

## AGENDA

### PLANNING COMMITTEE

**WEDNESDAY, 26 JUNE 2024**

**1.00 PM**

**THE BOATHOUSE BUSINESS CENTRE,  
WISBECH PE13 3BH**

Committee Officer: Jo Goodrum  
Tel: 01354 622285  
e-mail: [memberservices@fenland.gov.uk](mailto:memberservices@fenland.gov.uk)

- 1 To receive apologies for absence.
- 2 Previous Minutes (Pages 3 - 22)  
  
To confirm and sign the minutes from the previous meeting of 29 May 2024.
- 3 To report additional items for consideration which the Chairman deems urgent by virtue of the special circumstances to be now specified
- 4 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.
- 5 F/YR24/0291/O  
Land North Of Tydd Steam Brewery, Kirkgate, Tydd St Giles  
Erect 4 x dwellings (outline application with all matters reserved) (Pages 23 - 44)  
  
To determine the application.
- 6 F/YR24/0249/F  
Land East Of 156, High Road, Newton-in-the-isle,  
Erect 6 x dwellings (2-storey 4-bed), and the formation of 2 x accesses and a pedestrian footpath (Pages 45 - 62)

To determine the application.

7 F/YR23/0791/F

Land North West Of 41, King Street, Wimblington

Erect 3 no dwellings (1 x 2-storey 4-bed and 2 x single-storey 3-bed) and associated works with access from Willow Garden (Pages 63 - 82)

To determine the application.

8 Items which the Chairman has under item 3 deemed urgent

**CONFIDENTIAL -ITEMS COMPRISING EXEMPT INFORMATION**

To exclude the public (including the press) from a meeting of a committee it is necessary for the following proposition to be moved and adopted: "that the public be excluded from the meeting for Items which involve the likely disclosure of exempt information as defined in the paragraphs 7 of Part I of Schedule 12A of the Local Government Act 1972 (as amended) as indicated."

9 ENF/050/21/S215

2 Market Street, Whittlesey. (Pages 83 - 86)

To provide members of the Planning Committee an update regarding the site and to determine an appropriate course of action.

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 E Sennitt Clough,

## PLANNING COMMITTEE



**WEDNESDAY, 29 MAY 2024 - 1.00 PM**

**PRESENT:** Councillor D Connor (Chairman), Councillor C Marks (Vice-Chairman), Councillor I Benney, Councillor Mrs J French and Councillor S Imafidon, Councillor M Purser (Substitute)

**APOLOGIES:** Councillor P Hicks and Councillor Mrs K Mayor,

Officers in attendance: David Rowen (Development Manager), Jo Goodrum (Member Services & Governance Officer) and Stephen Turnbull (Legal Officer)

**P1/24**      **APPOINTMENT OF THE CHAIRMAN OF THE PLANNING COMMITTEE FOR THE MUNICIPAL YEAR 2024/25**

It was proposed by Councillor Mrs French, seconded by Councillor Purser and resolved that Councillor Connor be elected as Chairman of the Planning Committee for the municipal year.

**P2/24**      **APPOINTMENT OF THE VICE CHAIRMAN OF THE PLANNING COMMITTEE FOR THE MUNICIPAL YEAR 2024/25**

It was proposed by Councillor Connor, seconded by Councillor Purser and resolved that Councillor Marks be elected as Vice-Chairman of Planning Committee for the municipal year.

**P3/24**      **PREVIOUS MINUTES**

The minutes of the meeting of the 1 May 2024 were signed and agreed as an accurate record.

**P4/24**      **F/YR23/0206/F**  
**LAND NORTH OF STONELEIGH, 22A EATON ESTATE, WIMBLINGTON**  
**ERECT 45 DWELLINGS INVOLVING DEMOLITION OF EXISTING DWELLING AND**  
**OUTBUILDINGS.**

Graham Smith presented the report to members and drew their attention to the update report which had been circulated.

Members received a presentation, in accordance with the public participation procedure, from Councillor Angela Johnson of Wimblington Parish Council. Councillor Johnson stated that the Planning Officer has explained that he is perplexed about the fact that the initial outline planning application granted in June 2020 for up to 30 family homes only raised concerns about access, increased traffic and road safety but, in her view, the long-term owner had always made it known to a lot of residents that he would like the land to be used for affordable housing after his death, with his family honouring that wish, selling the land and the landowner successfully applied for planning permission for up to 30 affordable houses, and then the land was sold onto the CHS Group. She stated that the land still had a few months of validity for outline planning permissions for up to 30 affordable homes was then sold onto Seagate.

Councillor Johnson questioned why the officer finds it perplexing when the planning application made by Seagate in 2023 for the revised figure of 45 homes, to be crammed into a slightly larger site, has raised such strong community and parish objections. She stated that in 2020 permission

was granted for 88 dwellings and then in 2021 a further 21 dwellings and the figure has continued to rise, making the point that Wimblington is a growth village and has far outstretched its threshold with the built form in 2011 being 771 and the threshold was 116.

Councillor Johnson explained that, as of 8 March 2024, Wimblington has 350 new dwellings and more to be added and she made reference to LP4 with regards to the capacity of the sewerage network leading to the wastewater treatment works in Doddington, which still needs to be addressed. She added that Wimblington has a planning application which has been submitted for 40 affordable dwellings and this assists the village in reaching its threshold so, in her opinion, the planning officer's comments with regards to housing needs is not comparable.

Councillor Johnson expressed the view that the Planning Committee are aware of the reason that the application has been deferred but those issues have not been addressed and have been papered over. She made the point that the Parish Council are perplexed due to the fact the Lead Local Flood Authority (LLFA) have raised no objection in principle because the surface run off water from 45 dwellings and the surrounding areas will drain through permeable paving.

Councillor Johnson explained that the Highway Authority will not adopt this due to maintenance issues into a dry attenuation basin which is called that because Anglian Water will not adopt blue spaces and, in her view, the water will run into the ditches to the north of the site that run adjacent to the fields which the LLFA have deemed flood plains. She made the point that the planning officers refused F/YR23/0241 because of this fact and with increased flood risks to Bridge Lane being a major concern and there still being a further 109 dwellings to be completed.

Councillor Johnson expressed the view that the management and maintenance of the site is still subject to concern and there is no reference on the planning portal to show that Anglian Water are to adopt the dry attenuation basin or highways agreement to adopt roads and pathways. She added that there are statements on there from Anglian Water which say that they do not adopt blue ponds and also statements from highways which state that they do not adopt permeable areas.

Councillor Johnson added that a cost of £100 per dwelling to cover maintenance and management is not realistic and grass cutting, and tree management alone could equate to £4,500 per year, with another concerning element being the decrease that the Planning Officer has put forward for Section 106 contributions. She stated that the initial figure was £330,000 which has been reduced to £90,000 and the increase in population will have an increase on the local amenities meaning that local residents will suffer further due to the lack of reasonable and realistic contributions from the developers.

Councillor Johnson expressed the view that this equates to £2,000 per dwelling and she made the point that a piece of play equipment would cost that to purchase and install and added that the new Ninja trail cost £33,000. She stated that the planning officer has stated that the grant of the proposal is flawed, and she expressed the view that Wimblington has exceeded its threshold and the increase in localised flood risks have not been diverted and the village contribution of Section 106 contributions is a sham.

Councillor Johnson stated that the community ask the committee to support the wishes of the local residents, the community itself and the parish. She stated that the application should only be granted if it complies with the principle of development as outlined in 2020 for up to 30 family houses and there is no requirement for further development of dwellings in the village.

Members received a presentation, in accordance with the public participation procedure, from Mr Norman Johnson, an objector, who has been a local Wimblington resident for 30 years and is speaking on behalf of the local residents from the community. Mr Johnson referred to local planning policy one and stated that at the heart of the strategy for Fenland is a desire to deliver sustainable growth which brings benefit for all sectors of the community for existing residents as

much as new ones. He stated that he would like to address the Planning Officer's assessment and referred to the principle of development being established in 2020 when the outline planning application was granted and also LP12a, explaining that community support was in place for the outline planning application because the community were in support of the previous owners wishes for affordable homes to be built and, therefore, the principle of development was established for up to 30 family homes.

Mr Johnson added that with regards to the point of access this was the only concern raised at the routine planning and the number of properties within the local area has increased traffic throughout the village. He expressed the view that with regards to over development, the National Planning Policy Framework has regard to achieving appropriate densities and at paragraph 128 it states 'is made to a number of dwellings per hectare of land', with the planning officer's equation being flawed because at 26.6 per hectare what is omitted from the equation is the land taken up by the attenuation basin, roads, parking spaces and areas which take up a large quantity of the site which increases the actual number of dwellings per hectare.

Mr Johnson stated that it is the Planning Officer's professional view that it would not result in identifiable conflicting or jarring harm on the areas character and under LP3 it states that in growth villages new developments which are commensurate with the size of the settlement will be encouraged whilst at the same time will need to retain the open character of the wide countryside, but, in his view, the application will reduce the views of the open character of the wider countryside. He made the point that the Planning Officer consistently refers to the number of dwellings in Hassock Way but there is no attenuation basin, play area or parking spaces in that road and that road has wide open countryside on three sides of the single road that creates that area, adding that Eaton Estate has a large green space and play area onto which most of the dwelling's face and open countryside to the north.

Mr Johnson expressed the opinion that the application does conflict with both Hassock Way and Eaton Estate as they both have been privileged to share countryside views until now and the site will be constricted into an area with built form on three sides and the fact that the officer states that the proposal meets identifiable needs in the village is, in his view, incorrect as Wimblington has already reached its required identified needs for dwellings. He made reference to LP12(J) and LP12(K) and added that the response from Anglian Water states that the excessive levels of surface water cause problems near The Avenue and, in his opinion, it will be an ever-increasing problem especially when taking climate change into account, questioning what response Anglian Water will provide with regards to the recent pumping out episodes in Eaton Estate.

Mr Johnson referred to the point made by planning officers concerning an appeal at Upwell Road in March, which holds little reference to the surface and foul water problems in Wimblington and Wimblington has to deal with the waste water system in Doddington which, in his view, does not have capacity as it is constantly having sewerage pumped out which is a lack of communication between the authorities and whom have both stated that they have no objections to the current proposal in principle, even though there are a number of issues which have not been addressed correctly and are outstanding. He stated that the outstanding issues are with regards to flooding, density, management of the site at the end of the build and the maintenance of the grounds, with, in his view, the maintenance fee quoted will not maintain the grounds and the Section 106 contributions have been reduced from £300,000 for 30 houses and has now changed to 45 larger homes at £90,000 which is good news for the developer but bad news for the local community and services as a whole.

Mr Johnson made the point that the committee are at liberty to disagree with the officer's recommendation, and he asked the committee to revert back to the outline planning application, the reasons behind the original planning application and the timescales since the original outline planning application. He made the point that was up to 30 affordable family homes, and he asked the committee to refuse it with the understanding that the original outline planning application is

what should still stand as well as the Section 106 contributions.

Members asked Mr Johnson the following questions:

- Councillor Connor asked Mr Johnson what reasons Anglian Water provided on the two occasions that they had to pump water out from the Eaton Estate? Mr Johnson confirmed that they did not provide a reason.

Members received a presentation, in accordance with the public participation procedure, from Mr Lee Russell, the agent. Mr Russell stated that members will recall that the application was before the committee in March and was deferred due to the last-minute comments which had been received from the Middle Level Commissioners (MLC) which had been reviewed at that meeting and did not cause a great deal of concern, adding that he was given the opportunity to address and respond to the points made and has been in communication with officers from the MLC, resulting in all points being addressed and the Chief Engineer from the MLC provided planning officers written confirmation that everything had been satisfied. He stated that the main points were that discharge rates were confirmed to be limited to greenfield runoff and the maintenance of the dry basin would be down to Anglian Water for adoption and foul and surface water discharge points were adjusted as per the MLC preference, with the maintenance of the ditch to the western boundary beyond the application site being discussed and various options were reviewed.

Mr Russell stated that a further precise topographical survey was carried out on the land outside of his ownership and measurements from the dyke brink to the centre line of the existing hedgerow show that it is 7 metres in some places and reduced to 4 metres at pinch points. He explained that the hedge could have been removed, if necessary, however, the MLC Ecologist, Planning Officers and the County Council Ecologist would not support that option and an alternative was to convey the hedgerow and the strip to the Internal Drainage Board (IDB) if they wanted the ownership and responsibility to do whatever they wanted, however, that option was not favoured.

Mr Russell explained that it was agreed that a proposed boundary fence would be no closer than 6 metres from the dyke brink and these would fall on the opposite side of the existing mature hedge and there would be no issues at a later date should the IDB need access to go and fell part of the hedge. He made the point that Graham Moore from the MLC had confirmed that the ditch was dug from the western side of the hedge a few years ago and other than a good cut back the IDB should be able to access the area in order to carry out work.

Mr Russell added that other comments have been made with regards to density and originally the application was submitted for a scheme of 54 dwellings which was on a plan was very similar scheme and road pattern layout to the previously approved scheme, however, following comments from planning officers the number of dwellings was reduced to 48. He made the point that the number of dwellings has now been further reduced to 45 which has been due to concerns raised by neighbours as following the last meeting he had discussed the concerns raised by a neighbouring objector with regards to overlooking, having been asked to remove overlooking windows and as a result of this issue a pair of bungalows have been proposed behind numbers 27 and 28 Eaton Estate and along the boundary of Hassock Way.

Mr Russell explained that he has replaced the semi-detached two storey dwellings with bungalows and these will sit behind the dense hedge and remove any former impact of concerns of overlooking and the bungalows will be M42 compliant, with no boundary hedges or trees being proposed to be removed. He explained that a number of concerns were also raised following the resubmission of the amended scheme after the deferral and all of these concerns have been proactively responded to and addressed positively.

Mr Russell stated that there was a question raised with regards to ownership of the small dry ditch to the south which belongs to Clarion Housing Association and those residents with concerns are able to contact the Housing Association to discuss their concerns over the maintenance of the

ditch. He added that the point had been made with regards to the field remaining as arable, however, with a previous planning permission, the surrounding over development and the further permissions beyond the site of the village and the small hedgerow enclosure, it is not suited to modern farming methods and the previous use as a caravan park with the derelict buildings, small trees and access through a residential area, the site is no longer purposeful as arable.

Mr Russell stated that the County Council Ecologist requested the biodiversity net gain matrix which they had not received previously, and they were happy with the proposals and confirmed that they have no objection. He explained that the comments relating to flooding were resurrected with Anglian Water who have confirmed that they have no issues, and the proposed scheme will have no effects and the previous issues related to faults or surface water overload and the application site sewers are connected to the north and do not go towards the village and, therefore, will not cause any issue.

Mr Russell made reference to a comment that was raised as to the parking provision and he explained that whilst he had adhered to the parking policy, he has added even more visitor parking spaces to the scheme. He made the point that the previously approved scheme which was submitted by another agent for a previous landowner which was for 30 dwellings on part of the same site had a viability assessment undertaken and it was determined and approved with no affordable housing provision and just a cash contribution.

Mr Russell added that there had been some confusion that the previous approved scheme was an affordable housing scheme but in fact it was the opposite with large, detached dwellings and small amenity areas and no affordable housing. He explained that he reviewed the house type needs for the locality, and this proposal is for two and three bedroomed houses and, therefore, in his view, his scheme is a more suitable proposal.

Mr Russell stated that with regards to the previous comments on the right of way crossing the site he has spoken to the Right of Way Officer who has confirmed that they have no objections.

Members asked Mr Russell the following questions:

- Councillor Mrs French asked for details concerning the ownership of the dyke. Mr Russell confirmed that the dyke to the west is owned by Matthew Homes. Councillor Mrs French stated that she assumes that there will be 9 metre clearance for maintenance by the IDB. Mr Russell stated that he believes it is March East IDB and Councillor Mrs French asked whether the owners are also going to maintain the dyke. Mr Russell stated that Matthew Homes have built quite closely to the drain and also erected fences which appear to be very close to the drain which has caused the IDB some issues. He added that in some places they have only provided four metres clearance and explained that on his side of the drain there is between four and seven metres before the centre line of the hedge of which Matthew Homes go beyond the western brink and own a further three metres. Mr Russell added that there is a ransom strip by whoever owned the land before it gets to the boundary of existing mature hedge and into his site. Councillor Mrs French stated that she is aware of the problems caused by Matthew Homes and has been on site to inspect it as it does appear to be four metres when it should have been nine metres. She added that there are issues being caused when trying to maintain the strip as the equipment is large that is used. Councillor Mrs French made the point that she does have concerns with regards to the dyke and the IDB policy is nine metres and if that is not achievable, she does not know how the development can proceed.
- Councillor Marks referred to Mr Russell mentioning six metres, and he asked him whether that was measured from the centre of the dyke to the boundary edge? Mr Russell stated that the existing hedge is not parallel to the brink and, therefore, the six metres would incorporate the existing hedge to full length of the site. He added that he spoke to officers at the IDB and asked them whether they would prefer that the hedge and maintenance strip was transferred to their ownership because the existing hedge is the main issue for them,

but they do not want to have the burden of that and, therefore, any of the applications fences and boundary treatments will be conditioned as to types. Mr Russell added that he proposed to go up to the hedge with a chain link fence, but it would be a minimum of six metres away with any fence which MLC said that they will require but the application has no buildings within 16 to 25 metres.

- Councillor Marks asked whether the six metres could be extended to nine metres by still leaving the hedge? Mr Russell stated that was achievable.
- Councillor Mrs French stated that she would like to see that conditioned and she added that she is aware that the IDB are having great problems with riparian dykes and there is a duty to keep the dykes cleared to keep on top of the flooding issues.
- Councillor Connor explained that he has just seen a statement from the MLC which David Rowen read out to the committee. He explained that Nicola Oldfield from MLC has indicated that in this instance they would accept a minimum of six metres rather than the usual nine metres. Councillor Mrs French stated that she finds that most interesting and she is most concerned with regards to the statement and will follow it up further.
- Councillor Connor stated that the agent has indicated that he could do nine metres if required and, therefore, he is content with that proposal.
- Councillor Marks asked for clarification as to whose ownership would the hedge be in? Mr Russell stated that at the current time the hedge is in his ownership and the IDB are reluctant to take ownership of it due to the maintenance of it, even though it is their main restriction, and he is happy to transfer the hedge to the IDB. Councillor Mrs French stated that she would raise the issue with the IDB.
- Councillor Connor stated that he would like to accept the offer of 9 metres that Mr Russell has agreed to which can be conditioned.
- Councillor Connor asked Mr Russell whether there is an agreement in principle or one which has been signed with regards to the adoption of the attenuation basin by Anglian Water? He added that Anglian Water could change their mind and if they do so is there another option. Mr Russell stated that his civil engineer has designed the scheme and with the parameters and the basin being online, water depths and freeboard it has been designed in accordance with Anglian Water's requirements for it to be adoptable. He added that because a Section 104 or Section 38 submission is not undertaken until after planning because Anglian Water or Highways would not review such submissions until planning approval is obtained then should they decide not to adopt it would be included as part of the management company's responsibility.
- Councillor Connor stated that he feels that the management company fees of £100 do not seem realistic especially if that will then have to include the upkeep and maintenance of the attenuation pond and he asked Mr Russell how that figure was calculated? Mr Russell stated that the majority of the other sites have between 40 and 70 dwellings, and he explained that he has never had a management company where the fee goes above £200 per dwelling. He explained that the £200 figure included a site where there were many private drives and a large area of attenuation and vegetation areas. Mr Russell added that the application site only has a piece of open space and a private drive which are the only areas due to be put into the management company and, therefore, apart from some grass cutting there is not a great deal for the management company to do. He added that he does not foresee the fee to be any more than £120 and if Anglian Water decide not to adopt the attenuation pond as it is a dry basin they will only need to cut the grass.
- Councillor Marks asked who the management company will be? Mr Russell explained that Seagate will start the operation of the management company and then every property gets to buy into the management company, and it will be run by a committee of residents.
- Councillor Connor asked Mr Russell whether the developer adds any money to commence the management company? Mr Russell stated that the developer looks after the site until every property is occupied.
- Councillor Connor added that he is delighted that Mr Russell has agreed to the £25,000 contribution for play equipment.



Members asked officers the following questions:

- Councillor Marks stated that Councillor Johnson had stated in her presentation that the Highway Authority would not adopt areas of permeable surfaces and he asked the Highway Officer, Lewis Ward, whether that was correct. Mr Ward stated that from the Local Highways Authority's perspective they do not adopt permeable paving areas due to the issues surrounding the maintenance of it and its functionality when it is built. He added that if they were to adopt it, it would have to be that the layout as shown is suitable and is designed to their general principles and guidance. Mr Ward made the point that if it was put forward it would still be subject to a Section 38 application and be subject to being built to highways construction specification which would not be permeable paving. He made the point that Highways do not see permeable paving as an adoptable material.
- David Rowen added that the Highway Authority would only be looking at adopting certain elements of the road network and there a couple of areas of private driveways which could be permeable surfaces as well as the possibility that areas within the individual dwellings would also be permeable surfaces such as the driveways for the individual properties and the Highways Officer response is only in relation to the main road through the estate.
- Councillor Connor stated that he has looked at application sites which have been passed and the road surfaces have had the binder course put on them and nothing further has taken place. He made the point that the Section 38 may or may not have been applied for and added that some roads within the district are still not complete and some cases the iron works are raised from the binder course which could mean damage could be caused to vehicles. Councillor Connor requested some reassurance that the same thing will not happen at this site and added that he would like to see a condition added to dictate that after the 39<sup>th</sup> dwelling has been built, the remaining 6 dwellings cannot be occupied until the road surface is constructed to a highway's adoptable standard. David Rowen stated that a planning condition cannot be added to any planning consent stipulating that a road is adopted because that falls under the jurisdiction of the Highway Authority and is not within the applicant's control. He referred to condition 15 as listed in the officer's report which states before the occupation of any dwelling roads and footways required to access that dwelling shall be constructed to at least a binder course and, therefore, that does ensure that there is a degree of hard surface there to allow cars to travel over to access the individual dwellings. David Rowen added that if the committee wished then they could add to that condition and state that prior to the occupation of the 40<sup>th</sup> dwelling, the roads and footways need to be made up to a better level so that the top dressing would be added and, therefore, be more of an adoptable standard, however, it cannot stipulate that the road has to be adopted by the Highway Authority.
- Councillor Connor asked the Highways Officer, Lewis Ward, if he can provide any assurances concerning the road surface? Mr Ward stated that as part of the application process it cannot be conditioned that the road will be adopted as it is the Highway Authority's prerogative. He added that should the applicant submit a Section 38 application it would be reviewed as a normal process, and it would have to be to the Highways specification and standards, but it cannot be conditioned prior to approval.
- Councillor Connor stated that it does not give him as much comfort as he would like, and he asked David Rowen whether condition 15 could be amended to reflect what he had explained earlier with regards to the road surface. David Rowen stated that the condition could be amended to reflect that the roads and footways need to be made up to a better level so that the top dressing would be added and, therefore, be more of an adoptable standard, however, if ultimately the last five dwellings do not get built then the road will only be made up to binder course level. He explained that within the planning system there is no mechanism which can ensure that a road is categorically 100% delivered and adopted by the Highway Authority and all that can be done is to make sure that there are measures in place to try and give comfort that it does occur to a level.
- Councillor Connor stated that in the past Section 38 applications have been sought but they have never been completed and he confirmed that the Highways Authority have no jurisdiction on whether they are or they are not completed.

- Councillor Mrs French stated that she is also aware of a number of roads which have never been competed with a top surface and have been left in that state for many years. She added that under the new County Council policy the road will also be limited to a 20mph speed limit.
- Councillor Marks stated that he would like the condition to state that it should be to a full adoptable standard and not just the road because there are other elements around it.
- David Rowen made the point that when stipulating in the condition that the road needs to be made up to an adoptable standard, it is his understanding that as part of the adoption process it would need to include street lighting and, therefore, there would be some control through the kind of condition which the committee are trying to aim for.
- Councillor Marks asked whether there is any other way where the Council take a bond away from the Section 38 monies in case the developer should cease trading? Lewis Ward, the Highways Officer, explained that the Highways Authority take a bond as part of the Section 38 as it is signed. He added that it equates to £2025 per linear metre which is the total cost of adoption, with an 8.5% vetting fee, taking 50% of that initially and a further 50% on signing and sealing the agreement as well. Councillor Marks asked what mechanism is in place to make sure that actually happens? Lewis Ward stated that you cannot force the developer to sign and seal it at the end and the only aspect that the Highway Authority has control over is to ensure that the first 8.5% of the payment is made and then as it is signed and sealed that the other payments are made later. He made the point that there are no enforcement procedures in place that they have to do that to get the roads adopted.
- David Rowen referred members to the proposed condition 8 which states that prior to the first 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 a Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established. He explained that when considering the aforementioned amendment of the condition concerning the road surface being made up to an adoptable standard by a certain point, should the road be made up to that standard and then not transferred to the Highway Authority as part of a Section 38 Agreement under the Highway Act there would then be the requirement for a management company to also incorporate the management and maintenance of the road. David Rowen pointed out that there is a fallback position in terms of the ongoing maintenance and management of the road if it is not adopted.
- Councillor Marks stated that if a management company is set up halfway through the development, when it looked previously as though it was going to be adopted, then the management company can increase their fees. David Rowen stated that he would assume that the more responsibility that a management company takes on will also mean that their charges will increase which will be passed onto the residents.
- Councillor Connor asked for the amended condition to be added to the application if the scheme is approved by the committee. David Rowen stated that should the committee resolve to grant the application and give delegated authority to officers to apply appropriate wording to condition 15 then that will be possible.
- Councillor Imafidon made the point that officers have stated that there is no mechanism in place to ensure that developers complete and finish the road surfaces in order that they are made to an adoptable standard. He expressed the opinion that it should not be permitted for roads to left in an unfinished condition and he would be very concerned about the safety of his family if he lived in such a road. Councillor Imafidon expressed the view that he does not see the point of a Planning Committee if developers are allowed to leave their developments in such a poor state. He added that developers and management companies will pass charges onto residents, and, in his view, he finds it totally unacceptable.
- Councillor Connor stated that he echoes the sentiments of Councillor Imafidon, but the committee are trying to do the best they can to help residents by working with officers to amend the condition with regards to the road surface.

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

- Councillor Marks stated that he still has concerns over the hedge and the issue of the 9 metres and he would still like further clarification.
- Councillor Mrs French stated that she will be raising the issue at an Internal Drainage Board as in her view 6 metres is not acceptable and the policy does state 9 metres. She expressed the opinion that she is happy to see the application approved but on the condition that the drainage board response is considered.
- Councillor Marks asked, that if it is 9 metres, are the committee able to specify it must be 9 metres and also that the hedge is reinstated on the boundary of 9 metres. David Rowen made the point that the advice which has been given by the Internal Drainage Board is that in this case they would accept 6 metres as in their opinion it is a pragmatic issue as to whether they can access the area or not. He stated that in the context of six metres in comparison to an estate road which is 5 metres you could fit machinery into the allocated space and the IDB have also indicated that it is a matter which can be resolved through the land drainage consent which is outside of the planning system. David Rowen made the point that within the existing proposed conditions, the conditions around landscaping and location of hedges would give some control around that in conjunction with also the drainage scheme condition. He expressed the view that between the planning system and the conditions that are proposed along with the land drainage consent it is a matter that will be resolved through those controls.
- David Rowen stated that the officer's report, in his view, sets out the material planning considerations comprehensively for the application.
- David Rowen asked for confirmation that the proposal for the application includes the changes to condition 15 that had been discussed as well as the additional monies which had been agreed for the play facilities. Councillor Marks confirmed that is correct and he added that he would still like clarification from the IDB.
- David Rowen stated that he will prepare the wording for the Condition 15 to ensure that it is robust and contains all the elements that members discussed, and he will share that wording with the Chairman, Vice Chairman and Councillor Mrs French.
- Stephen Turnbull, the Legal Officer, made reference to the enhanced contribution for the play area and stated that it is his understanding from officers that there is no necessity caused by the development to require this expenditure and, therefore, the committee cannot take it into account as a reason for granting planning permission. He added that as far as wishing to grant planning permission based on the enhanced contribution, the committee cannot rely on it as a reason for granting planning permission and that is a matter of law. Stephen Turnbull explained that would also be the same as not requiring the need to enter into a Section 106 agreement to pay that contribution. He added that the way the Community Infrastructure Levy (CIL) regulations work means that a planning authority cannot require more financial contributions than are necessary caused by the development.
- Councillor Connor stated that Mr Russell has stated that he is willing to provide £25,000 as a voluntary payment. Stephen Turnbull explained that whilst that may be the case it cannot be taken into account as a reason for granting planning permission. He added that there may be other reasons for wanting to grant permission and it cannot be enforced by Section 106 obligations.
- Councillor Mrs French stated that she agrees with the explanation from the Legal Officer, Stephen Turnbull, and added that there are 45 homes which may equate to 150 extra residents who are going to require healthcare professionals and she finds it shameful with regards to the lack of contribution towards the doctor's surgery.

