District Council
 LABC BUILDING EXCELLENCE AWARDS
 Building Design Awards
 Winner Building Excellence in Fenland

CLIENT Mr & Mrs Goude	
PROJECT Cherry Tree Farm Fallow Corner Drive Manea, Cambs, PE15 0LT	
TITLE Existing Site Plan	
DRAWN R.Papworth	DATE OF ISSUE
CHECKED	DRAWING NUMBER H9272/02
DATE October 2023	SCALE As Shown



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Fenland District Council
Building Design Awards
 Winner

CLIENT
 Mr & Mrs Goude

PROJECT
 Cherry Tree Farm
 Fallow Corner Drive
 Manea, Cambs, PE15 0LT

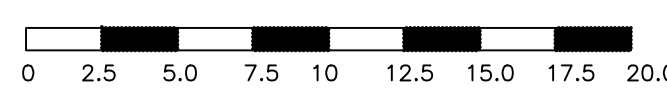
TITLE
 Proposed Site Plan

DRAWN R.Papworth	DATE OF ISSUE
CHECKED	
DATE October 2023	DRAWING NUMBER H9272/03
SCALE As Shown	



PROPOSED ACCESS TO BE ENLARGED TO 5m x 10m TO BE TARMAC LAID TO FALL AWAY FROM THE HIGHWAY TO C.C.C REQUIREMENTS

PROPOSED SITE PLAN 1:250



F/YR24/0194/O

Applicant: Mr Edward Shepherd

**Agent : Mr J Jordan
Morton & Hall Consulting Ltd**

Land North Of 22C, School Lane, Manea, Cambridgeshire

Erect 1 x dwelling (outline application with matters committed in respect of access) involving the demolition of existing garage

Officer recommendation: Refuse

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

Government Planning Guarantee

Statutory Target Date For Determination: 26 April 2024

EOT in Place: Yes

EOT Expiry: 7 June 2024

Application Fee: £578

Risk Statement:

This application must be determined by 7th June 2024 otherwise it will be out of time and therefore negatively affect the performance figures.

1 EXECUTIVE SUMMARY

- 1.1 This application seeks outline planning permission for the erection of 1 dwelling, with matters committed in respect of access. The development would include the demolition of the existing garage on site.
- 1.2 The northern side of School Lane is characterised by linear frontage development, with the surrounding dwellings being located at the back edge of the footpath, though there is not a strong building line with some dwellings set further back with large front gardens. There is however, no tandem development north of School Lane in this area. It is acknowledged that to the west No.24a is set behind No. 24, however this obtained planning permission in 1999 when Policy differed and this dwelling has a street presence, hence little weight is attributed to existence of this dwelling. To the south there is a depth of built form with the small developments of Swallow Court and Nightingale Walk extending off School Lane and tandem developments commonplace, this is however not the case to the north where the proposal is located.
- 1.3 Policy LP16 (d), DM3 of the Delivering and Protecting High Quality Environments SPD 2014 and paras 122(d) along with paras 131 of the NPPF and chapters C1, I1 and B2 of the NDG 2019 seek to ensure that developments make a positive contribution to the local distinctiveness and character of the area, responding to the local built environment and do not adversely impact on the streetscene,

settlement pattern or landscape character of the surrounding area. The proposal would create tandem development at odds with the linear character of this area of School Lane, creating a detrimental impact on the visual amenity of the area, and contrary to the aforementioned policies.

1.4 The application is therefore recommended for refusal.

2 SITE DESCRIPTION

- 2.1 The application site is situated on the northern side of School Lane, within the settlement of Manea. The site currently comprises garden land associated with 22C School Lane.
- 2.2 22C School Lane is a single-storey detached dwelling, with attached single garage. There is exiting parking to the front of this dwelling.
- 2.3 To the rear of the dwelling is garden space, which is predominantly bound by close-boarded fencing and hedging.
- 2.4 The application site is situated within Flood Zone 1.