**Proposed by Councillor Marks, seconded by Councillor Mrs French and agreed that the application be GRANTED as per the officer's recommendation, including the agreed changes to Condition 15 and the additional financial contributions towards play facilities.**

*(Councillor Mrs French stated that she is a member of eleven Internal Drainage Boards, but she*

*does not discuss planning applications at any drainage board meetings)*

**P5/24**

**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**

David Rowen presented the report to members.

Members received a presentation, in accordance with the public participation procedure from Councillor Mrs French, the Ward Councillor for the application site. Councillor Mrs French stated that the application is for an existing business who are looking to expand, making the point that in the current economic climate, the business owner needs to be commended as there are not many businesses looking to grow. She added that, if approved, it would also mean the provision of one bedroomed flats which are very much needed and the current number of people who are on the waiting list for homes in Fenland is 1700.

Councillor Mrs French acknowledged that the application site is located within the Conservation Area of March but, in her view, the conservation policy is very out of date, making the point that many years ago she walked with the then Councillor Skoulding from St Peters Road to the marketplace where the Conservation Area ends and there were 342 illegal windows and other conservation contraventions and in her view the conservation areas all need to be reviewed in order that they are updated. She stated that the old Police Station is in need of attention as it has been neglected over the years and she added that the veterinary practice Amical should never have been allowed to be built in a Conservation Area.

Councillor Mrs French added that to the right of the Vets there are new flats being built at the present time along with further development across the road. She expressed the view that the application will not adversely impact the area and it will enhance the area by removing the car sales business which is not acceptable to be in a conservation area.

Councillor Mrs French asked members to approve the application, as it will enhance the business and provide flats that are badly needed which will provide new homes and be of public benefit. She made the point that the issues of noise and odour can be conditioned if the application is approved, and she asked the committee to support the application.

Members asked Councillor Mrs French the following questions:

- Councillor Marks asked for clarity with regards to the number of Listed Buildings that there are near the site? Councillor Mrs French confirmed that there are three, Audmoor House, The Old Courthouse and The Maze. Councillor Marks asked whether Amical Vets is listed, and it was confirmed that it is not listed.
- Councillor Marks made the point that The Old Courthouse is now a snooker hall which is almost derelict and there are new properties which are located in the car park of Amical vets which will change the street scene. He added that there are further properties being built further down the road and added that the building next door to the application site looks to be modern in his opinion and it was confirmed it was about 22 years old. Councillor Marks expressed the opinion that the street scene will not alter drastically by adding another building. Councillor Mrs French expressed the view that a new building will enhance the area.
- Councillor Marks stated that from recollection the Oliver Cromwell Hotel, which is located behind the application site, has got walkways above where guests walk to their rooms, and he asked how long that has been on site? Councillor Mrs French stated that it was

converted in 1999.

Members received a presentation, in accordance with the public participation procedure, from Huseyin Cicek, the agent. Mr Cicek stated that the application involves replacing the current 2 storey building with a three-storey building replacing the takeaway unit and adding two commercial units on the ground floor, one of which is retail Class E use and a takeaway to be preserved. He stated that the upper units will provide seven high quality flats comprising of five one bedroomed flats and two-bedroom units, with proper waste management and secure cycle storage also being on site.

Mr Cicek expressed the view that the commercial units will help boost the local economy by attracting new businesses, increasing footfall and creating jobs which is crucial for helping to keep the town centre of March alive. He explained that the mix of housing that the proposal will bring will be a mixture of 1 and 2 bedroomed flats which are in high demand and will help to meet the needs of the growing community and goes towards supporting the local businesses.

Mr Cicek stated that the plan includes good waste management arrangements along with secure bike storage facilities which will include promoting greener living and due to its central location, it will be easy access to public transport and, therefore, supporting a sustainable lifestyle. He expressed the opinion that the current building does not enhance the Conservation Area and this proposal will enhance the area with a high-quality attractive building which is respectful to the historic character of the neighbouring building, with the proposal aiming to create a high-quality environment by replacing an under used site with a well-designed building that meets the modern needs.

Mr Cicek referred to policy LP18 of the Local Plan and stated that the policy refers to preserving and enhancing the historic environment and, in his opinion, the application respects the character of the Conservation Area and will blend in with the surroundings. He added that policy TC1 of the March Neighbourhood Plan supports the project, and it will enhance the economic viability of the town centre and the commercial units will bring new businesses boosting the local economy.

Mr Cicek stated that, under Policy H2, the proposal encourages a mixture of housing types for local needs and the flats provide a good mixture of one and two bedroomed options which will address local housing demands. He added that the several positive impacts to March Town Centre include replacing old buildings with new well designed, it will improve the look of the Conservation Area and will attract new businesses which will create new jobs.

Mr Cicek expressed the view that the new housing will provide much needed housing for both young and old people looking to live in the town centre, with the proposal for a new three storey building bringing significant benefits to March and the proposal is in accordance with local planning policies as it respects the Conservation Area and supports economic and community growth. He asked the committee to approve the proposal and recognise the positive impact the proposal will have for the local community.

Members asked Mr Cicek the following questions:

- Councillor Imafidon asked whether the commercial waste and domestic waste will be separated for collection, and he questioned where the collection point will be for the waste to be removed? Mr Cicek stated that both commercial and domestic waste bins will be separate and will be at the back of the property in separate waste collection areas. He explained that with regards to the collection point, there is a footpath through Chapel Street and there are other domestic properties already receiving a waste collection and, therefore, the collection vehicles will access Chapel Street and collect the waste from there.

Members asked officers the following questions:

- Councillor Imafidon made reference to one of the conditions listed concerning the site being

located in a Conservation Area and when he visited the site it is clear that there a number of new developments including the one next door to the site. He referred to the presentation screen and stated that the Hair Studio appears to be a relatively new building, along with a development of flats next to Cassanos, with there being further new development in the Conservation Area, which was permitted, and he questioned what the difference is between that new development and the proposal before the committee. Councillor Imafidon stated that the car sales business does not enhance a Conservation Area and he questioned why the proposal should be refused when the others have been approved? David Rowen explained that the fact that it is a Conservation Area does not mean that it should be mothballed in terms of development, and it does not mean that no new development should ever take place, however, any development that does take place should be sympathetic to the historic environment, should be appropriately designed and should fit in with its surroundings. He referred to the development taking place to the south of the veterinary clinic and explained that it was a scheme where a great deal of work was undertaken to reach an appropriate design and was considered to be a scale and form which enables it to fit in well within the location in the street scene. David Rowen referred to another site near to West End DIY and explained that it is virtually a like for like replacement for the building that was there. He added that with regards to the building that is located immediately to the north of the application site, planning permission was granted in 1983 and, in his opinion, if an application was submitted for that building at the current time, then a greater amount of work would take place with regards to the design and detail of it.

- David Rowen made the point that with regards to the current application it is considered that the appearance of the front elevation with the proliferation of dormer windows are not overly sympathetic or attractive in appearance. He added that the third floor is proposed to use a cladding system which is not a prevalent material for buildings fronting onto the street and the side elevation has a mansard roof which is not overly typical and the whole expanse of elevation will be visible within the street scene and from a design point of view that is the main concern, given the fact that there are no buildings to shield that to the south. David Rowen added that it is of sufficient concern that the Conservation Officer has raised concern as have Historic England.
- Councillor Marks stated that he agrees that the slide which shows the dormer windows does appear to show very small windows and does not look to be in character as it looks very stark on a drawing but once it is built it may look different but at the current time it is guess work. He referred to the presentation screen and questioned whether one of the buildings shown is currently three storeys high and it was confirmed that it is three storeys. Councillor Marks added that the officer's report states that the applicant has failed to include a noise impact assessment and odour assessment but made the point that with regards to noise there is a hotel car park to the rear of the application site where there will be transient people arriving at all times of the day and he questioned whether the concern is with the residents of the property or that residents are going to make the noise by having seven properties there. David Rowen stated that the issue of the noise and odour assessment is particularly in relation to the extractor unit that would be installed for the takeaway. Councillor Marks expressed the opinion that when you see the proposed chimney outside of the building it looks wrong, and he questioned whether there is any other method that can be used for extraction purposes and could it be incorporated within the building. David Rowen explained that the proposal contains the detail with regards to the chimney to house the extractor unit to serve the takeaway and there has been no information provided to indicate what equipment is needed to operate a chimney of that size. He explained that a chimney of that size requires extraction equipment of a certain power in order to push the air and odour up the chimney for dispersal. David Rowen added that none of this detail has been provided in order for an assessment to take place with regards to the equipment which is needed to work in an efficient manner.
- Councillor Connor stated that, if the application was approved, would Environmental Health Officers provide their advice as to what would be considered as acceptable? David Rowen explained that Environmental Health have objected to the proposal due to their being a lack

of information available to consider. He added that if planning permission is granted for the chimney as it stands there needs to be a confidence that the chimney will work with something that is acceptable.

- Councillor Imafidon asked whether a condition could be added if the application was approved to state that the details of the capacity of the extraction unit must be provided. David Rowen stated that if planning permission is granted then you inherently need some equipment that can make the chimney work, but you do not know what that equipment is or what its impacts are and, therefore, planning permission would be granted for something that you are trying to make work retrospectively which in fact may not.
- Councillor Connor made reference to the condition of the old Police Station which is located in the Conservation Area, and he asked officers to look into the building in order for it to go into further disrepair.

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

- Councillor Marks expressed the view that it is a site and area which is scruffy and run down, which has a hotel located behind the application site which has one bedroomed room, and you could consider that there is not much difference between that and a one bedroomed flat. He made the point that as there is no associated parking with the proposal site, residents can park on the street, and he does not see that as causing an issue. Councillor Marks made the point that the Freezer Centre is being made into flats and whilst he understands the points made with regards to the roof, in his view, it may be better to have something which is slightly unusual rather than a square box like the property next door which is not pleasant to the eye. He expressed the view that the proposal will bring two shops and there has been no mention of any anti-social behaviour and consideration needs to be given to the fact that the applicant wishes to expand his business. He added that with regards to the point made concerning the double doors, in his view, if those residents want to overlook the Oliver Cromwell Hotel car park that is down to personal choice. Councillor Marks stated that apart from the issue concerning the chimney, he does not have any issue with the application.
- Councillor Benney stated that he does not have an issue with the application as it will bring much needed flats albeit being three storeys and he is sure that it will eventually fit with the street scene as did a similar application of a three-storey block in Chatteris. He added that the pizza place is not an attractive building in its current form as it has bricked up windows and a car sales business beside it. Councillor Benney added that he does understand the officers views with regards to a development proposal and residential amenity but, in his view, this application site is not any more cramped than an application passed previously in Orange Grove in Wisbech. He stated that he will support the application, however, in his opinion the chimney issue does need to be conditioned and he understands the size of the flues to the size of the extraction required, but the application has come to the committee in an incomplete state as that information is not present. Councillor Benney added that he is confident that officers can overcome that issue and he would not want to see the application refused on that point today.
- Councillor Connor made the point that he will support the proposal and he concurs with Councillor Mrs French that the applicant should be applauded as they wish to expand their business in the current economic climate.
- Councillor Imafidon stated that he will also support the proposal as he feels that the development will enhance the street scene rather than be detrimental to it. He added that there is a building next door to it and the footprint of the new development will enhance and create a gap. Councillor Imafidon expressed the view that the car sales business looks horrible located on the High Street and he does not think that there is room for it. He stated that the top floor of the bowling centre looks disused and there are broken windows with vegetation growing all around it. Councillor Imafidon expressed the view that the application will enhance the street scene and improve it and, therefore, he will support the proposal.
- Councillor Marks asked whether there is any way that the chimney can be conditioned as it just looks like a block stuck on the side of a building. He added that he appreciates the

technical detail associated with it and its operation, however, questioned whether officers could work with the architects to improve the current position.

- David Rowen stated that if members choose to grant the application, then the only way to address the noise and odour arising from the chimney would be through a condition. He added that he has already indicated the difficulties in doing it and the associated risks attached by granting planning permission for something which turns out to be unacceptable, which members need to consider.
- Councillor Marks stated that the reason there is a chimney is for a takeaway and if the application is approved but the applicant cannot reach a satisfactory resolution with regards to the chimney then they could still have two shops, but they are not able to run the takeaway. He questioned whether that is a risk the developer takes as opposed to members of the Planning Committee. David Rowen stated that what has been applied for is for one of the units to be sui generis, a takeaway unit, and if extract equipment cannot be installed which is to the satisfaction of Environmental Health, then there is an implication as to whether the business can operate. He pointed out to members that on the existing takeaway unit the extract equipment is on the southern side of the building which is on the car sales side of the building and away from the residential units presumably so that the noise and odour are kept to a minimum.
- Councillor Benney stated that the type of extraction unit needs to suit the type of business that is there to make it work and, therefore, if the extraction system does not accord with the requirements to operate a pizza take away then that will be down to the applicant, and they will need to submit a further planning application for a variation or a new application to meet his needs. He added that if the application is approved and the chimney cannot be agreed with Environmental Health then that will be an issue for the applicant to address as he will not be able to operate as a takeaway if the equipment is not signed off by the Environmental Health Officers.
- Councillor Marks added that the application could be passed but with the addition of a condition which states that members do not believe that an outer chimney should be permitted. He made the point that members are of the opinion that the chimney element of the application is what lets the whole scheme down.
- David Rowen stated that there is no part of the officer's recommendation to refuse the application based on the appearance of the chimney and it is the lack of the technical information regarding its performance and its potential implications on the amenity of neighbouring residents. He added that is largely going to sit behind the building to the north and largely obscured from the wider public view and it does not form part of the visual or character reasons for refusal.
- Councillor Connor stated that the applicant would have to work with Environmental Health in order to find something that was fit for purpose and the risk lies with the applicant not with the committee.
- David Rowen stated that it is a fair summary and added that it is a far from desirable way of dealing with an application and, in his view, it is much better to actually know what you are granting planning permission for can work, but if the committee wish to take that decision then it is their choice.
- Councillor Benney expressed the view that the applicant should know what they are applying for and if the committee are granting what he has got, should it mean that he has to have smaller burners in order to meet the standards of the flue then that may need to be an option that the applicant has to consider. He added that if the application is refused that would mean that the whole application has to come back, and he sees no purpose for that. Councillor Benney stated that the applicant has applied for what he wants, and it will have to be agreed by Environmental Health in order for him to obtain his certificate so that he can trade.
- Councillor Marks made reference to Policy LP2 and stated that it states that the policy requires development proposal to promote high level of residential amenity and in his view the proposal will bring seven more homes which is needed. He added that under LP16 of the Local Plan it states that the proposal should not adversely impact the amenity of



neighbouring users whilst providing sufficient amenity space for the proposal. Councillor Marks explained that it is very difficult to do that with one bedroomed flats to have amenity space, however there are two balconies associated with the proposal and he questioned whether it is going to impact a property which in the committees view is already unsightly.

- David Rowen stated that the recommended reasons for refusal dictate the actual relationship between the proposed development and the properties to the north. He added that in terms of the mass of the building proposed impacting on those properties in terms of overshadowing the rear of them, overshadowing the garden areas and the potential overlooking of the garden areas from the terraced areas. David Rowen explained that it is the impact on the amenity and the enjoyment of those properties to the north by the physical form of the development.
- Councillor Marks stated that if you were standing in the Oliver Cromwell Hotel you would be looking straight into the gardens anyway to the north as the walkways to the hotel rooms are raised up anyway on the second level and, therefore, he does not see any difference.

**Proposed by Councillor Marks, seconded by Councillor Benney and agreed that the application be GRANTED against the officer's recommendation with delegation to officers to apply suitable conditions.**

Members do not support the officer's recommendation of refusal as they feel that the application will enhance the area and street scene by providing two shops and suitable accommodation above and the development will provide seven much needed homes.

*(Councillor Mrs French declared that she will be speaking in support of the application in her position as the Ward Councillor and following her presentation to the committee left the room for the duration of the item and took no part in the discussion or voting thereon)*

*(Councillor Purser declared a pecuniary interest on this item by virtue of the fact that he owns the adjacent property to the application site, and he left the room for the duration of the discussion and voting thereon)*

**P6/24**

**F/YR23/0939/PIP**

**LAND NORTH OF CHERRYTREE HOUSE, FALLOW CORNER DROVE, MANEA**  
**PERMISSION IN PRINCIPLE FOR UP TO 5 X DWELLINGS**

David Rowen presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Matthew Hall, the agent. Mr Hall referred to the officer's summary which make the point that the site is relatively open in nature to the east which, in his opinion, is incorrect referring to the map displayed on the presentation screen which highlights the application site marked in red and whilst he agrees with the officer's statement that to the north and the east of the site it is open Fen land explained that the site is surrounded by vegetation and residential development and the existing commercial business. He explained that on the site at present there are former pig sheds which have been on the site for 50 years and there are other sheds and outbuildings which have been on the site for at least 12 years, making the point that when you look at the map the site appears to be the last site along Fallow Corner Drove before it leads in to open Fen land.

Mr Hall referred to the photos on the screen and stated that in photo 3 it shows the eastern boundary and the vegetation which is to be maintained and then there is open Fen land, with photo number 4 showing the application site and boundary and then it steps into open Fen land. He made the point that there have been numerous applications passed in Fallow Corner Drove under the current Local Plan in the last ten years and there is one objection to the application which raises concern about the road, however, Fallow Corner Drove is used by farms and adjacent businesses and is a road adopted by the County Council.

Mr Hall explained that there is an existing access to the site which is going to be maintained and widened out to allow two cars to be able to pass to the private driveway, with the Highway Authority having no objection to the proposal, and he explained that when reviewing photo number 4, a key point to consider is that the site, in his opinion, is just on the island of Manea as the road and land levels drop away by one metre. He made the point that when considering drainage, directly to the north of the site there is a riparian ditch and to the east and south there is also a riparian ditch where the existing treatment plant to the existing property discharges into, with a swale shown on the site plan which is indicative, however, it will be designed to greenfield run off rates so that the existing rate of surface water going into the ditches will not see an increase.

Mr Hall referred to the indicative layout and stated that the application is for four 5 bed roomed properties with large gardens, garages and access to them off of a private driveway. He added that the vegetation is being kept and will also see additional planting and he made the point that there have been no objections from the Environment Agency, Environmental Health or the Highways Authority, with Manea being a growth village.

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

- Councillor Benney stated that he agrees that the land definitely falls away and, in his view, it is probably the last development that can be built in Fallow Corner Drove. He made reference to previous developments approved in Fallow Corner Drove in previous years and, in his opinion, it will be a lovely place to live, and the houses will enhance Manea. Councillor Benney added that the proposal will make good use of the land and whilst the application site is located within Flood Zone 3, there can be steps introduced to mitigate the flooding risk. He made the point that it is clear to see that the land falls away, with the flood maps being out of date and not correct. Councillor Benney expressed the view that it is a good application, and the homes are much needed in the area. He made the point that the lack of sequential test could be balanced out quite nicely with the need for local homes and local housing. Councillor Benney added that Manea is a growth village and he added that at the last meeting there was an application passed in Tydd St Giles which was also in Flood Zone 3 and, therefore, to remain consistent he will also support the application before the committee today.
- Councillor Marks stated that he is the Ward Councillor for Manea, and made reference to the proposed site map and explained that if the map is expanded by a further 50 metres then it would display the straight road and also another property. He expressed the opinion that he does not think that the application site can be considered as the edge of Manea as the further property he referred to needs to be taken into consideration. Councillor Marks referred to the flooding episode that took place in Manea a few years ago and added that the flooding event was at least three quarters of a mile away from the application site, with it being at the other end of Fallow Corner Drove where it reaches Westfield Road, a planning application for a dwelling was approved and it stands at least a metre and a half above the ground, due to it being located in Flood Zone 3 and mitigation measures have been introduced. Councillor Marks expressed the opinion that the application makes good use of land, and he added behind the application site a few fields away, permission has been granted for 105 homes. He made the point that the proposed dwellings will be connected to cesspits and, therefore, will not impact the main sewers which, in his view, is a good thing for Manea. Councillor Marks stated that when considering the highway, he is currently in discussion to get the roads improved especially when considering the number of new homes which have been approved or are coming forward in the area. He stated that he has considered the comments of the Parish Council who have stated that the site is outside of the development area, however, in his view, there is a further dwelling and whilst he agrees with the Parish Council's view concerning the road surface not being properly maintained, that is not an issue related to the applicant as the responsibility lies with the County Council not filling in the potholes. Councillor Marks added that the Parish Council have also raised concerns with regards to drainage issues, however, in his view, drainage problems can be

mitigated against if any are identified. He stated that he will be supporting the application.

- Councillor Purser stated that some of the other houses in the area are pretty impressive and having listened to the views of Councillor Marks, being the local Ward Councillor, he will support the proposal.
- Councillor Imafidon stated that he has visited the site, and he will support the proposal. He added that it is a very nice area which has some very nice properties and although the Parish Council have stated that the site is outside of the development area, the access is by Cherry Tree House where the applicant lives. Councillor Imafidon made the point that the proposal makes very good use of the land and there are at least two further houses past the application site. He added that the proposal will enhance the village and he will support the proposal.
- Councillor Mrs French stated that she appreciates that the application is a planning in principle (PIP) proposal, however, she does have concerns with regards to the dykes. She questioned whether a PIP application can be revisited if necessary to add conditions. Councillor Marks stated that he is a member of the Welney and Manea Internal Drainage Board and as far as he is aware there is no dyke in the vicinity of the application site which is maintained by that IDB but it will be the responsibility of the landowner to maintain it. David Rowen stated that Mr Hall had indicated that the ditches to the north and the east are riparian.
- David Rowen explained that conditions cannot be added to a PIP application, and they would have to come in with a technical consent stage application and would have to include all the relevant details. He added that it effectively becomes the point where the details are assessed and where the conditions are imposed. David Rowen explained that at this stage the committee needs to consider whether the application is at an appropriate location for the nature, form and amount of the development.

**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 application site is within Manea and is not an elsewhere location, it is good use of land and is not development within the open countryside and that housing is needed which negates the requirement for the sequential test.

*(Councillor Benney declared that the agent has undertaken work for Chatteris Town Council and himself personally and the applicant is known to him, however, he has not met or socialised with him for many years, and he is not predetermined and will consider the application with an open mind)*

*(Councillor Marks declared, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that he is a member of Manea Parish Council but takes no part in planning matters. He further declared that he was approached by a property owner whilst undertaking a site inspection but did not take part in any discussion concerning the application)*

**P7/24**

**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**

David Rowen 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 for a detached bungalow within the built-up form of Manea and the officer's report makes reference to tandem development and this

form of development is immediately adjacent to the application site. He added that there is tandem development immediately adjacent to the village hall and on the opposite side of School Lane there are numerous areas of tandem development.

Mr Hall stated that within the executive summary it states that there is not a strong building line along School Lane and referred to the presentation screen, explaining that the site is clearly within the built-up form of Manea and directly to the west on the left-hand side, in his opinion, tandem development is clearly visible. He made the point that on the opposite side of School Lane, all of the area has been developed over the last 25 years, with behind the application site, Scholars Close is located, and that was built out seven years ago and was previously open Fen land but, in his opinion, the application site is sandwiched by residential development.

Mr Hall explained that as the proposal is for a bungalow it would ensure that there are no concerns regarding overlooking or overshadowing and the officer's report also states that there would be no adverse impact on neighbouring amenity areas. He made the point that in the officer's report it explains that there is one support letter from Orchard Close in Elm, however, he stated that this is incorrect and should state Orchard Close in Manea which is to the south of School Lane, with all of the support letters being from people in Manea who have raised various points including the fact that School Lane is not a through road and the north side has been neglected in terms of development compared to the south side, with the application also being located in Flood Zone 1.

Mr Hall expressed the opinion that both the existing bungalow and the proposed bungalow would have a third plot area as per the Local Plan and in the officer's report at 9.9 it states that the application site incorporates a substantial amount of land which currently serves 22c and, therefore, in his view, it is quite a large site. He made the point that he is often asked to consider the character of the area and the street scene, and he stated that should the application be approved and built out then, in his opinion, it would not be detrimental to the street scene because it would not be visible.

Mr Hall added that all consultees including Highways and Environmental Health support the proposal for a small bungalow in Flood Zone 1, which is located in the built-up form of Manea with no technical objections, and it has the support of the Parish Council.

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

- Councillor Benney stated that a recent meeting the committee approved a dwelling in what was considered to be a barn at number 22 and, in his opinion, the access to the current proposal to that of number 22 is better as that particular application had a driveway with patio doors which led out onto it. He added that was recommended for approval by officers and, in his view, it established the use of back land or tandem development. Councillor Benney stated that numbers 24 and 24a are tandem development and they are both located next to the proposal site, so he does not agree with the reason for refusal and just because the district does not have tandem development, it does not mean that it is not needed. He expressed the view that it is a good solid application, and he will support the proposal.
- Councillor Marks stated that he agrees with the points made by Councillor Benney and added that when he undertook a site visit, he concluded that there is no direct line along that whole back boundary and there are a number of properties that have been built. He expressed the view it will make good use of the land and add a bungalow into use with a large garden. Councillor Marks made the point that there has also been a bungalow built at the end of Westfield Road and, therefore, he feels that the proposal is all within keeping of the village. He stated that there are a lot of large gardens in Manea which lend themselves to tandem development and he finds it interesting that the Parish Council have made no comment with regards to the proposal, however, they made comment on the previous application which is located more into the countryside which he feels speaks volumes.
- Councillor Mrs French stated that she agrees with the views made by both Councillor Benney and Marks, and she has noted that there are no objections from any of the statutory

consultees.

**Proposed by Councillor Benney, seconded by Councillor Imafidon and agreed that the application be GRANTED against the officer's recommendation with delegation given to officers to apply suitable conditions.**

Members do not support the officer's recommendation of refusal as they feel that the application will make a positive contribution to the local distinctiveness and character of the area, the fact that tandem development is already in place means that tandem development has already been established and it is bringing buildings back into use and delivers homes and for those reasons it outweighs the reasons for refusal.