3 PROPOSAL

- 3.1 The proposal is for the erection of one dwelling in the residential garden of 22c School Lane. The proposed dwelling is indicated as being single-storey within the application form although this is not a committed detail in this outline application.
- 3.2 Access to the dwelling is committed and it is proposed to upgrade the existing access to a width of 5 metres, with a driveway to the rear of the site. The proposed access would include the demolition of the existing garage.
- 3.3 Full plans and associated documents for this application can be found at: [F/YR24/0194/O | Erect 1 x dwelling \(outline application with matters committed in respect of access\) involving the demolition of existing garage | Land North Of 22C School Lane Manea Cambridgeshire \(fenland.gov.uk\)](https://fenland.gov.uk/Planning/Planning-Applications/F/YR24/0194/O)

4 SITE PLANNING HISTORY

- 4.1 None relevant.

5 CONSULTATIONS

5.1 Manea Parish Council

No objection

5.2 FDC Environmental Health

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

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

I would recommend the 'unsuspected contaminated land' condition to be imposed in the event planning consent is granted, as the proposal involves the demolition of an existing structure.

5.3 CCC Highways

Recommendation

On the basis of the information submitted, from the perspective of the Local Highway Authority, I consider the proposed development is acceptable.

Comments

In order to offset the impact of the intensification of the site, the applicant has included a 5m wide access which is suitable for two-way vehicle passing. The access directly adjoins the neighbouring property so it cannot achieve any pedestrian visibility, but, on the basis that the footway does not extend beyond the proposed development, this is acceptable.

Conditions

Gates/Enclosure/Access Restriction:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, amending or re-enacting that order) no gates or other means of enclosure shall be erected across the vehicular access hereby approved.

Reason: In the interests of highway safety and to ensure compliance with Policies LP15 and LP16 of the Fenland Local Plan, adopted May 2014.

5.4 Local Residents/Interested Parties

3 letters of objection were received with regard to this application. 2 of these letters were received from properties at Scholars Close and 1 from School Lane. The reasons for objection are as follows:

- Proximity to boundary
- Site size
- Location of parking – noise impacts
- Plan isn't to scale
- Flooding
- Loss of light/overshadowing
- Loss of privacy
- Noise during construction
- Property values
- Biodiversity impacts
- Asbestos

11 letters of support were received with regard to this application. 4 of these letters were received from address points along School Lane, 2 from High Street, 1 from Station Road 1 from Dunvegan Close, 1 from Fallow Corner Drove and 1 from Willow Drive. A further letter was received from Orchard Close, Elm. Several of

these representations have been submitted via the agent. The reasons for support are as follows:

- Inconsistent vernacular
- No traffic impact
- Manea requires more homes
- Scholars Way approval
- Not overdevelopment
- Not backland

1 additional letter was received however the address information was incomplete and therefore it has not been counted within the representations.

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

7.1 National Planning Policy Framework (NPPF)

7.2 National Planning Practice Guidance (NPPG) Determining a Planning Application

7.3 National Design Guide 2021

Context
Identity
Built Form
Homes and Buildings

7.4 Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development
LP2 – Facilitating Health and Wellbeing of Fenland Residents
LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside
LP4 – Housing
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
LP19 – The Natural Environment

7.5 Emerging Local Plan

The Draft Fenland Local Plan (2022) was published for consultation between 25th August 2022 and 19 October 2022, all comments received will be reviewed and any changes arising from the consultation will be made to the draft Local Plan. Given the very early stage which the Plan is therefore at, it is considered, in accordance with Paragraph 48 of the NPPF, that the policies of this should carry extremely limited weight in decision making. Of relevance to this application are policies:

- LP1: Settlement Hierarchy
- LP2: Spatial Strategy for the Location of Residential Development
- LP5: Health and Wellbeing
- LP7: Design
- LP8: Amenity Provision
- LP20: Accessibility and Transport
- LP22: Parking Provision
- LP24: Natural Environment
- LP28: Landscape
- LP32: Flood and Water Management

7.6 Delivering and Protecting High Quality Environments SPD 2014

DM3 – Making a positive contribution to local distinctiveness and character of the area

8 KEY ISSUES

- Principle of Development
- Design Considerations and Visual Amenity of the Area
- Residential Amenity/Health and Wellbeing
- Parking and Highways
- Flood Risk
- Biodiversity