*(Councillor Benney declared that the agent has undertaken work for Chatteris Town Council and himself personally and the applicant is known to him, however, he has not met or socialised with him for many years, and he is not predetermined and will consider the application with an open mind)*

*(Councillor Marks declared, in accordance with Paragraph 14 of the Code of Conduct on planning matters, that he is a member of Manea Parish Council but takes no part in planning. He further declared that he knows the owner of a neighbouring property to the application site on a professional business basis, but he has not spoken to them regarding the application and remains open minded)*

4.00 pm

Chairman

This page is intentionally left blank

---

F/YR24/0291/O

**Applicant:** Mrs Karen Drewry  
C/o Brigstock and Wrens  
Charity

**Agent:** Mr Chris Walford  
Peter Humphrey Associates  
Ltd

**Land North Of Tydd Steam Brewery, Kirkgate, Tydd St Giles, Cambridgeshire**

**Erect 4 x dwellings (outline application with all matters reserved)**

**Officer recommendation: Refuse**

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

---

### **Government Planning Guarantee**

**Statutory Target Date For Determination: 31 May 2024**

**EOT in Place: Yes**

**EOT Expiry: 05 July 2024**

**Application Fee: £2890**

#### **Risk Statement:**

**This application must be determined by 5 July 2024 otherwise it will be out of time and therefore negatively affect the performance figures.**

---

## **1 EXECUTIVE SUMMARY**

- 1.1. The site lies to the southern side of Kirkgate, Tydd St Giles, it has a frontage of circa 90 metres and is bisected by an access track that leads to Tydd Steam Brewery to the south. The grassland site, bounded by a mix of mature hedgerow and trees, contributes significantly to the open character surrounding a collection of adjacent listed buildings: To the north, opposite the site, is the Grade II listed Tindal Mill, to the northwest is Grade II listed Tydd Manor, and to the southwest the Grade II listed Kirkgate House and curtilage listed Manor Barn.
- 1.2. The application is outline, with no matters committed for the erection of 4 dwellings.
- 1.3. On consideration of this application, conflict arises through the detrimental impact of development with respect to heritage and the character of the area, rather than as a result of matters that could be addressed at the design stage.
- 1.4. The proposal will result in harm to the setting of the nearby grade II listed buildings, resulting in dominance and a permanent erosion of what is left of

the remaining historic character along this part of Kirkgate. The submitted heritage statement provided no assessment of the significance of the designated heritage assets nearby, nor any justification for the works, contrary to the requirements of Para.206 of the NPPF. In addition, by virtue of the absence of suitable evidence to the contrary, the land for residential market dwellings would not result in a public benefit that would outweigh the harm caused to the listed buildings by the development, contrary to Para.208 of the NPPF. Accordingly, the application is contrary to Policy LP18 and the NPPF.

- 1.5. The development of four executive style dwellings along with four separate accesses, in such close proximity to nearby historic buildings, will result in significant impacts to the rural character of the locality, by virtue of unacceptable urbanisation of the area along with the resultant increased noise, movement, lighting, etc that will interrupt the tranquillity and sense of privacy afforded to the area, detrimentally impacting the overall character of the area contrary to the requirements of Policy LP16 and the NPPF.
- 1.6. Therefore, given the assessment outlined below, the application is recommended for refusal.

## **2 SITE DESCRIPTION**

- 2.1. The site lies to the southern side of Kirkgate, Tydd St Giles, it has a frontage of circa 90 metres which is formed by an unmanaged row of mature trees and vegetation immediately behind the highway verge. The site is bisected by an access track that leads to Tydd Steam Brewery, comprising a group of metal clad agricultural style buildings, set to the south of the site. The two grassed fields adjacent to the access track (that form the application site) are bound by a mix of mature hedgerow and trees to all sides.
- 2.2. To the east is frontage residential development along Kirkgate. To the north, opposite the site, is the Grade II listed Tindal Mill. Other listed buildings surrounding the site include the Grade II listed Tydd Manor (approximately 68m to the northwest), the Grade II listed Kirkgate House and curtilage listed Manor Barn (approximately 52m to the southwest). These listed buildings are in residential use.
- 2.3. Opposite the site a path has been constructed along the northern side of Kirkgate which links to the Golf Course entrance located approximately 180m to the northeast.

## **3 PROPOSAL**

- 3.1. The application is outline in nature, with no matters committed; it details four detached dwellings, each with their own access, parking and turning areas, with garden space to the rear. The access track leading to the brewery will remain unaltered. The majority of existing vegetation to the east west and south is due to remain. Whilst an illustrative layout has been submitted this is not committed.
- 3.2. The applicant has amended the red line for the site during the course of the application, in response to dialogue with the third-party owner of the access track, which runs through the site. The amendment has resulted in the red



line moving away from the track area, essentially reducing the site area slightly. Officers are satisfied that no prejudice has occurred in this regard, with LPA having consulted on the application in accordance with their statutory duty. This is notwithstanding that the grant of planning permission does not convey the right to develop on third-party land without the consent of said landowner.

#### 4 SITE PLANNING HISTORY

F/YR18/0826/NONMAT	Non-material amendment: addition of a first floor above the utility room and garage involving raising the roof and the insertion of 3 x roof lights, and removal of roof light above garden room, relating to planning permission F/YR17/0688/F <i>Plot 1 Land South West Of Potential House, Kirkgate, Tydd St Giles</i>	Approved 04.10.2018
F/YR17/0688/F	Erection of 1 no 3-storey 5-bed dwelling with attached double garage including temporary storage unit during build together with 1.1 metre high post and rail fence, brick piers and timber gates. <i>Plot 1 Land South West Of Potential House, Kirkgate, Tydd St Giles</i>	Granted 09.10.2017
F/YR06/0970/F	Part change of use from agricultural store to micro-brewery <i>Store East Of Manor Barn, Kirkgate, Tydd St Giles, Wisbech</i>	Granted 05.10.2006
F/YR02/0692/F	Formation of vehicular access <i>Land North East Of Manor Barn, Kirkgate, Tydd St Giles</i>	Granted 16.12.2002

#### 5 CONSULTATIONS

##### 5.1. FDC Conservation Officer

**Proposal:**

*Erect 4 x dwellings (outline application with all matters reserved)*

**Considerations:**

- 1. Consideration is given to the impact of the proposal on the architectural and historic interests with special regard paid to the desirability of preserving listed buildings and their setting or any features of special architectural or historic interest which it possesses according to the duty in law under S16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.*
- 2. Consideration is given to the impact of the proposal on the architectural and historic interests of a Non-Designated Heritage Asset with special regard paid to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*
- 3. Due regard is given to relevant planning history.*

4. Comments are made with due regard to Section 16 of the National Planning Policy Framework, 2023, specifically, paragraphs 201, 203, 205, 206, and 208.

**Comments:**

*The site location is an edge of settlement location in Tydd St Giles with high heritage significance through the presence of a collection of listed buildings and an agrarian rural character of an avenue streetscape, with buildings set back from the frontages.*

*The heritage statement provides no meaningful use in assessing the impact of the proposals or justification.*

*The unfortunate modern ribbon development that has gradually arrived well beyond the village boundary has had a substantial detrimental impact on the settlement transition into the open countryside through the blurring where the settlement ends.*

*Positively, there has been no such frontage ribbon development within the immediate surroundings of the historic assets – The Manor House (GII) Tindall Mill (GII) and Kirkgate House (GII). As a result, these historic rural buildings still retain some sentiment of their rural edge of settlement character that they have benefited from historically. The historic buildings are set back from the road with positive paddocks and gardens in front, towards the tree lined frontage.*

*The fact that harm has resulted from the more distant developments along Kirkgate makes what remains of its positive character all the more important to preserve.*

*The proposal under consideration here continues this incongruous ribbon type development outside of the village extremities and by virtue of being prominently displayed on the frontage will become the dominant feature and entirely erode what is left Kirkgate's historic character.*

*The presence of these poorly sited buildings will be magnified by the creation of four separate accesses across the informal verges, creating something more akin to suburbia than the edge of a small rural settlement.*

*The development will result in an unacceptable level of harm to the setting of 3 important listed buildings and as such, the application is objected to.*

**RECCOMENDATION: Objection – Impact of setting of adjacent collection of listed buildings**

5.2. **Senior Archaeologist (CCC)**

*I am writing to you with regards to the archaeological implications of the above refenced planning application. The proposed development lies in an area of archaeological potential, within Tydd- St- Giles and on the fen island on which the village is largely positioned. These fen islands create slightly raised firmer ground within the wider fen landscape that have been exploited throughout prehistory and right up until recent times. Archaeological investigations to the north of Kirkgate and to the east of the proposed*

development revealed significant volumes of 12th and 15th century material and associated features indicating a focus for medieval settlement within this area of the village (Cambridgeshire Historic Environment Record MCB19892, CB15604). Conversely Saint Giles Church is located c.360m to the west of the proposed development, itself dating from the 13th century (CHER CB14987).

Whilst we do not object to development from proceeding in this 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 (DLUHC 2023).

**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

### 5.3. **Cambridgeshire County Council Highways Authority**

#### **Recommendation**

*On behalf of the Local Highway Authority, I raise no objections to the proposed development. However, I have the following comments on the general principles of the required information that will be required at the next stage of the application.*

#### **Comments**

*This is an outline application with all matters reserved as such the applicant has not proposed an access with the highway for approval at this stage. The applicant will therefore be required to evidence safe access can be achieved at a later stage. The posted speed limit is 40mph. Therefore, the visibility splays required will be 2.4m x 120m either side of the junction. A turning and parking area will be required so drivers can enter, turn and leave the site in a forward gear.*

*In the event that the LPA are mindful to approve the application, please append the following Conditions and Informatives to any consent granted:*

#### **Conditions**

*Parking/Turning Area: Prior to the first occupation of the development the applicant must provide on-site parking/turning area, surfaced in a bound material and drained within the site within 10m of the highway. 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).*

*HW18A Visibility Splays: Visibility splays must be provided each side of the vehicular access. Splays must be 120m either side of the access and shall thereafter be maintained free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.*

### 5.4. **Environment Agency**

*Thank you for your consultation dated 17 April 2024. We have reviewed the documents as submitted and have no objection to the proposed development. We have provided further details below.*

#### **Flood Risk Assessment**

*The development should be carried out in accordance with the submitted flood risk assessment (ref: ECL1208/PETER HUMPHREY ASSOCIATES, compiled by Ellingham Consulting Ltd, dated March 2024) and the following mitigation measures it details:*

- *Finished floor levels to be set no lower than 0.3m above ground level with 0.3m Flood resilient construction above the FFL.*

*These mitigation measures should be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above should be retained and maintained thereafter throughout the lifetime of the development.*

### Flood Warning

We support the suggestion in the FRA that future occupants sign up to Floodline Warnings Direct to receive advance warning of flooding. This can be done online at <https://www.gov.uk/sign-up-for-flood-warnings> or by phoning Floodline Warnings Direct on 0345 988 1188. Flood warnings can give people valuable time to prepare for flooding – time that allows them to move themselves, their families and precious items to safety. Flood warnings can also save lives and enable the emergency services to prepare and help communities. For practical advice on preparing for a flood, visit <https://www.gov.uk/prepare-for-flooding>. To get help during a flood, visit <https://www.gov.uk/help-during-flood>. For advice on what do after a flood, visit <https://www.gov.uk/after-flood>.

### Flood resilient construction

We recommend that consideration be given to use of flood proofing measures to reduce the impact of flooding when it occurs. Flood proofing measures include barriers on ground floor doors, windows and access points and bringing electrical services into the building at a high level so that plugs are located above possible flood levels.

Please refer to 'Improving the Flood Performance of New Buildings - Flood Resilient Construction' (DCLG 2007). These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

#### 5.5. **North Level Internal Drainage Board**

Please note that North Level District Internal Drainage Board have no objections in principle to the above planning application.

#### 5.6. **CCC Ecology**

The proposal is acceptable on ecology grounds, providing that the mitigation measures set out in the Preliminary Ecological Appraisal, as well as biodiversity enhancements, 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:

1. Compliance condition - scheme should comply with precautionary method of working (implemented during construction) set out in Preliminary Ecological Appraisal.
2. Retention and protection of all boundary hedgerows and trees during construction (deter to Tree / Landscape Officer for recommended wording of condition relating to protection of trees)
3. Landscape and Biodiversity Enhancement Plan
4. Lighting scheme sensitively designed for wildlife
5. Time limit until update ecological surveys required

### **Bats**

The site comprises two small paddocks with limited ecological value. The main ecological interest at the site is the hedgerows and the mature tree

(Oak). The Preliminary Ecological Appraisal identifies the mature oak (T1), located on the southern boundary of the site, as offering roosting value to bats (PRF-M). The PEA recommends further survey work if the trees will be directly impacted by the proposed works.

The Design and Access Statement has confirmed that “the site is linked by existing tall mature trees and hedgerows along all boundaries, all of which will be retained as part of the proposals, except for a few trees along the site frontage”. It will be important to ensure this boundary vegetation, particularly the mature oak, be retained and protected during construction to ensure there are not adverse impacts on bats. This should be secured through suitably worded condition, and suggest this is written in collaboration with the Tree Officer.

In addition, the PEA identifies the importance of new external lighting to avoid illumination of the features. A sensitive lighting scheme should be secured through suitably worded conditions.

### **Other protected species**

The PEA identifies suitability of the site for amphibians, reptiles and other mammals (hedgehogs) and sets out precautionary working methods to be implemented during construction for these species. If planning permission is granted, these recommendations should be implemented in full during the construction phase.

### **Biodiversity enhancements**

No biodiversity enhancements are proposed for the scheme design or Preliminary Ecological Appraisal and therefore, the scheme does not accord with Fenland Local Plan policy LP16 / LP19 which seeks development to conserve and enhance biodiversity. If planning permission is secured, we recommend biodiversity enhancements as part of a Landscape and Biodiversity Enhancement Scheme.

Prior to the commencement of land parcels, 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.

### **Suggested Wording of Planning Conditions**

#### **3. SUGGESTED DRAFT CONDITION: Landscape and Biodiversity Enhancement Scheme**

The landscaping and biodiversity enhancement details to be submitted shall include:

- 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) *a timetable for landscaping and biodiversity enhancement implementation.*
- g) *management and maintenance details*

*The approved landscape and biodiversity enhancement scheme shall be carried out within 6 months of the approval of the scheme. The approved landscape scheme shall be carried out within the first available planting season following approval of the scheme and in accordance with the timetable for implementation approved as part of the submitted scheme.*

*The approved landscape and biodiversity enhancement scheme shall be maintained thereafter in perpetuity.*

*Reason: Fenland Local Plan 2014 policies LP16 & LP19 (to protect and enhance biodiversity)*

#### **4. SUGGESTED CONDITION: Lighting Design Scheme for Biodiversity**

##### **Option 1**

*Within 6-months of the commencement of development hereby approved, a scheme for the provision of external lighting relating to all dwellings and common areas within the site shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to commencement of use/occupation of any dwellings and retained thereafter in perpetuity.*

*The external lighting shall be carefully designed for wildlife, in accordance with recommendation set out in the Preliminary Ecological Appraisal, and baffled downwards away from the retained trees, boundary vegetation and hedgerows/scrub corridors.*

*Reason: Fenland Local Plan 2014 policies LP16 & LP19 (to protect biodiversity)*

#### **5. SUGGESTED CONDITION: Time Limit on Development Before Further Surveys are Required**

*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 i) establish if there have been any changes in the presence and/or abundance of species (e.g. bats, birds and badgers) and ii) identify any likely new ecological impacts that might arise from any changes.*

*Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved 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.*

*Reason: Fenland Local Plan 2014 policies LP16 & LP19 (to protect biodiversity)*

- 5.7. **Environment & Health Services (FDC) – Original comments 26.04.2024**  
*The Environmental Health Team note and accept the submitted information and have 'No Objections' in principle to the proposal, as it is unlikely to have a detrimental effect on local air quality, the noise climate, or be affected by ground contamination.*

- 5.8. **Environment & Health Services (FDC) – Revised comments 20.05.2024**  
Following the case officer raising the relationship between the site and an existing adjoining business additional comments received:

*Due to the proposed developments close proximity to the existing business, and taking into consideration the nature of this business and that there are no other sensitive receptors in such close proximity other than the owners of the business, there is a potential for odour and noise impact on the proposed residential properties. Therefore, it is prudent in the circumstance that a noise and odour impact assessment is undertaken by a suitably qualified professional to establish if there could be any potential impact on future residential receptors. We would request these reports shall be submitted to and approved in writing by the Local Planning Authority before any commencement of development.*

- 5.9. **Tydd St Giles Parish Council**  
*The Parish Council considered this application at last week's meeting. The scale of the proposed development is in keeping with the other recent additions to Kirkgate and will form part of an evenly spaced row of similar properties providing quality homes for families. The land is currently owned by the Parish Charity and the sale proceeds will enable them to invest in supporting individuals, organisations and facilities within the Parish of Tydd St Giles for many years to come, resulting in an immeasurable contribution to the local community and way of life.*

*The Members of the Parish Council expressed strong support for this development.*

- 5.10. **Local Residents/Interested Parties**  
The LPA has received five letters of objection to the application, from local residents in the immediate vicinity of the site, including Tindall Mill, Manor Barn and High Bank Cottage, all on Kirkgate.

The reasons for objection can be summarised as:

- Impact on local amenity and character
  - development on this open area will result in unacceptable urbanisation and a loss to the character of the area;
  - the amenity value of open land should be retained for village use, retaining charity owned land for community use is more appropriate than building new houses;



- a significant level of development has been ongoing for a number of years, yet some remain incomplete or unoccupied – is there a need for more?;
  - development of the site is outside of the built framework of the village;
  - overdevelopment of the narrower site for four dwellings.
- Impact on listed buildings
    - The site is adjacent to three separate listed buildings that historically sit within open undeveloped land.
    - Development within close proximity will impact their historic character
  - Impact on services and infrastructure due to general overdevelopment in the area.
  - Concerns over ecology and biodiversity impacts.
  - Concerns over use of the access track by farm vehicles and commercial vehicles attending the brewery;
  - Concerns over occupier residential amenity impacts from the commercial activities at the brewery;
  - Conflict of interest – *“If the application is to be determined at the planning committee due to the support of the Parish Council (which you reference in your 30 May email to Peter Humphries), your report should disclose the interest that the Parish Council holds in the applicant Brigstock and Wrens Charity - appointing nominated trustees which include the Council chairman.”*

Two representations were also received: one from a local resident raising concern over the proximity of the proposed dwellings to the hedgerows along the access track that are maintained by a third party, further notifying that this track is used at various times by agricultural vehicles and lorries which may cause impact to residential amenity, and a second from Paget Hall, Hockland Rd, Tydd St Giles clarifying the location of listed buildings within the vicinity as they understood it.

A further letter of support was received from Paget Hall, Hockland Rd, Tydd St Giles stating that in their opinion, and given the degree of development along Kirkgate, that the planning application represents infill development and complies with local policy in this regard.

## **6 STATUTORY DUTY**

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014).
- 6.2. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities when considering development to pay special attention to preserving a listed building or its setting.

## **7 POLICY FRAMEWORK**

### **7.1. National Planning Policy Framework (NPPF) Dec 2023**

Para 47 – Applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise;

Para 48 - Local planning authorities may give weight to relevant policies in emerging plans according to: a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

Section 5: Delivering a sufficient supply of homes.

Paragraph 115 – Development should only be prevented or refused on highway grounds if there would be any unacceptable impact on highway safety, or the residual cumulative impacts would be severe

Para 131 – Good design is a key aspect of sustainable development;

Para 135 – Planning policies and decision should ensure developments are sympathetic to local character and history;

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

Section 15 - Conserving and enhancing the natural environment

Section 16 – Conserving and enhancing the historic environment

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

### **7.3. 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

LP12 – Rural Areas Development

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

LP15 – Facilitating the Creation of a More Sustainable Transport Network

LP16 – Delivering and Protecting High Quality Environments

LP18 – Historic Environment

LP19 – The Natural Environment

### **7.4. 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

LP3 – Spatial Strategy for Employment Development

LP4 – Securing Fenland's Future

LP5 – Health and Wellbeing

LP7 – Design

LP20 – Accessibility and Transport

LP22 – Parking Provision

LP23 – Historic Environment

LP24 – Natural Environment

LP32 – Flood and Water Management

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

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

7.6. **Cambridgeshire Flood and Water SPD 2016**

**8 KEY ISSUES**

- **Principle of Development**
- **Impact on Heritage**
- **Impact on Character**
- **Residential amenity**
- **Flood risk**
- **Highway safety**
- **Biodiversity**
- **Public Benefit**

**9 ASSESSMENT**

**Principle of Development**

9.1. Policy LP3 of the Fenland Local Plan (FLP) identifies Tydd St Giles as a small village where development will be considered on its merits but will normally be limited in scale to residential infilling. The Fenland Local Plan glossary defines residential infilling as “*development of a site between existing buildings*” which is bolstered by the definition of infill development in the Planning Portal glossary as “*the development of a relatively small gap between existing buildings.*”

9.2. Considering the frontage positioning of the application site in particular, the site is a semi-rural area of open grassland comprising part of a 200m gap in frontage development between a partially constructed dwelling (F/YR17/0688/F) immediately to the east and the nearest frontage dwelling to the west, known as Birch Tree House. Therefore, given this separation, it is considered that the 200m gap between frontage development along Kirkgate could not be classified as a ‘relatively small gap’.

9.3. However, there are other dwellings to the west of the application site which fall closer than the nearest frontage dwelling Birch Tree House, including Kirkgate House and Manor Barn, albeit these are set back approximately 75m from the highway and are not frontage development along Kirkgate. It is noted that the aforementioned definitions do not specifically differentiate between frontage or set-back development.

9.4. Accordingly, notwithstanding their set back position, considering the existence of these dwellings closer to the application site and with due regard to the aforementioned definitions, the application site would, technically, infill the entire gap between the nearest plot to the east and Manor Barn to the west. It is on this basis that the proposal is considered, on balance, acceptable in respect of Policy LP3 in this particular case.

**Impact on Heritage**

9.5. Policy LP18 states that the Council will protect, conserve and seek opportunities to enhance the historic environment throughout Fenland. All

development proposals that would affect any designated or undesignated heritage asset are required to provide a clear justification for the works, especially if these would harm the asset or its setting, so that the harm can be weighed against public benefits.

- 9.6. The application site is set immediately to the south and east of a cluster of three Grade II listed buildings including: Tindall Mill immediately to the north, Tydd Manor to the northwest, and Kirkgate House to the southwest, along with a curtilage listed barn (F/94/0861/LB), known as Manor Barn, also to the southwest.
- 9.7. The application includes a Heritage Statement submitted in support of the application. The statement is scant on detail and provides no assessment of the significance of the designated heritage assets nearby, nor does it include any justification for the works. The Conservation Officer considered that *“the heritage statement provides no meaningful use in assessing the impact of the proposals or justification.”* Accordingly, the submitted Heritage Statement does not meet the requirements of Para.206 of the NPPF, which requires: *“Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.”*
- 9.8. In assessing the current situation, the Conservation Officer states:
- “The unfortunate modern ribbon development that has gradually arrived well beyond the village boundary has had a substantial detrimental impact on the settlement transition into the open countryside through the blurring where the settlement ends.*
- Positively, there has been no such frontage ribbon development within the immediate surroundings of the historic assets – The Manor House (GII) Tindall Mill (GII) and Kirkgate House (GII). As a result, these historic rural buildings still retain some sentiment of their rural edge of settlement character that they have benefited from historically. The historic buildings are set back from the road with positive paddocks and gardens in front, towards the tree lined frontage.”*
- 9.9. It is considered, therefore, that development in the area has already resulted in harm given the more distant developments along Kirkgate, further reinforcing the need to preserve what remains of the historic buildings’ setting, to which the application site currently positively contributes. The proposal will result in additional harm to the setting of the nearby listed buildings, by virtue of the progression of the already harmful ribbon development that exists to the east, extending this ever closer to the listed buildings thus resulting in dominance and a permanent erosion of what is left of the remaining historic character along this part of Kirkgate.
- 9.10. Given the above, the proposal is considered contrary to Para. 206 of the NPPF, and Policy LP18 of the Fenland Local Plan by virtue of the harm caused to the listed buildings. The public benefits of the proposal are discussed in more detail below.

### **Impact on Character**

- 9.11. Policy LP16 of the Fenland Local Plan seeks to ensure development makes a positive contribution to the local distinctiveness and character of the area, enhancing its local setting, reinforcing local identity and does not adversely impact, either in design or scale terms, on the street scene, settlement pattern or the landscape character of the surrounding area. In particular criterion (a) of LP16, seeks to protect and enhance any affected heritage assets and their settings to an extent commensurate with policy in the National Planning Policy Framework and in accordance with Policy LP18.
- 9.12. Whilst Kirkgate has seen a number of new residential units delivered along its length, this has not manifested in a continuous built up frontage. Kirkgate does retain some rural characteristics, especially to its northern aspect, where the dwellings continue to be interspersed by landscaped areas, such as the site under consideration.
- 9.13. The development of four executive style dwellings along with four separate accesses, particularly in such close proximity to the nearby historic buildings, will result in significant impacts to the rural character of the locality, by advancing the already harmful ribbon development westwards resulting in an unacceptable urbanisation of the area and historic setting. It is considered therefore that residential development of this site, along with the resultant increased noise, movement, lighting, etc will interrupt the tranquillity and sense of privacy currently found within this character and setting.
- 9.14. The application site, as undeveloped, but managed, land, is an important factor contributing to the significance and wider historic character of the area. It is the existence of such sites that offer relief within the streetscape and whilst the scheme makes provision to retain the existing frontage vegetation, this would not afford significant screening per se to ameliorate the obvious intrusion of 4 dwellings in this location and the significantly detrimental impact of those dwelling units on the overall character of the area. Accordingly, it is considered that the proposal is contrary to Policy LP16 by virtue of this impact.

### **Residential amenity**

- 9.15. Detailed matters of residential amenity would be fully considered at Reserved Matters stage.
- 9.16. It would appear from the indicative plans submitted that there would be limited impacts to neighbouring residential amenity as a result of the scheme by way of overlooking or overshadowing.
- 9.17. Concern has been raised with respect to the application site being in close proximity to a working micro-brewery business, known as Tydd Steam Brewery. It is understood that this business may result in residential impacts from vehicle movements, including deliveries, etc at various times of day, along with the potential for associated noise and odour emissions from the brewery as a result of the brewing operations.
- 9.18. No evidence in respect of what impacts may exist have been advanced to enable officers to consider the potential impacts to future occupier amenity in

respect of the commercial operations nearby. Notwithstanding, given the existence of other residential properties within the vicinity of the brewery and the fact that no known noise or odour nuisance complaints were revealed during desk-top investigations, it is considered unreasonable to refuse the application on the basis of insufficient evidence in respect of noise and odour impacts in this case. However, given that the scheme proposes four new dwellings in close proximity to the brewery site, the Environmental Health team recommend that both a noise and odour impact assessment is be submitted within any reserved matters application to ensure future occupier amenity is safeguarded in accordance with Policy LP16.

### **Flood risk**

- 9.19. Policy LP14 of the Fenland Local Plan and section 14 of the National Planning Policy Framework deal with the matter of flooding and flood risk, and the siting of dwellings on land at the risk of flooding. The site falls within flood zone 3, high risk.
- 9.20. Policy LP14 requires development proposals to adopt a sequential approach to flood risk from all forms of flooding, and states that development in an area known to be at risk will only be permitted following the successful completion of a Sequential Test, an Exception Test, and the demonstration that the proposal meets an identified need and appropriate flood risk management.
- 9.21. The application is accompanied by a Flood Risk Assessment that includes a detailed sequential and exception test. This document has considered the availability of plots within Tydd St Giles and has demonstrated that there are no reasonably available sites within a lower flood risk area within Tydd St Giles and as such the sequential test is passed. With regard to the exceptions test, it is noted that the applicant proposes to utilise renewable energy and such an approach has been accepted as being within the spirit of the requirements of part a of the exceptions test, as outlined in the Cambridgeshire Flood and Water SPD, this could be conditioned as a requirement of any consent issued.
- 9.22. The Environment Agency have accepted the site specific flood risk assessment, subject to mitigation measures being secured by condition. Accordingly the scheme may be deemed policy compliant in terms of both LP14 , the SPD and national policy guidance.

### **Highway safety**

- 9.23. Matters in respect of access fall to be considered as reserved matters not forming part of this outline application for formal consideration. Notwithstanding, Policy LP15 and LP16 require development schemes to be safe, and well designed.
- 9.24. The application proposes each dwelling to have its own access point off Kirkgate.
- 9.25. Comments from the Highway Authority suggest that the submitted details are acceptable in principle, subject to detailed matters being acceptable at a later stage. Any subsequent approval would subject to conditions to ensure

appropriate and safe access is provided within the Reserved Matters submission.

### **Biodiversity**

- 9.26. Policy LP19 requires development to conserve, promote and enhance ecological assets. The application was supported by the inclusion of a Preliminary Ecological Appraisal (PEA).
- 9.27. The PEA concluded that the site did not comprise any priority habitat nor were any priority species present, and that the proposed development would not result in undue impacts to habitats or species, providing best practice recommendations were followed, along with additional surveys should the proposal seek works/removal of any trees and/or hedgerow; the PEA offered suggestions of mitigation and enhancement where appropriate.
- 9.28. Consultations were undertaken with CCC Ecology with respect to the submitted PEA, and it was concluded that there was no objection in principle, providing the recommendations and mitigations outlined within the PEA were followed. Accordingly, subject to conditions, the proposal complies with Policy LP19.

### **Public Benefit**

- 9.29. The above assessment outlines that the proposal will result in harm to the designated heritage assets of the nearby listed buildings and the wider historic semi-rural character of the area, contrary to Policies LP16 and LP18 of the Fenland Local Plan. Furthermore, with due regard of these policies, and further underpinned by Para.208 of the NPPF which states: *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”*. Therefore, the public benefits of the proposal should be considered within the planning balance.
- 9.30. It is understood from the Parish Council comments received that the land is currently owned by a Parish charity, and the proceeds from sale of the land may be put forth to wider community use. The submitted Design and Access statement proffers that the application is put forth so that the Brigstock and Wrens Charity (who administer funds and manage land for the benefit of the inhabitants of the parish of Tydd St Giles) may *“explore the possibility of re-developing the existing grass paddock land as frontage building plots for the open-market and/or local self-builders. The charity would then roll the investment from the development into their future pledges...TBC”*.
- 9.31. Whilst it is acknowledged that the Charity is seeking to obtain funds from the sale of the land with planning permission for the erection of market dwellings, no additional supporting evidence with respect to how these funds may be reinvested to support the community has been put forward. In addition, no balancing exercise evidencing consideration, and ultimate discount of, alternative community uses of the land (such as for use as allotments, a public park, or other community facility) has been advanced to satisfy the LPA that the proposed residential use of the land is the only viable option.

- 9.32. As such, officers are unable to give much weight to the applicant's claim that proceeds from any sale would be utilised for community benefit in the planning balance. Therefore, by virtue of the absence of suitable evidence to the contrary, it is considered that the use of the land for residential market dwellings would not result in a public benefit that would outweigh the harm caused by the development on the nearby listed buildings or wider historic character as previously outlined.

## **10 CONCLUSIONS**

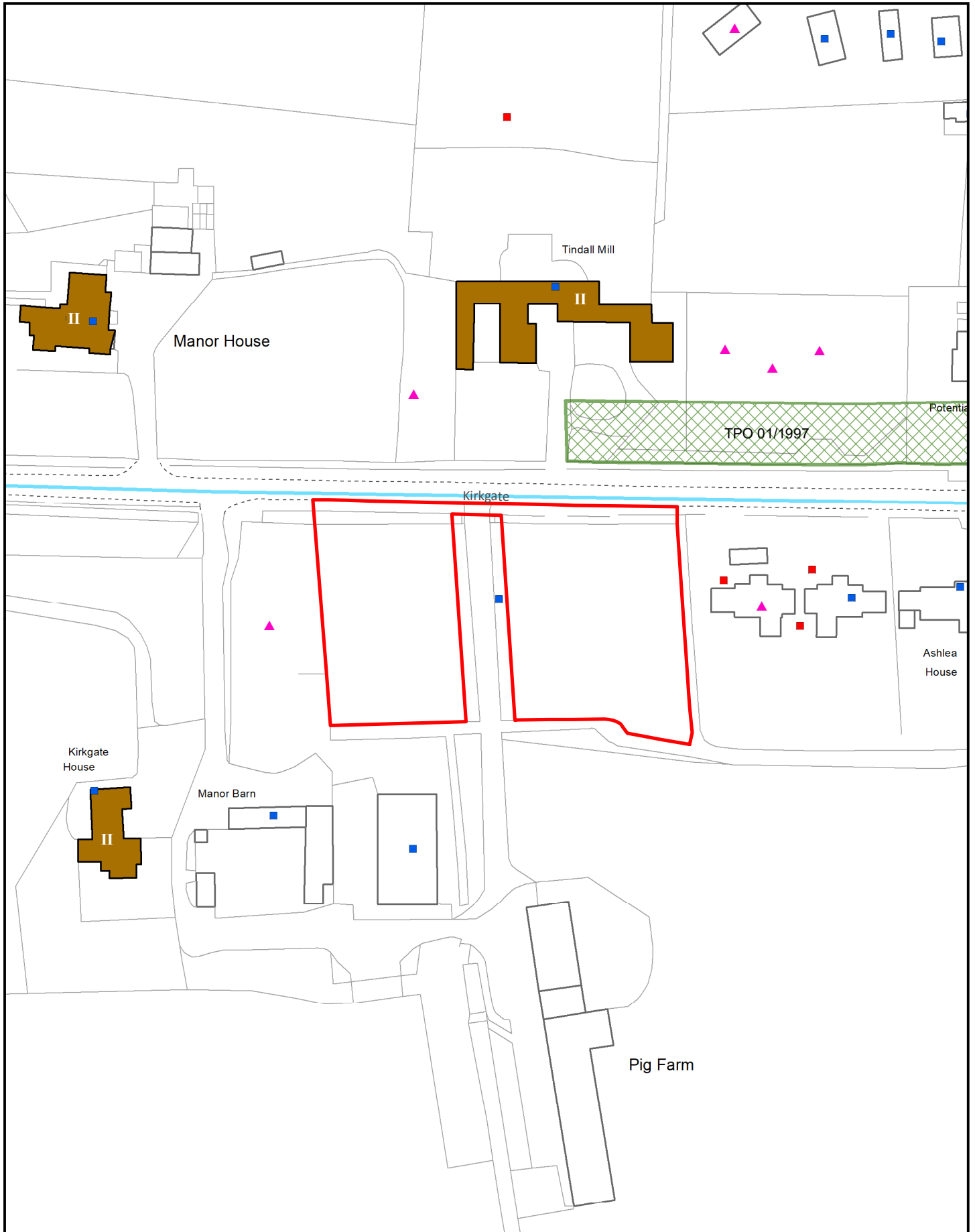
- 10.1. On the basis of the consideration of the issues of this application, conflict arises through the detrimental impact of development with respect to heritage and the character of the area, rather than as a result of matters that could be addressed at the detailed design stage.
- 10.2. The proposal will result in harm to the setting of the nearby grade II listed buildings, by virtue of the westward progression of the already harmful ribbon development that exists to the east, resulting in dominance and a permanent erosion of what is left of the remaining historic character along this part of Kirkgate. The submitted heritage statement provided no assessment of the significance of the designated heritage assets nearby, nor did it include any justification for the works, contrary to the requirements of Para.206 of the NPPF. In addition, by virtue of the absence of suitable evidence to the contrary, it is considered that the use of the land for residential market dwellings would not result in a public benefit that would outweigh the harm caused to the listed buildings by the development, contrary to Para.208 of the NPPF. Accordingly, the application is contrary to Policy LP18 and the NPPF owing to the unacceptable impact on heritage.
- 10.3. Furthermore, the development of four executive style dwellings along with four separate accesses, in such close proximity to nearby historic buildings, will result in significant impacts to the rural character of the locality, by virtue of unacceptable urbanisation of the area along with the resultant increased noise, movement, lighting, etc that will interrupt the tranquillity and sense of privacy afforded to the area, detrimentally impacting the overall character of the area contrary to the requirements of Policy LP16 and the NPPF.
- 10.4. Therefore, given the above assessment, the application is recommended for refusal.

## **11 RECOMMENDATION**

**Refuse;** for the following reasons:



1	<p>Policy LP18, supported by the NPPF, states that the Council will protect, conserve and seek opportunities to enhance the historic environment throughout Fenland. The application site is set immediately to the south and east of a cluster of three Grade II listed buildings. The proposal will result in harm to the setting of these listed buildings, by virtue of the westward progression of the already harmful ribbon development that exists to the east, resulting in dominance and a permanent erosion of what is left of the remaining historic character along this part of Kirkgate. The submitted heritage statement provided no assessment of the significance of the designated heritage assets nearby, nor did it include any justification for the works, contrary to the requirements of Para.206 of the NPPF. In addition, by virtue of the absence of suitable evidence to the contrary, it is considered that the use of the land for residential market dwellings would not result in a public benefit that would outweigh the harm caused to the listed buildings by the development, contrary to Para.208 of the NPPF. Accordingly, the application is contrary to Policy LP18 and the NPPF owing to the unacceptable impact on heritage.</p>
2	<p>Policy LP16 of the Fenland Local Plan seeks to ensure development makes a positive contribution to the local distinctiveness and character of the area, enhancing its local setting, reinforcing local identity and does not adversely impact, either in design or scale terms, on the street scene, settlement pattern or the landscape character of the surrounding area. Criterion (a) of LP16, seeks to protect and enhance any affected heritage assets and their settings to an extent commensurate with policy in the National Planning Policy Framework and in accordance with Policy LP18. The development of four executive style dwellings along with four separate accesses, in such close proximity to nearby historic buildings, will result in significant impacts to the rural character of the locality, by virtue of unacceptable urbanisation of the area along with the resultant increased noise, movement, lighting, etc that will interrupt the existing tranquillity and sense of privacy afforded to the area, detrimentally impacting the overall character of the area contrary to the requirements of Policy LP16 and the NPPF.</p>



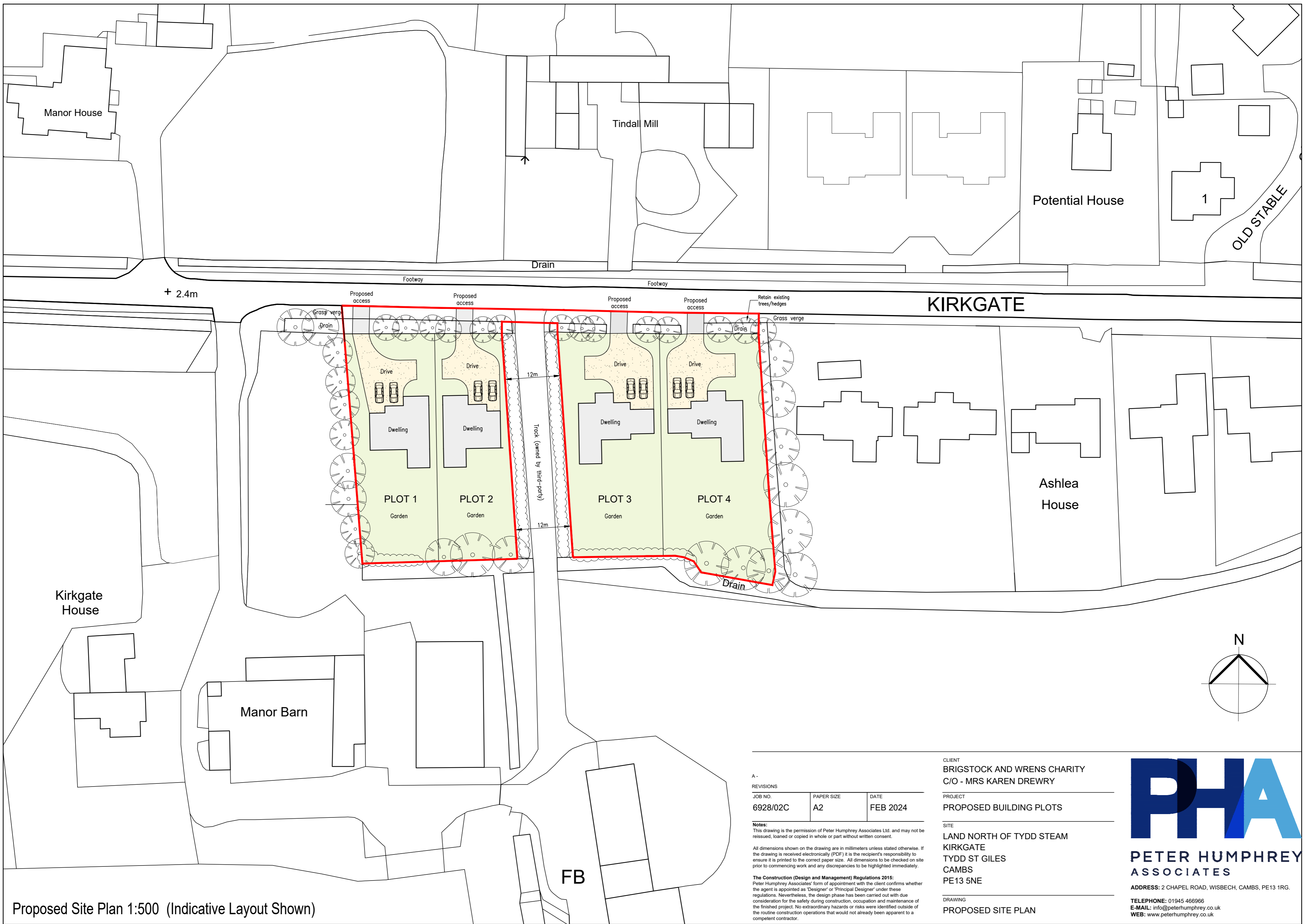
Created on: 10/06/2024

© Crown Copyright and database rights 2024 Ordnance Survey 10023778

**F/YR24/0291/O**

Scale = 1:1,250





Proposed Site Plan 1:500 (Indicative Layout Shown)

A - REVISIONS		
JOB NO.	PAPER SIZE	DATE
6928/02C	A2	FEB 2024

**Notes:**  
 This drawing is the permission of Peter Humphrey Associates Ltd. and may not be reissued, loaned or copied in whole or part without written consent.  
 All dimensions shown on the drawing are in millimeters unless stated otherwise. If the drawing is received electronically (PDF) it is the recipient's responsibility to ensure it is printed to the correct paper size. All dimensions to be checked on site prior to commencing work and any discrepancies to be highlighted immediately.  
**The Construction (Design and Management) Regulations 2015:**  
 Peter Humphrey Associates' form of appointment with the client confirms whether the agent is appointed as 'Designer' or 'Principal Designer' under these regulations. Nevertheless, the design phase has been carried out with due consideration for the safety during construction, occupation and maintenance of the finished project. No extraordinary hazards or risks were identified outside of the routine construction operations that would not already be apparent to a competent contractor.

CLIENT  
 BRIGSTOCK AND WRENS CHARITY  
 C/O - MRS KAREN DREWRY

PROJECT  
 PROPOSED BUILDING PLOTS

SITE  
 LAND NORTH OF TYDD STEAM  
 KIRKGATE  
 TYDD ST GILES  
 CAMBS  
 PE13 5NE

DRAWING  
 PROPOSED SITE PLAN



**PETER HUMPHREY ASSOCIATES**

ADDRESS: 2 CHAPEL ROAD, WISBECH, CAMBS, PE13 1RG.

TELEPHONE: 01945 466966  
 E-MAIL: info@peterhumphrey.co.uk  
 WEB: www.peterhumphrey.co.uk

This page is intentionally left blank

**F/YR24/0249/F**

**Applicant: Mr Josh Peggs  
Ashmore Developments Ltd**

**Agent : Mr Chris Walford  
Peter Humphrey Associates Ltd**

**Land East Of 156, High Road, Newton-in-the-isle,**

**Erect 6 x dwellings (2-storey 4-bed), and the formation of 2 x accesses and a pedestrian footpath**

**Officer recommendation: REFUSE**

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

---

## **Government Planning Guarantee**

**Statutory Target Date For Determination: 15 May 2024**

**EOT in Place: Yes**

**EOT Expiry: 28 June 2024**

**Application Fee: £3468**

### **Risk Statement:**

**This application must be determined by 28/06/24 otherwise it will be out of time and therefore negatively affect the performance figures.**

---

## **1 EXECUTIVE SUMMARY**

- 1.1 The application seeks full planning permission for the erection of 6 x dwellings (2-storey 4-bed), and the formation of 2 x accesses and a pedestrian footpath.
- 1.2 The proposed dwellings would be situated adjacent to No.156 High Road to the west which is a single storey bungalow. The dwellings to the north of High Road mark the entrance to the village from the south and gradual transition from open countryside to built village. The development would therefore result in a prominent and incongruous feature within the street scene to the detriment of the character and appearance of the area and therefore would be contrary to Policy LP16(d) of the Local Plan.
- 1.3 The close proximity and position forward in the site of the proposed 2-storey dwelling at plot 6 to the neighbouring property to the east No.118 will introduce significant adverse outlook and visual dominance and overbearing issues to the neighbouring dwelling (No.118). The creation of such an unappealing living environment for the neighbouring occupiers would be contrary to Policy LP2 and LP16 (e) of the Local Plan.
- 1.4 As such, the recommendation is to refuse planning permission.

## **2 SITE DESCRIPTION**

- 2.1. The site currently comprises agricultural land to the north of High Road (B1165), Newton. The site is relatively open with further agricultural land extending to the North and on the opposite side of the road to the South. There are some mature trees that line the southern boundary of the site (Some have been recently felled).
- 2.2. There is existing residential development, forming the main settlement of Newton, adjacent to the west of the site, to the east there are further residential dwellings, however these are of a more sporadic and isolated nature than those to the west. The site forms the frontage of a larger field, there are no structures on the site.
- 2.3. The site is located within Flood Zones 2 (medium risk) and 3 (high risk).

## **3 PROPOSAL**

- 3.1 The application seeks full planning permission for the erection of 6 x dwellings (2-storey 4-bed), and the formation of 2 x accesses and a pedestrian footpath. The proposed dwellings are all large 2-storey detached dwellings with attached garages. The proposed dwellings are slightly differing architectural design and scale (House Type 1 and House Type 2).
- 3.2 On the ground floor of House Type 1 a single integral garage, small utility, kitchen/family/dining room, WC, study and lounge are proposed. On the first floor 4 bedrooms are proposed all with ensuite.

House Type 1 would measure approximately:

- 14.3m max width
- 12.6m max length
- 8.9m max roof pitch height

Proposed materials (House Type 1) are:

- Roof - Marley modern smooth grey tiles
- Fenestration – Grey UPVC windows and doors
- Walls – Vandersanden Flemish Antique facing bricks

- 3.3 On the ground floor of House Type 2 would be, a large attached garage, utility, WC, Kitchen/diner, family room and lounge are proposed. On the first floor 4 bedrooms are proposed 2 with ensuite and 2 with access to a Jack and Jill bathroom.

House type 2 would measure approximately:

- 18m max width
- 14m max length
- 8.7m max roof pitch height

Proposed materials (House Type 2) are:

- Roof – Marley Modern smooth grey tiles
- Fenestration – Cream UPVC
- Walls - Vandersanden Flemish Antique facing bricks

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

<https://www.publicaccess.fenland.gov.uk/publicaccess/simpleSearchResults.do?action=firstPage>

#### 4 SITE PLANNING HISTORY

Pertinent planning history listed below:

Application	Description	Decision	Date
F/YR22/1361/PIP	Residential development of up to 6 x dwellings (application for Permission in Principle)	Granted (Committee over turn)	05 Jun 2023

#### 5 CONSULTATIONS

##### 5.1 Newton-in-the-Isle Parish Council (22/04/24)

*The Parish Council's Planning Committee considered this application at their recent meeting. Nine members of the public attended the meeting, the majority of whom spoke against the proposed development. Concerns raised included the impact on the bungalow adjacent to the site, drainage issues, and capacity of local utility infrastructure to cope with additional dwellings. Suggestions included reducing the number of properties and restricting the development to single-storey dwellings.*

*Members considered the documents submitted by the applicant and the views expressed by the residents. They noted that the proposed development includes the creation of the long-awaited missing link in the pavement around the village. This important site serves as the gateway to the village and the introduction of family homes will bring more young people into the village. The Council has previously expressed its support for limited growth in keeping with the historical development of Newton-in-the-Isle and supported this development at Permission in Principle stage.*

*Members resolved to support the application.*

##### 5.2 Cambridgeshire County Council Highways Authority (17/04/24) **Recommendation**

*In order to make an informed decision in respect of the submitted application, additional information is required in response to the below comments.*

*This a FULL application and therefore any and all information that is required by the LHA to support this application must be provided prior to the determination of this application.*

*If the applicant is unwilling or unable to provide this information, please advise me so I may consider making further recommendations, possibly a recommendation for refusal.*

##### 5.3 Cambridgeshire County Council Highways Authority (20/05/24)

*After a review of amended drawing number 6851/01F I have no further objections to the proposal. The applicant has shown a proposed extension to the existing footway which will link the development to the village amenities. I would however reiterate that there has been no drainage strategy submitted at this time. With the information I have to date I am concerned that there could be some issues with the construction of this as it could be difficult to drain. I have therefore recommended a non-standard condition that this footway should be constructed*

*before the start of the construction of this development in order to ensure it can be delivered as proposed.*

*Subject to Recommended Conditions.*

**5.4 Senior Archaeologist (CCC) (02/04/24)**

*I am writing regarding the archaeological implications of the above referenced planning application. The proposed development is located in an area of archaeological potential, to the southeast of the settlement of Newton-in-the-Isle. To the east running north south is the earthwork remains of the Roman Bank, sea bank dating from the 13th century (Cambridgeshire Historic Environment Record MCB16155). There are also the reported remains of a Roman Saltern site (CHER 03969) to the east and Roman pot find spots to the south (CHER 03968).*

*Whilst we do not object to development from proceeding in this 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.*

*Subject to Archaeology Condition*

**5.5 Environment & Health Services (FDC) (09/04/24)**

*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 be affected by ground contamination.*

*In the event that planning permission is granted, this service would welcome the following condition on construction working times due to the close proximity to existing residential properties;*

*Subject to a condition*

**5.6 Environment & Health Services (FDC) (10/06/24)**

*I can confirm that I am satisfied with the stance of the response provided on 09.04.2024.*

*Having checked the details of the commercial premises, imagery available appears to confirm that there are no opening doors/windows or apparent extraction systems on south or west facades of the structure in positions completely viewable from the proposed dwellings.*

*I fully appreciate the proposed fencing details provided within the proposed site plan to ensure an open view of surrounding countryside from the rear gardens (shown below for ease of reference), however my only recommendation in terms of further protection of external and internal ground floor amenity areas from any potential noise breakout at the nearby business or from activities beyond the curtilage of the site is that it may be prudent to consider extending the proposed 1.8m close boarded fence on the eastern side boundary along the northern side (rear) boundary.*





*The above comment is only a recommendation and it is acknowledged that the fencing between the rear gardens of dwellings is also proposed to be of 1.8m close boarded type, so what is shown the on the proposed site plan may already be suitable and sufficient for purpose.*

**5.7 North Level Internal Drainage Board (12/04/24)**

*The Board has no objection in principle to the above planning application.*

*The Board will require formal land drainage consent for the two access culverts.*

*It has been noted that soakaways are indicated as the preferred method of surface water disposal and the applicant is asked to show that soakaway drainage would be effective.*

*I look forward to hearing from the applicant/agent again in due course with relevant confirmation and application seeking all required consents from the Board.*

**5.8 CCC Ecology (03/05/24)**

*The proposal is acceptable on ecology grounds, providing that the biodiversity mitigation measures within the Preliminary Ecological Appraisal, as well as biodiversity enhancements 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:*

- 1. Compliance condition - scheme should comply with mitigation measures (during construction) set out in Preliminary Ecological Appraisal*
- 2. Landscape and Biodiversity Enhancement Plan, including enhancements set out in the Ecological Impact Assessment will be implemented*
- 3. Lighting Scheme sensitively designed for biodiversity*
- 4. Time limit until update ecological surveys required*

*Please find further details below:*

*Subject to conditions*

**5.9 Environment Agency (17/04/24)**

*Thank you for your consultation received on 28 March 2024. We have inspected the application as submitted and are raising a holding objection on flood risk grounds as a Flood Risk Assessment (FRA) has not been submitted. The application does not therefore comply with the National Planning Policy Framework (NPPF).*

**5.10 Environment Agency (07/05/24)**

*Thank you for your consultation dated 18 April 2024. We have reviewed the documents as submitted and we have no objection to this planning application.*

*Subject to a Flood Risk condition and Informatives*

## **5.11 Local Residents/Interested Parties**

### **Objectors**

13 letters of objection received from 13 individuals, all of whom reside in the settlement of Newton-In-The-Isle (3x Church Lane, 4x Rectory Road, 3x High Road, 2x Chapel Lane and 1x Fen Road).

The representations raise concerns with regards:

- Out of Character/Harm to visual amenity of village
- Flood Risk/Surface Water Drainage/Ditch capacity
- Harm to Historic Setting, obstruction of view of listed church currently viewed on entering the village.
- Highway safety
- Harm to Street Scene
- Loss of view
- Lack of infrastructure in village to support development
- Incorrect consultation
- Ribbon development
- Drain Ownership
- Shoehorning development/overdevelopment
- Wall of housing/building line
- Parish Council support owing to proposed footpath

### **Supporters**

4 letters of support received, 2 from residents of Newton In The Isle, 1 from a resident of Tydd St Giles and 1 from a resident of Downham Market. Reasons for support:

- Infill development.
- Footpath
- Family housing needed
- Village housing needed to meet housing targets

## **6 STATUTORY DUTY**

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

## **7 POLICY FRAMEWORK**

### **National Planning Policy Framework (NPPF)**

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

Para 203 – Historic Environment

## **National Planning Practice Guidance (NPPG)**

Determining a Planning Application

## **National Design Guide 2021**

Context

Identity

Built Form

## **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

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:

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  
LP19: Strategic Infrastructure  
LP20: Accessibility and Transport  
LP22: Parking Provision  
LP23: Historic Environment  
LP24: Natural Environment  
LP25: Biodiversity Net Gain  
LP27: Trees and Planting  
LP28: Landscape  
LP32: Flood and Water Management  
LP33: Development on Land Affected by Contamination

#### **Delivering and Protecting High Quality Environments in Fenland SPD 2014**

DM2 – Natural Features and Landscaping Schemes

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

#### **Cambridgeshire Flood and Water SPD 2016**

### **8 KEY ISSUES**

- **Principle of Development**
- **Character and Street Scene**
- **Residential Amenity**
- **Flood Risk and Drainage**
- **Highway Safety**
- **Infrastructure**

### **9 BACKGROUND**

During the consideration of the permission in principle application, F/YR22/1361/PIP ('PIP') as listed in the planning history above, for transparency Cllr Sam Clark informed Officers that the applicant was a relative. It is understood that the whilst the latest applicant for this site has changed, the owner of the land is the same as before.

### **10 ASSESSMENT**

#### **Principle of Development**

- 10.1 The Council accepted the principle of development on the site for up to 6 dwellings under the PiP application at the Planning Committee meeting of the 31<sup>st</sup> of May 2023, contrary to officers' concerns over location, character harm and

flood risk. As such, it would be inconsistent with the Council's previous conclusions were the Council now not to accept the principle.

### **Character, Street Scene and Historic Environment**

- 10.2 Policy LP16 (d) states the proposal should demonstrate that it makes a positive contribution to the local distinctiveness and character of the area, enhances its local setting, responds to and improves the character of the built environment and does not adversely impact, either in design or scale terms, on the street scene, settlement pattern or the landscape character of the surrounding area. Policy LP18 of the Fenland Local Plan 2014 states that the council will protect, conserve and seek opportunities to enhance the historic environment.
- 10.3 The site is rural in character with open fields to the front and rear. There is linear development stretching to the west of the site in the form of bungalows. To the east of the site are sporadic dwellings stretching into the countryside. The site is located very prominently at the southern entrance to the village.
- 10.4 The existing bungalows ease the visual transition into the village from the surrounding countryside. The introduction of large 2-storey dwellings of the proposed scale on the entrance to the village, adjacent to the existing bungalows would be visually, stark, abrupt and out of character.
- 10.5 St James Church (Grade II listed) is approximately 315m north of the site and owing to the distance and the obscured views due to existing trees no impact on the setting of the Grade II listed church is considered to arise.
- 10.6 Owing to the above, the proposals are considered contrary to policy LP16 (d) of the Fenland Local Plan 2014 given the incongruous form and scale of the development.