9 ASSESSMENT

Principle of Development

- 9.1 The site is considered to be located within the settlement of Manea; Manea is identified within Policy LP3 of the Fenland Local Plan 2014 and the settlement hierarchy as being a 'growth village', for these settlements, development and new service provision within the existing urban area, such as this site, will be appropriate.
- 9.2 Policy LP12 advises that for villages new development will be supported where it contributes to the sustainability of that settlement and does not harm the wide, open character of the countryside; the site is considered to be within the existing developed footprint of the village. This policy also advises that if a proposal within or on the edge of a village, in conjunction with other development built since 2011 and committed to be built (i.e. with planning permission) increases the number of dwellings in a growth village by 15% or more then the proposal should have demonstrable evidence of clear local community support for the scheme, Manea has already exceeded its 15% threshold. However, an appeal decision received in respect of an application that was refused purely on this basis (F/YR14/0838/O) indicates that the threshold considerations and requirement for community support should not result in an otherwise acceptable scheme being refused and against this backdrop the absence of community support does not render the scheme unacceptable in planning terms.
- 9.3 As such the principle of this development is considered to be supported by Policies LP3 and LP12 of the Fenland Local Plan 2014. 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 or flood risk.

Design Considerations and Visual Amenity of the Area

- 9.4 This is an outline application with matters committed in respect of access only. An indicative site plan has been provided, however details of the proposed design, appearance and scale would be dealt with as reserved matters where these issues would be considered.
- 9.5 The garage proposed to be demolished is not considered to enhance the visual amenity of the area, hence there are no concerns regarding its removal.
- 9.6 This side of School Lane is characterised by linear frontage development, with the surrounding dwellings being located at the back edge of the footpath, though there is not a strong building line with some dwellings set further back with large front gardens, there is however no tandem development north of School Lane in this area. It is acknowledged that to the west No.24a is set behind No. 24, however this obtained planning permission in 1999 when Policy differed and this dwelling has a street presence, hence little weight is attributed to existence of this dwelling. To the south there is a depth of built form with the small developments of Swallow Court and Nightingale Walk extending off School Lane and tandem developments commonplace, this is however not the case to the north where the proposal is located.
- 9.7 Policy LP16 (d), DM3 of the Delivering and Protecting High Quality Environments SPD 2014 and paras 122(d) along with paras 131 of the NPPF and chapters C1, I1 and B2 of the NDG 2019 seek to ensure that developments make a positive contribution to the local distinctiveness and character of the area, responding to the local built environment and do not adversely impact on the streetscene, settlement pattern or landscape character of the surrounding area. The proposal would create tandem development at odds with the linear character of this area of School Lane and would fail to positively contribute to the character of the area, creating a detrimental impact on the visual amenity of the area, in conflict with Policy LP16 and the NPPF.
- 9.8 A similar tandem development on the northern side of School Lane was also refused for the same reasons in 2020, application reference F/YR20/0450/O.

Residential Amenity/Health and Wellbeing

- 9.9 The application site incorporates a substantial amount of land currently serving 22c School Lane. However, both plots appear to incorporate a third of the plot for private residential amenity space.
- 9.10 Whilst no indicative elevations have been provided, the application form states that the proposal would be for a single-storey dwelling, albeit this is not a committed detail. A single-storey dwelling in the location proposed would unlikely result in adverse overbearing, overlooking or overshadowing impacts on surrounding residential amenity.

Parking and Highways

- 9.11 Layout has not been committed, however the scale of the plot is such that the required parking provision for both the existing and proposed dwellings could likely be achieved, along with on-site turning.

- 9.12 The scheme proposes a shared access which CCC Highways have raised no objection to. They have acknowledged that a pedestrian visibility splay cannot be achieved, however as the footway does not extend beyond the proposed development it's considered acceptable.

Flood Risk

- 9.13 The application site falls within Flood Zone 1 (low risk) and as such the proposal is considered to be appropriate development and does not require the submission of a flood risk assessment or inclusion of mitigation measures. Issues of surface water will be considered under Building Regulations; accordingly, there are no issues to address in respect of Policy LP14.