### **Residential Amenity**

- 10.7 Policy LP16 (e) seeks to ensure that development does not adversely impact on the amenity of neighbours through significant increased noise, light pollution, loss of privacy or loss of light.
- 10.8 The house type closest to the bungalows to the west of the site would be House Type 2. The dwelling proposed on plot 1 would be more than 12m away from the neighbouring bungalow (No.156). The dwelling proposed on plot 6 would be approximately 3.5m away from dwelling to the east (No.118). There is currently a low hedge between the site and No.156 and higher vegetation between the site and No.118. Therefore, owing to the distance between the proposed dwelling at plot 1 and No.156 no significant harm due to loss of light, overlooking, overshadowing or noise is anticipated. However, the position and scale of the dwelling at plot 6 set forward in the site relative to the position of the dwelling at No.118 is considered to pose harm to neighbouring amenity due to poor outlook and its oppressive nature. The dwelling proposed at No.118 would be an incongruous feature within the direct visual aspect of occupiers of No.118.
- 10.9 Policy LP16 (o) supports development as long as it does not result in any unreasonable constraint(s) or threaten the operation and viability of existing nearby or adjoining businesses or employment sites by introducing "sensitive" developments. It is noted that to the rear of No.118 is a commercial premises. The commercial premises with a Sui Generis use class permission for furniture storage and removals, is located approximately 9m to the northeast of the dwelling at Plot 6. Environmental Health have considered the relationship

between the proposed dwellings and the neighbouring commercial/industrial premises and maintain they have no objection owing to there no opening doors/windows or apparent extraction systems on south or west facades. Therefore, no significant harm to the amenity of future residents is anticipated.

- 10.10 Owing to the unacceptable overbearing relationship between the proposed dwelling at Plot 6 and the neighbouring residential property at No.118 the proposals are considered contrary to policy LP16 (d) of the Fenland local Plan 2014.

### **Flood Risk and Drainage**

- 10.11 The site is located within flood zones 2/3, where planning policy LP14 (B) states that development in such areas will only be permitted following the successful completion of a sequential test and where necessary an exception test. The proposals should also demonstrate that it meets an identified need, it specifies flood risk management and safety measures and has a positive approach to reducing flood risk overall.

#### *Sequential Test*

- 10.12 As set out above the PiP application was approved by the Council, despite there being no successful application of the sequential test. Notwithstanding, the Council accepted the principle of the proposal without this, further concluding that the exception test was met identifying the public benefits outweighing flood risk by virtue of a footpath that would be introduced across the frontage and extend to the west, where existing housing can be found along Rectory Road. In this regard, whilst this latest application also again fails to undertake a sequential test, the failure to meet the sequential test is not considered reasonable grounds to refuse the application on, given the substantial weight afforded to the established principle under the PiP application and the need to maintain consistency in decision making.

#### *Exception Test*

- 10.13 In order to pass the exception test, NPPF paragraph 170 sets out that the development should demonstrate that it,
- a) yields wider sustainability benefits to the community which outweigh flood risk, and
  - b) that the site can be made safe for its lifetime without increasing flood risk elsewhere and where possible will reduce flood risk overall.

- 10.14 NPPF paragraph 171 sets out that both elements should be satisfied or developments to be permitted.

- 10.15 Since the approval of the PiP application, it has come to light through application F/YR23/0996/O (Erect up to 6 x dwellings at land North of High Trees, Rectory Road) and further discussion with the Local highways Authority that it is not possible to continue the footpath eastwards up to and along the corner of Rectory Road, as there is insufficient land either in the Highway Authority's control or the applicant's ownership to achieve this. As such, the wider public benefits previously cited as reasons for approving the PiP proposal (i.e. outweighing the flood risk) do not now appear to be achievable. This is a material consideration which is afforded substantial weight having regard to the reasons for approving the principle of developing this site previously.

- 10.16 In this regard therefore, the latest application fails to identify wider sustainability benefits to the community which outweighs the flood risk and is therefore contrary

to policy LP14 and NPPF paragraph 170 and 171. Whilst it is recognised that the development would achieve increased housing stock, as set out in section 4.5.9; *“The general provision of housing by itself would not normally be considered as a wider sustainability benefit to the community which would outweigh flood risk”*. There is no cogent evidence to indicate that housing in this location, or that any development of this specific site is required to the degree that it would provide wider community sustainability benefits – particularly given the Council’s recent record of housing delivery and long-term housing land supply. As such, the first part of the exception test has not been met.

- 10.17 Notwithstanding, the site is in the North Level Internal Drainage Board’s (IDB) district. The Board had no objection in principle to the planning application. However, they do state that formal land drainage consent would be required for the two access culverts separate to planning permission. The IDB noted that soakaways are indicated as the preferred method of surface water disposal within the application, and they request that the applicant show that soakaway drainage would be effective. Should the application be granted conditions will be added to require these details prior to the works beginning on site. As such, it is likely that the second part of the exception test, insofar as demonstrating that the development can be made safe for its lifetime without increasing flood risk can be achieved.
- 10.18 As such, it is concluded that the application fails to fully meet the requirements of the exceptions test for flood risk, contrary to Local Plan policy LP14 and the aims of Chapter 14 of the NPPF.

### **Highway Safety**

- 10.19 Policy LP15 states that development proposals should demonstrate that they provide well designed, safe and convenient access for all. It also states that development schemes should provide well designed car parking appropriate to the amount of development proposed, ensuring that all new development meets the councils defined parking standards as set out in Appendix A.
- 10.20 The proposal is for 4 bed dwellings and therefore Appendix A states that 3 parking spaces are required. Each of the properties has a garage that would acquaint to 1 parking space and with enough room for 2 cars to park to the front of the garage/property.
- 10.21 There has been work undertaken through the planning process and alterations to the proposed Highway works made. The footway was moved back 1m into the site to retain a grass verge adjacent to the highway for highway drainage and the footpath was extended to meet the existing footpath along High Road. The visibility splay was extended owing to Highway Authority comments and the prescribed distance in the national guidance. The visibility splays are in line with the speed limit on this stretch of road and the speed surveys carried out during the PIP process. The footway width was increased to 2m to meet Highway Authority requirements. The Parish Council comment on the application on the basis of the application delivering a section of a ‘missing link’ of footway, however it should be noted, as set out elsewhere in the report, that the footway does not extend beyond the easternmost access point and does not and cannot extend around to Rectory Road. While no wider community benefits are to be delivered as a consequence, it is nonetheless considered that the proposed footpath does facilitate what is required to serve the development itself. The Highway Authority have no objection to the revised plans but have raised concerns over the drainage of the footpath and have requested a non-standard condition should the

application be granted, that requires the footpath to be constructed prior to any other works on site.

### **Infrastructure**

- 10.22 There have been neighbour comments received stating concern that there is no infrastructure within the village such as shops schools or doctors to sustain new housing development. Whilst there is no dispute that there is a lack of infrastructure with the settlement of Newton-in-the-Isle this is one of the Fenland 'small' villages where policy LP3 states that development will be considered on its own merits but will normally be very limited. The FDC planning committee determined that the site was within the village of Newton and development of the site was granted in principle under the PIP.

## **11 CONCLUSIONS**

- 11.1 The proposed dwellings would be dominant and incongruous features within the street scene and would also appear overbearing and visually dominant to neighbouring occupiers. Exception test. The benefits of the scheme do not outweigh the conflicts with the development plan in terms of flood risk, character and neighbouring amenity. It is therefore considered that the application would be contrary to Policy LP2, LP14 and LP16 of the Fenland Local Plan 2014.

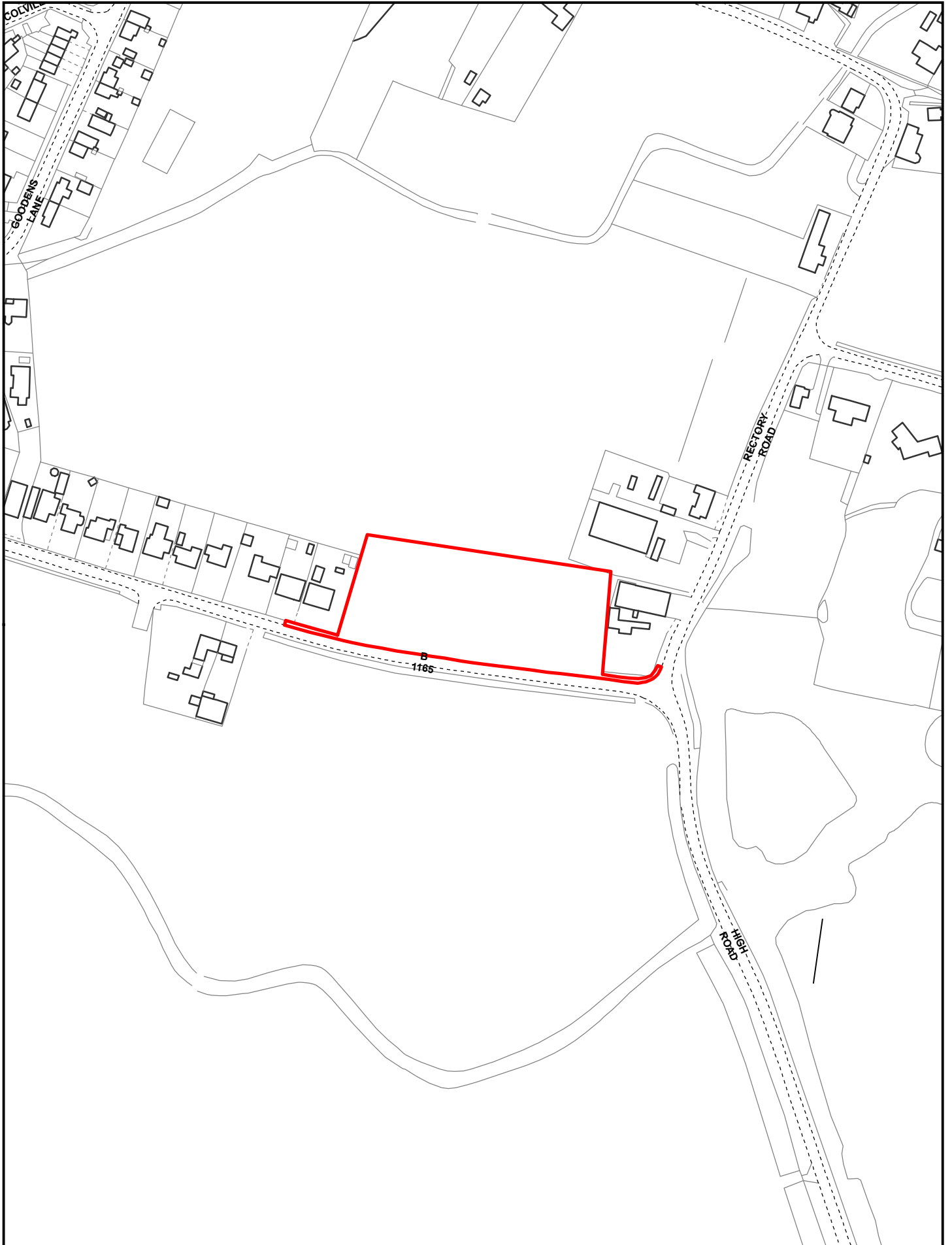
## **12 RECOMMENDATION**

**REFUSE**; for the following reasons:

1	<p>Policy LP16 (d) of the Fenland Local Plan (2014) requires development to deliver high quality environments that make a positive contribution to the local distinctiveness and character of an area, enhancing their setting and 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.</p> <p>The proposal is for the construction of 6x two-storey dwellings on land currently used for agricultural farming on the edge of the village alongside existing single storey bungalows. The proposal would introduce large detached, two-storey dwellings which would appear, visually dominant, overly prominent and incongruous in the street scene to the significant detriment of the visual amenity of the area. If permitted, the development would consequently be to the detriment of the character and appearance of the area and contrary to the above policy of the Local Plan.</p>
2	<p>Policy LP16 (e) of the Fenland Local Plan 2014 seeks to ensure that development does not adversely impact on the amenity of neighbouring users such as noise, light pollution, loss of privacy/overlooking or loss of light.</p> <p>Due to the proximity and position of the 2-storey dwelling at Plot 6 to the neighbouring property (No118), there is potential for overbearing and visual dominance with the associated loss of outlook to the neighbouring property, to the detriment of residential amenity. The creation of such an unappealing and overbearing living environment for the neighbouring occupiers would be contrary to the above policy.</p>



3	<p>Policy LP14 of the Fenland Local Plan (2014) and paragraph 170-171 of the NPPF requires development in areas at risk of flooding to pass the exception test by demonstrating that it;</p> <ul style="list-style-type: none"><li>a) yields wider sustainability benefits to the community which outweigh flood risk, and</li><li>b) that the site can be made safe for its lifetime without increasing flood risk elsewhere and where possible will reduce flood risk overall.</li></ul> <p>Whilst the development meets the tests of criteria b), the proposal fails to identify that it would achieve wider community sustainability benefits to outweigh the flood risk. The proposal is therefore contrary to Policy LP14 of the Fenland Local Plan (2014) and the flood risk sustainability aims of the NPPF.</p>
---	--



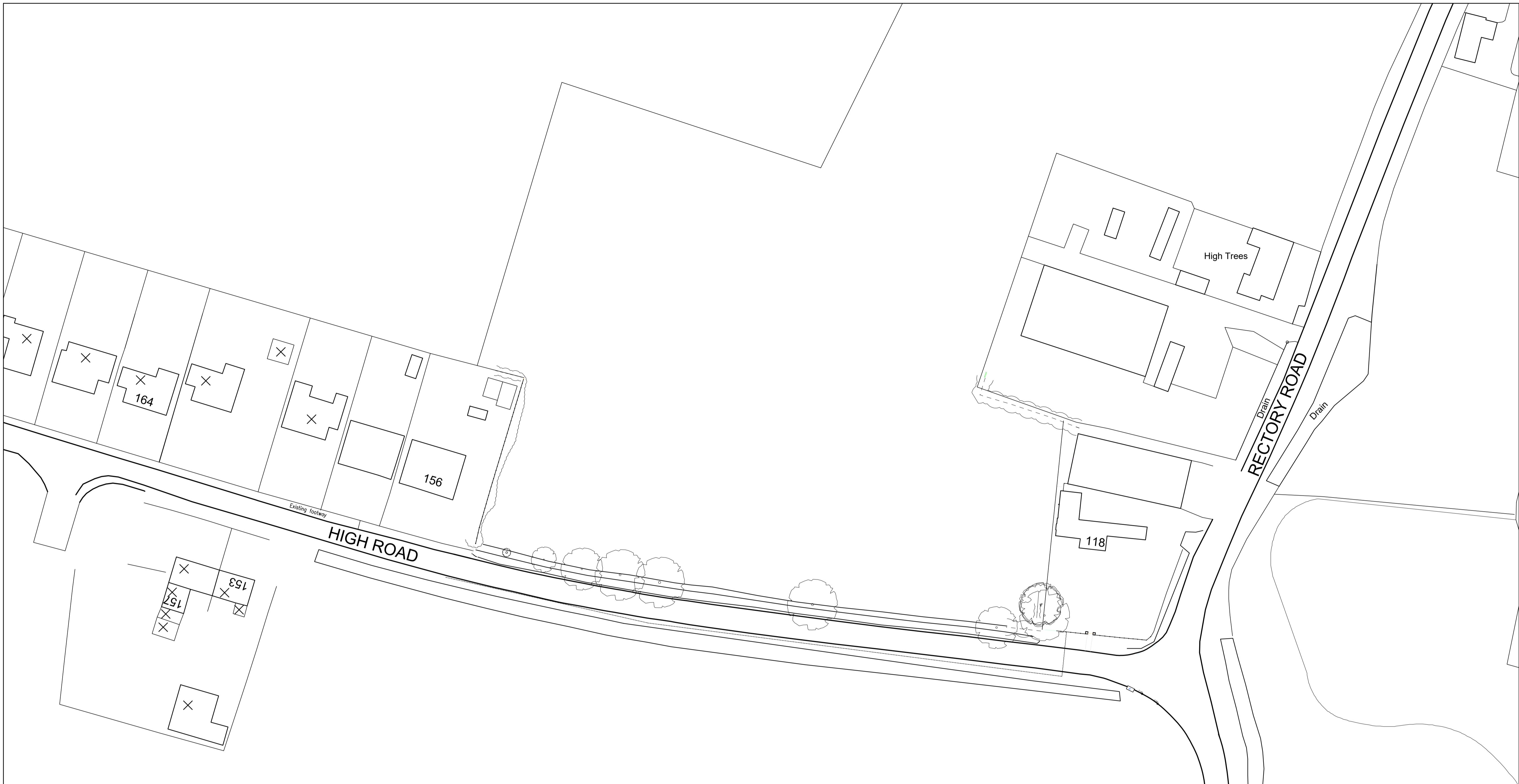
Created on: 28/03/2024

© Crown Copyright and database  
rights 2024 Ordnance Survey 10023778

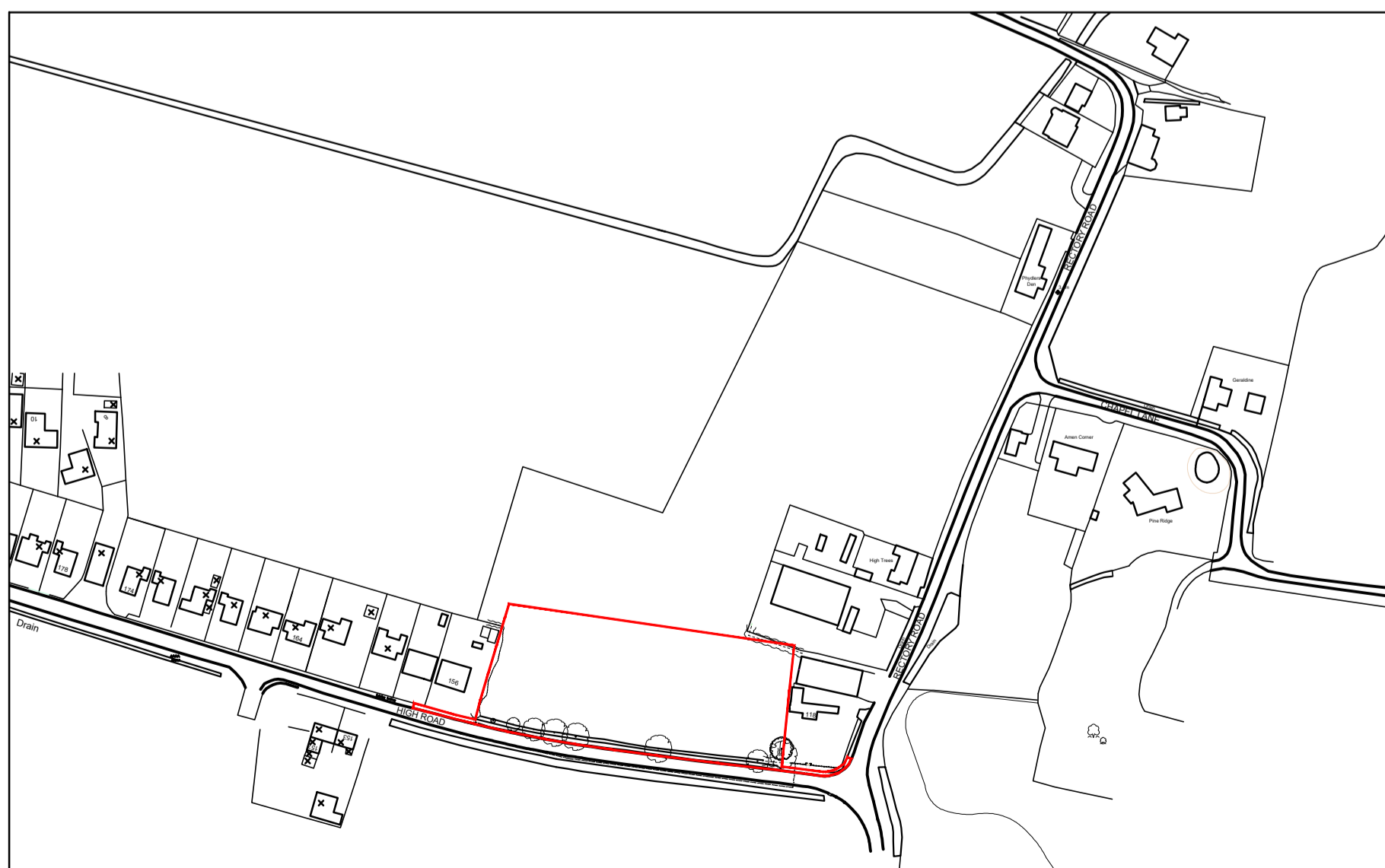
**F/YR24/0249/F**

Scale = 1:2,500

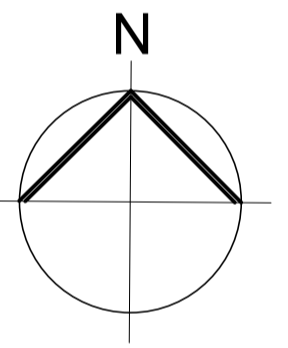




EXISTING SITE PLAN 1:500



LOCATION PLAN 1:2500



A -  
REVISIONS



**PETER HUMPHREY ASSOCIATES**

ADDRESS: 2 CHAPEL ROAD, WISBECH, CAMBS, PE13 1RG.

TELEPHONE: 01945 466966

E-MAIL: info@peterhumphrey.co.uk

WEB: www.peterhumphrey.co.uk

CLIENT

MR JOSH PEGGS

PROJECT

PROPOSED RESIDENTIAL DEVELOPMENT

SITE

LAND EAST OF 156 HIGH ROAD

NEWTON

WISBECH

CAMBS

PE13 5ET

DRAWING

PROPOSED DRAWING 2

JOB NO.	PAPER SIZE	DATE
6851/02	A1	NOV 2023

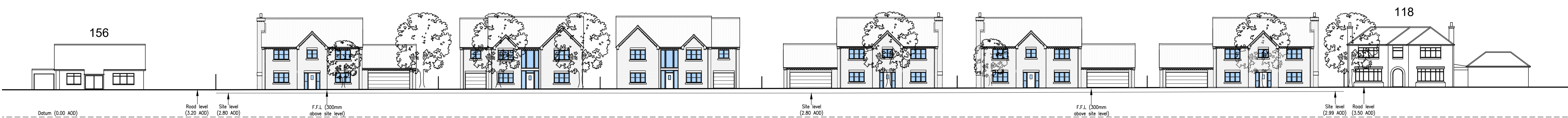
**Notes:**  
This drawing is the permission of Peter Humphrey Associates Ltd. and may not be released, loaned or copied in whole or part without written consent.

All dimensions shown on the drawing are in millimeters unless stated otherwise. If the drawing is received electronically (PDF) it is the recipient's responsibility to ensure it is printed to the correct paper size. All dimensions to be checked on site prior to commencing work and any discrepancies to be highlighted immediately.

**The Construction (Design and Management) Regulations 2015:**  
Peter Humphrey Associates' form of appointment with the client confirms whether the agent is appointed as 'Designer' or 'Principal Designer' under these regulations. Nevertheless, the design phase has been carried out with due consideration for the safety during construction, occupation and maintenance of the finished project. No extraordinary hazards or risks were identified outside of the routine construction operations that would not already be apparent to a competent contractor.



PROPOSED SITE PLAN 1:500



PROPOSED STREET SCENE 1:250

A -  
REVISIONS

**PETER HUMPHREY ASSOCIATES**  
ADDRESS: 2 CHAPEL ROAD, WISBECH, CAMBS, PE13 1RG.  
TELEPHONE: 01945 466966  
E-MAIL: info@peterhumphrey.co.uk  
WEB: www.peterhumphrey.co.uk

CLIENT  
MR JOSH PEGGS

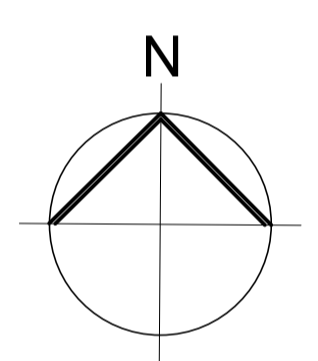
PROJECT  
PROPOSED RESIDENTIAL DEVELOPMENT

SITE  
LAND EAST OF 156 HIGH ROAD  
NEWTON  
WISBECH  
CAMBS  
PE13 5ET

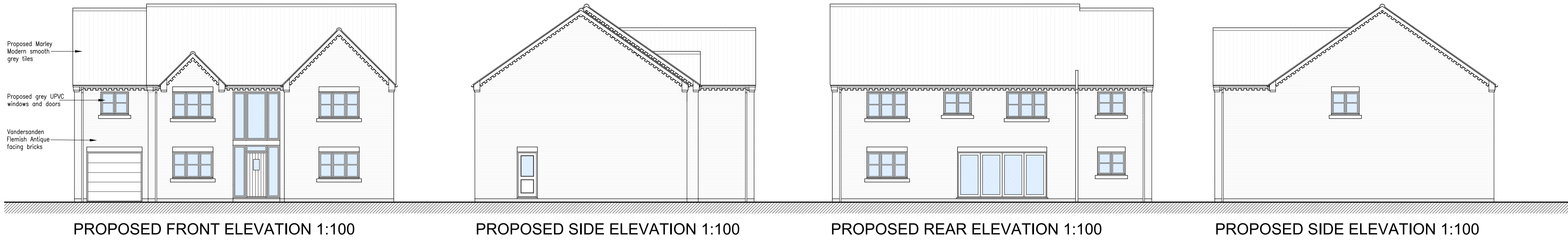
DRAWING  
PROPOSED DRAWING 1

JOB NO.	PAPER SIZE	DATE
6851/01F	A1	NOV 2023

**Notes:**  
This drawing is the property of Peter Humphrey Associates Ltd. and may not be reproduced, loaned or copied in whole or part without written consent.  
All dimensions shown on the drawing are in millimeters unless stated otherwise. If the drawing is received electronically (PDF) it is the recipient's responsibility to ensure it is printed to the correct paper size. All dimensions to be checked on site prior to commencing work and any discrepancies to be highlighted immediately.  
The Construction (Design and Management) Regulations 2015: Peter Humphrey Associates' form of appointment with the client confirms whether the agent is appointed as Designer or Principal Designer under these regulations. Nevertheless, the design phase has been carried out with due consideration for the safety during construction, occupation and maintenance of the finished project. No extraordinary hazards or risks were identified outside of the routine construction operations that would not already be apparent to a competent contractor.