Biodiversity

- 9.14 Neighbouring objections have been received regarding biodiversity impacts from the proposed development. The biodiversity checklist does not indicate the presence of any protected species on site. The site is currently used as garden space associated with No. 22c and no trees or hedges are proposed to be removed. As such, it is unlikely that the proposed development would have significant impacts upon biodiversity.

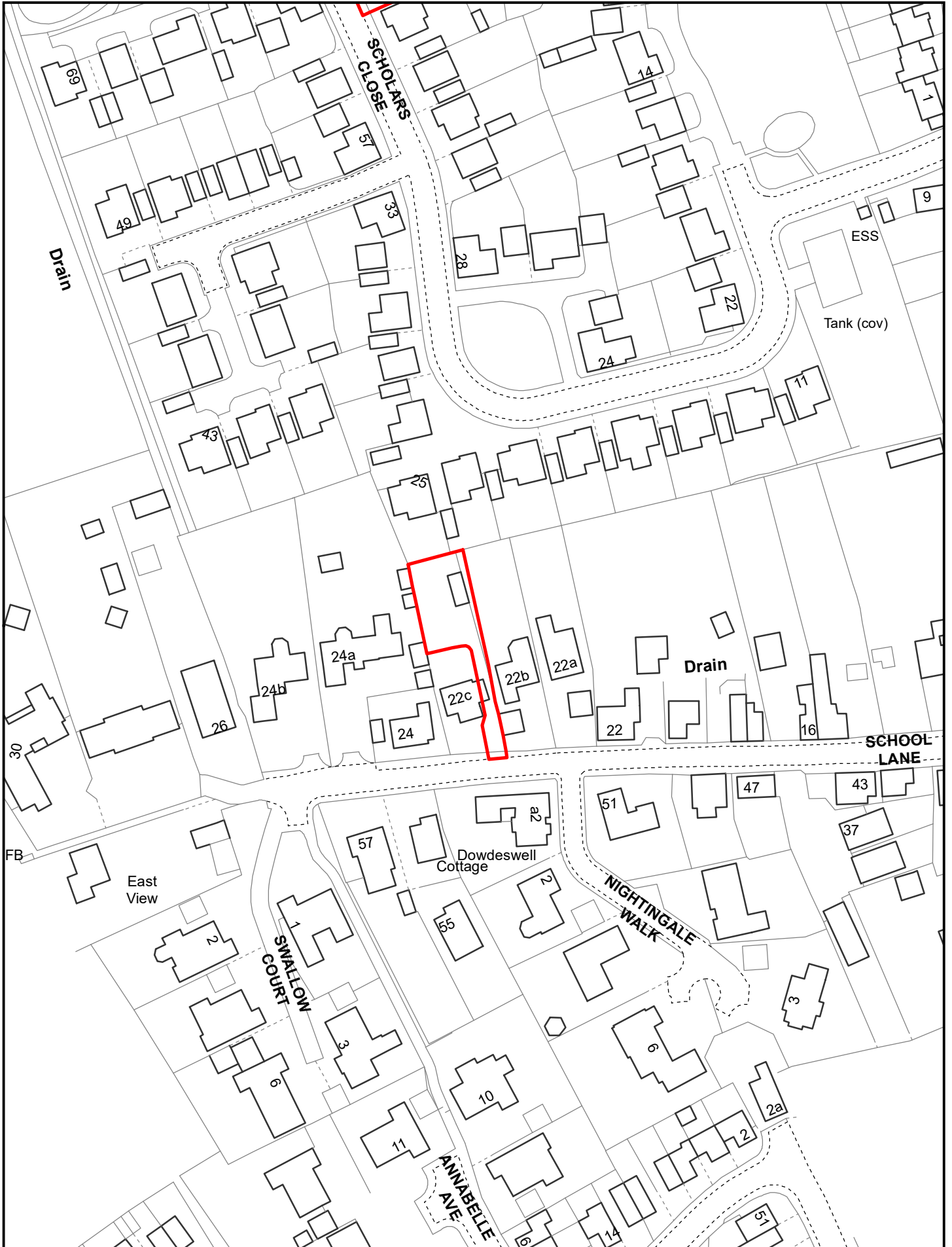
10 CONCLUSIONS

- 10.1 The proposal is overall considered unacceptable due to its failure to accord with policies Policy LP16 (d), DM3 of the Delivering and Protecting High Quality Environments SPD 2014, paragraph 131 of the NPPF and chapters C1, I1 and B2 of the NDG 2019 as it introduces tandem development which is considered to create a detrimental impact on the character of the area.