HOUSE TYPE 1

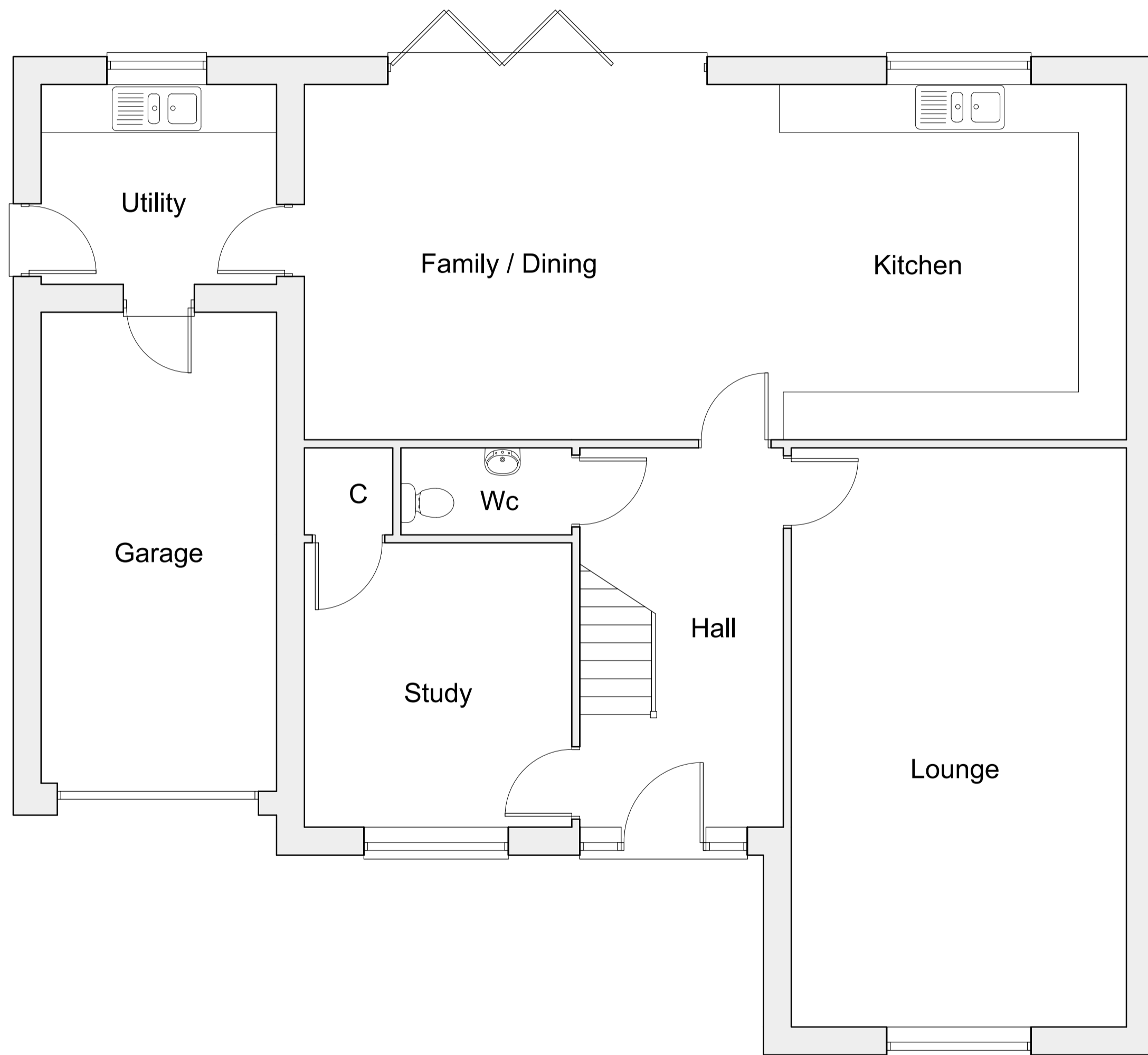


PROPOSED FRONT ELEVATION 1:100

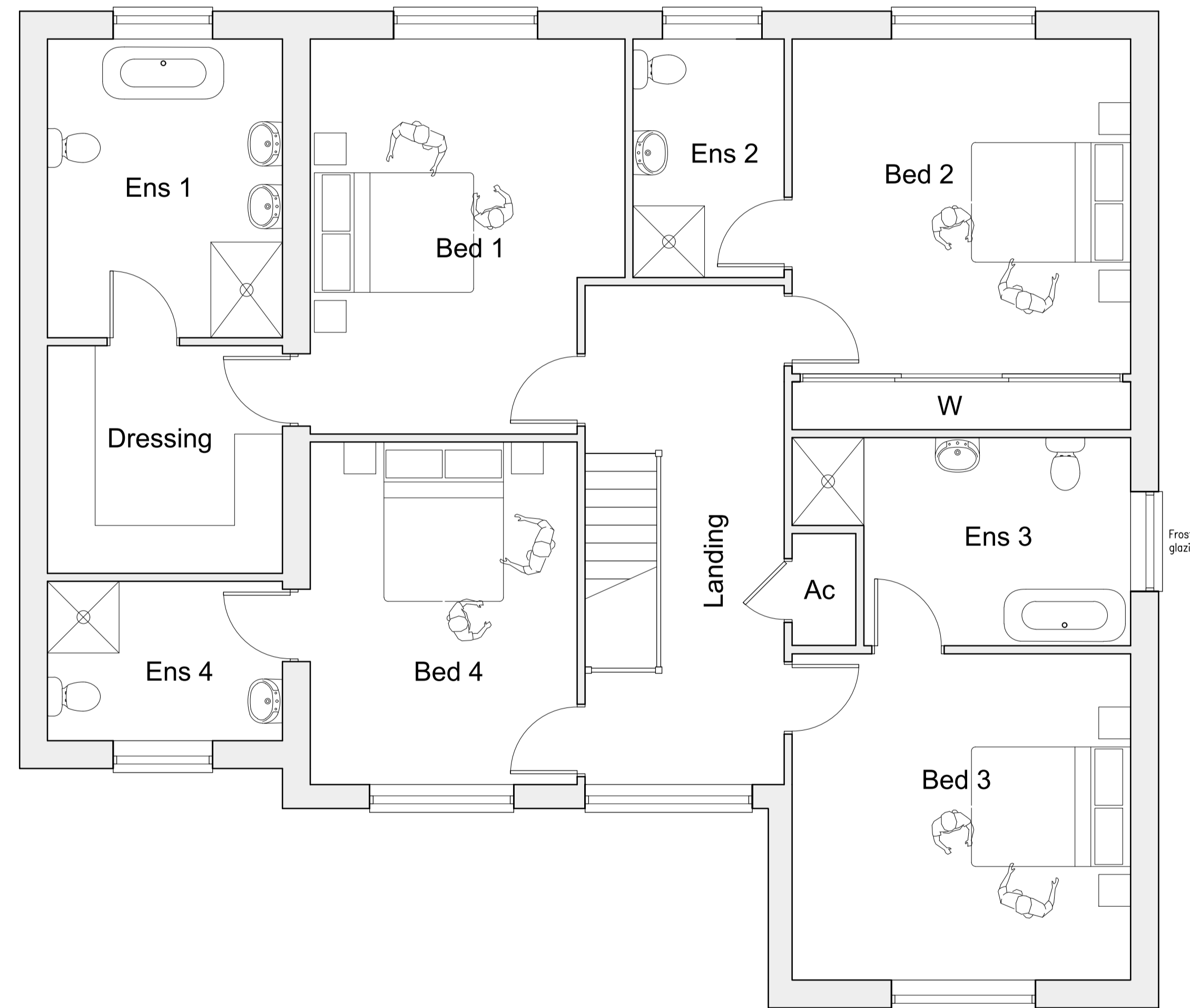
PROPOSED SIDE ELEVATION 1:100

PROPOSED REAR ELEVATION 1:100

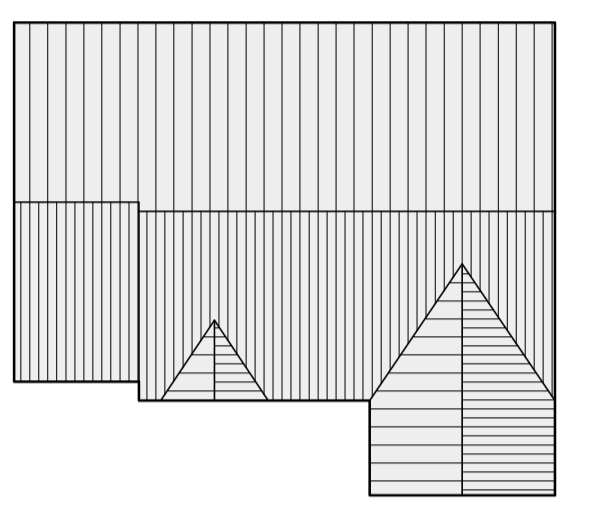
PROPOSED SIDE ELEVATION 1:100



PROPOSED GROUND FLOOR PLAN 1:50



PROPOSED FIRST FLOOR PLAN 1:50



PROPOSED ROOF PLAN 1:200

A-

REVISIONS	PAPER SIZE	DATE
JOB NO. 6851/02A	A1	AUG 2023

Notes:  
This drawing is the permission of Peter Humphrey Associates Ltd. and may not be reissued, loaned or copied in whole or part without written consent.  
All dimensions shown on the drawing are in millimetres unless stated otherwise. If the drawing is received electronically (PDF) it is the recipient's responsibility to ensure it is printed to the correct paper size. All dimensions to be checked on site prior to commencing work and any discrepancies to be highlighted immediately.  
The Construction (Design and Management) Regulations 2015.  
Peter Humphrey Associates' form of appointment with the client confirms whether the agent is appointed as 'Designer' or 'Principal Designer' under these regulations. Nevertheless, the design phase has been carried out with due consideration for the safety during construction, occupation and maintenance of the finished project. No extraordinary hazards or risks were identified outside of the routine construction operations that would not already be apparent to a competent contractor.

CLIENT  
MR J PEGGS

PROJECT  
PROPOSED DWELLINGS

SITE  
LAND EAST OF 156 HIGH ROAD  
NEWTON  
WISBECH  
CAMBS  
PE13 5ET

DRAWING  
HOUSE TYPE 1

**PETER HUMPHREY ASSOCIATES**

ADDRESS: 2 CHAPEL ROAD, WISBECH, CAMBS, PE13 1RG.  
TELEPHONE: 01945 466966  
E-MAIL: info@peterhumphrey.co.uk  
WEB: www.peterhumphrey.co.uk

HOUSE TYPE 2

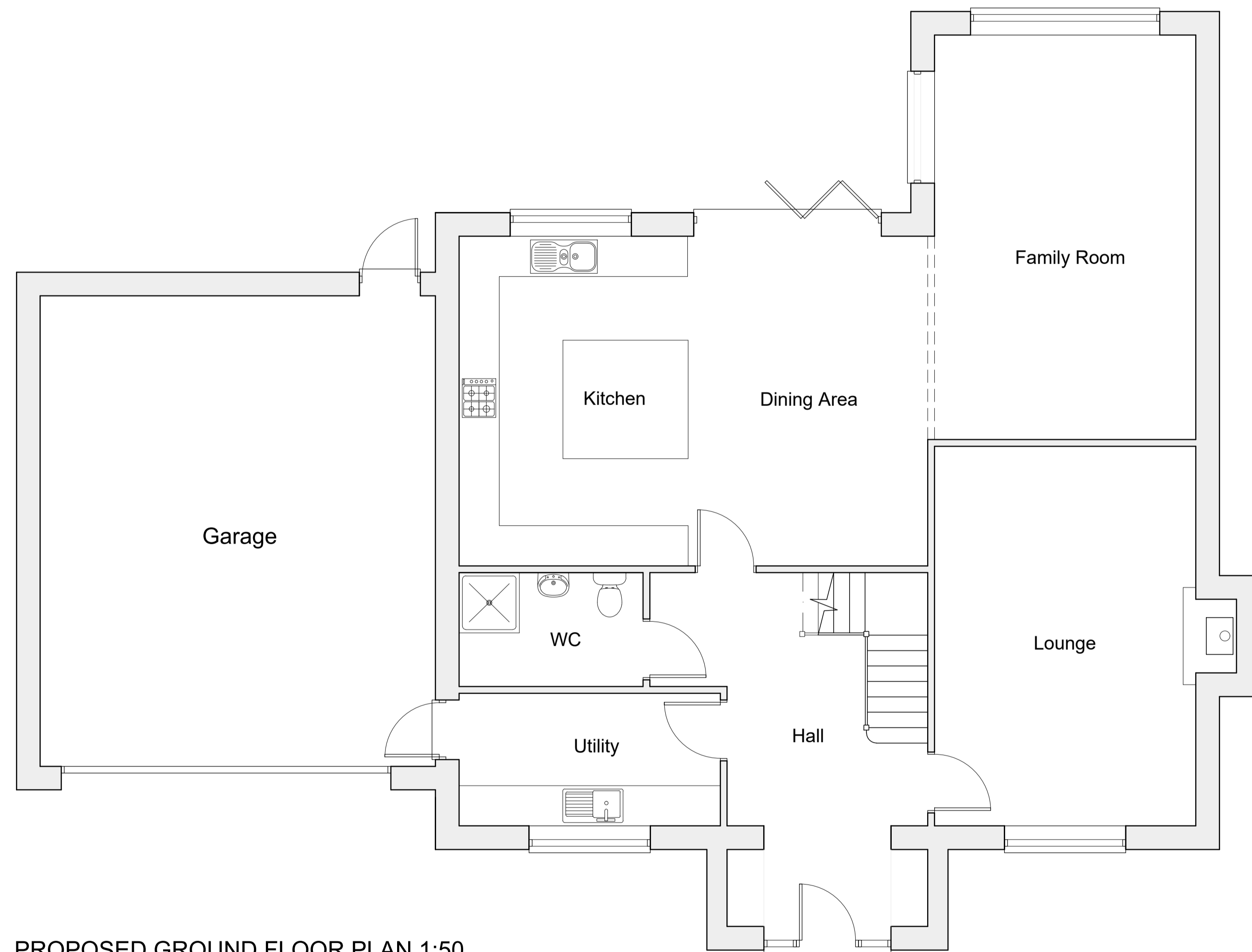


PROPOSED FRONT ELEVATION 1:100

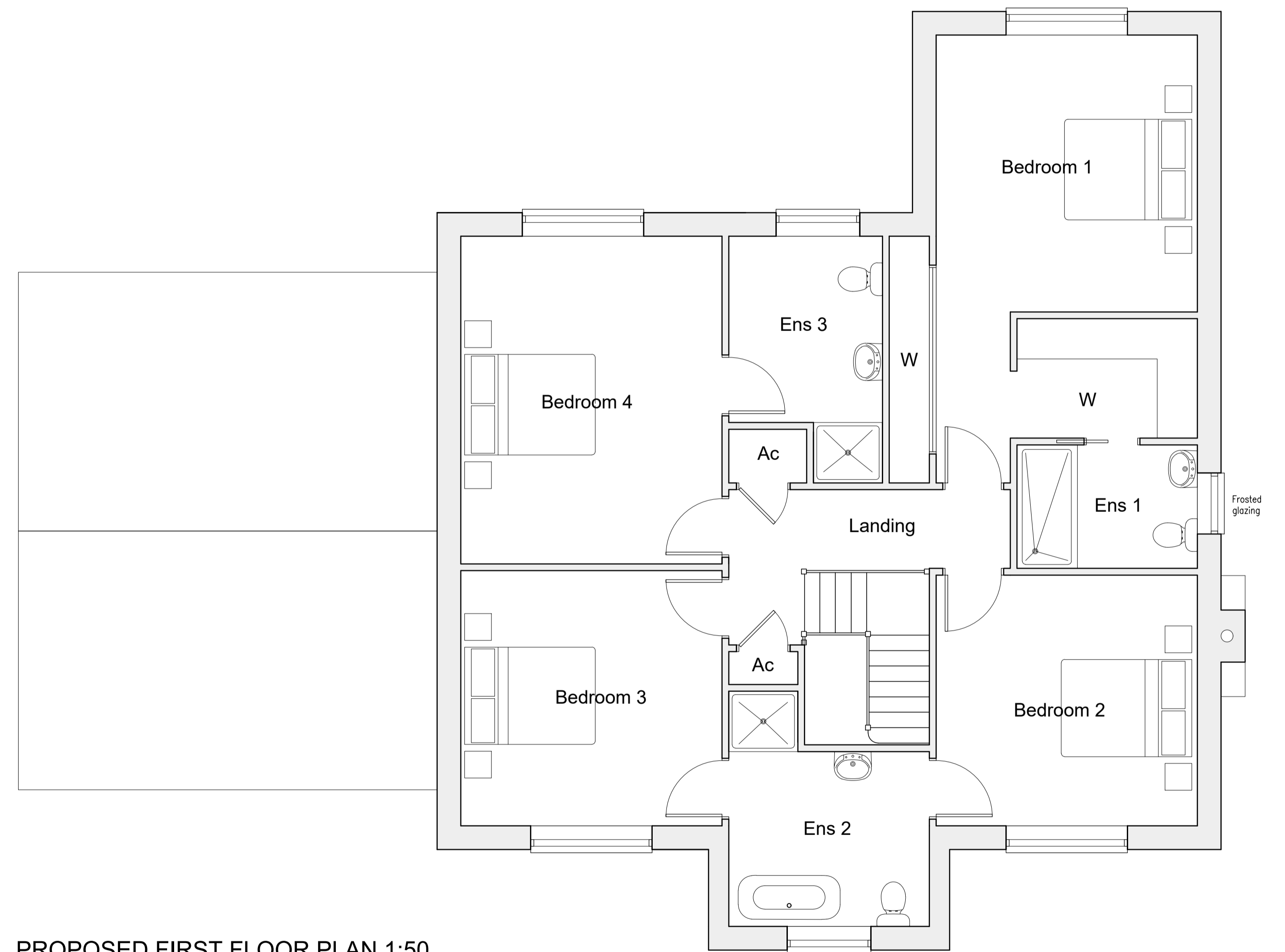
PROPOSED SIDE ELEVATION 1:100

PROPOSED REAR ELEVATION 1:100

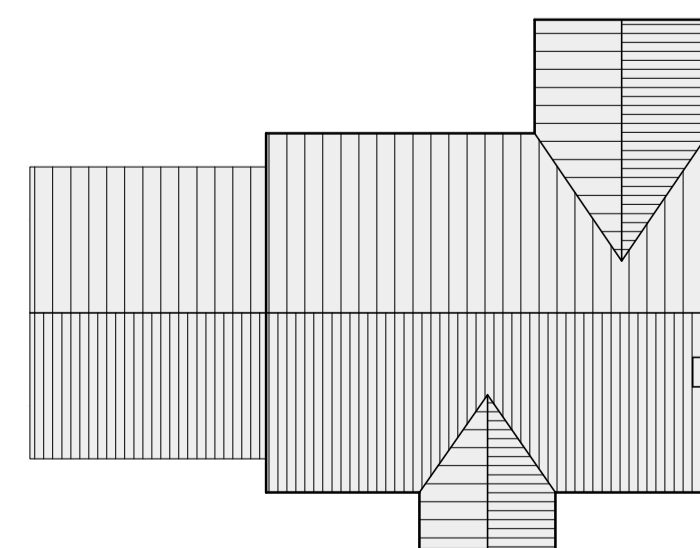
PROPOSED SIDE ELEVATION 1:100



PROPOSED GROUND FLOOR PLAN 1:50



PROPOSED FIRST FLOOR PLAN 1:50



PROPOSED ROOF PLAN 1:200

A-

REVISIONS	PAPER SIZE	DATE
JOB NO. 6851/03A	A1	AUG 2023

**Notes:**  
 This drawing is the permission of Peter Humphrey Associates Ltd. and may not be reused, loaned or copied in whole or part without written consent.  
 All dimensions shown on the drawing are in millimetres unless stated otherwise. If the drawing is received electronically (PDF) it is the recipient's responsibility to ensure it is printed to the correct paper size. All dimensions to be checked on site prior to commencing work and any discrepancies to be highlighted immediately.  
 The Construction (Design and Management) Regulations 2015.  
 Peter Humphrey Associates' form of appointment with the client confirms whether the agent is appointed as 'Designer' or 'Principal Designer' under these regulations. Nevertheless, the design phase has been carried out with due consideration for the safety during construction, occupation and maintenance of the finished project. No extraordinary hazards or risks were identified outside of the routine construction operations that would not already be apparent to a competent contractor.

CLIENT  
 MR J PEGGS

PROJECT  
 PROPOSED DWELLINGS

SITE  
 LAND EAST OF 156 HIGH ROAD  
 NEWTON  
 WISBECH  
 CAMBS  
 PE13 5ET

DRAWING  
 HOUSE TYPE 2

**PETER HUMPHREY ASSOCIATES**  
 ADDRESS: 2 CHAPEL ROAD, WISBECH, CAMBS, PE13 1RG.  
 TELEPHONE: 01945 466966  
 E-MAIL: info@peterhumphrey.co.uk  
 WEB: www.peterhumphrey.co.uk

F/YR23/0791/F

**Applicant: Ms Sarah Palmer**

**Agent : Mr Chris Walford  
Peter Humphrey Associates Ltd**

**Land North West Of 41, King Street, Wimblington, Cambridgeshire**

**Erect 3 no dwellings (1 x 2-storey 4-bed and 2 x single-storey 3-bed) and associated works with access from Willow Garden.**

**Officer recommendation: Grant**

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

**Government Planning Guarantee**

**Statutory Target Date for Determination: 16 November 2023**

**EOT in Place: No**

**EOT Expiry: 07 June 2024**

**Application Fee: £1386**

**This application is out of time.**

---

## **1 EXECUTIVE SUMMARY**

- 1.1. The proposal is an application for full planning permission for 3 new dwellings. The application proposes three new dwellings; plot 1 a 4-bed chalet-style 2-storey dwelling and plots 2 and 3 as 3-bed bungalows.
- 1.2. The application site is located within the developed footprint of Wimblington. Policy LP3 of the Fenland Local Plan advises that Wimblington is a 'Growth Village' and that development within the existing urban area, such as this location, is appropriate.
- 1.3. 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. No character harm to the countryside of the settlement is envisaged.
- 1.4. The site is located in the Zone 1 and as such, is at a low risk of flooding.
- 1.5. Overall, the proposed development is considered to be acceptable and the recommended for approval.

## **2. SITE DESCRIPTION**

- 2.1. The application site consists of land located between residential properties fronting King Street to the south and the recent Willow Gardens development to the north and accessed off Willow Gardens and is located to the north of No. 41 King Street.
- 2.2. The immediate area is characterised by a mixture of dwellings of varying ages, styles and scales.

### 3. PROPOSAL

- 3.1 The application proposes three dwellings; plot 1 a 4-bed chalet-style 2-storey dwelling and plots 2 and 3 as 3-bed bungalows.
- 3.2 The proposed access would lead off the main access serving the Willow Garden development, with the 3 dwellings served by a private 4m wide access road.
- 3.3 The application has been amended to respond to concerns over scale and associated impacts of the development.
- 3.4 Full plans and associated documents for this application can be found at:

[F/YR23/0791/F | Erect 3no dwellings \(1 x 2-storey 4-bed and 2 x single-storey 3-bed\) and associated works with access from Willow Gardens | Land North West Of 41 King Street Wimblington Cambridgeshire \(fenland.gov.uk\)](https://fenland.gov.uk/F/YR23/0791/F | Erect 3no dwellings (1 x 2-storey 4-bed and 2 x single-storey 3-bed) and associated works with access from Willow Gardens | Land North West Of 41 King Street Wimblington Cambridgeshire (fenland.gov.uk))

### 4. SITE PLANNING HISTORY

There are a number of applications relating to the existing Willow Gardens development and associated access which is proposed to be used for this scheme but no recent planning history in relation to the site itself.

### 5. CONSULTATIONS

- 5.1 **Wimblington Parish Council (17.10.2023)** – This proposed erection of these three large scale dwellings is not in keeping *with the surrounding area of both new developments and pre-existing historic dwellings along Kings Street. It does not consider the local context that it will integrate into, the intention (Design and Access Statement) states that this proposal intends to create a theme development of its own. This themed design of dwellings will impact on the street scene when viewed from Kings Street and Willow Gardens, they will also impact on the visual and amenities to the rear of 37 - 39c Kings Street. Noise from vehicles accessing the single road into the site will impact on newly developed homes to the north in Willow Gardens. The erection of a 1.8m high closed board fence to the northern side of the boundary will enclose and effect natural light on the new dwellings in Willow Gardens, plus the 1.8m close boarded fencing to the southern boundary will effect natural light into the properties on Kings Street. This proposal is not in keeping with the surrounding area, will have an adverse impact on the local area and impact on surrounding developments. NPPF - 12- Achieving well-designed places 15 - Conserving and enhancing the natural environment 16 - conserving and enhancing the historic environment - 190 - (b) (c) FDC LPP - LP3 - LP16 National Design Code.*



- 5.2 Wimblington Parish Council (17.05.2024)** - *We have had the opportunity and ability to compare the old and the revised plans etc. That being the case Wimblington Parish Council have no further objections to this application.*
- 5.3 Cambridgeshire County Council Highways (01/11/2023)** - *The proposed development is for a 3no. residential dwelling, with a new shared access. While Willow Gardens is currently a private street, it is the developer's intention for it to be adopted, and as result we have been approached regarding a S38 Agreement. The shared private driveway will need to be at least 5m wide for at least an initial length of 8m from the Willow Gardens carriageway edge to allow for two-way vehicle passing. The proposal will also need to include 2m x 2m pedestrian visibility splays, measured to the rear of the footway, either side of the access. The proposal will also need to include 2m x 2m pedestrian visibility splays, measured to the rear of the footway, either side of the access. Failure to comply with these Specifications may result in an objection and prohibit the adoption of Willow Gardens as a public highway.*
- 5.4 Cambridgeshire County Council Highways (29/02/2024)** - *The issues raised in my Highways response (01/11/2023) regarding the pedestrian intervisibility splay at the site access and the 5m width of shared private driveway for the initial length of 8m from the Willow Gardens are now addressed (based on the submitted indicative site plan- drawing no. 6522/02J). The Applicant should note that permeable paving is not an acceptable form of surface water drainage in isolation. The applicant will need to include a secondary means of surface water drainage for the new driveway (e.g., channel drain) or else fall the driveway back into the site. If the LPA is mindful to approve the application, please append the following condition to any consent granted. Conditions Highway Drainage: The approved access and all hardstanding within the site shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway and retained in perpetuity. Reason: To prevent surface water discharging to the highway in accordance with policy LP15 of the Fenland Local Plan, adopted May 2014*
- 5.5 Cambridgeshire County Council Archaeology (02.10.23)**- *Our records indicate that the development lies in an area of archaeological potential, known from recent archaeological investigations in the vicinity. Archaeological investigations to the adjacent north, have found evidence for medieval activity including field or plot boundaries which may continue into the development area itself (Cambridgeshire Historic Environment Record references. MCB27950 and ECB6948). Further medieval activity is known to the east, where the deserted medieval village of Eastwood End is believed to be located, investigations in the area have evidenced traces of medieval buildings (CHER ref. 11416B). Archaeological investigations during the installation of a pipeline to the north also found traces of Roman activity (CHER ref. MCB20073). Frequent Roman activity has been found to the west, where Iron Age to Roman settlement evidence has been found clustered along the route of a trackway which cuts through multiple areas of investigation on a rough north-west to south-east orientation (CHER refs. MCB20356 and MCB31818). The trackway is likely to continue towards a series of irregular enclosures of prehistoric to Roman date, which is known from cropmarks c.350m to the west of the development area. 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:*

- *the statement of significance and research objectives;*
- *The programme and methodology of investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;*
- *The timetable for the field investigation as part of the development programme;*
- *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*

#### **5.6 Environmental Health (13.11.2023)**

*Environmental Health does not object to the principle of this application. The following comments are for your consideration.*

*Noise*

*It is not considered that this development will have a detrimental impact to the current noise climate once developed. The development is however in very close proximity to residential properties and therefore there is a potential impact during the construction period. I would therefore recommend that a Construction Management Plan is conditioned and agreed in writing prior to the*

*commencement of this development to identify, manage and mitigate detrimental impacts of noise, light and dust to nearby residential properties.*

#### *Contaminated Land*

*I have noted that the detailed assessment has not made consideration for previous land uses and the presence of contaminated land or pollution incidents. Part of the site has a recorded land use as a nursery and has been identified by this authority as a location for further assessment. I have noted in planning application F/YR17/0682/F for the development of Willow Gardens that a phase 1 contaminated land survey was requested and undertaken. Although this report did not specifically extend to this plot of land, the data gathered in the report has provided a detailed description of previous land use, and specifically the activities undertaken as a nursery. I therefore do not seem it necessary to request a duplicate report is provided, however I would strongly recommend that a condition is attached to control any contamination or pollution incidents identified during the demolition, land clearance and development of this land.*

#### *Air Quality*

*This location has not been identified as having any issue or concerns for air quality and it is not considered that this development will be detrimental to the current air quality*

**5.7 11 objections, 1 support and 2 representations** were received from residents of Willow Gardens, with one from Clayfields Drive. The comments are summarised as follows:

- The narrow road would not be adopted by highways and is not acceptable.
- Not in keeping with the character of the wider area.

Two comments were received after the re-consultation re-iterating the highway concerns .

## **6. STATUTORY DUTY**

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

## **7. POLICY FRAMEWORK**

### **National Planning Policy Framework (NPPF)**

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

## **National Planning Practice Guidance (NPPG)**

Determining a Planning Application

### **National Design Guide 2021**

Context – C1, C2

Identity – I1

Built Form – B2

Movement – M3

Homes and Buildings – H1, H2, H3

### **Fenland Local Plan 2014**

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

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

LP17 – Community Safety

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:

LP1: Settlement Hierarchy  
LP2: Spatial Strategy for the Location of Residential Development  
LP7: Design  
LP8: Amenity Provision  
LP11: Community Safety  
LP12: Meeting Housing Needs  
LP20: Accessibility and Transport  
LP21: Public Rights of Way  
LP22: Parking Provision  
LP25: Biodiversity Net Gain

## **8. KEY ISSUES**

- **Principle of Development**
- **Design considerations and visual amenity of area**
- **Residential Amenity/Health and wellbeing**
- **Parking and Highways**
- **Developer Contributions**
- **Flood Risk and Drainage**
- **Archaeology**

## **9. BACKGROUND**

- 9.1 The scheme has been amended during the course of the application to provide a wider access road that would serve as a shared access for existing as well as the proposed 3 new dwellings.

## **10. ASSESSMENT**

### **Principle of Development**

- 10.2 The application site is considered to be located within the developed footprint of the village, within the settlement of Wimblington. Policy LP3 of the Fenland Local Plan advises that Wimblington is a 'Growth Village' and that development within the existing urban area, such as this location, is appropriate.
- 10.3 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.

Wimblington 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.

- 10.4 As such the principle of this development is considered to be supported by Policies LP3 and LP12 of the Fenland Local Plan 2014.

### **Design considerations and visual amenity of area**

- 10.5 Policy LP16 seeks to ensure that development makes a positive contribution to the local distinctiveness and character of the area.
- 10.6 LP12 highlights that new development will be supported where it contributes to the sustainability of the settlement and does not harm the wide-open character of the countryside. To ensure this there are a number of criteria expressed in this policy namely (a) - (k). These criteria, in summary, seek to achieve compliance with the settlement hierarchy in terms of amount of whilst also ensuring that development responds to the existing built form and settlement character, retains and respects existing features of the site and the locality, respects biodiversity and ecology and provides appropriate servicing etc.
- 10.7 Historically this area to the north of King Street comprised linear, frontage properties, however the subsequent development of Clayfields to the rear of 35 King Street and Willow Gardens to the north and west of the site have established in-depth development in this area. There is a mix of single-storey and 2-storey properties in the vicinity.
- 10.8 The proposed dwellings would be sited along the access road opposite to the existing houses and would create a cul-de-sac and as such will not be prominently visible from King Street, though glimpses will be seen from here and from the bypass to the east across the fields. The proposal will have more of a relationship with the new development to the rear and will be seen across the rear garden of 41 King Street. The 'chalet' style dwelling is considered to provide an acceptable visual appearance behind the single-storey dwellings to the north, these are modest in scale and the design is considered acceptable in this area where there is no specific vernacular and a range of architectural styles. Due to the fact that the proposal will adjoin dwellings which front Willow Gardens it is important that the dwellings are designed to also have a relationship with this; the gable element to the rear provides detail and helps to achieve this. Details of materials have been provided, use of bricks and concrete tiles are indicated, a condition will be imposed to ensure full details are of materials are provided.

### **Residential Amenity**

- 10.9 The dwelling proposed at Plot 1 would be a chalet-style unit with rooflights and PV panels on the front and rear elevations. Owing to the siting and the scale of the dwelling being 1.5 storeys and the at the south section of the first floor would be predominantly store area, this dwelling would not result in any undue overlooking for the properties to the sides and rear. The bedroom window on the first floor has been conditioned to be obscurely glazed and non-opening before 1.7m above the finished floor levels to avoid any undue overlooking for the Plot 2.

In terms of the potential occupiers for the dwelling, the residents would have adequate internal and external amenity space and would be deemed acceptable.

- 10.10 Plot 2 proposes a bungalow in an 'L' shape with a gable end sitting closer to the rear boundary with the neighbouring properties Nos. 39b and 39c and side elevations facing Plot 1 and 3; however, there are no first-floor fenestrations on this wall and the ground floor music room windows would sit in level with the proposed 1.8m high boarded fencing. The proposed fenestration on the south elevations would sit at separation of over 15m at the ground floor and would not result in any undue overlooking. The first floor would site closer to the road and sited away from the common boundaries.
- 10.11 The dwelling proposed at the plot 3 would be linear development sited behind the No.41 and would replicate this bungalow, with gable-ends facing each other. There would be no first-floor element on this bungalow. The proposed rear elevation would have a glazed section which would be largely screened behind the existing 1.8m high fencing and remaining section would be higher than the average human height and would not cause any undue overlooking for this neighbouring property.
- 10.12 It is acknowledged that there will be some visual impact from the rear gardens of the existing dwellings to the south; however, these properties are located on substantial plots and any direct overlooking would impact only the rear most part of the gardens, with sufficient private areas remaining, as such, overall the proposed development is not considered to create a significant detrimental impact on the residential amenity of these neighbouring dwellings, or on future occupiers of the development.
- 10.13 Policy LP16 (f) of the Fenland Local Plan 2014 and DM4 of the Delivering and Protecting High Quality Environments SPD 2014 seek to ensure that adequate, well-designed facilities for the storage, sorting and collection of waste are provided and that users should not have to carry bins in excess of 30m. A wheeled bin collection point is proposed within 10m of the Willow Gardens highway, which is deemed acceptable. The street would be paved that would ease movement of bins and whilst the proposal doesn't strictly comply with DM4 or RECAP guidance (Plot 1 occupiers would need to wheel their bins approx. 50m to the collection point) a suitable collection point has been provided and refusal on these grounds is not considered to be reasonable in this instance.

### **Flood Risk and Drainage**

- 10.14 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. The development would need to satisfy Part H of the Building Regulations to demonstrate appropriate means of surface and foul water drainage. Accordingly, there are no issues to address in respect of Policy LP14.

## Highways/parking

- 10.15 The development is proposed to be served from the adoptable standard Willow Gardens road which serves this wider development. A block paved 'shared surface' access drive would run from this along the frontages of the three proposed dwellings with a turning head at the end of this between plots 1 and 2. The access drive would be 5m wide for the first 8 m and 4m wide thereafter. This enables cars to pass and avoids waiting on Willow Gardens. Suitable visibility splays can be achieved as detailed on the submitted plans. The LHA have no objections subject to conditions.
- 10.16 Parking spaces have been provided to the required specification for all three dwellings that would be in accordance with Policy LP15 and Appendix A of the Fenland Local Plan 2014. As such, there are no issues to address in relation to the aforementioned policy.

## Archaeology

- 10.17 Cambridgeshire County Council Archaeology have advised that the site lies in an area of archaeological potential and should be the subject of an archaeological evaluation in advance of development commencing. They raise no objection to the application subject to a programme of archaeological investigation secured by way of a condition.

## 11. CONCLUSIONS

This report has considered the issues pertinent to the proposal and concluded that the development would be consistent with the relevant policies. It is acknowledged and detailed above that there will be some impact on residential amenity and the visual amenity of the area, however this is not considered to be significantly detrimental.

As such, the proposed development is recommended for approval subject to the following conditions.

## 12. RECOMMENDATION

**Grant;** subject to the following conditions:

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

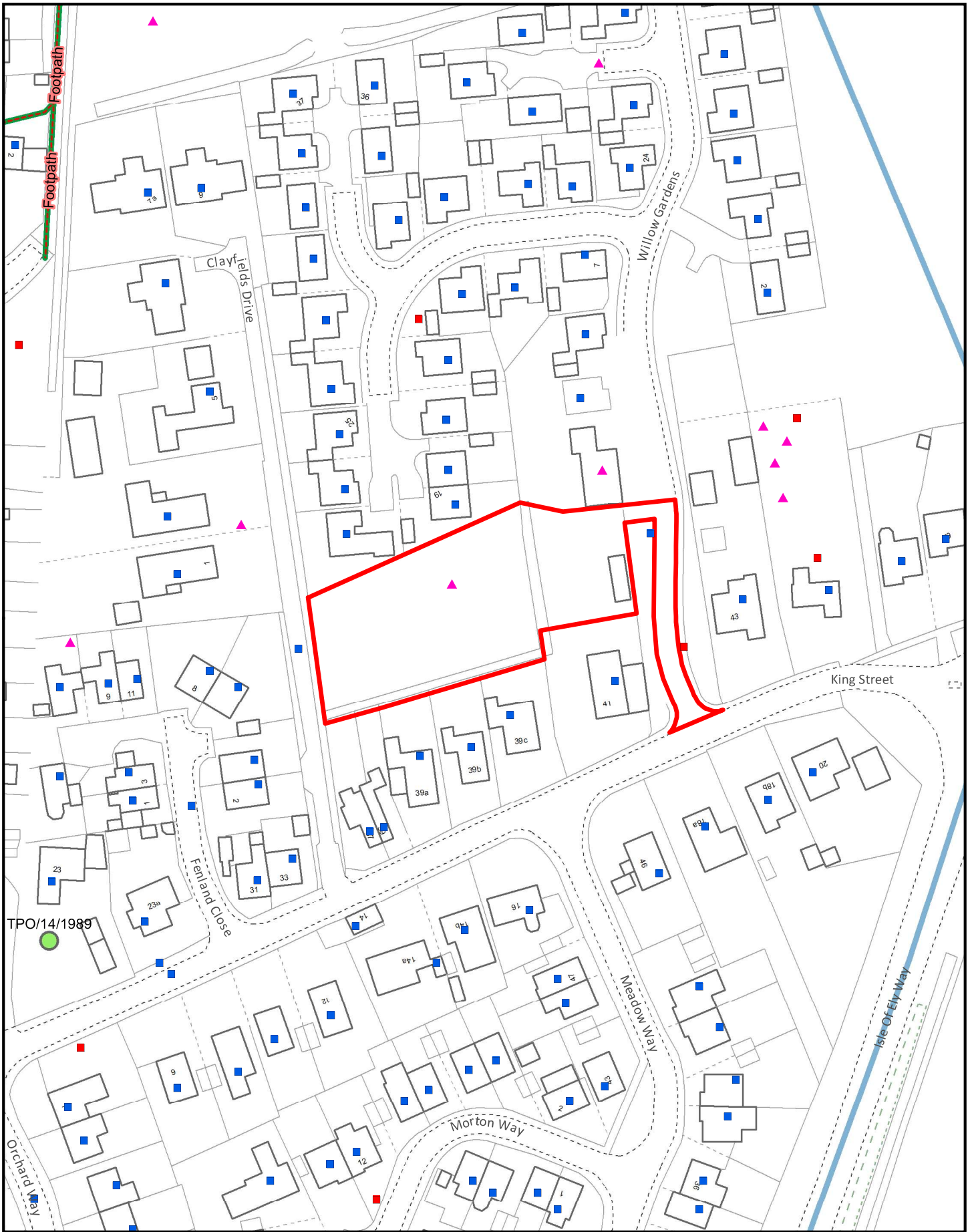


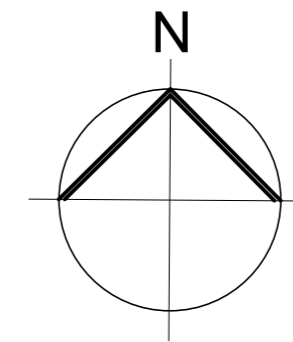
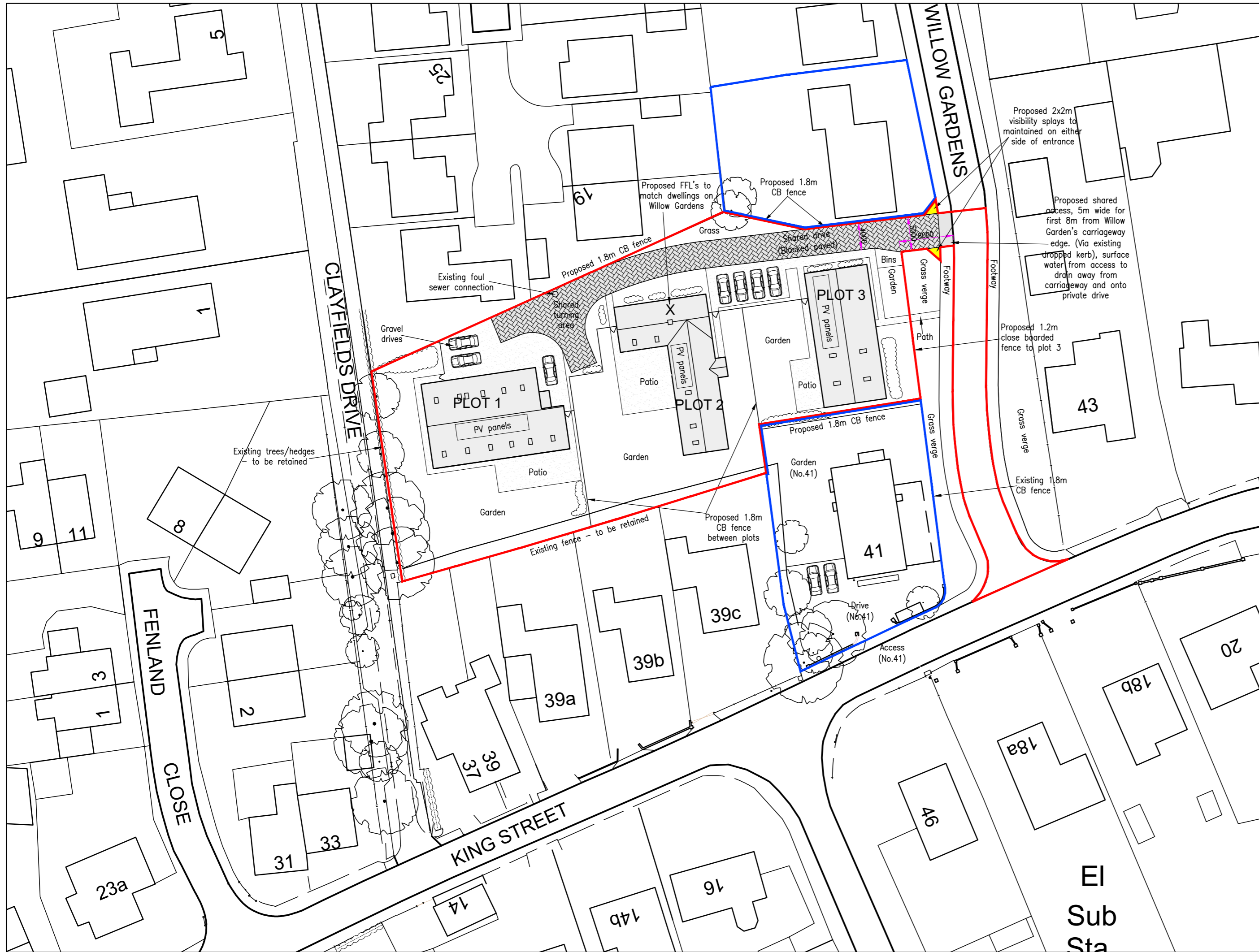
	with Policy LP16 of the Fenland Local Plan, 2014.
3.	<p>No construction work shall be carried out and no plant or power operated machinery operated other than between the following hours: 08:00 hours and 18:00 hours on Monday to Friday, 08:00 hours and 13:00 hours on Saturday and at no time on Sundays, Bank or Public Holidays, unless otherwise previously agreed in writing with the Local Planning Authority.</p> <p>Reason - To safeguard the residential amenity of neighbouring occupiers, in accordance with policies LP2 and LP16 of the Fenland Local Plan 2014.</p>
4.	<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) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority for, and amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with. The development shall then be carried out in full accordance with the amended remediation strategy.</p> <p>Reason: To control pollution of land or water in the interests of the environment and public safety in accordance with the National Planning Policy Framework and Policy LP16 of the Fenland Local Plan 2014.</p>
5.	<p>The approved access and all hardstanding within the site shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway and retained in perpetuity.</p> <p>Reason: To prevent surface water discharging to the highway in accordance with policy LP15 of the Fenland Local Plan, adopted May 2014.</p>
6.	<p>No development shall take place above slab level until a scheme for the hard and soft landscaping of the site has been 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"> <li>a) proposed finished levels</li> <li>b) means of enclosure</li> <li>c) car parking layout</li> <li>d) vehicle and pedestrian access and circulation areas</li> <li>e) hard surfacing, other hard landscape features and materials</li> <li>f) existing trees, hedges or other soft features to be retained, including details of measures to ensure their protection during construction</li> </ul>

	<p>g) planting plans, including specifications of species, sizes, planting centres number and percentage mix</p> <p>h) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife</p> <p>The approved hard landscaping scheme shall be carried out with regard to the dwelling to which it relates, prior to the occupation of that dwelling and the soft landscaping shall be carried out within the first available planting season following completion of the development or first occupation (whichever is the sooner) or alternatively in accordance with a timetable for landscape implementation which has been approved as part of the submitted landscape scheme.</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>
7.	<p>Prior to the first occupation of the development hereby permitted, the means of vehicular access shall be laid out and constructed, and visibility splays shall be provided, as shown on drawing 6522/02J. The visibility splays shall be maintained thereafter free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.</p> <p>Reason - In the interests of highway safety and to ensure satisfactory access into the site in accordance with Policy LP15 of the Fenland Local Plan 2014.</p>
8.	<p>Prior to the first occupation of the development hereby permitted, the proposed on-site parking/turning area and bin collection point shall be laid out in accordance with drawing 6522/02J, 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 A, Class F of The Town and Country Planning (General Permitted Development) (England) Order 2015, or any instrument revoking or re-enacting that Order).</p> <p>Reason - To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety in accordance with Policy LP15 of the Fenland Local Plan</p>
9.	<p>No works shall proceed above slab level until a scheme for the provision of external lighting has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to first occupation of the development and retained thereafter in perpetuity.</p> <p>Reason - In order to ensure that the site meets the crime prevention guidelines in accordance with Policy LP17 of the Fenland Local Plan 2014.</p>

10.	<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 &amp; 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>
11.	<p>The first-floor bedroom window on the eastern elevation of the dwelling at plot 1, hereby approved shall be glazed with obscure glass and fixed shut to a height of 1.7m; and so maintained in perpetuity thereafter.</p> <p>Reason - To safeguard the amenities currently enjoyed by the occupants of adjoining dwellings in accordance with policy LP16 of the Fenland Local Plan, 2014.</p>
12.	<p>No works shall proceed above slab level until a scheme of biodiversity enhancements including a timetable for implementation has been submitted to and approved in writing. The approved details shall be implemented in accordance with the agreed details and timetable and retained thereafter in perpetuity.</p> <p>Reason - In order to conserve, enhance and promote biodiversity in and around the site in accordance with policy LP19 of the Fenland Local Plan, 2014.</p>
13.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans and documents:</p> <p>Reason - For the avoidance of doubt and in the interest of proper</p>

	planning.
--	-----------





A - REVISIONS



**PETER HUMPHREY ASSOCIATES**

ADDRESS: 2 CHAPEL ROAD, WISBECH, CAMBS, PE13 1RG.  
 TELEPHONE: 01945 466966  
 E-MAIL: info@peterhumphrey.co.uk  
 WEB: www.peterhumphrey.co.uk

CLIENT  
 MS SARAH PALMER

PROJECT  
 PROPOSED 3No. DWELLINGS

SITE  
 LAND NORTH OF 41 KING STREET  
 OFF WILLOW GARDENS  
 WIMBLINGTON  
 CAMBS  
 PE15 0QF

DRAWING  
 PLANNING DRAWING 2 - PROPOSED

JOB NO.	PAPER SIZE	DATE
6522/02J	A2	MAY 2022

**Notes:**  
 This drawing is the permission of Peter Humphrey Associates Ltd. and may not be reissued, loaned or copied in whole or part without written consent.

All dimensions shown on the drawing are in millimeters unless stated otherwise. If the drawing is received electronically (PDF) it is the recipient's responsibility to ensure it is printed to the correct paper size. All dimensions to be checked on site prior to commencing work and any discrepancies to be highlighted immediately.

**The Construction (Design and Management) Regulations 2015:**  
 Peter Humphrey Associates' form of appointment with the client confirms whether the agent is appointed as 'Designer' or 'Principal Designer' under these regulations. Nevertheless, the design phase has been carried out with due consideration for the safety during construction, occupation and maintenance of the finished project. No extraordinary hazards or risks were identified outside of the routine construction operations that would not already been apparent to a competent contractor.

Proposed Site Plan 1:500



Proposed Street Scene 1:200



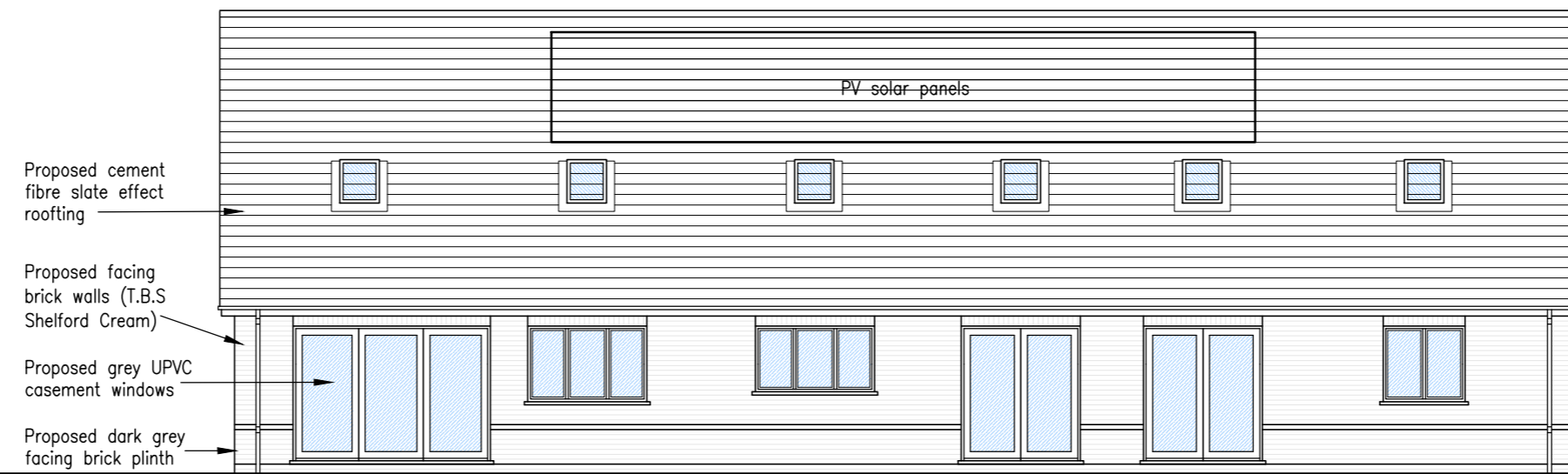
Proposed Front Elevation 1:100



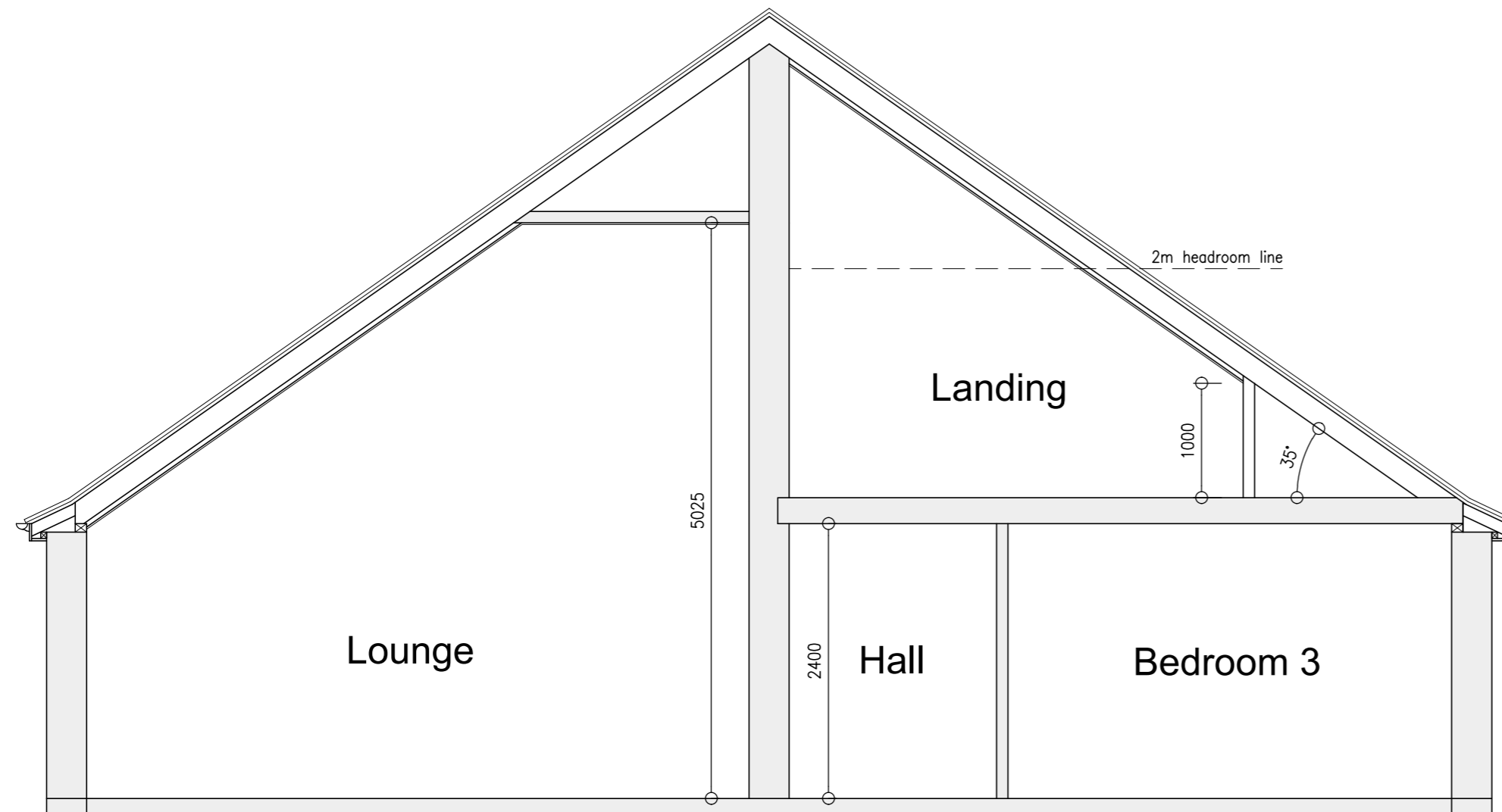
Proposed Side Elevation 1:100



Proposed Rear Elevation 1:100



Proposed Side Elevation 1:100



Proposed Section A-A 1:50

A -  
REVISIONS



**PETER HUMPHREY ASSOCIATES**

ADDRESS: 2 CHAPEL ROAD, WISBECH, CAMBS, PE13 1RG.