11 RECOMMENDATION

- 11.1 **Refuse**, for the following reason:

1	Policy LP16 (d), DM3 of the Delivering and Protecting High Quality Environments SPD 2014, paragraph 131 of the NPPF and chapters C1, I1 and B2 of the NDG 2019 seek to ensure that developments make a positive contribution to the local distinctiveness and character of the area, responding to the local built environment and do not adversely impact on the streetscene, settlement pattern or landscape character of the surrounding area. The proposal would create tandem development at odds with the linear character of this area of School Lane, thereby failing to positively contribute to the character of the area, creating a detrimental impact on the visual amenity of the area, and therefore contrary to the aforementioned policies.
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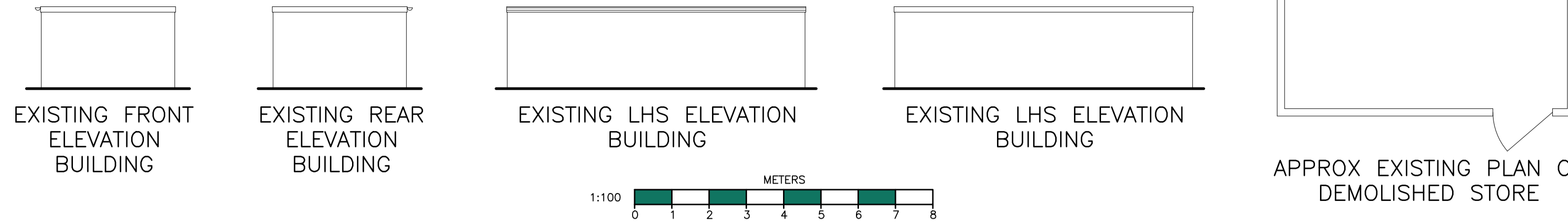
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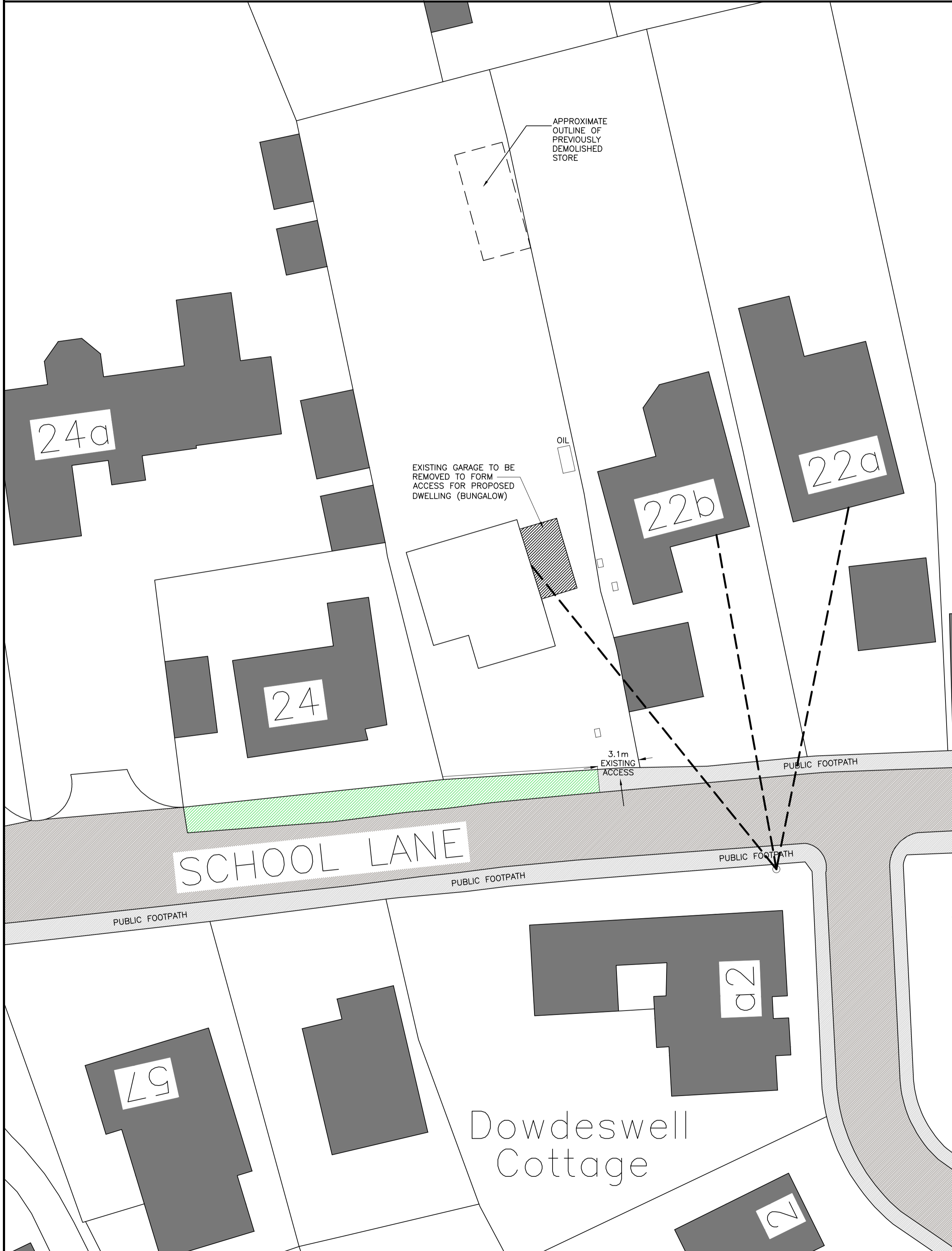


LEGEND:

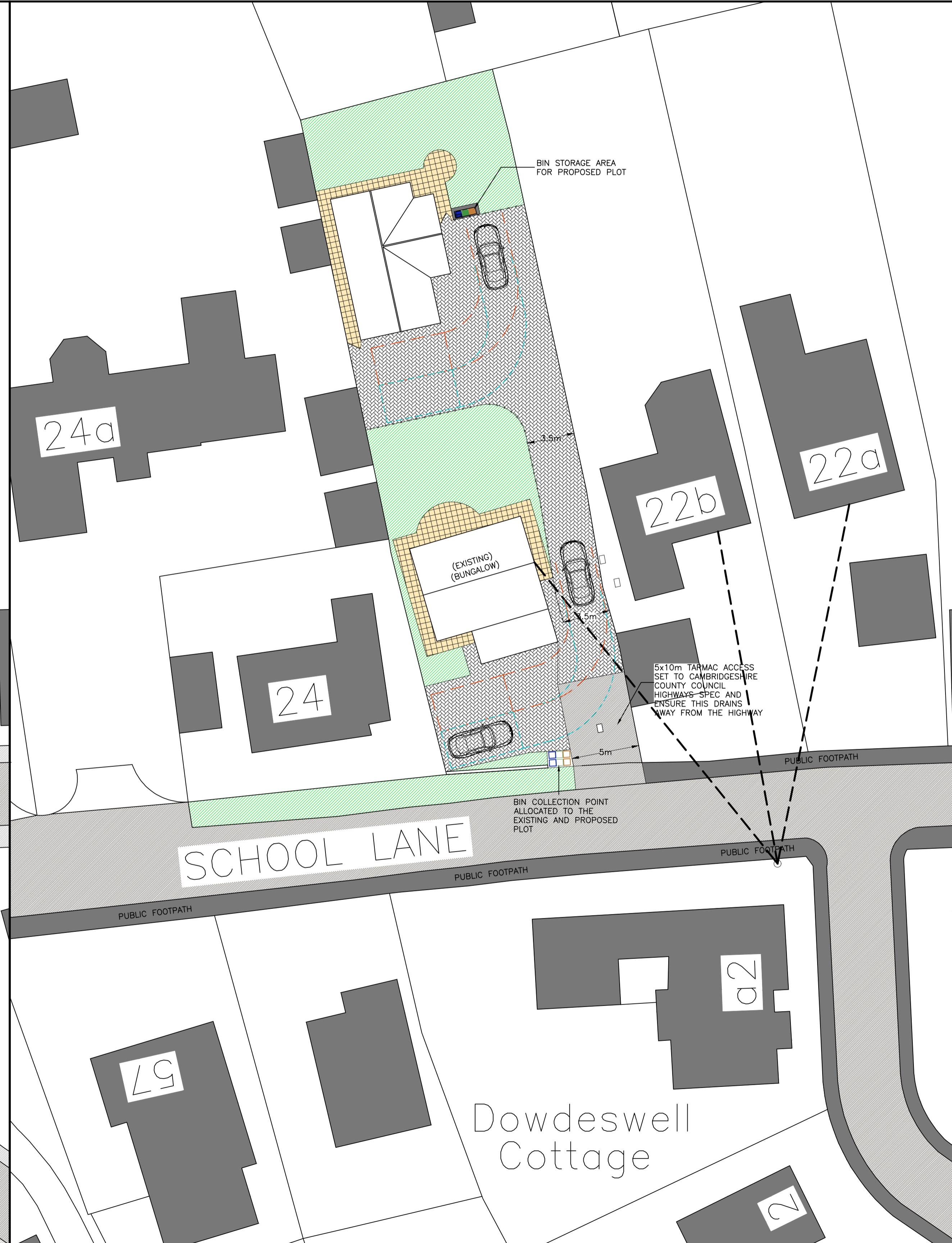
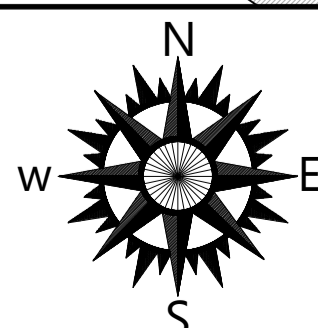
- EXISTING DWELLINGS
- TARMAC
- HEDGING
- PAVEMENT
- GRAVEL
- VEGETATION
- GRASS
- SLAB PAVING
- PERMEABLE BLOCK PAVING (NON SLIP)
- WHEELIE BINS



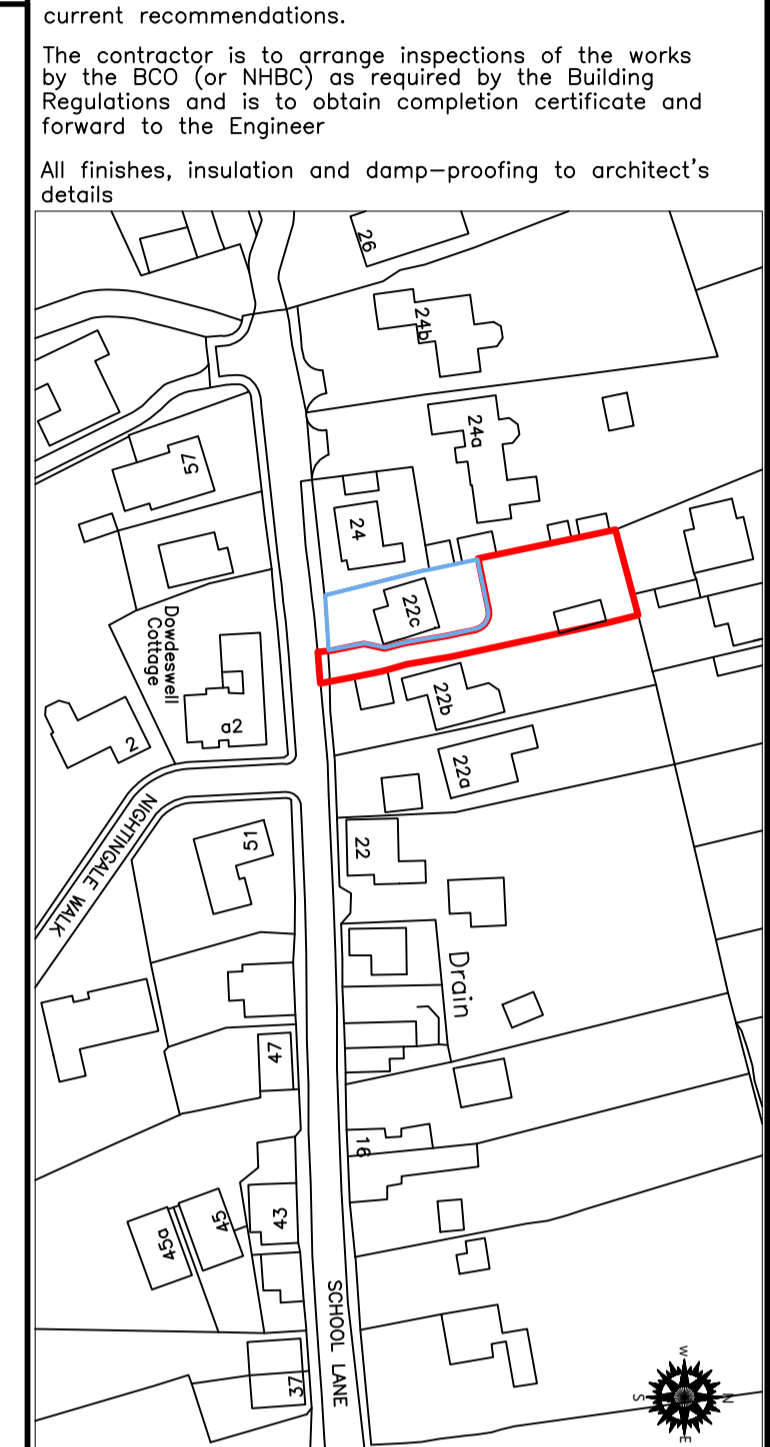
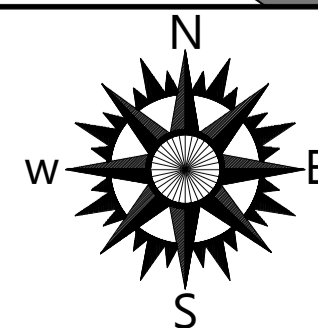
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 Please read, if in doubt ask. Change nothing without consulting the Engineers.
 Contractor to check all dimensions on site before work starts or materials are ordered, if in doubt ask. All dimensions are in mm unless stated otherwise.
 Where materials, products and workmanship are not fully specified they are to be of the standard appropriate to the works and suitable for the purpose stated in or reasonably to be inferred from the drawings and specification. All work to be in accordance with good building practice and BS 8000 to the extent that the recommendations define the quality of the finished work. Materials products and workmanship to comply with all British Standards and EOTA standards with, where appropriate, BS or EC marks.
 All products and materials to be handled, stored, prepared and used or fixed in accordance with the manufacturers current recommendations.
 The contractor is to arrange inspections of the works by the BCO (or NHBC) as required by the Building Regulations and is to obtain completion certificate and forward to the Engineer
 All finishes, insulation and damp-proofing to architect's details



EXISTING SITE PLAN (1:200)
 1:200 METERS
 0 2 4 6 8 10 12 14 16



PROPOSED SITE PLAN (1:200)
 1:200 METERS
 0 2 4 6 8 10 12 14 16



LOCATION PLAN (1:1250)
 1:1250 METERS
 0 10 20 30 40 50

A	PLANNING COMMENTS	MAR 2024
	REVISIONS	DATE

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LABC **Fenland District Council** **Building Design Awards**
 WINNER **Building Excellence in Fenland**

CLIENT
 Mr Edward Shepard

PROJECT
 22c School Lane, Manea, Cambs, PE15 0JN

TITLE
 Existing & Proposed Site Arrangements

DRAWN J.Scotcher	DATE OF ISSUE
CHECKED	DRAWING NUMBER H9437/01A
DATE Feb 2024	SCALE As Shown

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