TELEPHONE: 01945 466966  
E-MAIL: info@peterhumphrey.co.uk  
WEB: www.peterhumphrey.co.uk

CLIENT  
MS SARAH PALMER

PROJECT  
PROPOSED 3No. DWELLINGS/PLOTS

SITE  
LAND NORTH OF 41 KING STREET  
OFF WILLOW GARDENS  
WIMBLINGTON  
CAMBS  
PE15 0QF

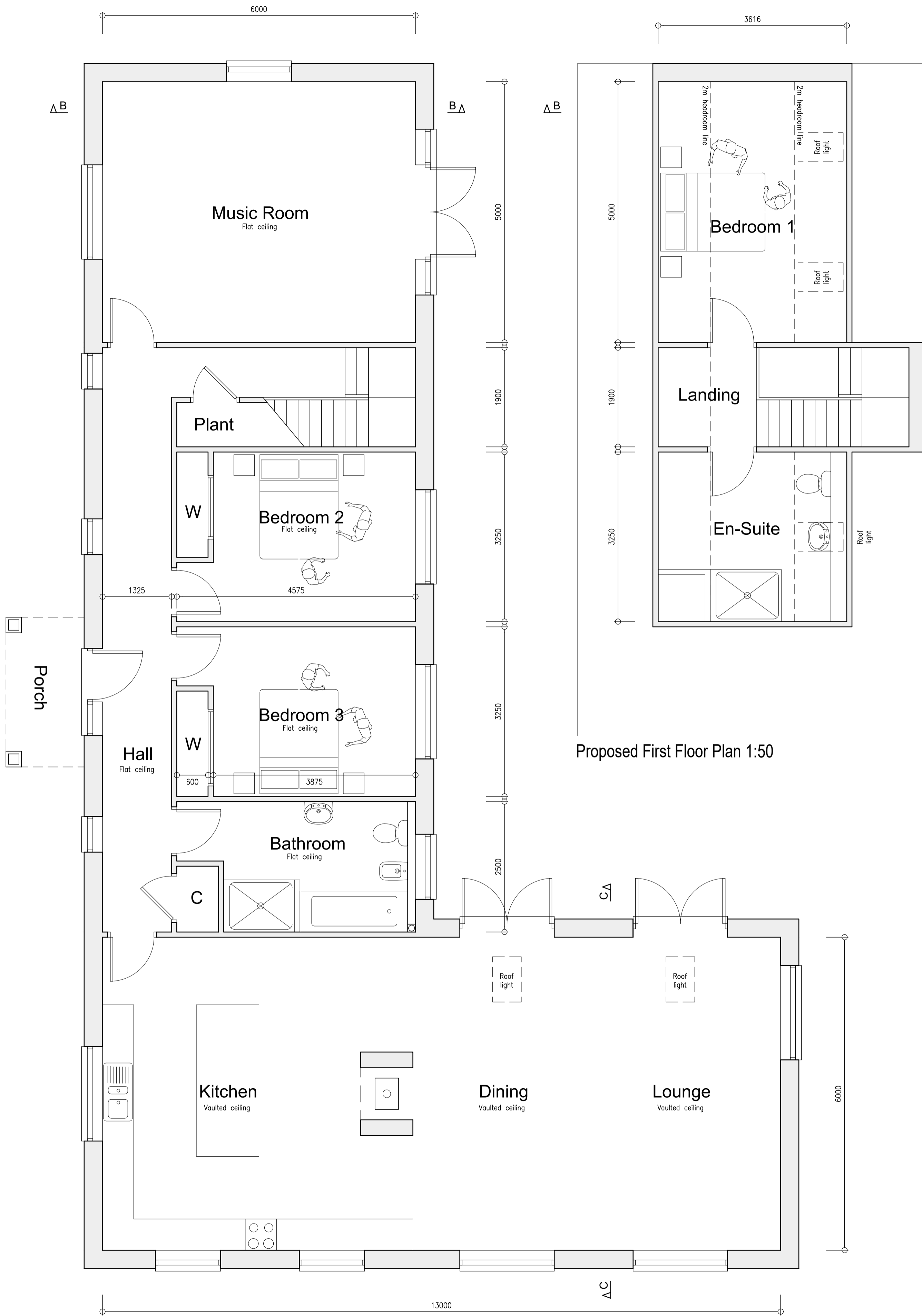
DRAWING  
PLANNING DRAWING 4 - PLOT 1

JOB NO.	PAPER SIZE	DATE
6522/04F	A2	MAY 2022

**Notes:**  
This drawing is the permission of Peter Humphrey Associates Ltd. and may not be reissued, loaned or copied in whole or part without written consent.

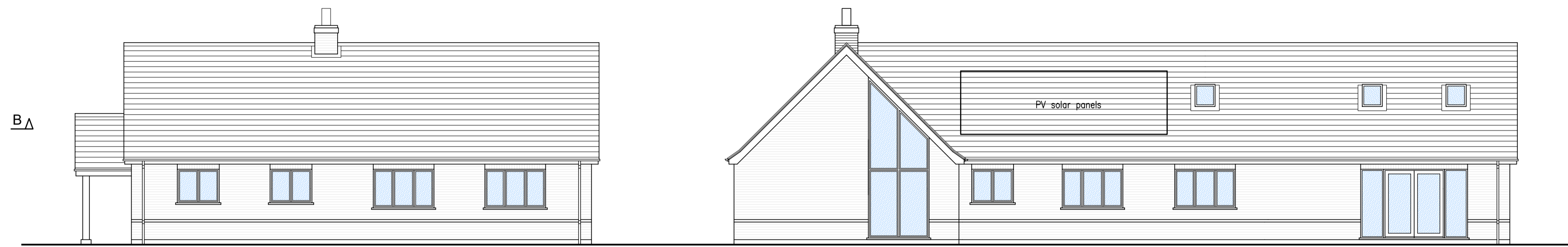
All dimensions shown on the drawing are in millimeters unless stated otherwise. If the drawing is received electronically (PDF) it is the recipient's responsibility to ensure it is printed to the correct paper size. All dimensions to be checked on site prior to commencing work and any discrepancies to be highlighted immediately.

**The Construction (Design and Management) Regulations 2015:**  
Peter Humphrey Associates' form of appointment with the client confirms whether the agent is appointed as 'Designer' or 'Principal Designer' under these regulations. Nevertheless, the design phase has been carried out with due consideration for the safety during construction, occupation and maintenance of the finished project. No extraordinary hazards or risks were identified outside of the routine construction operations that would not already be apparent to a competent contractor.



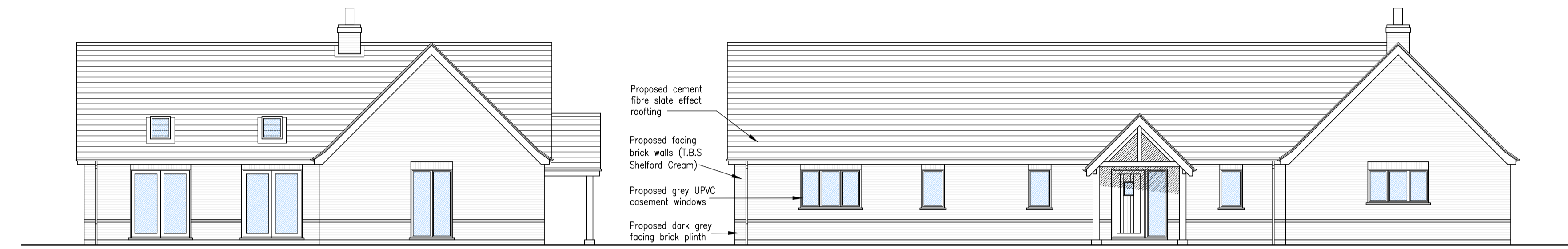
Proposed Ground Floor Plan 1:50

Proposed First Floor Plan 1:50



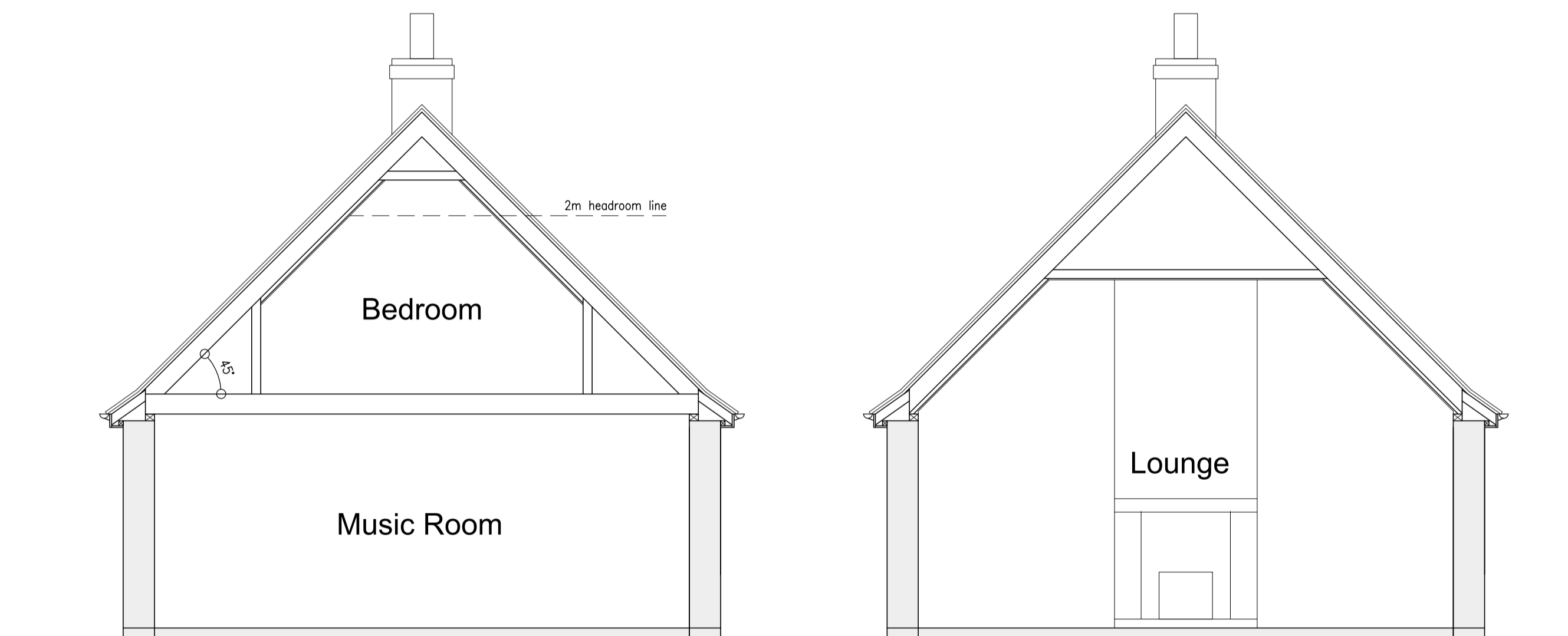
Proposed Front Elevation 1:100

Proposed Side Elevation 1:100



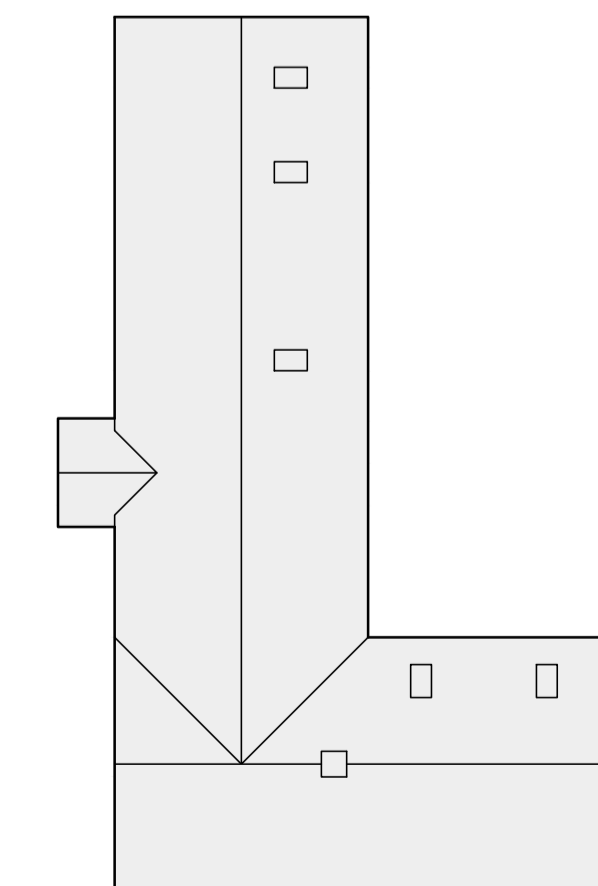
Proposed Rear Elevation 1:100

Proposed Side Elevation 1:100



Proposed Section B-B 1:50

Proposed Section C-C 1:50



Proposed Roof Plan 1:200

A -  
REVISIONS



**PETER HUMPHREY ASSOCIATES**

ADDRESS: 2 CHAPEL ROAD, WISBECH, CAMBS, PE13 1RG.

TELEPHONE: 01945 466966  
E-MAIL: info@peterhumphrey.co.uk  
WEB: www.peterhumphrey.co.uk

CLIENT  
MS SARAH PALMER

PROJECT  
PROPOSED 3No. DWELLINGS/PLOTS

SITE  
LAND NORTH OF 41 KING STREET  
OFF WILLOW GARDENS  
WIMBLINGTON  
CAMBS  
PE15 0QF

DRAWING  
PLANNING DRAWING 5 - PLOT 2

JOB NO.	PAPER SIZE	DATE
6522/05G	A1	MAY 2022

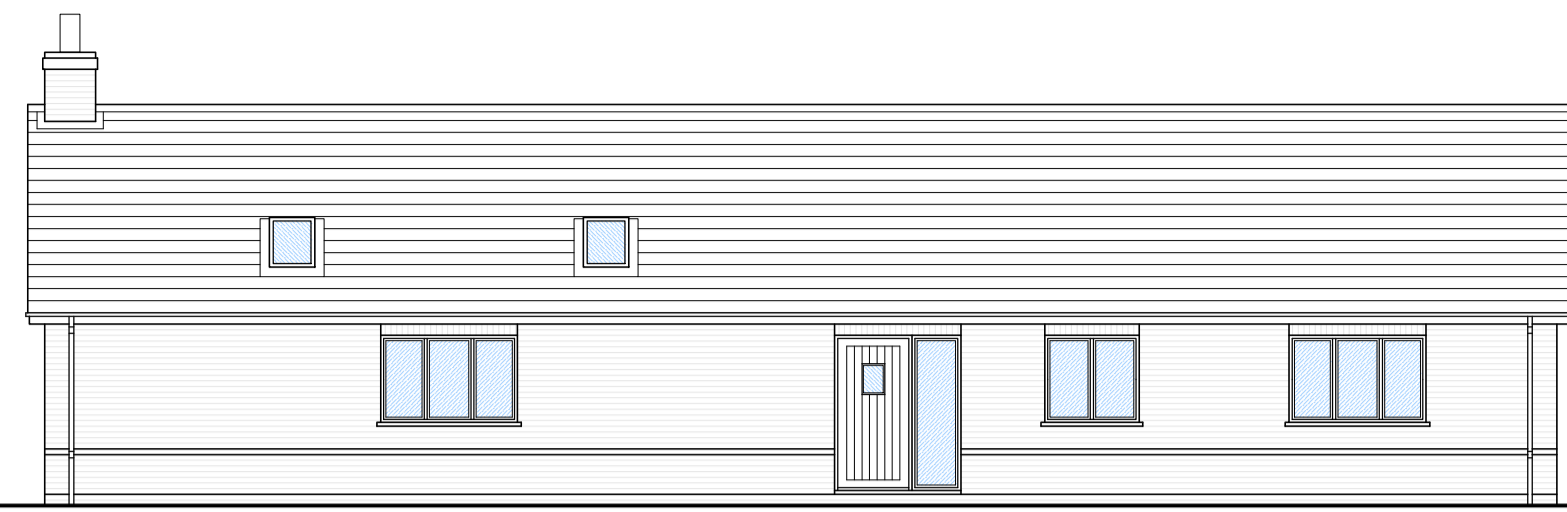
**Notes:**  
This drawing is the permission of Peter Humphrey Associates Ltd. and may not be reissued, loaned or copied in whole or part without written consent.  
All dimensions shown on the drawing are in millimeters unless stated otherwise. If the drawing is received electronically (PDF) it is the recipient's responsibility to ensure it is printed to the correct paper size. All dimensions to be checked on site prior to commencing work and any discrepancies to be highlighted immediately.

**The Construction (Design and Management) Regulations 2015:**  
Peter Humphrey Associates' firm of appointment with the client confirms whether the agent is appointed as 'Designer' or 'Principal Designer' under these regulations. Nevertheless, the design phase has been carried out with due consideration for the safety during construction, occupation and maintenance of the finished project. No extraordinary hazards or risks were identified outside of the routine construction operations that would not already have been apparent to a competent contractor.

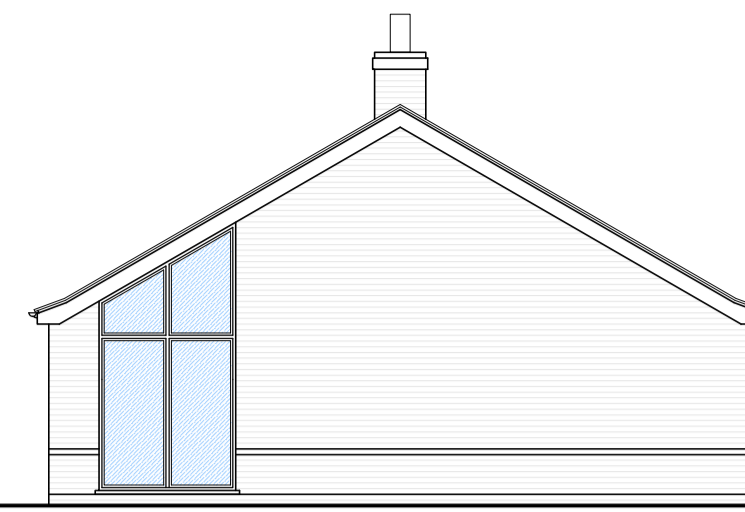




Proposed Front Elevation 1:100



Proposed Side Elevation 1:100



Proposed Rear Elevation 1:100



Proposed Side Elevation 1:100

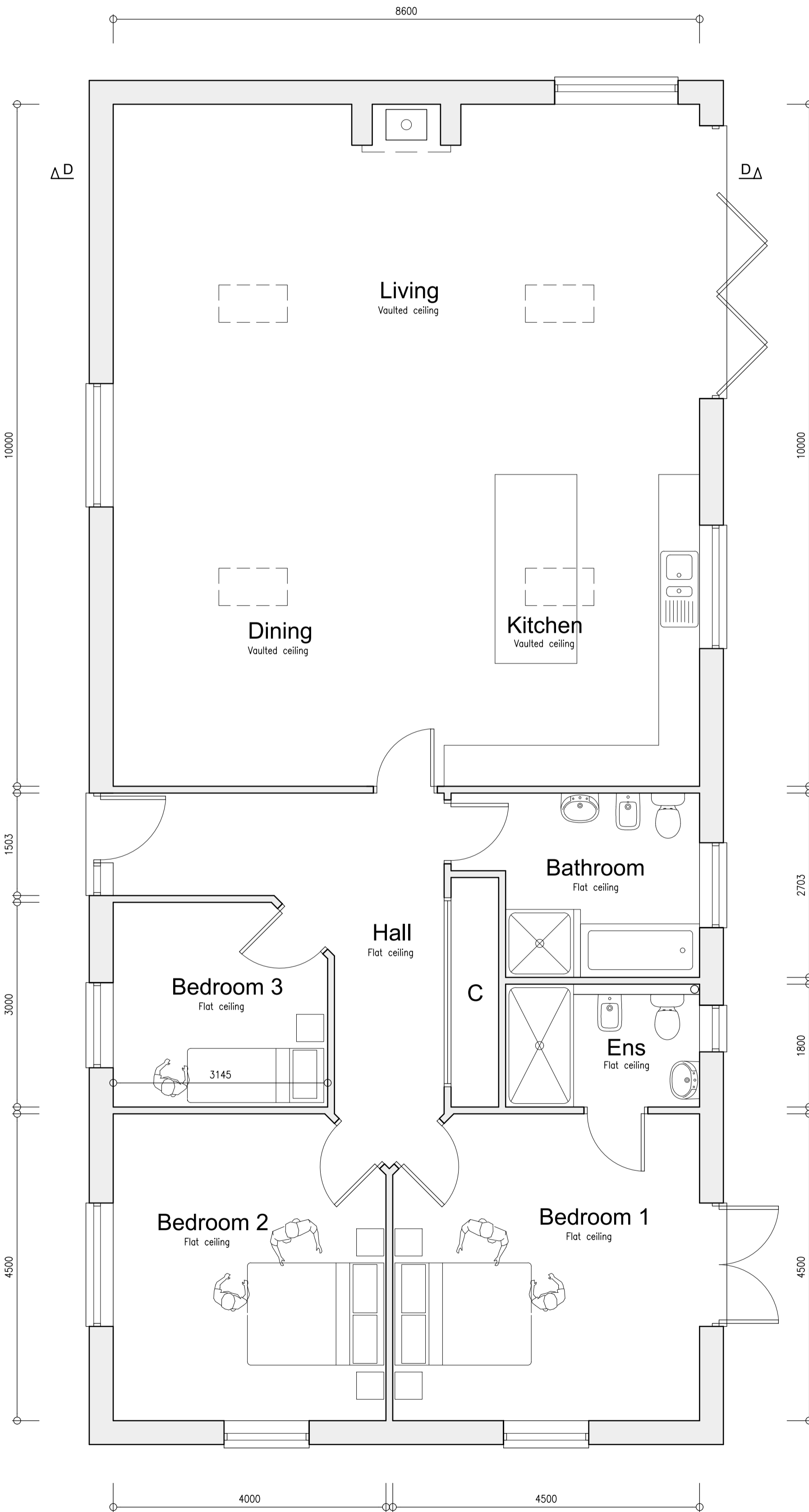
Proposed cement  
fibre side effect  
roofing

Proposed facing  
brick walls (I.B.S  
Sheffield Cream)

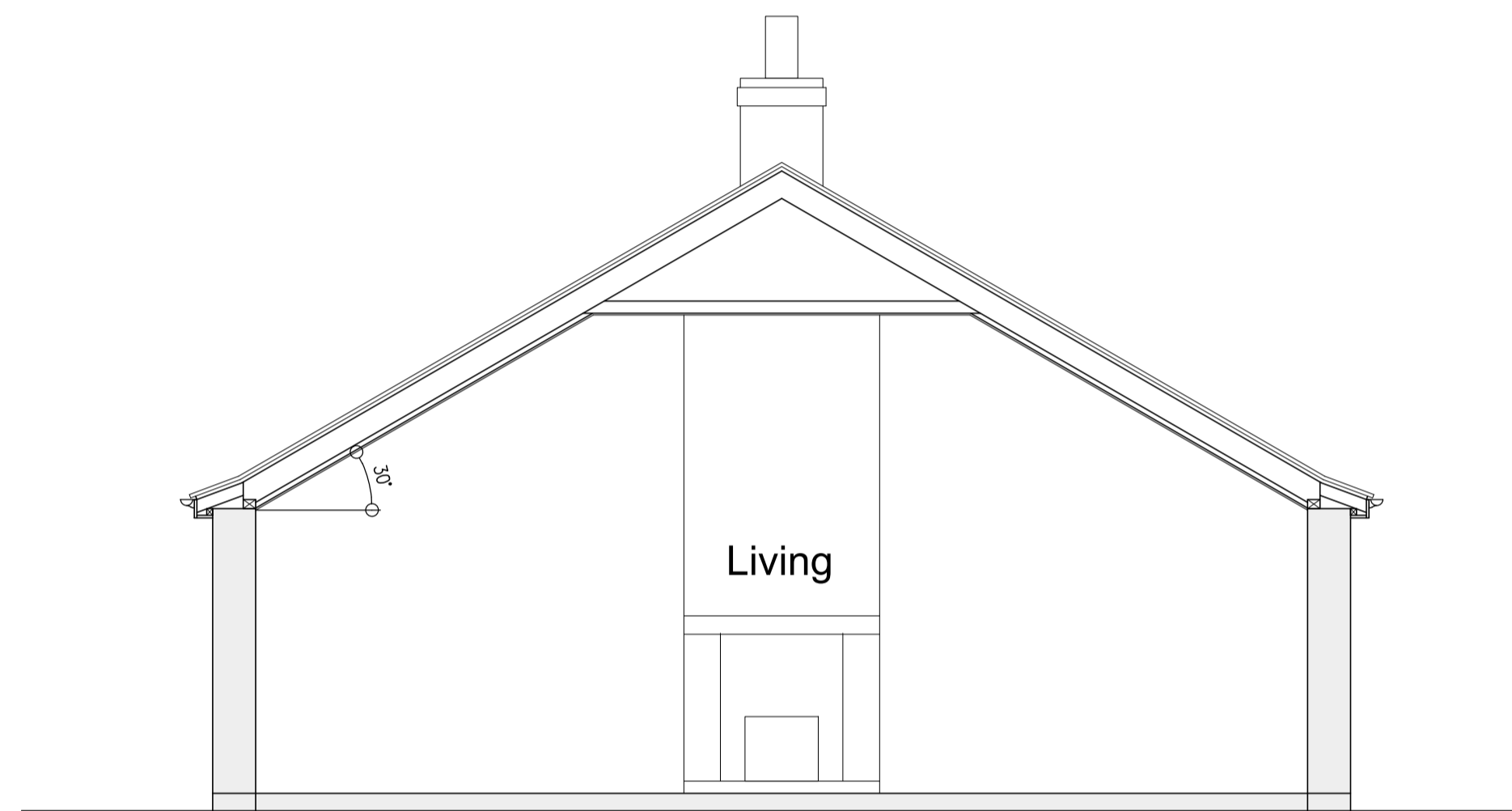
Proposed grey UPVC  
casement windows

Proposed dark grey  
facing brick plinth

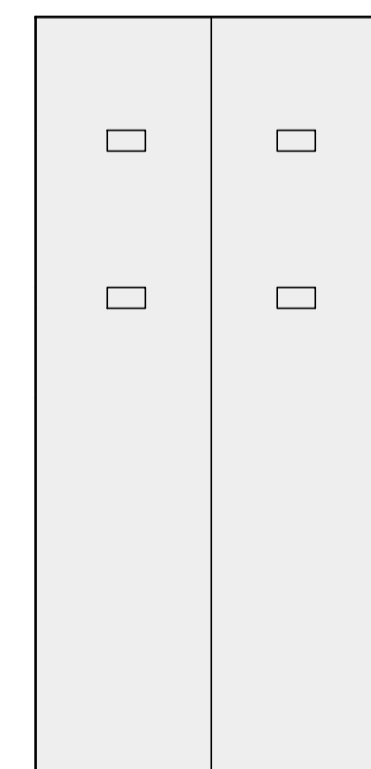
PV solar panels



Proposed Ground Floor Plan 1:50



Proposed Section D-D 1:50



Proposed Roof Plan 1:200

A -  
REVISIONS



**PETER HUMPHREY  
ASSOCIATES**

ADDRESS: 2 CHAPEL ROAD, WISBECH, CAMBS, PE13 1RG.

TELEPHONE: 01945 466966

E-MAIL: info@peterhumphrey.co.uk

WEB: www.peterhumphrey.co.uk

CLIENT

MS SARAH PALMER

PROJECT

PROPOSED 3No. DWELLINGS/PLOTS

SITE

LAND NORTH OF 41 KING STREET  
OFF WILLOW GARDENS  
WIMBLINGTON  
CAMBS  
PE15 0QF

DRAWING

PLANNING DRAWING 5 - PLOT 3

JOB NO.	PAPER SIZE	DATE
6522/06C	A1	MAY 2022

**Notes:**  
This drawing is the permission of Peter Humphrey Associates Ltd. and may not be reissued, loaned or copied in whole or part without written consent.  
All dimensions shown on the drawing are in millimeters unless stated otherwise. If the drawing is received electronically (PDF) it is the recipient's responsibility to ensure it is printed to the correct paper size. All dimensions to be checked on site prior to commencing work and any discrepancies to be highlighted immediately.

**The Construction (Design and Management) Regulations 2015:**  
Peter Humphrey Associates' firm of appointment with the client confirms whether the agent is appointed as 'Designer' or 'Principal Designer' under these regulations. Nevertheless, the design phase has been carried out with due consideration for the safety during construction, occupation and maintenance of the finished project. No extraordinary hazards or risks were identified outside of the routine construction operations that would not already be apparent to a competent contractor.

This page is intentionally left blank

By virtue of paragraph(s) 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank