

AGENDA

PLANNING COMMITTEE

WEDNESDAY, 24 JULY 2024

1.00 PM

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

Committee Officer: Jo Goodrum
Tel: 01354 622285
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- 1 To receive apologies for absence.
- 2 Previous Minutes (Pages 5 - 18)

To confirm and sign the minutes from the previous meeting of 26 June 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/YR23/0376/F
Land East Of The Walnuts Flaggrass Hill Road Accessed From, Creek Fen, March
Change of use of agricultural land to equestrian use and the formation of an access road (part-retrospective) (Pages 19 - 36)

To determine the application.
- 6 F/YR23/0500/F
North Of, 43 - 53 High Street, Doddington
Erect 14 x dwellings (2 x single-storey, 2-bed and 12 x single-storey, 3-bed) with

associated garages, parking and landscaping, involving demolition of existing outbuildings (Pages 37 - 74)

To determine the application.

- 7 F/YR23/0573/F
Nightlayer Leek Company Limited, Dean Drove, Chatteris
Change of use of 6 x agricultural units to B2 and/or B8 use (Storage and Distribution)
(Pages 75 - 98)

To determine the application.

- 8 F/YR23/0819/F
Land East Of 22 Eastwood Industrial Estate, Eastwood End, Wimblington
Erect a storage building for the storage of fertilisers and provision of hardstanding to serve the building (Class B8) (Pages 99 - 116)

To determine the application.

- 9 F/YR24/0051/F
Land West Of 27 Norfolk Street Accessed From, Morley Way, Wimblington
Erect 8 dwellings (2 x single storey, 2 bed and 6 x single storey, 3 bed) with associated garages and the formation of an attenuation pond (Pages 117 - 148)

To determine the application.

- 10 F/YR24/0110/RM
Land North Of 1, The Fold, Coates
Reserved Matters application relating to detailed matters of access, appearance, landscaping, layout and scale pursuant to outline permission F/YR21/0829/O to erect 1 x dwelling (2-storey, 3-bed) involving demolition of existing garage (Pages 149 - 160)

To determine the application.

- 11 F/YR24/0366/F
113 Elm Low Road, Wisbech
Erect 2 x dwellings (2-storey, 3-bed) (Pages 161 - 174)

To determine the application.

- 12 F/YR24/0367/F
Linwood Farm, Linwood Lane, March
Change of use of the land from agricultural to residential land involving the erection of an annexe ancillary to the existing dwelling. (Pages 175 - 188)

To determine the application.

- 13 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 XX of Part I of Schedule 12A of the Local Government Act 1972 (as amended) as indicated."

14 CONFIDENTIAL -Previous Minutes (Pages 189 - 190)

To confirm and sign the Confidential minutes of the meeting of 26 June 2024.

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,

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PLANNING COMMITTEE

WEDNESDAY, 26 JUNE 2024 - 1.00 PM



PRESENT: 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,

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

P8/24 PREVIOUS MINUTES

The minutes of the meeting of 29 May 2024 were signed and agreed as an accurate record.

P9/24 F/YR24/0291/O LAND NORTH OF TYDD STEAM BREWERY, KIRKGATE, TYDD ST GILES ERECT 4 X DWELLINGS (OUTLINE APPLICATION WITH ALL MATTERS RESERVED)

David Rowen presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Reverend Helen Gardener, the applicant and Liam Lunn-Towler, the agent.

Mr Lunn-Towler stated that applicant is a charity based in Tydd St Giles and part of that charity's objective is to manage land for the benefit the Parish of Tydd St Giles so the application seeks to develop land for market dwellings to increase its value and then the land will be sold on meaning that the money obtained through that sale will then be available for the charity to fulfil its objective. He stated that the charity has already received some interest in the land.

Mr Lunn-Towler explained that historically the charity has supported various groups and individuals which include student grants, equipment for the church, swimming lessons for the school and a wheelchair for an individual as well as property adaptations. He made the point that the application is, therefore, considered to deliver a community benefit should it be approved and to outweigh the conservation concerns.

Mr Lunn-Towler made reference to the officer's concerns with regards to the character of the proposal and stated that Kirkgate Street has undergone significant growth over the last 10 years and since 2016 the land east of the application site has been developed on both sides of the road for residential properties resulting in land surrounding the Listed Building being developed for residential use and, in his opinion, the character in this area has already been established and the proposal seeks to integrate into that. He expressed the view that the proposal aims to keep the majority of the existing trees on the boundary line adjacent to Kirkgate to maintain a key feature, which will be required to facilitate the new access points and he made the point that the application is considered to enhance the area and provide a community benefit to outweigh the officer's recommendation.

Reverend Gardner stated that she is one of the Trustees of the Brigstock and Wren Charity and is the ex officio due to her status as the Vicar of Tydd St Giles, with the purpose of the charity being

to support the residents of the Parish of Tydd St Giles, along with Four Gotes, Foul Anchor and Tydd Fen. She stated that the charity helps individuals in need to pay for items, services, facilities, and educational costs and it also assists organisations that benefit the residents of the parish and for the relief of need.

Reverend Gardner provided a summary of the more recent payments that have been made which included a £5,000 grant to Kinderley Primary School to go towards swimming and she explained that they have recently received a good rating from Ofsted who had commented that the whole school being offered swimming lessons was one of the contributing factors that went towards the school being offered the good grade and the head teacher has passed on their thanks to the charity. She explained that swimming is something that the charity is able to support on a regular basis and the school has also been given a grant of £1,000 recently for equipment.

Reverend Gardner added that the charity is able to offer energy grants and food vouchers and she stated that the demand for those has gone up a lot in the last two years. She explained that educational grants are provided to those students post 16 who are attending colleges or undertaking apprenticeships and grants are also offered to undergraduates as well as mature students including those that are retraining.

Reverend Gardner made the point that the contributions are made when requested to organizations such as the school, the lunch club, community events and she stated that for complete and open transparency the church also receives contributions as well with the most recent grant to help the church to install equipment for live streaming which following the pandemic has become very important. She explained that individual grants are based on their merit which have included a swimming pass for a young person with specific educational needs and tools have also been provided to enable attendance at the men's shed as well as a contribution being made to young people in their travel costs to attend college.

Reverend Gardner explained that most of the charity's income comes from allotments and this means something very different in the Fens compared to what it means in an urban area and there is also some money invested for which it receives some income and under their constitution, they are unable to use the capital monies and are only able to use the income. She made the point that if the application is approved and the land is sold then it will be for the benefit of the community.

Members asked the following questions:

- Councillor Benney stated that the charity work is very commendable, and he asked whether any monies received as a result of the sale of the land will only help the village of Tydd and the surrounding villages. Reverend Gardner stated that it is specifically for the residents of Tydd St Giles. Councillor Benney stated that it is a very commendable charity.
- Councillor Hicks stated that the application is for outline planning permission, and asked that should the proposal be approved will the properties be similar to those that are already there? Mr Lunn-Towler stated that when considering the design, he would refer to those recently built properties to the north of the site which are adjacent to the Listed Building and would look at that kind of style and adopt that principle.

Members asked officers the following questions:

- Councillor Hicks asked whether the two new build dwellings which are under development at the present time was a decision made by the committee? David Rowen stated that the decision was made by the committee and was approved against the officer's recommendation.
- Councillor Imafidon stated that he notes that one of the reasons for refusal states that the proposal will harm the setting of the nearby Grade 2 Listed Building resulting in dominance and a permanent erosion of what is left of it. He added that when dealing with a previous application at that time he questioned how close a Listed Building has to be and he was advised that there is no specific distance. Councillor Imafidon stated that when he visited

the site there were at least two new build properties which appear to be abandoned. He stated that in order for the committee to remain consistent in their decision making the two dwellings were approved by the committee but the recommendation by officers for the current proposal is to refuse. Councillor Imafidon made the point that the application site appears to be at the same distance from the Listed Building in his view. David Rowen stated that the Conservation Officer's comments at paragraph 5.1 of the officer report sets out that the development which has already taken place along Kirkgate has already eroded the setting of the Listed Building and consequently the importance of the remaining open space around those Listed Buildings becomes increased as that is effectively the remainder of the setting. He added that whilst permission has been granted clearly for those existing properties that does not necessarily set a precedent for the further encroachment and incursion into the setting of those Listed Buildings.

- Councillor Imafidon questioned, whilst he understands the officer's response, how long the preservation of Listed Buildings is going to be for as whilst he appreciates conservation and the preservation of Listed Buildings should this to be the detriment to future development when more houses are required. David Rowen stated that the question is that essentially the Council has a legal duty set out in the in the 1990 act to have regard to preserving the setting of Listed Buildings and the advice that has been provided by the Council's conservation professional that this development would encroach within and harm that setting. He added that the officer's professional opinion is that there are no material planning benefits to the wider public that would outweigh that harm and consequently the officer recommendation is before the committee.
- Councillor Mrs French stated that this issue appears to be raised every time that there are applications near Listed Buildings, and she has repeatedly said that the committee need to have further training with regards to Conservation and Listed Buildings.
- Councillor Sennitt Clough stated that in the adopted Local Plan, Tydd St Giles is described as a small village where development is considered on its merits and she understands that the application is for four detached executive style homes, with, in her view, the style seeming to be sympathetic to the setting. She added that officers have mentioned encroachment and harm in relation to Listed Buildings and she understands that two are across the street and one is the other side of some other buildings on the same side but there are some buildings in between. Councillor Sennitt Clough asked officers to describe how the proposal will specifically impact the Listed Buildings? David Rowen stated that this is an outline application with all matters reserved so there is no indication as to what the final properties would be if members are minded to grant outline planning permission. He added that the agent indicated in his presentation that the intention would be that effectively if outline planning permission is granted the site would be sold on, and, therefore, the actual design of any dwellings in the future would be a separate matter to be considered at that stage. David Rowen added that in terms of the actual impact again the Conservation Officer has stated that essentially this kind of informal group of buildings is very much the type of group that you would have seen at the edge of a settlement and very much marks the transition between what was the historic core of the village and the wider open countryside and as a result of that the buildings would be seen in an open context. He made the point that the assessment is that the existing or the existing development which has taken place has already eroded that edge of settlement feel and made these buildings more located within the core of the village and as a result of that the context in which those buildings were originally developed and the context in which they have been seen historically is therefore eroded. David Rowen added that the significance of those buildings is diminished as a result of that erosion and being seen more in the context of other built form rather than being seen as buildings or a group of dispersed buildings in in more of isolation.
- Councillor Sennitt Clough stated that officers have used the word eroded quite a lot and she understands from the officer's report that it says that the majority of existing vegetation is due to remain which to her is something really positive, however, whilst she understands what officers are saying with regards to the outline planning permission and that in the

future the site will be sold, she is still not confident on how it will erode the historic buildings that are there.

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

- Councillor Benney stated that he undertook a site visit and noticed that there are buildings right next door to the proposed site and, in his view, the committee need to be consistent in their approach to decision making, with the reasons that officers have listed for refusal, LP16 and LP18, being very subjective. He added that consideration needs to be given as to whether the application is considered to be harmful or whether it can be accepted as progress and development, with the fact that right next door to the application site there are dwellings which have already obtained planning permission and the two houses opposite are being built out. Councillor Benney expressed the view that committee cannot sit back and not develop, with villages crying out for homes but the right type of homes which he feels the proposed dwellings would be the right kind on the plots and that the harm if any is minimal as it will not cause monstrous harm to the setting of the Listed Buildings and just because something is built does not mean it is harmful as it can enhance that and make it better. He added that he sees no reason to refuse the application and certainly with a community benefit for this charitable trust that is doing so much good for the village although he recognises that this really is not a concern of a planning application because that is about land usage but, in his opinion, he feels that that there is very clear community benefit that will go back to the community and he thinks that it is a good solid application.
- Councillor Marks stated that he agrees with Council Benney and added that whilst there is a Listed Building to consider, there are a number of areas throughout the country that have Listed Buildings that also have brand new buildings beside them. He made the point that consideration should be given to that when considering the design of the building which will come back to planning should this be given permission. Councillor Marks added that consideration needs to be given as to whether members are content as to whether the land in question should be built on and to consider the benefits it can give to the community. He made the point that things do need to progress and move on and buildings that are listed are probably 150 years old but it does not mean that they are right or wrong but equally building there will provide four more homes and it gives money back to the village which is being ring fenced for the village which is good. Councillor Marks expressed the view that he cannot see any reason why the application should be refused.
- Councillor Hicks stated that the dwellings are going to be surrounded by vegetation and trees, so they are not going to be seen much anyway. He added that the application is in outline form and, therefore, if it comes back to us and members do not like the proposal when it comes before the committee at the next stage it can be refused.
- Councillor Connor stated that if the dwellings are built as sympathetically as the other two dwellings are which are opposite then, in his view, they will be absolutely fantastic, and he thinks it will only enhance the setting and he will be supporting this application.
- Stephen Turnbull, the Legal Officer, reminded members that whilst the charity is a very good cause and the committee have heard the benefits that they propose they are not planning merits and they should be divorced in the committee's mind from when making their decision as to whether to grant planning permission or not. He added that there is no mechanism whereby those benefits are being secured through the planning process.
- Councillor Marks stated over a number of years there have been other applications which have come before the committee, where there has been no mention of any charity and the committee have determined the application on face value for what it is and, in his opinion, it is good use of land and although there are Listed Buildings in the vicinity that is not unusual. Councillor Marks expressed the view that it is a good use of land and regardless of its association with the charity he will still support the application.
- Matthew Leigh clarified that one of the reasons for refusal relates to the impact the application will have on the Listed Building, with the National Planning Policy Framework (NPPF) being clear when it refers to Listed Buildings, differently to where they are with traditional sites. He added that if there is any harm to the character of the area then consideration needs to be

given as to whether there are any public benefits which would outweigh the harm.

- Councillor Benney stated that conservation is only one of the many consultees involved when dealing with a planning application and it would appear that conservation has had an enormous amount of weight given to it as there are no other objections to the proposal. He expressed the view that all of the other positive factors need to be considered when determining the planning application and he feels the application is a solid planning proposal and for that reason the other elements of this outweigh the possible potential harm but, in his opinion, he does not see that harm and whilst he accepts there is harm in the professional opinion of the officers but that difference of opinion does not make people right or wrong.
- Councillor Connor expressed the opinion the application will bring public benefit, much needed houses and it will sustain the village.
- Councillor Sennitt Clough made the point that, with regards to the public benefit, under LP12 of the Local Plan it states that new development will be supported when it contributes to the sustainability of that settlement and, in her view, it will bring forward four very nicely built houses as family homes. She expressed the view that villages do need to have fresh blood and new residents to sustain them in her opinion.

Proposed by Councillor Benney, seconded by Councillor Mrs French and agreed that the application be APPROVED, against the officer's recommendation, with authority delegated to officers to apply suitable conditions.

Members do not support the officer's recommendation of refusal as they feel that the application does bring with it some community benefit, it will make good use of land and will bring forward four much needed homes.

(Councillor Mrs French declared, in accordance with Paragraph 2 of the Code of Conduct on Planning Matters, that she had been lobbied on this application)

**P10/24 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**

David Rowen presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from David Pritchard, an objector to the proposal. Mr Pritchard explained that he was addressing the committee on behalf of some of the objectors to the proposal as well as being an adjacent landowner to the development, and he was not made aware of the planning in principle (PIP) application and was also not able or aware until afterwards to submit his objections. He stated the district plan requires new properties to be in the existing developed footprint and under LP12 and LP3 the new developed footprint is quite easily seen and defined by the draft 2022 plan which has been identified in the red line plan.

Mr Pritchard stated that the applicant has described the proposal as an infill development, and he expressed the view that an infill site is a gap between buildings in an area which is already built up and the area should no longer be larger than a gap to accommodate a maximum of two properties and, therefore, in his opinion, it is not infill development. He explained that LP3 defines Newton as a small village and in this type of settlement the Local Plan states that developments will be considered on their own merits but will normally be of limited nature and normally be limited in scale to residential infilling.

Mr Pritchard made the point that LP12 requires a community consultation if the development exceeds the growth threshold and he stated that in the Fenland Plan Clause 23, Table 9 it states that Newton is a small village type B which requires an additional 6 dwellings and that has already

taken place following planning approvals. He explained that since then there have been other suitable sites including the Shrubberies, the Old Colville Site and the Woadmans Arms site, which are all potential development sites, however, no consultation has taken place.

Mr Pritchard referred to LP12 of the Local Plan which concerns the rural development policy and states that the development would be supported if it contributes to the sustainability of the settlement and also states that where a development proposal results in a loss of high-grade agricultural land, comprehensive evidence is provided to justify the loss. He explained that comments were made on the original proposal including the fact that the site falls within Flood Zone 3, which is the highest risk of flooding, and all alternative avenues should be pursued before being built on.

Mr Pritchard made the point that the site is located on a 60mph busy road and adjacent to a corner including a blind road with Rectory Cottage on Rectory Road. He added that the existing linear form of development would be continued along the road frontage and result in extended ribbon development.

Mr Pritchard expressed the opinion that the development would have an impact on the setting of the village church, which is Listed, and it would also have an adverse impact on the open countryside where a gap contributes to the rural character of the area and the village of Newton. He expressed the view that the development will result in adverse harm to the local character and sense of place as the development is substantial with very few services.

Mr Pritchard explained that the site also has limited access to services as the main drains in the village do not extend this far and there are already issues with the treatment plant in the village including periods where sewage is disposed of by tankers. He expressed the view that the proposal is incompatible with the national planning policies for managing flood risk and he made the point that as he is an adjacent land owner with a drain on his property and the site is in Flood Zone 3, he feels that his property is at a greater risk of flooding and he questioned how the water can be controlled, making reference to the sustainable urban development strategy for the site.

Mr Pritchard explained that the Flood Risk Assessment states that the site is free draining, and water can make its way through Taylors Drain to the south of the site and the main drain, however, he has lived in the village for his whole life and he has never heard of Taylors Drain. He explained that the drain at the site was full when he went to look, and the drain should always be taking the water from the highway.

Mr Pritchard explained that as you enter Newton from the south, there is a slope down to the village and the plans appear to be going to incorporate an existing drainage system to the south and he cannot understand how the water is going to be pumped up the hill, unless it can be done in a sustainable manner. He expressed the view that developing the land will change the natural drainage of the site which will affect his property and he added that he is a riparian owner of a ditch.

Mr Pritchard explained that a lottery has been undertaken in the village where 351 responses were received which equates to 56% of the population who wanted Newton to remain a small village and the proposed dwellings will require schools to be developed as the village schools in the adjacent villages are already full and that is not taking into consideration any major developments which are currently being developed in Wisbech and the surrounding areas.

Members asked Mr Pritchard the following questions:

- Councillor Marks asked for clarification with regards to the point that Mr Pritchard had made with regards to the 351 responses received to the lottery. Mr Pritchard explained that the Parish Council carried out a survey which was sponsored by village lottery funding and the responses identified that the majority of the village residents said they wanted the village

to remain a small village and an even larger group of residents expressed the desire for there not to be any further building of any kind. He confirmed that the survey was undertaken by the Parish Council and the results have been published on the Parish Council website.

- Councillor Sennitt Clough asked Mr Pritchard to confirm what Flood Zone the application site falls into in his opinion as the Officers report refer to the site being in Flood Zones 2 and 3. Mr Pritchard stated that on the original proposal for the site it stated that majority of the site was located in Flood Zone 3 on the red line application submission called 4019, where land owners were able to put forward parcels of land for development in villages. He added that he recalls it was a document where lots of comments were made by officers with regards to the unsuitability of the site for development.
- Councillor Mrs French asked Mr Pritchard to confirm who owns the other side of the riparian dyke? Mr Pritchard stated that he believes that the land was sold but was not sure who to, however, he did confirm that it was not owned by the applicant.
- Councillor Mrs French asked Mr Pritchard to confirm that he had not been consulted on the application? Mr Pritchard clarified that was correct. Councillor Mrs French asked whether he had been consulted on the PIP application? Mr Pritchard responded that he was not consulted on that application originally. He added that when he was made aware that the PIP application had been approved, he did go to the site and saw a planning notice on a lamppost, however, there is no village noticeboard and, therefore, he was not aware of the application.
- Councillor Hicks asked officers to confirm what flood zone the application site is located in? David Rowen stated that the majority of the site is located in Flood Zone 3, however, there is a small portion in Flood Zone 2.
- Councillor Connor stated that the Parish Council have considered the application, and the majority of the members have no objection to the proposal. He added that when he visited the site there was a yellow site notice affixed to the lamppost which he is aware is the necessary steps that the Council has to take.
- Councillor Connor referred to the other applications including the Woadmans Arms application which Mr Pritchard had alluded to and the Parish Council always has sight of the applications in order for them to submit their comments and whilst Mr Pritchard personally has not been consulted the Parish Council will have been. Mr Pritchard stated that he owns the adjacent land to the application site and he was not consulted.

Members received a presentation, in accordance with the public participation procedure, from Liam Lunn-Towler, the agent. Mr Lunn-Towler stated that members may recall the site from a previous application in May last year and the application was for PIP for up to 6 dwellings, which was approved by the committee. He stated that this application is for 6 executive style dwellings on the entrance to the village, with these 4-bedroomed dwellings allowing more families to move to the area, with the previous application having support from the Parish Council and this one also has its support.

Mr Lunn-Towler stated that they are proposing a footpath to the site frontage to connect to the existing one and the reason it does not carry east around Rectory Road is because Highways state that it is not required and objected to extending it that way. He made the point that there are no other consultee objections and as such, in his view, the dwelling designs are considered to enhance the character and appearance of the area and would support local amenities to the benefit of the community to outweigh the officer's recommendation.

Mr Lunn-Towler asked committee to support the application as they did the previous one.

Members asked questions of Mr Lunn-Towler as follows:

- Councillor Mrs French expressed concern regarding the riparian dyke and asked for information on it and asked when the PIP application was submitted and approved was he aware that they were not going to be able to achieve the footpath that was promised? Mr

Lunn-Towler responded that he not sure what the concern is regarding the footpath but assumes that it is where it meets the corner of Rectory Road and that is why Highways have conditioned it appropriately and a 2 metre footpath is being proposed. Councillor Mrs French expressed the opinion that the PIP was approved on the promise of a footpath.

- Councillor Mrs French stated that there is 60mph limit and asked if the applicant would be willing to reduce that speed limit at their cost if the application was approved? Mr Lunn-Towler responded that he is not aware of any proposals to do this but if members find that this is a reasonable requirement it is something that can be facilitated and considered.
- Councillor Hicks referred to the intention to create a footpath but the applicant does not own the dyke and the edge of the dyke to the road is not wide enough to put a footpath so asked where the land is going to come from to create a footpath? Mr Lunn-Towler responded that some of the land will be used that is in the applicant's ownership to facilitate this. Councillor Hicks questioned that the footpath is going to be put on the applicant's land behind the dyke, there is the edge of the road, a little bit of land and then the dyke so asked to be shown on a map where the footpath is going to be placed and he does feel there is enough land there? Mr Lunn-Towler stated that he has not measured the area but it can be clarified. Councillor Connor made the point that it is less than a metre. Councillor Hicks stated that this is his point that he does not think a footpath can be achieved. Mr Lunn-Towler expressed the view that as far as he is aware it can be achieved.
- Councillor Marks referred to the comment of officers that these properties are going to look very stark and out of place for a period of time and asked if trees are being proposed and the trees being left that are already on site? Mr Lunn-Towler responded that they are keeping trees where they can and are proposing trees along the frontage.
- Councillor Imafidon expressed the view that under the terms of the PIP there was a footpath which would have influenced the committee to approve the application but now the footpath is in question or has been removed so asked how does he think that the committee is going to be convinced to approve the proposal this time? Mr Lunn-Towler responded that the footpath is not being removed, they are proposing it be achieved to overcome concerns and follow the previous committee's reasons for approving. He continued that the second access to the east of the property no longer extends round towards Rectory Road and Highways stated it was not needed to deliver the development so it was removed accordingly because otherwise they were going to keep their objection.
- Councillor Mrs French stated that she is a bit confused about Highways and she did read their comments on the Planning Portal and her understanding is that what the agent is trying to tell them is not the way she interprets it. She expressed concern being a member of 11 drainage boards and taking drainage extremely seriously that there is a riparian dyke, which is not owned fully by the applicant, and asked how they plan to get rid of the surface water, with Newton not being on main sewage and when there is private sites that have to be tankered out weekly or fortnightly or monthly basis, there is lots of questions in this application that do not have answers and she does not consider it to be a complete application and she would not be looking to support or refuse but to have it deferred to get the answers that are missing.
- Councillor Connor agreed with the comments of Councillor Mrs French as committee do not have answers about the footpath and the drainage.
- Councillor Marks asked, in relation to the sewage, would they be individual treatment plants or would it be one combined plant? Mr Lunn-Towler responded that if required it would be individual per plot for maintenance and personal use, which would discharge to the same point. Councillor Marks made the point that 6 properties discharging in different directions may be a lot different than one big discharge into one drain at a time.

Members asked questions of officers as follows:

- Councillor Hicks asked what weight should be given to a full planning application if a PIP is already in existence? David Rowen responded that by granting the PIP the Council has accepted the principle of having residential development on the site, however, the issue now is can a detailed scheme be designed that is acceptable and as the recommendation

sets out there are a number of detailed concerns which officers have in respect of this scheme rather than it is not thought to be an acceptable site for the principle of housing and reasons for refusal need to relate to detailed matters, which they do, then that is a reasonable and proper decision to make.

- David Rowen referred to the consultation with Mr Pritchard and clarified that with any planning application the Council is only required to notify properties which immediately adjoin the application site and Mr Pritchard's home address is not adjacent to the application site, it is additional land which he owns and the Council is not aware of land ownership details and in those situations the Council is required to publicise the application by way of a site notice, which is what happened in this instance so the statutory requirements in terms of consultation have been carried out.
- Councillor Marks referred to the objector referring to the village notice board and he has never seen any planning notices on these boards and questioned whether this was needed. David Rowen responded that the requirement is that the Council erect a notice as close to the application site as possible so the only circumstances that this may happen is for a very large scale proposal where the maximum number of people need to be made aware. Councillor Connor made the point that the notice is more or less on the application site when he visited it so it has adhered to the requirements.
- Councillor Imafidon requested clarification that when it is said only properties adjacent or nearby does that mean properties that are occupied and lived in? David Rowen responded that a property would be notified if it has a postal address that can be identified and the letter is addressed to the owner or occupier.
- Councillor Benney referred to Mr Pritchard making reference to a village poll that took place and made the point that there was a similar thing in Chatteris, with them being told by the Clerk of Chatteris Town Council that this poll carries no weight in terms of planning but the people still went ahead and ran the poll. He wondered if the same applies here that the poll has no sway and it comes down to planning matters. David Rowen confirmed this to be correct.

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

- Councillor Mrs French expressed the opinion that the application is incomplete and it would be wrong of the committee to make a determination either way until some proper answers have been received, especially in relation to flooding, sewage and discharge of surface water, which she feels have not been addressed. She referred to the situation that occurred in Westry prior to Christmas and she would hate anyone to go through what residents in Westry suffered. Councillor Mrs French expressed the view that there is still no satisfactory answer on highways or the footpath and she knows highways officers are professionals and they do not get things wrong. She added that she would also like to see speed reduction as the site is in a village and, in her view, the application should be deferred.
- Councillor Connor agreed as he feels there is not enough information to approve the application today as there is so much he is unsure of and he feels it needs to be deferred for it to come back at a later date with further information.
- Councillor Benney made the point that the PIP was granted on the basis that there was going to be a footpath for the village and it is not in this application. He has never heard of Highways saying that something is not needed that is on offer and it was on offer before. Councillor Benney stated that if water has to go uphill a pumping station can be built, which is part of a drainage scheme that will work and there is not a drainage scheme in front of committee that says it will work and if the application is going to be deferred it should be on the basis of the footpath and drainage as the committee has already agreed that the principle of development of this land is acceptable.
- Councillor Mrs French made the point that it does say that this application has to be determined by 28 June and asked if this is deferred what effect will this have on the Council? David Rowen responded that there is an extension of time in place until 28 June and the Council is in the applicant's hands as to whether they agree a further extension, if they do not this is an application that will go out of time and will count against the authority

in term of its performance figures.

- Councillor Marks referred to the speed limit and expressed the view that this needs to be considered as to whether they would be prepared to pay towards the reduction of the speed limit from 60mph to 40mph.
- Councillor Benney questioned that if this application needs determining by 28 June could the drainage and path be conditioned?
- Councillor Connor stated it is a poor application.
- Councillor Benney asked if the agent could be brought back to see if he would accept the condition of an extension of time? The Chairman agreed to this. Mr Lunn-Towler stated that they would be happy to agree an extension of time to resolve the concerns if committee were looking to a deferment.
- David Rowen stated that the issue of whether extensions of time are to be given or not is not a material planning consideration, it is an informative issue for members to be aware of but is not material to the determination of the application and should not be used to overcome members concerns.
- Councillor Hicks stated that he wants to know how much land is suitable for a footpath and whether it is achievable and wants this information to come back if the application is deferred.
- Councillor Mrs French stated that she has been on Planning Committee for 25 years on and off and she has never seen such a poor application. She is concerned that when these applications are not determined in time it is the Planning Authority that gets the blame but it is not always the authority and she is surprised over such a poor application knowing who the agent is. Councillor Mrs French stated she has changed her mind and she will be supporting the officer's recommendation of refusal of planning permission as she feels it has been rushed through.
- Councillor Sennitt Clough made the point that Highways recommended a condition over its concerns about drainage and the footway should be constructed before the start of the development so this is not new news and it appears to her to have been overlooked in the application.
- Councillor Marks acknowledged the comments of Councillor Mrs French and this application is probably the worst one he has seen but he does not recall seeing the agent here today before and questioned whether there was naivety on behalf of the agent but committee has given benefit of the doubt on previous occasions to allow deferrals and he feels that a deferral on this occasion may be better than just a no.
- Councillor Hicks stated that he agrees with Councillor Mrs French, there is too much wrong with the application and he cannot see how all these issues can be resolved.
- David Rowen stated that the key point for members to consider is that this is a full planning application so the details that are on the plan are what is being applied for and if members are not happy with that plan they are entitled to refuse the application as recommended. He referred to highways and the issue of the reduction of the speed limit and stated that there is nothing from Highways expressing any concerns in terms of vehicles manoeuvring out onto the road with a 60mph speed limit and it would be unreasonable for the committee to require the applicant to enter into a highway regulation order to lower the speed limit. David Rowen stated that the Highway comments in the report do not indicate that they are saying that the footway only needs to serve the site and does not need to go around the corner and as long as the footway serves the application site Highways are going to be happy because they are looking at the highway impacts of the development. He advised that the Internal Drainage Board have commented on the application and talk about the board requiring formal land drainage consent for access culverts and note that soakaways are the preferred method of surface water disposal but the applicant has to show that surface water soakaway drainage would be effective and as part of the application form it is indicated that foul sewage is to be dealt with by the main sewer.
- Councillor Mrs French made the point that she is a member of numerous drainage boards and one of the big issues is the amount of rain that has occurred over the last 12 months, it is a concern and if you contact the Environmental Team at the Council they can inform

members of the times they have had to go out to private sewage systems to try to sort them out. She expressed the view that the answers for the sewage do not exist as well as surface water and she feels that this is an application that is not ready for determination.

- Councillor Marks requested clarification that sewage will be dealt with via the main sewers. David Rowen stated that he can only comment on what is on the application form which states that it is to be dealt with by main sewers. Councillor Mrs French referred to the comments of Mr Pritchard who said there is no main sewer here. Councillor Marks agreed that he said it did not run up to the site. Councillor Connor stated that this makes it worst as there is contradiction. Councillor Marks asked that as the applicant has put that on the application this could be conditioned? Councillor Mrs French responded how can something be conditioned if there is not a main sewer in the village.
- Councillor Mrs French made the point that Westry, where she lives and is part of March, is not on main sewers so the chances of this village getting on main sewers is zero.

Proposed by Councillor Connor, seconded by Councillor Imafidon and agreed that the application be REFUSED as per officer's recommendation.

(Councillors Benney, Connor, Mrs French, Imafidon, Marks and Sennitt Clough declared that the applicant for the application is a close relative of an elected member, Councillor Sam Clark. They declared that the extent of their relationship with Councillor Clark is limited to being political and Council member colleague and they will approach the application with an open mind and will make their decision based only on the planning merits)

(Councillor Hicks declared that the applicant for the application is a close relative of an elected member, Councillor Sam Clark. He declared that the extent of his relationship with Councillor Clark is limited to being a Council member colleague and he will approach the application with an open mind and will make his decision based only on the planning merits. He further declared, under Paragraph 2 of the Code of Conduct on Planning Matters, that he had been lobbied on this application)

**P11/24 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**

David Rowen presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Liam Lunn-Towler, the agent. Mr Lunn-Towler stated that during the application process the scale of the dwellings were reduced following discussions with the Planning Officer which has enabled a recommendation of approval. He explained that the application is before the committee due to the number of neighbour objections with the main reason of objection being down to the highways concerns.

Mr Lunn-Towler explained that during the application process in the middle of November he received concerns from the Highway Authority with regards to access and then very shortly after that those issues were resolved and found to be agreeable with them. He stated that the amended drawing and highways comment was not uploaded until early March and during that time lapse the neighbours raised objections with regards to the initial highways concerns.

Mr Lunn-Towler expressed the view that the application is considered to be in the heart of the village, within walking distance of local amenities and is surrounded by residential properties and as a result the proposal is a logical development which produces a minimal impact and supports local services. He explained that the Parish Council have raised no objection to the proposal and the applicant and family are long term residents of the village who are looking to develop the land for their families' homes.

Mr Lunn-Towler expressed the opinion that the development is within a residential area and the design of the dwellings is supported by officers and he asked the committee to support the proposal.

Members asked Mr Lunn-Towler the following questions:

- Councillor Connor referred to paragraph 5.1 where Wimblington Parish Council have stated that the three large scale dwellings are not in keeping with the surrounding area of both new developments and pre-existing historic dwellings along Kings Street, with them also making reference to the close boarded fencing and the effect on natural light. He added that on 17 May Wimblington Parish Council have added a further comment which states that they have had the opportunity and ability to compare the old and the revised plans and they have no further objections to this application. Councillor Connor referred to 5.3 of the report where it details a shared access and stated that it is imperative that a Section 38 Agreement is in place as he wants the roadway adopted by the Highway Authority. He added that the Highway Authority have numerous Section 38 Agreements which are outstanding, and he would like to see that the applicant and agent give concrete assurances that they will take steps to get the road adopted. Mr Lunn-Towler stated that he has no control with regards to what Reason Homes do to that road, but he can deliver what has been proposed but they have not proposed that it will be to an adoptable standard. Councillor Connor made the point that at 5.3 it states that it is the developer's intention for it to be adopted, and as result the Highway Authority have been approached regarding a S38 Agreement, with the shared private driveway needing to be at least 5m wide for at least an initial length of 8m from the Willow Gardens. Mr Lunn-Towler stated that he is proposing permeable paving which is not highway standard and expressed the view that the point made in the report is referring to the Reason Homes site which is not currently adopted.
- David Rowen stated that he understands from the officer's report that the reference is being made to the developers of Willow Gardens who have applied for a Section 38 Agreement in respect of the adoption of the roadway serving the wider development. He added that it is the applicant's intention as per the submitted drawings that the actual access road from Willow Gardens to serve the development is to be a shared surface which would not be an adoptable road and, therefore, a private driveway. David Rowen expressed the opinion that the obligation to get the applicant to make the section of Willow Gardens up to an adoptable standard would be unreasonable in the wider context of the Reason Homes development given that there are between 50 and 60 homes which are being served by a road which is not adopted and he cannot see what harm would be added by including a further three dwellings being served by unadopted roadways.
- David Rowen referred to the Willow Gardens development and explained that there was a requirement through a condition which stated that before any dwelling was occupied the road surface needed to be made up to binder course which has taken place and there were also details to be submitted with regards to interim management arrangements if the roadway was not going to be adopted by the County Council. He made the point that whilst there is the intention for adoption as members are aware there is no obligation on the planning system to require a road to be made up to an adoptable standard and it is not a reasonable requirement from a planning perspective.
- Councillor Mrs French stated that the applicant is not Reason Homes, it is Sarah Palmer and Mr Lunn-Towler is the agent, although the bulk of the development is Reason Homes and they have been operating for many years. She expressed the view that most of their developments are made up to an adoptable standard and are then taken over by the County Council. Councillor Mrs French added that members have seen the roads which are unadopted and that has been the case for many years where residents in those particular roads are sometimes left without street lighting. She made the point that this is a large concern when roads are left unadopted and whilst she appreciates that it cannot be enforced, in her opinion, agents and developers need to consider this issue in order to try and get the roads adopted.

Members asked officers the following questions:

- Councillor Imafidon stated that with regards to the Section 38 issue, he has seen roads which have been left unadopted for decades which have also meant that the raised ironworks are left protruding and many roads with no street lighting, and he asked officers if they could explain the issue further. David Rowen explained that there is no obligation and there are no powers through planning legislation to require a road to be actually adopted and the best that can be done is to ensure that there is at least a binder course level added so that people can access their properties on a reasonable standard of road and if the road is not adopted then at least there should be if possible a fallback management arrangement in place which is what has happened with the Willow Gardens development.

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

- Councillor Hicks expressed the view that he does not see how the application can be refused as it makes sense to add the dwellings to the site in order to finish the site off.

Proposed by Councillor Hicks, seconded by Councillor Mrs French and agreed that the application should be APPROVED as per the officer's recommendation.

**P12/24 ENF/050/21/S215
2 MARKET STREET, WHITTLESEY.**

David Rowen presented the confidential report to members.

Members asked questions, made comments and received responses.

Proposed by Councillor Mrs French, seconded by Councillor Connor and AGREED that prosecution of the owners and occupiers of the land be authorised, under Section 179 of the Town and Country Planning Act 1990 (as amended).

(Members resolved to exclude the public from the meeting for this item of business on the grounds that it involved the disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A of the Local Government Act 1972)

3.11 pm

Chairman

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F/YR23/0376/F

**Applicant: Mr Jamie McGarvie
Ashewell Developments**

**Agent : Mr Ian Gowler
Gowler Architectural**

Land East Of The Walnuts Flaggrass Hill Road Accessed From, Creek Fen, March, Cambridgeshire

Change of use of agricultural land to equestrian use and the formation of an access road (part-retrospective)

Officer recommendation: Grant

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

Government Planning Guarantee

Statutory Target Date For Determination: 27 June 2023

EOT in Place: Yes

EOT Expiry: 07 August 2024

Application Fee: £462

Risk Statement:

This application must be determined by 07 August 2024 otherwise it will be out of time and therefore negatively affect the performance figures.

1 EXECUTIVE SUMMARY

- | |
|---|
| <p>1.1 This is a full application for the change of use of agricultural land to equestrian use and the formation of an access road (part-retrospective).</p> <p>1.2 The proposed development is not considered to introduce any significant impacts upon the character of the surrounding area. The scheme is also not considered to have any detrimental impacts upon surrounding residential amenity.</p> <p>1.3 A number of objections have been received with regard to the proposed new access and the use of the access track off Creek Fen. CCC Highways have raised no objection to the scheme and on balance, considering the use is non-commercial, it's not considered that the scheme would result in significant highway impact.</p> <p>1.4 The scheme is therefore considered to be compliant with the relevant policies of the Fenland Local Plan 2014.</p> <p>1.5 As such, the application is recommended for approval.</p> |
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2 SITE DESCRIPTION

- 2.1 The application site is situated to the east of The Walnuts, within countryside outside the settlement of March.
- 2.2 The application site would be accessed via an existing access track off Creek Fen, which runs northwards to the east of Creek Fen Lodge.
- 2.3 The proposed access into the site is already partially constructed.
- 2.4 The application site is situated within Flood Zone 1.

3 PROPOSAL

- 3.1 This is a full application for the part-retrospective change of use of agricultural land to equestrian use and the formation of an access road.
- 3.2 The access road has already been partially constructed. The submitted plan shows the first 10 metres of the access is to be a sealed surface to be constructed with Cambridgeshire County Council Approved construction.
- 3.3 The site will be enclosed by a 1.2m high post and rail fence.
- 3.4 Full plans and associated documents for this application can be found at: [F/YR23/0376/F | Change of use of agricultural land to equestrian use and the formation of an access road \(part-retrospective\) | Land East Of The Walnuts Flaggrass Hill Road Accessed From Creek Fen March Cambridgeshire \(fenland.gov.uk\)](https://fenland.gov.uk/F/YR23/0376/F)

4 SITE PLANNING HISTORY

Reference	Description	Decision
F/YR21/0659/F	Conversion of a grain store to 2no dwellings (2-storey, 4-bed) involving demolition of existing sheds (Land North Of The Walnuts, Flaggrass Hill Road, March, Cambridgeshire)	Refused 19/05/2023

5 CONSULTATIONS

5.1 March Town Council (03/10/2023)

Recommendation: Unable to make recommendation/determination based on lack of information/clarity from the applicant.

5.2 March Town Council (23/04/2024)

Recommendation; Approval - subject to all advised conditions and applicant's agreements and the robust enforcement thereof.

5.3 Cllr Steve Count (25/08/2023)

I must object to this application until all matters are resolved. On highways there is a clear request "The applicant will need to clarify if the proposed equestrian use is for private use or a commercial venture. Due to the restrictive width along the unnamed access road to the east and Creek Fen, the location is ill suited for commercial activities." Despite additional information supplied by the applicant this has not been answered therefore we must assume it is a commercial activity.

I am led to believe that there are ponies that are there already, that are not the applicants, therefore it suggests this is a commercial set up already. The Highways response goes on to say "In any case, a material traffic intensification along the access is unlikely to be acceptable in terms of highway safety implications, in absence of suitable mitigation, due to restrictive opportunity for vehicle passing. The applicant will need to confirm the forecast levels of use for the land." This has been supplied but seems somewhat too low. The paddock is large enough for two to three horses. I suggest that FDC or Highways form an independent view of what level of car and trailer usage would be normal. I believe potentially two feeds a day, one to three owners in attendance each day, a check on water and vet visits etc. would suggest a much higher figure.

The revised drawing does not show the passing point required for car and horsebox at the entrance to the site, that my understanding of highways comments state is required. I therefore believe that the application should be refused on highways grounds, mainly too large an increase in vehicle numbers, no safe passing provided and unsuitable for commercial activity. Furthermore with no passing place on Creek fen there is no potential to pull over. With a car and horsebox, potentially one in both directions at the same time this could be an acute issue.

5.4 Cllr Steve Count (25/09/2023)

I have reviewed the letter attached. My understanding is the fact the land is rented out means that this is a commercial operation and therefore a business use.

The applicant has confirmed here that the land is NOT being used for 'Personal Use'. However, the applicant is receiving a rent for what is known as a DIY type Livery and is therefore already effectively running as a livery business. The below link and even HMRC states that DIY livery (and in fact all forms of livery) are classed as 'keeping horses commercially' so this is evidence that this is a 'commercial' set up. The response from Highways was clear that the track joining Creek Fen is unsuitable for commercial usage.

<https://www.gov.uk/guidance/keeping-horses-commercially>

It is very clear that the applicant is attempting to play down the reality of the situation here especially because the track is unsuitable for any traffic intensification. It is disappointing to see that the response is titled confirmation of 'No Business Use' when it is confirmation that it is.

5.5 FDC Environmental Health (25/05/2023)

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

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

5.6 FDC Housing Strategy (18/05/2023)

As the application has no affordable housing impact, we have no comment to make.

5.7 CCC Highways (06/06/2023)

CCC Highways requested additional information regarding the proposed use of the site, whether it be a private or commercial venture and also the forecasted vehicle activity. They noted that the location is *ill suited for commercial activities*.

The applicant was also requested to demonstrate suitable inter-vehicular visibility splays and that the access would be surfaced to CCC requirements.

5.8 CCC Highways (04/09/2023)

CCC Highways note that a personal use is unlikely to result in a material highway impact.

A condition was suggested to ensure visibility splays are maintained free from obstruction from at least a height of 600mm.

The Highways officer also requested that the surface treatment to the access be applied to the first 10m.

It was noted that the access is only suitable for low-level personal use. *Any commercial activity or sub-division of the site will necessitate a widening on the access to 5m for the first 10m length.*

5.9 CCC Highways (26/09/2023)

On the basis of the site use you've described below, and in light of the sealed surface, I wouldn't raise an objection to the proposals as the highway impacts will be negligible.

5.10 CCC Highways (29/09/2023)

Suggested that conditions restricting the number of horses on site would result in traffic that would not materially differ from the associated with the equivalent agricultural use of the site and noted that if the planning application were refused solely on highway grounds, it would likely be overturned at appeal.

It was also noted by the Highways officer that Creek Fen is not suitable for substantial intensification in its current configuration and should further intensification be proposed, carriageway widening or passing places would be required.

5.11 CCC Highways (14/12/2023)

The Highways officer noted that there is likely to be traffic intensification which would be difficult to mitigate, it was acknowledged that the level of intensification will be relatively modest and naturally limited by the size of the site itself.

The Highways officer noted their reservations, however also noted that it would be difficult to defend an objection to the application on highway safety grounds and therefore confirmed that they would not seek to object.

The Highways officer also suggested conditions to require a passing place to be provided on Creek Road.

5.12 CCC Highways (09/05/2024)

Following supplementary information which I've been provided with, I would like to confirm that the proposed access as shown on the latest block plan is only suitable for access i.e., paddock use, and it is not suitable for through traffic. On this basis, I recommend that the length be curtailed to align with the field access (as per the below); in the context of this application, there is no need to extent the 4m hardcore access to the blue line boundary.

If the access length cannot be curtailed, can it be conditioned such that it is used for paddock access only?

For awareness, this would only be acceptable for through traffic if there were regular passing places (5-6m wide) along the access and along School Grounds.

5.13 CCC Archaeology (15/05/2023)

I am writing to you concerning the archaeological implications of the above referenced planning application. The proposed development is in an area of extremely high archaeological potential. It lies just to the north of the major Roman routeway of the Fen Causeway, surviving here as a shallow earthwork visible from lidar as well as sub- surface remains (Cambridgeshire Historic Environment record CB15033). The entire redline is covered by a much larger area of extensive complex cropmarks (CHER 09376) of very high quality and representing Roman and possibly Iron Age settlement.

Due to the quality of the known potential for the site, it is likely that the National Planning Policy Framework paragraph 200b footnote 68 is applicable. We would request that the applicant provide further information about the proposals, including depths and construction methods of the access road, as well as details for the fencing around the paddock, and any other subsurface elements of the proposal. This information will allow us to make further recommendations.

5.14 CCC Archaeology (25/05/2023)

Thank you for forwarding the extra information. In view of this and considering the previously issued advice regarding the archaeological potential of the area I recommend that whilst we have no objections to the development we consider that the site should be subject to a programme of archaeological investigation secured through the inclusion of a negative condition, such as the example condition approved by DCLG.

Archaeology Condition

No demolition/development shall commence until the applicant, or their agents or successors in title, has implemented a programme of archaeological work, commencing with the evaluation of the application area, that has been secured in accordance with a Written Scheme of Investigation (WSI) that has been submitted to and approved by the Local Planning Authority in writing. For land that is included within the WSI, no demolition/development shall take place other than under the provisions of the agreed WSI, which shall include:

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

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

Informatives: Partial discharge of the condition can be applied for once the fieldwork at Part c) has been completed to enable the commencement of development. Part d) of the condition shall not be discharged until all elements have been fulfilled in accordance with the programme set out in the WSI. A brief for the recommended programme of archaeological works is available from this office upon request. Please see our website for CHET service charges.

5.15 CCC Archaeology (21/09/2023)

Thank you for the photos. The proposed works are covered by an area of significant known non designated archaeology. The cropmarks in this area are extensive and cover the trackway. By asking for a condition this allows us to have a look at the depth of the archaeology by way of archaeological evaluation. This would likely be a light touch programme of trenching or possibly in this case test pits. If the archaeological deposits are of a depth that could withstand the track without damage, we could discharge the condition at this point.

5.16 CCC Ecology (19/04/2024)

A draft Water Vole report (Cambridge Ecology, 2024) has been submitted as part of the planning application. We recommend that a final version of this report is submitted to the LPA prior to determination, to ensure the most up-to-date information has been reviewed.

The proposal is acceptable on ecology grounds, providing that the following water vole mitigation is secured through a suitable worded condition to ensure compliance with Fenland Local Plan 2014 policies LP16 and LP19 that seek to conserve, enhance and protect biodiversity through the planning process:

- No construction works will be undertaken within 5m from the top of the ditch bank for ditches D1, D2 and D3*
- Water vole mitigation measures set out in section 5 of the Water Vole report will be implemented in full*

- Should no development commence within 12 months of approval of the planning permission, the water vole survey and mitigation shall be updated and submitted to & approved by the LPA prior to the commencement of works.

Please find further details below:

The Water Vole report (Cambridge Ecology 2024) confirms that no evidence of water vole. However, it was undertaken outside of the water vole survey period and therefore, the findings cannot be considered conclusive. We agree with Cambridge Ecologist's approach to assume that water vole may be present, given that the ditch(es) are capable of supporting water vole during their lifecycle.

However, it is considered that the suite of mitigation measures set out within section 5 of the report will adequately protect any water voles present. These measures should be secured through a compliance condition.

5.17 CCC Ecology (17/05/2024)

Previous concerns have been address and therefore, we remove our recommendation for refusal. The proposal is acceptable on ecology grounds, providing that the biodiversity mitigation measures recommended section 5 of the Water Vole Assessment are secured through a suitable worded condition(s) to ensure compliance with Fenland Local Plan 2014 policies LP16 and LP19 that seek to conserve, enhance and protect biodiversity through the planning process:

1. Compliance condition - scheme should comply with water vole mitigation measures set out at out in Water Vole Assessment: a. no excavations within 5m of the ditch b. porous material to be utilised to create the access track c. no run-off from access track to run directing int the ditch d. no engineering modifications to the ditch. No works shall be completed within 5m of the ditch, unless a water vole survey has been completed within 24-48 hours of the commencement of works and confirmed no water vole are present. If water vole are present, a water vole mitigation strategy shall be submitted to and approved by the LPA prior to the commencement of works within 5m of the ditch.

2. Time limit until update ecological surveys required

5.18 Local Residents/Interested Parties

Objectors

7 letters of objection were received with regard to this application (6 from address points at Creek Fen and 1 from Estover Road).

A further 2 letters of objection were also received with regard to this application which were requested to be kept as anonymous. This was agreed by the Head of Planning.

The reasons for objection are summarised as follows:

- No objection to change of use of land
- Little information regarding access road
- Existing established accesses from Flaggrasshill Road
- Drainage
- Existing track narrow and need of repair

- No designated passing places
- Archaeological significance
- Commercial use
- Conditioning horses on site
- Traffic movement statistics not consistent with expected levels
- Who measures visibility splays?
- Specification of the road proposed required given existing contaminated materials on site
- Concerns over future development of the remainder of the field
- Damage to track from retrospective access construction, who is responsible for repairs
- 200% traffic intensification
- Biodiversity
- Pollution to dyke
- Number of owners to horses and number of vehicle movements would be unlimited and unmanaged

Supporters

1 letter of support was received with regard to this application from an address point along Creek Fen. The reasons for support are summarised as follows:

- The area to be developed backs on to the rear of my property. My family and I fully support the application.

Representations

1 letter of representation was received with regard to this application on behalf of Moy Park Ltd who operate the poultry farm. The letter noted the following:

- Where responsibility lies in terms of maintenance of the drainage ditch, and any further damage caused to it as a result of the increase in traffic

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 March Neighbourhood Plan 2017 and Fenland Local Plan (2014).

7 POLICY FRAMEWORK

- 7.1 **National Planning Policy Framework (NPPF)**
- 7.2 **National Planning Practice Guidance (NPPG)**
Determining a Planning Application
- 7.3 **National Design Guide 2021**
Context
Identity
- 7.4 **Fenland Local Plan 2014**

- LP1 – A Presumption in Favour of Sustainable Development
- LP2 – Facilitating Health and Wellbeing of Fenland Residents
- LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside
- LP12 – Rural Areas Development Policy
- LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland
- LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland
- LP16 – Delivering and Protecting High Quality Environments across the District
- LP19 – The Natural Environment

7.5 **Emerging Local Plan**

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

- LP1: Settlement Hierarchy
- LP5: Health and Wellbeing
- LP7: Design
- LP18: Development in the Countryside
- LP20: Accessibility and Transport
- LP22: Parking Provision
- LP24: Natural Environment
- LP32: Flood and Water Management

7.6 **March Neighbourhood Plan 2017**

There are no specific policies relating to developments such as this, however the visions, aims and objectives of the Plan is that the quality of the built and natural environment is improved along with the level of provision and quality of recreational land facilities.

8 **KEY ISSUES**

- **Principle of Development**
- **Character and Visual Amenity**
- **Residential Amenity**
- **Highways**
- **Flood Risk**
- **Ecology**
- **Other Matters**

9 **ASSESSMENT**

Principle of Development

- 9.1 This application seeks full planning permission for the change of use of agricultural land to equestrian use and the formation of an access road. The access road is partially in situ and is therefore part-retrospective.

- 9.2 The application notes that the paddock land is owned by the applicant but rented out as a whole to someone else and this will remain as is. There is no intention for the site to be used as a livery yard. It is not considered that the renting out of the field constitutes a commercial operation. Should permission be granted, a condition can be secured to ensure that the field is used for non-commercial purposes only.
- 9.3 The application site is located outside of the built-up settlement of March and is therefore classed as a countryside location. The use of the land for equestrian use is commonplace within countryside locations and as such, the principle of such development on site is considered acceptable subject to further policy consideration set out below.

Character and Visual Amenity

- 9.4 Policy LP16 of the Fenland Local Plan (2014) requires development proposals to deliver and protect high quality environments throughout the district. Proposals must demonstrate they make a positive contribution to the local distinctiveness and character of the area, enhancing their local setting and both responding to and improving the character of the local built environment whilst not adversely impacting on the street scene, settlement pattern or landscape character of the surrounding area. Policy LP12 Part A(c) states that development will not have an adverse impact on the character and appearance of the surrounding countryside and farmland.
- 9.5 The use of the land for equestrian use is commonplace within countryside settings and also will not introduce any adverse visual impacts upon the character of the surrounding area and is therefore considered to be acceptable.
- 9.6 The proposed access track would be finished in hardcore which again is commonplace in agricultural settings. As such, the scheme is considered to be compliant with Policy LP16 in this regard.

Residential Amenity

- 9.7 Neighbouring properties are situated to the west of the site (The Walnuts) and the south of the site (12 Creek Fen and Creek Fen Lodge). Given the existing agricultural use of the site, it is unlikely that the use of the land for equestrian purposes would introduce any additional adverse impacts upon neighbouring property, especially considering as no stables or buildings are proposed.
- 9.8 The agent has confirmed that the use of the land would be rented out to an individual and thus 'domestic' in the scale of use. A condition can be secured should permission be granted to ensure that the site is used on a private basis only.

Highways

- 9.9 The proposed development would be served by a new access (partially constructed) onto an access track off of Creek Fen. It is acknowledged that a number of objections have been received with regard to vehicles utilising this track to access the application site.
- 9.10 With regard to the use of the site, CCC Highways have confirmed that a personal use is unlikely to result in a material highway impact which would be unsafe. It is

acknowledged that a number of letters of objection raised concern with regard to additional traffic utilising the track, however it would be unreasonable to refuse a personal equestrian use on site given that the existing site has an agricultural use which could result in similar vehicle movements. For reference, the definition of agriculture within the Town and Country Planning Act 1990 is as follows:

“agriculture” includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and “agricultural” shall be construed accordingly

- 9.11 All of the above uses could be undertaken on site without additional planning permission. It should also be noted that solely grazing of horses on the land would fall within the definitions of agriculture, albeit this is not the case for this application.
- 9.12 The potential to condition the number of horses on site was considered, however this is not considered to be a reasonable condition. Notwithstanding this, the number of horses that can be grazed on a certain hectare of land will be regulated by the separate legislation on how many horses can be grazed on a certain hectare of land in accordance with The Animal Welfare Act 2006.
- 9.13 Upon liaising with CCC Highways with regard to being unable to implement such restriction conditions, it was confirmed that no objections have been raised from a highways perspective in the absence of restrictive conditions. It was suggested by the highways officer whether a 5.5m passing place could be implemented along Creek Road. This area is without the red line of the application site and given the proposed of the site, would be considered unreasonable to request.
- 9.14 CCC Highways have also requested that the proposed hardcore track be curtailed to align with the field access as they consider it is not necessary for the hardcore track to extend to the blue lined land, also within the applicant's ownership. It would be unreasonable to require such curtailment given that this land is also within the same ownership as the application site and the lack of harm arising from this.
- 9.15 The Highways officer also suggested that if the track could not be curtailed, then a condition could be imposed to ensure the track is used for paddock access only. This is considered to be an unreasonable approach given the issues outlined above, as well as also raising issues as to the enforceability of such restrictions.
- 9.16 A number of the letters received have also raised concern regarding damage to the access track off of Creek Fen and who would be responsible for such repairs. It is CCC's responsibility to ensure the road (formally recorded as 'School Grounds') is maintained to a passable standard as defined in the Highway Operational Standard; this duty cannot be delegated to a third-party developer. Should the embankment fail, it would be a matter for either CCC or the owner of the watercourse to repair.
- 9.17 Concerns were also raised regarding the use of contaminated materials within the construction of the access currently in situ. It appears that the material used is typical road planings, which are often used as a sub-base in construction, in particular farm tracks/minor roads. As to hazardous waste some of the planings will

consist of aggregate bound by coal tar and can be affected by rainwater when stored which can pick up contaminants unless covered. Irrespective of this, it is for the developer to ensure that they have constructed the access to CCC approved construction, as detailed within the submitted drawings. The applicant is also responsible for ensuring the proposed visibility splays can be achieved on site.

- 9.18 It is acknowledged that a number of the representations received queried why existing accesses off of Flaggrass Hill Road are not being utilised to serve the site. An application has to be considered on its merits and what has been submitted.
- 9.19 The concerns regarding the use of the track off of Creek Fen are acknowledged, however on balance, subject to a condition to ensure the site is used for domestic purposes, it is not considered that the proposed scheme would introduce significant highway impacts and is thus considered to be compliant with Policy LP15.

Flood Risk

- 9.20 The application site is situated 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

Ecology

- 9.21 A Water Vole Assessment has been submitted as part of this application due to the proximity of ditches to the applications site. The survey notes that the site does not appear to be of high conservation value and no signs of water vole or other protected species were found. However, certain measures will be taken to ensure legal compliance pertaining to wildlife. Upon consultation with CCC Ecology, the proposal is considered to be acceptable on ecology grounds providing water vole mitigation is secured, which can be done through conditions.
- 9.22 The concerns raised by objectors with regard to contamination of the ditches from the materials used to construct the access are acknowledged, however the materials used are considered to be typical road planings and thus not waste. Irrespective of this, pollution discharging into ditches and watercourses should be reported to the Environment Agency.

Other Matters

- 9.23 The letters of objection received raised concern over the archaeological significance of the site. Should permission be granted, a condition can be secured to ensure that no further work can be carried out on site until a programme of archaeological work has been secured and approved by the LPA prior to development on site.
- 9.24 Concerns were also raised over the future development of the remainder of the field. As aforementioned, the application has to be considered on its merits. Potential future development cannot be considered as a reason to refuse an application.

10 CONCLUSIONS

10.1 The change of use of agricultural land to equestrian use and the formation of an access road is not considered to introduce any significant impacts upon the character of the surrounding area. The scheme is also not considered to have any detrimental impacts upon surrounding residential amenity. The objections received are acknowledged however these have been addressed within the report above. On balance, the scheme is considered to be acceptable with regard to highways impacts subject to conditions. No further policy issues have been raised with regard to flood risk or ecology. As such, the scheme is considered to be broadly compliant with the development plan when taken as a whole.

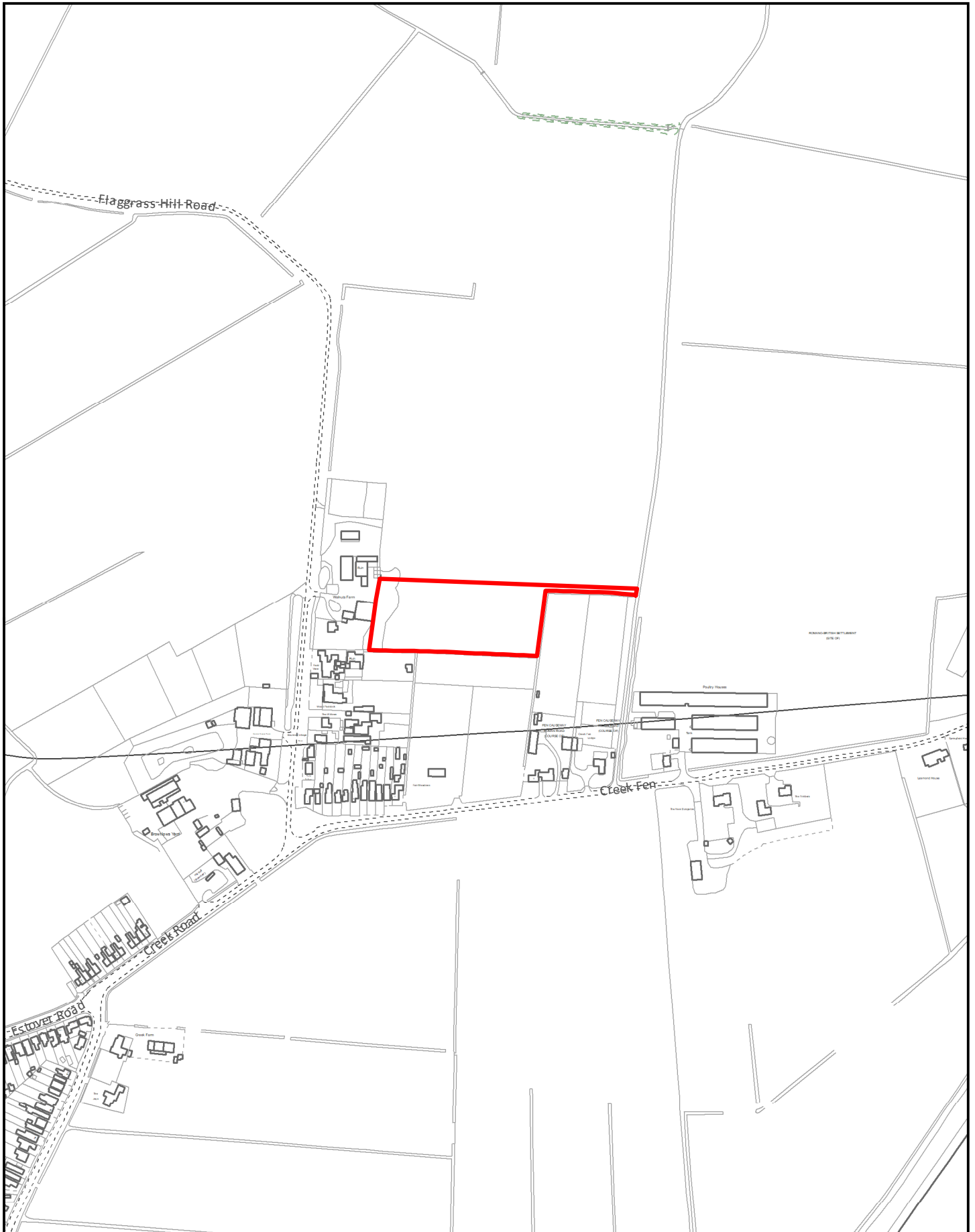
11 RECOMMENDATION

11.1 **Grant**, subject to the following conditions;

1	<p>The development hereby approved shall be used for private recreation only and shall not be used for commercial purposes.</p> <p>Reason - The site is within an area where commercial activity would not normally be permitted in view of the need to safeguard visual amenities of the area in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
2	<p>No further works to the access road and track as detailed on plan reference 425-P10 revision B shall proceed until the applicant, or their agents or successors in title, has implemented a programme of archaeological work, commencing with the evaluation of the application area, that has been secured in accordance with a Written Scheme of Investigation (WSI) that has been submitted to and approved by the Local Planning Authority in writing. For land that is included within the WSI, no demolition/development shall take place other than under the provisions of the agreed WSI, which shall include:</p> <ul style="list-style-type: none"> a) the statement of significance and research objectives; b) The programme and methodology of investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works; c) The timetable for the field investigation as part of the development programme; d) The programme and timetable for the analysis, publication & dissemination, and deposition of resulting material and digital archives. <p>Reason - To safeguard archaeological assets within the approved development boundary from impacts relating to any demolitions or groundworks associated with the development scheme and to ensure the proper and timely preservation and/or investigation, recording, reporting, archiving and presentation of archaeological assets affected by this development, in accordance with national policies contained in the National Planning Policy Framework (MHCLG 2019).</p>
3	<p>Prior to first use of the development hereby approved visibility splays shall be provided as detailed within drawing reference 425-P10 Revision B and</p>

	<p>maintained thereafter free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.</p> <p>Reason - In the interest of highway safety in compliance with Policy LP15.</p>
4	<p>Prior to the first use of the development, the vehicular access where it crosses the public highway shall be laid out and constructed as detailed on plan reference 425-P10 revision B, and thereafter retained in perpetuity.</p> <p>Reason - In the interests of highway safety and to ensure satisfactory access into the site in compliance with Policy LP15.</p>
5	<p>The development hereby approved shall comply with the water vole mitigation set out within the Cambridge Ecology Water Vole Assessment accompanying the planning application.</p> <p>No works shall be completed within 5m of the ditch, unless a water vole survey has been completed within 24-48 hours of the commencement of works and confirmed no water vole are present. If water vole are present, a water vole mitigation strategy shall be submitted to and approved by the LPA prior to the commencement of works within 5m of the ditch.</p> <p>Reason - In order to ensure that compliance with the Conservation of Habitats and Species Regulations 2017 and to provide biodiversity mitigation/compensation in line with the aims of the National Planning Policy Framework and Policy LP19 of the Fenland Local Plan 2014</p>
6	<p>If no further works occur within 12 months from the date of this planning permission, 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. water vole) 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 further development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.</p> <p>Reason – To protect biodiversity in compliance with Policy LP16 and LP19 of the Fenland Local Plan 2014.</p>
7	<p>No external lights shall be erected within the site (either freestanding or building/pole-mounted) until a lighting scheme for the site has been submitted to and approved in writing by the Local Planning Authority. Any lighting works shall then be carried out as approved and retained thereafter.</p> <p>Reason: To safeguard the amenities currently enjoyed by the occupants of adjoining dwellings in accordance with Policies LP2 and LP16 of the Fenland Local Plan, adopted May 2014.</p>

8	Approved Plans;



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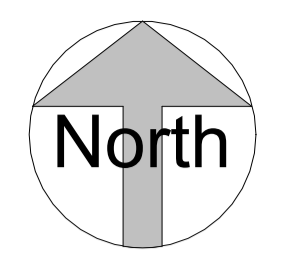
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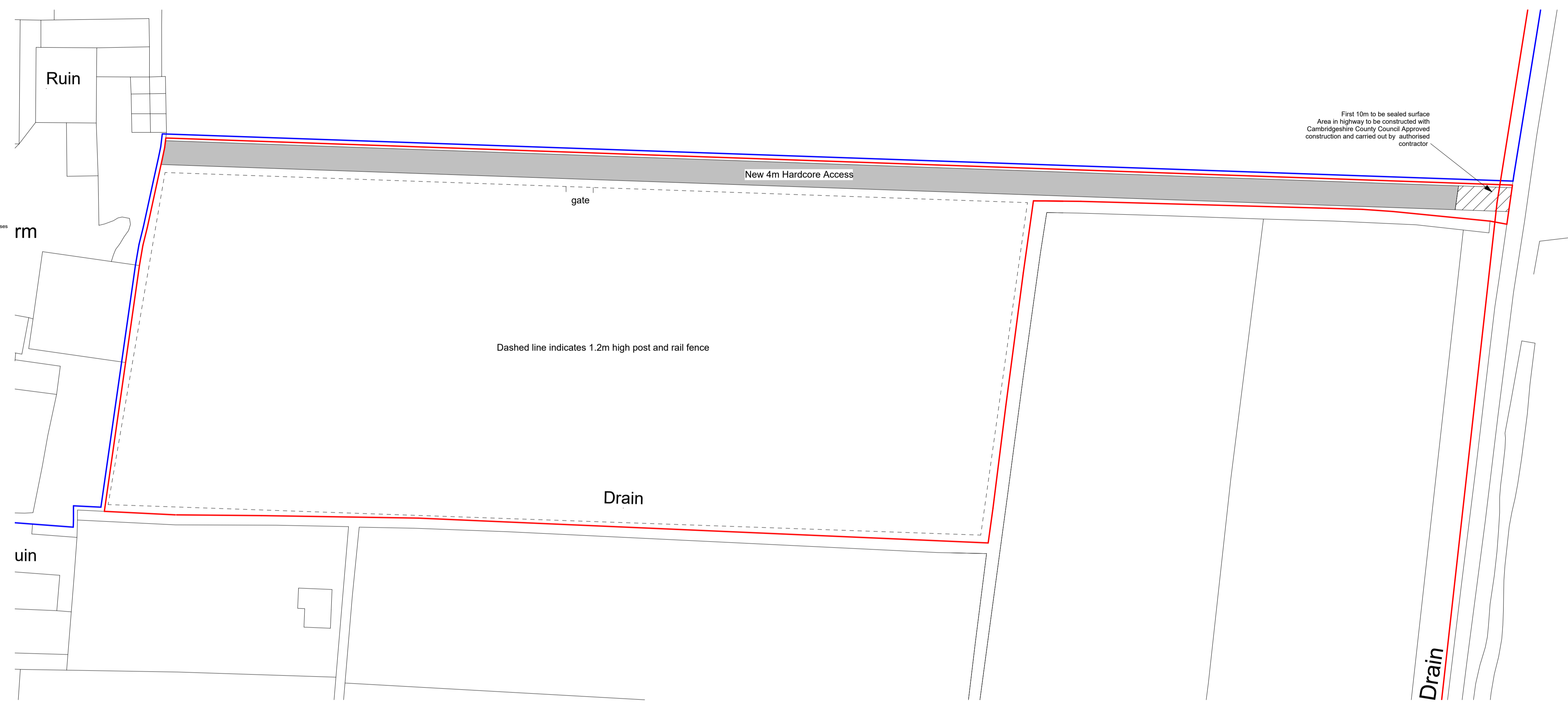


Notes
 Any discrepancies to be brought to attention of Author as soon as possible.
 All dimensions shown in "mm" unless otherwise shown.
 Unless stated otherwise, this drawing has been assessed for risks and nothing is deemed to be outside of normal good safe working practice that would be covered by a contractors Construction Phase Health and Safety Plan.



Location Plan
 1 : 2500

Ordnance Survey License 100019980



Block Plan
 1 : 500



Visibility Splays
 Scale 1:500

B	Note amended for 10m hard surface	13-09-23
A	Visibility Splays Added	18-08-23

Ian Gowler Consulting Ltd
 Architectural and Domestic Energy Consultant
 Grove House, 22 Primrose Hill, Duddington, Cambs, PE15 0SU
 tel. 01354 667005 email. ian@gowler-architectural.co.uk

Change of Use of Agricultural Land to Horse Paddocks Creek Road, March for Ashewell Developments

Paddock Sketch

date created	scale	drawing no.	rev
16/03/23	As indicated @ A1	425 - P10	B

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F/YR23/0500/F

Applicant: Construct Reason Ltd

Agent : Miss Amy Richardson
Ashtons Legal

North Of, 43 - 53 High Street, Doddington, Cambridgeshire

Erect 14 x dwellings (2 x single-storey, 2-bed and 12 x single-storey, 3-bed) with associated garages, parking and landscaping, involving demolition of existing outbuildings

Officer recommendation: REFUSE

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

1 EXECUTIVE SUMMARY

- 1.1 The proposal for residential development of 16no dwellings, F/YR21/0065/F was withdrawn in May 2021 following an objection from the Council's Conservation Officer.
- 1.2 A further scheme for 16no bungalows, F/YR21/1386/F was refused under delegated powers in 2021. There were four reasons for refusal. Firstly, the adverse impact upon the character of the area and its impact upon the nearby Grade II Listed mill. Secondly, the loss of biodiversity units on site with insufficient evidence to demonstrate that off-site contributions were adequate to mitigate for the loss; thirdly the impact upon residential amenity along The Larches with the fourth reason relating to the failure to submit a Section 106 agreement to secure financial and infrastructure contributions.
- 1.3 This application seeks full planning permission for the erection of 14no bungalows which sees an amended site layout removing two dwellings in close proximity to Nos 8 & 9 The Larches.
- 1.4 The application has also been supplemented with additional Biodiversity information; a Viability Assessment and a revised Heritage Statement.
- 1.5 Upon review, the Council's independent assessor has concluded that the site is viable, and the agent has agreed to Heads of Terms, specified in the report, therefore, should the application have been recommended for approval, this would have been subject to a Section 106 agreement.
- 1.6 The scheme submitted is for 14no dwellings, reduced from the previously refused 16no, all comprising single-storey bungalows. It has been concluded that due to the reduction and the reorientation of one of the plots, these are mitigating factors in ensuring neighbouring amenity will not be adversely affected. This is further discussed in the report.
- 1.7 Further Ecology information has been received during the course of the application and the Council's ecologist has removed their original objection, subject to the imposition of numerous conditions.
- 1.8 The Council's Conservation Officer maintains their objection. Given the level of detrimental impact on the setting of the Grade II Listed mill and the character and appearance of the conservation area, this development is not supported in principle and fails to comply with Local Plan Policy LP18 and paragraphs 193, 94 & 196 of the NPPF. This is discussed in detail within the Heritage Assets section of the report.

1.9 The application is therefore recommended for refusal.

2 SITE DESCRIPTION

- 2.1 The site comprises an area of land, approximately 1.064 hectares, described as a 'paddock' within the Design and Access Statement, however, within the application form states the previous use of the land as 'not known'.
- 2.2 The area of land is situated to the rear of properties located on the High Street and to the west of Sutton Way and The Larches which comprises residential development. To the north of the site is the recently built residential development of Juniper Close, from which it is proposed to access this site. Juniper Close comprises detached bungalows and was constructed by the same developer who seeks planning permission for this proposal.
- 2.3 The western boundary of the site borders agricultural land to the northwest and the curtilage of The Mill House which is served by a long driveway leading off High Street. The Grade II Listed Doddington Windmill is situated to the northeast corner of the curtilage of The Mill House and is adjacent to the proposed site. The southern site boundary borders Doddington Conservation Area. There are drains along the west boundary which are maintained by the local drainage board. The site lies in Flood Zone 1 which is the area at least risk of flooding.

3 PROPOSAL

- 3.1 The application is for full planning permission and proposes the construction of 14 bungalows comprising 2no. 2-bedrooms and 12no 3-bedrooms accessed off a central road which would extend southwards from Juniper Close. It is proposed to construct the road to an adoptable standard.
- 3.2 The bungalows are a mixture of design types but are quite similar in appearance. Each would have either a double or single garage and driveway parking. A water attenuation basin is proposed to be located to the northwest of the site to provide attenuation for surface water before it is drained into the ditches bordering the site and a proposed pond to the east of the road, partway down the site.
- 3.3 The external finishes vary between the design types which are pepper potted throughout the development with Anglian Orange Stock and Anglian Cream Handmade bricks being the overriding commonality, with some properties displaying small elements of plank cladding. Roofing materials include Sandtoft Rustic Red concrete tiles and Sandtoft concrete slates with terracotta ridge tiles.
- 3.3 The application is accompanied by an Ecology Report; Landscaping Scheme; Revised Heritage Statement; Flood Risk Assessment; Arboricultural report; Viability Assessment and Biodiversity Net Gain reports.
- 3.3 All of the dwellings would be market properties. The submitted viability appraisal concludes that the site is not viable for development on the basis of the provision of affordable housing and S106 payments at full policy level or indeed any level on the basis of this assessment.
- 3.4 All of the dwellings would be fully compliant with the Nationally Described Space Standards and would be built to the accessible and adaptable standard in Part M4(2) of the Building Regulations.

4 SITE PLANNING HISTORY

F/YR21/1386 – Erect 16 x dwellings (4 x single storey, 2-bed and 12 single storey 3-bed) – Refused 25.10.22

F/YR21/0065/F – 16 bungalows – Withdrawn 10.05.2021

F/90/0015/O – 17 dwellings – Refused 12.09.1990 and subsequently dismissed on appeal

5 CONSULTATIONS

5.1 Doddington Parish Council (14/07/2023)

The Parish Council wishes to record its strongest possible objection to the above planning application. An overview of our objections covers the following issues:

- A previous application to develop this area of land under reference F/YR21/1386/F was refused by Fenland DC and whilst the current application for 14 dwellings is slightly lower than the previous application of 16 dwellings, the principal reasons for refusal are valid to the current application which appears to have been submitted with little regard to solving the issues raised at that time.*
- Any development on this site which abuts the Village Conservation Area and has proximity to the Windmill, which is a Grade 11 listed building, will result in the loss of an open meadow from the centre of the village. The development will have a serious impact on the setting to this area of the village.*
- Construction work, including possible pile driving, is likely to cause serious damage to the windmill. When the Juniper Close development took place damage did occur to the windmill as vibrations caused window panes to fall out. This was taking place when the distance from the construction site to the windmill was considerably further away than will occur with any development from the proposed application. It should also be noted that as the water attenuation basin is to be constructed in close proximity to the windmill that the deep excavations needed to undertake this construction may very well undermine the foundations of the windmill.*
- The description of the proposed development location as being "North of 43-53 High Street" is misleading as it implies that access to the High Street is possible from the site whilst in practice one would need to travel up Juniper Close and down Wood Street, a distance of approximately 1000 meters to reach the High Street.*
- The site is subject to localised flooding and is generally a very damp area.*
- The Biodiversity Net Gain Report prepared by Philip Parker Associates shows that this development will result in a net loss of species enjoying this site and to overcome this disparity, the developers have offered to pay the sum of £21,000 to the Lattersley Nature Reserve in Whittlesey. Doddington therefore not only loses an area used by numerous species but no attempt has been made to compensate the village for this loss.*
- As Doddington is shown to have a housing land supply over over 6 years, which is in excess of the Governments 5 year calculation, there is no need to approve the proposed planning application. In fact, the village housing threshold has already been extended as there are 196 units committed against the requirement of 127 units.*

As a final comment I would add that should Fenland DC chose to grant planning permission that specific conditions are added to the agreement notice:

- a) that the construction of the water attenuation basin is takes place before any work starts on building any of the proposed dwellings*
- b) that any section 106 monies are to be earmarked for projects within Doddington*

CCC Highways (06/07/2023)

- 5.2 *On the basis of the information submitted, the Local Highway Authority has no objections in principle, however, in order to make an informed decision in respect of the following*

information is required: The applicant should be invited to provide vehicle track movements to demonstrate the free passage of large vehicles through the bend adjacent to plot 14. I note that the road layout is essentially the same as that considered previously with respect to application F/YR21/1386/F and that vehicle movements were presented as part of that application. While the plans provided previously demonstrating turning at the southern extent, it was difficult to follow the opposing traffic movements through the bend. The applicant should be invited to clearly demonstrate that a vehicle such as the standard refuse freighter used for collection by Fenland District Council may pass a moderately sized family car through the bend. The plans should be comprehensively dimensioned including junction radii and vehicular/pedestrian visibility splays, including that required at the junction on the southern turning head. Should the applicant wish for the internal highway to be offered for adoption as is apparent from the application form, they will need to enter into a Section 38 Agreement with Cambridgeshire County Council. A Section 38 Agreement falls under the Highways Act 1980 and is separate to the planning process.

For Cambridgeshire County Council to consider adoption of new highway, the proposals would need to accord with the Highway Authorities 'General Principles of Development and to be constructed to the standards set out in their Housing Estate Road Construction Specification (HERCS) (current version January 2023), both of which are available online on Cambridgeshire County Councils web site. The following points are made with respect to the applicant providing highways to an adoptable standard that may otherwise be compromised by the current design:

- The Highway Authority does not adopt SuDS features (with the exception of soakaways in exceptional circumstances) nor any road drained to them unless the SuDS feature or the intervening pipework is adopted by a suitable Drainage Authority such as Anglian Water. Adoption by a private management company would not be considered sufficient in this regard.
- In Section 6.8 of the Flood Risk Assessment & Sustainable Drainage Strategy it is indicated that the retention basin shown adjacent to plots 1 to 3 will be used for absorption and attenuation. It is a requirement of Building Regulations 2010 – Part H3 Soakaways and other infiltration drainage systems - 3.25a that infiltration devices should not be built within 5m of a building or road or in areas of unstable land, or within 10m when used in areas of chalk.
- In point 5.6.9 of the Flood Risk Assessment & Sustainable Drainage Strategy, it is noted that permeable paving will be used on all private access and parking areas. The applicant should be advised that such surfaces are not considered sufficient in isolation to prevent the run-off of surface water onto the public highway; additional measures would be required such provision of surface gradients that draining away from the highway or additional drainage systems to intercept any potential run-off.
- The road should be designed with a self-enforcing 20mph speed limit which would be required to be supported a Speed Limit Order at the point of adoption.
- The footways should be 2m wide.
- Junction Radii should be 6m.
- The positioning of gullies shown on plans 1884-38 Rev D and 1884-39 Rev C in the Flood Risk Assessment & Sustainable Drainage Strategy do not appear to comply with the requirement of HERCS as follows:

- The area of road outside plot 10 appears undrained.
- The drained areas appear to exceed capacity of individual gullies. o The use of double gullies is not permitted to compensate for excessive drained areas. Where double gullies may be permitted (such as at the bottom of sag curves) they would require separate lateral connections.
- Gully lateral connections must join the main drain in the direction of flow (see gully outside plot 4).
- details of how water from private surfaces will be prevented from draining to the public highway would be required.

- Where trees are proposed within 5m of the prospective public highway as shown on plan P2021 - 52 D3, root barriers must be provided as required in section 20.03.7 of HERCS

CCC Highways (27/10/2023) Further comments following submission of additional information

While I have reservations regarding the suitability of the proposals with respect to the adoption of the roads, I have no objections to this application. I would however recommend that the drainage details shown on drawing 1884-38 Rev E and 1884-39 Rev D be considered purely indicative with respect to drainage of the road. Should these be included as an approved drawing it may conflict with the requirements of the Highway Authority and compromise adoption of the roads as part of a s38 agreement.

I note that the current proposals shows drainage from this site onto the adjacent site to the north. It is an offence to discharge private water onto the highway and should this proposed development not ultimately be adopted it may compromise adoption of the existing development. I would therefore strongly recommend that drainage from this site be managed independently from the existing development. The drainage plans have not detailed the drainage of private surfaces such as parking areas and shared driveways as may be required to prevent water entering adoptable roads as requested in my previous correspondence of 6th July 2023. This could be achieved by providing gradients that drain surfaces away from the road rather than require any positive systems and I would not therefore look to object in this regard. I would however reiterate that should appropriate measures not be provided it would make the road and associated footway unadoptable. The applicant should again be reminded that use of permeable surfaces is not considered sufficient to resolve this issue.

While not apparent on more recent images, Aerial imagery from 2016 suggests that the road entering the site crosses a ditch at the boundary with the adjacent site. The LFFA should be consulted in this regard and an appropriate condition included in any permission granted requiring submission appropriate details of the ditch crossing. The vehicular swept paths provided show vehicles passing particularly close to one another through the bend. While the track speed is not indicated, the low speeds anticipated combined with the limited vehicle movements along the proposed cul-de-sac, it is reasonable to anticipate that drivers would be able to avoid conflict with the very infrequent movement of large vehicles; I do not therefore object in this regard.

While junction visibility splays are shown on site these are not dimensioned. From scaling these appear to be broadly suitable for a 20mph speed limit road. I would note that the driveway to plot 11 has not been afforded a pedestrian visibility splay and would recommend that this be provided, as this may otherwise compromise adoption of this road.

No additional information has been provided regarding the proximity of the proposed infiltration basin to the road nor its adoption and my previous observations dated 6th July 2023 regarding this issue therefore remain applicable. The adoption of proposed highway will be subject to a Section 38 Agreement of the Highway Act 1980 and comments made within this response are done so on a without prejudice basis to any such agreement taking place.

In the interest of avoiding any abortive construction works, I strongly advised that should the applicant be granted planning approval, no construction works take place for proposed adoptable highway prior to the applicant entering into a Section 38 Agreement with the Local Highway Authority. Should the Local Planning Authority look to determine this application prior to resolution of the issues that will likely effect adoption of the roads, then I would recommend that the following conditions and informative be appended to any permission granted.

Adoptable Standards:

The highway shall be built to adoptable standards as defined by Cambridgeshire County Council Housing Estate Road Construction Specification (current at time of commencement of build) before the last dwelling is occupied. Reason: In the interests of highway safety and to ensure compliance with Policies LP15 and LP16 of the Fenland Local Plan, adopted May 2014. Binder Course: Prior to the first occupation of any dwelling the road and, footways required to access that dwelling shall be constructed to at least

binder course surfacing level from the dwelling to the adjoining County road in accordance with the details approved on 1884-48 Rev A.

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

Construction Facilities:

Prior to the commencement of the development hereby approved adequate temporary facilities area (details of which shall have previously been submitted to and agreed in writing with the Local Planning Authority) shall be provided clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting the site during the period of construction.

Reason: To minimise interference with the free flow and safety of traffic on the adjoining public highway in accordance with Policy LP15 of the Fenland Local Plan 2014.

Ditch/Watercourse Crossing:

Prior to the commencement of the development hereby approved, a scheme for construction of the vehicular and pedestrian crossing of the ditch along the frontage of the site shall be submitted to and agreed in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: To ensure construction of a satisfactory access and protection of any important ecological features in the watercourse in accordance with the National Planning Policy Framework and Policies LP15 and LP19 of the Fenland Local Plan 2014.

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

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

Vehicular Visibility Splays:

Prior to first occupation of the development hereby approved, visibility splays shall be provided on both sides of the new shared vehicular access and shall be maintained free from any obstruction over a height of 600 mm within an area of 2.4 metres x 25 metres measured along respectively the centre of the driveway and the edge of the carriageway.

Reason: In the interests of highway safety in accordance with Policy LP15 of the Fenland Local Plan 2014.

Pedestrian Visibility Splays:

Prior to first occupation of the development hereby approved, visibility splays shall be provided on both sides of the new vehicular access and shall be maintained free from any obstruction over a height of 600 mm within an area of 2 metres x 2m metres measured along respectively each edge of the driveway and the back of the footway.

Reason: In the interests of highway safety in accordance with Policy LP15 of the Fenland Local Plan 2014.

Management of Estate Roads:

Prior to the occupation of the first dwelling/use hereby approved, full details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an Agreement has been entered into unto Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established.

Reason: To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard, in accordance with policy LP15 of the Fenland Local Plan, adopted May 2014.

FDC Environmental Services (06/07/2023)

- 5.3 *In broad principal we have no objection to this development however the following points regarding access would need addressing:*
- *A swept path plan would be required to demonstrate that a refuse vehicle could access throughout the site turn and leave the site in a forward direction on the public highway (vehicle dimensions on the attached).*
 - *Properties served by shared private driveways will require shared collection points where the drives/roads meet the public highway (this is in place for plots 2 & 3 but not 8 & 9). Shared collection points need to be of sufficient size to accommodate up to 2 x 240 bins from each property. Residents should not be expected move bins more than 30m, Collection points should be no more than 10m from highway.*
 - *New residents will require notification of collection and storage details by the developer before moving in and the first collection takes place. - Refuse and recycling bins will be required to be provided as an integral part of the development.*

CCC Lead Local Flood Authority (05/07/2023)

- 5.4 *At present we object to the grant of planning permission for the following reasons:*
1. *Climate Change Allowances in 3.3% AEP The applicant has provided hydraulic modelling of the system in the 1% AEP with 40% climate change allowances, however it is also necessary to demonstrate the performance of the system with climate change allowances in the 3.3% AEP. In this case it is 35% as the site is located within the Old Bedford and Middle Level Management Catchment.*
 2. *Hydrobrake Diameter The hydrobrake flow control is stated to be 70mm in diameter, whilst this is adequate for a protected system the hydrobrake in question accepts flows from an open basin which increases the risk of blockage. The diameter of the hydrobrake needs to be increased to 75mm.*

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

CCC Lead Local Flood Authority (12/10/23) Further comments following submission of additional information

We have reviewed the following documents:

- *Drainage Plan (1 of 2), MTC Engineering, Ref: 1884-38, Rev: E, Dated: 9/8/23*
- *Drainage Plan (2 of 2), MTC Engineering, Ref: 1884-39, Rev: D, Dated: 9/8/23*
- *Flood Risk Assessment, MTC Engineering, Ref: 1884, Rev: P2, Dated: April 2023*
- *(Updated) Storm Sewer Calcs, MTC Engineering, Ref: 1884, Rev: P2, Dated: 10th July 2023*

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

The above documents demonstrate that surface water from the proposed development can be managed through the use of permeable block paving and attenuation basin, restricting surface water discharge to 2.5l/s via flow control device. The LLFA is supportive of the use

of permeable paving as in addition to controlling the rate of surface water leaving the site it also provides water quality treatment.

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

We request the following conditions are imposed:

Condition 1

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

The scheme shall be based upon the principles within the agreed Flood Risk Assessment, MTC Engineering, Ref: 1884, Rev: P2, Dated: April 2023 and shall also include:

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

Reason:

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

Condition 2

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

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

Informatives

Pollution Control

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

Cambridgeshire and Peterborough NHS (03/07/2023)

- 5.5 Thank you for consulting NHS Cambridgeshire and Peterborough Integrated Care System (CAPICS) on the above referenced, and attached, planning application.

I refer to the above planning application and advise that, further to a review of the applicants' submission, the following comments are with regard to the primary healthcare provision on behalf of CAPICS. The proposed development is likely to have an impact on the services of the GP Practice operating within the vicinity of the application Fenland Group Practice: Doddington Surgery.

Fenland Group Practice has a combined registered patient list size of 13,117 and this development of 14 dwellings would see an increase patient pressure of 32.2 new residents which would require additional GP/Nurse/(Admin support) workforce to support increase in appointments : GP = 0.02 / Nurse = 0.01 and Admin = 0.03 with a resulting increase on estate demand of 2.2 sqm net internal area. The ICB has sought advice from its NHS partner, NHS Property Services Ltd, on recent costs benchmarks for healthcare developments for a single storey extension to an existing premises and refurbishment. This equates to £5,224 per m² (once adjusted for professional fees, fit out and contingency). Having rebased this cost to Fenland using BCIS Tender Price Index, the cost remains the same at £5,224 per m². A developer contribution will be required to mitigate the impacts of this proposal. CAPICS calculates the level of contribution required, in this instance to be £11,534.59.

Payment should be made before the development commences. CAPICS therefore requests that this sum be secured through a planning obligation linked to any grant of planning permission, in the form of a Section 106 planning obligation. In its capacity as the healthcare provider, CAPICS has identified that the development will give rise to a need for additional primary healthcare provision to mitigate impacts arising from the development. The capital required through developer contribution would form a proportion of the required funding for the provision of capacity to absorb the patient growth generated by this development. Assuming the above is considered in conjunction with the current application process, CAPICS would not wish to raise an objection to the proposed development. Otherwise, the Local Planning Authority may wish to review the development's sustainability if such impacts are not satisfactorily mitigated. The terms set out above are those that CAPICS deem appropriate having regard to the formulated needs arising from the development. CAPICS are satisfied that the basis and value of the developer contribution sought is consistent with the policy and tests for imposing planning obligations set out in the NPPF.

FDC Conservation Officer (28/06/2023)

- 5.6 This planning application concerns proposals for a housing development of 14 single storey dwellings on land on the north side of the village of Doddington, abutting gardens to the rear of No. s 43-53 High Street, but which would be located off Wood Street via the new development granted under F/YR17/0406/F. The land proposed for the development is currently a meadow and immediately adjacent to the conservation area boundary and the grade II listed building that is Doddington Windmill, High Street, Doddington (listed 25th October 1951).

Consideration is given to the impact of the proposal on the architectural and historic interests of a listed building 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 according to the duty in law under S66 Planning (Listed Buildings and Conservation Areas) Act 1990.

Consideration is given to the impact of this proposal on the character and appearance of Doddington Conservation Area with special attention paid to the desirability of preserving or enhancing the character or appearance of that area according to the duty in law under S72 Planning (Listed Buildings and Conservation Areas) Act 1990.

Due regard is given to the planning history associated with the site and surrounding land. A planning application (F/90/0015/O) was refused in 1990 for the development of 17 dwellings and creation of a High Street access (resulting in the demolition of a building fronting the High Street) serving these dwellings and an appeal against this refusal was dismissed. An application was submitted under F/YR17/0406/F for 28 single storey dwellings and this was granted permission and is currently nearing completion of construction. This site is immediately to the North of the current proposed site and was set back circa 75m from the boundary of the conservation area and 55m north of the listed windmill. The proposed new development will be accessed from this site now under construction.

This application is not supported. The following comments are made:

Impact on the Doddington Conservation Area.

The Doddington Conservation Area sits at the heart of the developed village, the developed area accounting for only a small percentage of the parish where the majority of land is arable farmland. The boundaries of the fields surrounding the village are defined by man-made ditches, accentuating the flatness of the Fenland landscape. Arable farming and associated employment played a defining role in the village's prosperity and growth. From the mid-late 20th century, the village of Doddington expanded on its north side as residential development occurred along Wood Street, Carpenter's Way, Burdett Close, The Larches and The Rowen's to the north of the High Street. This residential development is all accessed from Wood Street which is a road off High Street. This existing area of residential development is located outside of the Doddington Conservation Area and the road junction where Wood Street forms off High Street is also outside the conservation area. The Doddington Conservation Area itself focuses on the High Street and Benwick Road and curtilages associated with properties on these streets. It was felt at the time, that the site which is the focus of this proposal would act as a buffer between the 2017 development and the conservation area. The 2017 development relates predominately to the existing mid-late 20th Wood Street residential area. However, the current proposed development, which would be hard up against the Conservation Area boundary would wholly erode the buffer effect of the meadow and close off the remaining views into or out of the conservation area to the open countryside beyond, which is so much part of its setting and agricultural past, and which contributes the character and appearance of the conservation area.

Impact on the setting of the listed building.

The listed windmill sits circa 155m to the north of High Street and is accessed from a track/driveway off High Street. The conservation area appraisal notes that the narrow private track leading to the mill links High Street with the arable farmland to the north of the conservation area. The mill is a brick tower mill of four storeys but without sails or capping and it is located outside of the Doddington Conservation Area. Its offset positioning at the bottom of the track/driveway which serves it is such that you cannot see it when you look down the track/driveway from High Street.

The windmill sits on the settlement edge to the north side of High Street and in this respect, it maintains an isolated position in views looking towards the windmill from surrounding fields despite recent development.

The tower mill is best appreciated from its immediate setting in close range where it can be appreciated in full view sitting in the immediate context of a couple of modern agricultural buildings and when viewing the mill close up you do not immediately take in views of the countryside beyond as these are blocked by a 6ft vertically boarded fence and trees forming the boundary on the windmills north side immediately adjacent to the windmill. However, it is clearly evident that the mill sits at the edge of the settlement and that open countryside lies beyond. This open setting contributes to the significance of the mill, in that it reflects the historic character of the area, the agricultural surroundings and the practical necessity for open land around the mill for wind.

Given the aspects of this listed building's specific setting it was felt the 2017 development, circa 55m to the north, would not harm its setting and the setting of the windmill would be preserved and yet the roofs of the new development are now visible over the top of the fence, altering the setting of the mill.

Conservation Officer comments at the time stated that the meadow which was to act as a buffer between the windmill and the proposed development was important to the setting of the windmill and the sense that it sits on the edge of the settlement as it was intended to when built. This position remains unchanged. Indeed, Historic England guidance on setting states that where the significance of a heritage asset has been compromised in the past by unsympathetic development affecting its setting, to accord with NPPF policies consideration still needs to be given to whether additional change will further detract from the significance of the asset. Negative change could include severing the last link between as asset and its original setting, as would absolutely be the case here. In conclusion, given the level of impact on the setting of the grade II listed mill and on the character and appearance of the conservation area, this development is not supported in principle.

Furthermore, given the proximity of the proposal and the design of the development it is not felt that the development would make a positive contribution to local character and distinctiveness in accordance with paragraph 192 of the NPPF.

The development would amount to less than substantial harm in accordance with paragraph 196 of the NPPF, but this loss of setting and 'buffer' is a considerable and cumulative impact on the significance of the mill and the character and appearance of the conservation area. Furthermore, paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Finally, paragraph 194 of the NPPF states that any harm to the significance of a designated heritage asset should require clear and convincing justification. Convincing justification been offered in this case and so no assessment of public benefit outweighing that harm can be made. Policies LP16 a) and d) and LP18 of the local plan are also relevant.

FDC Conservation Officer - Update (24/4/24)

In conclusion, given the level of detrimental impact on the setting of the grade II listed mill and the character and appearance of the conservation area, this development is not supported in principle. Furthermore, given the very close proximity of the proposal to the identified designated heritage assets and the design of the development, it is not considered that the development would make a positive contribution to local character and distinctiveness in accordance with paragraph 192 of the NPPF.

The development would amount to less than substantial harm (medium on the spectrum) as outlined in paragraph 196 of the NPPF, as a result of the loss of setting and erosion of the 'spatial buffer'. It therefore results in a considerable and cumulative less than substantial harm on the significance of the mill and the character and appearance of the conservation area.

Furthermore, paragraph 205 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and thus any harm, irrespective of whether the harm amounts to substantial harm or less than substantial harm to its significance should result in a strong presumption to refuse.

Finally, paragraph 206 of the NPPF states that any harm to the significance of a designated heritage asset should require clear and convincing justification. From the submitted information, no convincing justification is considered to have been offered in this case and so no assessment of public benefit outweighing that harm can be made. Local Plan Policies LP16 a) and d) and LP18 of the local plan are also relevant.

FDC Environmental Health (22/06/2023)

- 5.7 *The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposal, as it unlikely to have a detrimental effect on the local air quality.*

Should planning permission be granted, in the interests of protecting the amenity of existing nearby residencies, it is recommended that a number of issues are addressed from an environmental health standpoint by way of imposing conditions. Given the nature and scale of the proposed development, the issues of primary concern to this service during the construction phase would be the potential for noise, dust and possible vibration to adversely impact on the amenity of the occupiers at the nearest residential properties. Therefore, this service would welcome the submission of a robust Construction Environmental Management Plan (CEMP) that shall include working time restrictions in line with the template for developers, now available on Fenland District Council's website at: [Construction Environmental Management Plan: A template for development sites \(fenland.gov.uk\)](http://fenland.gov.uk) Vibration impact assessment methodology, mitigation measures, monitoring and recording statements in accordance with the provisions of BS 5228-2:2009+A1:2014 Code of Practice for noise and vibration control on construction and open sites may also be relevant, as would details of any piling construction methods / options, as appropriate. It is also recommended that the following condition is imposed: If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority (LPA)) shall be carried out until the developer has submitted, and obtained written approval from the LPA, a Method Statement detailing how this unsuspected contamination shall be dealt with.

Anglian Water (21/06/2023)

- 5.8 *Section 1 - Assets Affected*

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

WASTEWATER SERVICES

Section 2 - Wastewater Treatment The foul drainage from this development is in the catchment of Doddington Water Recycling Centre that will have available capacity for these flows Planning Report

Section 3 - Used Water Network This response has been based on the following submitted documents: Flood Risk Assessment & SUSTAINABLE DRAINAGE STRATEGY Due to lack of information we are unable to make an informed assessment. A full assessment cannot be made due to lack of information, the applicant has not identified a connection point into the public network. Therefore, the development has the potential to have an unacceptable risk of flooding/or pollution from the network. Anglian Water will need to plan effectively for the proposed development, if permission is granted. We will need to work with the applicant to ensure any infrastructure improvements are delivered in line with the development. We therefore request a condition requiring an on-site drainage strategy

INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

INFORMATIVE - Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

INFORMATIVE - Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.

INFORMATIVE: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

Section 4 - Surface Water Disposal The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments in the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be reconsulted to ensure that an effective surface water drainage strategy is prepared and implemented.

Section 5 - Suggested Planning Conditions Anglian Water would therefore recommend the following planning condition if the Local Planning Authority is mindful to grant planning approval. Used Water Sewerage Network (Section 3) We have no objection subject to the following condition

Prior to the construction above damp proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme. Reason To prevent environmental and amenity problems arising from flooding

Cambridgeshire Fire and Rescue (21/06/2023)

- 5.9 *With regard to the above application, should the Planning Authority be minded to grant approval, the Fire Authority would ask that adequate provision be made for fire hydrants, which may be by way of Section 106 agreement or a planning condition. The position of fire hydrants are generally agreed upon when the Water Authority submits plans to: Water & Planning Manager Community Fire Safety Group Hinchbrook Cottage Brampton Road Huntingdon Cambs PE29 2NA Where a Section 106 agreement or a planning condition has been secured, the cost of Fire Hydrants will be recovered from the developer. The number and location of Fire Hydrants will be determined following Risk Assessment and with reference to guidance contained within the “National Guidance Document on the Provision of Water for Fire Fighting” 3rd Edition, published January 2007. Access and facilities for the Fire Service should also be provided in accordance with the Building Regulations Approved Document B5 Vehicle Access. Dwellings Section 13 and/or Vol 2. Buildings other than dwellings Section 15 Vehicle Access. If there are any buildings on the development that are over 11 metres in height (excluding blocks of flats) not fitted with fire mains, then aerial (high reach) appliance access is required, the details of which can be found in the attached document.*

CCC Growth and Economy (20/06/2023)

- 5.10 *With regards to the planning application consultation F/YR23/0500/F, for 14 dwellings in Doddington, we note that the applicant has submitted a Viability Assessment, which indicates that no developer contributions are likely if this scheme is to proceed. This aside, I can advise that the impact on education and library infrastructure would be as follows: - Child Yield EY children: 2.60 children, of whom 1(0.97) entitled to free provision. PS children: 2.50 children SS children: 1.80 children Early Years - As of August 2022, there were 108 x 0–4-year-olds in the catchment, 45 of whom would be entitled to funded places. Developments in the area are expected to generate an additional 13 x 0–4-year-olds, 9 of whom would be eligible for funded places, making a total of 54 eligible children. At present there is a single EY setting and several childminders operating within the catchment, offering a total of 47 places. This means a shortfall of 9 places, plus those expected from this development (being 1 child). The cost of an EY expansion place is £18,187 based on 1Q22, using the DfE Score Card costing, or £21,774 (1Q22) DfE Score Card cost for a new school place. Contribution: £18,187 x 0.97 = £17,641. Trigger: 100% prior to commencement of development. Primary – The catchment primary school, Lionel Walden, has a total capacity of 210 places. Current (base) catchment forecasts show the school at or below 178 pupils for the next five years. Developments in the catchment area are expected to generate up to 18 primary school age children, for a likely maximum roll of 196. So, there would likely be sufficient primary places to accommodate any children from this development. Secondary – recent analysis showed the total figure for Cromwell Community school - current (base) catchment forecasts, children expected to be generated by other development in the surrounding area - to be a shortfall of 366 places. The cost of a new place is £25,253 based on 1Q22 DfE Scorecard Costs for an expansion place OR £26,366 based on 1Q22 DfE Scorecard for a new school place. Contribution: £25,253 x 1.80 = £45,455. Trigger: 100% prior to commencement of development. Library Provision – this development would likely accommodate 35 people (14 x 2.5). A project to enhance provision at March library would meet pressure from new development, and therefore a contribution of £91 per new head of population would be sought, totally 35 x £91 = £3,185. Trigger: 100% prior to 50% occupation of development. Monitoring fee = £150.*

Cambridgeshire Police – Designing Out Crime (19/06/2023)

- 5.11 *Thank you for the opportunity to comment on this planning application I have viewed the design and access statement (DAS) and supporting documents in relation to crime, disorder, the fear of crime, and community safety. I have researched the constabulary crime and incident systems covering this location for the last two I would consider this to be an area of low vulnerability to the risk of crime. Unfortunately, there doesn't appear to be any specific security or crime prevention section in the design and access statement, whilst the Pedestrian and Vehicle routes are aligned together, there is limited surveillance*

from overlooking properties, many of the habitual rooms are to the rear of the properties, bedrooms located facing the street scene provide little surveillance. Vehicle parking is in curtilage between and to the sides of properties or in garages. Most homes have protected rear gardens which reduces the vulnerability and risks to crime and have been provided with some defensible space to the fronts. I do however have the following comments: - Internal layout I would recommend that the internal layout of the bungalows is reconfigured on several plots to ensure there is an increased amount of natural surveillance from habitual rooms (Kitchen and living rooms), whilst most of these bungalows are positioned facing along the street scene, many of these front facing rooms are bedrooms with the habitual rooms located to the rear. Waveney G - Plots 8 and 9 - currently has a blank gable end and would benefit from a window to the side of the lounge to provide additional surveillance over the street scene and drive. Consideration to relocating Kitchen to front moving bedroom to the rear. Waveney - Plots 5,7 & 12 would it be possible to relocate the kitchen to the front of some to ensure increased surveillance. Lambourne K – Plots 4,6 & 10 – relocate Kitchen to front swap with bedroom. Aldeburgh – Plot 1 – consider installing window to the rear sitting room wall to provide additional surveillance to this area and over private vehicles. Fences – Consider dropping fence height on Plot 10 from 1.8m to 1.5m and installing 300mm trellis, to increase surveillance over vehicles and this rear cul-desac. Lighting I would like to see a copy of the lighting plan including calculations and lux levels once available. For the safety of people and their property our recommendation is that all adopted and un-adopted roads, private and shared drives and parking areas or footpaths and should be lit by columns to BS5489:1 2020. Bollard lighting is only appropriate for wayfinding and should not be used as a primary lighting source for any roads, parking areas or footpaths, where they are also prone to damage. Care should be taken in relation to the location of lighting columns with the entry method for most dwelling burglary being via rear gardens. Lighting columns located next to rear/side garden walls and fences with little surveillance from other properties can be used as a climbing aid to gain entry to the rear gardens. Home security lights both front and rear should be dusk to dawn bulkhead LED lights. Bungalows are typically occupied by more mature members of the community, these persons are more likely to be the victims of burglaries particularly distraction burglaries, by re-orientating rooms within these proposed properties will increase the natural surveillance whilst providing the occupants a safe and secure place to live. I am happy for the above to be conditioned. I am supportive of the design but clarification on the above comments would be appreciated. This has the potential to be a development where there is a strong commitment to community safety and reducing vulnerability to crime, I would encourage the applicant considers submitting a “Secured by Design” 2019 Homes application – this office would be pleased to work with them to attain this award.

CCC Archaeology (16/03/2023)

- 5.12 Thank you for your consultation with regards to the archaeological implications of the above referenced planning application. The proposed development lies in an area of archaeological interest. Within the northern portion of the proposed development is the clear remains of medieval ridge and furrow visible using lidar imagery (Cambridgeshire Historic Environment Record ref MCB24264). Just to the west of the proposed development is the Grade II listed Doddington Windmill and early 19th century example (National Heritage List for England 1126577). Just to the north of the proposed development archaeological evaluations found a number of ditches containing abraded Roman Pot (CHER ECB5320). We previously commented on application F/YR21/0065/F and we confirm that our advice remains the same. Whilst we do not object to development proceeding at this location we consider we consider that the site should be subject to a programme of archaeological investigation secured through the inclusion of a negative condition, such as the example condition approved by DCLG. Archaeology Condition No demolition/development shall commence until the applicant, or their agents or successors in title, has implemented a programme of archaeological work, commencing with the evaluation of the application area, that has been secured in accordance with a Written Scheme of Investigation (WSI) that has been submitted to and approved by the Local Planning Authority in writing. For land that is included within the WSI, no demolition/development shall take place other than under the provisions of the agreed

WSI, which shall include: a. the statement of significance and research objectives; b. The programme and methodology of investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works; c. The timetable for the field investigation as part of the development programme; d. The programme and timetable for the analysis, publication & dissemination, and deposition of resulting material and digital archives. REASON: To safeguard archaeological assets within the approved development boundary from impacts relating to any demolitions or groundworks associated with the development scheme and to ensure the proper and timely preservation and/or investigation, recording, reporting, archiving and presentation of archaeological assets affected by this development, in accordance with national policies contained in the National Planning Policy Framework (MHCLG 2019). Informatives: Partial discharge of the condition can be applied for once the fieldwork at Part c) has been completed to enable the commencement of development. Part d) of the condition shall not be discharged until all elements have been fulfilled in accordance with the programme set out in the WSI. A brief for the recommended programme of archaeological works is available from this office upon request. Please see our website for CHET service charges

FDC Housing Strategy (15/06/2023)

- 5.13 *I note that a viability assessment has been submitted as part of this planning application. I further understand that it is currently being considered by the appropriate officer. In the event that it is concluded that the provision of affordable housing is viable, our Housing needs Policy provisions below apply.*

Fenland Local Plan Policy LP5 Requirements Policy LP5 of the Fenland Local Plan (adopted May 2014) seeks 25% affordable housing on developments where 10 or more homes will be provided On sites of Level of affordable housing Minor developments (5-9 dwellings) Nil affordable housing Major developments (10 or more dwellings) 25% affordable housing (rounded to the nearest whole dwelling) Tenure Mix 70% affordable housing for rent (affordable rent tenure) and 30% other affordable routes to home ownership tenure (shared ownership housing) The Fenland Viability Report (March 2020) To inform the preparation of Fenland's emerging Local Plan, a Viability Assessment was undertaken which looked at the cost of building new homes and the costs associated with the policies in this Local Plan. This report concluded that viability in Fenland is marginal and varies between localities in the district. The assessment indicates that 20% affordable housing is likely to be the maximum level of provision that can be achieved through planning obligations. In response to the report, the Council has confirmed that finding of the viability assessment will be taken into account when determining planning applications from May 2020 onwards. Consequently, while the Council aims to deliver policy compliant 25% affordable Housing provision on qualifying schemes where possible, it is acknowledged that a reduced percentage of affordable housing via planning obligations to a maximum of 20%, will be achievable in most instances. Since this planning application proposes the provision of 14 number of dwellings, our policy seeks to secure a contribution of 25% affordable housing which equates to 4 affordable dwellings in this instance. Based on the provision of 20% affordable housing 3 affordable dwellings would be required in this instance. The current tenure split we would expect to see delivered for affordable housing in Fenland is 70% affordable rented tenure and 30% shared ownership. This would equate to the delivery of 3 affordable rented homes and 1 shared ownership based on the provision of 25% affordable housing or 2 affordable rented homes and 1 shared ownership based on the provision of 20% affordable housing. The provision of on-site affordable housing or a financial contribution Where affordable housing is due, the policy indicates that the affordable housing will be provided on site unless there are exceptional circumstances which necessitate provision on another site or the payment of a financial contribution. Since 2016 Fenland has had arrangements in place to mitigate the difficulty of implementing an on-site policy for sites with a planning obligation to deliver less than 10 affordable homes. These arrangements are regularly reviewed to ensure that they continue to accurately reflect the challenges of securing small scale on site affordable housing delivery through planning obligations. This arrangement has been reviewed in response to the findings of the Viability Assessment and the potential for variations in the percentage of affordable housing delivery that is likely to be achievable

through planning obligations, depending on the location of the site within the local authority district area. Accordingly, Fenland's current approach is to agree that sites that yield less than 10 (i.e. 9 or fewer) affordable homes through planning obligations can be discharged by way of a financial contribution rather than on-site provision. The application of this arrangement is not dependent on the total number of dwellings seeking consent for delivery, instead, it is triggered by the number of affordable homes that are deliverable. If the applicant chooses to provide a financial contribution rather than seek an RP partner to deliver the on-site affordable housing, the affordable housing financial contribution will be calculated in accordance with the mechanism provided in the Local Plan policy and as follows: The applicant should submit the necessary open market values of homes which would otherwise have been affordable housing to FDC. FDC will assume that RPs would usually pay 55% of OMV for a rented dwelling and 65% of OMV for a shared ownership dwelling. FDC will assume that 70% of all affordable homes will be rented tenure and 30% will be shared ownership tenure

CCC Ecology (07/08/2023)

- 5.14 Thank you for your consultation letter received on 26 Jun 2023 regarding the above planning application. We recommend refusal of this application due to lack of biodiversity information. This matter can be resolved through the submission of further bat survey work and detailed BNG metric spreadsheet to the LPA prior to the determination of the planning application. Please find further details below: The updated Preliminary Ecological Appraisal (PEA, Phillip Parker, Associates 2023) has found a Brown-Long Eared feeding perch within the building schedule to be demolished as part of the scheme. The PEA recommends further bat surveys to confirm the importance of this site for roosting bats. This survey work has not been submitted as part of the application and therefore, it is not possible to determine the level of impact of the scheme on bats and whether the proposed mitigation is adequate. A Biodiversity Net Gain report has been submitted as part of the scheme, however, we cannot find a copy of the BNG metric spreadsheet upon which it is based. It is therefore not possible to interrogate the data to confirm whether or not the summary within the BNG report is accurate. Consequently, it is not possible to determine if the scheme accords with National Planning Policy Framework 2021 (paragraphs 174 & 180-182) or the following Fenland Local Plan 2014 policies to conserve and enhance biodiversity:

- LP16: "Proposals for all new development... will only be permitted if it can be demonstrated that the proposal... "protects and enhances biodiversity on and surrounding the proposal site, taking into account locally designated sites and the special protection given to internationally and nationally designated sites, in accordance with Policy LP19"
- LP19: "conserve, enhance and promote the biodiversity and geological interest of the natural environment throughout Fenland". Furthermore, the local authority is unable to discharge its statutory duty to conservation biodiversity (Natural Environment and Rural Communities Act 2006) and protect Protected Sites and species of European importance (Conservation of Habitats and Species Regulations 2017).

We therefore recommend refusal until the following information is provided prior to determination:

- Further Bat Survey Work
 - Biodiversity Net Gain Assessment – accompanying Defra Metric excel spreadsheet
- Planning Obligations / Conditions Notwithstanding the above recommended refusal - if planning permission is granted, it is expected that condition(s) will be required to ensure protection and enhancement of biodiversity is secured as part of the scheme: The proposal is acceptable on ecology grounds, providing that the follow information to protect and enhance biodiversity is secured through suitably worded planning condition(s):

1. Construction Environment Management Plan
2. Landscape and Ecological Management Plan
3. Off-site BNG Plan*

4. *Lighting Design Strategy for Biodiversity*
5. *Protected Species Licence - Bats*
6. *Time Limit on Development before further biodiversity surveys required*
7. *Informative – Breeding Birds* In addition, the Applicant is proposing to provide approximately £21,000 contribution to Lattersey Local Nature Reserve to deliver biodiversity enhancement and off-set the loss of biodiversity (BNG) as part of the scheme. We understand this approach has been agreed with the LPA's previous ecological advisor. *We are unclear exactly what the contribution will deliver and therefore, if planning permission is granted, suggest that an off-site BNG Plan be secured through a suitably worded condition (as listed above). In addition, we recommend the financial contribution be secured through appropriate planning mechanism (e.g. planning obligation).

CCC Ecology (10/4/24)

We welcome the submission of the updated Preliminary Ecological Appraisal, updated Biodiversity Net Gain Report, Metric 3.1 and the updated Bat Report, which sets out the findings of the bat surveys and proposed mitigation for loss of a bat roosts (Long Eared feeding perch). This information resolves our previous concerns. Therefore, we remove our recommendation for refusal.

Planning obligations / conditions: The proposal is acceptable on ecology grounds, providing that the following information, and funding off-site BNG at Lattersey Nature Reserve, can be secured through suitably worded planning obligations / conditions. We provided a list of conditions set out in our consultation response of 07 August 2023 (ref. FYR230500F_ECO_20230807), which still stand. We also recommend an additional planning condition to ensure the applicant provides the LPA with a cop of the Natural England bat licence, prior to demolition of the on-site building containing the bat roost.

1. SUGGESTED DRAFT CONDITION: European Protected Species Licence (bats) No vegetation removal or demolition of the outbuilding identified in the Update Bat Surveys of On Site Building report (Ref. P2021-52 R4 A) shall not in any circumstances commence unless the local planning authority has been provided with either: a) a licence issued by [the relevant licensing body] pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2017 authorizing the specified activity/development to go ahead; or b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence Reason: Fenland Local Plan 2014 policies LF16 & LF19 & Conservation of Habitats and Species Regulations 2017 (as amended) (to protect biodiversity)

2. SUGGESTED DRAFT CONDITION: Construction Ecological Management Plan No development shall take place (including demolition, ground works and vegetation clearance) until a Construction Ecological Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall incorporate recommendations of the updated Preliminary Ecological Appraisal and Update Bat Surveys of On Site Building report and must include the following: a) Risk assessment of potentially damaging construction activities. b) Identification of "biodiversity protection zones". c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) d) The location and timings of sensitive works to avoid harm to biodiversity features. e) The times during which construction when specialist ecologists need to be present on site to oversee works. f) Responsible persons and lines of communication. g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person. h) Use of protective fences, exclusion barriers and warning signs if applicable. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority. Reason: Fenland Local Plan 2014 policies LF16 & LF19 (to protect biodiversity)

3. SUGGESTED DRAFT CONDITION: Landscape and Biodiversity Enhancement Scheme (on-site) Within 6 months of the date of this approval, a scheme for the landscaping and biodiversity enhancements and habitat improvements as set out within the approved Preliminary Ecological Appraisal at the site shall be submitted to and approved in writing by the Local Planning Authority. The landscaping and biodiversity enhancement details to be submitted shall include: 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) bat mitigation set out in the updated Update Bat Surveys of On Site Buildings report (and any updates in the European Protected Species licence) 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 siting and timing of all construction activities to avoid harm to all nature conservation features e) [additional details from landscape officer....] 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 LF16 & LP19 (to protect and enhance biodiversity)

4. SUGGESTED DRAFT CONDITION: Landscape and Ecological Management Plan A landscape and ecological management plan (LEMP) shall be submitted to and be approved in writing by the local planning authority prior to the operational phase of the development. The content of the LEMP shall include the following: a) Description and evaluation of features to be managed. b) Ecological trends and constraints on site that might influence management. c) Aims and objectives of management. d) Appropriate management options for achieving aims and objectives (including biodiversity net gain). e) Prescriptions for management actions f) Preparation of the work schedule (including an annual work plan capable of being rolled forward over a 30 year period and BNG audit) g) Details of the body or organisation responsible for implementation of the plan h) Ongoing monitoring and remedial measures The LEMP shall also include details of the legal and funding mechanism(s) by which the longterm implementation of the plan will be secured by the development with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. A 5 yearly report shall be submitted to the LPA confirming the progress of the LEMP and results of any monitoring work. The LEMP shall be implemented in accordance with the approved details and all features shall be retained in the manner thereafter in perpetuity. Reason: Fenland Local Plan 2014 policies LF16 & LF19 (to protect and enhance biodiversity)

5. Off-site BNG Plan; No development shall commence, apart from below ground works and demolition, until a Biodiversity Net Gain (BNG) Plan has been submitted to and approved in writing by the local planning authority. The off-site BNG Plan shall target how a net gain in biodiversity will be achieved through a combination of on-site and off-site mitigation at Lattersey Nature Reserve. The BNG Plan shall include: i) A hierarchical approach to BNG focussing first on maximising on-site BNG, second delivering off-site BNG at a site(s) of strategic biodiversity importance, and third delivering offsite BNG locally to the application site; ii) Full details of the respective on and off-site BNG requirements and proposals resulting from the loss of habitats on the development site utilising the latest appropriate DEFRA metric; iii) Identification of the existing habitats and their condition on-site and within receptor site(s); iv) Habitat enhancement and creation proposals on the application site and /or receptor site(s) utilising the latest appropriate DEFRA metric; v) An implementation, management and monitoring plan (including

identified responsible bodies) for a period of 30 years for on and off-site proposals as appropriate. The off-site BNG Plan shall be implemented in full and subsequently managed and monitored in accordance with the approved details. Monitoring data as appropriate to criterion v) shall be submitted to the local planning authority in accordance with the latest DEFRA guidance and the approved monitoring period / intervals.

Reason: Fenland Local Plan 2014 policies LF16 & LF19 (to protect biodiversity)

6. **SUGGESTED DRAFT CONDITION: Lighting Design Strategy for Biodiversity** Notwithstanding the submitted details, and within 6 months of the date of this approval, a "lighting design strategy for biodiversity" in accordance with ILP Publications' "Guidance Note 8 Bats and artificial lighting" shall be submitted to and approved in writing by the Local Planning Authority for all existing and proposed lighting within the development hereby permitted. Prior to occupation, a lighting design strategy for biodiversity shall be submitted to and approved in writing by the local planning authority. The strategy shall:
a. identify those areas /features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging;
and b. show how and where external lighting will be installed (through the provisions of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority. Reason: Fenland Local Plan 2014 policies LF16 & LF19 (to protect biodiversity)

7. **SUGGESTED CONDITION: Time Limit on Development Before Further Surveys are Required** If the development hereby approved does not commence (or, having commenced, is suspected more than 12 months) within 1 years from the date of the planning consent, the approved ecological measures secured through [INSERT BIODIVERSITY CONDITIONS: e.g. CEMP, LEMP, Lighting Scheme] shall be reviewed and, where necessary, amended and updated. This review shall be informed by further ecological surveys commissioned to i) establish if there have been any changes in the species / habitats present at the site and ii/ identify any likely new ecological impacts that might arise from any changes. The amended documents shall be submitted to and approved in writing by the local planning authority prior to commencement of development. Works must be carried out in accordance with the proposed new approved ecology measures and timetable. Reason: Fenland Local Plan policies LF16 & LF19 (to protect biodiversity)

8. **SUGGESTED DRAFT INFORMATIVE – Breeding Birds** The Applicant is reminded that under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees / scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present. Reason – Wildlife and Countryside Act 1981 (protection of wild birds, their nests, eggs and young)

FDC Independent Viability Assessor

5.15 We find that the scheme is viable with either of the following:

- 2 onsite affordable units (14.29%) plus S106 payments totalling £49,000
- Or an offsite commuted sum of £175,000 plus S106 payment of £49,000.

5.16 East of England Ambulance Service NHS

Thank you for consulting East of England Ambulance Service NHS Trust (EEAST) on the above planning application. This letter outlines the impact on emergency ambulance healthcare infrastructure arising from the application.

Please accept this letter as EEAST's position on emergency ambulance healthcare capacity and need arising from this planning application and a financial contribution sought if Fenland District Council is minded to grant planning permission and is in line with Fenland IDP Policies LP2, LP3 and LP9.

Assessment of Development Impact on Emergency Ambulance Service Provision

This development, should the application be successful, will affect March ambulance stations as well as Ely, St Ives and Peterborough Hub and ambulance stations which respond to emergency incidents within the local area as well as impact on the regional call centres.

Travel times from March Ambulance Station in rush hour traffic to the development location are circa 15 minutes (Reference ShapeAtlas) and around 30 minutes from the other ambulance stations which support Doddington (NB this is a standard reference point and does not mean ambulances come from these locations in order to respond to calls).

For these reasons, in order to make this development acceptable it is requested a capital contribution from developers is made towards the provision Emergency Ambulance Service Infrastructure which may be the nearest Hub, local ambulance station(s), provision of additional ambulance vehicles to support the population growth from this development.

Table 2 Capital Cost calculation of additional emergency ambulance health services arising from the development proposal

No Dwellings	Infrastructure Cost*	Total
14	£327	£4,578

** Adjusted pro-rata for 2.4 person per dwelling. EEASTs baseline infrastructure cost* calculation of £300 is based on 2.2 persons per dwelling as submitted to Fenland IDP Regulation 18 consultation October 2022*

Capital infrastructure cost calculation takes the population in EEAST (6.3m) / number of Incidents in 2023/24 (1.4m) = 0.22 incidents per person per annum and multiplies this against the Capital Infrastructure Costs of £300 per 2.2 persons per dwelling and adjusted pro-rata:

Capital Infrastructure Cost of £340 per 2.2 person dwelling is calculated using 2023/24 costs required to deliver a mobile emergency healthcare service:

Estates build per m² (£213.50) + Patient facing emergency ambulance vehicles (£126.50)

*The capital required to create additional ambulance services to support the population arising from the proposed development is calculated to be **£4,578** and are for the impact of this development only.*

Emergency Ambulance Capital Funding

Ambulance stations supporting residents in this development area are deemed aged,

capacity constrained and no longer fit for modern ambulance services to deliver Make Ready Services as defined under the Lord Carter Report (2018) and mandated by Quality Care Commission (CQC).

The capital required would provide financial resources for EEAST to absorb the additional patient demand generated by this development on emergency ambulance health services. New developments place additional demand on our existing infrastructure without any direct associated funding.

EEAST, as with all NHS Trusts, is allocated an annual capital spend limit (CDEL), which is generally used to support maintenance backlog/and replacement of existing fleet vehicles and onboard essential capital medical equipment, both of which have a maximum lifespan of 5 years before being replaced.

For this reason our request for capital funding is distinct from revenue income from NHS England.

This additional capital funding would be allocated, in agreement with the local council, to support:

-creation of an additional ambulance station/response post in a more suitable location to meet the increased local demand arising from this housing development.

EEAST is commissioned by Suffolk and North East Essex ICS on behalf of all ICSs throughout Bedfordshire, Cambridgeshire, Essex, Hertfordshire, Norfolk and Suffolk:

- Make sure patients with serious or life-threatening injuries and illnesses get the care they need 24 hours a day, 365 days a year
- Receive 3,600+ emergency calls every day which are categorised by call handlers in our ambulance operations centres in Bedford, Chelmsford and Norwich
- A traditional ambulance may not be first on scene, this could be a Community First Responder, rapid response vehicle with an emergency care practitioner, paramedic or emergency medical technician, emergency doctor or air ambulance
- Provide See and Treat, Hear and Treat services and transport patients to one of 17 acute hospital or other healthcare settings
- Our hazardous response teams and resilience department are responsible for all emergency preparedness, resilience and responds dealing with all internal and external emergency planning and respond to significant/ major incidents and, to provide specialist advice to our command team.
- A HART vehicle and appropriately trained staff are sent to locations which are within 3 meters of water.

EEAST are required to meet the NHS ambulance standard response times (see Table 1 below). for a life-threatening incident (Category 1), may require up to 4 vehicles to manage the incident. This could include community first responder, rapid response vehicle and one or more DSAs are sent to this type of incident. On average, a face-to-face incident requiring transport to hospital will utilise an ambulance for 2 hours.

Table 1 Ambulance Quality Operational Standard 2024/25

Operational Standards	90th Percentile (No Greater Than)	Mean (No Greater Than)
Category 1 (life-threatening) incidents – proportion of incidents resulting in a response arriving within 15 minutes	15 minutes	7 Minutes
Category 2 (emergency) incidents – proportion of incidents resulting in an appropriate response arriving within 40 minutes	40 minutes	30 Minutes
Category 3 (urgent) incidents – proportion of incidents resulting in an appropriate response arriving within 120 minutes	120 minutes	-

<i>Category 4 (less urgent “assess, treat, transport” incidents only) – proportion of incidents resulting in an appropriate response arriving within 180 minutes</i>	180 minutes	-
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In 2023/24 for our population across the East of England of 6.1m we received 1,384,547 emergency calls:

- *92% patients received a face-to-face intervention with the remainder managed through Hear and Treat*
- *55.0% patients attended required conveyance to emergency department*
- *equates to 0.23 calls per person per annum.*

Local Residents/Interested Parties

5.17 32 letters of objection received from residents at Doddington (31) and Wimblington (1) with points summarised below:

- First stage hasn't been completed
- Issues with drainage/flooding
- Infrastructure incapable of accommodating more dwellings
- Questioning viability
- Intrusive during construction
- Loss of outlook
- Impact upon heritage assets
- Impact upon biodiversity
- Loss of privacy to neighbours
- Sustainability of the site
- Questioning provision of boundary fencing

7no. letters of support received from residents at Doddington with points summarised:

- Need more bungalows in the village
- Bungalows will encourage retired/semi-retired
- No known flooding issues
- Anglian Water recently upgraded sewage treatment

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).

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

7 POLICY FRAMEWORK

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

National Design Guide 2021

Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development
LP2 – Facilitating Health and Wellbeing of Fenland Residents
LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside
LP4 – Housing
LP5 – Meeting Housing Need
LP12 – Rural Areas Development Policy
LP13 – Supporting and Managing the Impact of a Growing District
LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland
LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland
LP16 – Delivering and Protecting High Quality Environments across the District
LP17 – Community Safety
LP18 – The Historic Environment
LP19 – The Natural Environment

Emerging Local Plan

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

LP1 Settlement Hierarchy
LP2: Spatial Strategy for the Location of Residential Development
LP7 Design
LP8 Amenity Provision
LP12 Meeting Housing Needs
LP18 Development in the Countryside
LP20 Accessibility and Transport
LP22 Parking Provision
LP23: Historic Environment
LP24: Natural Environment
LP27 Trees and Planting
LP28 Landscape
LP31 Open Space and Recreational Facilities
LP32 Flood and Water Management

8 KEY ISSUES

- **Principle of Development**
- **Developer Contributions/Affordable Housing**
- **Visual amenity/Design/Impact on Heritage Assets**
- **Residential amenity**
- **Highways/Access**
- **Flood Risk/Drainage**
- **Biodiversity**
- **Other Issues**

9 BACKGROUND

9.1 Planning permission was granted for 28 bungalows on the land to the north of the application site under application F/YR17/0406/F. At this time, the Local Planning Authority could not demonstrate a five-year housing land supply and so the tilted balance was engaged. This development has largely been completed and it is via this development that the access to serve this site is sought.

- 9.2 Application F/YR21/1386/F was refused for the erection of 16 x dwellings due to impact upon the conservation area and setting of a listed building; biodiversity; residential amenity and failure to submit a s106 agreement.
- 9.3 This current submission seeks to address the previous reasons for refusal. It proposes a reduction in the number of dwellings to 14 no single storey dwellings accessed via Juniper Close. The layout has also been amended from the previous submission, in particular the removal of dwellings in close proximity to No. 8 & 9 The Larches. An additional area of open space has been included along with a shrubby thicket, to ensure a buffer is given between the existing and new dwellings.
- 9.4 Further to the above, a revised Heritage Statement has been submitted as part of this application which sought to better analyse the scheme against National and Local Planning policies. Additional biodiversity information has been submitted as and a detailed plan setting out the biodiversity achievements of the site is included.
- 9.5 Another reason for refusal on the previous scheme was due to the lack of a s106 agreement or the submission of a Viability Assessment. This application has been supplemented with a Viability Assessment. Upon consultation with the Council's independent assessor, it was concluded that the scheme is viable and is addressed within the assessment.

10 ASSESSMENT

Principle of Development

- 10.1 Doddington is a growth village as set out in the spatial strategy and settlement hierarchy within Policy LP3 of the Local Plan. For these settlements, development and new service provision within the existing urban area or as small village extensions will be appropriate albeit of a considerably more limited scale than that at Market Towns. A note to this policy states that development at Wimblington and Doddington will be appropriate providing that the capacity at or in the sewerage network leading to the Waste Water Treatment Work at Doddington can be addressed.
- 10.2 The site is not within the existing urban area *per se* but could be classed as a small urban extension with recent development to the north of the site having been built out. However, the site is countryside and paragraph 180 (b) of the NPPF requires decisions to contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside and the wider benefits from natural capital and ecosystem services.
- 10.3 In considering just the location of the site, given that it adjoins the existing urban area to the north and east, at least for the majority of its boundary, the principle of the development would be acceptable and would comply with Policy LP3 of the Local Plan. However, there is one detailed aspect of the site and surroundings that render the proposal unacceptable. All other material considerations are discussed below.
- 10.4 The site is one of the proposed residential allocations in the emerging Local Plan but at present this is at such an early stage that it carries little weight. Additionally, the considerations during the process as to whether to include the site in the proposed allocations would not be as in depth as the considerations undertaken as part of the assessment of this application.
- 10.5 The previous refused scheme did not cite an in-principle issue, and with no subsequent significant policy changes since, the application is considered to be acceptable in principle subject to other issues addressed further in the report.

Developer Contributions/Affordable Housing

- 10.6 Policy LP5 Part A of the Local Plan requires developments of 10 or more houses to provide 25 percent of the dwellings as affordable houses, the exact tenure mix to be informed by an up-to-date housing needs assessment. This should form the basis of a S106 Agreement to accompany the submission.
- 10.7 Policy LP13 of the Local Plan sets out that planning permission will only be granted if there is sufficient infrastructure capacity to support and meet all the requirements arising from the proposed development.
- 10.8 The National Planning Practice Guidance (NPPG) states that planning applications that fully comply with up-to-date policies that have set out the contributions from developments, they should be assumed to be viable. It further states that it is up to the applicant to demonstrate the need for a viability assessment at the application stage.
- 10.9 The application form states that all of the proposed housing will be for the open market. In this instance and following on from application F/YR21/1386/F which was refused for 16 dwellings due to the failure to submit a s106 agreement to secure financial and infrastructure contributions generated by the proposed development, this application has been accompanied by a 'Viability Assessment' in accordance with paragraph 58 of the NPPF (2023).
- 10.10 The submitted Viability Assessment case was thoroughly reviewed by an independent property surveyor appointed by the Council. The viability assessment establishes a benchmark land value (BLV) (the land value now) along with a residual land value (RLV) generated by the development (the value of the development after implementation) and then undertakes a comparison of the RLV against the BLV to establish the viability of the development. In simple terms, if there is a surplus then the scheme can be considered to be viable and if there is a deficit then the scheme can be considered to be unviable. Through consultation with the independent assessor appointed by the Council, it is concluded, that the scheme is viable with planning policies applied for either:
- 2 on site affordable units (14.29%) plus s106 contributions totalling £49,000
 - Or an offsite commuted sum of £175,000 plus s106 contributions of £49,000
- 10.11 The applicants will not be providing a policy compliant scheme with regards to on-site provision of affordable homes, however, through correspondence with the agent following the assessor's conclusion, it has been confirmed that they would be willing to make the offsite affordable housing commuted sum payment of £175,000 plus contributions totalling £49,000 towards education; NHS and off site contributions to offset biodiversity loss through a s106 agreement. Heads of Terms have been agreed, therefore should the application be approved, it would be subject to a s106 agreement. It is also noted the East of England Ambulance service submitted comments following agreement of the Heads of Terms, however, there is uncertainty as to whether this would be CIL compliant so this would need to be addressed further but could form part of any Section 106 agreement.

Visual amenity/Layout/Design and Impact upon Heritage Assets

- 10.12 Consideration is given to the impact of the proposal on the architectural and historic interests of a listed building 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 according to the duty in law under S66 Planning (Listed Buildings and Conservation Areas) Act 1990.
- 10.13 Consideration is given to the impact of this proposal on the character and appearance of Doddington Conservation Area with special attention paid to the desirability of preserving or enhancing the character or appearance of that area according to the duty in law under S72 Planning (Listed Buildings and Conservation Areas) Act 1990.

- 10.14 Paragraph 131 of the NPPF states that that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 10.15 Paragraph 135 of the NPPF states that Planning policies and decisions should ensure that developments function well and add to the overall quality of the area and are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Developments should be 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).
- 10.17 Paragraph 201 of the NPPF states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 10.18 Paragraph 205 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 10.19 Paragraph 208 of the NPPF states that 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.
- 10.20 Policy LP16 of the Local Plan states that proposals for all new development, will only be permitted if it can be demonstrated that the proposal meets certain criteria, inter alia, (d) 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 local built environment, provides resilience to climate change, reinforces 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 and that the development protects and enhances any affected heritage assets and their settings to an extent that is commensurate with the NPPF and in accordance with policy LP18.
- 10.21 Policy LP18 sets out that the Council will protect, conserve and seek opportunities to enhance the historic environment throughout Fenland. This will be achieved by consideration of planning applications amongst other things. The policy states that all proposals that would affect any designated or undesignated heritage asset will be required to:
- Describe and assess the significance of the asset and/or its setting to determine its architectural, historic or archaeological interest; and
 - Identify the impact of proposed works on the special character of the asset; and
 - Provide 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
- 10.22 The Grade II Listed Doddington Windmill is situated to the northeast corner of the curtilage of The Mill House and is adjacent to west of the proposed site. The application site is not within a Conservation Area however the southern site boundary borders Doddington Conservation Area. Due to the constraints of the site, and in order to accommodate the proposed number of dwellings, the layout includes a central road

running north to south around which the dwellings are located. There is a proposed surface water attenuation basin towards the north-west of the site which abuts the curtilage to the listed windmill.

- 10.23 The generous nature of the plot coupled with the layout proposed ensures that the quantum of the development can be appropriately accommodated on the site without appearing unduly cramped or overdeveloped, and, due to the pattern of development in the locality it is similar in its arrangement. All of the proposed dwellings are bungalows which reflects the development to the north of the site in Juniper Close and is similar in terms of density. The development to the east in The Larches and Sutton Way comprises largely two storey dwellings in larger plots. The dwellings to the immediate south are those off High Street i.e. within the historic core of the village and within the Conservation Area. To the west is the large detached residential property, Mill House which is set in large grounds and to the northeast of these grounds is the Grade II Listed windmill.
- 10.24 There is no uniformity in the locality with regards to materials. The plans and application form state the use of several materials throughout the site. In terms of the design of the properties, they are considered to be of a reasonable quality and given its context, the proposed material pallet is considered to be acceptable ensuring this will not adversely affect the character of the area or the street scene.
- 10.25 The site lies outside but abuts the Conservation Area to the south. However, from the development pattern, hedgerow lines and looking at the old maps within the Council's mapping system it seems apparent that this land was associated with pastoral hinterland beyond the built-up High Street and was and is different in character to the large open agricultural fields further to the north. Indeed, there are two parcels of such land which extend back from the High Street which are included in the Conservation Area whereas the southern two thirds of this site have not been included in the Conservation Area. Nevertheless, the land does add to the open character typified by these remaining pockets of land in this vicinity which lie between built up areas.
- 10.26 An updated Heritage Statement was appended to the submission but there is a stark contrast between the opinion of the applicant's heritage consultant and those of the Council's Conservation Officer with regard to the value of the settings of the listed mill and the Conservation Area and the impact of the proposed development on those heritage assets. Paragraph 4.24 of the Heritage Statement places emphasis on the fact that the boundary south of the site has been divorced from its landscape setting with it being concluded within paragraph 4.26 that the site therefore does not make an important visual contribution to the setting of the Conservation Area.
- 10.27 This is contested by the Council's Conservation Officer and the proposed development, which would be hard up against the Conservation Area boundary, is considered to wholly erode the buffer effect of the meadow and close off the remaining views into or out of the conservation area to the open countryside beyond, which is so much part of its setting and agricultural past, and which contributes the character and appearance of the Conservation Area.
- 10.28 The heritage statement places emphasis on the ability to view the listed mill in terms of the contribution that the site makes to its setting and sets out at that the mill is read within the context of modern housing developments to the east. The Heritage Statement continues to focus on vantage points of the mill. It further states that the visual prominence of 14 bungalows is low and that the placement of the balancing pond adjacent to the mill will create public vantage points.
- 10.29 However, it is clearly evident that the mill sits at the edge of the settlement and that open countryside lies beyond. This open setting contributes to the significance of the mill, in that it reflects the historic character of the area, the agricultural surroundings and the practical necessity for open land around the mill for wind. Given the aspects of this listed building's specific setting, it was felt the 2017 development which lies circa 55m to the

north would not harm its setting and the setting of the windmill would be preserved. Conservation Officer comments at the time stated that the meadow which was to act as a buffer between the windmill and the proposed development was important to the setting of the windmill and the sense that it sits on the edge of the settlement as it was intended to when built. This position remains unchanged.

- 10.30 In conclusion, given the level of negative impact on the setting of the Grade II listed mill and on the character and appearance of the Conservation Area, this development is not supported in principle in heritage terms. Furthermore, given the proximity of the proposal and the design of the development it is not felt that the development would make a positive contribution to local character and distinctiveness in accordance with paragraph 196 of the NPPF.

Public benefits

- 10.31 Paragraph 208 of the NPPF states that 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.
- 10.32 The Heritage Assessment states that 'as per paragraph 202 of the NPPF, this needs to be balanced against the countervailing benefits. These benefits and justification for the scheme as required by criterion (c) of Local Plan Policy LP18 are set out in the accompanying Planning Statement.'
- 10.33 In this instance, the public benefits of the proposal would see the delivery of 14 sustainably built bungalows which have been designed to meet NDSS standards to provide future residents with high quality accommodation and sufficient internal amenity space. All of the dwellings would meet NDSS and M4(2) standards. There is proposed limited economic benefits in terms of employment opportunities during the construction phase. It is also clear that the site won't deliver affordable housing on site and, as such, the delivery of market housing only carries moderate weight in favour of the development, particularly given the Council's proven housing land supply and delivery in recent years.
- 10.34 The statement also references that the formation of a new access road into the site would allow for far closer public views of the mill and that the layout of the site would enable an open setting to be retained adjacent to the mill where it will be viewable with potential for interpretation to be subtly included in this locality. The applicant considers that these two benefits carry significant weight given the limited ability by which the mill can be viewed from the public realm at present.
- 10.35 In response, it is not agreed that placing development of bungalows and an attenuation pond adjacent to a listed mill thus removing an open rural setting provides credible public benefits and that views of the mill and the conservation area from the developed site would not constitute public benefits which would outweigh the harm. It is not considered that increased interpretation of the mill is a plausible benefit either, acknowledged by the Conservation Officer.
- 10.36 The loss of this open land and construction of 14 dwellings and an attenuation pond does not preserve the setting of the listed mill, neither does it preserve or enhance the character of the conservation area. The significance of each has been set out in the detailed response from the Council's Conservation Officer. It is considered that taking all of this into consideration, these matters do not amount to public benefits that would outweigh the less than substantial harm resulting in the reduction in the significance to the setting of both the listed mill and the conservation area. As such the proposal is contrary to the desirability of paying special attention to the preservation of the setting of a listed building and to the desirability of preserving or enhancing the character or appearance of a conservation area. The proposal is also not in accordance with Policy LP16 (a) nor Policy LP18 of the Local Plan which states that the Council will protect,

conserve and seek opportunities to enhance the historic environment throughout Fenland. There are no public benefits which are sufficient to outweigh the less than substantial harm caused by the proposal and as such the application is contrary to paragraph 208 of the NPPF.

Residential Amenity

- 10.37 All development proposals are required to demonstrate that they will not have a negative impact upon the amenity of future residents and occupiers. Paragraph 135 (f) of the National Planning Policy Framework advises that planning decisions should result in places with a high standard of amenity for existing and future users.
- 10.38 Policy LP16 (e) of the Local Plan requires development to not adversely impact on the amenity of neighbouring users through issues such as noise, light pollution, loss of privacy and loss of light.

Occupants' amenity

- 10.39 The Nationally Described Space Standard (NDSS) is a technical standards document produced by the Government to ensure internal space within new dwellings is sufficient for future occupiers and is applicable across all tenures.
- 10.40 All of the dwellings have been designed to meet NDSS standards to provide future residents with high quality accommodation and sufficient internal amenity space. Given all of the dwellings would meet NDSS and M4(2) standards (where practical), the scheme is considered acceptable in this regard.
- 10.41 With respect to private amenity spaces, policy LP16, criteria (h) requires sufficient private amenity space, suitable to the type and amount of development proposed; for dwellings other than flats, as a guide and depending on the local character of the area, this means a minimum of a third of the plot curtilage should be set aside as private amenity space. The site plan submitted demonstrates that the third requirement can be achieved for all plots with some offering more. It is also to be noted that the site layout, save for plots 10 & 11, is identical to the site layout offered up under application F/YR21/1386/F. All of the amenity areas would also enjoy sufficient privacy, being bounded by a 1.8 metre high close boarded timber fence as demonstrated on the 'fence layout' plan submitted.

Neighbours' amenity

- 10.42 The proposed development comprises all bungalows with residential development bordering the site to the east and north. One of the previous reasons for refusal focussed on adverse impact upon residential amenity, citing the impact upon 8 & 9 The Larches in particular, whilst also referencing impact upon the future occupiers of three plots.
- 10.43 This submission sees an amended layout that reduces the number of dwellings by two with the two dwellings lost being those that were referred to in the previous reason for refusal. Further to this, plot 11 has been re-oriented and re-sited away from the eastern boundary. A pond is proposed with an element of open space to the north-east of the site along with additional landscaping to ensure any impact on amenity is reduced to a degree considered to be acceptable.
- 10.44 Nos 8 & 9 The Larches are two storey dwellings which both have primary elevations facing the application site, situated only approximately 2 metres from the boundary which contains existing 1.8m high fencing belonging to the occupiers of Nos 8 and 9. Both properties contain several habitable room windows in the elevation facing the site with no9 also benefitting from a conservatory along its southern elevation. It is to be noted that the application site is set at a slightly lower level than the neighbouring properties with the height of the existing fencing allowing for sufficient daylight and sunlight to enter the principal windows at ground floor level to both neighbouring properties as well as enabling a reasonable outlook.

- 10.45 Due to the removal of two plots from the previously refused scheme and plot 11 of the proposed plan being re-oriented, the amenity space to serve the new dwelling will be sited directly to the south and an area of open space and SuDs pond extending along the boundary to 8 and 9 The Larches. There are several mitigating factors that, on balance, render the proposal acceptable and having addressed the previous reason for refusal in respect of impact upon neighbours amenity. The amenity space proposed to plot 11 is screened from no 9 The Larches by virtue of the proposed detached garage. Further to this, there is a slight land level discrepancy in which the application site is at a slightly lower level than the neighbours with distances of between 9.1 and 9.9m retained to the boundary of the application site and the gable elevation of plot 11. These factors, coupled with the single storey nature of the dwellings proposed along with a blank eastern gable elevation to plot 11 will ensure limited overlooking and no significant loss of light to warrant refusal.
- 10.46 Additional traffic and construction traffic will (temporarily for the latter) travel past existing residences in Juniper Close and beyond in order to access the site. The proposed site is for only 14 dwellings. Given the nature and scale of the proposed development, concern has been raised from the Council's EHO surrounding noise, dust and possible vibration during the construction phase. Therefore, should the application be approved, a condition is to be imposed requesting submission of a robust Construction Environmental Management Plan (CEMP).
- 10.47 In conclusion, and as referenced above, it is considered that the amended site layout has sufficiently addressed the amenity reason for refusal of application F/YR21/1386/F. Further to this, plot 11 has been re-oriented and re-sited further away from the eastern common boundary with no 9 The Larches ensuring adequate levels of privacy for future occupiers. Through removal of two dwellings and the provision of a pond and added landscape buffering to the eastern boundary ensures there will be no perceived detrimental impact upon the neighbouring properties and therefore the application complies with policy LP16 (e) of the Local Plan.

Biodiversity

- 10.48 Paragraph 136 of the NPPF states that trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. Paragraph 180 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.
- 10.49 Paragraph 186 of the NPPF states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- 10.50 Policy LP19 (and Policy LP16) of the Local Plan states that the Council will, in partnership with other stakeholders, conserve, enhance and promote the biodiversity and geological interest of the natural environment throughout Fenland. This will in part be achieved through the determination of planning applications which shall ensure opportunities are taken to incorporate beneficial features for biodiversity in new developments, including, where possible, the creation of new habitats that will contribute to contribute to a viable ecological network extending beyond the district.
- 10.51 The submitted application has proposed some changes to that previously refused and includes another area of open public space along with a greater number of trees to be planted. The applicant also supplemented the application with a Preliminary Ecological Appraisal, and a Biodiversity Net Gain Report. Due to original objections from County Ecology, the PEA was updated during the course of the application along with an

updated Biodiversity Net Gain Report, Metric 3.1 and Bat Report which sets out the findings of the bat surveys and proposed mitigation for loss of a bat roosts.

- 10.52 The reports set out that the impacts of the development upon the existing biodiversity have assessed using the Governments Biodiversity Net Gain calculator and the current habitats on site have been compared to those that would be provided as part of the development. The submitted report sets out that the existing site provides 6.74 units of biodiversity and the proposed development will provide 4.44 units therefore there is a loss of 2.3 units or 35% percent. Due to the current net loss on site, and the fact that there is currently no mechanism in place to buy Biodiversity Net Gain Credits, the applicants preferred method to offset the biodiversity loss is to provide a contribution of £21,000 to be made to Lattersey Nature Reserve in Whittlesey, owned by FDC, which is 13.1km away from the site. It is understood that the agent engaged with a County Council Ecologist in October 2022 and the comments received in August 2023 acknowledge this financial contribution and is recommended.
- 10.53 Whilst the principle of offsite compensation, and potentially at the suggested site, might be acceptable in principle, there is insufficient evidence to demonstrate that the amount of contribution suggested or indeed the site is suitable and provides sufficient capability to deliver the correct compensation for biodiversity loss that is required. This is something that was referred to within the previously refused scheme. However, this approach was agreed with the LPA's previous ecological advisor, subsequent to the refused application, and this has been acknowledged within the County Ecologist's comments in August 2023. The financial contribution has been referenced within the Viability Assessment and is to be secured through a Section 106 agreement should the application be approved. Details of which would be addressed at this point and any potential residual would be allocated elsewhere and as agreed.
- 10.54 The County Ecologist welcomed the additional information and updated reports which sets out the findings of the bat surveys and proposed mitigation for loss of the bat roosts. Based on this, they removed their original objection subject to the imposition of certain conditions. As such, it is considered that biodiversity enhancements can be secured on site and that suitable mitigation can be secured to ensure that no net loss to biodiversity occurs in accordance with Local Plan policy LP19.

Flooding/Drainage

- 10.55 Policy LP14 of the Local Plan is concerned with flood risk and ensuring that sites are adequately drained by Sustainable Drainage Systems (SuDS) to ensure than run off from sites is to greenfield run off rates for all previously undeveloped sites, such as this. The site lies within Flood Zone 1 which is the area at least risk of flooding and at a low risk from surface water flooding.
- 10.56 The application is accompanied by a Flood Risk Assessment/Sustainable Drainage Strategy and accompanying drainage plans. These demonstrate that the surface water from the proposed development can be managed through the use of permeable paving on all private parking and shared access areas. A detention basin is proposed in the area of open space to the north-western corner of the site.
- 10.57 Surface water from the adoptable highway, private access/parking and roof areas will be to the basin prior to discharge to the adjacent drain at the discharge rate of 2.0l/s. Any storm water will be retained to limit the discharge into the watercourse.
- 10.58 The LLFA originally raised an objection based on the diameter of the hydrobrake and the failure to demonstrate the performance of the system with climate change allowances in the 3.3% AEP calculations. Additional details were submitted and formal reconsultation took place. On the basis of the amended details, the LLFA confirmed they had no objection in principle to the proposed development and request that conditions are imposed requiring details of the surface water drainage, measures to limit surface water discharge during construction and upon completion submission of a survey of the

system, including any attenuation ponds and swales prior to adoption must be submitted for approval.

- 10.59 Several neighbouring residents have made comments concerning waterlogging of the site, water logging and flooding of adjacent gardens during periods of bad weather and issues regarding drainage of Juniper Close, the developed area to the north of this site which was constructed by the current applicant. Photos have been submitted which support the comments about standing water on the site and on neighbouring gardens. Nevertheless, this does not mean that the development of the site will cause additional issues and it doesn't determine what the cause of that standing water was. The applicant's consultants have contended that it is due to underlying clay, which would adversely affect the proper working of any soakaways at neighbouring properties, and this combined with extreme weather events will lead to this issue. The LLFA is satisfied that the proposed surface drainage strategy is acceptable subject to their suggested conditions.
- 10.60 Given the acceptance of the FRA and the drainage strategy by the LLFA, it is considered that the site is acceptable in terms of flood risk and surface drainage and could not be refused for this reason as the development will comply with policy LP14 of the Local Plan.

Highways & Access

- 10.61 Paragraph 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 10.62 Policy LP15 (c) of the Local Plan requires that all development proposals provide safe, well designed and convenient access for all including promotion of non-car modes of transport.
- 10.63 The proposal provides for a mix of two and three bedroom bungalows. Appendix A of the Fenland Local Plan requires at least 2no parking spaces per dwelling which may include a garage. The proposal provides for either a double or single garage per property and two driveway parking spaces per property. Each part of the garage (each half of the double and the single garages measure approximately 2.78 metres wide internally x approximately 5.6 metres long internally. Appendix A requires the internal measurement of garages to be 7.0 metres in length x 3.0 metres wide (measured internally) for them to be counted as car parking spaces. As the proposed garages do not meet the required dimensions, they cannot be counted as parking spaces. Nevertheless, each property is provided with two spaces on driveway which are considered acceptable.
- 10.64 The site has a single point of vehicular access which is off the southern end of the recent development to the north of the site, Juniper Close. This development is accessed off Wood Street which is the sole point of access off High Street for in excess of 100 dwellings. The objectors to the scheme have pointed to the narrowness of Wood Street and issues of difficulty of vehicles being able to pass one another and safety of pedestrians.
- 10.65 The Local Highway Authority (LHA) has stated that the application for Juniper Close included some widening of Wood Street. The LHA is satisfied that the junction of Juniper Close/Wood Street is suitable to accommodate the traffic associated with the 14 dwellings proposed. With regards to the internal layout of the proposed development, the LHA requested tracking plans to demonstrate the free passage of large vehicles through the bend adjacent to plot 14. It is noted that the road layout is essentially the same as that considered previously with respect to application F/YR21/1386/F and that vehicle movements were presented as part of that application. Additional information was submitted, and the LHA were reconsulted. Further comments confirmed that the vehicular swept paths provided show vehicles passing particularly close to one another through the bend, however, whilst the track speed is not indicated, the low speeds

anticipated combined with the limited vehicle movements along the proposed cul-de-sac, it is reasonable to anticipate that drivers would be able to avoid conflict with the very infrequent movement of large vehicles, therefore no objections were raised in this regard.

- 10.66 The drainage plans have not detailed the drainage of private surfaces such as parking areas and shared driveways as may be required to prevent water entering adoptable roads as requested. This could be secured through the imposition of a condition should the application be approved.
- 10.67 In summary, whilst reservations have been raised regarding the suitability of the proposals with respect to the adoption of the roads, there is no formal objection from County Highways to the proposed development with the adoption of the estate subject to separate permission outside of planning control.
- 10.68 Although it is clear that local residents do not consider that access via Wood Street is safe and convenient, the LHA, the statutory consultee with regard to design of highways and highway safety, has raised no objections subject to imposition of conditions. Paragraph 115 of the NPPF states that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road would be severe. Given the lack of objection from the LHA, there are insufficient grounds to recommend refusal for these reasons. It is therefore considered that the proposal will meet the requirements of the NPPF and policy LP15 if suitable conditions are imposed.

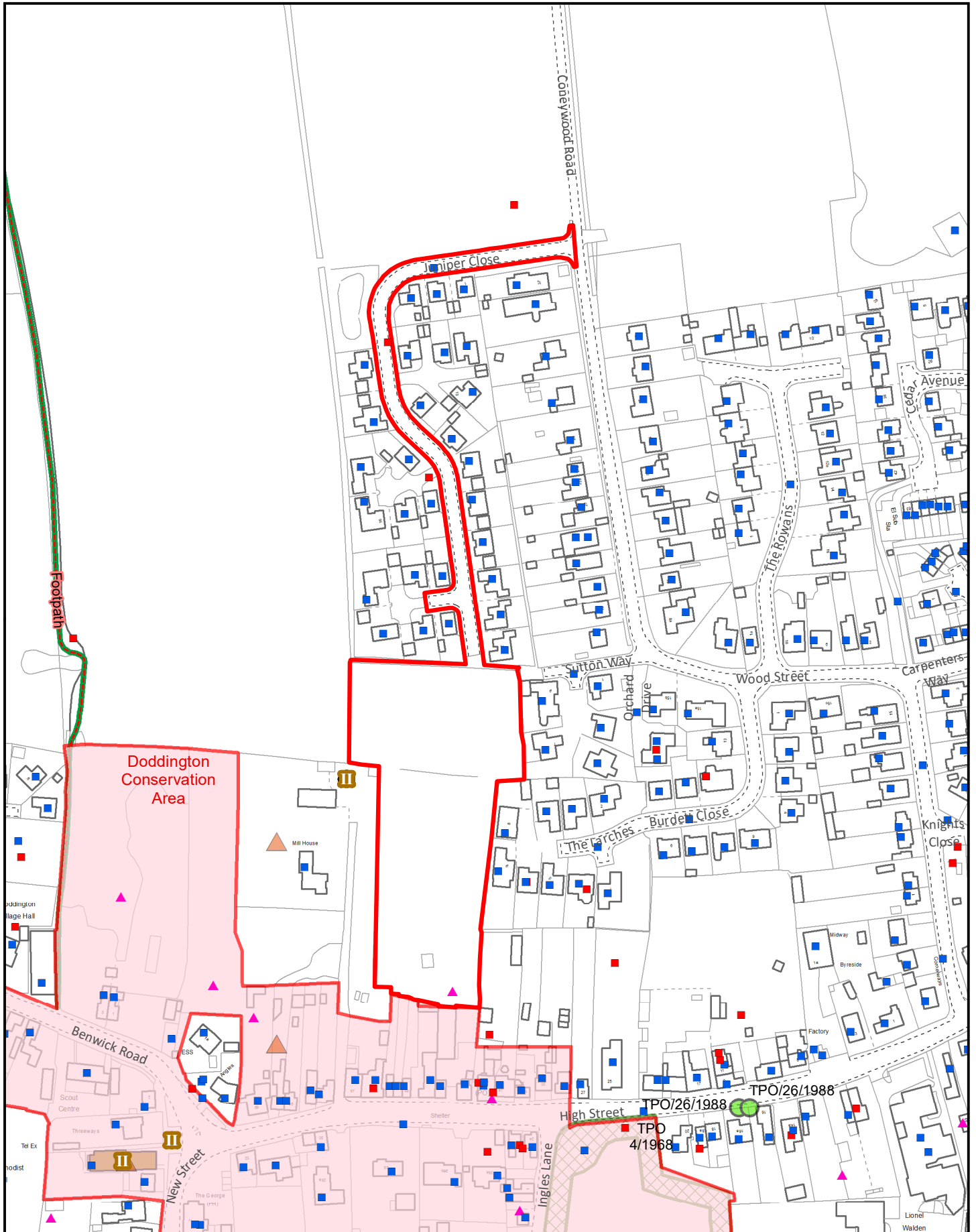
11 CONCLUSIONS

- 11.1 The scheme brought forward has addressed three of the previous reasons for refusal as referenced within the report and the applicant/agent has agreed to a Heads of Terms requiring a sum for off-site affordable housing provision along with s106 contributions. Should the application be approved, it would be subject to a s106 agreement.
- 11.2 However, paragraph 208 of the NPPF states that where a development proposal will lead to less than substantial harm of the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Whilst the harm has been demonstrated to be less than substantial, the requirements of the NPPF and Act require great weight to be attached the negatives due to the harm that would arise to the setting of the Listed Building and the Conservation Area and thereby the significance of these heritage assets. In balancing the conflicting factors, taking into account the public benefits, these would not be sufficient to justify the harm to the significance of the designated heritage assets that would be caused and as such the application is contrary to paragraph 208 of the NPPF.

12 RECOMMENDATION:

Refuse; for the following reason:

1	The proposed development by reason of the loss of the open character of the site and its proximity to the adjacent Grade II Listed mill and the conservation area, fails to preserve the significance of the settings of these heritage assets. The proposal causes less than substantial harm to the setting of the heritage assets and there are insufficient public benefits to the scheme which would outweigh the harm caused. As such the proposal is contrary to policies LP16 (a) and LP18 of the Fenland Local Plan which require the preservation of heritage assets and their settings; and Section 16 of the NPPF.
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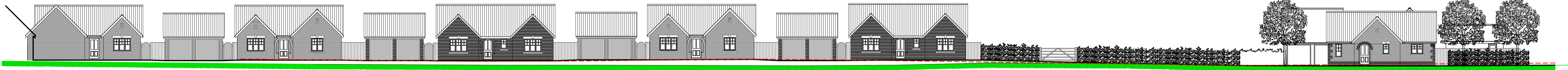
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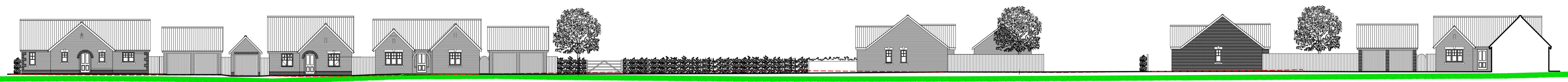


SITE PLAN 1:500

Beaver House Northern Road Sudbury Suffolk CO10 6XQ Sudbury 01787 376241		CONSTRUCT REASON LIMITED	
JOB TITLE LAND OFF JUNIPER CLOSE DODDINGTON MARCH			
DRAWING TITLE SITE LAYOUT			
REV	DATE	DETAILS	BY
A	01/06/2023	SCALE CORRECTED IN TITLE BLOCK, RED OUTLINE REMOVED, PLOT 11 GARAGE AMENDED.	GB
SCALES 1:500		DESIGN BY DATE FEB 2023	
		DRAWN BY GB	
DRAWING No. 2088/AD/1/201		REV A	Page 72



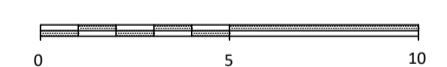
STREET SCENE ELEVATION PLOTS: 1 - 8inc LOOKING WEST



STREET SCENE ELEVATION PLOTS: 9 - 14inc LOOKING EAST

1:200 SCALE

— — — — — INDICATES ESTATE ROAD LEVEL
 ————— INDICATES EXISTING GROUND LEVEL



Beaver House Northern Road Sudbury Suffolk CO10 6XQ Sudbury 01787 376241		CONSTRUCT REASON LIMITED	
JOB TITLE LAND OFF JUNIPER CLOSE DODDINGTON MARCH			
DRAWING TITLE STREET SCENE			
REV	DATE	DETAILS	BY
A		SCALE CORRECTED IN TITLE BLOCK	GB
SCALES		DESIGN BY	DATE
1:200		GB	FEB 2023
DRAWING No. 2088/AD/2/211		REV	

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F/YR23/0573/F

Applicant: Mr James Edgley

**Agent : Mr Allen Norman
Ely Design Group**

Nightlayer Leek Company Limited, Dean Drove, Chatteris, Cambridgeshire PE16 6UZ

Change of use of 6 x agricultural units to B2 and/or B8 use (Storage and Distribution)

Officer recommendation: GRANT

Reason for Committee: This application is defined as a major application with a statutory consultee objection contrary to Officer recommendation.

1 EXECUTIVE SUMMARY

- 1.1 The application seeks permission for a change of use of 6no existing agricultural buildings to B2 and/or B8 use (storage & distribution), equating to 3886 sq m floor area.
- 1.2 The site lies outside of but adjacent to the southern edge of the market town of Chatteris with an established footpath link between the site and the town.
- 1.3 The County Council Highways Transport Assessment Unit have raised an objection to the proposed development due to the failure to provide a safe and suitable access for pedestrians to the proposed development. Whilst it cannot be contested that the existing footpath width falls short of the requirement within the Cambridgeshire Highways General Principles of Development (Jan 2023), this is long established with the application seeking a change of use of existing buildings for which its current use is no longer viable. Weight has to be attached to the retention and reuse of existing, well-constructed buildings; employment retention and the requirement within the NPPF of supporting rural diversification.
- 1.4 The application is therefore recommended for approval.

2 SITE DESCRIPTION

- 2.1 The application site is located on the south-western side of the A142 on the approach to Chatteris from the south. It comprises approximately 1.95ha which includes 6no units within three detached buildings and concrete hardstanding for parking, turning etc. The site has been developed over a period of 30 years (see site history) with the existing buildings on site having been used for working, packing, storage and distribution of leeks. It has been confirmed within the supporting information that the business has become unviable and this operation is beginning to shut down.
- 2.2 The site is flat throughout and is entirely in Flood Zone 1, which is an area with a low probability of flooding

3 PROPOSAL

- 3.1 The application proposes the change of use of the existing buildings referred to as Units 1, Units 2-5 and Unit 6 as shown on the site plan submitted. The proposed use of the buildings will be for General Industrial (B2) and/or storage and distribution (use Class B8)

with operational hours to be as per the existing use, therefore 24 hrs per day, 7 days per week.

- 3.2 The plans show there will be no physical external changes to facilitate the use with the current access to be retained and used for the new operations with the table below providing a breakdown in respect of each individual unit:

Unit 1	1,354.14	Ground Floor
Unit 2	459.03	Ground Floor
Unit 3	463.70	Ground Floor
Unit 4	429.90	Ground Floor
Unit 5	615.13	Ground Floor
Unit 6	564.15	Ground Floor
	3,886.05m ²	

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

<https://www.publicaccess.fenland.gov.uk/publicaccess/applicationDetails.do?keyVal=RWAQGBHE0D800&activeTab=summary>

4 SITE PLANNING HISTORY

F/93/0074/F: Erection of agricultural building for the storage and packing of leeks. Withdrawn.

F/93/0337/AG: Erection of an agricultural building. Prior Approval not required.

F/95/0902/AG: Erection of an agricultural building. Prior Approval not required.

F/97/0414/F: Erection of an agricultural farm building. Granted.

F/YR02/0099/F: Erection of an agricultural cold store. Granted.

F/YR08/0178/F: Erection of a building for storage of farm machinery. Granted.

F/YR13/0565/F: Erection of an agricultural storage building. Granted.

F/YR17/0463/F: Erection of a storage building. Status: Granted

F/YR18/0110/F: Installation of 2x gas engines (inclusive of containers with exhaust stacks), sub-station, electrical transformer, 2 x oil tanks, the siting of 2x containers and a kiosk, and the erection of a 2.4m high (max height), wire mesh fencing and 3 x 7.0m high (max height) lighting columns. Granted.

5 CONSULTATIONS

5.1 Anglian Water (2/3/24)

There is no connection to the Anglian Water sewers, we therefore have no comments

5.2 Cambridgeshire Constabulary (20/7/24)

I have viewed the documents in relation to crime, disorder, and the fear of crime. I have searched the Constabulary crime and incident systems covering location and ward for the last 2 years. I would consider the proposed location to be an area of low to medium risk the vulnerability to crime based on the figures (included within the consultee response online)

There doesn't appear to be any security or crime prevention section within the Planning Statement / DAS. As you are aware, it is important that security and crime prevention are considered and discussed at the earliest opportunity to ensure that the security of buildings, homes, amenity space and the environment provide a safe place for people living, working in, and visiting this location. I have the following comments for your consideration.

External lighting – Can you confirm your currently lighting arrangement please – including lux levels and calculations. All footpaths, service yards and parking areas should be lit by columns, designed to either BS 5489- 1:2020 or BS EN 12464-2:2014. Bollard lighting should be used as wayfinding only and not as a main source of lighting, particularly in parking areas where they are also prone to damage. There should be dusk to dawn LED bulkhead lights over entrance / exit doors.

CCTV - While it is not a universal solution to security problems, it can help deter vandalism or burglary and assist with the identification of culprits once a crime has been committed. The provision and effective use of CCTV fits well within the overall framework of security management and is most effective when it forms part of an overall security plan. CCTV should meet BS EN 50132-7: 2012+A1:2013 CCTV surveillance systems for use in security applications. It should cover the access entrance, building entrances and perimeter, the site boundary, and open yards. It needs be of a quality that always produces evidential images (complemented by lighting) and have the capability to store and retrieve images, either be monitored by an Alarm Receiving Company (ARC) or linked to the security office if approved or mobile device. CCTV should also be registered with the Information Commissioners Office (ICO). Signage - CCTV signage should be at the entrance compliant with the ICO Code of Practice.

Cycle Parking (Staff) - Please ensure these are in a secure location, well-lit, covered by CCTV and in view of windows to ensure good surveillance. Sheffield stands should be root fixed 300mm into the concrete flooring and able to secure both wheels and the frame. Cycle store doors should be fitted with closers and have a push to exit button to ensure that no-one can get locked in. Access control – Any doors providing access to the main building and stair cores including lifts should be access controlled to prevent any unauthorised persons gaining entry

Cambridgeshire Constabulary (16/8/23)

Additional information was submitted by the agent addressing the points raised. Further comments received stated:

Thanks for providing the updates in relation to my previous comments. I have no further comment at this time.

Cambridgeshire Constabulary (4/3/24)

I have no objection to the revised site access plan.

5.3 Chatteris Town Council

Support the application

5.4 CCC PROW officer (31/7/23)

Whilst the Definitive Map Team has no objection to this proposal, the Byway must remain open and unobstructed at all times. Informatives Should you be minded to grant planning permission we would be grateful that the following informatives are included:

Public Byway 24, Chatteris must remain open and unobstructed at all times. Building materials must not be stored on Public Rights of Way and contractors' vehicles must not

be parked on it (it is an offence under s 137 of the Highways Act 1980 to obstruct a public Highway). The Public Byway must not be used to access the development site unless the applicant is sure they have lawful authority to do so (it is an offence under S34 of the Road Traffic Act 1988 to drive on a Public Byway without lawful authority) No alteration to the Byway's surface is permitted without our consent (it is an offence to damage the surface of a public footpath under s 1 of the Criminal Damage Act 1971). Landowners are reminded that it is their responsibility to maintain boundaries, including trees, hedges and fences adjacent to Public Rights of way, and that any transfer of land should account for any such boundaries (s154 Highways Act 1980). The granting of planning permission does not entitle a developer to obstruct a Public Right of Way (Circular 1/09 para 7.1). Members of the public on foot, horseback and pedal cycle have the dominant right of passage along the public byway; private vehicular users must 'give way' to them The Highways Authority has a duty to maintain Public Rights of Way in such a state as to be suitable for its intended use. (S41 Highways Act 1980 and S66 Wildlife & Countryside Act 1981). If the surface of the Byway is damaged as a result of increased motorised vehicle usage, the Highways Authority is only liable to maintain it to a Byway standard. Those with private vehicular rights will therefore be liable for making good the surface of the Public Right of Way. Furthermore, the applicant may be required to temporarily close public rights of way whilst construction work is ongoing. Temporary Traffic Regulation Orders (TTROs) are processed by the County Council's Street Works Team and further information regarding this can be found on the County Council's website at <https://www.cambridgeshire.gov.uk/residents/travel-roads-and-parking/roads-andpathways/highway-licences-and-permits/>

CCC PROW (10/4/24)

Public Byway, Number 24, Chatteris, is currently used to access the site. To view the location of the ROW please view our interactive map online which can be found at <http://my.cambridgeshire.gov.uk/myCambridgeshire.aspx>.

This response is in relation to paragraph 4.2 Response of the Technical Note dated 31st January 2024 which details changes to the access of the proposed site and refers to Public Byway, No. 24, Chatteris being 'retained and enhanced'. The Definitive Map Team lodge a holding objection until further information is provided detailing what is planned by this enhancement so that we can respond appropriately.

Please also note that there is no legal width recorded for Public Byway, Number 24, Chatteris. Where there is no legally defined width for a public right of way, we are not able to advise what the width would be. As the dimensions are not known, we cannot guarantee that the applicant would not be encroaching upon the highway. The applicant therefore would proceed with any development that might affect the highway at their own risk.

Informatives: Should you be minded to grant planning permission we would be grateful that the following informatives are included: Public Byway, Number 24, Chatteris, must remain open and unobstructed at all times. Building materials must not be stored on Public Rights of Way and contractors' vehicles must not be parked on it (it is an offence under s 137 of the Highways Act 1980 to obstruct a public Highway). No alteration to the Byway's surface is permitted without our consent (it is an offence to damage the surface of a public footpath under s 1 of the Criminal Damage Act 1971). Landowners are reminded that it is their responsibility to maintain boundaries, including trees, hedges and fences adjacent to Public Rights of way, and that any transfer of land should account for any such boundaries (s154 Highways Act 1980). The granting of planning permission does not entitle a developer to obstruct a Public Right of Way (Circular 1/09 para 7.1). Members of the public on foot, horseback and pedal cycle have the dominant right of passage along the public byway; private vehicular users must 'give way' to them Furthermore, the applicant may be required to temporarily close public rights of way whilst construction work is ongoing. Temporary Traffic Regulation Orders (TTROs) are processed by the County Council's Street Works Team and further information regarding this can be found on the

5.5 CCC Transport Assessment Team (3/8/23)

The document reviewed is the Transport Statement dated 4 th July 2023 prepared by Ely Design Group. The proposals comprise the change of use of the existing buildings to B2 and/or B8 use (storage and distribution) on the land at Nightlayer Leek Co Ltd, Dean Drove, Chatteris.

Transport Statement Review

The Transport Statement as submitted is not acceptable to determine the impact of the proposals on the surrounding highway. The Transport Statement should in the first instance consider the following in its content:

- The planning and transport policy context of the development.*
- Description of surrounding highway network inclusive of speed limits. Consideration should be given to any deficiencies in the local highway network.*
- Reference to the potential for use of sustainable transport modes to the development site, including bus, cycle, and walking. To include a description of the nearest bus stops accessible to the site including the current infrastructure available at these bus stops, services operating at these stops, and any existing constraints in terms of walking to these stops. The TS should also outline the quality of the surrounding pedestrian and cycle links on the key desire lines into the site inclusive of widths and crossing points and any areas for improvement identified.*
- Previous 60 months accident records as obtained from the Cambridgeshire County Council 'Cambridgeshire Insight' Website: Cambridgeshire Insight – Roads, Transport and Active Travel – Road Traffic Collision Data for within 500m of the site.*
- The net trip generation for the proposals for the weekday AM and PM peaks. This should be determined by subtracting the number of vehicle trips generated by the existing site (determined based on evidence) from the proposed trip generation (determined using the TRICS database). This should also consider the difference in HGV trips generated between the existing site and the proposed development. Multi-modal trip generation for the proposed B2/B8 use should also be provided. This should be obtained using the TRICS 'total person' trip rates in conjunction with 2011 Census mode share data for the Fenland 011 MSOA.*
- Trip distribution onto the A142 according to a clear methodology.*
- Detail the proposed on-site parking provision for cycles, cars, and HGVs.*
- Assessment of any mitigation for vehicle impacts, and difficulties of access by walking, cycling and public transport to the site if shown to be needed.*

Conclusion The application as submitted does not include sufficient information to properly determine the highway impact of the proposed development. Were the above issues addressed the Highway Authority would reconsider the application.

The Highway Authority therefore requests that this application not be determined until such time as the additional information above has been submitted and reviewed.

CCC Transport Assessment Unit (5/12/23)

The document reviewed is the Transport Statement dated 10th October 2023 prepared by SLR Consulting Limited. The proposals comprise the change of use of the existing buildings to B2 and/or B8 use (storage and distribution) on the land at Nightlayer Leek Co Ltd, Dean Drove, Chatteris.

Transport Statement Review Development

The proposals comprise the change of use of the existing buildings (Units 1-6) on-site to B2 and/or B8 use (storage and distribution). Parking Provision Existing parking provision at the site comprises 42 car parking spaces. It is noted post-development on-site parking provision will comprise 89 car parking spaces (inclusive of 2 disabled spaces) and 10 sheltered cycle parking spaces. It is ultimately up to the Local Planning Authority as the parking authority to agree on-site parking provision. Proposed Site Access Provision It is

noted the existing site access off the A142 Ireton's Way will remain unchanged as part of the proposals. Such access is shared by Public Byway 45/24. Site access and internal layout details should be agreed with Highways Development Management who have provided separate comments dated 26th October 2023. It is noted Highways Development Management currently object to the site access proposals. To enhance pedestrian access to the site, the developer proposes to install dropped kerbs and tactile paving at the existing site access. The developer should provide a plan of the works for review. The works should also tie into the existing network. As further mentioned below, the developer should demonstrate how they will provide suitable access for pedestrians and cyclists to the site. Existing Traffic Flows Use of DfT traffic count data to obtain baseline traffic counts for the A142 is not acceptable. As the DfT traffic counter is situated north of both the A142/New Road junction and A142/Wenny Road junction, it will not provide an accurate representation of traffic counts within the vicinity of the site as both New Road and Wenny Road will add and intercept numerous trips to/from the A142. Therefore, new traffic count data is required for the A142 within the site access vicinity. Accident Data The latest 5-year accident data obtained from Cambridgeshire Insight has been used to inform the accident analysis. This is agreed. No accident cluster sites have been identified. Sustainable Transport Accessibility The site is located within walking distance to the residential areas situated in southern Chatteris. The whole of Chatteris is situated within cycling distance of the site. It is not agreed that existing access to the site is suitable for pedestrians and cyclists. The existing path along the A142 Ireton's Way/Wenny Road between the site and Chatteris is of substandard width. Such path also does not extend fully into the site meaning that Change of Use, Nightlayer Leek Co Ltd, Chatteris F/YR23/0573/F - FDC 2550 TRANSPORTATION COMMENTS PREPARED BY: Transport Assessment Team AUTHOR: Hannah Seymour-Shove DATE: 5 th December 2023 2 pedestrians and cyclists would need to share the access carriageway with vehicle traffic entering and egressing the site, inclusive of HGVs. Furthermore, there is no dedicated cycle infrastructure provision for cyclists between the site and Chatteris meaning that cyclists accessing the site would likely either cycle on-carriageway along the one-way off-slip into Chatteris, cycle on-carriageway along the A142 which is subject to 60mph, or share the narrow footway provision. All of which are not acceptable. The developer should demonstrate how they will provide suitable access for pedestrians and cyclists to the site. This should also consider how the site will be accessible via active travel modes from the committed development to the south (F/YR10/0804/O). Given the location of the nearest bus stops from the site (c750m and 900m from the site respectively) and frequency of buses at these stops, it is not anticipated that users of the site will travel by bus. The closest rail station to the site is Manea, which is situated 7.5 miles from the site. As such, users of the site are not expected to travel via rail. Multi-Modal Trip Generation Whilst use of existing site movement data from the current occupier is agreed, existing trip generation for the site should be determined for the AM and PM peaks. Use of TRICS software in conjunction with Census mode share data to determine the proposed trip generation is agreed. The proposed development as a worst-case of total B2 use is anticipated to generate 11 vehicle trips in the AM peak, and 15 vehicle trips in the PM peak. The Transport Statement should also set out the proposed HGV trip generation in the AM and PM peak. Net trip generation should be calculated for the AM and PM peaks. As such, the net trip generation cannot be determined until such a time as existing trip generation for the site has been set out for the AM and PM peaks and the net trip generation calculated for the peak periods. The net trip generation of HGV trips in the peak periods should also be calculated. Trip Distribution and Assignment Post-development, 81% of trips are anticipated to arrive/depart via the north whilst 19% of trips are anticipated to arrive/depart via the south. This is agreed. Traffic Impact Assessment The impact of the development on the surrounding network cannot be determined until such a time as the above information requested has been submitted and reviewed. Comments made by Highways Development Management concerning the site access proposals in their response dated 26th October 2023 must be considered. Conclusion The application as submitted does not include sufficient information to properly determine the highway impact of the proposed development. Were the above issues addressed the Highway Authority would reconsider the application. The Highway Authority therefore requests that this application not be determined until such time as the additional information above has been submitted and reviewed.

CCC Transport Assessment Unit (19/4/24)

The document reviewed is the Transport Technical Note 'Response to CCCTAT Consultee comments' dated 21 st March 2024 prepared by SLR Consulting Limited. The proposals comprise the change of use of the existing buildings (Units 1-6) to B2 and/or B8 use (storage and distribution) on the land at Nightlayer Leek Co Ltd, Dean Drove, Chatteris. Transport Statement Review Proposed Site Access and Internal Layout Site access and internal layout details should be agreed with Highways Development Management who will provide separate comments. Sustainable Transport Accessibility The existing path along the A142 Ireton's Way/Wenny Road between the site and Chatteris is of substandard width to provide safe and suitable access to the site for pedestrians. To enhance access to the site from Chatteris by sustainable modes, the developer suggests a condition is secured for "a suitable cycle link, the details of which to be agreed prior to commencement, to identify a suitably proportionate provision to accommodate the level of use anticipated". This is not agreed. Just suggesting that "a suitable cycle link" is conditioned is not acceptable as such description is vague and does not set out exactly what the works comprise or demonstrate that what is proposed is deliverable. This in turn could lead to difficulties further down the line at the S278 stage. Upon review of the multi-modal trip generation data, whilst there is no dedicated cycle infrastructure provision for cyclists between the site and Chatteris, it is considered that given the forecast minimal number of cycle trips generated by the development, it would not meet the planning tests to secure a new cycle link of c330m in length between the site and the 30mph speed limit change in Chatteris. 2m wide footway provision, however, is required between the site and where the footway naturally widens into Chatteris immediately north of the Chatteris Cricket Club access to provide safe and suitable access to the site for pedestrians and to facilitate sustainable methods of travel to and from the site instead of the car. The Highway Authority cannot support any planning application which pedestrians cannot safely walk to. Conclusion The Highway Authority recommend that this application be refused for the following reason: 1. The application as submitted does not provide safe and suitable access for pedestrians to the proposed development. This is contrary to the aims and objectives of national and local policy. Were the applicant to deliver a 2m footway between the site access and where the existing footway widens north of the Chatteris Cricket Club access, the Highway Authority would reconsider the application. A plan of the works inclusive of widths and the highway boundary would need to be submitted for review to set out the works and demonstrate that such works are deliverable within the highway boundary. The developer should procure highway boundary information from CCC Searches Team via: <https://www.cambridgeshire.gov.uk/business/highway-searches>

CCC Transport Assessment Unit (24/5/24)

The documents reviewed are the Response Letter dated 9th May 2024 to CCC TA Team objection, photographs of the existing footway provision pre and post maintenance works, and the existing footway widths diagram, all prepared by Ely Design Group.

The proposals comprise the change of use of the existing buildings (Units 1-6) to B2 and/or B8 use (storage and distribution) on the land at Nightlayer Leek Co Ltd, Dean Drove, Chatteris. Transport Statement Review Proposed Site Access and Internal Layout Site access and internal layout details should be agreed with Highways Development Management who will provide separate comments. Sustainable Transport Accessibility Upon review of the additional information submitted, the Highway Authority maintains its refusal recommendation. It is not agreed that widening the existing provision between the site and Chatteris is not required.

The existing 1.52-1.77m wide footway provision along the 60mph stretch of the A142 Ireton's Way/Wenny Road between the site and Chatteris is of substandard width to provide safe and suitable access to the site for pedestrians. Such footway provision, even with the maintenance clearance, falls short of the 2m wide standard for footway provision

set out within the Cambridgeshire Highways General Principles of Development (Jan 2023).

Whilst it is noted that the existing footway within the built up area of Chatteris falls short of the 2m wide standard, such provision is situated within the 30mph area and on this basis, this stretch of footway here is considered adequate to accommodate pedestrian trips generated by the development. The stretch of footway adjacent to the 60mph road between the site and the Chatteris Cricket Club access is not acceptable to accommodate the pedestrian trips generated by the change of use proposals and requires widening.

Given the change of use proposals from agricultural use to B2/B8 storage and distribution use will result in an increase in pedestrian trips to the site, 2m wide footway provision is required between the site and the Chatteris Cricket Club access to provide safe and suitable access to the site for pedestrians along the 60mph road. The Highway Authority cannot support any planning application which pedestrians cannot safely walk to. It is considered that such works are deliverable within the highway boundary however, the applicant will need to submit a plan of the works with the highway boundary included to demonstrate this or alternatively demonstrate what widening works are achievable within the highway boundary should 2m wide provision be proven to not be deliverable. Normally, if constructing a new footway alongside a 60mph road there would be a 1 metre grass verge separation. As this is an existing footway it is felt reasonable to just widen the existing footway and not provide the additional separation. The Highway Authority previously concluded that a new cycle link between the site and the 30mph speed limit change in Chatteris, whilst the preferred option to the Highway Authority, was not necessary. It would not be required in consideration of the forecast minimal number of cycle trips generated by the development. That said, the Highway Authority consider that the 34 daily pedestrian trips generated by the change of use proposals is significant enough to require a safe and suitable footway provision.

Conclusion

The Highway Authority recommend that this application be refused for the following reason:

1. The application as submitted does not provide safe and suitable access for pedestrians to the proposed development. This is contrary to the aims and objectives of national and local policy. Were the applicant to deliver a 2m footway between the site access and where the existing footway widens north of the Chatteris Cricket Club access, the Highway Authority would reconsider the application. A plan of the works inclusive of widths and the highway boundary would need to be submitted for review to set out the works and demonstrate that such works are deliverable within the highway boundary.

The developer should procure highway boundary information from CCC Searches Team via: <https://www.cambridgeshire.gov.uk/business/highway-searches>.

5.6 CCC LLFA

We have reviewed the following documents:

- Site Plan Existing, Brown & Co, Ref: S0001 Rev A, Dated: 5th May 2023*
- Site Plan Proposed, Brown & Co, Ref: K0001 Rev A, Dated: 5th May 2023*
- Drainage Strategy, Ely Design Group, Dated: 3rd July 2023*

Based on these, as Lead Local Flood Authority (LLFA) we have no objection in principle to the proposed development. The documents provided show that the change of use of the existing site will not alter the impermeable surface area of the site. There will be no increase in surface water discharge and therefore the existing drainage arrangements will suffice. Informatives Surface Water Discharge Betterment The LLFA will always encourage a further reduction in surface water runoff from the site. It is important to reduce discharge where possible by improving existing drainage systems and implementing new sustainable drainage systems to the site.

Sustainable Drainage All surface water strategies should strive to utilise sustainable drainage techniques (SuDS). SuDS are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on or near the site as opposed to traditional drainage approaches which involve piping water off site as quickly as possible. SuDS offer significant advantages over conventional piped drainage systems in reducing flood risk by attenuating the rate and quantity of surface water run-off from a site, promoting groundwater recharge, and improving water quality and amenity. The variety of SuDS techniques available means that virtually any development should be able to include a scheme based around these principles.

CCC LLFA (14/3/24)

Thank you for your re-consultation which we received on the 29th February 2024. Having reviewed the uploaded documentation we can confirm that the LLFA has no further comments beyond those set down in our response of Date (3rd August 2023). Our position therefore remains supportive of the development.

5.7 CCC Highways Development Management (25/8/23)

In order to make an informed decision in respect of the submitted application, the following information is required: The site benefits from an existing access onto the public highway (A142 Ireton's Way) but this access is not necessarily suited for the proposed change of use, which is likely to result in intensification of use, noting the outstanding comments from the County's Transport Assessment team. The access needs to be of suitable design and sufficient width to accommodate two-way simultaneous HGV (16.5m artic and 12m rigid vehicle) use.

Based on the submitted information this does not appear possible, but the applicant should clarify with supporting vehicle tracking. Within the site, it is unclear if HGVs can turn around. While some vehicle tracking is shown on the drawing 23-039-K0001 A, this tracking is incomplete as it needs to show the full routing from the point the vehicle accesses the site. The tracking movements provided are not accepted as it's unclear how the design vehicle can enter or exit the turning areas / service yards. Furthermore, the tracking for units 2-5 will result in trailer jackknifing; can the applicant confirm the speed under which the tracking manoeuvre was undertaken.

CCC Highways Development Management (26/10/23)

Upon review of the supplementary information provided by the applicant, I object to the proposed development which is likely to have a material adverse highway safety impact. I therefore consider the application to be contrary to NPPF paragraph 111.

While the applicant has demonstrated the current site access is suitable for one-way HGV use, they have not demonstrated that the access is capable of accommodating simultaneous two-way traffic i.e., the design vehicle cannot enter and exit the site at the same time. In light of the material proposed intensification outlined in the Transport Statement, it is likely that this will result in temporary obstruction of the site access and / or the A142 which could lead to rear end shunt or clipping type collisions. In extreme cases, this arrangement could result in HGVs with limited rear visibility, reversing onto a high-speed A classified road.

To mitigate this objection, the access must be enhanced, in accordance with the DMRB document CD 123, to allow simultaneous HGV (16.5m articulated and 12m rigid) entry and exit from the site, in other words a vehicle at the give-way line shall not prohibit a second vehicle from safely turning into the site from either direction.

CCC Highways Development Management (30/1/24)

After a review of the amended site access plan / vehicle tracking diagram / parking plan and further to the LHA previous comments dated the 25th August 2023 and 26th October 2023, I have the following comments:

- 1. The amended and widened access as proposed on drawing "SLR Project No. 406.64975.00001 / Figure Number 010 Rev 0 is now acceptable to the LHA. The design and tracking drawing demonstrates that the appropriate vehicle sizes and numbers can use the proposed new access to enter and leave the highway simultaneously. However, it has not been demonstrated that there is sufficient room within the site for these HGV's vehicles to complete the necessary turning manoeuvres (as per LHA comments 26th Oct23) so as to enter the highway in a forward gear. It would need to be shown that this is possible inline with the other LPA / parking authority and associated transport link requirements for this site can be met e.g. HGV parking space number and locations / staff & visitor parking space locations and locations, internal road layout etc.... . Therefore, unless or until this information has been submitted for review and it has been demonstrated to the LPA and LHA that there is sufficient room for the turning parking and area/s. The LHA`s objection to this application remains.*
- 2. I would recommend that the CCC Rights of Way team is consulted on the amended access. As the proposal shows that Byway 45 and Footpath 24 would be altered and / or improved with this new access layout.*
- 3. I would recommend that CCC Transport Assessment Team is re-consulted on the amended new layout as this may require and amendment to the Transport Statement.*
- 4. The Redline Boundary needs to be updated to include the new location of the access so it maybe conditioned.*
- 5. As the new access location crosses a ditch/watercourse the CCC LLFA team should be consulted on the amended plans.*
- 6. I would like to see a separate scaled drawing of the new access with the associated dimensions, inter-vehicle visibility splays, redline boundary, internal footway arrangement etc... so that is can be conditioned accordingly.*
- 7. The LPA as the parking authority should satisfy them-selves that any alterations to the parking bay locations and numbers, due to this new access arrangement, satisfies their relevant parking policies, standards and planning requirements.*
- 8. There is a discrepancy between the length of the footway leading into the site shown on the Tracking and Parking Drawings submitted.*

Please amend and resubmit as appropriate for review. I would recommend to the LPA that the length of footway on the parking drawing is used in the interest of pedestrian safety. . Please note: if the applicant is unwilling or unable to amend the application or provide additional information as outlined above, please advise me so I may consider making further recommendation and comments

CCC Highways Development Management (23/4/24)

After a review of the amended plans showing the internal turning and parking arrangement the highways authority objects to the proposal and recommends refusal for the following reasons:

- HDMR 1 - The proposal does not incorporate adequate facilities to enable HGV vehicles to turn on the site and so enter the highway in a forward gear, which is considered essential in the interests of highway safety.*
- HDMR 3 - The proposal does not incorporate adequate on-site vehicular parking and manoeuvring facilities for HGV`s to the standard required by the Local Planning Authority.*
- HDMR 5 - The proposal does not incorporate adequate facilities for the loading / unloading of vehicles servicing the premises and would therefore likely result in the parking and/or manoeuvring of vehicles on the adjoining public highway to the detriment of highway safety.*

Additional Comments

It is my professional opinion that the proposed combined parking and loading/unloading bay arrangements for the HGV's (in both locations) will not work, as there is no practical way for these vehicles to enter or leave the spaces or for staff to gain access to the lorries to load and unload them. These spaces are next to one another and the tight up to the site boundary as such I do not believe them to be suitable for their intended use. Furthermore, it has not been demonstrated by way of a sufficiently detailed tracking drawing how these will function.

CCC Highways Development Management (8/7/24)

After a review of the amended plans regarding the previous concerns raised by the LHA on the internal parking and turning areas for all vehicle types, I have no further objections.

Conditions

Access Details and off-site highways works: *Prior to the first use of the junction and any works within the highway hereby approved, shall be installed as per the plans and constructed to the Cambridgeshire County Councils current standards.*

Reason: In the interests of highway safety and in accordance with Policy LP15 of the Fenland Local Plan 2014.

Turning and Parking: *Prior to first use the parking and turning areas as shown on the approved plans, must be constructed and thereafter kept clear for this use only in perpetuity.*

5.8 FDC Environmental Health (28/8/23) & (29/3/24 following updated information)

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.

FDC Environmental Health (24/5/24)

As part of the consultation process I had acknowledged current site type/usage and permitted operating times, which from a consistency standpoint formed the reasoning for no objections or recommendation of restrictions going forward.

5.9 Local Residents/Interested Parties

Four letters of support from residents of Ely & Stretham outside of the settlement of Chatteris and five letters of support from residents within Chatteris. The comments are summarised as follows:

- Provide employment within the locality
- Ensure that this area remains occupied
- High demand for industrial units within the area
- Positive impact on new business growth

6 STATUTORY DUTY

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

7 POLICY FRAMEWORK

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

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
- LP6 – Employment, Tourism, Community Facilities and Retail
- LP10 – Chatteris
- LP12 – Rural Areas Development Policy
- LP13 – Supporting and Managing the Impact of a Growing District
- LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland
- LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland
- LP16 – Delivering and Protecting High Quality Environments across the District
- LP17 – Community Safety
- 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
- LP3: Spatial Strategy for Employment Development
- LP4: Securing Fenland's Future
- LP5: Health and Wellbeing
- LP7: Design
- LP8: Amenity Provision
- LP15: Employment
- LP18: Development in the Countryside
- LP19: Strategic Infrastructure
- LP20: Accessibility and Transport
- LP21: Public Rights of Way
- LP22: Parking Provision
- LP24: Natural Environment
- LP32: Flood and Water Management
- LP33: Development on Land Affected by Contamination

Delivering and Protecting High Quality Environments in Fenland SPD 2014

8 KEY ISSUES

- **Principle of Development**
- **Visual amenity**
- **Residential amenity**
- **Ecology**
- **Flooding/drainage**
- **Highways**
- **Other matters**

9 BACKGROUND

- 9.1 The application site relates to a well-established business operational for working, packing, storage and distribution of leeks. There are significant viability issues for which the business cannot operate as such moving forward.
- 9.2 There proposes a change of use of the existing buildings which were approved for agricultural purposes to B2 and/or B8 for storage and distribution.
- 9.3 An existing access is to be utilised and slight reconfiguration of the car park is proposed.

10 ASSESSMENT

Principle of Development

- 10.1 Section 6 of the NPPF relates to 'Supporting a prosperous rural economy'. Specifically, paragraph 88 of the NPPF states that planning policies and decisions should enable, inter alia, the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, beautiful new buildings and the development and diversification of agricultural and other land-based rural businesses.
- 10.2 Furthermore, paragraph 89 states that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist. This element will be addressed in more detail within the 'sustainability' section.
- 10.3 The site is located outside of but adjacent to the southern edge of Chatteris which is one of four market towns as set out in the settlement hierarchy under Policy LP3 of the Fenland Local Plan (2014). The site has been established for the working, packing, storage and distribution of leeks in association with an agricultural business for over 30 years.
- 10.4 Policy LP6 of the Fenland Local Plan states that employment proposals will be assessed against numerous criteria, including that the development fits with the specific and broad locations for growth identified in this Local Plan, or in other suitable locations on the edge of Market Towns where it can be demonstrated that such growth would be compatible with adjacent urban land uses; availability of and accessibility to public transport services; site suitability in terms of physical constraints (e.g. access, flood risk); impact in terms of urban/landscape character, and setting of settlements; infrastructure capacity; availability and deliverability of the site. Policy LP6 goes on to highlight that the rural economy will be supported by allowing appropriate proposals that meet the criteria as set out in Policy LP12.
- 10.5 Despite not being located within Chatteris itself, the site is long established on the southern edge of the market town. Whilst this proposes a change of use from its original intended use, it would achieve the aim of paragraph 88 of the NPPF ensuring the sustainable growth and expansion of all types of business in rural areas, diversification of agricultural and other land-based rural businesses through conversion of the existing buildings and would maintain a level of employment on the site.
- 10.6 Policy LP12 of the Local Plan states that 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 subject to compliance with numerous criteria. The site is

long established with the proposed continued use of existing buildings albeit a different use with no alterations proposed ensuring full compliance with policy LP12.

- 10.7 The principle of development is therefore considered acceptable with regard to the development plan, specifically under the settlement strategy (policy LP3), the economic growth aspirations (policy LP6) and the requirements within the NPPF.

Impact on the character and appearance of the area

- 10.8 Policy LP16 of the FLP aims to deliver high quality environments, seeking to ensure that development makes a positive contribution to the local distinctiveness and character of the area. LP16(d) aims to ensure that development responds to and improves the character of the local built environment and does not adversely impact either in design or scale terms on the streetscene, settlement pattern or the landscape character of the area.
- 10.9 The plans and supporting Planning Statement states that there will be no physical changes or alterations proposed to the existing external elevations to facilitate the use/s proposed. Owing to the neutral impact with the proposed use to the existing situation with regards to the character and appearance of the area, the development is acceptable with regard to policy LP16.

Residential amenity

- 10.10 Policy LP2 of the Local Plan states that development proposals should positively contribute to creating a healthy, safe and equitable living environment by, inter alia, promoting high levels of residential amenity. The policy also states that for major developments, the Council will require a Health Impact Assessment (HIA) to be submitted with a planning application. Such an HIA will enable the applicant to demonstrate how this policy has been met. The HIA should be commensurate with the size of the scheme. The application was supplemented with an HIA which concludes that the proposal will have positive effect as it will continue to provide employment for local people; will have a neutral effect on an individual's ability to improve their own health and wellbeing; is unlikely to have any effect on the demand for access to health and social care services.
- 10.11 Policy LP16(e) of the Local Plan requires development to not adversely impact on the amenity of neighbouring users through issues such as noise, light pollution, loss of privacy and loss of light.
- 10.12 The application site lies to the south-west of Ireton's Way with the access diagonally opposite both Dean House and Whicovia Cottage which are sited approximately 24m away from the access point. Given there will be no physical changes or alterations proposed to the buildings currently in situ, this will ensure no detrimental impact upon neighbours amenity in terms of loss of light; overbearing or oppressive impacts.
- 10.14 Whilst hours of operation are not acknowledged on the application form, the planning statement confirms that the working hours for the site currently operate 24 hours a day / 7 days a week and it is not proposed to change these. As part of the consultation process, the Council's EHO had acknowledged the current site type/usage and permitted operating times, which from a consistency standpoint formed the reasoning for no objections or recommendation of future restrictions. Therefore, the proposed development is considered to be in compliance with LP2 and LP16 of the Local Plan.

Flooding/Drainage

- 10.15 Policy LP14 of the Local Plan is concerned with flood risk and ensuring that sites are adequately drained by Sustainable Drainage Systems (SuDS). The site lies within Flood Zone 1 which is the area at least risk of flooding.

- 10.16 The application was supplemented with a 'Drainage Strategy' and given the application is defined as a major, the LLFA were consulted. They raise no objections to the development as the documents provided show that the change of use of the existing site will not alter the impermeable surface area of the site. There will be no increase in surface water discharge and therefore the existing drainage arrangements will suffice. The proposal is therefore in compliance with policy LP14 of the Local Plan.

Highways

- 10.17 Paragraph 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 10.18 Policy LP15 of the Fenland Local Plan (2014) requires development to provide a well-designed, safe and convenient access for all, giving priority to the needs of pedestrians, cyclists, people with impaired mobility and users of public transport. Appendix A of the Fenland Local Plan sets out the parking standards associated with development proposals.
- 10.19 The application proposes alterations to the existing site access to facilitate HGV vehicle movements and a reconfiguration of parking on site. Due to original concerns raised from the County Highways Engineer, amended plans were received updating parking provision and facilities for turning on site. There proposes the requisite number of car parking spaces for each unit with parking provision for HGV; the provision of 2no disabled parking spaces and the provision of a storage area for 10 cycles. Following further consultation, County Highways have confirmed the amendments are now acceptable and raise no objections subject to the imposition of conditions. The proposed development is therefore considered to comply with policy LP15 of the Local Plan and the requirements within the NPPF.

Sustainability

- 10.20 Paragraph 89 of the NPPF states that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.
- 10.21 Policy LP2 of the Local Plan states that development proposals should positively contribute to creating a healthy, safe and equitable living environment by, inter alia, and creating opportunities for employment in accessible locations.
- 10.22 As already acknowledged, the site lies outside but adjacent to the built-up settlement of Chatteris. There is an existing footpath measuring between 1.52m and 1.77m that links the application site to the town, albeit it is narrower than the standard 2m width set out within the Cambridgeshire Highways General Principles of Development (Jan 2023).
- 10.23 Further to this, the site's location offers limitations in terms of cycling provision. However, the Highway Authority previously concluded that a new cycle link between the site and the 30mph speed limit change in Chatteris, whilst the preferred option, would not be required in consideration of the forecasted minimal number of cycle trips generated by the development.
- 10.24 Whilst the proposal doesn't include any improvements to the existing footpath nor proposes a cycle link, the application form states that the number of full-time employees will drop from 50 to 40. Further to this, the existing use has been operating for 30 years

with a higher intensification of employees and is considered to be well linked to Chatteris. It is therefore considered that, as outlined, and whilst contrary to comments from the Transport Assessment Unit, the proposed development would utilise existing buildings and is a site that, in general, is physically well-related to the existing settlement which is encouraged through paragraph 89 of the NPPF.

Other matters

- 10.25 External Lighting: Information submitted during the course of the application outlined that there is currently lighting above doors and also within the car park and yard areas. No complaints have been received in respect of this and no record of damage within the car park.
- 10.26 CCTV: This is already existing on site and is complemented by the external lighting. All buildings are alarmed and these are monitored by a security company. Main site gates are locked at the beginning and end of each day and CCTV signage is on site, as per the ICO code of practice.
- 10.27 Cycle Parking: Amended site plan demonstrates the provision of cycle storage outside units 2-5 and will be conditioned accordingly.

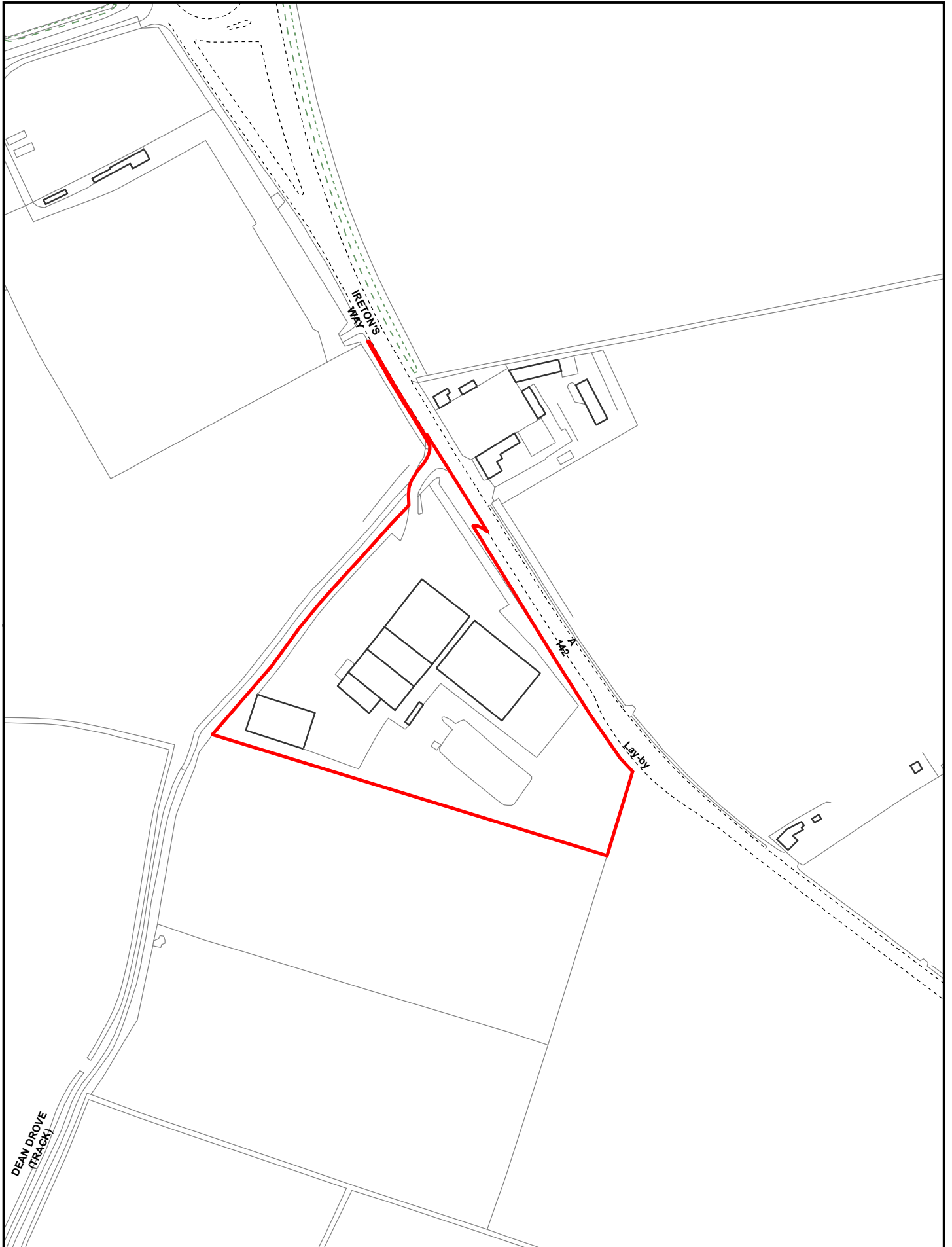
11 CONCLUSIONS

- 11.1 Even though the proposal will not have a strong functional link to agriculture for which the buildings were originally approved, and the site lies outside of the market town of Chatteris, there is an established footpath link which has been serving the existing buildings/use for a long period. The application proposes a reduction in the number of employees and nevertheless makes use of soundly constructed buildings where the scale of employment is appropriate to the accessibility of the site, and also reinforces the farm's viability. The proposal is therefore considered acceptable and broadly in compliance with both National and Local Plan requirements.

12 RECOMMENDATION:

Grant; Subject to the following conditions:

1	The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
2	Prior to the first use of the development thereby permitted, works within the highway, including works to the footway, shall be carried out as per the approved plans. Reason: In the interests of highway safety and in accordance with Policy LP15 of the Fenland Local Plan 2014.
3	Prior to first use of the development hereby permitted, the parking and turning areas as shown on the approved plans must be constructed and thereafter kept clear for this use only in perpetuity. Reason: In the interests of highway safety and in accordance with Policy LP15 of the Fenland Local Plan 2014
4	Approved plans compliance



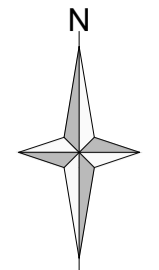
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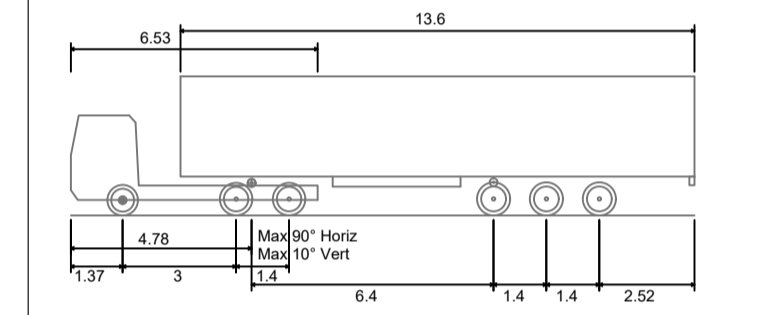
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- Notes:**
- Drawing is based on Ely Design Group, Site Layout / Parking Provision, ref: EDG23/060/11B.
 - Details of the footway / cycleway link and the byway accommodation works are to be agreed and implemented prior to any occupation of the site as proposed as part of the access work.
 - The existing byway of Dean Drive is to be retained on its current line and width, and is to be remodelled to provide a minimum vehicular running width of 4.0m for at least 15.0m from the existing carriageway edge of the A142 to maintain field assess.
 - The remaining areas within the existing byway width are to be replaced with grass verge or as otherwise specified.
 - No part of the existing highway of Dean Drive is to be obstructed as part of the access works.
 - All works within the highway are to be fully in accordance with a scheme to be submitted to and approved by the Local Highway Authority as part of a highway works agreement.
 - Existing footway link to Chatteris along the A142 to be retained as existing.

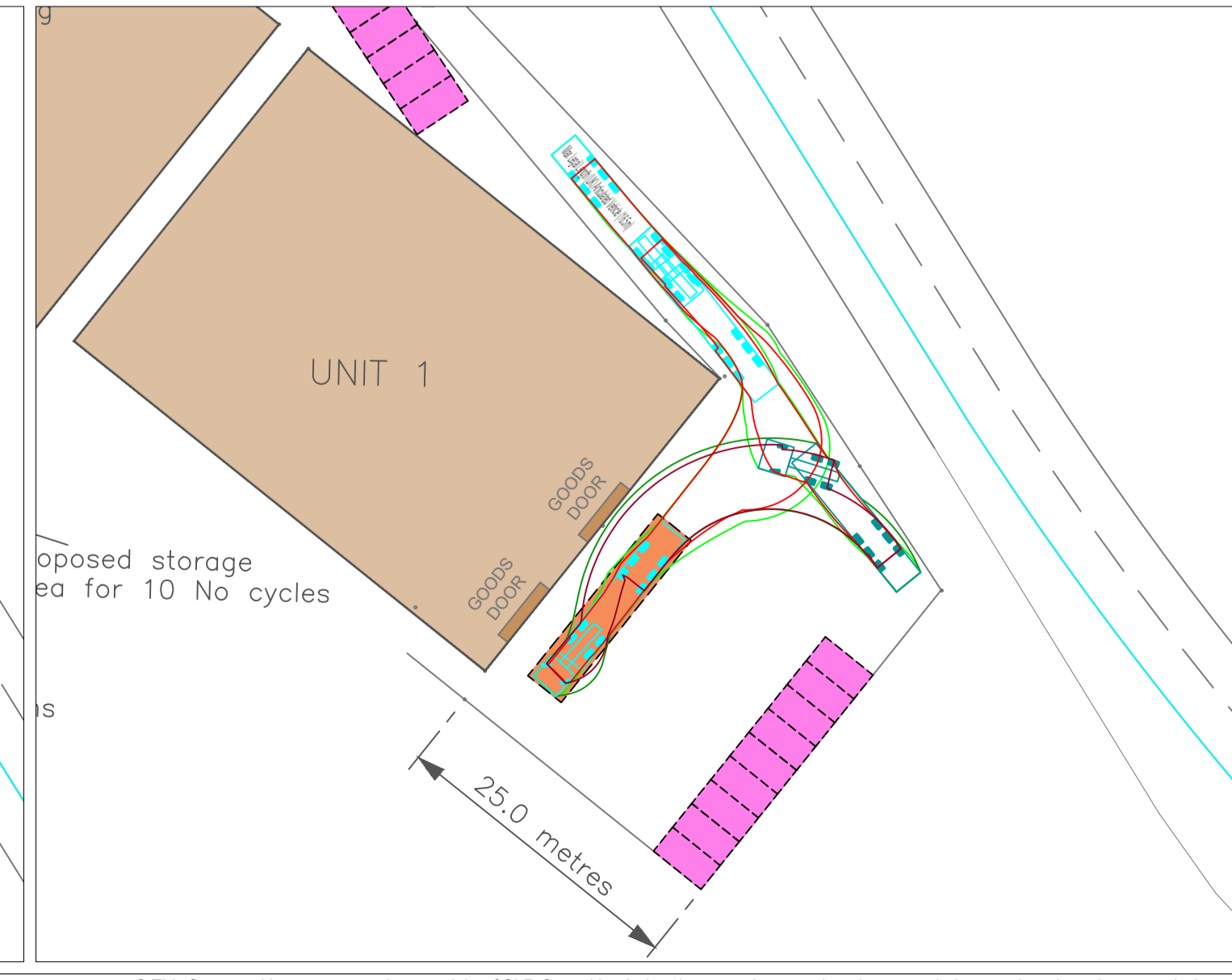
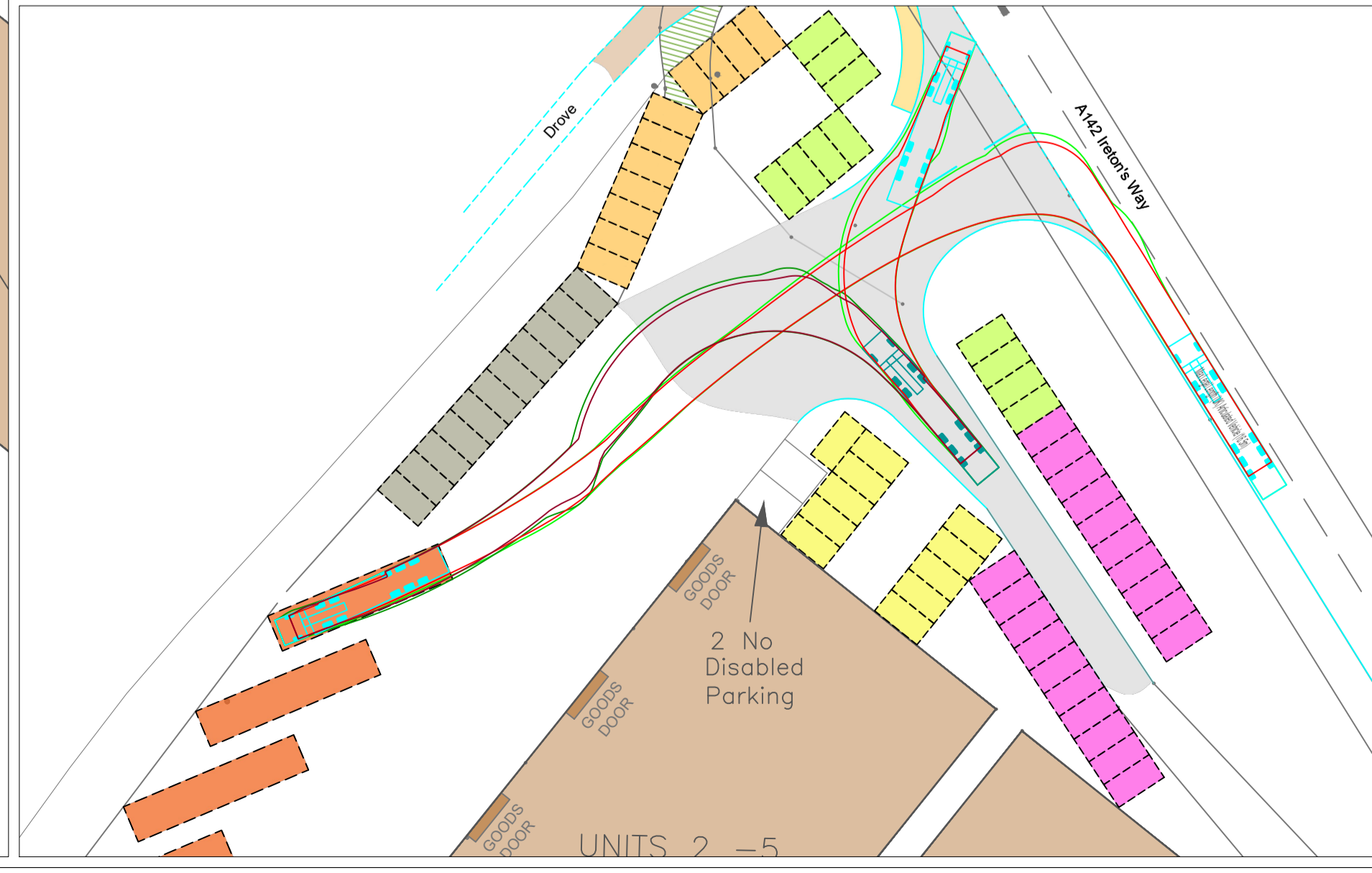
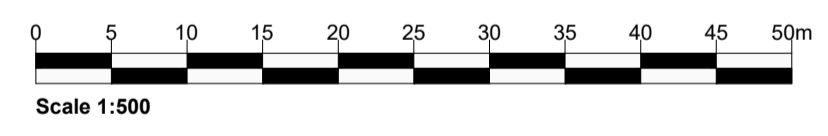
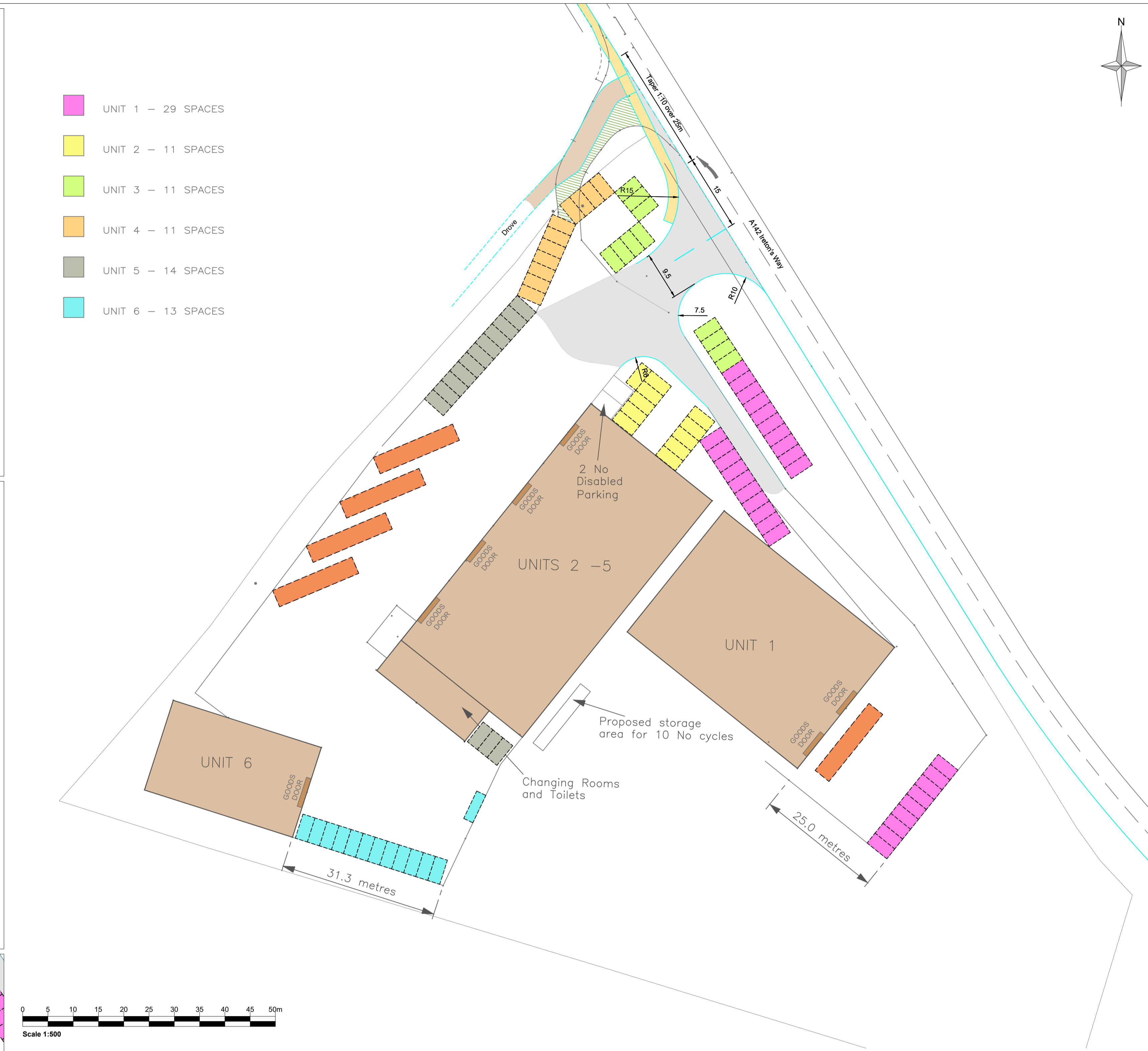
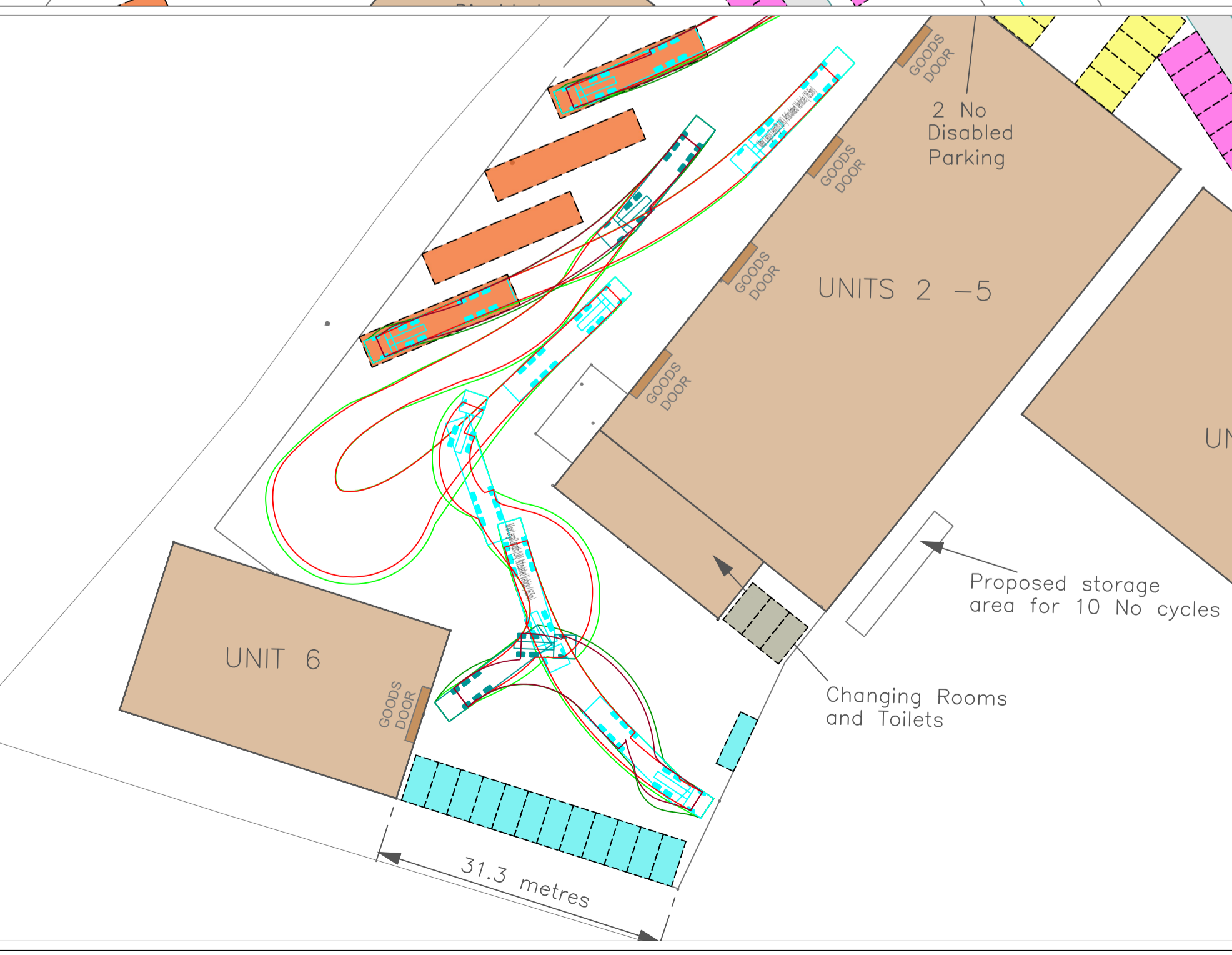
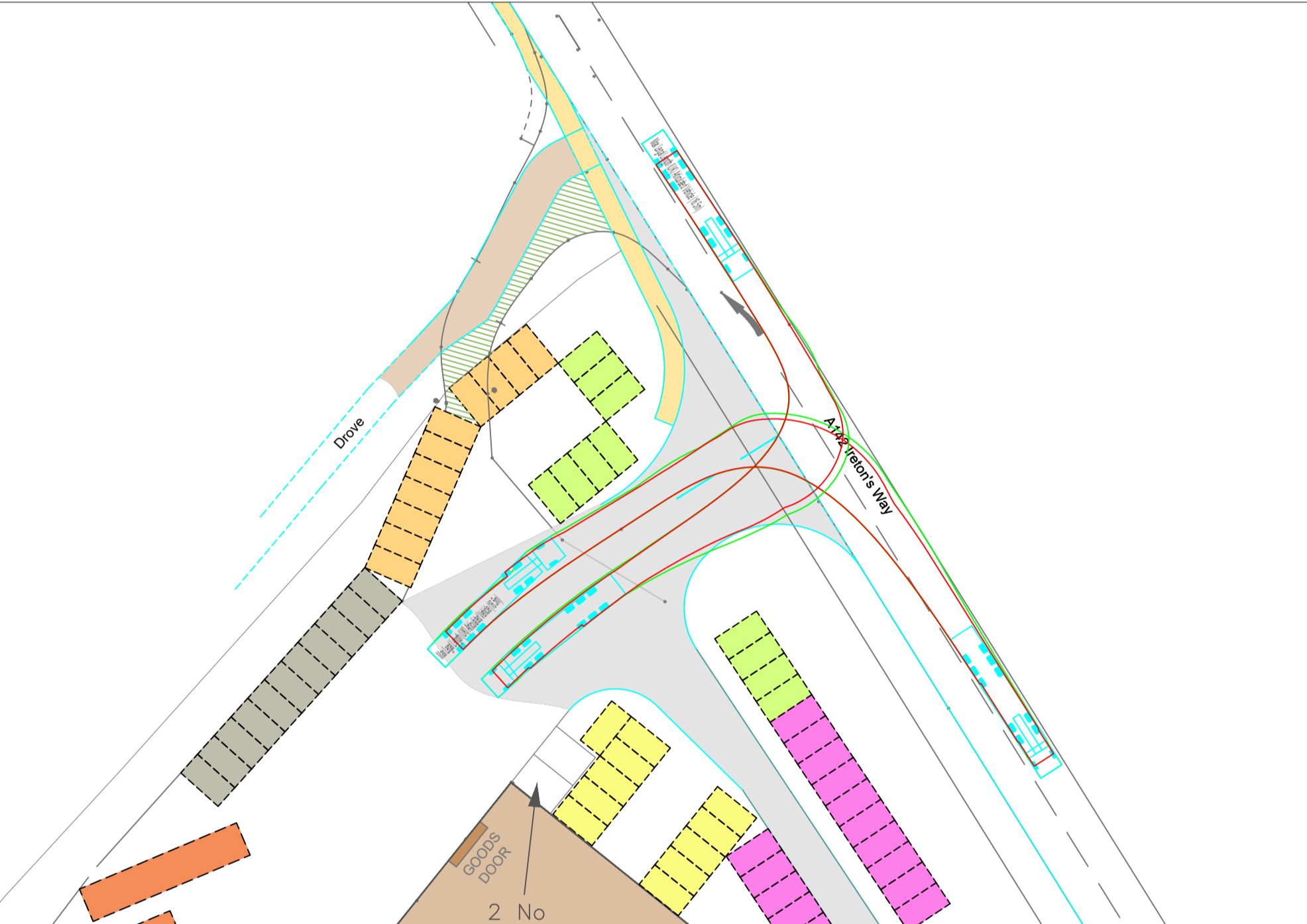
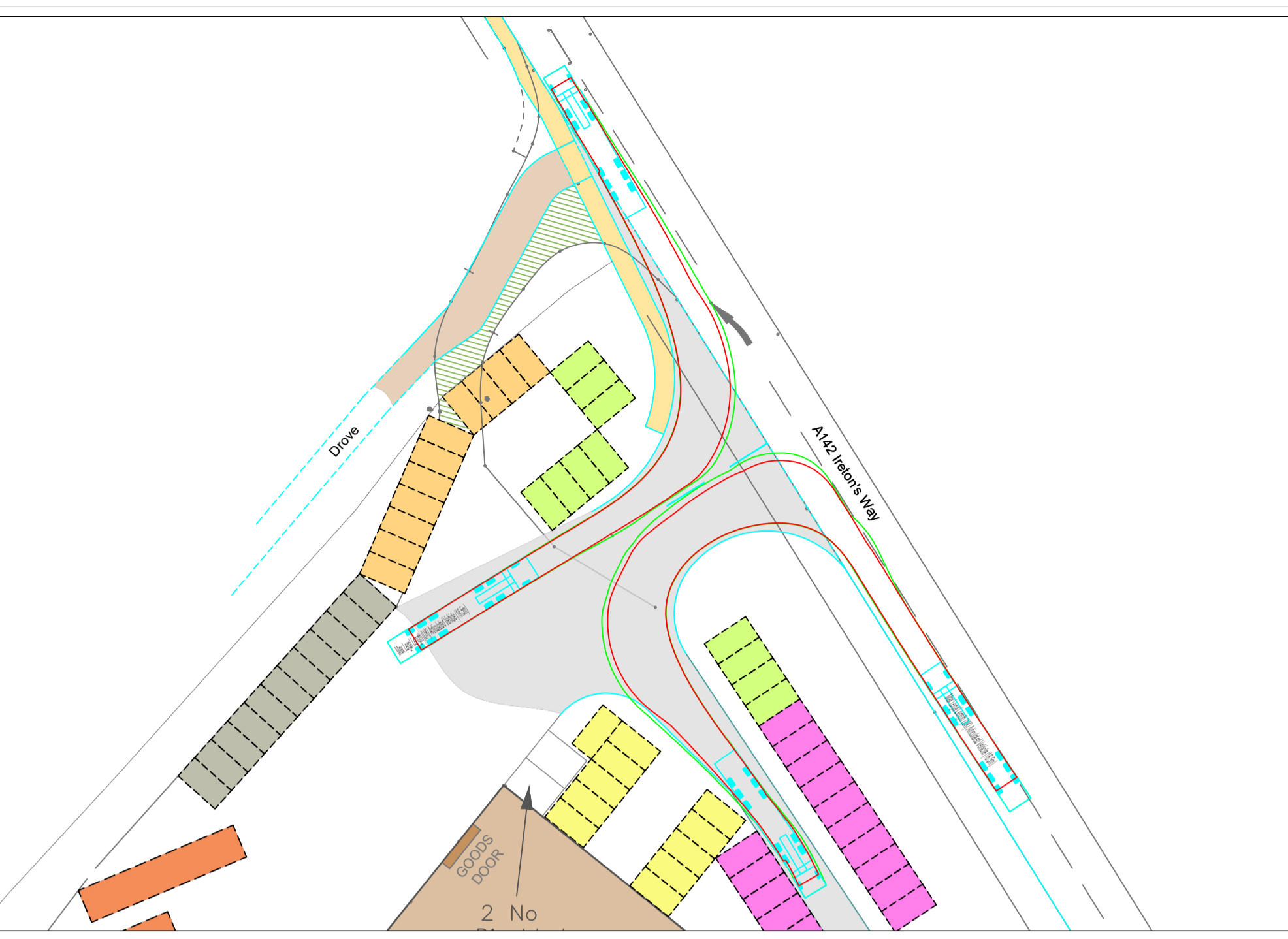
- Legend:**
- Modified Drove
 - Site Access
 - Footway
 - Existing Access Removed
 - HGV Parking
 - Additional Parking



Max Legal Length (UK) Articulated Vehicle (16.5m)

Overall Length	16.500m
Overall Width	2.550m
Overall Body Height	3.881m
Min Body Ground Clearance	0.411m
Max Track Width	2.500m
Lock to lock time	6.00s
Kerb to Kerb Turning Radius	6.530m

Vehicle tracking undertaken with
 Forward Design Speed: 5mph
 Reverse Design Speed: 2.5mph



4	Parking amended	06/24	TS	PL
3	Parking amended	05/24	TS	PL
2	HGV parking added and cycleway extended	03/24	TS	PL
1	Additional parking and tracking shown	03/24	TS	PL
Rev	Amendments	Date	By	Chk / Auth



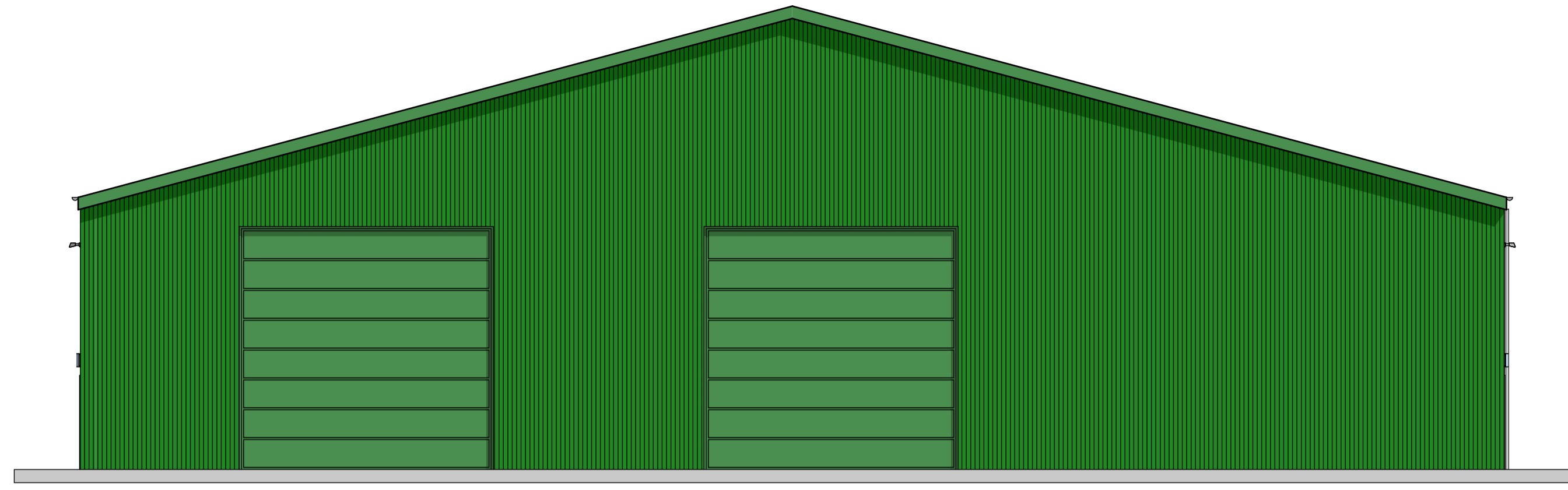
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Project: Nightlayer Leek Chatteris Access Appraisal

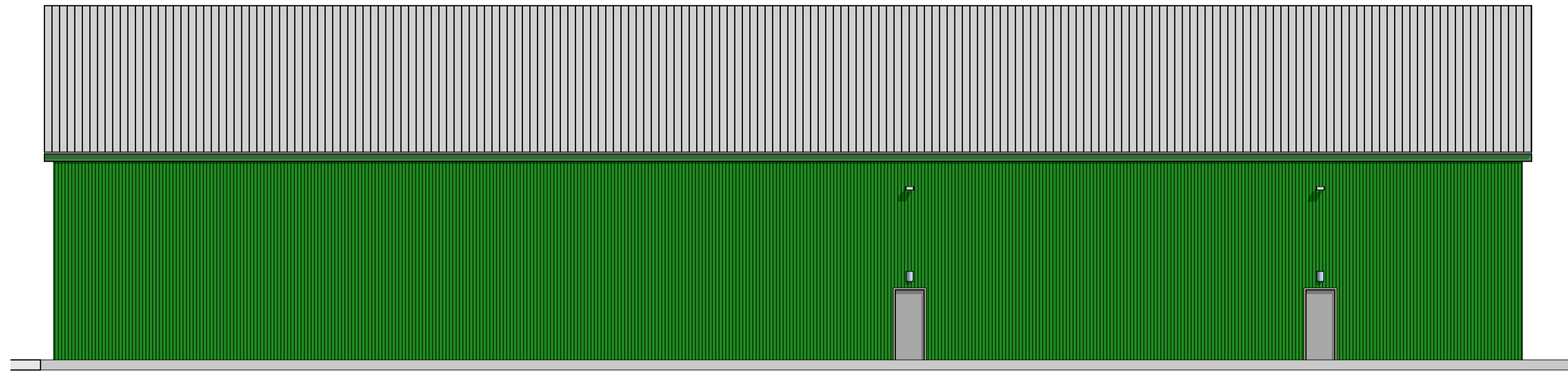
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Date: Feb 2024	Date: Feb 2024	Date: Feb 2024	Date:
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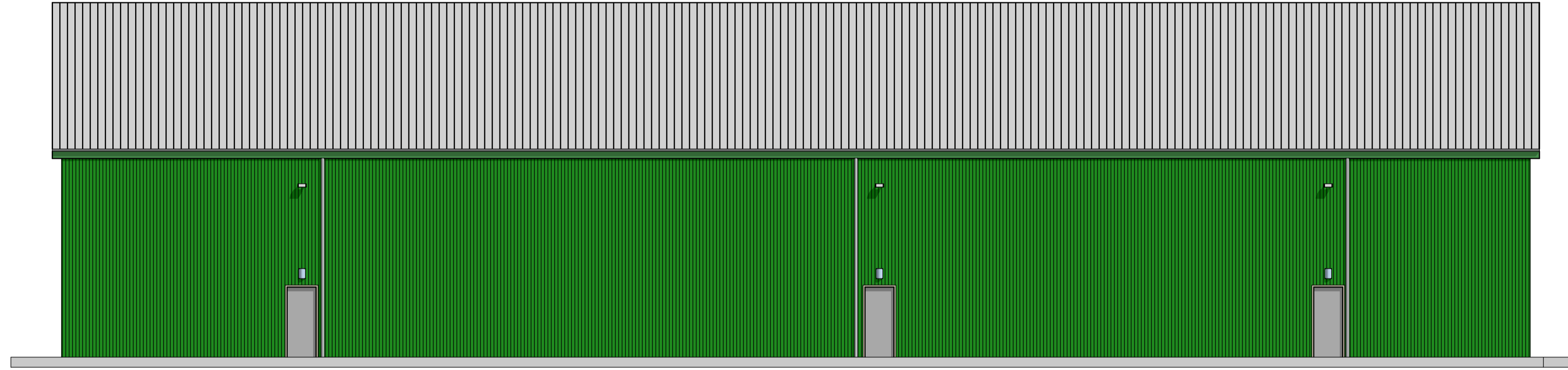
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A	First Issue	CR	AD	22.06.23



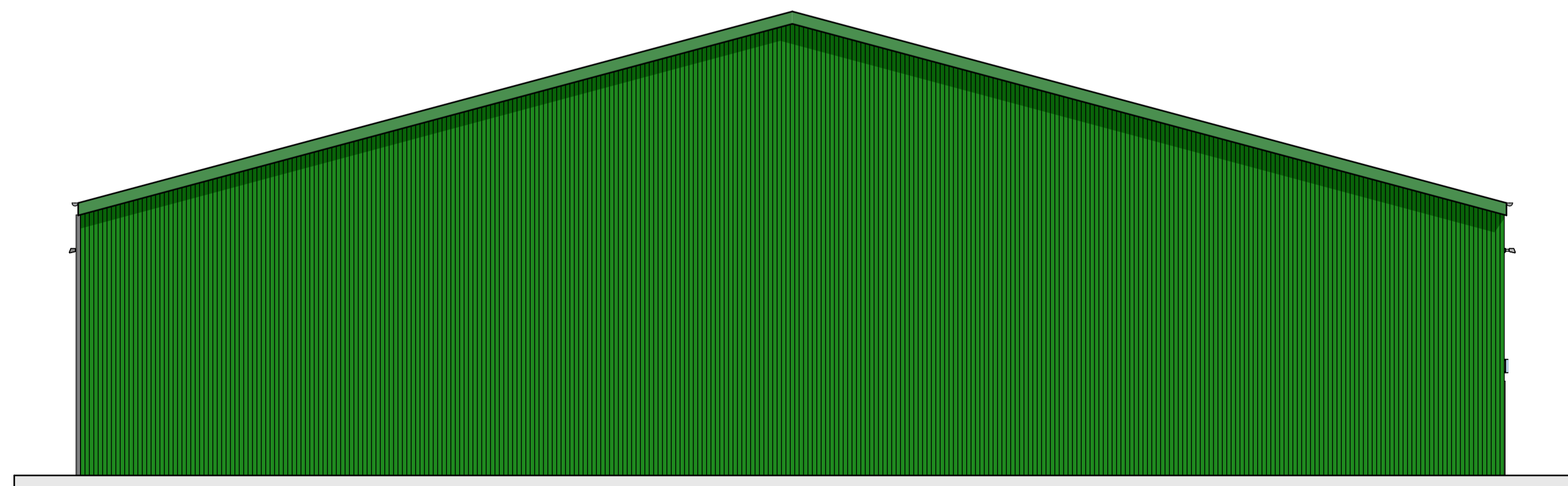
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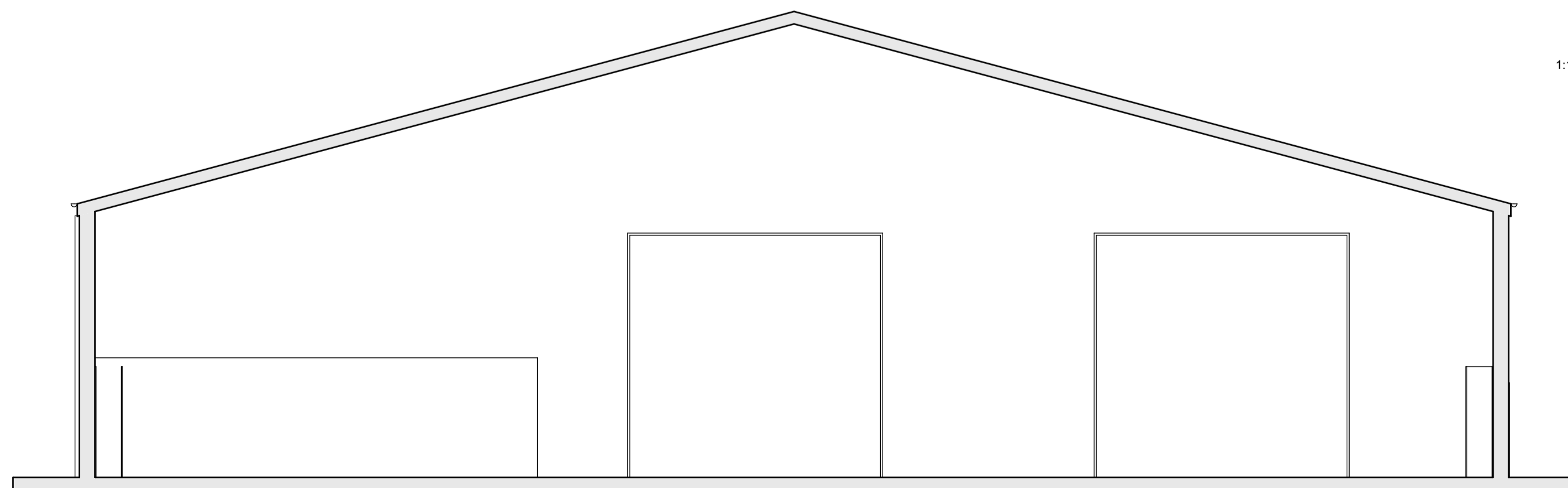
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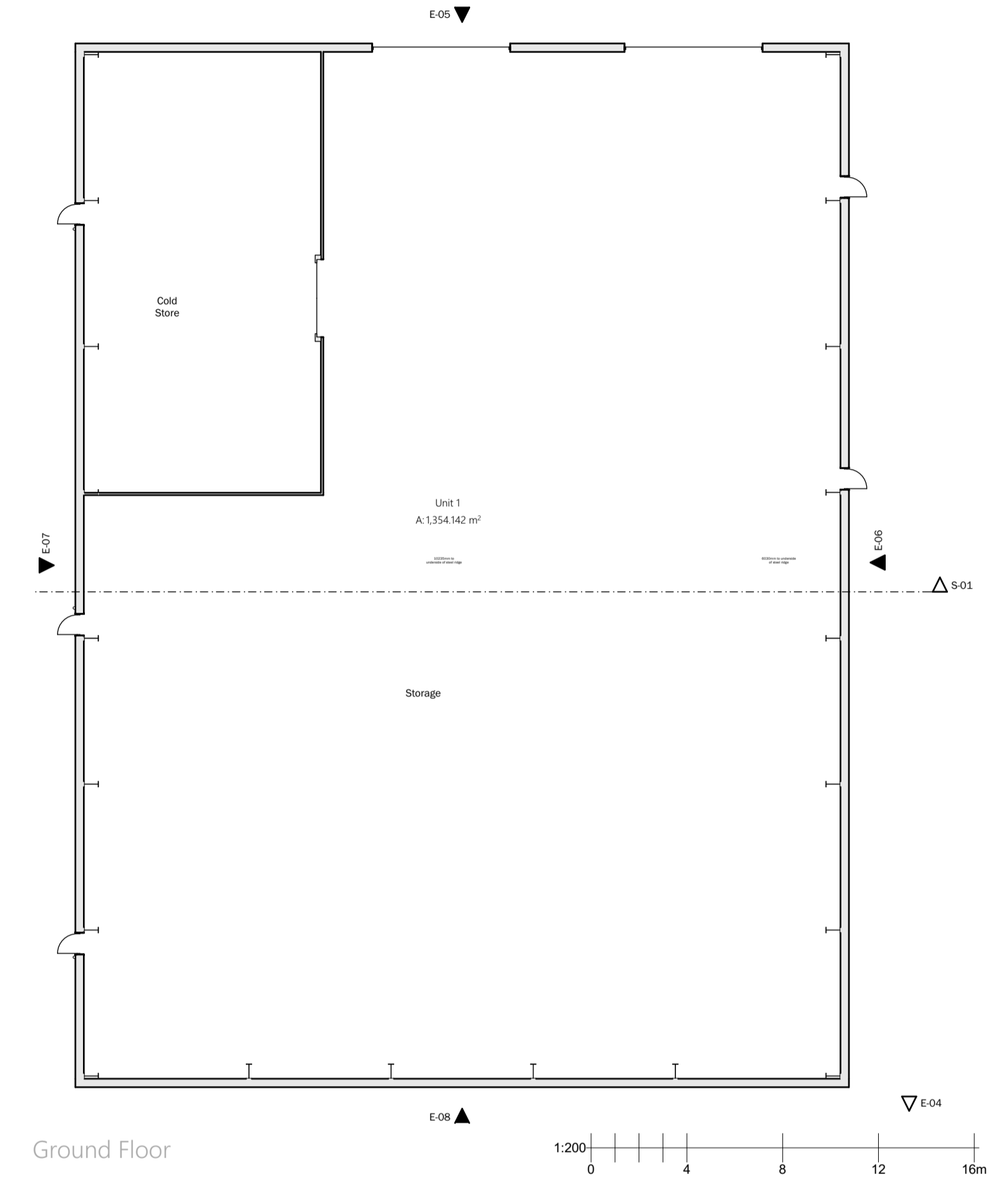
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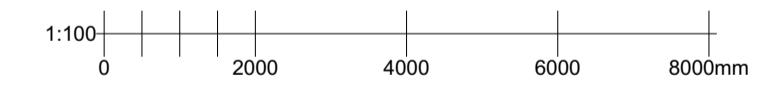
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Section S-01



Ground Floor

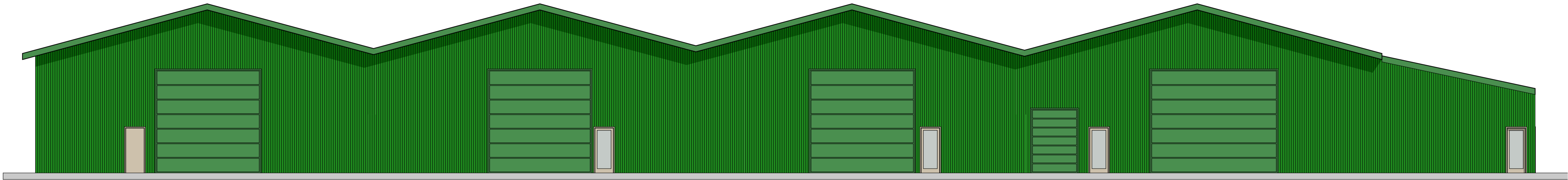


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project		Dean Drove, Ireton's Way, Chatteris Change Of Use	
drawing		Floorplan & Elevations As Existing Unit 1	
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WF		AD	



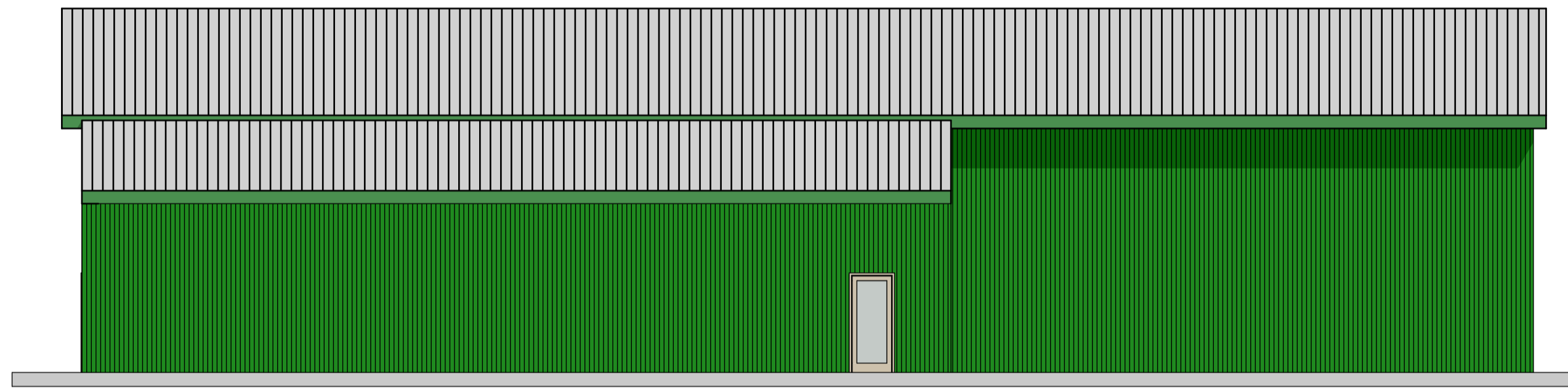
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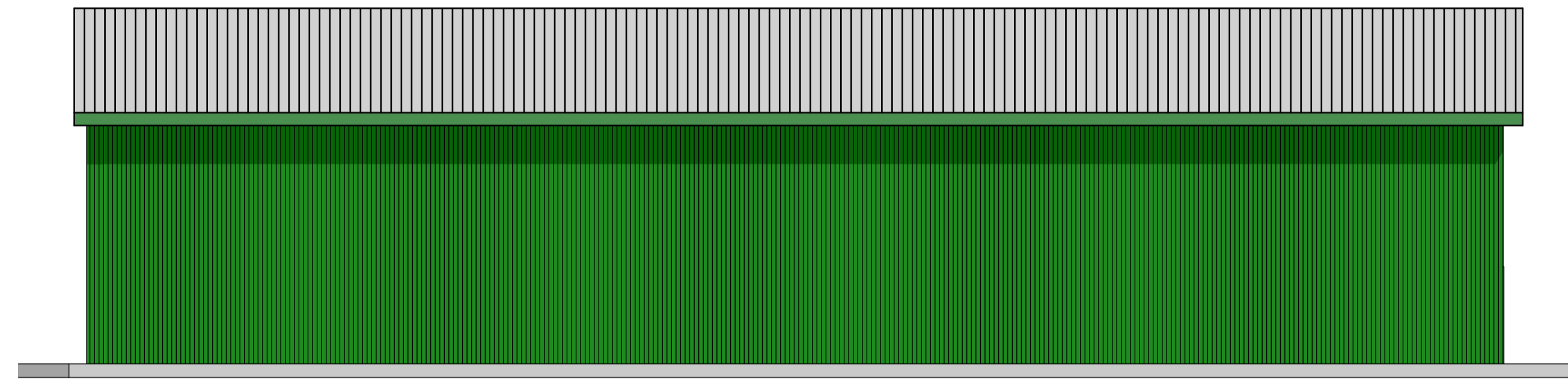
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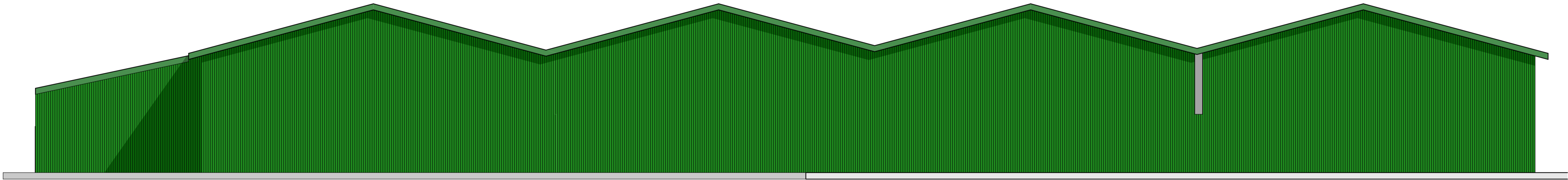
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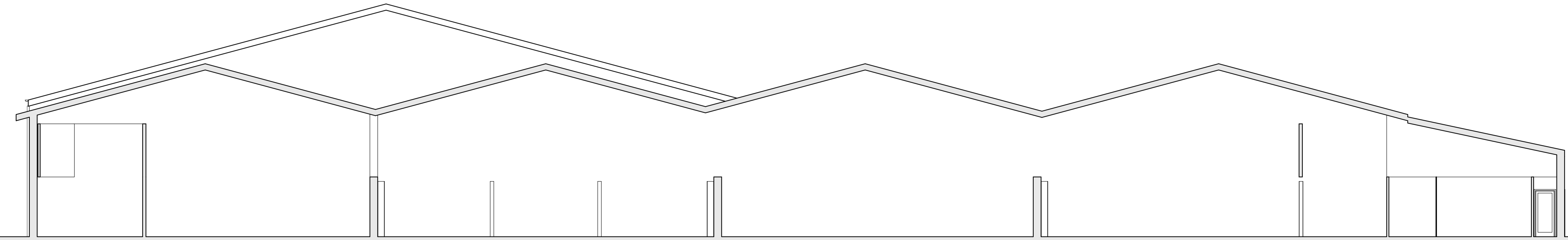
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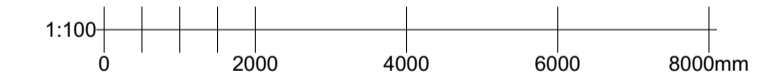


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E-04



Section



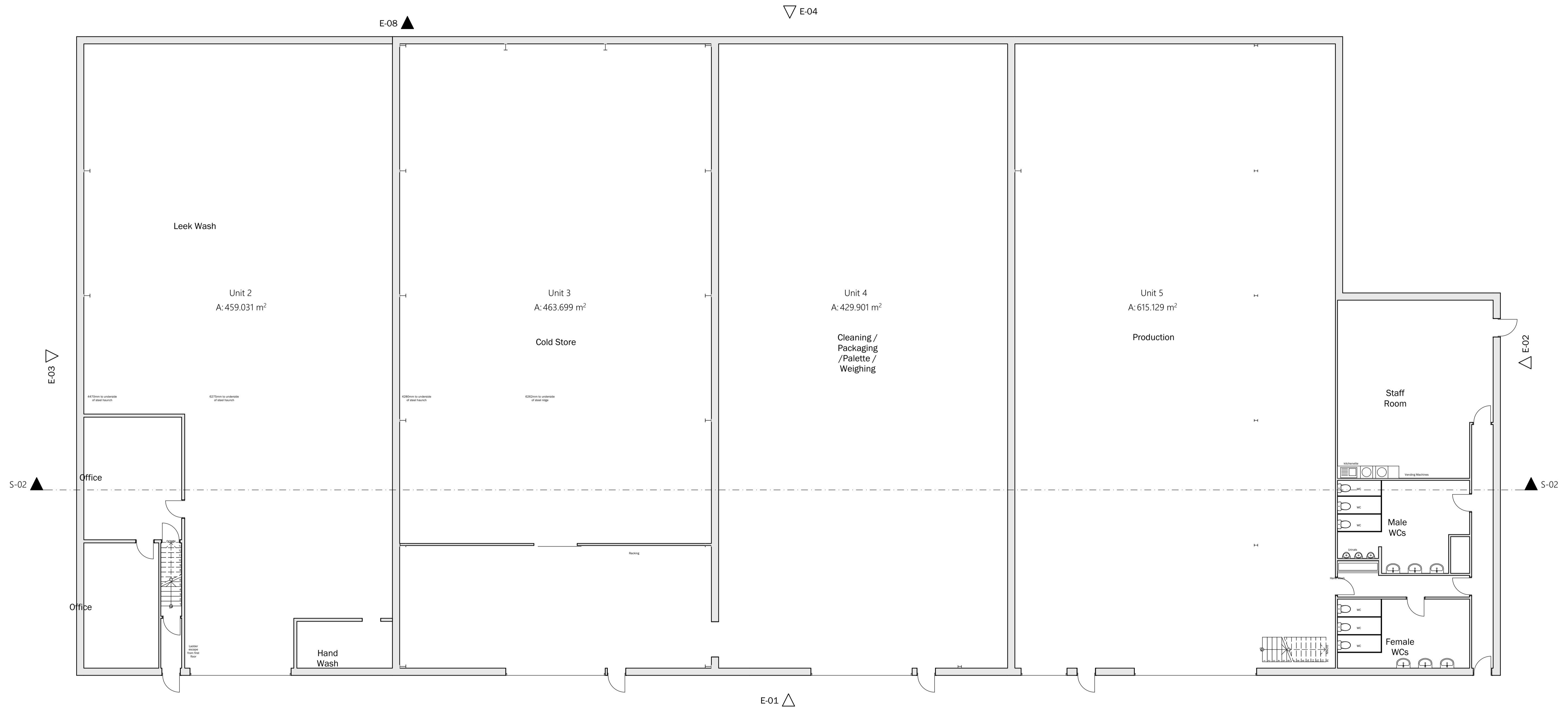
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Nightlayer Leeks Co Ltd		
project		
Dean Drove, Ireton's Way, Chatteris Change Of Use		
drawing		
Elevations As Existing Units 2-5		
date	scale	@ A1
05.05.23	1:100	
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WF	AD	



S-02
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Ground Floor

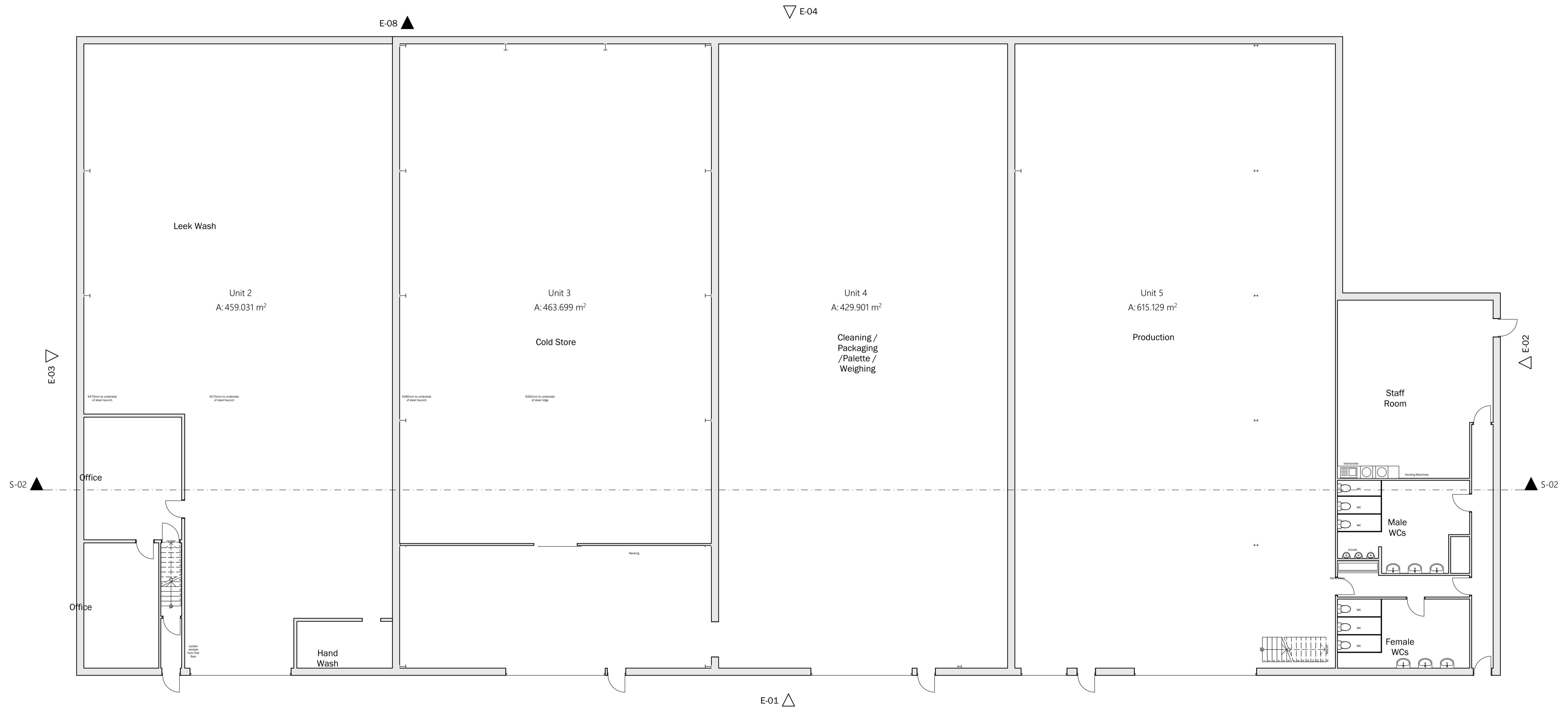


client		
Nightlayer Leeks Co Ltd		
project		
Dean Drove, Ireton's Way, Chatteris Change Of Use		
drawing		
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date	scale	@ A1
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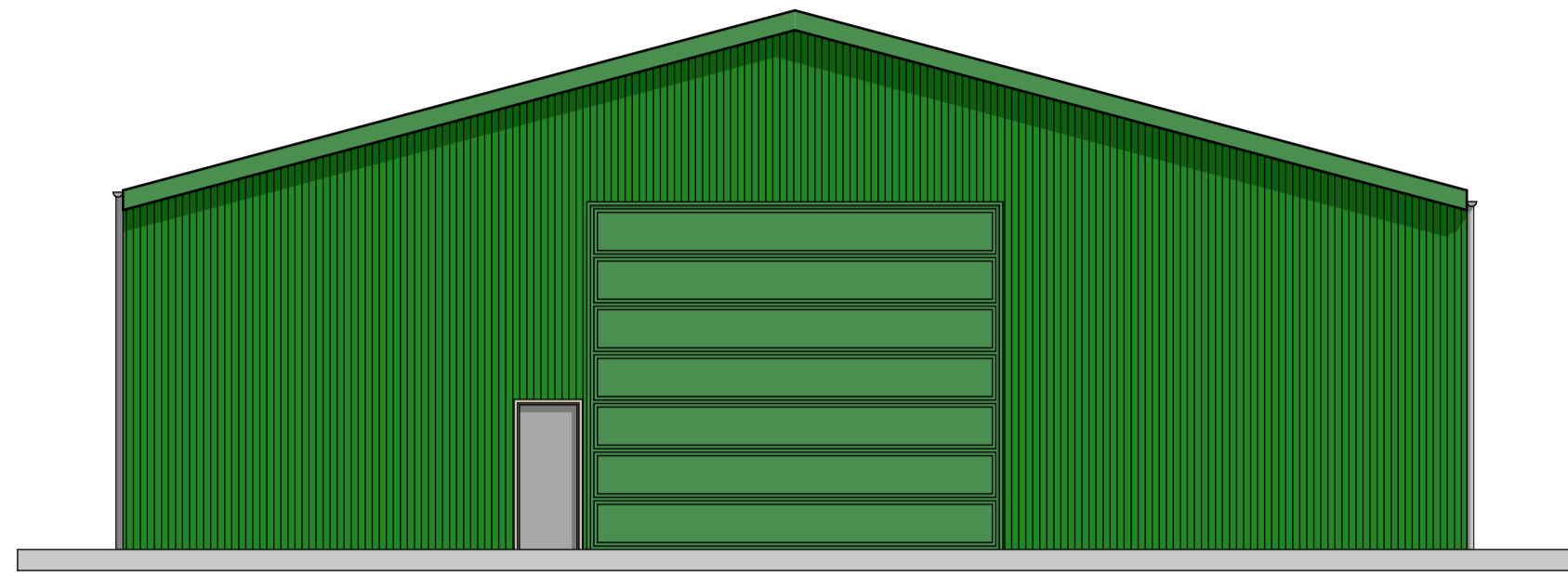
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author	AD		

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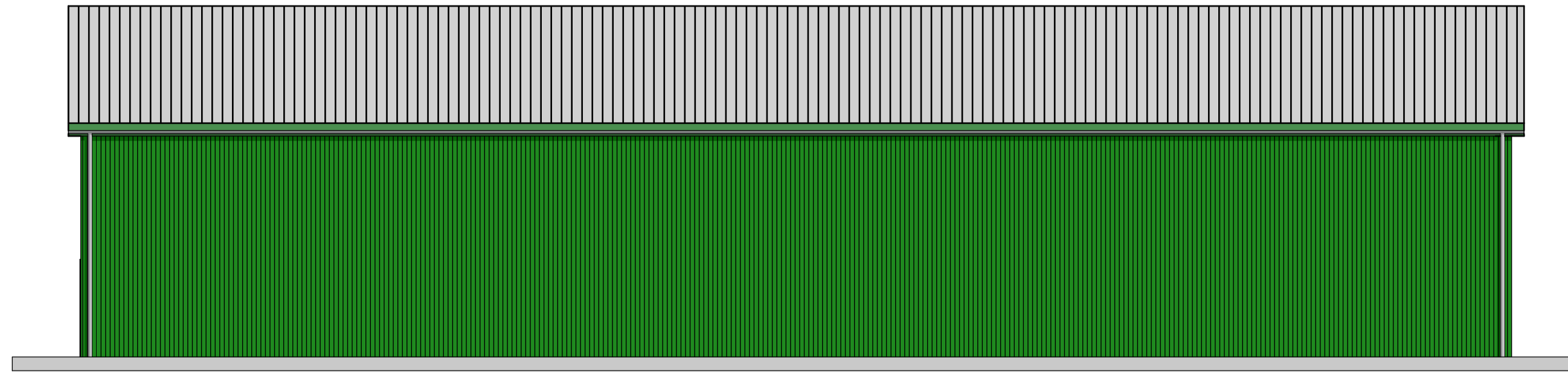
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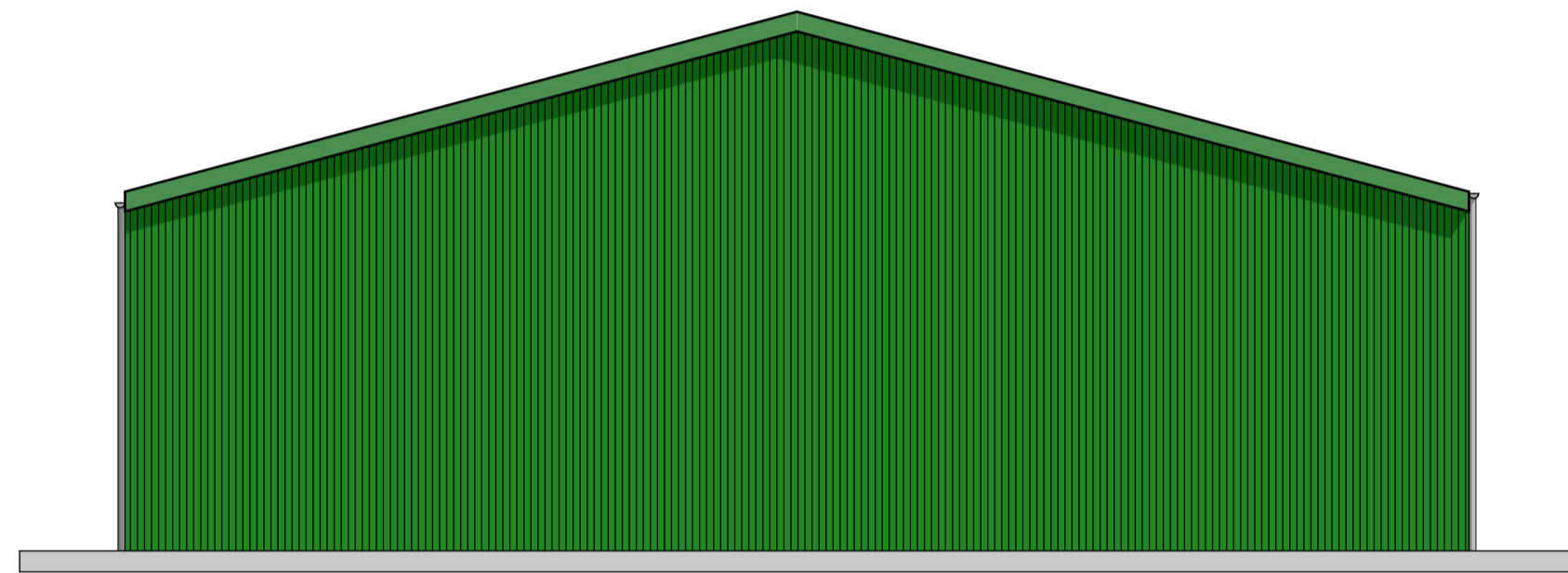
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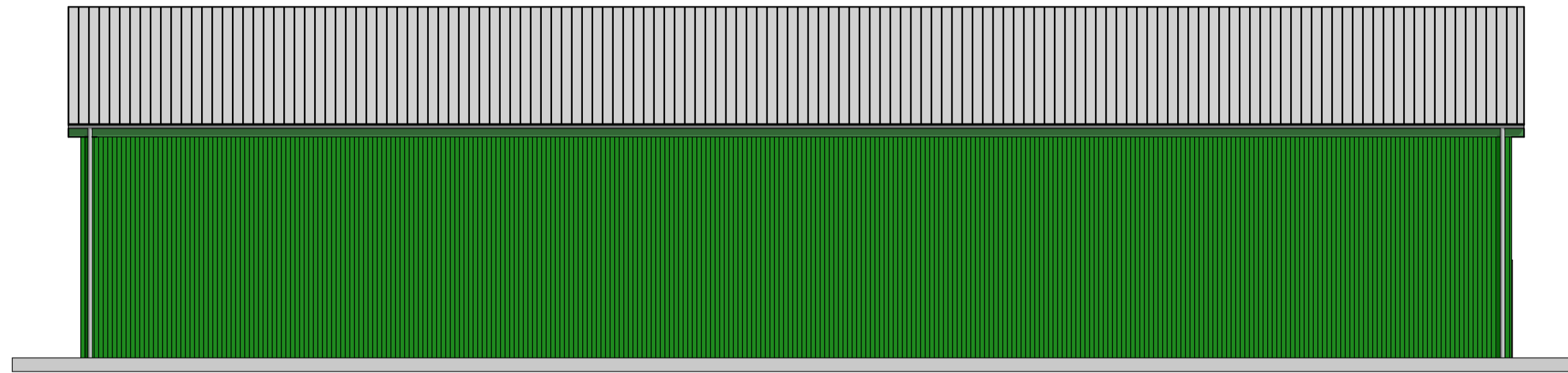
Elevation

E-11



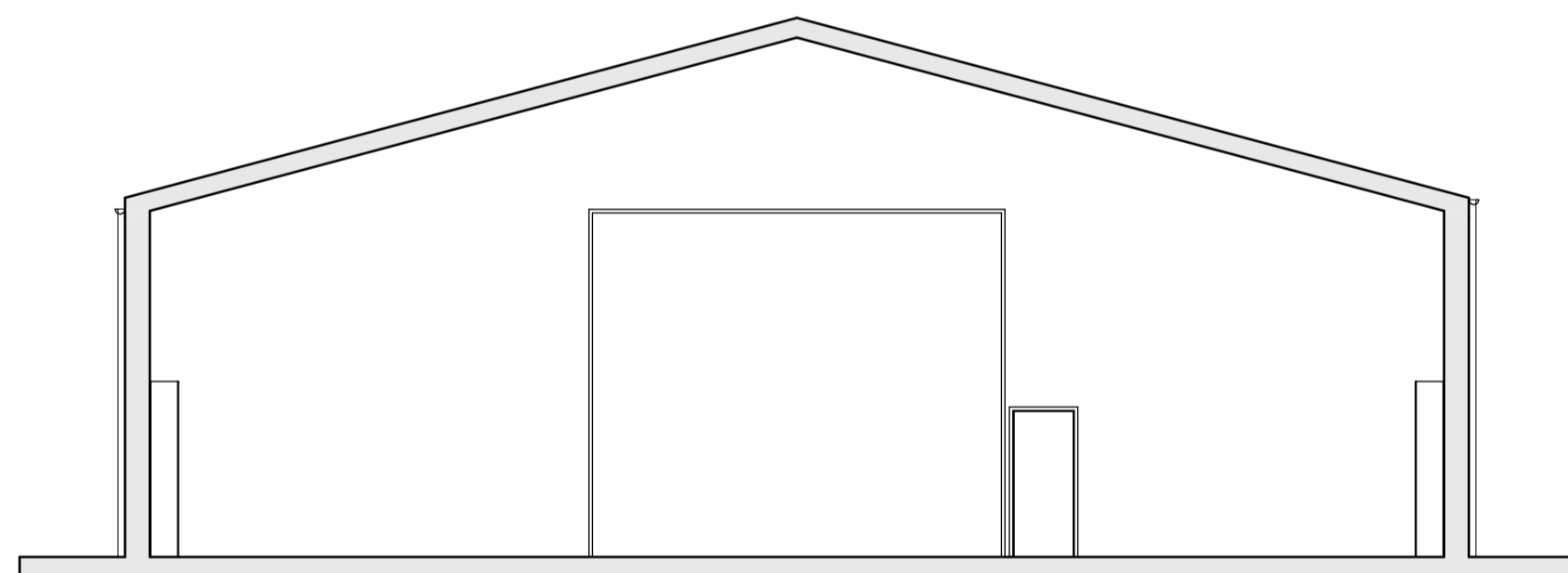
Elevation

E-12



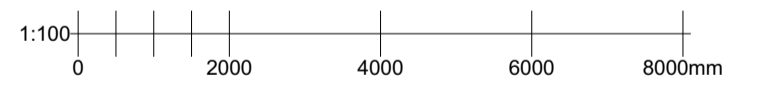
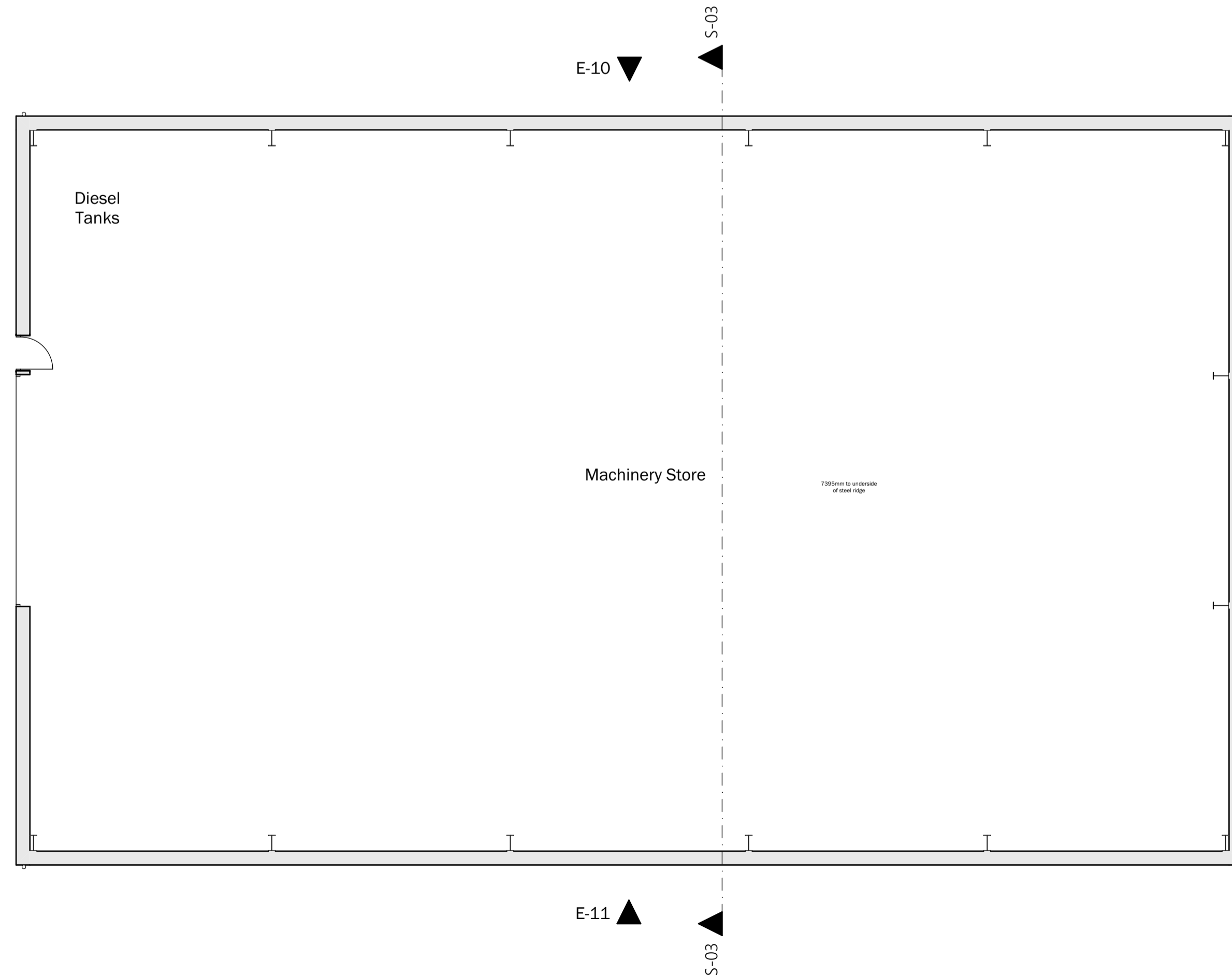
Elevation

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Section

S-03



client		
Nightlayer Leeks Co Ltd		
project		
Dean Drove, Ireton's Way, Chatteris Change Of Use		
drawing		
Floorplan & Elevations As Existing Unit 6		
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F/YR23/0819/F

**Applicant: Mr Mark Law
Laws Fertilisers Limited**

Agent: N/A

**Land East Of 22 Eastwood Industrial Estate, Eastwood End, Wimblington,
Cambridgeshire**

**Erect a storage building for the storage of fertilisers and provision of
hardstanding to serve the building (Class B8)**

Officer recommendation: Grant

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

1 EXECUTIVE SUMMARY

- 1.1. The application site is an area of land located to the east of the existing unit currently serving Law Fertilisers Ltd within Eastwood End Industrial Estate. The site is currently bound by a palisade fence and vegetation, access to the site is gained through the existing gated entrance located to the southwest of the existing unit on the site.
- 1.2. The site is located within Flood Zone 1, the lowest probability of flooding.
- 1.3. The application seeks full planning permission for the erection of a storage building (B8 Storage and Distribution) for the bulk storage of fertilisers.
- 1.4. An original objection from the LLFA has been removed following submission of additional information.
- 1.5. The Parish Council concerns with respect to the application appear unfounded when considered against the evidence and the relevant policies of the Fenland Local Plan 2014. Accordingly, refusal of the scheme is not justified in this case and therefore, the application is recommended for approval.

2 SITE DESCRIPTION

- 2.1 The application site is an area of land directly to the east of an existing commercial building currently serving Law Fertilisers Ltd to the northern periphery of the Eastwood End Industrial Estate, which sits at the edge of the village with open countryside to the north and north-east. The site is currently bound by a palisade fence and vegetation, with access to the site gained through the existing gated entrance located to the southwest of the existing unit on the site.
- 2.2 The site is located within Flood Zone 1, the lowest probability of flooding.

3 PROPOSAL

- 3.1. The application seeks full planning permission for the erection of a storage building (B8 Storage and Distribution) for the bulk storage of fertilisers. Further to this, there proposes a formalised strip of hardstanding to serve the entrance of the proposed building.
- 3.2. The proposed storage building would measure approx. 38m in depth, 30m in width and have a maximum height of 14.75m. The front (western) elevation of the unit would be open. The proposed materials would include grey concrete grain walls with goose wing grey metal cladding to match the existing unit on site and a concrete fibre roof.
- 3.3. An area for the parking of HGV's would be located to the north side of the proposed storage unit.
- 3.4. No changes are proposed to the existing access, internal vehicular route or external lighting within the site.
- 3.5. Similarly, it is noted within the submission that existing parking arrangements on site will be unaffected, and the proposal will generate no additional waste.

4 SITE PLANNING HISTORY

Reference	Description	Decision
F/YR16/0330/F	Erection of a two storey front extension and lean-to side extension to existing storage building	Granted 18/8/16
F/YR15/0179/CERTP	Certificate of Lawful Use (Proposed): Formation of an access track to service existing grain store	Certificate issued
F/YR14/0679/F	Change of use of land for storage and formation of a concrete pad/enclosure in connection with the grain store (retrospective)	Granted 8 th October 2014
F/YR08/0433/F	Erection of a store and covered parking bays (land to west of application site, Laws fertilisers)	Granted 4/8/09

5 CONSULTATIONS

5.1. Wimblington Parish Council (15/11/2023)

Object as further saturation of ground and intensification of light industrial estate. Concern expressed as storage of fertiliser is more dangerous. Storage is close to Fengrain silo's which could be dangerous. FDC policies LP2 and LP16.

5.2. FDC Environmental Health (27/10/2023)

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, the noise climate, or be affected by ground contamination.

5.3. FDC Environmental Health (30/11/2023)

I have had another look at this application and considered the latest supporting information. This service doesn't wish to revise previous comments as it acknowledged that the fertilisers will be sufficiently protected from the elements whilst having adequate ventilation due to the open front elevation. The applicant must ensure that the site is sufficiently secured to prevent unauthorised access and that good industry practice for the storage of fertiliser is adhered to. More information on storage of fertilisers can be found on the Health and Safety Executive (HSE) website via the following:

<https://www.hse.gov.uk/explosives/ammonium/#storing-handling>

5.4. CCC Highways (16/11/2023)

This application is seeking to erect a storage building for the deliveries of bulk materials. The proposed gross internal floor space is 1140m².

It is stated that the vehicular access for the storage building will be as existing, however no information has been submitted on number of deliveries expected to be generated by the proposed bulk material store. Also, a plan showing the capability of the existing and additional vehicles to park and turn within the site is absent in support of the application.

Without this information it is difficult to make a robust assessment on the adequacy of the site's operational space for the existing and additional number and type of delivery vehicles that would access the compound.

If the LPA are mindful to approve the application, please append the following Conditions to any consent granted.

Construction Facilities: *Prior to the commencement of the development hereby approved adequate temporary facilities area (details of which shall have previously been submitted to and agreed in writing with the Local Planning Authority) shall be provided clear of the public highway for the parking, turning, loading, and unloading of all vehicles visiting the site during the period of construction.*

Reason: To minimise interference with the free flow and safety of traffic on the adjoining public highway in accordance with Policy LP15 of the Fenland Local Plan 2014.

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

Reason: In the interest of highway safety in accordance with Policy LP15 of the Fenland Local Plan 2014. On receipt of requested information and clarifications I would be able to provide further comments on the above proposal on highway grounds.

5.5. CCC Highways (19/02/2024)

The following comments should be read in conjunction with my Highway comments of 16/11/2023.

I have reviewed the applicant's submitted revised site plan and additional information concerning the number of deliveries expected to be generated by the proposed bulk material store, together with the details regarding the capability of the existing and additional vehicles to park and turn within the site in support of the application.

I can confirm the additional information provided to address the above issues is considered acceptable.

5.6. CCC Minerals and Waste (26/10/2023)

It is noted that the proposed development is located within the Waste Consultation Area for the safeguarded waste site known as Hook Lane as identified under Policy 16 (Consultation Areas) of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021).

Policy 16 seeks to safeguard waste management facilities. It states that development within a CA will only be permitted where it is demonstrated that the development will not prejudice the existing or future use of the area, i.e. the waste management site for which the CA has been designated; and not result in unacceptable amenity issues or adverse impacts to human health for the occupiers or users of such new development, due to the ongoing or future use of the area for which the CA has been designated.

It is noted that the proposed development is for the erection of a storage building, (Use Class B8). The MWPA is of the view that proposed use is generally considered to be compatible with the nearby waste management land use. Consequently, the MWPA has no objection to the application. For reference a full copy of Policy 16 can be found at the end of this letter.

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

<https://www.cambridgeshire.gov.uk/business/planning-and-development/planning-policy/adopted-minerals-and-waste-plan>

5.7. Designing Out Crime Officer (03/11/2023)

I have viewed the documents in relation to crime, disorder, and the fear of crime. I have searched the Constabulary crime and incident systems covering location and ward for the last 2 years. I would consider the proposed location to be an area of low to medium risk to the vulnerability to crime.

There is limited detailed documents and no security or crime prevention section within the DAS. As you are aware, it is important that security and crime prevention are considered and discussed at the earliest opportunity to ensure that the security of buildings, homes, amenity space and the environment provide a safe place for people living, working in, and visiting this location.

Please see comments below for your consideration.

External lighting – A good lighting plan is essential for both safety and security reasons, it will also complement any CCTV and assist in identifying any would-be offenders. I would like to see your lighting plan when available please.

CCTV - While it is not a universal solution to security problems, it can help deter vandalism or burglary and assist with the identification of culprits once a crime has been committed. The provision and effective use of CCTV fits well within the overall framework of security management and is most effective when it forms part of an overall security plan. CCTV should meet BS EN 50132-7: 2012+A1:2013 CCTV surveillance systems for use in security applications. It should cover the access entrance, building entrances and perimeter, the site boundary, and open yards. It needs be of a quality that always produces evidential images (complemented by lighting) and have the capability to store and retrieve images, either be monitored by an Alarm Receiving Company (ARC) or linked to the security office if approved or mobile device. CCTV should also be registered with the Information Commissioners Office (ICO).

Signage - CCTV signage should be at the entrance compliant with the ICO Code of Practice.

Alarm - Our recommendation is that a monitored alarm system is installed. Visit the National Security Inspectorate (NSI), or the Security Systems and Alarms Inspection Board (SSAIB) for more information.

Information only: Taking into consideration the location of this proposed development, it is important that boundary treatments to the site are considered as Cambridgeshire has a problem with hare coursing on open fields.

If you require any further information, please do not hesitate to contact me.

5.8. FDC Tree Officer (13/11/2023)

I've had a look at the above site (industrial unit Eastwood Industrial Estate) and have no objection to the scheme.

There is a belt of trees to the northeast corner of the proposal protected by TPO 2/2007, whilst they are outside the development redline area they will require protective fencing to prevent compaction of the soil, though I suspect being an industrial site the ground has already been compacted

5.9 LLFA (21/3/24)

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

1. No SW Drainage Strategy Paragraph 167 of the National Planning Policy Framework requires planning applications to be supported by a site-specific flood risk assessment. Such an assessment should include a surface water strategy and must demonstrate that the proposed development incorporates sustainable drainage systems (SuDS), unless there is clear evidence that this would be inappropriate. The SuDS should: a) Take account of advice from the Lead Local Flood Authority; b) Have appropriate minimum operational standards; c) Have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and d) Where possible, provide multifunctional benefits As a flood risk assessment/surface water strategy containing the above information has not been submitted there is insufficient information in order for us to determine the impacts of the proposal.

For a full application the following should be included within the surface water strategy: i. Existing impermeable area ii. Proposed impermeable area / developable area (including an allowance for urban creep) iii. A description of site

topography iv. A description of ground conditions (using site investigation where possible) v. Identification of any surface water flood risk vi. Existing site drainage arrangements vii. Proposed method of surface water disposal viii. Existing and proposed runoff rates (if discharging off-site) ix. Existing and proposed runoff volumes (if discharging off-site) x. Required volume of attenuation (m³ per m² of impermeable area) xi. Preliminary SuDS proposals xii. Infiltration test results in accordance with BRE365 (or second viable option for surface water disposal if testing hasn't yet been undertaken) xiii. Drainage layout drawing and supporting hydraulic calculations

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

LLFA (04/06/24)

We have reviewed the following documents:

- *Site Plan Existing, Greg Saberton Design, Ref: 05/ 3019/ 22, Dated: September 2023*
- *Site Plan Proposed, Greg Saberton Design, Ref: 02/ 3019/ 22, Dated: September 2023*

Based on these, as Lead Local Flood Authority (LLFA) we can remove our objection to the proposed development. The above documents demonstrate that surface water from the proposed development can be managed through the re-use of the water which will be intercepted from the roof into existing storage tanks. Runoff from hardstanding is deemed to be insignificant and have little impact on the surrounding area. We request that the following conditions are imposed:

Condition 1 No laying of services, creation of hard surfaces or erection of a building shall commence until a detailed surface water drainage scheme for the site, based on the agreed Site Plan Proposed, Greg Saberton Design, Ref: 02/ 3019/ 22, Dated: September 2023 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in full accordance with the approved details prior to occupation of the first dwelling.

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

Condition 2 No development, including preparatory works, shall commence until details of measures indicating how additional surface water run-off from the site will be avoided during the construction works have been submitted to and approved in writing by the Local Planning Authority. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved measures and systems shall be brought into operation before any works to create buildings or hard surfaces commence.

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

Informatives

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

Local Residents/Interested Parties

5.10 Objectors

5 letters of objection have been received from 2 addresses within Eastwood End, Wimblington which raised the following summarised concerns:

- The industrial estate is overdeveloped and will increase operating hours
- Concern regarding the effect that conventional fertilisers is having on the greenhouse emissions
- Adverse impact on the environment, the local landscape, local residents and their homes
- Harmful impacts on wildlife and humans
- Additional noise, air pollution and traffic

6 STATUTORY DUTY

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

7 POLICY FRAMEWORK

7.1. National Planning Policy Framework (NPPF)

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

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

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

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

7.2. National Planning Practice Guidance (NPPG)

Determining a Planning Application

7.3. **National Design Guide 2021**

Context
Identity
Built Form
Resources

7.4. **Fenland Local Plan 2014**

LP1 – A Presumption in Favour of Sustainable Development
LP2 – Facilitating Health and Wellbeing of Fenland Residents
LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside
LP6 – Employment, Tourism, Community Facilities and Retail
LP12 - Rural Area Development Policy
LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland
LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland
LP16 – Delivering and Protecting High Quality Environments across the District
LP19 – Natural Environment

7.5. **Cambridgeshire and Peterborough Minerals and Waste Local Plan 2021**

Policy 5: Mineral safeguarding Areas

7.6. **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
LP15: Employment
LP16: Town Centres
LP22: Parking Provision
LP28: Landscape
LP32: Flood and Water Management

8 **KEY ISSUES**

- **Principle of Development**
- **Character and visual amenity and associated amenity impacts**
- **Highways**
- **Minerals and Waste**
- **Flood Risk/Drainage**
- **Biodiversity**

9 **ASSESSMENT**

Principle of Development

- 9.1 Policy LP6 seeks to retain high quality land and premises for industrial uses. The proposed additional building would support an established business in an area identified as appropriate for industrial uses and the scale of development is considered appropriate within the context of the location. As such, the principle of the development is supported subject to compliance with other relevant policies of the Fenland Local Plan.

Character and visual amenity and associated amenity impacts

- 9.2 The building sits some 240 metres back from the highway at Hook Lane within an existing industrial area and to the east side of the existing Law Fertiliser Ltd unit within Eastwood Industrial Estate. The proposed unit is of a comparable scale to those on adjacent sites and follows the typical design principles characteristic of an industrial area. The proposed unit would be in keeping with the character and appearance of the neighbouring industrial units and is therefore considered to be sympathetic additions within the street scene.
- 9.3 The proposal would maintain an industrial use within an industrial area, no changes are proposed to the external lighting within the site, the nearest residential dwelling to the proposed development would be located approx. 390 metres away along Eastwood End, which would be a substantial distance from the site and therefore it is considered there would be no adverse impacts imposed on the residential dwellings located around the site. The Environmental Health Team have also presented comments of 'no objection' on the submitted application stating that 'the proposal is unlikely to have a detrimental effect on local air quality, the noise climate, or be affected by ground contamination.' Additionally adding, that the fertilisers 'will be sufficiently protected from the elements whilst having adequate ventilation due to the open front elevation.'
- 9.4 Accordingly, the scheme is considered acceptable in character and amenity terms and may therefore be accepted as compliant with Policies LP2 and LP16 in so far as they relate to character/visual amenity and associated amenity considerations.

Highways

- 9.5 There are no alterations proposed to the existing access, an area for the parking of HGV's is proposed to the north side of the proposed storage unit and the existing car parking on site is to be utilised.
- 9.6 The Local Highway Authority have submitted comments on the proposed development stating the details submitted in relation to the adequacy of the sites operational space, number of deliveries expected to be generated by the proposed bulk material store and details regarding the capability of the existing and additional vehicles to park and turn within the site are acceptable. The Highways Officer has requested that conditions relating to construction facilities and wheel washing appended to any approval. These conditions are appropriate.
- 9.7 The LHA have raised no objection to the scheme and there are no grounds to withhold consent on the grounds of highway safety and no issues to reconcile in respect of Policy LP15 of the Fenland Local Plan 2014.

Minerals and Waste

- 9.8 It is noted that the proposed development is located within the Waste Consultation Area for the safeguarded waste site known as Hook Lane as identified under Policy 16 (Consultation Areas) of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021).

- 9.9 Policy 16 seeks to safeguard waste management facilities. It states that development within a CA will only be permitted where it is demonstrated that the development will not prejudice the existing or future use of the area, i.e. the waste management site for which the CA has been designated; and not result in unacceptable amenity issues or adverse impacts to human health for the occupiers or users of such new development, due to the ongoing or future use of the area for which the CA has been designated.
- 9.10 CCC Minerals and Waste Planning Authority (MWPA) have commented on the submitted application detailing 'The MWPA is of the view that proposed use is generally considered to be compatible with the nearby waste management land use. Consequently, the MWPA has no objection to the application.'

Flood risk/Drainage

- 9.11 The application site is located within Flood Zone 1 (low risk), however, the application falls within the definition of a major application and therefore the LLFA were consulted on the application.
- 9.12 An original objection was received due to the failure to have supplemented the application with a site specific FRA and surface water drainage strategy. Updated information was provided from the applicant that confirmed that *'as fertiliser manufacturers we are very short of water capacity and pressure and we plan to harvest the rain water to be used in foliar and liquid fertiliser manufacture from the roof of the new shed. We will be able to store up to 120,000 litres of water and will have a foliar fertiliser production capacity of 50,000 litres/day. There will be a short narrow strip of concrete feeding the new shed entrance extending from existing road infrastructure creating very little additional surface water (5m x 10m less 0.6m X 90% = 27,000m water /year) and as the maximum annual capture will be 615,000 litres (see attachment) from the roof this will not create any flood risk due to the capture and reuse procedure due to be in place.'*
- 9.13 The LLFA were reconsulted, and based on the additional information provided, removed the objection subject to the imposition of conditions. The proposal is considered to be appropriate development and there are no further issues to address in respect of Policy LP14.

Biodiversity

- 9.14 The site is bordered to the north by a line of protected trees with a small number within the application site toward the east but beyond the area proposed for development. Trees of most amenity value and landscape impact are not anticipated to be affected by the development, although some clearance of scrubland and a small tree within the site would be removed.
- 9.15 As such, no significant tree loss or biodiversity harm is anticipated through the development, particularly given the nature and condition of the land intended for development. Notwithstanding, in accordance with Policy LP16, LP19 and the NPPF, it is recommended to secure a scheme of biodiversity enhancements, to ensure that opportunities to improve biodiversity in and around the site are taken and also that measures to safeguard the protected trees for the duration of development are undertaken.

10 CONCLUSIONS

10.1. The proposed development is considered acceptable as it aligns with both national and local planning policy as outlined above and may therefore be favourably recommended.

11 RECOMMENDATION

Grant; subject to conditions.

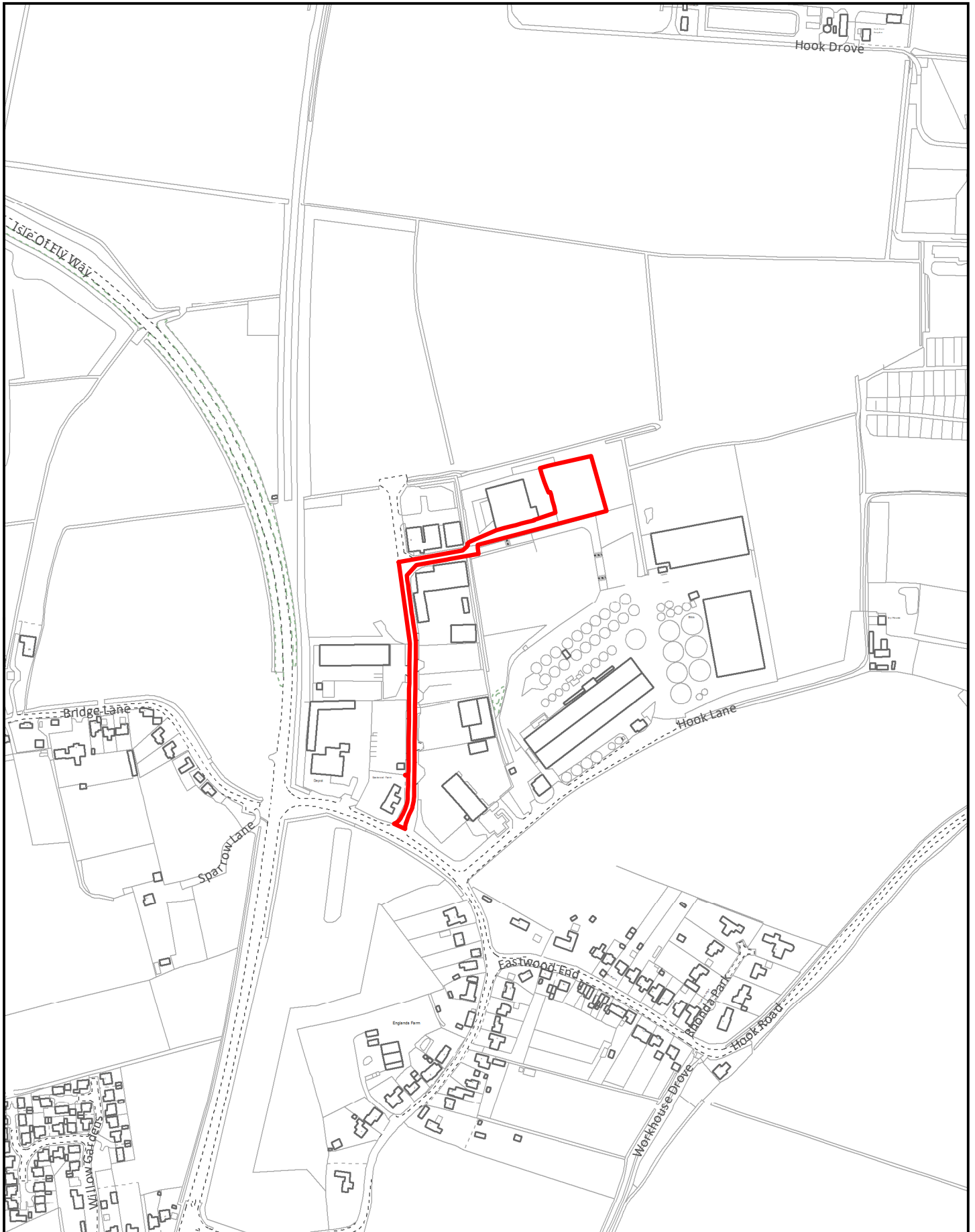
11.1 Section 100ZA(5) of the Town and Country Planning Act 1990 provides that planning permission for the development of land may not be granted subject to a pre-commencement condition without the written agreement of the applicant to the terms of the condition (except in the circumstances set out in the Town and Country Planning (Pre-commencement Conditions) Regulations 2018). The applicant has been consulted on the proposed conditions (6 & 7) and has confirmed their agreement to these in writing. It is therefore considered that the requirements of section 100ZA(5) have been met.

11.2 The proposed conditions are as follows;

1	<p>The development permitted shall be begun before the expiration of 3 years from the date of this permission.</p> <p>Reason: To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2	<p>A temporary facilities area shall be provided clear of the public highway for the parking, turning, loading, and unloading of all vehicles visiting the site during the period of construction.</p> <p>Reason: To minimise interference with the free flow and safety of traffic on the adjoining public highway in accordance with Policy LP15 of the Fenland Local Plan 2014.</p>
3	<p>Fully operational wheel cleaning equipment shall be installed within the site and operational at all times during construction. All vehicles leaving the site shall pass through the wheel cleaning equipment which shall be sited to ensure that vehicles are able to leave the site and enter the public highway in a clean condition and free of debris which could fall onto the public highway. The wheel cleaning equipment shall be retained on site in full working order for the duration of the development.</p> <p>Reason: In the interest of highway safety in accordance with Policy LP15 of the Fenland Local Plan 2014.</p>
4	<p>The development hereby approved shall be finished externally in materials specified below:</p> <ul style="list-style-type: none"> -Roof – Grey Concrete Fibre -Walls – Grey Concrete Grain Walls and Goose Wing Grey Cladding <p>Reason: To safeguard the visual amenities of the area and ensure compliance with Policy LP16 of the Fenland Local Plan, adopted May 2014.</p>
5	<p>If during development, contamination not previously identified, is found to be</p>

	<p>present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA, a Method Statement detailing how this unsuspected contamination shall be dealt with.</p> <p>Reason: To ensure that the development complies with approved details in the interests of the protection of human health and the environment in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
6	<p>No laying of services, creation of hard surfaces or erection of a building shall commence until a detailed surface water drainage scheme for the site, based on the agreed Site Plan Proposed, Greg Saberton Design, Ref: 02/ 3019/ 22, Dated: September 2023 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in full accordance with the approved details prior to use of the development.</p> <p>Reason: To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity in accordance with Policy LP14 of the Fenland Local Plan 2014.</p>
7	<p>No development, including preparatory works, shall commence until details of measures indicating how additional surface water run-off from the site will be avoided during the construction works have been submitted to and approved in writing by the Local Planning Authority. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved measures and systems shall be brought into operation before any works to create buildings or hard surfaces commence.</p> <p>Reason: To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development itself; recognising that initial works to prepare the site could bring about unacceptable impacts in accordance with Policy LP14 of the Fenland Local Plan 2014.</p>
8	<p>Prior to development above slab level, a scheme of biodiversity enhancements, including a timetable for implementation shall be submitted to an approved in writing by the local Planning authority. The development shall be carried out in accordance with the approved scheme and timetable and thereafter retained in perpetuity.</p> <p>Reason: To ensure that the development enhances biodiversity in accordance with policies LP16, LP19 of the Fenland Local Plan 2014 and Chapter 15 of the NPPF.</p>
9	<p>No development, including any site preparation, demolition, scrub/hedgerow clearance or tree works/removal shall commence or be undertaken on site until protective fencing has been erected to protect the trees to the north east of the site which are protected by TPO 2/2007. This should be submitted to and approved in writing by the Local Planning Authority. The agreed tree protection shall be implemented in accordance with BS5837 Trees in Relation to Demolition, Design & Construction 2012 and remain in place and be maintained for the duration of the works no vehicle, plant, temporary building or materials, including raising and or, lowering of ground levels, shall</p>

	<p>be allowed within the protection areas(s) specified.</p> <p>Reason: To ensure that adequate measures are taken to preserve trees and their root systems whilst construction work is progressing on site in accordance with policy LP16 and LP19 of the Fenland Local Plan (2014)</p>
10	Development in accordance with approved plans.



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F/YR23/0819/F

Scale = 1:5,000





Area is designated for parked lorries. Turning possible by reversing back to the vehicular route around the front unit, and resuming course.

Existing concrete area is used for lorry manoeuvring, so they can back up into either the existing building for site deliveries. Area is kept clear for this purpose only and is not proposed to change with the works.

44t articulated lorry turning provision, max. 4 no. daily, no intensification of use proposed.

Cars parked to frontage utilise the same route around the existing unit as delivery vehicles take around the site so as to leave in forward gear. Other than parking area the entire route is kept clear 24 hrs a day to allow safe delivery of supplies and passageway / manoeuvring space for delivery vehicles.

Existing parking area, no intensification of use proposed.

Existing concrete paving

EX. CONCRETE AREA

EXISTING UNIT

Path

Drain

Drain

Pond

Direction of vehicular traffic flow around the site

EXISTING UNIT

EXISTING OFFICE

STORE

Drain

Silos

El Sub Sta

Silos

Silos

HOOK LANE

MB

EXISTING SITE PLAN 1:1250

EXISTING ROADWAY EASTWOOD END

Contract :
PROPOSED STORE UNIT - LAW FERTILISERS, EASTWOOD END, WIMBLINGTON, MARCH, CAMBS.

Title :
SITE PLAN (AS EXISTING)

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Revisions :

Scale : 1 : 1250
Date : SEPT 2023
Drawing Number : 05 / 3019 / 22

GREG SABERTON DESIGN
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Contract :
 PROPOSED STORE UNIT - LAW
 FERTILISERS, EASTWOOD END,
 WIMBLINGTON, MARCH, CAMBS.

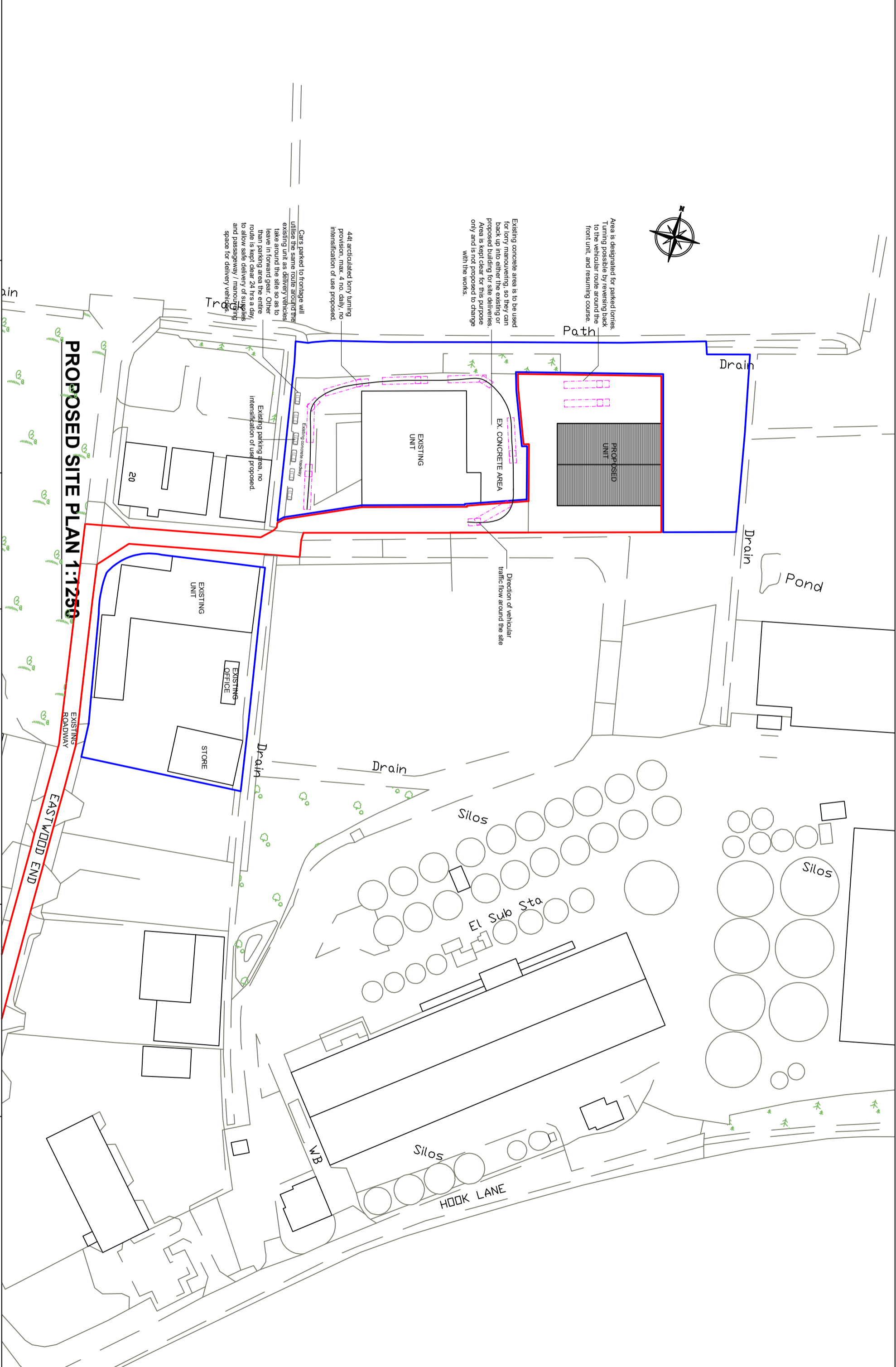
Title :
 SITE PLAN
 (AS PROPOSED)

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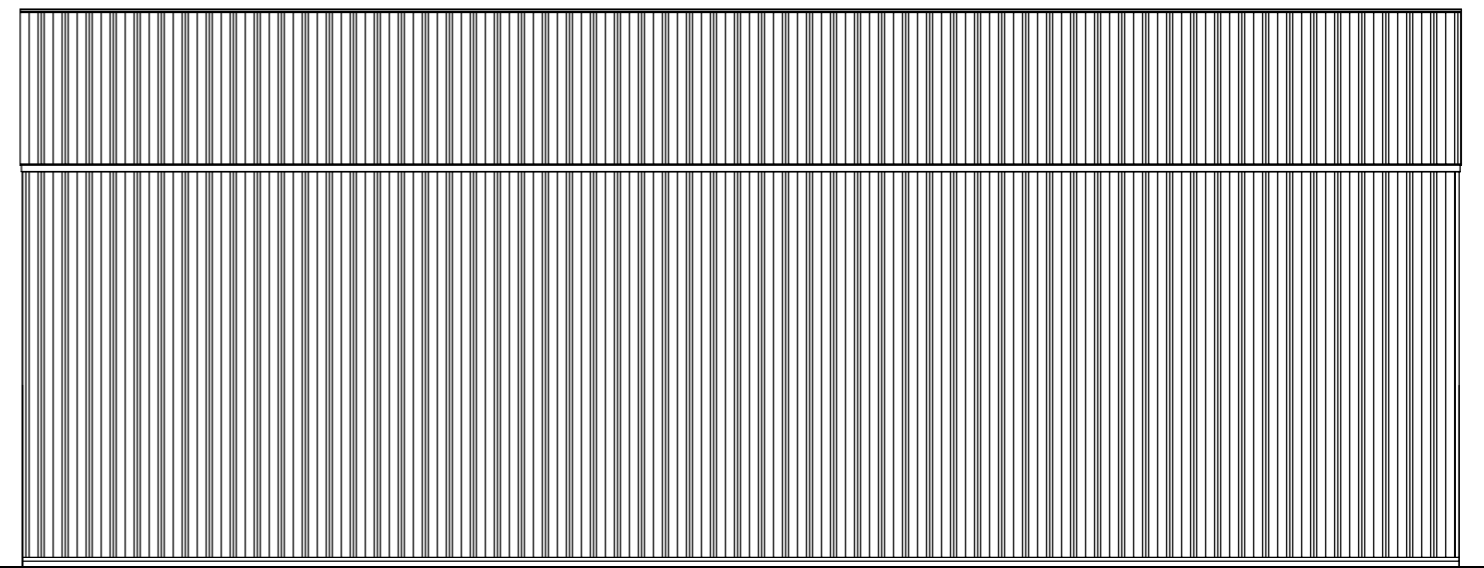
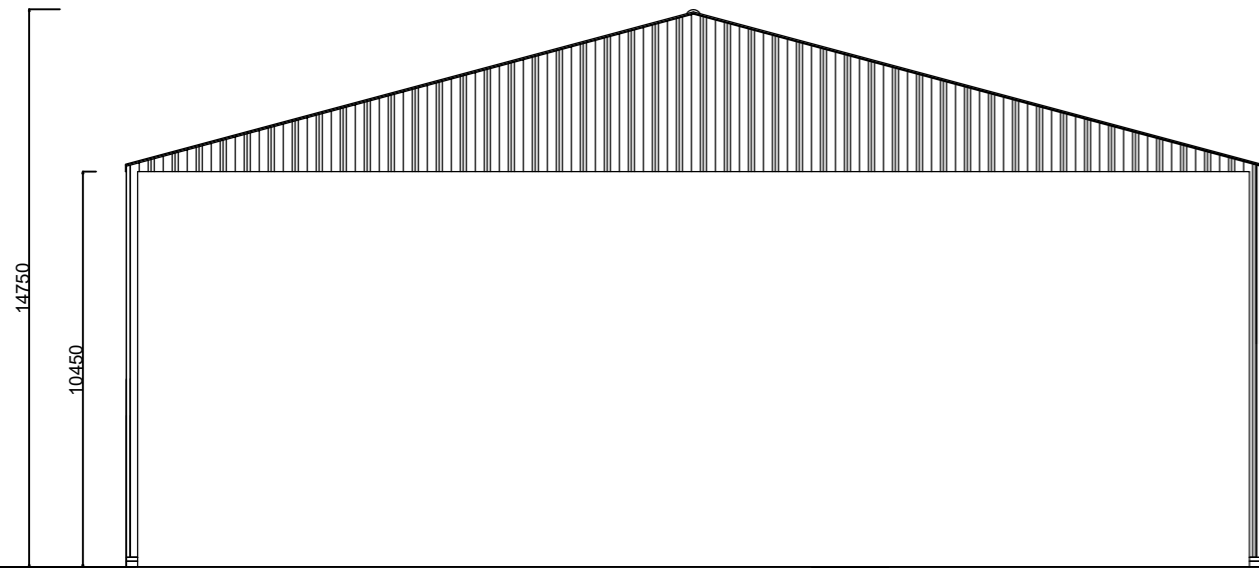
Revisions :
 A. vehicular parking and turning arrangements clarified (06-02-24)

Scale : 1 : 1250
 Date : SEPT 2023
 Drawing Number : 02 / 3019 / 22

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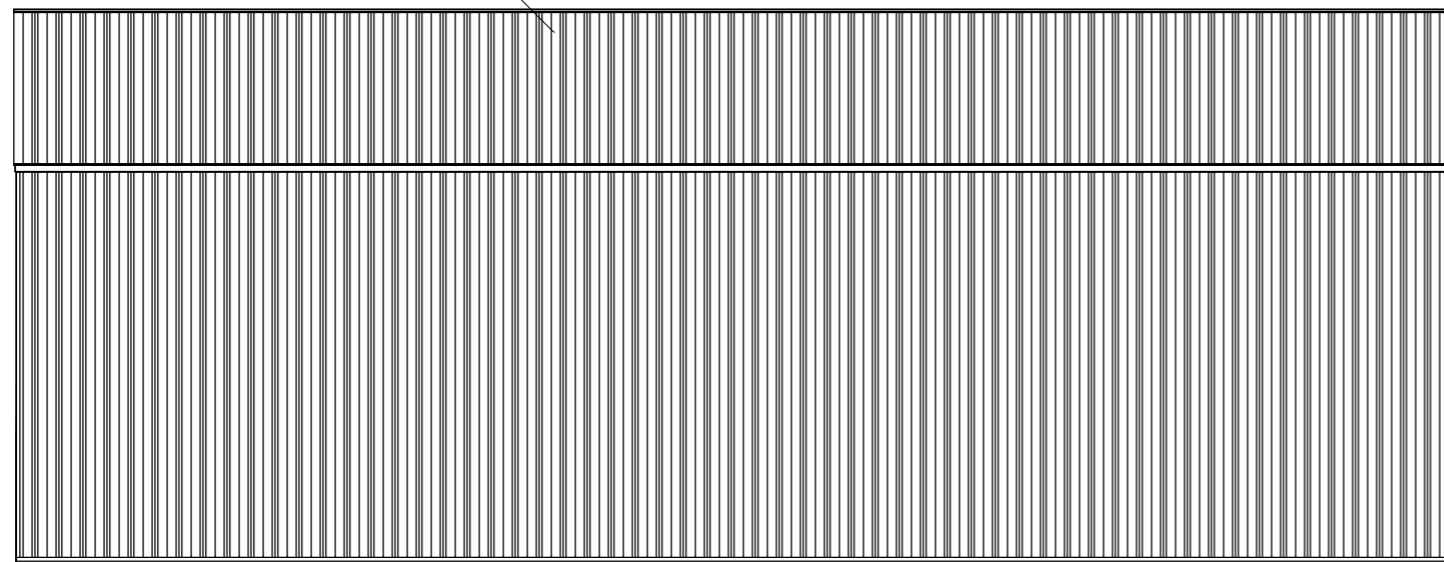
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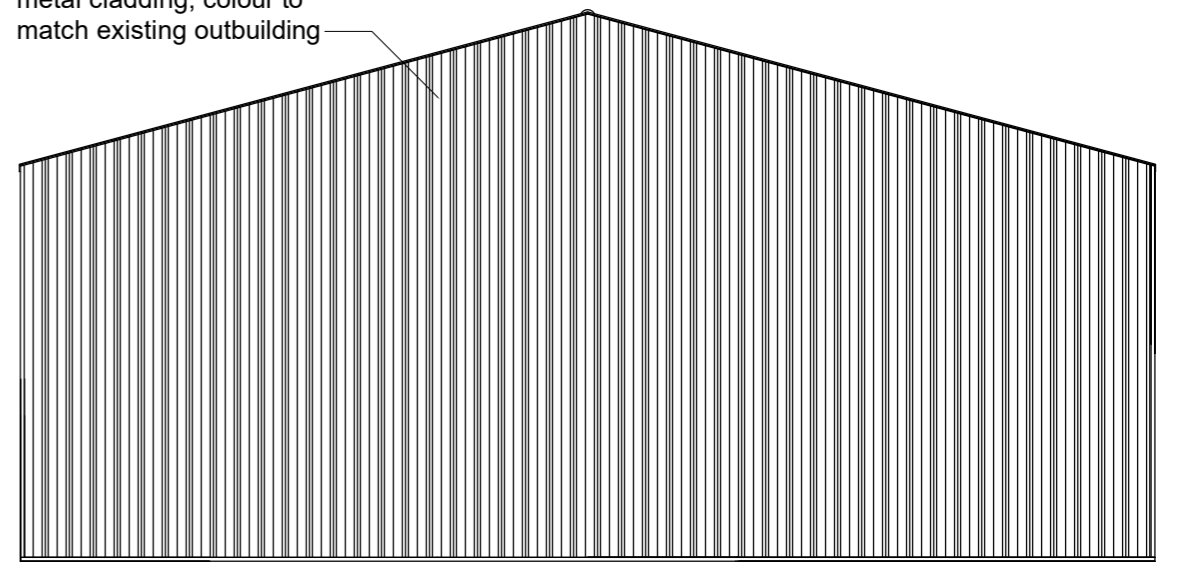
FRONT
ELEVATIONS 1:200

SIDE

metal cladding, colour to match existing outbuilding



metal cladding, colour to match existing outbuilding



38000

30000

SIDE

REAR



Contract :
PROPOSED STORE UNIT - LAW
FERTILISERS, EASTWOOD END,
WIMBLINGTON, MARCH, CAMBS.

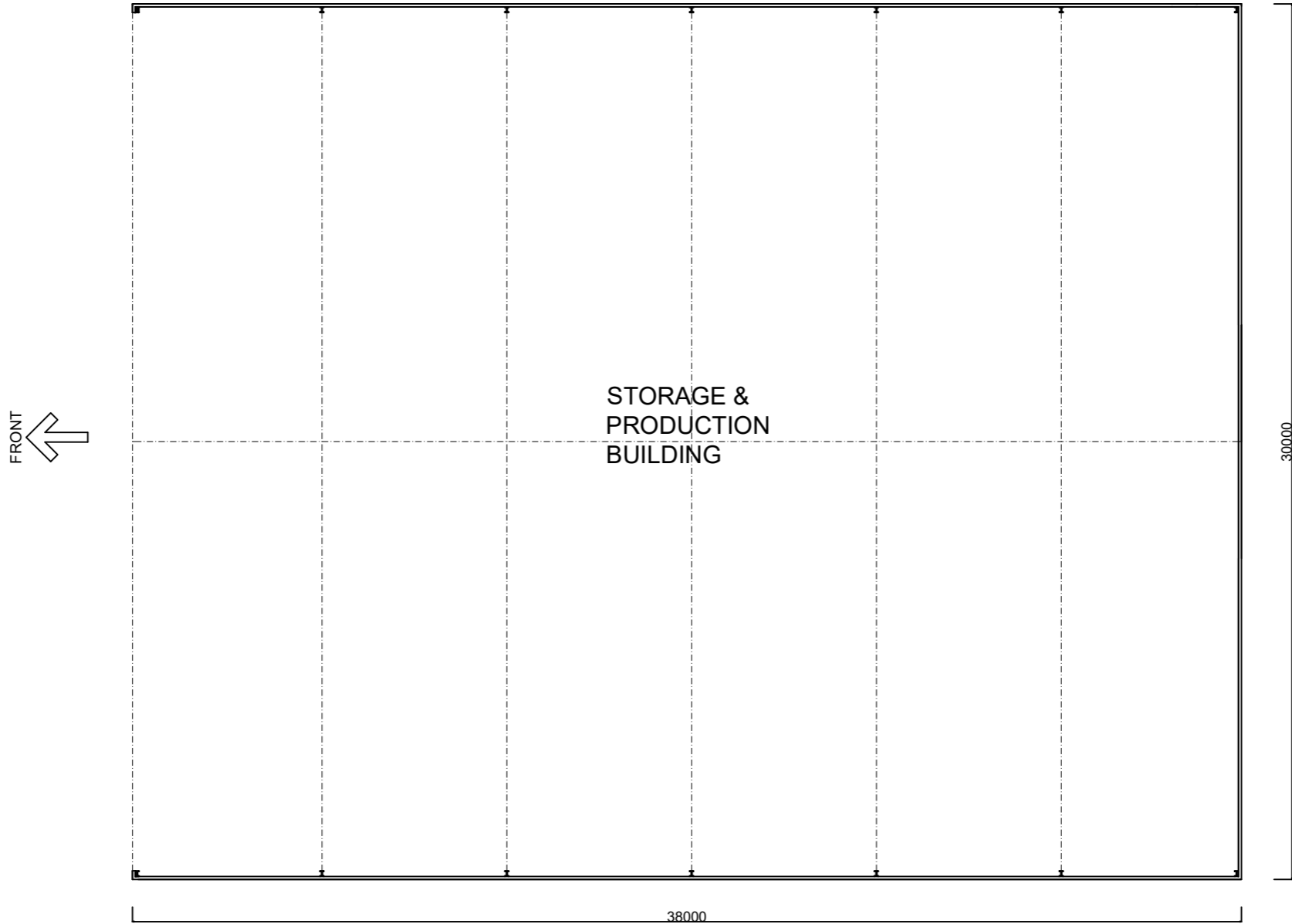
Title :
ELEVATIONS
AS PROPOSED

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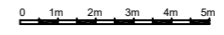
Revisions :
-

Scale : 1 : 200
Date : SEPT 2023
Drawing Number : 04 / 3019 / 22

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GROUND FLOOR PLAN AS
PROPOSED 1:200



<p>Contract : PROPOSED STORE UNIT - LAW FERTILISERS, EASTWOOD END, WIMBLINGTON, MARCH, CAMBS.</p>	<p>Title : GROUND FLOOR PLAN AS PROPOSED</p>	<p>These drawings are the COPYRIGHT of Greg Saberton Design. Unauthorised copying is not permitted.</p>	<p>Revisions : -</p>	<p>Scale : 1 : 200 Date : SEPT 2023 Drawing Number : 03 / 3019 / 22</p>	<p>GREG SABERTON DESIGN ARCHITECTURAL DESIGN CONSULTANCY Tom's Hole Barn, Branch Bank, Prickwillow, Ely, Cambridgeshire, CB7 4UR Tel/Fax : 01353 687999 Email : greg@sabertondesign.co.uk</p>
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F/YR24/0051/F

**Applicant: Mr J Wyatt
Construct Reason Ltd**

**Agent: Mr Lee Bevens
L Bevens Associates Ltd**

Land West Of 27 Norfolk Street Accessed From, Morley Way, Wimblington, Cambridgeshire

Erect 8 dwellings (2 x single storey, 2 bed and 6 x single storey, 3 bed) with associated garages and the formation of an attenuation pond

Officer recommendation: Refuse

Reason for Committee: Number of representations contrary to the officer recommendation above.

Government Planning Guarantee

Statutory Target Date For Determination: 14 March 2024

EOT in Place: Yes

EOT Expiry: 31st July 2024

Application Fee: £4624

Risk Statement:

This application must be determined by 31st July 2024 otherwise it will be out of time and therefore negatively affect the performance figures.

1 EXECUTIVE SUMMARY

- | |
|--|
| <ol style="list-style-type: none">1.1. Full application for the erection of 8 bungalows on undeveloped greenfield land close to centre of Wimblington Village, bounded by a mix of mature hedgerow and trees, beyond which is mostly residential properties and gardens. Access via Morely Way to the north.1.2. To the immediate east of the site is 31 Norfolk Street, a Grade II Listed Building, being a heritage asset.1.3. Whilst the location of the site within the village of Wimblington is acceptable in principle in the context of Local Plan policy LP3, it does not satisfy criteria (g) and (h) of Part A of Local Plan policy LP12. On this basis, the principle of the development is not considered to be acceptable for the proposed development subject of this application.1.4. The Council's Conservation Officer has evaluated that the proposed development results in less than substantial harm (medium) to the setting of an identified heritage asset (31 Norfolk Street) for which national and local heritage policy (LP18) and guidance points to a presumption against Councils supporting such development, unless there are public benefits which outweigh |
|--|

the harm identified. The public benefit of additional housing is not considered to outweigh the harm identified given the level of housing provision already built or committed to, in the village.

- 1.5. An Anglian Water 150mm sewer is located in the garden area of 3 of the proposed dwellings on the western side of the site. Anglian Water have objected to the proposal stating that they do not permit these assets to be located within the curtilage of dwellings and that these assets should be located in areas of public open space and/or adoptable highways to ensure on-going maintenance is possible. Considering this objection the proposals at this moment in time are considered to be contrary to Part B (c) of Local Plan policy 14 as the drainage strategy fails to demonstrate that issues of maintenance are addressed.
- 1.6. Therefore, given the above as described in more detail in the assessment outlined below, the application is recommended for refusal.

2 SITE DESCRIPTION

- 2.1 The application site is 0.44 hectares in area and currently comprises what the application describes as an extended garden to 27 Norfolk Street to the immediate east, close to the centre of the village of Wimblington. However, the site is more akin to small field/paddock used as for grazing land which appears to be its historical use for which no planning permission of certificate of lawfulness to residential use has been granted. Currently, the site is predominantly well cut grass with trees and hedging around the boundary and is generally flat with a slight reduction of ground levels from west to east and also north to south.
- 2.2 The site is rectangular in size to the south of an existing adopted highway – Morley Way. Morley Way would provide the access to the site and the boundary of the application abuts this road. Morely Way leads to Waggoners Way which in turn leads to March Road and the wider highway network.
- 2.3 To the north of the site is the existing residential estate of 53 bungalows which has an area of open space and adoptable road abutting the boundary. To the east of the site are a mixture of private rear gardens, vegetation and outbuildings together with the Grade II Listed Building at 31 Norfolk Street. To the south of the site is an approved scheme F/YR21/1055/O for the erection up to 8no dwellings involving demolition of existing outbuildings. The site subject to this application would be separated between this approved development by a strip of land approximately 15 metres in width, which the owner of 27 Norfolk Street intends to retain. Immediately to the west of the site are large rear gardens belonging to properties which front onto March Road with an existing hedgerow acts as the boundary.
- 2.4 There do not appear to be any environmental related designations either on or within close proximity to the site and the land is not crossed by any public rights of way. The site is within in Flood Zone 1 and therefore at the lowest risk.

3 PROPOSAL

- 3.1 The proposal is made in full for 2 x 2-bedroom bungalows and 6 x 3-bedroom bungalows with associated garages and car parking. An extension to Morely Way down the centre of the site would result in 5 bungalows to the east and 3 bungalows to the west with a turning head at the southern end beyond which is proposed attenuation pond at the southern end of the site. The first two plots on the eastern side of the proposed road have their primary elevation facing northwards towards the open space at the end of Morley Way.
- 3.2 Externally the bungalows are proposed using brickwork, tiles and slate roofs and PVC-U casement windows. Boundary treatments include of estate rail fencing, close boarded fencing and brick walling. Existing peripheral trees and hedging are to be retained and incorporated into the proposals and additional soft landscaping is also proposed.
- 3.3 Full plans and associated documents for this application can be found at: <https://www.publicaccess.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=S5Z371HELNZ00>

4 SITE PLANNING HISTORY

- 4.1 There are no reported previous planning applications for this site.

5 CONSULTATIONS

5.1 Wimblington Parish Council

Objection on the following grounds:

Wimblington is a historic, residential village situated within a unique working landscape which is slowly being eroded. This application is proposed adjacent to one of the most popular 'green spaces' still available within the centre of our village that leads off of PROW 236/1. This proposal is being shoehorned into the end of a 'no through' road that is greatly used, safely, as a thoroughfare by the local community - school children of all ages, juniors going through to Thomas Eaton school and seniors going through to the main road to catch the bus through to March and Chatteris. The cul-de-sac area of bungalows is predominately older residents who enjoy the relaxed environment surrounding their homes. Having an additional 8 bungalows with up to, a possible, 16 additional vehicles coming onto the small estate is going to impact on this quiet, purpose built environment.

The adjacent roads are the epicentre of Wimblington's historic heritage with a number of listed buildings and buildings on the villages non-listed heritage assets. Trying to incorporate a further 8 dwellings into the historic heritage environment of village life is not supported by many of the residents or by the Parish Council.

The fact that the proposed area slopes south/easterly means that there is a strong possibility that those important heritage, historic village assets will be put at greater risk of flooding. There are already problems within the area from surface flooding, drainage and sewerage back flooding.

Just for information - taken from "Wimblington's Buildings of Interest" : In 1968 a new sewerage systems put in the village. Starting at Doddington/Wimblington Parish boundary, a pipe followed the Doddington Road to Addison Road, as it dropped on its way it became sixteen feet deep in Addison Road. When digging

the trench, sand and water came rushing in from the village spring and stream and flooded it. To prevent the trench from collapsing steel shuttering, interlaced was put in very quickly. Water pumps were used to pump water, for 24 hours each day, across the field to the dyke opposite. To prevent the road from collapsing and sand coming in from Addison House the steel shuttering was not removed when the trench was filled in. When the water table was high a few inches of spring water would appear on the cellar floor of Addison House. The course of the stream and spring was from Bridge, across the fields to opposite the Methodist Chapel, then to opposite Addison Road and on to Brickmakers Lane.

If no improvements have been made on the sewerage system then this should raise alarm bells. LLFA have stated, in regards to the planning application adjacent to this application, that there is a water course located on the eastern boundary surface, LLFA also state that 'if the development is in an area with critical drainage problems', which Wimblington is now experiencing, that concern should be raised. The excess water will travel in a south/easterly direction, there are assets of heritage importance and our village hall in that direction. Anglian Water have also stated that they have foul sewer pipes running within the proximity of the site. The site itself has been highlighted as an area of high archaeological interest and for that reason should be respected and preserved.

Waggoner's Way and Morley Way are narrow roads that are not equipped to have large, heavy vehicles manoeuvring through them especially with local residents and visitors parked on the roadside. Trying to get construction vehicles onto the proposed site is going to have a traumatic impact on the residents of both Waggoner's Way and Morley Way, especially those facing directly on to the road with little or no frontage. The mental stress of having constant heavy vehicles travelling passed their homes, close to cars parked out on the road and residents walking around the small estate is not really acceptable.

Although the actual planning application may comply with a number of FDC Local Planning Policies and NPPF it needs to be recognised as an invasion in two different areas of the village. The historic, heritage area of our beautiful village and the small, quiet, tranquil estate that has appealed to the older resident of the village. The proposed site sits as a buffer between the more modern bungalow area and the historic, heritage area of the village, by shoehorning in 8 dwellings it is compacting housing into the village centre especially when taking into consideration the proposed planning application for 8 houses off of Addison Road.

It is questionable that this proposed development is sustainable - there has been a sufficiently large increase in the number of dwellings built in Wimblington over the past 10 years, which far outreaches the planned target for this 'growth village'. The infrastructure within the village already struggles to cope and as such could result in detrimental impacts to the local community and the environment (surface water flooding and sewage/waste water back flooding), services are becoming stretched (doctor's appointments can mean travelling to other surgeries in order to be seen, schooling of senior children means travelling by vehicle, shopping means travelling by vehicle) employment is limited locally therefore involves travelling, there is no regular bus service available for the local community. Travelling by vehicle inevitably means using the busy A141 and joining this main road can be both hazardous and difficult especially at busy peak-times. Even service energy providers are struggling to maintain a consistent flow of energy especially at peak-times.

The Housing Need Assessment created and adopted on behalf of the Parish, as part of its Neighbourhood Plan soon to be submitted, states that there is a need for more affordable, social housing, this application is not covering that need.

At present there is no 'need' for further housing within the Wimblington area and the infrastructure is already struggling to maintain the present growth of development. FDC's LPP have not been updated within the past five years and as such do not reflect the present requirements for the village, the Housing Need Assessment done for the parish does highlight what is needed. As to sustainability, it is not just the infrastructure that is struggling it is other elements of a village life, facilities and services. The site of this proposal is one of the few open spaces still visible in the village centre and could possibly house a number of wildlife species.

The heritage assets policies is of great importance to sway objections to the proposed site. Flooding being one of the main contributing factors, climate change and the rising water levels in the Fens is of great concern and many of our heritage assets are within the centre of the village.

Objection from the Parish Council supported by the following policies: National Planning Policy Framework NPPF - Preparing the Presumption in Favour of Sustainable Development. - P11 NPPF - Preparing and Reviewing Plans - P33 NPPF - 5 - Delivering a Sufficient Supply of Homes - P61 NPPF - Rural Housing - P78 NPPF - 8 - Promoting Healthy and Safe Communities - P93/P99 NPPF - Meeting the Challenge of Climate Change, Flooding and Coastal Change - P155 NPPF - Planning and Flood Risk - P160/P167 NPPF - Proposals affecting Heritage Assets - P194/P195/P197/P208 Local Planning Policies - FDC LPP1 - A Presumption in Favour of Sustainable Development LPP3. - Spatial Strategy, the Settlement Hierarchy and the Countryside LPP12 - Rural Areas Development Policy - Part A LPP13 - Supporting and Managing the Impact of a Growing District LPP14 - Responding to Climate Change and Managing the Risk of Flooding in Fenland Part (A) Resource Use, Renewable Energy and allowable Solutions Part (B) Flood Risk and Drainage LPP16 - Delivering and Protecting High Quality Environment across the District LPP18 - The Historic Environment

5.2 Arboricultural Officer (FDC)

10/06/2024 – latest response

The applicant has submitted an AIA/AMS in support of the application detailing potential impacts on the tree population and protection measure to ensure their long-term health within the proposed development.

I have no objections to the submitted tree detail or conclusions and recommendations within that report. The potential impacts on retained trees are minor assuming all recommended protection measures are in place prior to site occupancy. We would expect to some additional planting as part of the landscape detail including small garden tree species for the plots.

5.3 Anglian Water

08/07/2024 – latest response

Assets Affected

We OBJECT to the full application F/YR24/0051/F at this stage. We need to inform you that there is a 150mm gravity foul sewer which is crossing the development site and is affected by the proposed site layout CH23/LBA/630/FP-1-101 submitted with the application. We have reviewed the proposed site layout, and the site layout as proposed indicates that Anglian Water 150mm sewer is located in the garden area of the proposed dwellings. Anglian Water does not permit these assets to be located within the curtilage of dwellings. These assets should be located in areas of public open space and/or adoptable highways to ensure on-going maintenance is possible.

Any Structure (such as the Container) over or within the protected strip of our sewer would require further consultation with Anglian Water as this may not be permitted without the sewer being diverted first.

We strongly recommend that the applicant reviews the site layout plan and take the above in consideration to reflect the easement required for the sewer which is 3m either side of the sewers. We would like to be re-consulted when the applicant submits a revised development layout with the application. If the applicant can not meet the 3m easement required, we strongly recommend that the applicant contact Anglian Water direct and submitted a sewer diversion application. Further information is available to the applicant here: [Diverting a public sewer \(anglianwater.co.uk\)](https://www.anglianwater.co.uk). Our local drainage team is available to guide and support the applicant on 03456066087 option 2 The applicant can contact us for advice at: planningliaison@anglianwater.co.uk or 07929 786955.

Water Recycling Centre

When assessing the receiving water recycling centre's (WRC) dry weather flow (DWF) headroom we take an average flow over the past 5 years to take account of changing weather patterns. Where the average exceeds the WRC's permitted allowance, we also take account of the following Environment Agency enforcement trigger - "has the DWF permit been exceeded in 3 of the last 5 years" – this must include non-compliance from the last annual data return. Based on the above assessment Doddington WRC is within the acceptance parameters and can accommodate the flows from the proposed growth.

Foul drainage Strategy

We have reviewed the Flood Risk Assessment & Sustainable Drainage Strategy 3087 – FRA & DS– August 2023 – Rev A. The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network, they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

Surface water drainage strategy

The preferred method of surface water disposal would be to a sustainable drainage system SUDS with connection to the sewer seen as the last option. The Flood Risk Assessment & Sustainable Drainage Strategy 3087 – FRA & DS– August 2023 – Rev A and Indicative Drainage Layout 3087-05 REV D – 24-07-23 submitted with the planning application relevant to Anglian Water indicates a surface water connection into Anglian Water surface water network located in Morley way at maximum discharge rate of 2l/s however, it is not clear where in the Anglian Water network the proposed the surface water connection will be. We must advise that there is also a designated foul sewer located in Morley Way which is located nearer to the development site. To ensure that the surface water outfall from the proposed development site is not Anglian Water designated foul

sewer, we would require that the applicant clarifies the connection point into Anglian Water network is, we would need the manhole and sewer details of the proposed surface water connection.

We request a condition be applied to the decision notice if permission is granted. The purpose of the planning system is to achieve sustainable development. This includes the most sustainable approach to surface water disposal in accordance with the surface water hierarchy. It is appreciated that surface water disposal can be dealt with, in part, via Part H of the Building Regulations, it is felt that it is too late at this stage to manage any potential adverse effect. Drainage systems are an early activity in the construction process, and it is in the interest of all that this is dealt with early on in the development process.

Condition: No development shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the strategy.

5.4 Archaeological Officer (CCC)

29/04/2024 – latest response

Thank you for the consultation with regards to the archaeological implications of the above referenced planning application. We have reviewed the amended plans and can confirm they do not alter our previously issued advice.

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

Archaeology Condition

No demolition/development shall commence until the applicant, or their agents or successors in title, has implemented a programme of archaeological work, commencing with the evaluation of the application area, that has been secured in accordance with a Written Scheme of Investigation (WSI) that has been submitted to and approved by the Local Planning Authority in writing. For land that is included within the WSI, no demolition/development shall take place other than under the provisions of the agreed WSI, which shall include:

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

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

5.5 Conservation Officer (FDC)

15/05/2024 – latest response

ADDENDUM following revised plans:

The proposals have been revised and the following comments are written as an addendum to and should be read in conjunction with the earlier comments below:

The plans have barely changed at all from the initial iteration and therefore the strong concerns outlined below remain valid.

There remains an in-principle objection to the loss of the important grazing land and its impact on the setting of adjacent heritage assets and their appreciation within the context of a rural village with historic paddocks and open spaces.

There also remains a strong objection to the proximity of the proposed development to 31 Norfolk Street (GII Listed Building) and the impact on its setting and appreciation. No efforts have been made to rectify the detailed concerns outlined in the initial consultation comments or the following site meeting.

Finally, no attempt has been made to revise the inadequate heritage statement previously submitted. As such, it remains that the statement fails to assess the relationship and impacts of this development on designated heritage assets as required by both the NPPF and the Local Plan.

REFUSE

27/02/2024 – initial comments

Conclusion and recommendation set out below:

Conclusion:

I am of the view that the loss of one of the last remaining parcels of open land on the edge of the historic parts of the settlement will have a considerable impact on the setting of the GII listed 31 Norfolk Street. This is an in-principle objection to the loss of this grazing land.

The development results in less than substantial harm (medium) to the identified heritage assets, for which national and local heritage policy and guidance points to a presumption against Councils supporting such development, unless there are strong public benefits which outweigh the harm identified.

Furthermore, the heritage statement that is a requirement of both the NPPF and the Local Plan does not satisfactorily assess the impacts upon the setting of the GII listed building that is approx. 14.3m from the proposed plots 3 and 4 and views from the Morley Way public realm. The statement concludes ‘that appropriate measures have been taken with the proposed site layout to minimise the impact on the Listed Building’. It is not clear what these measures are. The statement is

therefore fails to assess the relationship and impacts of this development on designated heritage assets.

RECOMENDATION: Objection - Refuse

5.6 Environmental Health Officer (FDC)

02/05/2024 - latest comments

The Environmental Health Team note and accept the information submitted in respect of the above re-consultation and have 'No Objections' to the latest content. Previous comments provided by this service on 09.02.2024 are therefore still relevant.

09/02/2024 – initial comments

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

Given the nature and scale of the proposed development, the issues of primary concern to this service during the construction phase would be the potential for noise, dust and possible vibration to adversely impact on the amenity of the occupiers at the nearest residential properties.

Therefore, this service would welcome a condition requiring the submission of a robust Construction Environmental Management Plan (CEMP) that shall include working time restrictions in line with the template for developers, now available on Fenland District Council's website at: Construction Environmental Management Plan: A template for development sites (fenland.gov.uk)

Vibration impact assessment methodology, mitigation measures, monitoring and recording statements in accordance with the provisions of BS 5228-2:2009+A1:2014 Code of Practice for noise and vibration control on construction and open sites may also be relevant, as would details of any piling construction methods / options, as appropriate.

Although ground contamination is unlikely given the existing land use, it would also be prudent to impose the following condition for unsuspected contamination:

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

5.7 Highways Team (CCC)

10/7/2024 – latest comments

Further to my previous comments and after a review of the amended submission I have no further objections to the proposed development.

Comments

The applicant is not intending to offer the internal road for adoption by the LHA. Therefore, my previous comments on the layout are irrelevant and stand as advise

to the applicant only. However, I can confirm that the proposed width/s and layout of the internal estate road/s are suitable for the proposed development and by the use of refuge vehicles to enter / turn and leave the site in a forward gear. This is evidenced on the tracking plans submitted within the application. The road is not being offered for adoption but there is an adequate turning point within the highway at the entrance of the development. There is also a suitable existing footway for pedestrians along Morley Way leading directly to the proposed site. As such all highway offsite works are already in place and no further mitigation works on the highway are needed to facilitate this development.

As outlined above the future adoption of this internal road by the LHA should not be consideration within the determination of this application. However, I have recommended a Standard FDC Condition below which will deal with the future maintenance and management of the estate road/s.

Recommended Conditions

Management of Estate Roads: Prior to the occupation of the first dwelling/use hereby approved, full details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an Agreement has been entered into unto Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established.

Reason: To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard, in accordance with policy LP15 of the Fenland Local Plan, adopted May 2014.

7/5/2024 - second consultation comment

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

16/2/2024 – initial comments

I have reviewed the above proposal and have no objection in principle to the above application.

Comments

The application is for the erection of 8 dwellings, (comprising 2 x 2-bedroom and 6 x 3-bedroom bungalows along with associated access, 16no parking spaces/ garages) and landscaped areas on land south of Morley Way, Wimblington.

The applicant must note that an uncontrolled pedestrian crossing (dropped kerb) will be needed on entry to the site north of Plots 1 and 2 to provide continuity for pedestrians. I also would reiterate the point that permeable paving is not an acceptable means of surface water drainage in isolation, and should the developer wish to offer the internal roads to CCC for adoption, a secondary means of surface water interception is needed prior to the highway boundary.

In the event that the LPA are mindful to approve the application, please append the planning conditions to any consent granted relating to Visibility Splays, Parking/Turning Area and Construction Facilities.

5.8 Lead Local Flood Authority (CCC)

19/06/2024 – latest comments

Based on latest documents submitted, as Lead Local Flood Authority (LLFA) we support in principle the proposed development.

The documents demonstrate that surface water from the proposed development can be managed through the use of tanked permeable paving and geocellular attenuation tank discharging into an attenuation basin to the south of the site in a location agreed with the landowner. The surface water is then pumped at a controlled rate of 2l/s from the attenuation basin into the existing surface water sewer. Pump failure modelling has been conducted and shows that a controlled amount of ponding will occur in the event of a failure with no risk to any properties.

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

We request the following conditions are imposed:

Condition 1

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

The scheme shall be based upon the principles within the agreed Flood Risk Assessment & Sustainable Drainage Strategy, MTC, Ref: 3087, Rev: A, Dated: August 2023 and shall also include:

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

Reason To ensure that the proposed development can be adequately drained and to ensure that there is no increased flood risk on or off site resulting from the

proposed development and to ensure that the principles of sustainable drainage can be incorporated into the development, noting that initial preparatory and/or construction works may compromise the ability to mitigate harmful impacts.

Condition 2

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

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

Informatives relating to Pollution Control and Construction Surface Water Maintenance also provided.

13/05/2024 – second consultation comment

Object to the application in relation to matters concerning the attenuation basin being in private garden, CV Values and lack of Maintenance Plan.

19/03/2024 – initial comments

Do not support the grant of planning permission in relation to concerns relating to pump failure modelling, CV Values and Maintenance Plan.

Ecology (CCC)

12/07/2024 – latest comments

We welcome the submission of the updated Preliminary Ecological Appraisal, which addresses our previous concerns.

Therefore, the proposal is acceptable on ecology grounds, providing that the biodiversity compensation / mitigation measures and enhancements recommended within the Preliminary Ecological Appraisal 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. a. Compliance condition – scheme should comply with mitigation measures (during construction) set out in Ecological Impact Assessment*
b. Landscape and Biodiversity Enhancement Plan (based on the Soft Landscaping Plan) should demonstrate how mitigation / enhancement measures set out in the Preliminary Ecological Appraisal will be implemented
- 3. Lighting scheme sensitively designed for wildlife*
- 4. Time limit until update ecological surveys required Our ref:*

We welcome the submission of the updated Preliminary Ecological Appraisal and are satisfied that it covers the entire application sites. The PEA recommends biodiversity mitigation / enhancement measures to adequately mitigate adverse impacts to biodiversity (e.g. bats) and provide an enhancement for biodiversity. These measures, for construction phase and details of landscape design and lighting scheme should be secured through suitably worded conditions.

Wildlife is dynamic, and therefore, if there are any delays to the construction of the development, we recommend that update biodiversity surveys are completed. This should be secured through a suitably worded condition.

06/06/2024 – initial comments

It has come to our attention that the Preliminary Ecological Appraisal does not cover the entire red-line boundary of the application site. We would therefore like to retract our previous consultation response of 04 June 2024 (letter reference FYR240051F_ECO017-2425_20240604) and replace with this consultation response. The application provides insufficient evidence to demonstrate the level of impact of the scheme on biodiversity. It is not possible to determine if the scheme accords with Fenland Local Plan 2014 policies LP16 & LP19 which seek to conserve, enhance and promote the biodiversity interest. Nor, whether the LPA will meet its statutory duties to conserve biodiversity (Section 40, Natural Environment and Rural Communities Act 2006) and, if present, European protected species (Conservation of Habitats and Species Regulations 2017). We therefore recommend refusal, unless the following information is provided prior to determination: - update of Preliminary Ecological Appraisal to cover the entire application site.

The habitat survey, shown on Drawing D1 of the Preliminary Ecological Appraisal does not cover the entire red-line boundary. For example, the most southerly section of the application site, including a ditch holding standing/ running water, has not been assessed. Without detailed ecological assessment of the entire red-line boundary of the site, it is not possible to determine the biodiversity impact of the scheme, which is a material consideration in the planning process. We therefore recommend refusal unless the following is completed:

- update of Preliminary Ecological Appraisal to cover the entire application site.*

Summary of potential suggested conditions (once survey work is satisfied to include;

- 1. Compliance condition - scheme should comply with mitigation measures (during construction) set out in Preliminary Ecological Appraisal*
- 2. a. Compliance condition – scheme should comply with mitigation measures (during construction) set out in Ecological Impact Assessment
b. Landscape and Biodiversity Enhancement Plan (based on the Soft Landscaping Plan) should demonstrate how mitigation / enhancement measures set out in the Preliminary Ecological Appraisal will be implemented*
- 3. Lighting scheme sensitively designed for wildlife*
- 4. Time limit until update ecological surveys required*

Local Residents/Interested Parties

5.10 Objectors

72 responses have been received in total from 62 objectors. The main summarised concerns are as follows:

- Impact on the setting of the adjacent Listed Building
- Fire risk danger to listed building from bonfires and barbecues from new dwellings
- Damage to listed building during construction
- Overdevelopment of historic area impact on quality of life of nearby residents
- Increase in flood risk of adjoining properties loss of green space
- Contrary to Local Plan policies
- Contrary to village plan of 2023
- Exceed the threshold position statement of March 2024
- No need for additional housing or bungalows in village
- Insufficient local infrastructure to deal with additional residents
- Not enough parking for construction workers
- Construction traffic disturbance
- Increased traffic on local roads and Highway safety
- Impact and loss of wildlife dwellings
- Impact on privacy and neighbour amenity
- Impact on uses of existing green space opposite site
- Decrease in property values of adjacent dwellings

5.11 Supporters

10 responses have been received. The main summarised concerns are as follows:

- Continuation of development of Morely Way that would be ideal for elderly retired and small families
- Bungalows needed allows existing residents to downsize
- Site not farmland so none lost
- Village is growing development is an alternative to high density estates
- Offers additional housing
- Land is not used productively
- Development in keeping with area

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 Fenland Local Plan 2014

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

- LP12 – Rural Areas Development Policy
- LP13 – Supporting and Managing the Impact of a Growing District
- LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland
- LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland
- LP16 – Delivering and Protecting High Quality Environments across the District
- LP17 – Community Safety
- LP18 – The Historic Environment
- LP19 – The Natural Environment

7.2 National Planning Policy Framework (NPPF)

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

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

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

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

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

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

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

7.3 National Planning Practice Guidance (NPPG)

Determining a Planning Application

7.4 National Design Guide 2021

- Context
- Identity
- Built Form
- Movement
- Nature
- Public Spaces
- Uses

- Homes and Buildings
- Resources
- Lifespan

7.5 Emerging Local Plan

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

- LP1: Settlement Hierarchy
- LP2: Spatial Strategy for the Location of Residential Development
- LP4: Securing Fenland's Future
- LP5: Health and Wellbeing
- LP6: Renewable and Low Carbon Energy Infrastructure
- LP7: Design
- LP8: Amenity Provision
- LP11: Community Safety
- LP12: Meeting Housing Needs
- LP18: Development in the Countryside
- LP20: Accessibility and Transport
- LP21: Public Rights of Way
- LP22: Parking Provision
- LP23: Historic Environment
- LP24: Natural Environment
- LP25: Biodiversity Net Gain
- LP27: Trees and Planting
- LP28: Landscape
- LP29: Green Infrastructure
- LP31: Open Space and Recreational Facilities
- LP32: Flood and Water Management
- LP50: Residential site allocations in Wimblington

7.6 Supplementary Planning Documents

- Delivering and Protecting High Quality Environments in Fenland SPD 2014
- Developer Contributions SPD 2015
- Cambridgeshire Flood and Water SPD 2016

8 KEY ISSUES

- **Principle of the development in this location**
- **Impact on the setting of a Heritage Asset and the consideration of public benefits of the development**
- **Design of the development.**
- **Impact on neighbours and their residential amenity**
- **Flooding and drainage matters**
- **Highways safety considerations**
- **Biodiversity/ ecology considerations**

9 ASSESSMENT

Principle of the development in this location

- 9.1 Policy LP3 of the adopted Local Plan defines Wimblington as a 'Growth Village' where development and new service provision either within the existing urban area or as small village extensions will be appropriate albeit of a considerably more limited scale than that appropriate to the Market Towns. The site, although forming an undeveloped area is considered to be within the existing built footprint of the village in light of the surrounding built development as described in paragraph 2.3 above.
- 9.2 Policy LP12 sets out the 'Rural Areas Development Policy' which includes villages. Part A of policy LP12 supports development which contributes to the sustainability of the settlement and does not harm the wide, open character of the countryside and satisfies all of criteria (a) to (k) covering matter such as; relationship and scale to the settlement and neighbouring settlements, retention and respect of; natural boundaries, heritage assets, ecology and biodiversity features, loss of agricultural land, exposure to identified risk and infrastructure provision. It is considered that the proposed development satisfy with the criteria with the exception of criteria (g) and (h).
- 9.3 Criteria (g) requires that the proposals will need to satisfy that "*The site retains and respects ecological, heritage and biodiversity features*". As set out in paragraph 2.3 above to the east of the site are a mixture of private rear gardens, vegetation and outbuildings together with the Grade II Listed Building at 31 Norfolk Street. The Listed Building itself, a late 18th century or early 19th century cottage made of Gault brick with a long straw thatch roof, is in close proximity to the eastern boundary of the application site and there are bungalows proposed within 16 metres of it. It is considered that the proposal within the site do not 'respect' this adjacent heritage feature. This matter is considered in more detail in the next part of this assessment.
- 9.4 Criteria (h) requires that the proposals will need to satisfy that "*It would not result in the loss of important spaces within the village*". As described in paragraph 2.1 whilst the application describes as an extended garden to 27 Norfolk Street to the immediate east, the site is more akin to small field/paddock used as for grazing land which appears to be its historical use for which no planning permission of certificate of lawfulness to residential use has been granted. The site whilst in private ownership is still an important space within the village of Wimblington which would be lost if the proposals are permitted and implemented. The Council's Conservation Officer concludes in his initial response that "*I am of the view that the loss off one of the last remaining parcels of open land on the edge of the historic parts of the settlement will have a considerable impact on the setting of the GII listed 31 Norfolk Street. This is an in-principle objection to the loss of this grazing land.*"
- 9.5 Policy LP12 (Part A) 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.
- 9.6 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.

Impact on the setting of a Heritage Asset and the consideration of public benefits of the development

9.7 The Council's Conservation Officers comments notes that "*The site forms a paddock/grazing land which has historically been the edge of settlement/ commencement of the open countryside to the rear of Norfolk Street and Addison Road. It therefore reflects and represents a last link to the agricultural landscape setting of Norfolk Street and the setting the Listed Building (31 Norfolk Street) enjoys.*" Listed Buildings are Heritage Assets to which Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention to preserving a listed building or its setting, when considering development. Due regard is also required to Section 16 of the National Planning Policy Framework, 2023 entitled 'Conserving and enhancing the historic environment', specifically, paragraphs 201, 203, 205, 206, and 208. Similarly, Local Plan policy LP18 relating to the 'The Historic Environment' is also relevant.

9.8 The initial response of the Council's Conservation Officer concludes as follows:

The development results in less than substantial harm (medium) to the identified heritage assets, for which national and local heritage policy and guidance points to a presumption against Councils supporting such development, unless there are strong public benefits which outweigh the harm identified.

Furthermore, the heritage statement that is a requirement of both the NPPF and the Local Plan does not satisfactorily assess the impacts upon the setting of the GII listed building that is approx. 14.3m from the proposed plots 3 and 4 and views from the Morley Way public realm. The statement concludes 'that appropriate measures have been taken with the proposed site layout to minimise the impact on the Listed Building'. It is not clear what these measures are. The statement is therefore fails to assess the relationship and impacts of this development on designated heritage assets.

9.9 Following a revision to the proposed layout, the Conservation Officer commented that:

There remains an in-principle objection to the loss of the important grazing land and its impact on the setting of adjacent heritage assets and their appreciation within the context of a rural village with historic paddocks and open spaces.

There also remains a strong objection to the proximity of the proposed development to 31 Norfolk Street (GII listed Building) and the impact on its setting and appreciation. No efforts have been made to rectify the detailed concerns outlined in the initial consultation comments or the following site meeting.

Finally, no attempt has been made to revise the inadequate heritage statement previously submitted. As such, it remains that the statement fails to assess the relationship and impacts of this development on

designated heritage assets as required by both the NPPF and the Local Plan.

- 9.10 It is clear that due to the proximity of the Listed Building to the site that the proposals in this application will have an impact on its setting which the Conservation Officer has evaluated results in less than substantial harm (medium) to the identified heritage asset. Paragraph 208 of the NPPF set out the following:

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.

- 9.11 Contrary to the requirement of part (c) policy LP18, the Heritage Statement submitted with the application fails “*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.*”
- 9.12 With regard to public benefits, the nature of the proposals would mean the only public benefit would be the delivery of additional housing. As outlined in paragraph 9.5 above the latest Village Thresholds Position Statement shows that the amount of housing committed and built since 2011 far exceeds stated Village Threshold figure. Notwithstanding, the district is meeting its housing land supply and housing delivery targets. Therefore, it is considered that the public benefit is small and would not outweigh the harm to the heritage asset.

Design of the development.

- 9.13 Aside from the impact on the setting of the adjacent heritage asset as described above, the layout of the development is considered acceptable (other than relating to the foul drainage sewer pipe as described below) and complementary to the houses north of the site on Morley Way, when considered in isolation to the wider setting. The proposed development would appear as a natural extension to that road and the design of the properties and proposed external materials proposed are considered acceptable in this location.

Impact on neighbours and their residential amenity

- 9.14 Concerns have been raised regarding the impact on the residential amenity of neighbouring properties, particularly number 31 Norfolk Street given its proximity to the eastern boundary of the site. In this regard, it is considered that given the proposed dwellings are bungalows, the orientation of room in roof windows of 31 Norfolk Street away from the site and existing boundary fencing and vegetation screening adjacent to their patio area means that the impact on neighbouring is acceptable.
- 9.15 Furthermore, the dwellings are arranged so as to provide adequate private amenity space, daylight and avoid overlooking and overbearing impacts.
- 9.16 As such, no concerns over residential amenity, either for future occupiers or existing residents are raised and the scheme therefore accords with the aims of local plan policy LP16 in this regard.

Flooding and drainage matters

- 9.17 Concerns regarding surface water flooding have been raised by neighbours. In this regard the Local Lead Flood Authority has confirmed, following further details

that they support in principle the proposed development subject to conditions requiring further details to be submitted for approval.

- 9.18 With regards to foul drainage, whilst the proposed development can be adequately connected and services to the mains drainage system in the village, Anglian Water has objected to the proposals on the basis that there is a 150mm gravity foul sewer which is crossing the development site and is affected by the proposed site layout submitted with the application. Having reviewed the proposed site layout, this indicates that an Anglian Water 150mm sewer is located in the garden area of 3 of the proposed dwellings on the western side of the site.
- 9.19 Anglian Water states that they do not permit these assets to be located within the curtilage of dwellings. These assets should be located in areas of public open space and/or adoptable highways to ensure on-going maintenance is possible. In light of this objection the proposals at this moment in time are considered to be contrary to Part B (c) of Local Plan policy 14 (Responding to Climate Change and Managing the Risk of Flooding in Fenland) as the drainage strategy fails to demonstrate that issues of maintenance are addressed.

Highway safety considerations

- 9.20 Neighbour responses to this application have suggested the access to the site from Morley Way would compromise highway safety and give rise to an unacceptable level of additional traffic. In this respect the Highways Authority have come to a position where they no longer object to the application subject to a planning condition on the management of estate roads.
- 9.21 In respect of general access, the main shared access road provides suitable width and alignment to enable manoeuvrability for larger vehicles, e.g., emergency services and refuse. In respect of future management and maintenance, the LHA has recommended a condition to secure this detail. In addition, a refuse collection strategy (including an indemnity agreement if roads are not to be adopted) could also be secured, to ensure that waste collection is satisfactorily accommodated in-line with the requirements of Local plan policy LP16.

Biodiversity/ecology considerations

- 9.22 Local Plan policies LP12 (Part A(g)), LP16 and LP19 all seek to ensure that biodiversity is maintained and where possible enhanced through development. This approach accords with Chapter 12 of the NPPF which essentially seeks to ensure that no net loss to biodiversity ensues and that opportunities for net gain are explored. Whilst this has been superseded by the mandatory requirement for a minimum 10% biodiversity net gain as required under the Environment Act 2021, due to the timing of this application submission, only the former 'no net loss/ opportunities for net gain' is required.
- 9.23 The application is supported by a Preliminary Ecological Appraisal ('PEA') which initially satisfied the Council's ecology consultant. However, this was revised shortly after when it transpired that the ecology survey did not cover the entire site and excluded the land to the south, identified for the SuDS feature. The Council's ecology consultant has subsequently responded to confirm that the revised PEA addresses their previous concerns and therefore the proposals are acceptable subject to the imposition of suggested conditions which are considered acceptable.

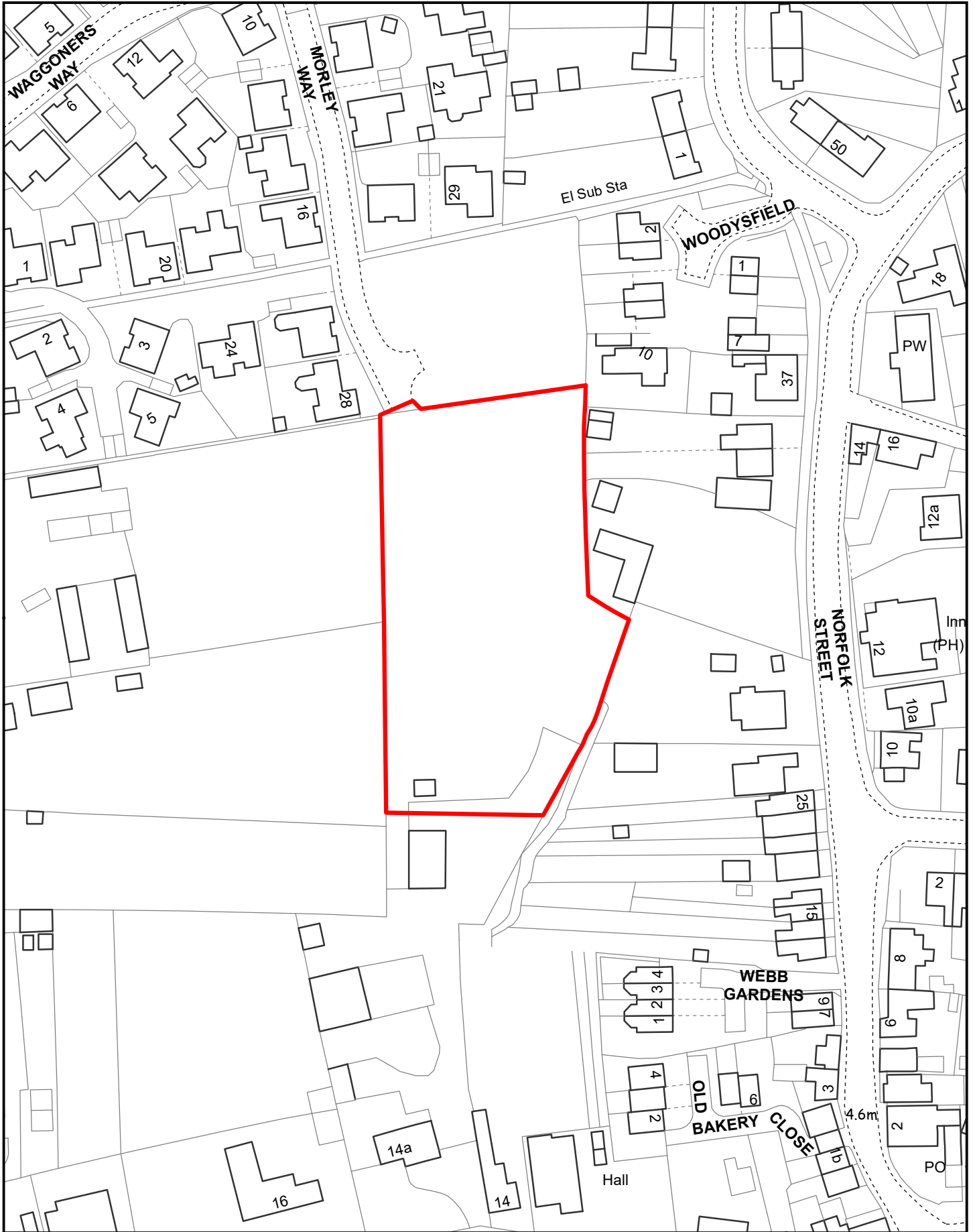
10 CONCLUSIONS

- 10.1 As outlined in the Section above, whilst the location of the site within the village of Wimblington is acceptable in principle in the context of Local Plan policy LP3, it does not satisfy criteria (g) and (h) of Part A of Local Plan policy LP12 in that it does not respect heritage features on the adjacent land and would result in the loss of an important space within the village. Due to unacceptable heritage impacts, the proposal also fails to satisfy Local plan policy LP18.
- 10.2 The Council's Conservation Officer has evaluated that the proposed development results in less than substantial harm (medium) to the setting of an identified heritage asset (31 Norfolk Street) for which national and local heritage policy and guidance points to a presumption against Council's supporting such development, unless there are public benefits which outweigh the harm identified. The public benefit of additional housing is not considered to outweigh the harm identified given the level of housing provision already built or committed to in the village and the district's proven housing delivery and future housing land.
- 10.3 An Anglian Water 150mm sewer is located in the garden area of 3 of the proposed dwellings on the western side of the site. Anglian Water have objected to the proposal stating that they do not permit these assets to be located within the curtilage of dwellings and that these assets should be located in areas of public open space and/or adoptable highways to ensure on-going maintenance is possible. Considering this objection the proposals at this moment in time are considered to be contrary to Part B (c) of Local Plan policy 14 as the drainage strategy fails to demonstrate that issues of maintenance are addressed.
- 10.4 In conclusion, the identified benefits of the scheme, being the introduction of further housing which in turn may result in local spend and the economic and social benefits that ensue, it not sufficient to outweigh the harm and associated conflicts with the development plan.

11 RECOMMENDATION

Refuse; for the following reasons:

1	The proposal results in a loss of important space and introduction of built form in close proximity to the adjacent grade 2 listed building at 31 Norfolk Street. This results in harm to the setting of this heritage asset which is not outweighed by public benefits and therefore fails to accord with aims of Local Plan policies LP12 (part A) criteria (g) and (h) and LP18 and the aims and objectives of the NPPF.
2	The site layout as proposed indicates that an Anglian Water 150mm sewer is located in the garden area of 3 of the proposed dwellings on the western side of the site. This is considered to be contrary to Part B (c) of Local Plan policy LP14 as it fails to demonstrate that issues around the maintenance of this sewer are adequately addressed.



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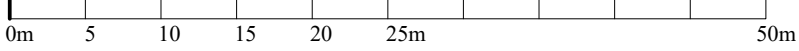
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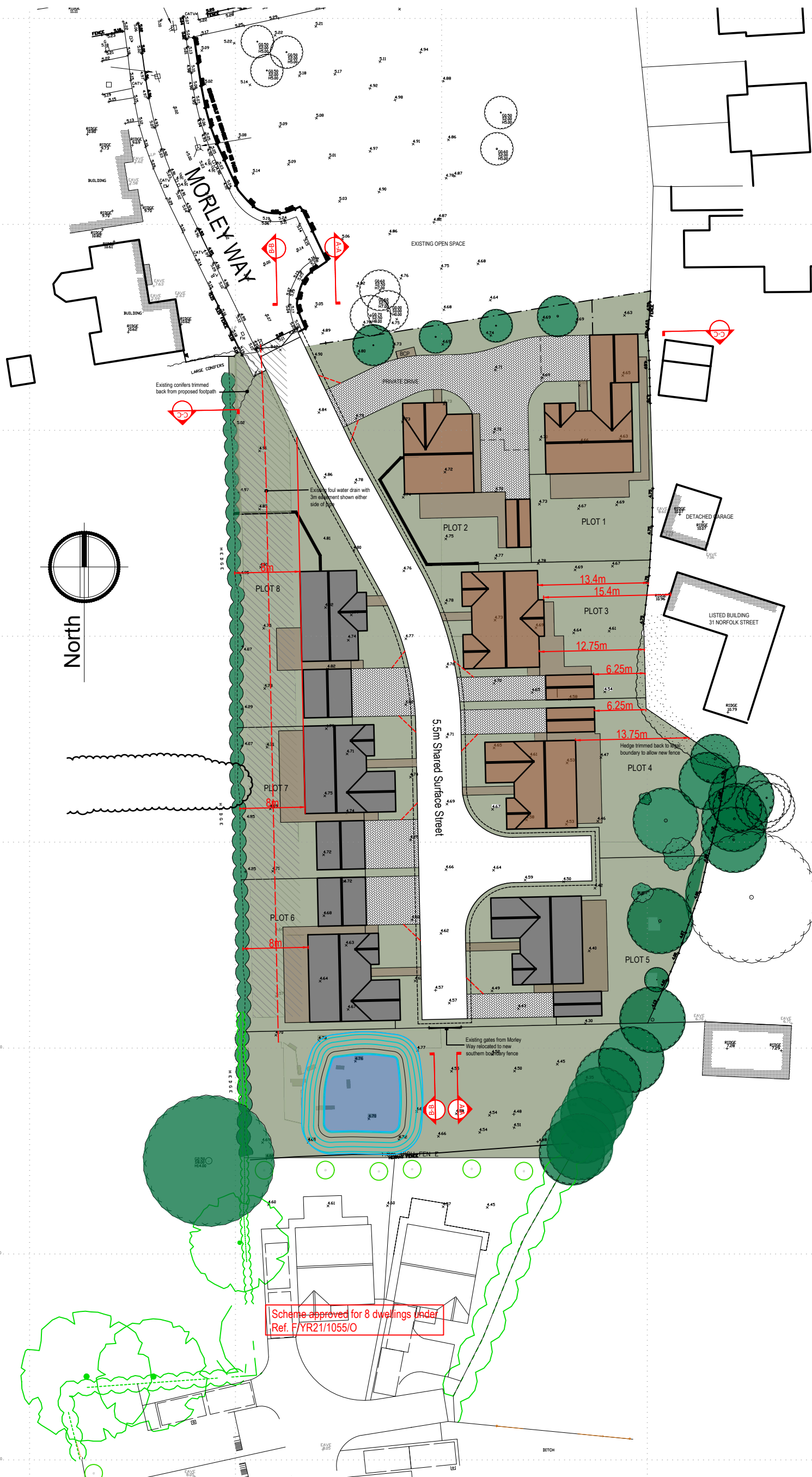
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Plot Schedule

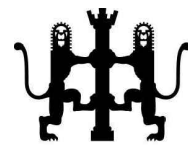
- Plot 1 - Waveney G - 3 bedroom bungalow
- Plot 2 - Blythburgh - 2 bedroom bungalow
- Plot 3 - Lambourne K - 3 bedroom bungalow
- Plot 4 - Waveney - 3 bedroom bungalow
- Plot 5 - Waveney - 3 bedroom bungalow
- Plot 6 - Waveney - 3 bedroom bungalow
- Plot 7 - Waveney - 3 bedroom bungalow
- Plot 8 - Aldeburgh S - 2 bedroom bungalow

Biodiversity enhancements

(Please refer to Preliminary Ecological Appraisal by Philip Parker Associates Ltd and Soft Landscape Plan by Richard Morrish Associates for locations of bat and bird boxes, bee bricks and hedgehog homes)



- Rev G May. 2024 Private drive and drive to Plot 2 amended to suit vehicle tracking.
- Rev F Mar. 2024 Road revised to shared surface street. Boundary treatments and positions of dwellings and garages revised to suit comments raised by planning officer on 12.03.2024.
- Rev E Dec. 2023 Attenuation pond added to site plan.
- Rev D Jun. 2023 Plots 1-3 amended to suit ecology and arboricultural consultants recommendations.
- Rev C May. 2023 Amended to suit client comments.
- Rev B Apr. 2023 Amended to suit client comments.
- Rev A Apr. 2023 Amended to suit client comments.



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DRAWING STATUS	PRELIMINARY <input type="checkbox"/>	CONSTRUCTION <input type="checkbox"/>
	PLANNING <input checked="" type="checkbox"/>	FILE COPY <input type="checkbox"/>

CLIENT
Construct Reason Ltd

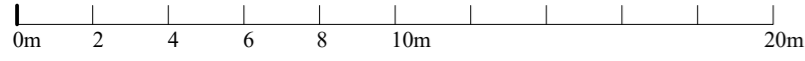
PROJECT
Land South of Morley Way, Wimblington, Cambridgeshire.

DRAWING TITLE
Proposed Site Layout

SCALE: 1:500 @ A3 DATE: April 2023 DRAWN: LB CHECKED:

DRAWING NUMBER: **CH23/LBA/630/FP-1-101** REVISION: **G**

Scale: 1:200



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SITE SECTION A-A

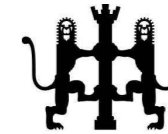


SITE SECTION B-B



SITE SECTION C-C

- Rev C May 2024 Site Sections A-A and C-C amended to show adjacent existing buildings.
- Rev B May 2024 Plot 2 amended to suit latest Site Plan.
- Rev A Mar 2024 Boundary treatments and positions of dwellings and garages revised to suit comments raised by planning officer on 12.03.2024.



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 Email: enquiries@lbevens-associatesltd.co.uk
 Web: www.lbevens-associatesltd.co.uk

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		FILE COPY	<input type="checkbox"/>

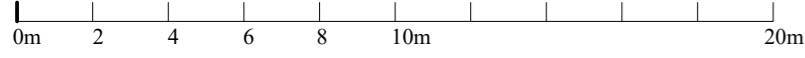
CLIENT
 Construct Reason Ltd

PROJECT
 Land South of Morley Way, Wimblington, Cambridgeshire.

DRAWING TITLE
 Proposed Site Sections

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DRAWING NUMBER	REVISION		
CH23/LBA/630/FP-1-102	C		

Scale: 1:200



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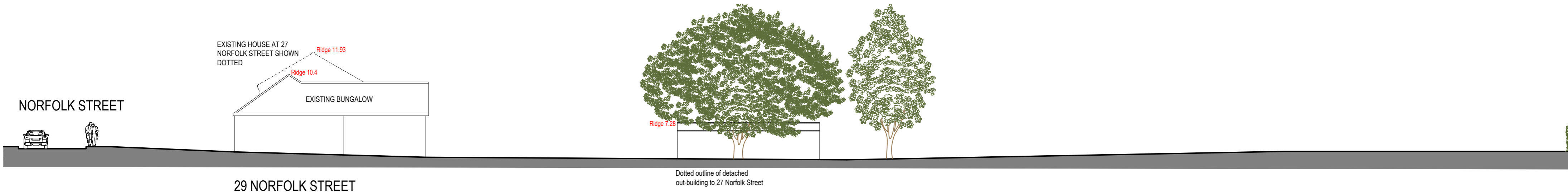
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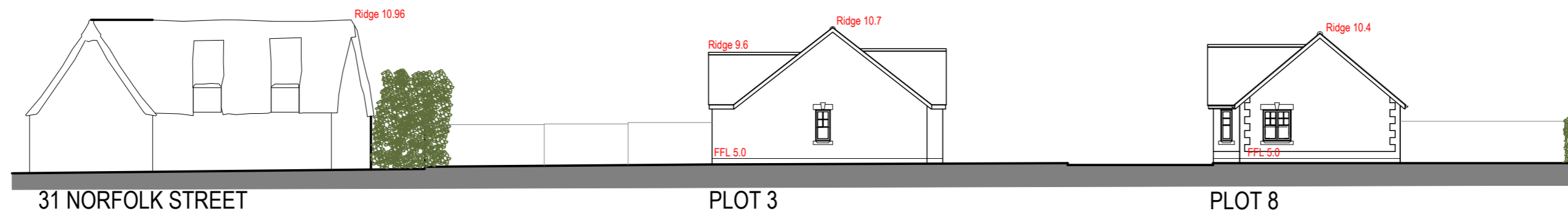
IT IS THE CONTRACTOR'S RESPONSIBILITY TO ACCURATELY LOCATE EXISTING SERVICES PRIOR TO WORKS COMMENCING.



29 NORFOLK STREET
**PROPOSED CROSS SECTION THROUGH SITE SHOWING
 RELATIONSHIP OF HEIGHTS WITH 29 NORFOLK STREET**



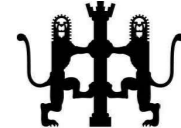
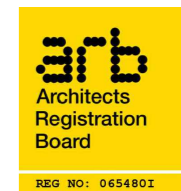
29 NORFOLK STREET
**EXISTING CROSS SECTION THROUGH SITE SHOWING
 RELATIONSHIP OF HEIGHTS WITH 29 NORFOLK STREET**



31 NORFOLK STREET
**PROPOSED CROSS SECTION THROUGH SITE SHOWING
 RELATIONSHIP OF HEIGHTS WITH LISTED BUILDING AT 31
 NORFOLK STREET**



31 NORFOLK STREET
**EXISTING CROSS SECTION THROUGH SITE SHOWING
 RELATIONSHIP OF HEIGHTS WITH LISTED BUILDING AT 31
 NORFOLK STREET**



L Bevens Associates Architects Ltd
 The Doghouse
 10 Cricketers Way
 Chatteris
 Cambridgeshire
 PE16 6UR
 Tel: 01354 693969
 Mob: 07739 562818
 Email: enquiries@lbevns-associatesltd.co.uk
 Web: www.lbevns-associatesltd.co.uk

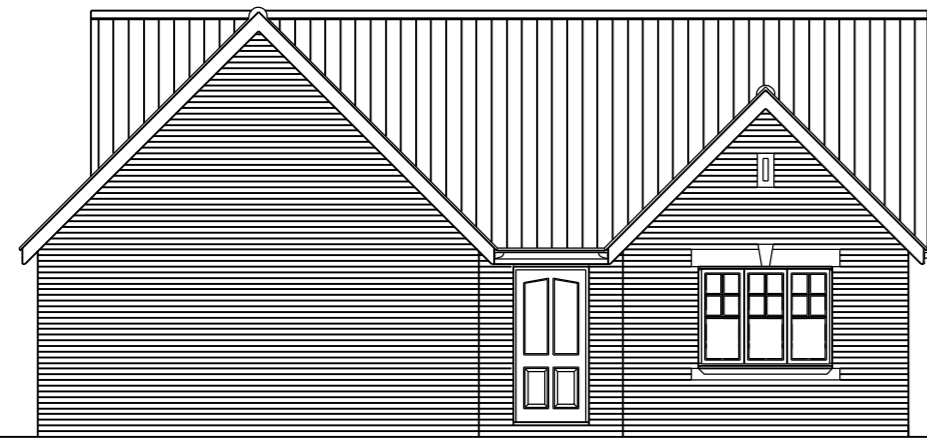
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CLIENT
 Construct Reason Ltd

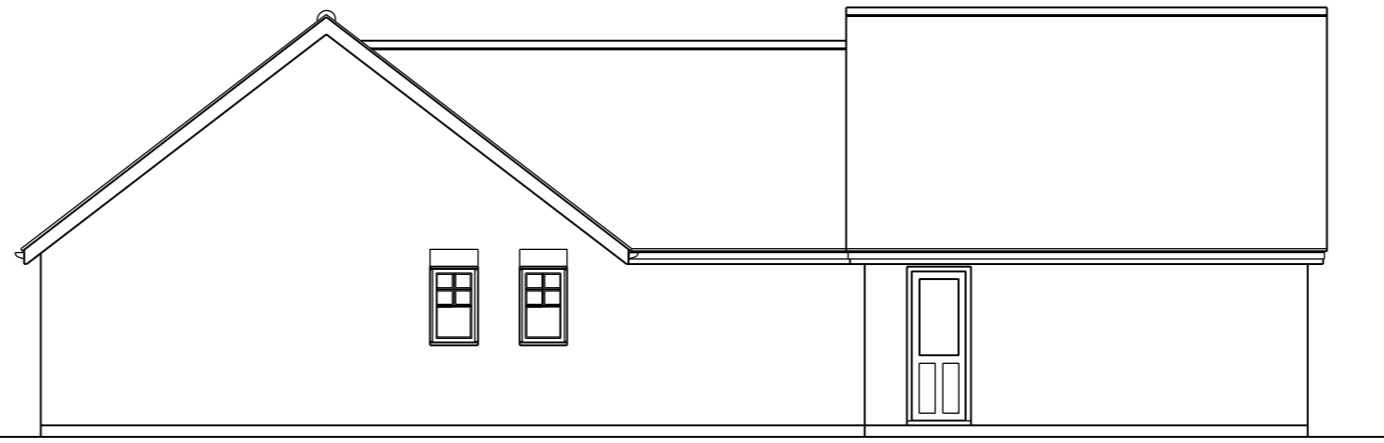
PROJECT
 Land South of Morley Way, Wimlington,
 Cambridgeshire.

DRAWING TITLE
 Proposed Site Sections

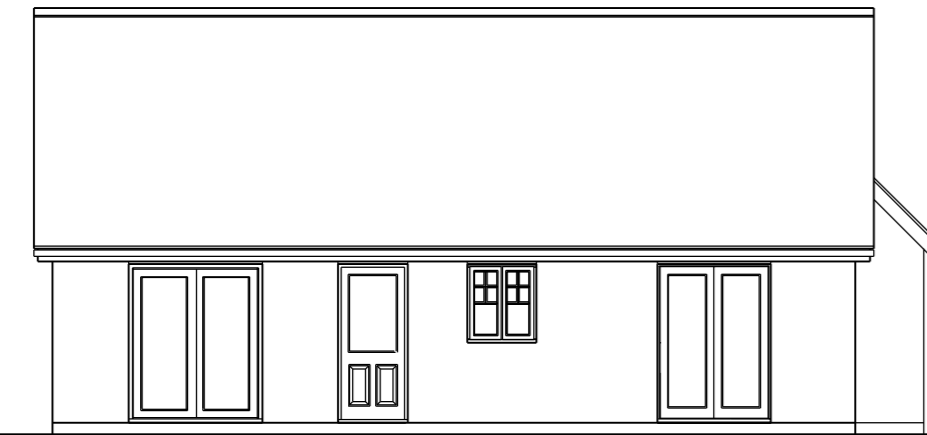
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CH23/LBA/630/FP-1-113			



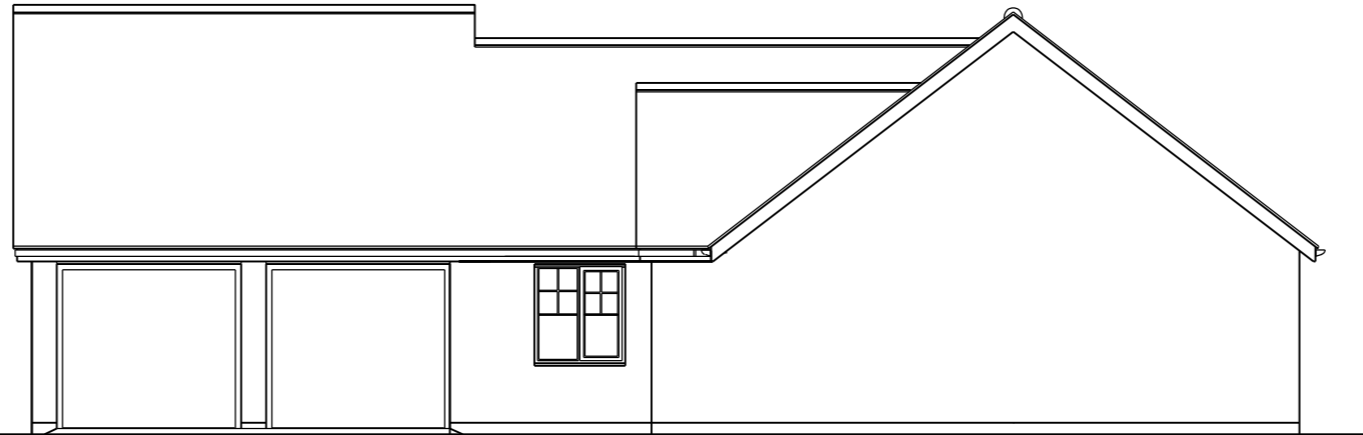
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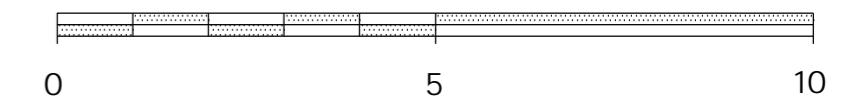


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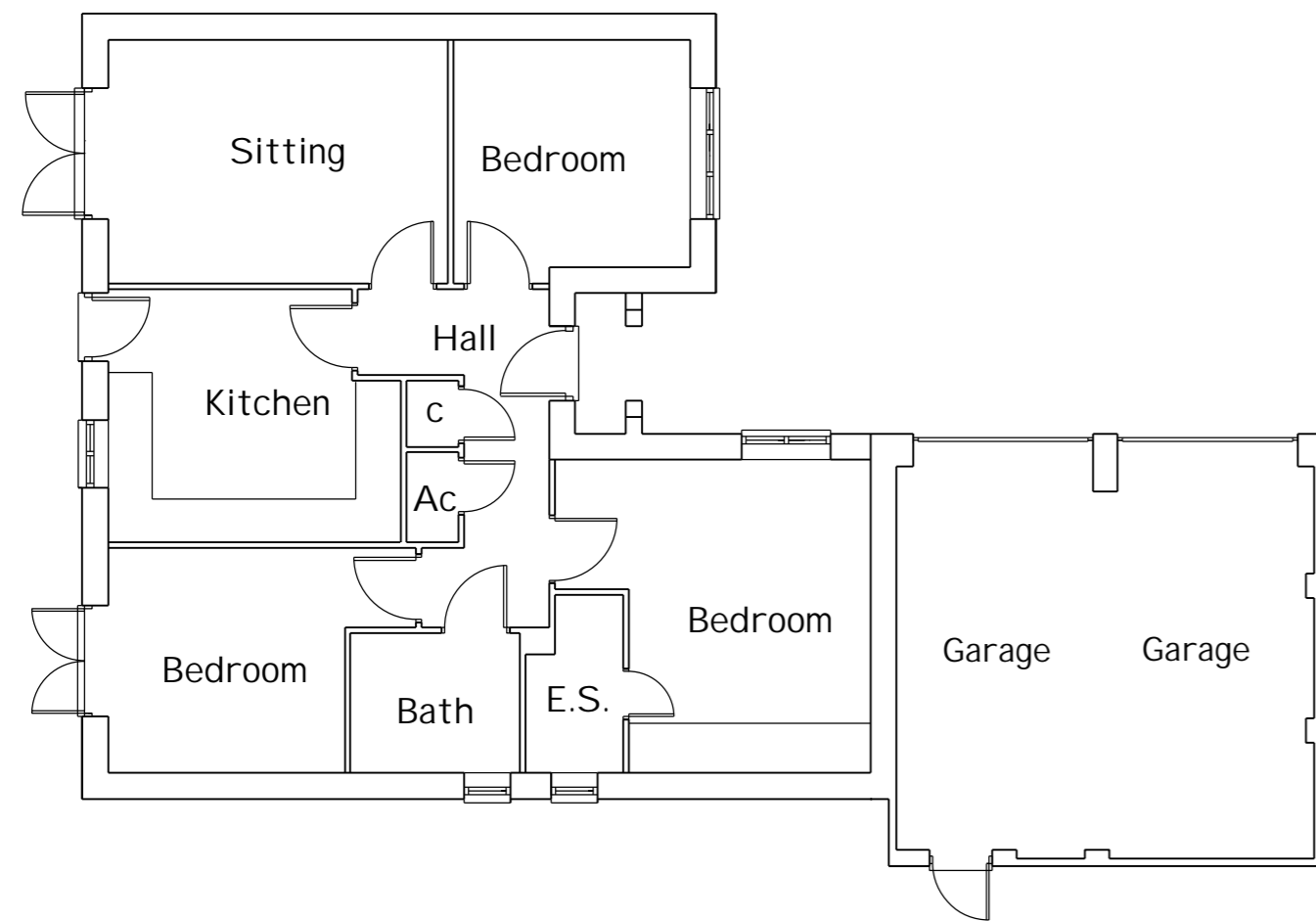
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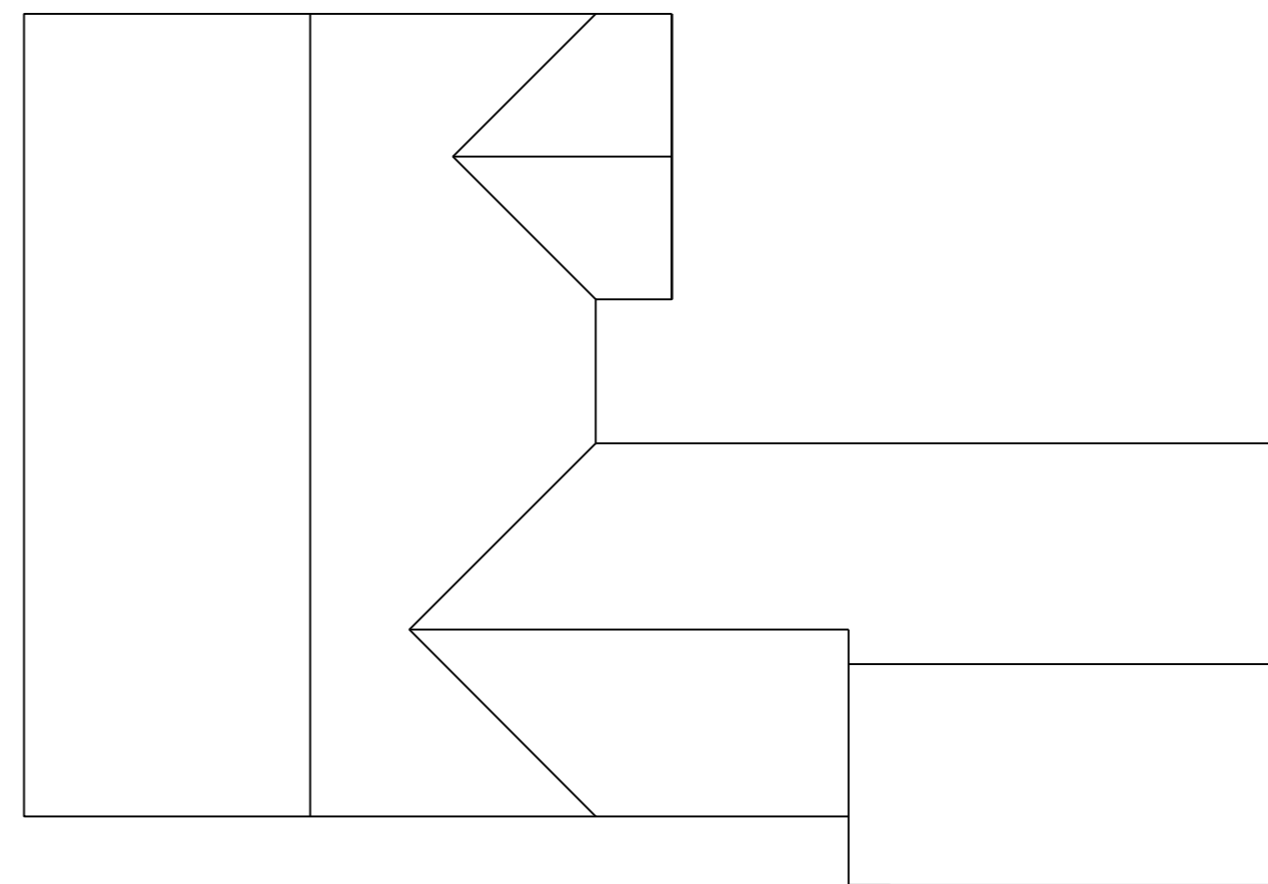


E L E V A T I O N S

Bungalow Type 'WAVENEY G'



P L A N



R O O F

Beaver House
Northern Road
Sudbury
Suffolk CO10 6XQ

**CONSTRUCT
REASON
LIMITED**

JOB TITLE Land South of Morley Way,
Wimblington,
Cambridgeshire.

DRAWING TITLE
Plot 1 - Planning Drawing

REV	DATE	DETAILS	BY

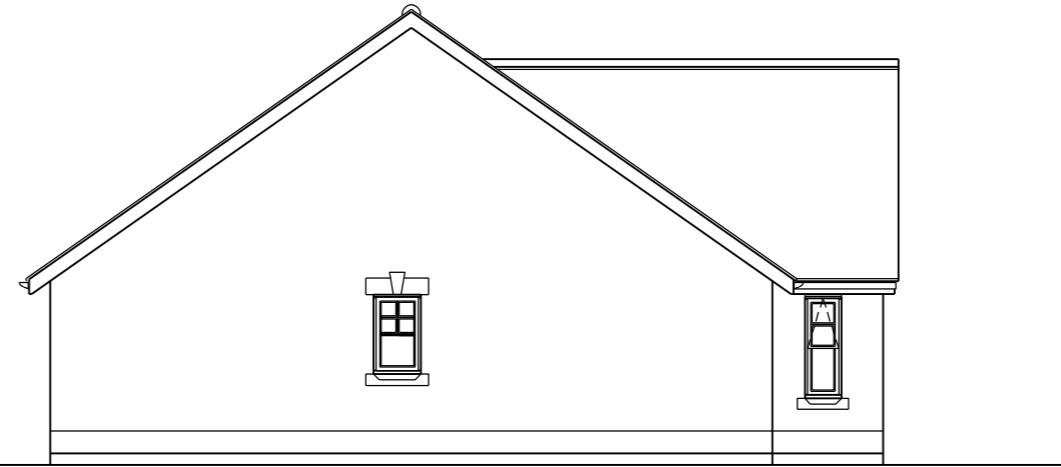
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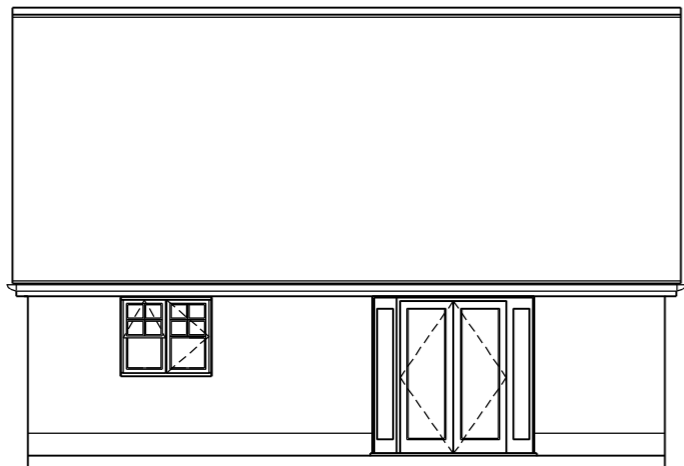
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FRONT



SIDE

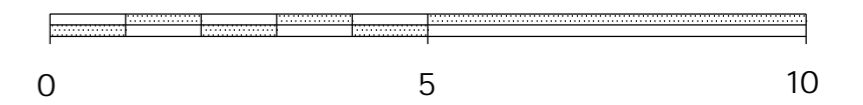


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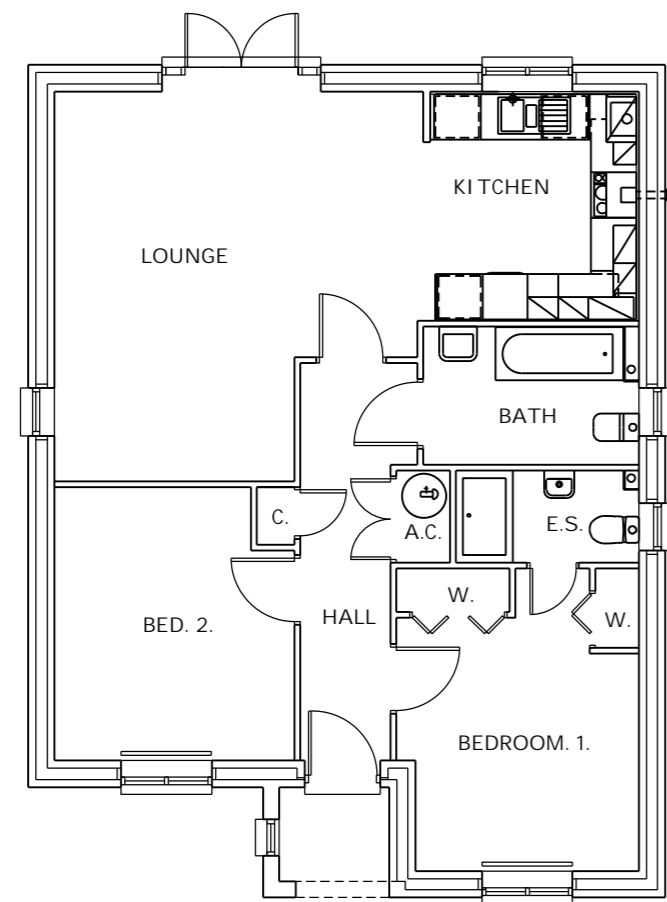


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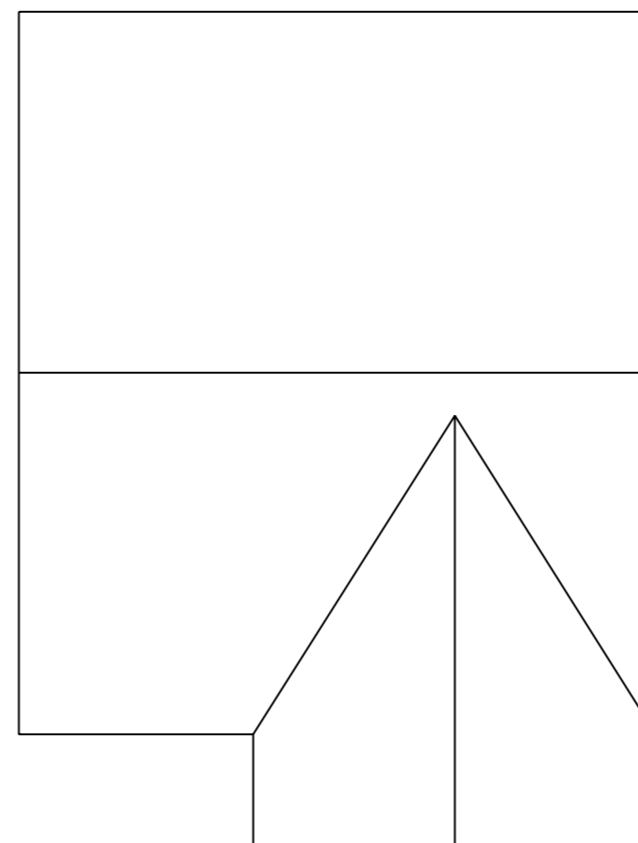
E L E V A T I O N S



Bungalow Type 'BLYTHBURGH'
 floor area 72.73m²(783ft²)



P L A N



R O O F

Beaver House
 Northern Road
 Sudbury
 Suffolk CO10 6XQ

**CONSTRUCT
 REASON
 LIMITED**

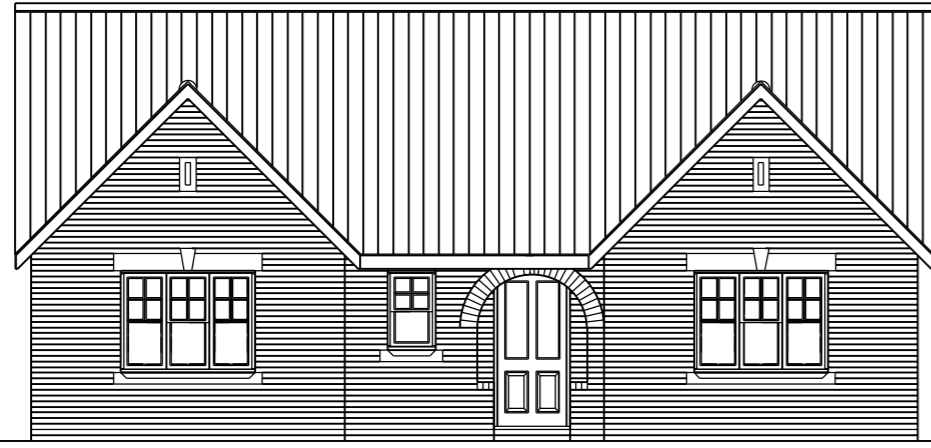
JOB TITLE Land South of Morley Way,
 Wimblington,
 Cambridgeshire.

DRAWING TITLE
 Plot 2 - Planning Drawing

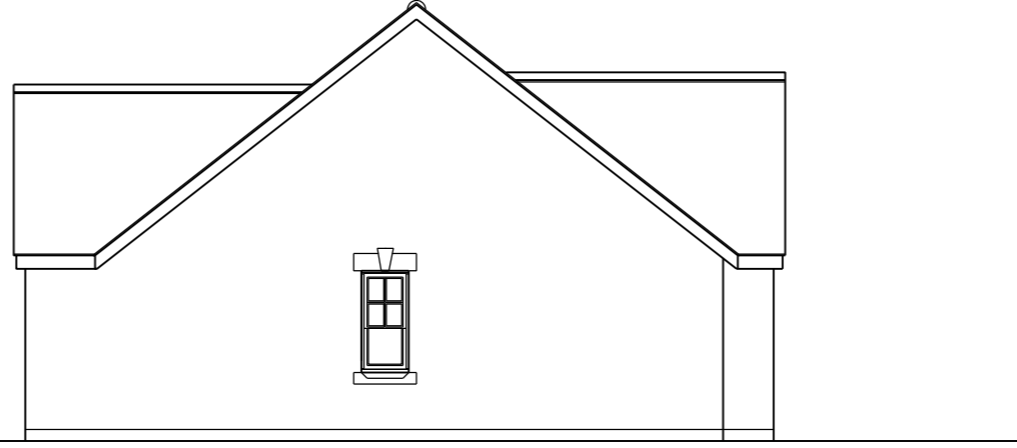
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SCALES 1:100 @ A2	DESIGN BY GB	DATE
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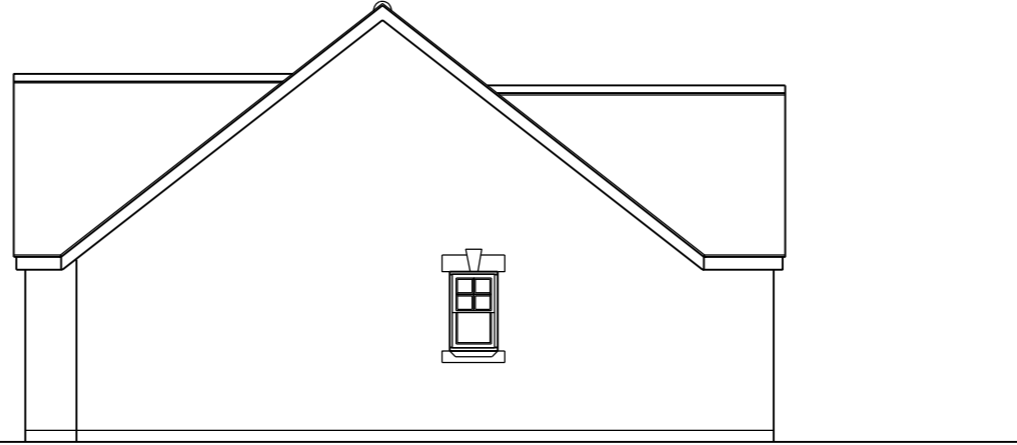
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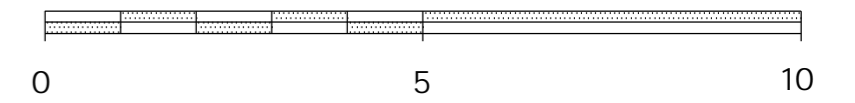
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REAR

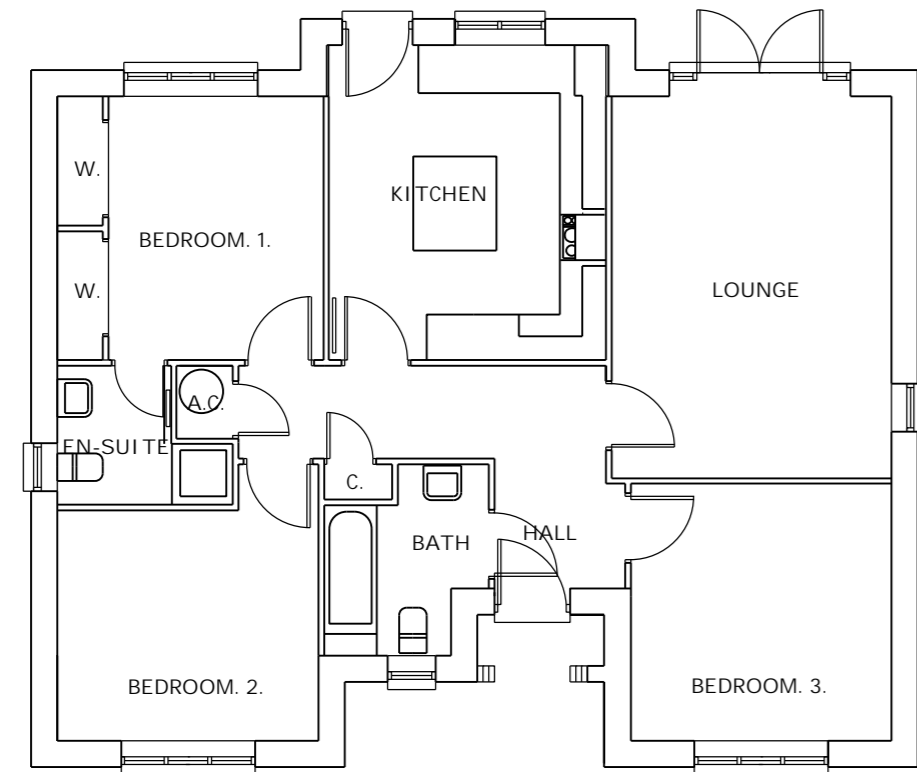


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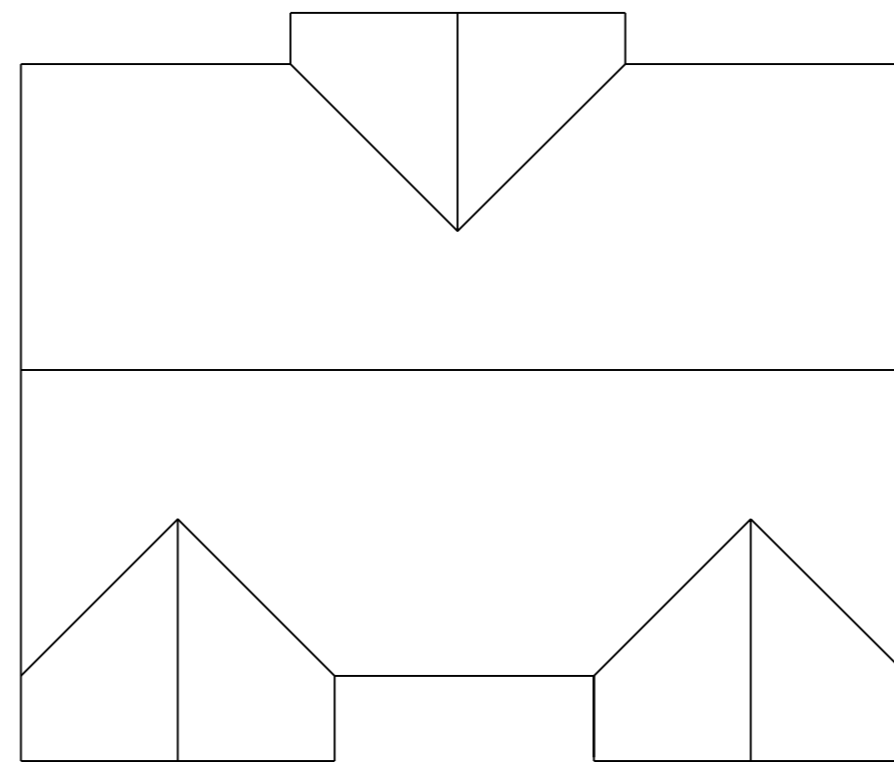


ELEVATIONS:

Bungalow Type 'LAMBOURNE. K. '



FLOOR PLAN



ROOF PLAN

Beaver House
Northern Road
Sudbury
Suffolk CO10 6XQ

**CONSTRUCT
REASON
LIMITED**

JOB TITLE Land South of Morley Way,
Wimblington,
Cambridgeshire.

DRAWING TITLE
Plot 3 - Planning Drawing

REV	DATE	DETAILS	BY

SCALES 1:100 @ A2	DESIGN BY	DATE
	DRAWN BY GB	

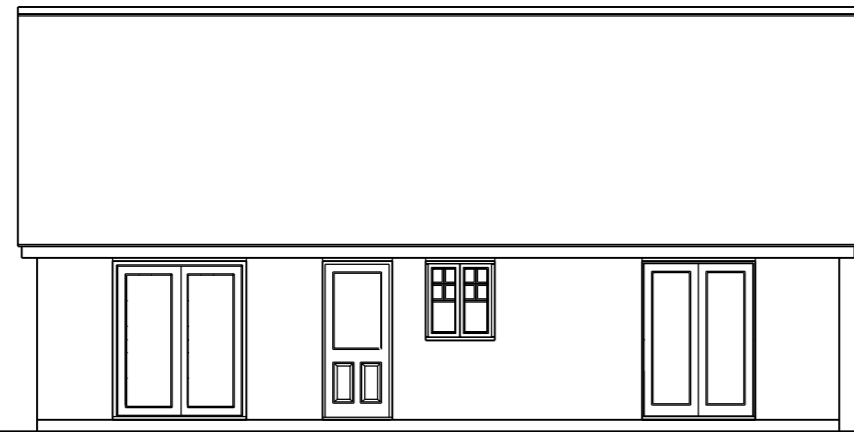
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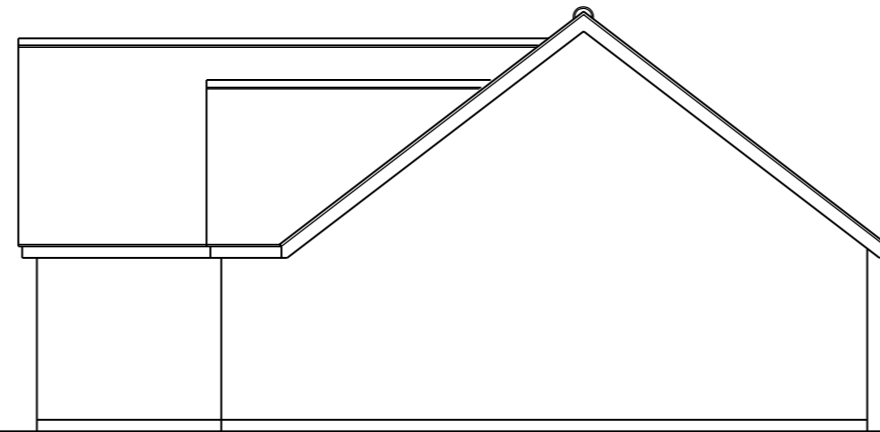
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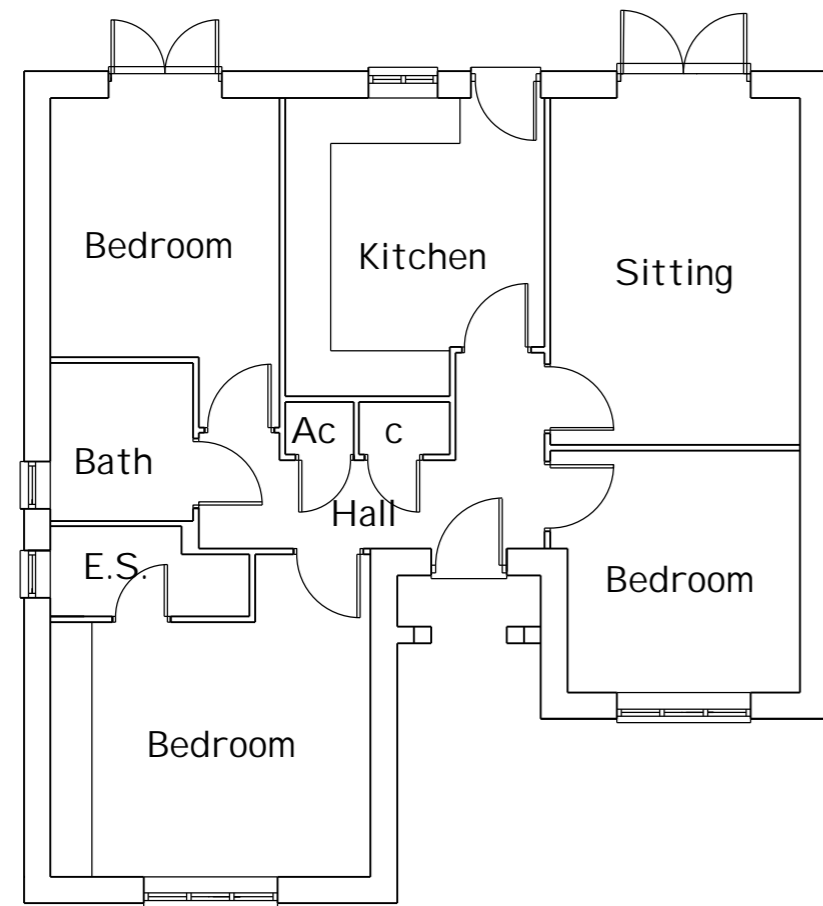
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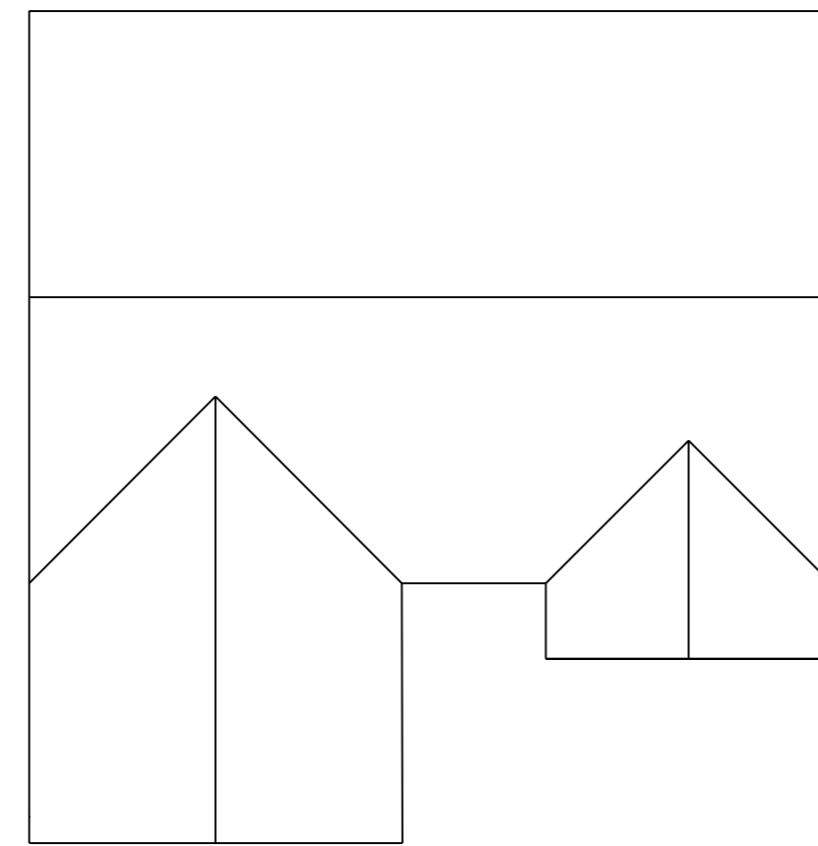
REAR



SIDE



FLOOR PLAN



ROOF PLAN

BUNGALOW TYPE 'WAVENEY'
 floor area 83.36m²(897ft²)

Beaver House
 Northern Road
 Sudbury
 Suffolk CO10 6XQ

**CONSTRUCT
 REASON
 LIMITED**

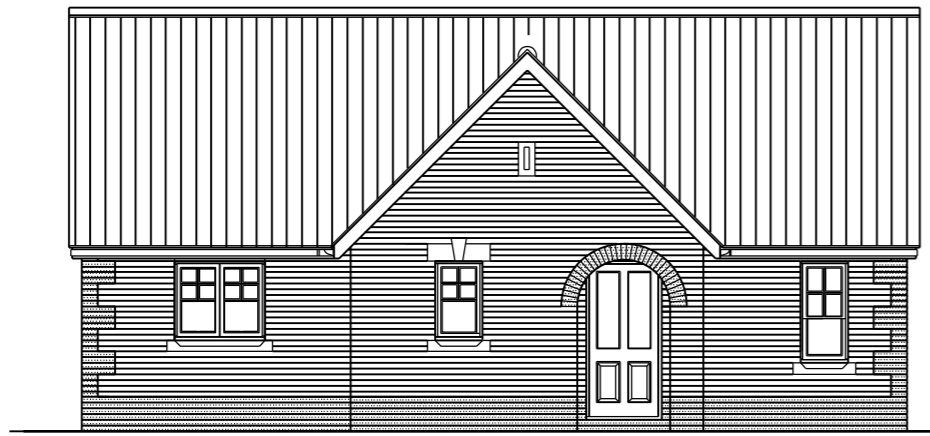
JOB TITLE Land South of Morley Way,
 Wimblington,
 Cambridgeshire.

DRAWING TITLE
 Plots 4, 5, 6 and 7 - Planning Drawing

REV	DATE	DETAILS	BY

SCALES	DESIGN BY	DATE
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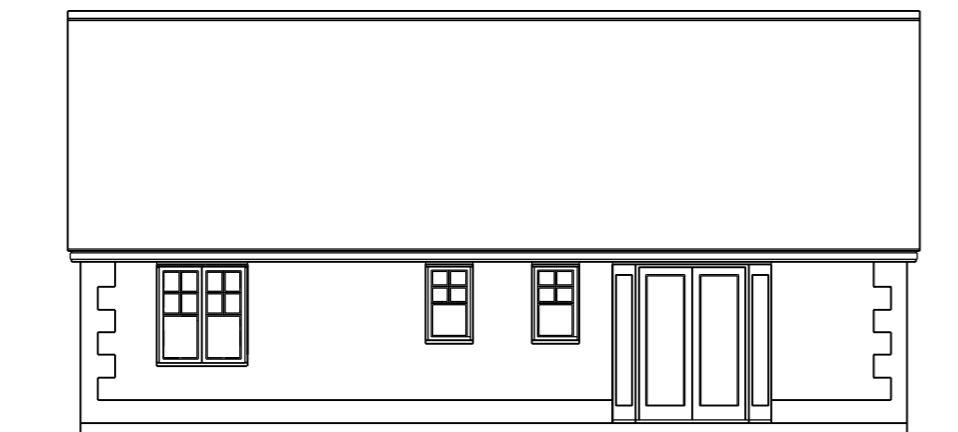
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FRONT



SIDE

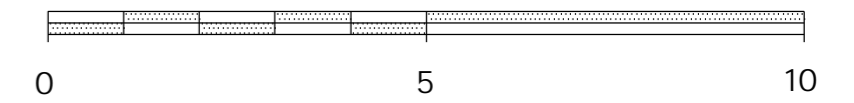


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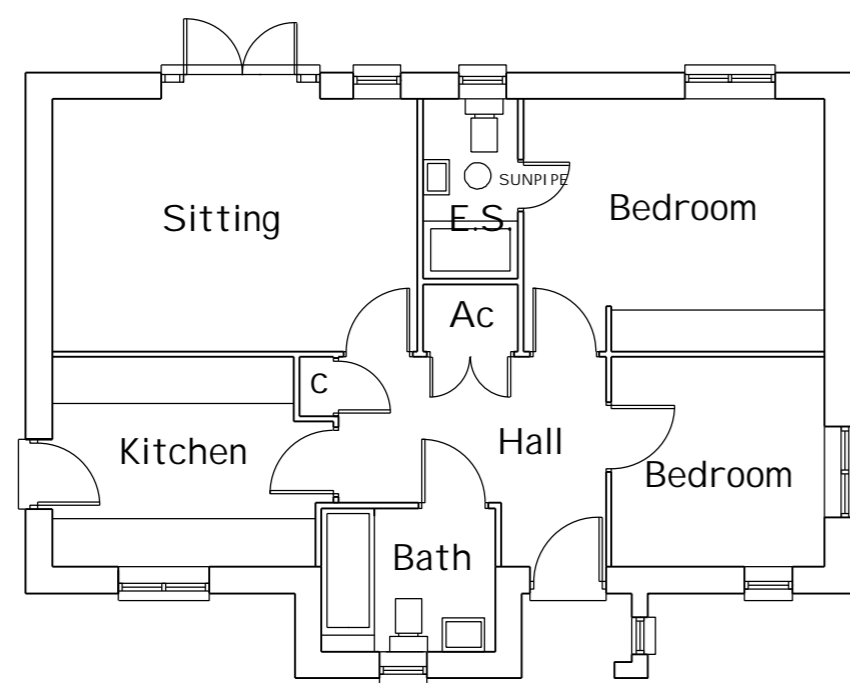


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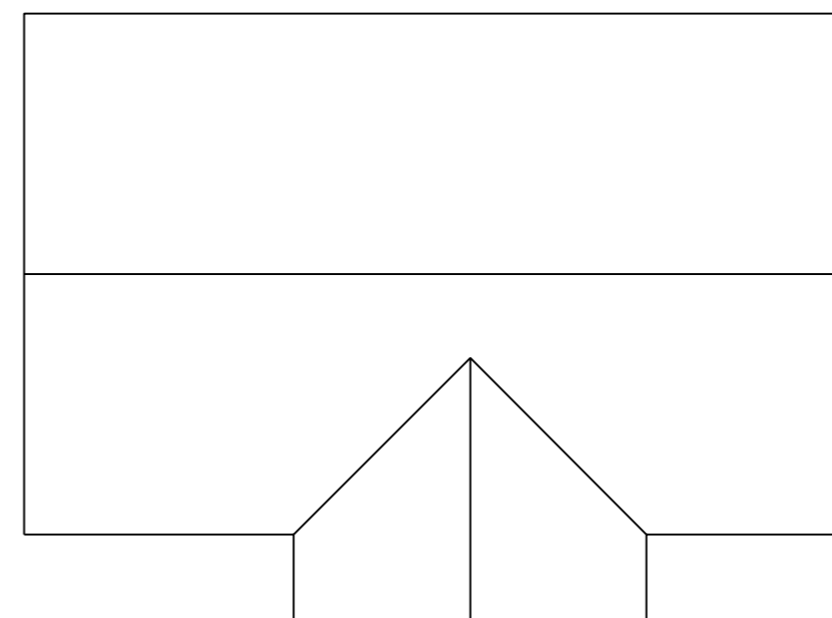
E L E V A T I O N S



Bungalow Type 'ALDEBURGH S'



P L A N



R O O F

Beaver House
Northern Road
Sudbury
Suffolk CO10 6XQ



**CONSTRUCT
REASON
LIMITED**

JOB TITLE Land South of Morley Way,
Wimblington,
Cambridgeshire.

DRAWING TITLE
Plot 8 - Planning Drawing

REV	DATE	DETAILS	BY

SCALES	DESIGN BY	DATE
1:100 @ A2	DRAWN BY	
	GB	

DRAWING No: CH23/LBA/630/FP-1-107	REV								
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F/YR24/0110/RM

**Applicant: Mr I Lockhart
G L Developments**

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

Land North Of 1, The Fold, Coates, Cambridgeshire

Reserved Matters application relating to detailed matters of access, appearance, landscaping, layout and scale pursuant to outline permission F/YR21/0829/O to erect 1 x dwelling (2-storey, 3-bed) involving demolition of existing garage

Officer recommendation: Refuse

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

Government Planning Guarantee

Statutory Target Date For Determination: 1 April 2024

EOT in Place: Yes

EOT Expiry: 29 July 2024

Application Fee: £578

Risk Statement:

This application must be determined by 29th July 2024 otherwise it will be out of time and therefore negatively affect the performance figures.

1 EXECUTIVE SUMMARY

- | |
|--|
| <p>1.1 This application is a reserved matters application following the grant of outline planning permission and includes details of access, appearance, landscaping, layout and scale.</p> <p>1.2 The proposed development would lead to a cramped form of development at odds with the established plot pattern in the locality due to the layout and scale of the development to the detriment of the character and appearance of the area contrary to Policy 7 of the Whittlesey Neighbourhood Plan 2021-2040 and Policy LP16 of the Fenland Local Plan 2014.</p> <p>1.3 The proposed development would also result in significant overbearing impacts to the neighbouring property to the north-west due to the proximity and scale of the proposed dwelling in relation to the neighbouring property. The creation of such an unappealing living environment for the neighbouring occupiers would be contrary to Policy LP2 and LP16(e).</p> <p>1.4 As such, the application is recommended for refusal.</p> |
|--|

2 SITE DESCRIPTION

- 2.1 The application site consists of around 230m² of residential curtilage occupied by a garage and a gravel driveway associated with the No.1 The Fold. The site has been segregated from the main curtilage of No.1 by what appears to be recently erected close-boarded fencing. A 2m high fence runs along the northern boundary, reducing to a c.1m high run of fencing across the frontage.
- 2.2 The Fold (with exception to the school and village hall) is primarily a residential area and incorporates a mixture of properties of various ages design and plots sizes, leading to the planned Willowbrook estate and Blackthorn Court. One key characteristic is that all properties are permanent, brick-built dwellinghouses - immediately north and south of the site are 2-storey dwellings. However, the presence of single storey dwellings also exists opposite the site.
- 2.3 The site lies in Flood Zone 1.

3 PROPOSAL

- 3.1 The proposal is for the construction of a 2-storey, 3-bed dwelling on the land, consisting of a kitchen/dining/living area, utility, WC and bedroom at ground floor and 2 bedrooms and bathroom at first floor.
- 3.2 Parking would be provided to the south of the dwelling on site and the rear garden would be laid to lawn. The rear garden would be enclosed by a 1.8m high timber panel fence.
- 3.3 Full plans and associated documents for this application can be found at: [F/YR24/0110/RM | Reserved Matters application relating to detailed matters of access, appearance, landscaping, layout and scale pursuant to outline permission F/YR21/0829/O to erect 1 x dwelling \(2-storey, 3-bed\) involving demolition of existing garage | Land North Of 1 The Fold Coates Cambridgeshire \(fenland.gov.uk\)](https://fenland.gov.uk/F/YR24/0110/RM)

4 SITE PLANNING HISTORY

Reference	Description	Decision
F/YR21/0829/O	Erect 1 x dwelling involving the demolition of existing garage (outline application with all matters reserved)	Granted 16/09/2021
F/YR17/0866/O	Erection of 1no dwelling (outline application with all matters reserved)	Refused 06/11/2017 Appeal Dismissed 19/07/2018

5 CONSULTATIONS

The following comments were received with regard to the application as submitted. Amended plans have since been received, however no further comments have been made following re-consultation:

5.1 Whittlesey Town Council

The Town Council recommend refusal due to over intensification of site and fully support the officer's recommendation regarding the adverse amenity impact.

5.2 CCC Highways

Recommendation:

No objection to the above application from the highways perspective.

Comments

I have reviewed the submitted documents in support of the above application and comments as follows:

It is acknowledged in the context of the position of the access, the pedestrian visibility splay cannot be achieved on the south. It's also worth noting that the boundary brick wall will need to be curtailed for the first 2m or reduced in height by 200mm.

If the LPA are mindful to approve the application, please append the following conditions to any consent granted:

- Gates/Enclosure/Access Restriction: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, amending or re-enacting that order): Class A – no gates or other means of enclosure shall be erected across the vehicular access hereby approved.*
- Visibility Splays: Prior to commencement of the use/or first occupation of the development hereby approved; visibility splay shall be provided on the north side of the new vehicular access, and shall be maintained free from any obstruction over a height of 600 mm within an area of 2 metres measured along the back of the footway.*

5.3 FDC Environmental Health

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

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

5.4 Local Residents/Interested Parties

11 letters of support were received with regard to this application (6 from address points in Coates (3 from residents of Wype Road, including 1 who shares the surname of the applicant, 2 from residents of March Road and 1 from Eldernell Lane); 4 from Eastrea and 1 from Turves). The reasons for support are as follows:

- Asset to the area
- Close to primary school

- Visually pleasing
- Local tradesman/companies

4 letters of objection were received with regard to this application from address points within Coates (2 from Barnfield Gardens and 2 from The Fold). The reasons for objection are as follows:

- Access to visit family property
- Parking
- Too large for small site
- Outline is for a 2-bed bungalow
- F/YR17/0866/O was refused on appeal

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 Whittlesey Neighbourhood Plan 2021-2040 and Fenland Local Plan (2014).

7 POLICY FRAMEWORK

7.1 National Planning Policy Framework (NPPF)

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

7.3 National Design Guide 2021

Context

Identity

Built Form

Movement

Homes and Buildings

7.4 Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

LP5 – Meeting Housing Need

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

7.5 Emerging Local Plan

The Draft Fenland Local Plan (2022) was published for consultation between 25th August 2022 and 19 October 2022, all comments received will be reviewed and any changes arising from the consultation will be made to the draft Local Plan. Given the very early stage which the Plan is therefore at, it is considered, in

accordance with Paragraph 48 of the NPPF, that the policies of this should carry extremely limited weight in decision making. Of relevance to this application are policies:

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

7.6 Whittlesey Neighbourhood Plan 2021-2040

Policy 7 – Design Quality

8 KEY ISSUES

- Principle of Development
- Appearance, Layout and Scale
- Residential Amenity
- Access and Highways
- Landscaping
- Flood Risk and Drainage

9 BACKGROUND

- 9.1 Outline planning permission was granted under planning reference F/YR21/0829/O on 16/09/2021. The outline consent noted that whilst reserved matters will need to be carefully considered in order to achieve a development sympathetic to its surroundings, based on the information submitted a satisfactory scheme could likely come forward. Whilst all matters were reserved at outline stage, the officer report did acknowledge that the indicative drawings detailed a single-storey dwelling.
- 9.2 That outline application followed a previous planning application for residential use of the site, application reference F/YR17/0866/O, which was refused and subsequently dismissed at appeal on grounds of character harm and adverse residential amenity impacts. The application at that time proposed a 2-storey 3-bedroom dwelling, albeit all matters were reserved. The inspector noted a 2-storey, 3-bedroom dwelling on site would appear *unduly cramped on the site and poorly related to existing buildings*. The inspector therefore concluded that *the proposed development would have a harmful impact on the character and appearance of the area. The development would therefore be contrary to Local Plan Policy LP16 which seeks to ensure, amongst other things, that new development makes a positive contribution to the local distinctiveness and character of the area.*
- 9.3 The inspector also noted that *the indicative proposals demonstrate that as a result of the location of the building hard up against the boundary and the likely height of a house in comparison with the existing single storey outbuilding, the outlook from the ground floor window in the gable end of 7 The Fold would be compromised and in my view this would harm the living conditions of the occupiers of that property and therefore concluded that the proposal on site would have harmful impacts*

upon the occupiers of neighbouring properties with regard to outlook and privacy and therefore contrary to LP16.

- 9.4 Having reviewed the outline permission and the previous appeal on site, it is evident that a 2-storey dwelling on site would be unacceptable and likely result in adverse impacts. A suggestion was put forward to the agent to reduce the scale of the proposed dwelling to single-storey. Amended plans were received retaining a 2-storey dwelling on site with a slight amendment to the rear roof slope of the dwelling to a hipped roof.

10 ASSESSMENT

Principle of Development

- 10.1 The principle of providing a dwelling on site has been firmly established by virtue of outline planning permission and it is on this basis that the scheme details are considered. It is however necessary, as the application was outline in nature, to assess matters of access, appearance, landscaping, layout and scale in accordance with the Whittlesey Neighbourhood Plan 2021-2040 Policy 7, Local Plan policies LP1, LP2, LP3, LP4, LP5 LP14, LP15 and LP16 and the NPPF and NDG.

Appearance, Layout and Scale

- 10.2 The dwelling proposed is a 2-storey, 3-bed dwelling with first-floor accommodation situated within the dormer space. The layout of the site is broadly similar to that which was detailed at outline stage, albeit this was indicative at that stage. However, it must be noted that the floor area proposed is significantly larger than that provided as part of the outline application which included amenity space to the side of the dwelling. It is acknowledged that the previous refusal on site proposed a 2-storey dwelling, sited hard up against the northern boundary. This application leaves a clearance of approximately 1 metre between the proposed dwelling and the boundary of the site, which is not considered to be a significant amendment to the previous refusal.
- 10.3 In terms of scale, the outline application indicatively detailed a single-storey dwelling, albeit all matters were reserved. No conditions were secured to the decision notice restricting the dwelling to single-storey, however it was evident within the officer report that a single-storey dwelling on site is likely to be the only acceptable option for the site. It should also be noted that the Applicant would be aware of the difficulties in delivering a two storey dwelling on site taking in to account the planning history of the site. The scheme now proposes a 2-storey dwelling, albeit the first-floor accommodation is situated within the roof space. The proposal is considered to result in a cramped form of development when considered in the context of adjacent properties, the expanse and spread of the development across the front of the site and the limited clearance between the proposed dwelling and the boundary of the site, in conjunction with the 2-storey nature of. A single-storey dwelling of a more limited width, more in keeping with the indicative plans provided at the time of the outline planning application, would reduce the overdeveloped appearance, forming a stronger frontage to the street without appearing overly dominant and would reflect the single-storey dwellings opposite. This suggestion was put forward to the agent, however no amendments have been made to the scale of the proposed dwelling.

- 10.4 The streetscene in this part of The Fold is varied in nature and whilst there are some similar visual cues within the designs there is no uniformity in relation to scale or design. Whilst, the design of the proposed dwelling is of limited architectural merit it is of a style associated with residential dwellings and when considering the design of the dwelling alone, it is not considered that it would detract from the character and appearance of the area.
- 10.5 The proposed dwelling is indicated as being constructed from TBS Farmhouse Antique brickwork and Marley Moden roof tiles. The proposed brick is a red/multi brick. The roof tile colour has not been specified. The street scene along The Fold is characterised by various different materials, including buff and red bricks, render and pebble dash render. The brick colour is therefore considered to be acceptable given the presence of various materials within the street scene. Should the reserved matters be approved, a condition can be secured to ensure that the roof tiles are agreed with the LPA prior to their use.
- 10.6 As such, the proposed layout and scale of the dwelling are considered unacceptable due to the cramped form of development proposed which appears over-dominant within the street scene.

Residential Amenity

- 10.7 A previous application was refused on the grounds that the dwelling would compromise the outlook of the neighbouring property, No.7 by virtue of the dwelling being 2-storey and located up against the northern boundary. The outlook from the ground floor window was deemed to be the main issue.
- 10.8 As aforementioned, this application proposes a clearance of approximately 1 metre between the proposed dwelling and the boundary of the site. The officer report for the outline application acknowledged that a lower-level dwelling in this location would not be likely to severely compromise outlook for this neighbouring property. The first floor window on the side elevation of No.7 is obscure glazed, with any views achieved out of the opening part directed northwards away from the site and therefore, outlook from this window would not be compromised. No. 7 does however include the presence of a ground floor window facing onto the application site. The location of the proposed dwelling in close proximity to the boundary of the site, in conjunction with the scale of the dwelling would result in an oppressive and overbearing visual impact on the occupier of No. 7. The limited offset from the boundary and the amended roof design to a hipped roof does not alleviate these overbearing impacts.
- 10.9 There is sufficient clearance between the proposed dwelling and neighbouring properties to the south and south-west that it's unlikely that adverse overbearing, overshadowing or overlooking issues would be introduced.
- 10.10 As such, it is considered that the outlook from the ground floor windows in the gable end of No. 7 would be compromised, resulting in harmful impacts on the living conditions of the occupiers. The development would therefore be contrary to Policies LP2 and LP16 which seek to ensure that new development does not adversely impact on the amenity of neighbouring users.

Access and Highways

- 10.11 The access proposed to serve the new dwelling and host dwelling already exists, with a wide dropped-kerb in place. Upon consultation with CCC Highways, no objections were raised to the access arrangements subject to conditions to secure

visibility splays are provided. In line with Appendix A of the Fenland Local Plan 2014, 2 on-site parking spaces have been provided to the south of the proposed dwelling.

10.12 As such, there are no issues to address with regard to Policy LP15.

Landscaping

10.13 The proposed soft landscaping on site is fairly limited with private amenity space proposed to be grassed due to the size of the site, with a tree/hedge proposed in the rear garden.

10.14 The proposed hard landscaping includes a patio to the rear of the dwelling and a 0.6m high brick wall to the front of the site. Brick wall front boundary walls are commonplace with the surrounding street scene and therefore the provision of such would contribute positively to the street scene.

Flood Risk and Drainage

10.15 The site lies in flood zone 1 and therefore at low risk of flooding. Matters of flooding were not previously raised as concern and whilst both the Internal Drainage Board and Lead Local Flood Authority have not commented, it is not anticipated that a single dwelling would likely result in any significant flood risk issues, that couldn't otherwise be addressed through the standard Building Regulation process.

11 CONCLUSIONS

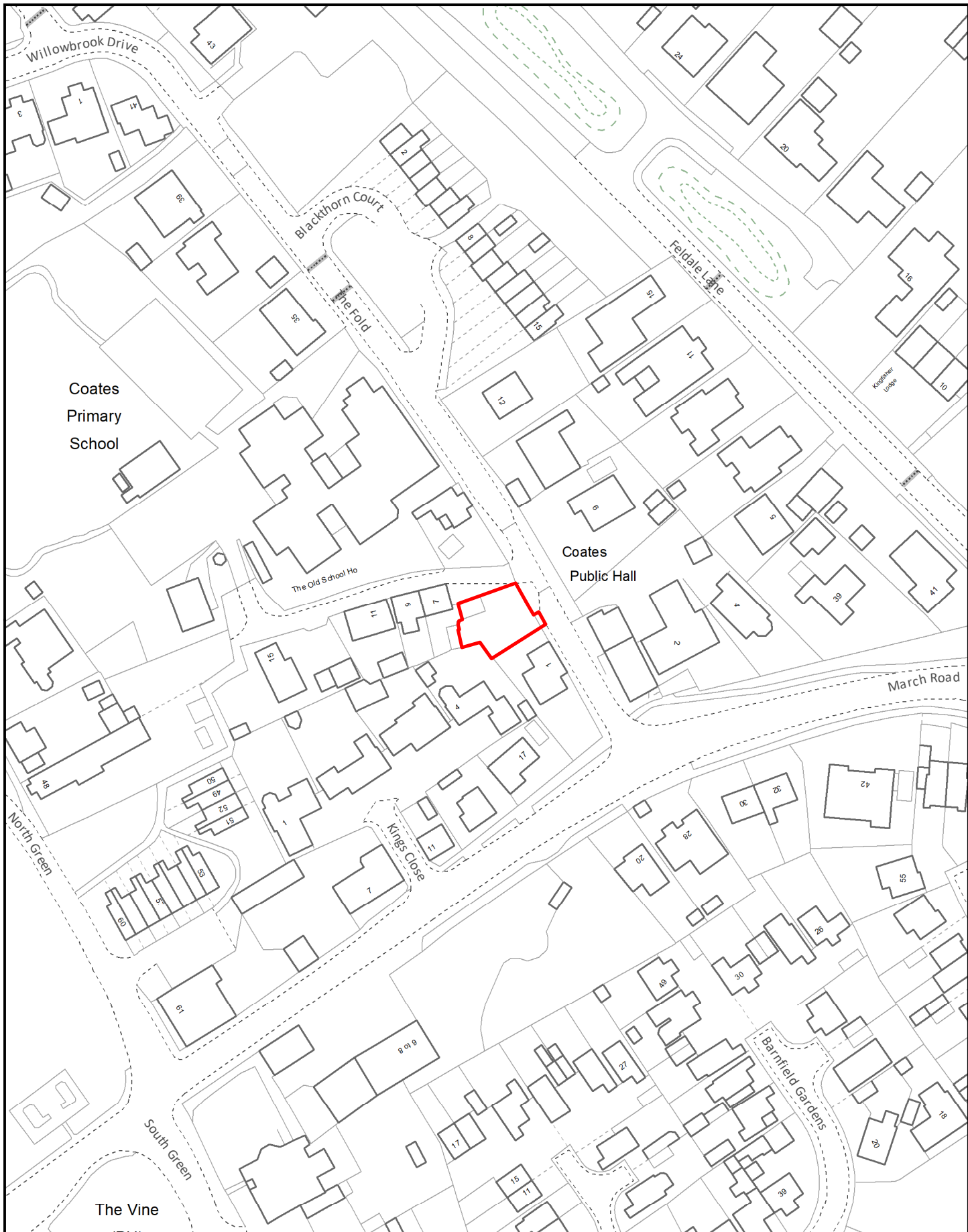
11.1 The proposed development would result in a cramped form of development which would appear over dominant within the street scene. The proximity of the proposed dwelling, in conjunction with its scale would also result in detrimental impacts upon the amenity of neighbouring occupiers through overbearing. The application is therefore considered to be contrary to Policy 7 of the Whittlesey Neighbourhood Plan 2021-2040 and Policy LP2 and LP16 of the Fenland Local Plan 2014.

12 RECOMMENDATION

Refuse; for the following reasons:

1	Policy LP7 of the Whittlesey Neighbourhood Plan 2021-2040 and Policy LP16 of the Fenland Local Plan 2014 requires development to enhance its local setting. The layout and scale of the proposed development would lead to a cramped form of development at odds with the established plot pattern in the locality and to the detriment of the character and appearance of the area contrary to Policy 7 of the Whittlesey Neighbourhood Plan 2021-2040 and Policy LP16 of the Fenland Local Plan 2014.
2	Policies LP2 and LP16(e) of the Fenland Local Plan seek to ensure that the development does not adversely affect the amenity of neighbouring users. Due to the proximity and scale of the proposed dwelling in relation to the neighbouring property to the north-west, there is potential for significant overbearing impacts to be introduced resulting in adverse impacts upon outlook from the neighbouring property. The creation of such an unappealing

	living environment for the neighbouring occupiers would be contrary to the above aforementioned policies.
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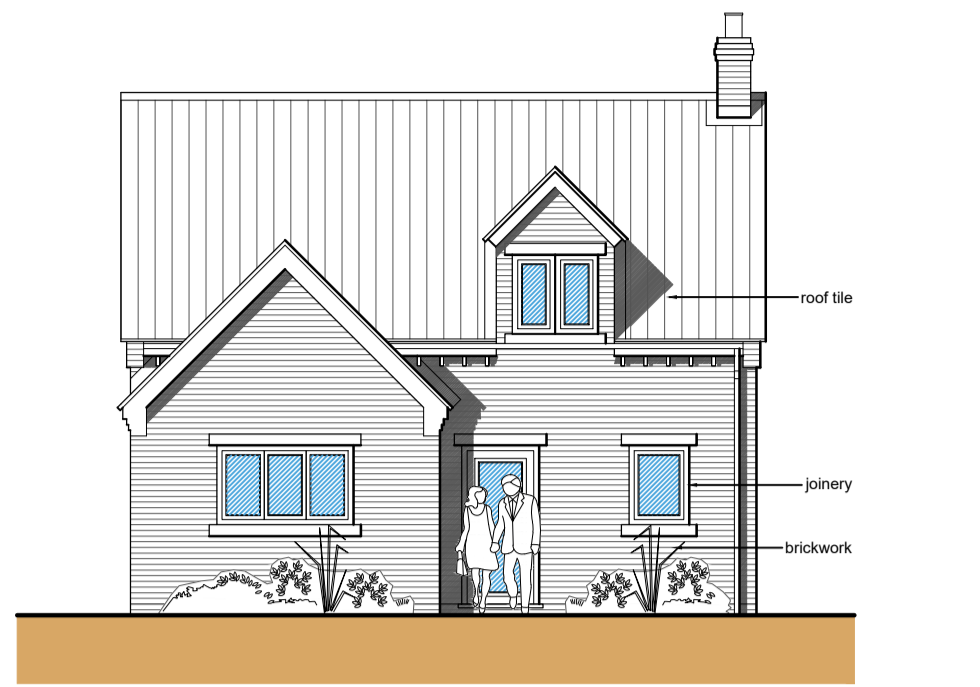
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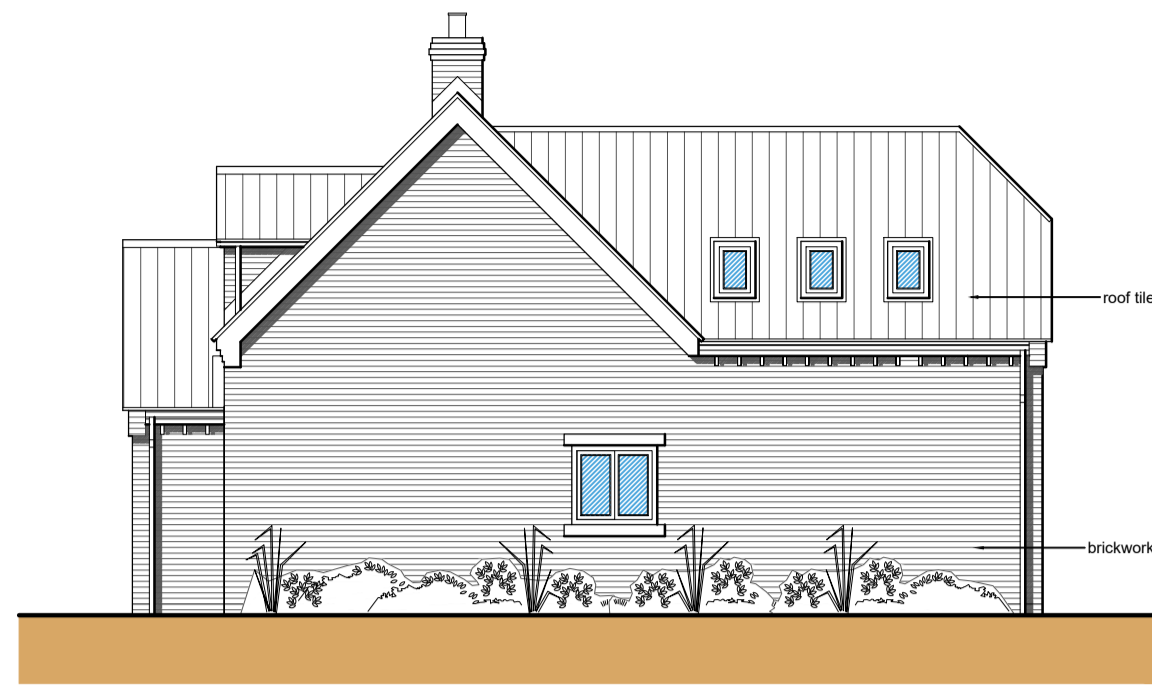
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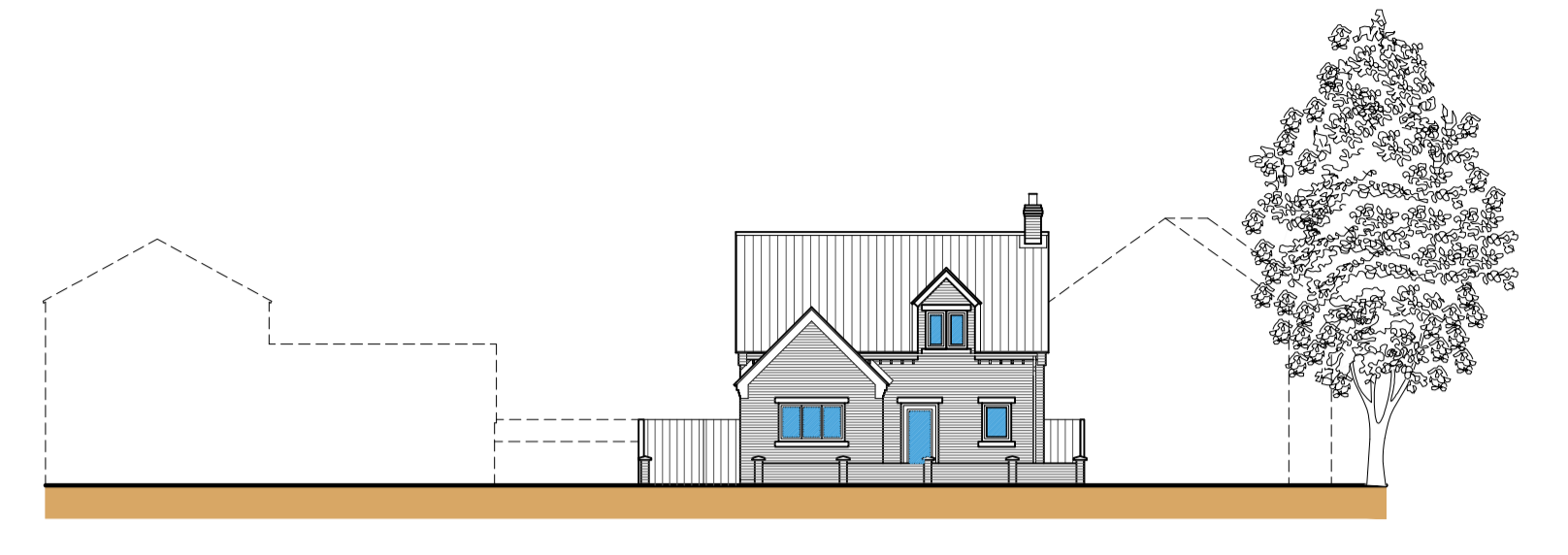
Front Elevation (NE)
Scale: 1:100



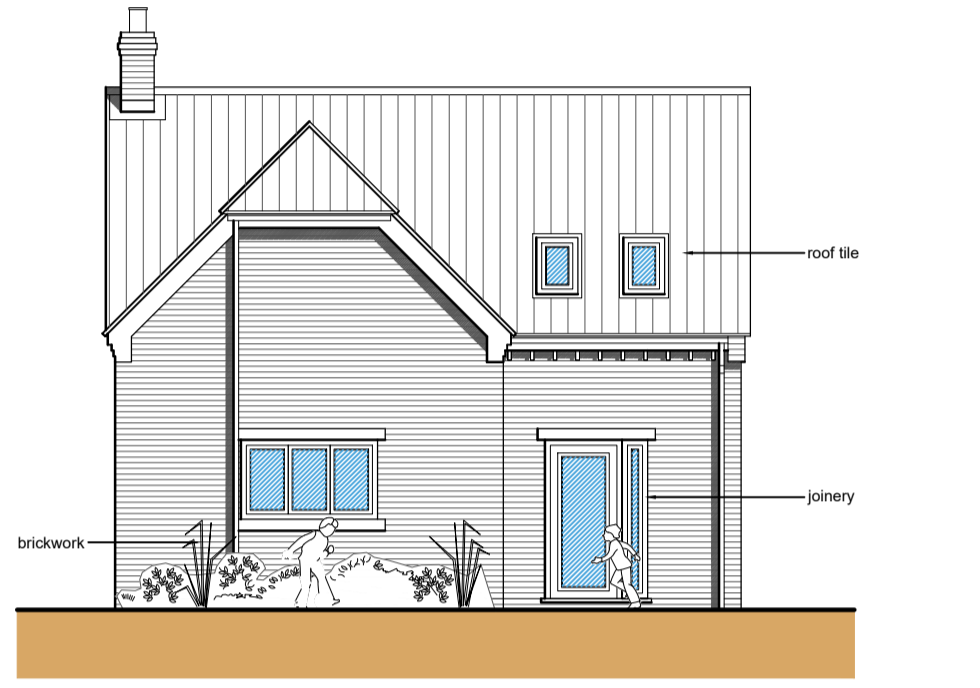
Side Elevation (NW)
Scale: 1:100



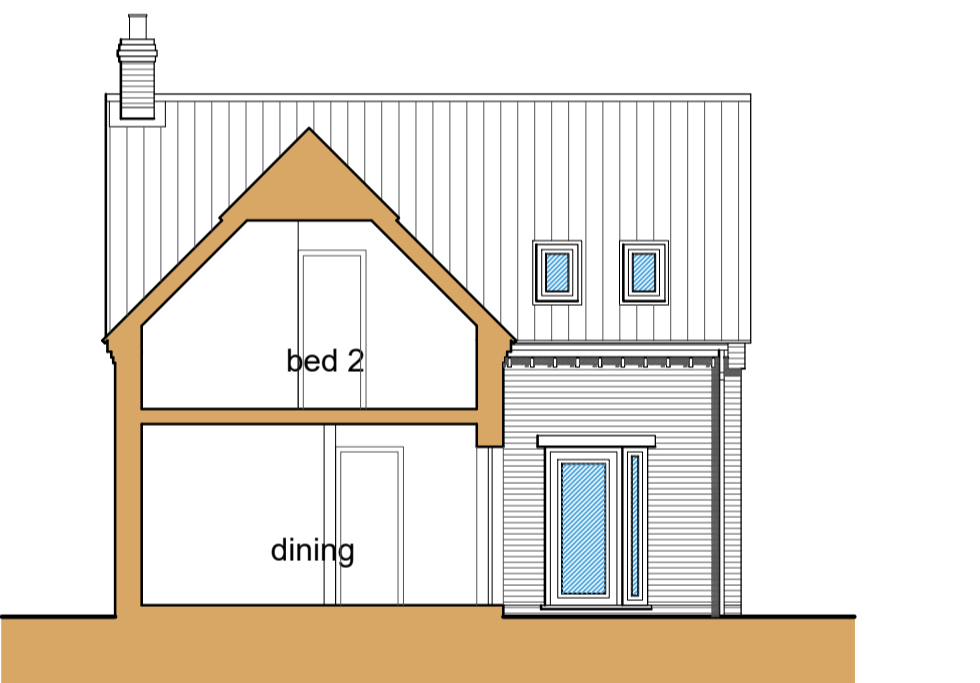
Side Elevation (SE)
Scale: 1:100



Street Scene
Scale: 1:200



Rear Elevation (SW)
Scale: 1:100



Section A-A
Scale: 1:100



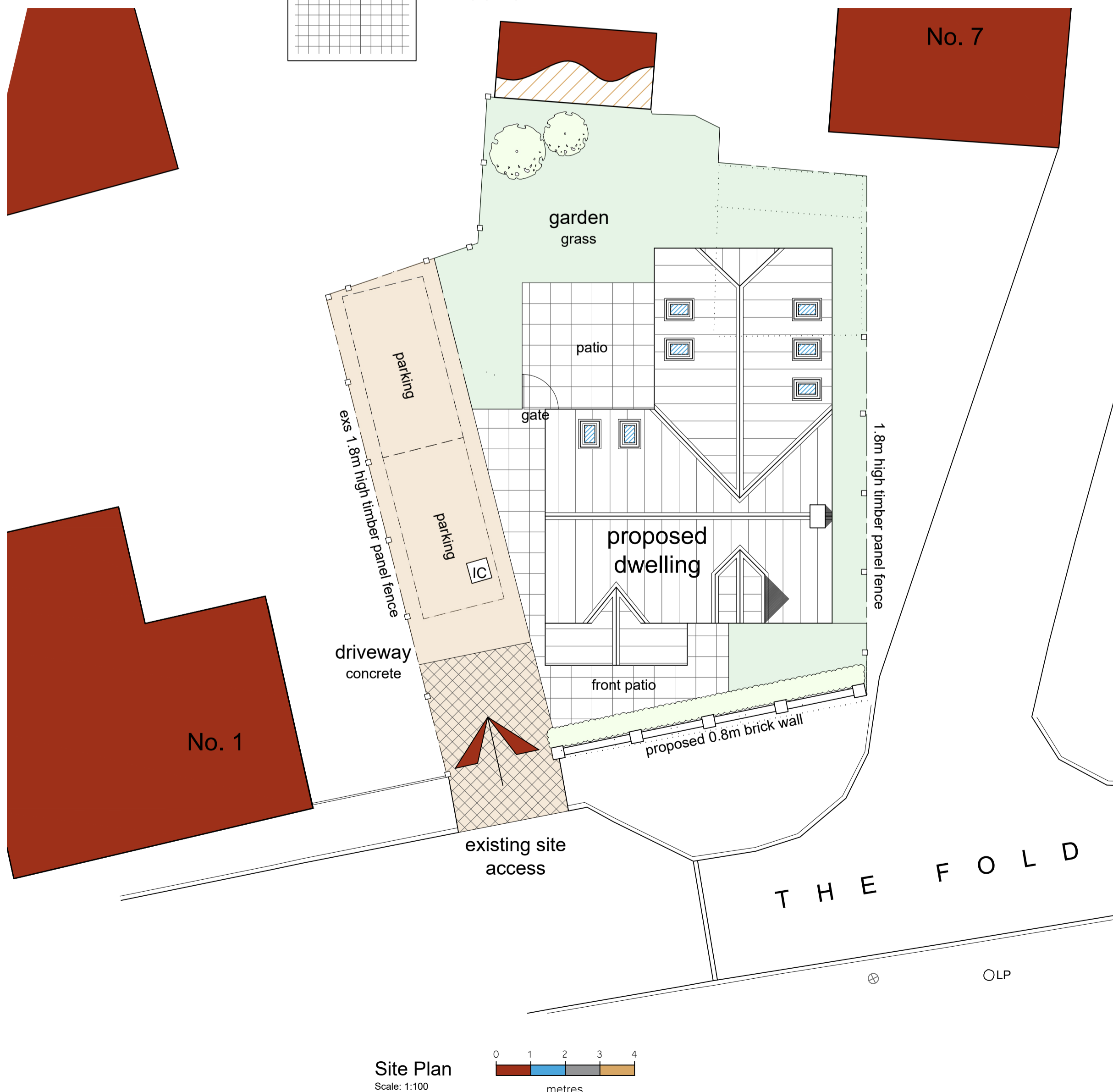
Location Plan
Scale: 1:1250

SITE PLAN KEY

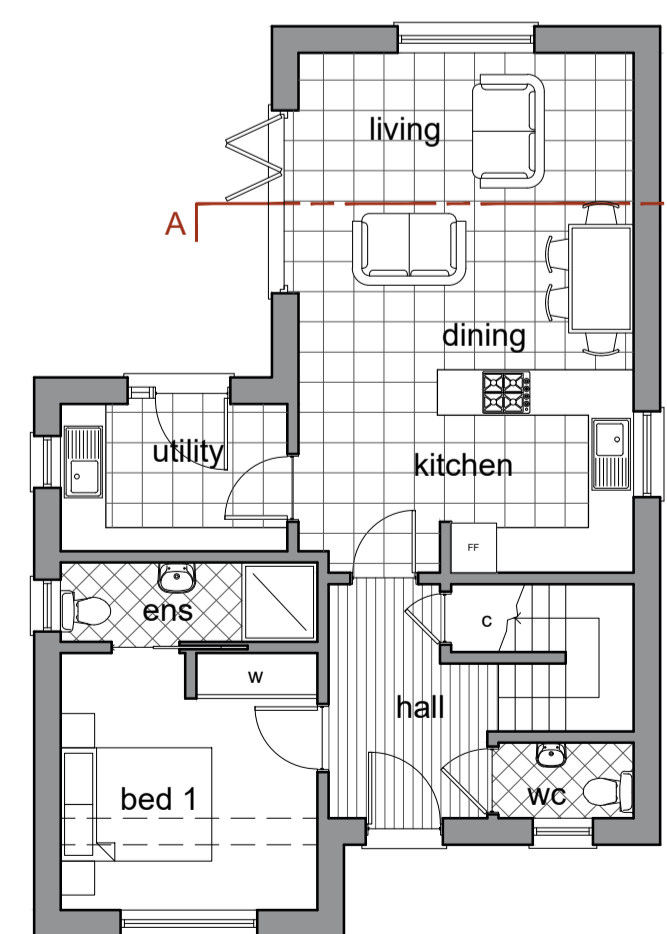
- Indicates proposed buildings
- Indicates un-surveyed buildings taken from OS Map
- Indicates proposed concrete driveway
- Indicates position of surveyed buildings on site
- Indicates site access
- Indicates proposed seeded grass
- Indicates proposed patio slabs
- Indicates position of proposed trees and hedges
- Indicates features to be demolished
- Indicates access to be in accordance with Cambs county council specification

ELEVATIONS KEY

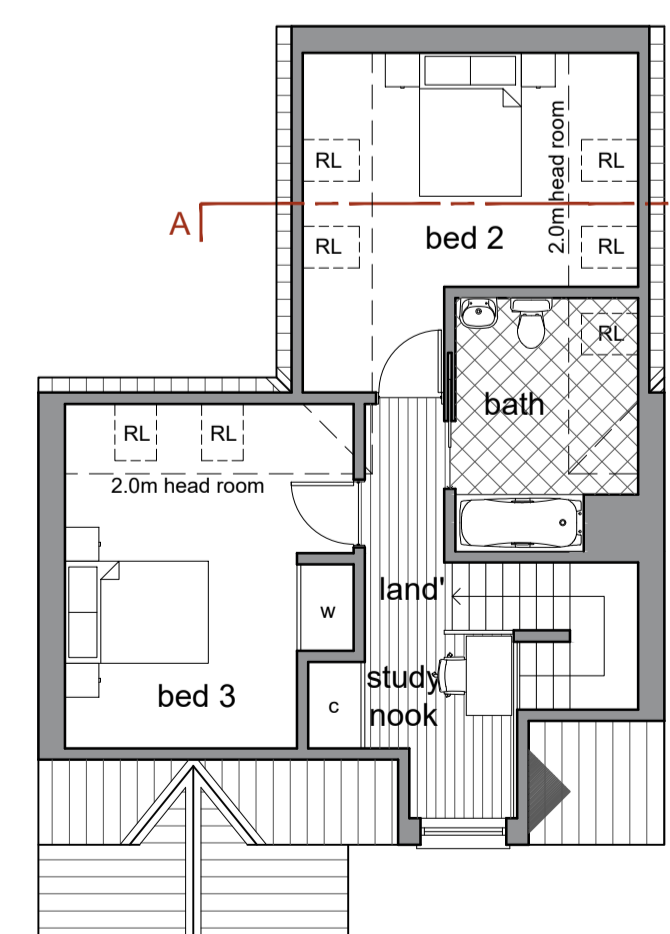
- Indicates proposed TBS Farmhouse Antique brickwork
- Indicates proposed Marley Modern roof tiles
- Indicates proposed uPVC joinery with pre-cast concrete cills and headers



Site Plan
Scale: 1:100



Ground Floor Plan
Scale: 1:100



First Floor Plan
Scale: 1:100

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

Revisions		
B	April 2024	Front Boundary Wall Reduced
C	May 2024	Amendments following comments from Planning
D	May 2024	Amendments following comments from Planning

FOR APPROVAL

SWANN EDWARDS
ARCHITECTURE

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

Job Title	Date	Drawn by
Proposed Chalet Bungalow at Land North of 1 The Fold, Coates, Whittlesey, Cambs PE7 2BP	November 2023	GT
Checked by		
G.E.		
Drawing Title	Job No.	Sheet Size
Planning Drawing	SE-2004	A1
Dwg No.	Revision	
PP1000	D	

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F/YR24/0366/F

**Applicant: Mr W Wiles
A and L Construction
Services Ltd**

**Agent: Mr Nick Seaton
Anglia Building Consultants**

113 Elm Low Road, Wisbech, Cambridgeshire,

Erect 2 x dwellings (2-storey, 3-bed)

Officer recommendation: Grant

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

Government Planning Guarantee

Statutory Target Date For Determination: 28 May 2024

EOT in Place: Yes

EOT Expiry: 2 August 2024

Application Fee: £1156

Risk Statement:

This application must be determined by 2 August 2024 otherwise it will be out of time and therefore negatively affect the performance figures.

1 EXECUTIVE SUMMARY

- 1.1. The proposal seeks permission to erect a pair of semi-detached, two storey, 3 bedroom dwellings with parking areas to the front and gardens to the rear on a currently undeveloped infill plot at 113 Elm Low Road, Wisbech.
- 1.2. The site has history for approved residential development, the latest being F/YR23/0061/F for the erection of 1no. two storey, 4no bedroom dwelling with integral garage. Prior to this, an identical scheme was approved under F/YR17/0704/F. The current scheme seeks to increase the number of units at the site with a pair of semi-detached dwellings proposed, although the development will have a similar footprint and site layout to the earlier approved schemes.
- 1.3. The below assessment concludes that the proposal is considered to be acceptable and accords with the relevant policies of the Fenland Local Plan with no perceived detrimental impact upon visual amenity, residential amenity, highway safety or flood risk, subject to appropriate conditions.
- 1.4. Accordingly, the application is recommended for approval.

2 SITE DESCRIPTION

- 2.1. The application site relates to a vacant parcel of land to the eastern side of Elm Low Road covering approximately 0.06 hectares. To the north of the site lies a bungalow whilst to the south is a two-storey dwelling. Beyond Elm Low Road to the west are the rear elevations of numerous bungalows accessed from Kestrel Drive.
- 2.2. The site is within the primary market town of Wisbech and is within Flood Zone 1 which is the area at least risk of flooding. Land levels are relatively consistent throughout and surrounding the site with the immediate surroundings predominantly residential in nature with properties differing significantly in terms of size, design and materiality.

3 PROPOSAL

- 3.1. The proposal seeks permission to erect 2no. two storey, 3 bedroom dwellings with parking areas to the front and gardens to the rear. The dwellings will be semi-detached in nature, with gable roofline and front gable projections, with shared porch roof and constructed of Vandersanden Flemish Antique brickwork with brown double pantile roof and white uPVC joinery.
- 3.2. The proposed dwellings are to align with the properties to the south and set slightly further back than the bungalow to the north. A modest set back from the site frontage allows for a driveway and parking to the front of each dwelling, comprising permeable surface.
- 3.3. The dwellings' proposed ridge height is approximately 8.25m with a street scene plan showing the proposed pair would have a lower ridge height than the adjacent two storey dwelling by approximately 1m. The ridge height of the adjacent bungalow to the north is 5m, therefore the difference in ridge height between the existing neighbouring bungalow and the proposed dwelling is 3.25m.
- 3.4. The application form states close boarded fencing to the rear, dropping to 0.9m to the front, with the existing tree screen retained to the eastern (rear boundary), however no specific detail has been submitted.
- 3.5. Full plans and associated documents for this application can be found at:
[F/YR24/0366/F | Erect 2 x dwellings \(2-storey, 3-bed\) | 113 Elm Low Road Wisbech Cambridgeshire \(fenland.gov.uk\)](#)

4 SITE PLANNING HISTORY

F/YR23/0061/F	Erect 1 dwelling (2-storey, 4-bed)	Granted 22.03.2023
F/YR17/0704/F	Erection of 2-storey 4-bed dwelling with integral garage Land North Of 115 Elm Low Road, Wisbech	Granted 26.09.2017
F/YR02/0809/F	Erection of 4-bed detached house with integral garage	Granted 19.09.2002

5 CONSULTATIONS

- 5.1. **Wisbech Town Council**
That the application be supported

5.2. Environment & Health Services (FDC)

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.

This service would however welcome a condition on working times due to the close proximity to existing noise sensitive receptors, with the following considered reasonable:

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.

5.3. Councillor Steve Tierney

I am one of the three District Councillors for the area. I would like to raise an objection to this application. Although previous applications on the same plot were approved, this one is different as it is for two houses instead of one and is therefore overdevelopment of the plot, in my opinion, and not in keeping with the rest of the road.

If Officers are minded to refuse, then fine. If not, I'd like to call this one in to the Committee please.

5.4. Councillor S Wallwork

I would like to echo Cllr Tierney's thoughts and request in relation to this planning application.

5.5. Councillor S Hoy

*I would like to object to this due to overdevelopment
I have no issue with one dwelling which there is already permission for but two is overdevelopment and not in keeping with the street scene as all other places down there are single plots.*

5.6. Cambridgeshire County Council Highways Authority

Recommendation

On behalf of the Local Highway Authority, I raise no objections to the proposed development.

Comments

The applicant has proposed a parking suitable for two vehicle with a hardened surface along the grassed area which will stop the gravel, as proposed in the driveway, from entering the adopted highway.

I would note to the planning officer and applicant that the utility pole is not shown on the plans. Therefore, I am unable to advise if this needs to be moved to ensure that the proposed parking layout can be completed and function as proposed.

5.7. Local Residents/Interested Parties

The LPA has received 10 letters of objection, including a petition letter signed by 7 residents, to the proposal from local residents all from Elm Low Road.

Concerns voiced in respect of the proposal can be summarised as:

- *Overdevelopment;*

- Highway safety concerns;
- Lack of supporting infrastructure along Elm Low Road, no footpaths, streetlights etc; and
- Out of character with surrounding development.

6 STATUTORY DUTY

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

7 POLICY FRAMEWORK

7.1. National Planning Policy Framework (NPPF)

7.2. National Planning Practice Guidance (NPPG)

7.3. National Design Guide 2021

7.4. Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP12 – Rural Areas Development Policy

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 across the District

LP19 – The Natural Environment

7.5. Emerging Local Plan

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

LP1: Settlement Hierarchy

LP2: Spatial Strategy for the Location of Residential Development

LP5: Health and Wellbeing

LP7: Design

LP8: Amenity Provision

LP22: Parking Provision

LP24: Natural Environment

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

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

8 KEY ISSUES

- **Principle of development**
- **Character and visual amenity**
- **Residential amenity**
- **Parking & highways**
- **Flood risk**

9 BACKGROUND

- 9.1. The site has history for approved residential development, the latest being F/YR23/0061/F for the erection of 1no. two storey, 4no bedroom dwelling with integral garage. Prior to this, an identical scheme was approved under F/YR17/0704/F. Both were approved under delegated powers.
- 9.2. The current scheme seeks to develop a pair of semi-detached dwellings with a similar footprint and site layout to the earlier approved schemes. The below assessment considers the most recent submission that was subject to design changes on recommendation of the case officer.

10 ASSESSMENT

Principle of development

- 10.1. Policy LP3 of the Fenland Local Plan directs new housing towards the primary market towns, which includes Wisbech.
- 10.2. The latest Strategic Housing Market Assessment (Housing Needs of Specific Groups Cambridgeshire and West Suffolk, Oct 2021) indicates a greater need for 2 and 3-bedroom properties than for 4-bedroom within Fenland, and therefore this scheme would deliver against that requirement.
- 10.3. It is to be noted that there is history for residential development related to the application site, the latest being approved in 2023. The principle of development is therefore acceptable subject to other considerations being addressed.

Character and visual amenity

- 10.4. In line with policy LP16, high quality environments will be delivered and protected throughout the district. Proposals for all new development, including where appropriate advertisements and extensions and alterations to existing buildings, will only be permitted if it can be demonstrated that the proposal meets, inter alia criterion d) by making a positive contribution to the local distinctiveness and character of the area, enhances its local setting, responds to and improves the character of the local built environment, provides resilience to climate change, reinforces 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.
- 10.5. The original scheme submitted as part of this application included a pair of simple, gable roofed semi-detached dwellings which included a central, shared pitched roof porch structure. On review of the original proposal, Officers considered the design of the dwellings to be out of character with surrounding development, and recommended design changes to allow a more sympathetic design to be introduced.
- 10.6. Following this advice, the applicant submitted the current scheme, which includes front gable projection details and a shared lean-to porch structure. The design is considered to reflect design features of the adjacent dwelling to the south with the

gable projections and will read within the streetscene as a single dwelling at first glance, with echoes of the most recent approved single dwelling scheme.

- 10.7. Considering the design changes made, against the backdrop of the earlier approved schemes, and noting the local vernacular of varied development types, scales and materials, it is considered that the proposal is acceptable in design given its context.
- 10.8. Whilst it is acknowledged that there is a proposed increase in the number of units from earlier approved single dwelling schemes, the area is relatively densely developed. Thus, it is considered that an additional dwelling at the plot will not amount to overdevelopment, particularly given the footprint and scale of the overall build will be comparable to earlier approved single dwelling schemes and existing dwellings in the local area. Matters relating to any amenity impacts from an additional dwelling unit at the site are considered in more detail below.
- 10.9. Notwithstanding, in terms of character and visual amenity only, it is considered that the scheme is considered acceptable with no perceived detrimental impact upon the site itself or the wider street scene in terms of character. The proposal is therefore considered to be in line with policy LP16 of the Fenland Local Plan in this regard.

Residential amenity

- 10.10. Policy LP2 states that development proposals should contribute to the Council's goal of Fenland's residents, inter alia, promoting high levels of residential amenity whilst policy LP16 states that development should not adversely impact on the amenity of neighbouring users such as noise, light pollution, loss of privacy and loss of light.
- 10.11. The proposed dwellings will infill an existing gap between 111 and 115 Elm Low Road. No.111 lies to the north of the site and is a bungalow whilst No.115 is a two-storey detached dwelling. Both properties display non-habitable windows within the side elevations. The site is enclosed to the north and south by a 1.8m close boarded fence which is to be retained.
- 10.12. Two narrow windows are proposed to both gable elevations at first floor. These will serve bathrooms. Whilst it is noted that the plans have not been annotated to show these will both be fitted with obscure glazing, this can be safeguarded through the use of an appropriate condition to aid in protecting residential amenity.
- 10.13. The proposed first floor rear bedroom windows will afford oblique views across the rear of the neighbours' gardens. This is not an uncommon situation and is therefore deemed acceptable.
- 10.14. There will be no impact on light entering habitable rooms as the windows to the side of both 111 and 115 serve non-habitable rooms with the footprint of the dwelling not extending beyond the front and rear walls of the neighbouring properties.
- 10.15. Notwithstanding the increase of the number of units at the site, the proposed semi-detached arrangement will enable provision of an acceptable level of internal and external amenity space. Accordingly, there is no justifiable reason to refuse the application on the basis of overdevelopment, given that good standards of occupier amenity can be achieved for both dwellings.

10.16. The development would not have a perceived detrimental impact on the residential amenity of the neighbouring residential properties and would provide an acceptable level of amenity for future occupants. Therefore, given the considerations above, it is considered that the impacts to neighbouring residential amenity caused by the proposed development will be limited and, subject to necessary conditions, the proposal will be compliant with Policies LP2 and LP16 in this regard.

Parking & highways

10.17. The proposed development includes provision of an upgraded tarmac access, with appropriate visibility splays, leading to a gravel parking and turning area for each dwelling. The submitted site plan depicts sufficient depth between the highway carriage and building line to comfortably accommodate frontage parking at the site. The proposal seeks to erect 2no. 3-bedroomed dwellings. According to Appendix A of Policy LP15, dwellings of this size are required to provide a minimum of two parking spaces. The site plan depicts parking for 2 vehicles per dwelling, and therefore meets minimum standards.

10.18. Whilst frontage parking is not a preferred arrangement, consideration must be paid to the site constraints, arrangements of parking of adjacent development, and highway safety. The scheme was considered as acceptable by the local highways authority who raised no objection to the scheme in the context of highway safety.

10.19. An existing utility pole may need to be repositioned in order to facilitate access to the site in the arrangement proposed. However, this is not a material planning consideration, and will require additional consent by the utility provider separate to the planning system at the developer's expense.

10.20. Concerns regarding traffic, a lack of footpath infrastructure, and parking concerns are noted. It is considered that the increase in traffic generation from two additional dwellings, would be limited, given the context of the wider development. As discussed, the applicant has provided evidence that appropriate levels of on-site parking will be provided, accordingly any additional off-site parking concerns are immaterial to the consideration of this application. With respect to infrastructure provision, or the lack thereof, it is considered unreasonable to require a development of this quantum and scale on an infill site within an area of substantial residential development to provide additional infrastructure to benefit the wider area.

10.21. Given the above considerations, on balance, the proposal is considered acceptable in respect of Policy LP15, subject to conditions.

Flood risk

10.22. The site is located in flood zone 1, the area at least risk of flooding. The proposed drainage is via the mains for foul sewerage and a surface water soakaway within the rear lawn. Accordingly, there are no matters to reconcile with respect to Policy LP14.

11 CONCLUSIONS

- 11.1. The proposal is considered to be acceptable and accords with the relevant policies of the Fenland Local Plan with no perceived detrimental impact upon visual amenity, residential amenity, highway safety or flood risk, subject to appropriate conditions. There is no justifiable reason to refuse the application on the basis of overdevelopment, given that good standards of occupier amenity can be achieved for both proposed dwellings, with appropriate parking, amenity space, limited neighbouring residential amenity impacts and when viewed against the backdrop of the existing vernacular.

12 RECOMMENDATION

Grant; subject to the following conditions:

1	<p>The development permitted shall be begun before the expiration of 3 years from the date of this permission.</p> <p>Reason: To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2	<p>The materials to be used for the external walls and roof shall be in strict accordance with those specified in the application unless different materials are first agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.</p> <p>Reason: To safeguard the visual amenities of the area in accordance with Policy LP16 of the Fenland Local Plan, adopted May 2014.</p>
3	<p>Notwithstanding the details on the submitted plans, the bathroom windows in the northern and southern elevations of the development hereby approved shall be glazed with obscure glass and fixed shut to a height of 1.7 metres above the floor of the room in which the window is installed; and so maintained in perpetuity thereafter.</p> <p>Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy LP16 of the Fenland Local Plan, adopted May 2014.</p>
4	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (or any other Order revoking or re-enacting that Order with or without modification), no additional windows other than those shown on the plans hereby approved shall be placed in the north and south elevations of the development hereby approved.</p> <p>Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy LP16 of the Fenland Local Plan, adopted May 2014.</p>
5	<p>Prior to the first occupation of the development the proposed on-site parking/turning area shall be laid out in accordance with the approved plans and drained within the site. The parking/turning area, surfacing and drainage shall thereafter be retained as such in perpetuity (notwithstanding the provisions of Schedule 2, Part 1, Class F of The</p>

	<p>Town and Country Planning (General Permitted Development) (England) Order 2015, or any instrument revoking or re-enacting that Order).</p> <p>Reason: In the interests of highway safety in accordance with Policy LP15 of the Fenland Local Plan 2014.</p>
6	<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 detailing how this unsuspected contamination shall be dealt with. The development shall then be carried out in full accordance with the approved remediation strategy.</p> <p>Reason: To control pollution of land and controlled waters 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>
7	<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 policy LP16 of the Fenland Local Plan, adopted May 2014.</p>
8	Approved Plans



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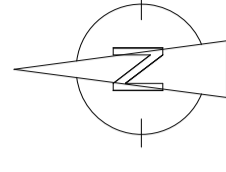
**Fenland**
CAMBRIDGESHIRE
Fenland District Council

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Surface Water Drainage

Subject to a satisfactory percolation test rainwater from proposal to be taken to geo-modular crate type system i.e. Marley Waterloc 250.

The size of the soakaway is dependent upon the soakage characteristic of the soil but estimated to be made up of 6 number 1200 x 800 x 290 cells to provide a soakaway 1.5m². To base of soakaway excavation lay 100mm sharp sand base, then install the cells which should be wrapped in a permeable geotextile membrane. Backfill around the sides and top of the soakaway with a minimum 150mm granular material. Discharge storm drain pipe outlet to centre of soakaway. Situate soakaways a minimum of 4.5m from any building and 3.5m from any boundary and away from any drainage fields.

The base of the soakaway should be positioned so that it is above the water table (at all times of the year) in order to achieve this it may be necessary to lay the create flat, rather than in a cube and on top of each other.

Foul Water Drainage

To main sewer.

S/A	Soakaway
RE	Rodding eye
○ ^{SVP}	Soil and Vent Pipe
○ ^{RWP}	Rainwater Downpipe
○ ^{SS}	Stub stack
○ ^{AW}	Air Admittance valve
⊙	Inspection Chamber
⊠	Back Inlet Gully
---	Foul water drain run
---	Surface water drain run



Paved area/paved area



Gravel parking and turning area



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 Norfolk - PE14 8TQ
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B	17/5/24	Note added regarding re-positioning of telegraph pole
A	10/5/24	Layout amended
No	Date	Revision

Issue: For Planning Approval

Site: 113 Elm Low Road, Wisbech,
 Cambridgeshire, PE14 0DF

Project: Residential Development

Drawing Title: Proposed Site Plan

Client: A and L Construction Services Ltd

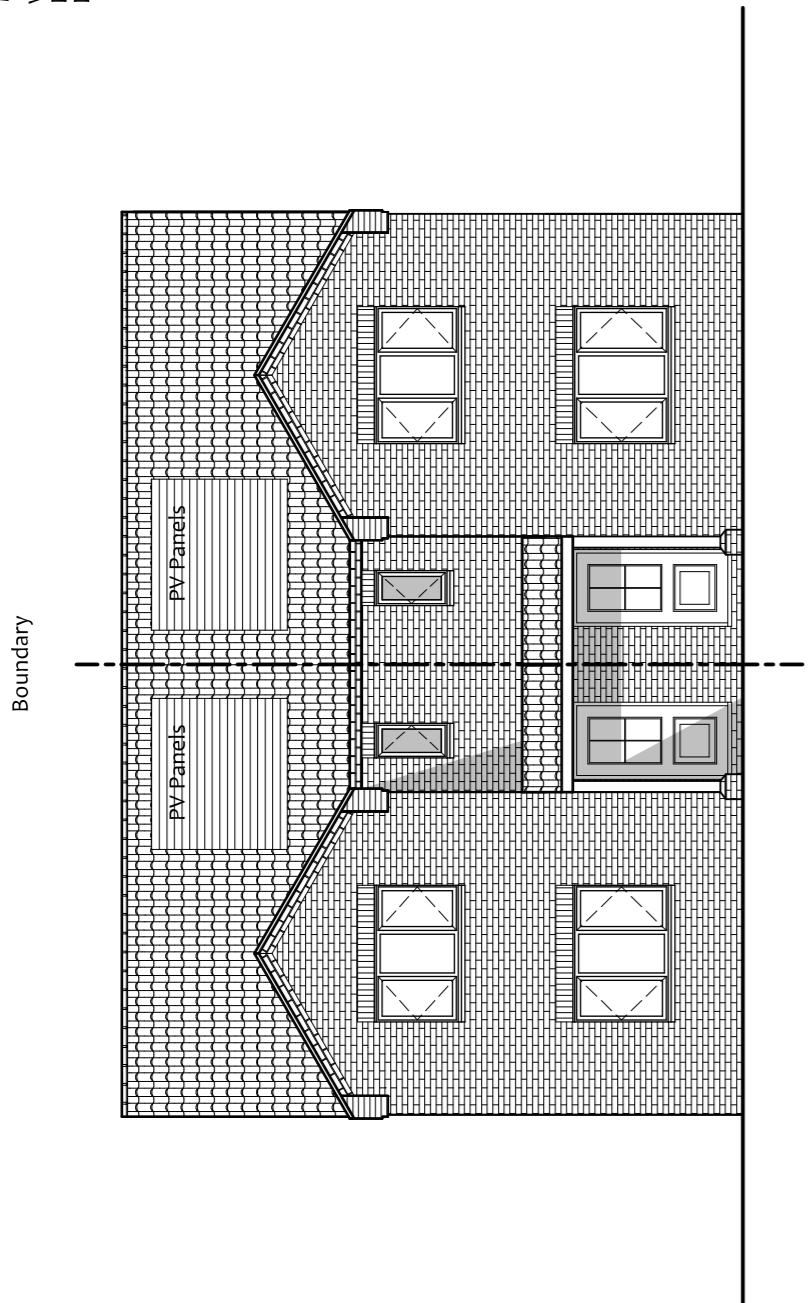
Date: March 2024

Scale: 1:200 at A2

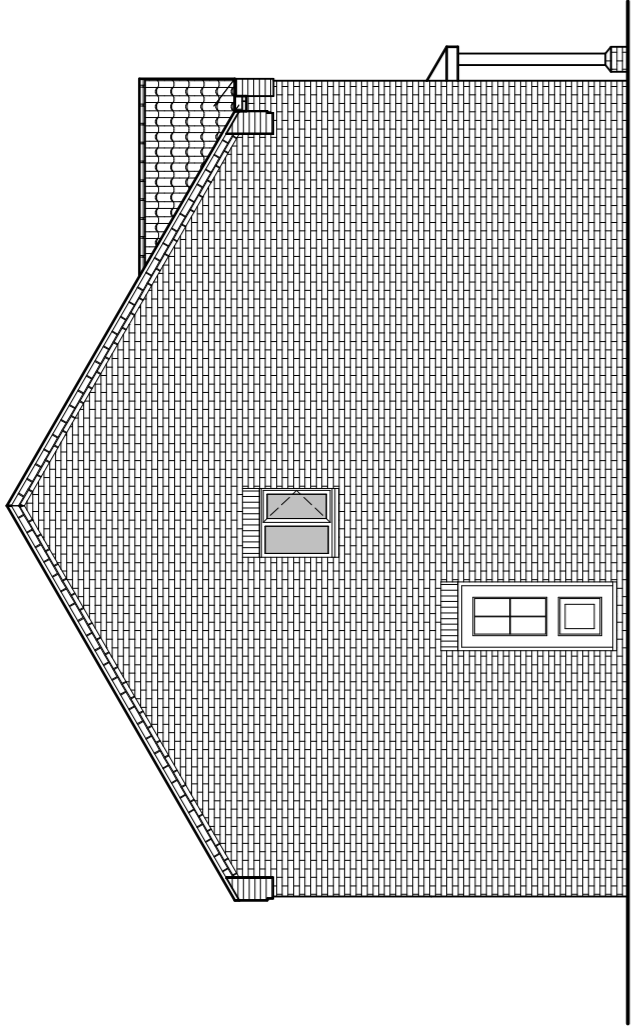
Drawing Number: P-23-2420-3-B

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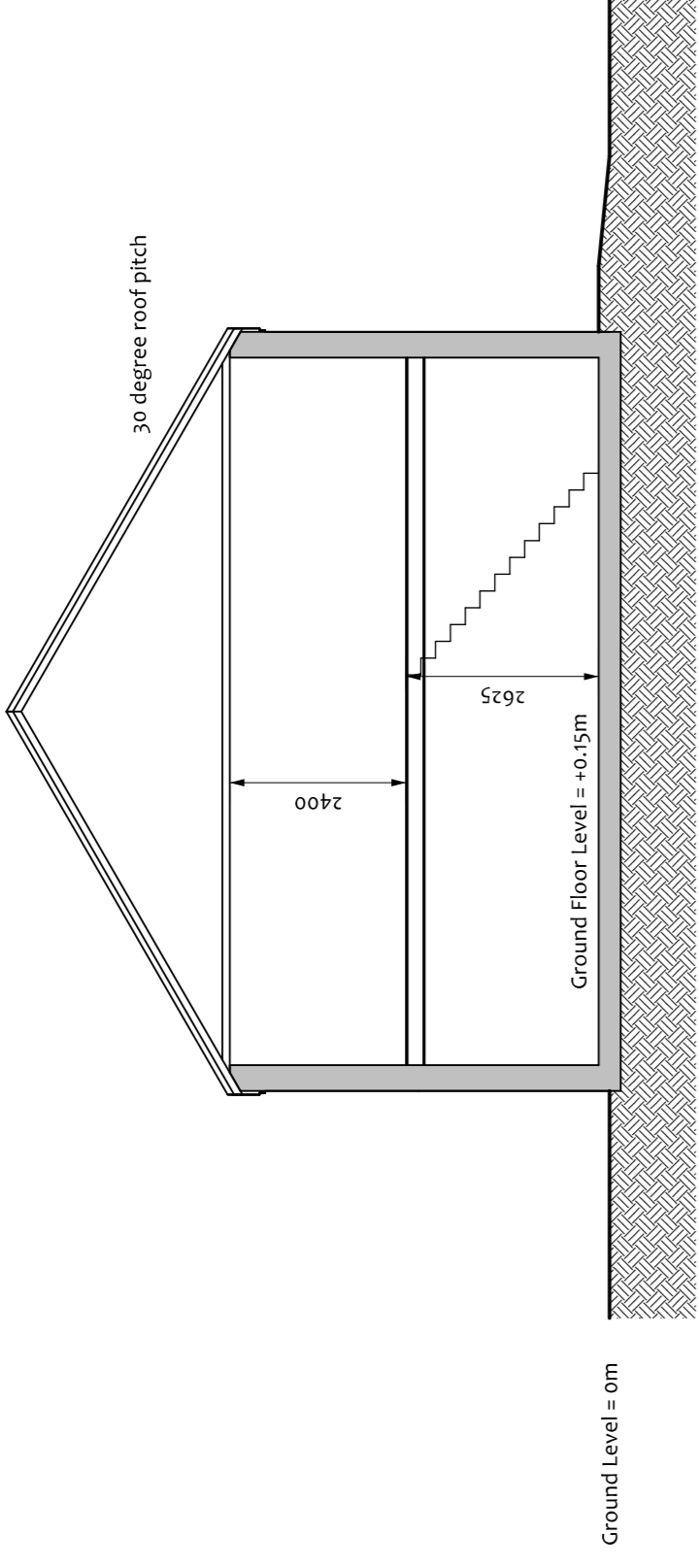
Materials
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 Roof - Concrete Double Pantiles Brown in colour
 Doors/Windows - White UPVC



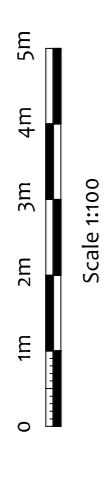
Front Elevation



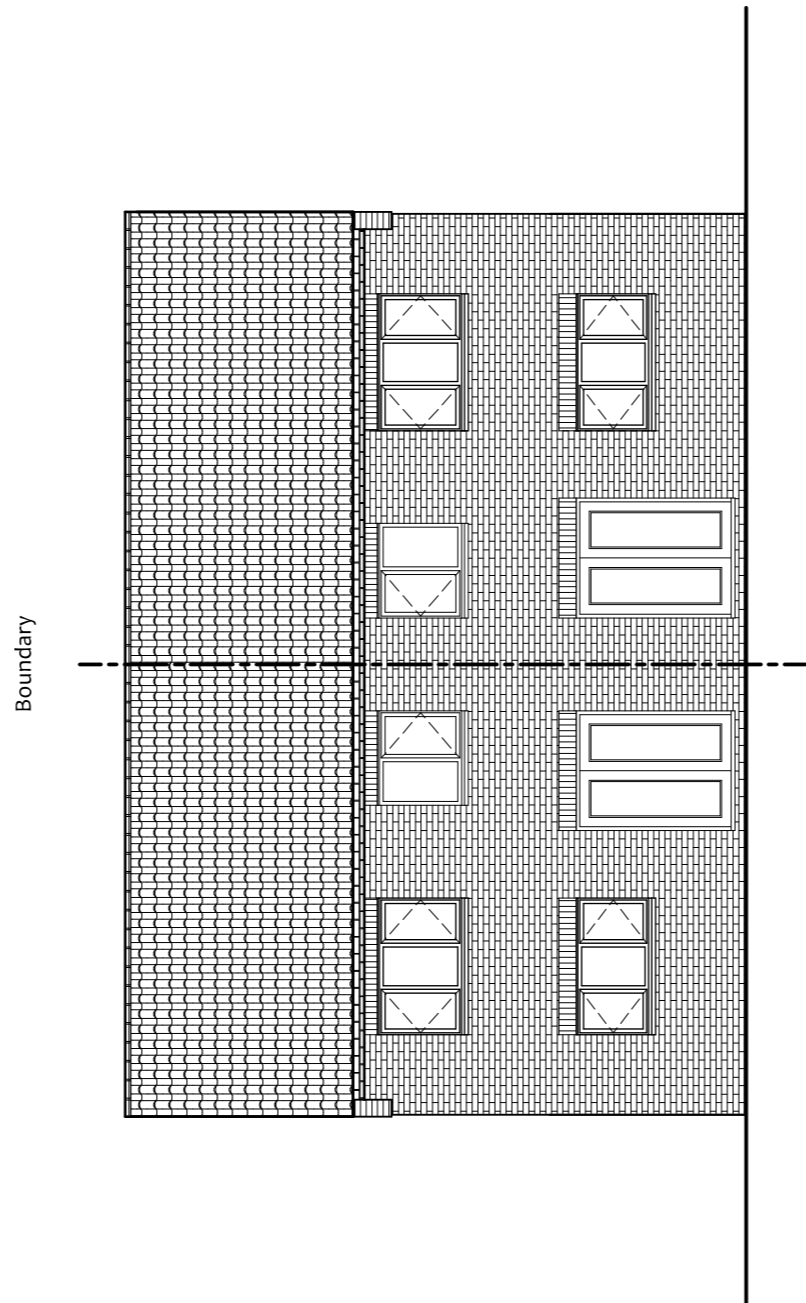
Side Elevation



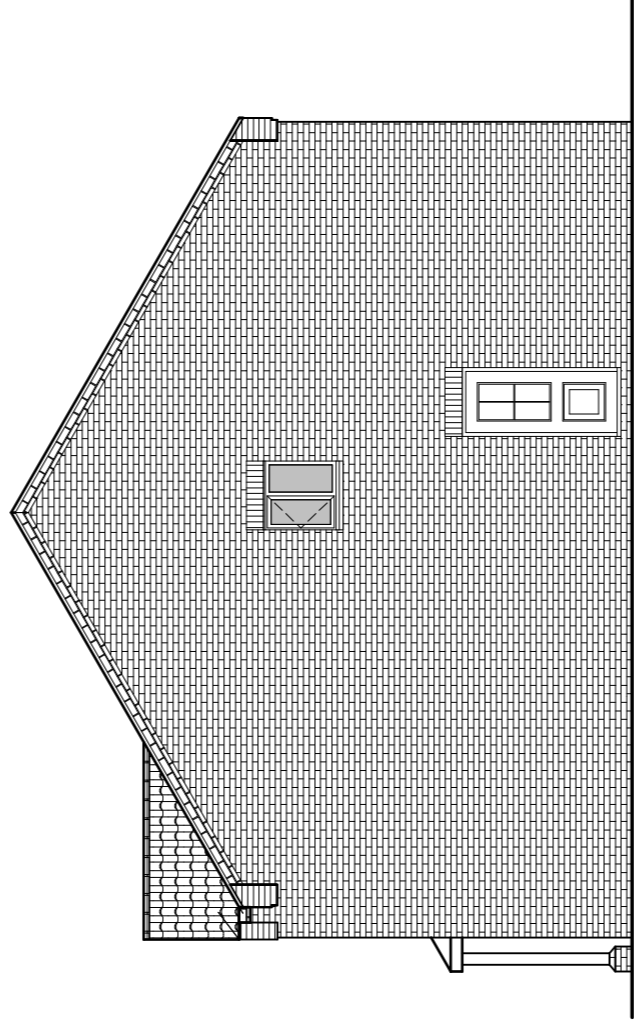
Site Section



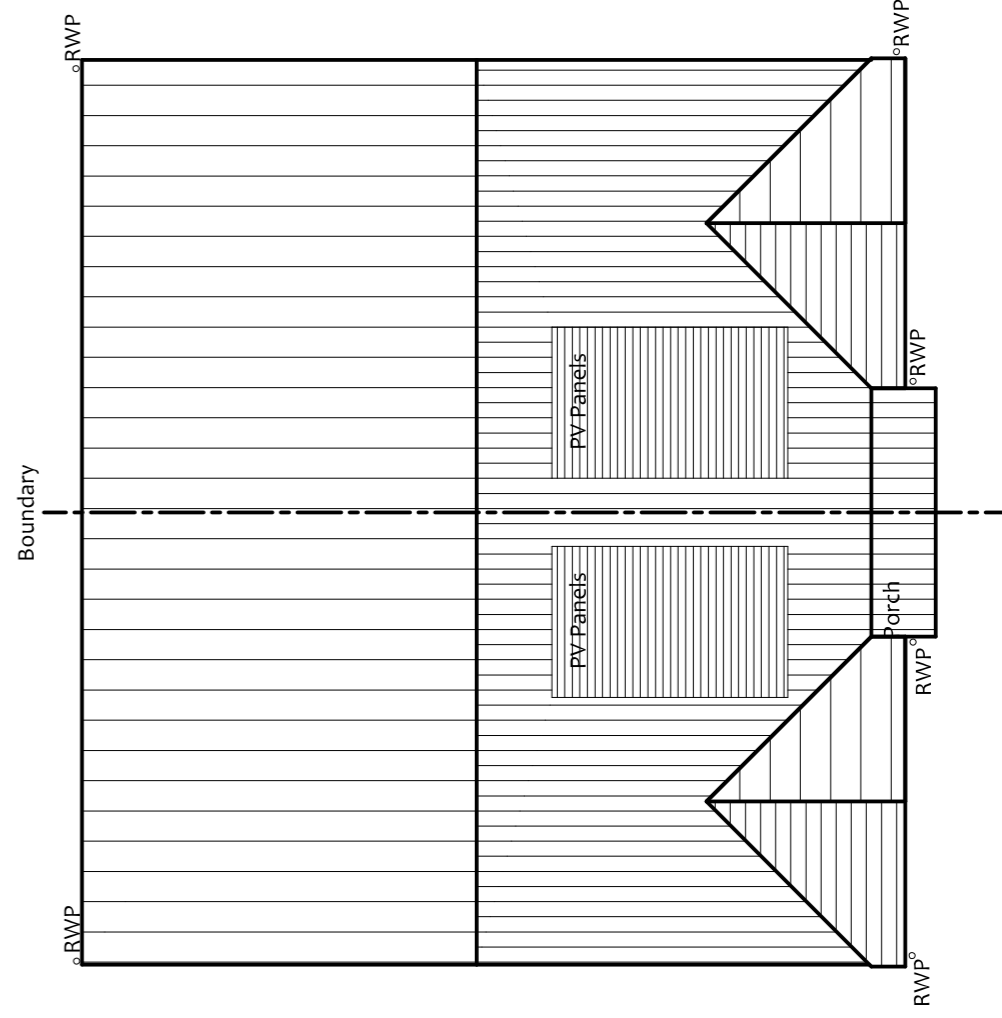
External levels unaffected by proposal and as existing.



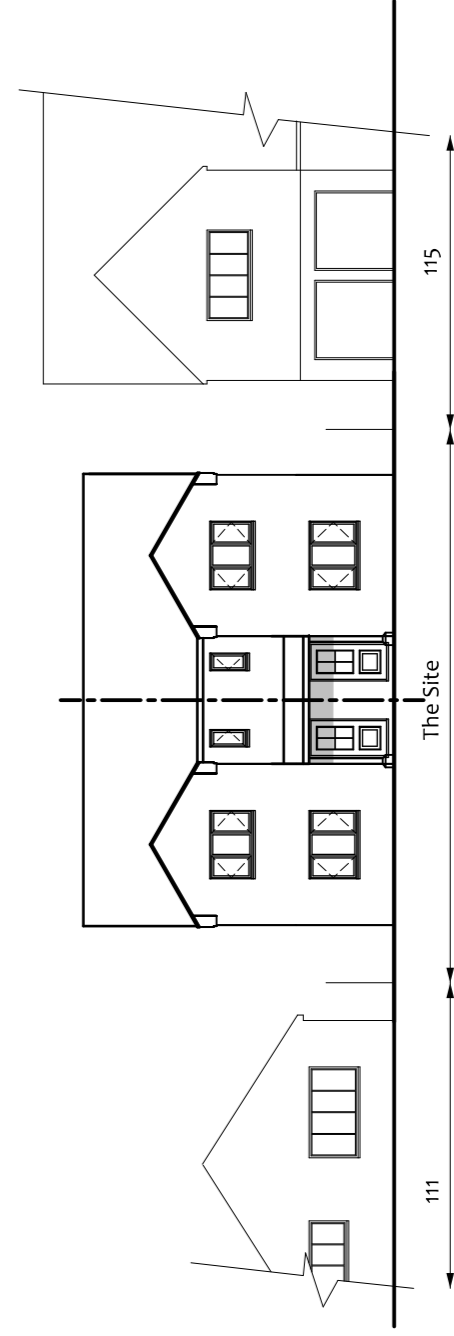
Rear Elevation



Side Elevation



Roof Plan



Street Scene
 Scale: 1:200



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No	Date	Revision
A	10/05/24	Layout altered

Issue: For Planning Approval

Site: 113 Elm Low Road, Wisbech, Cambridgeshire, PE14 0DF

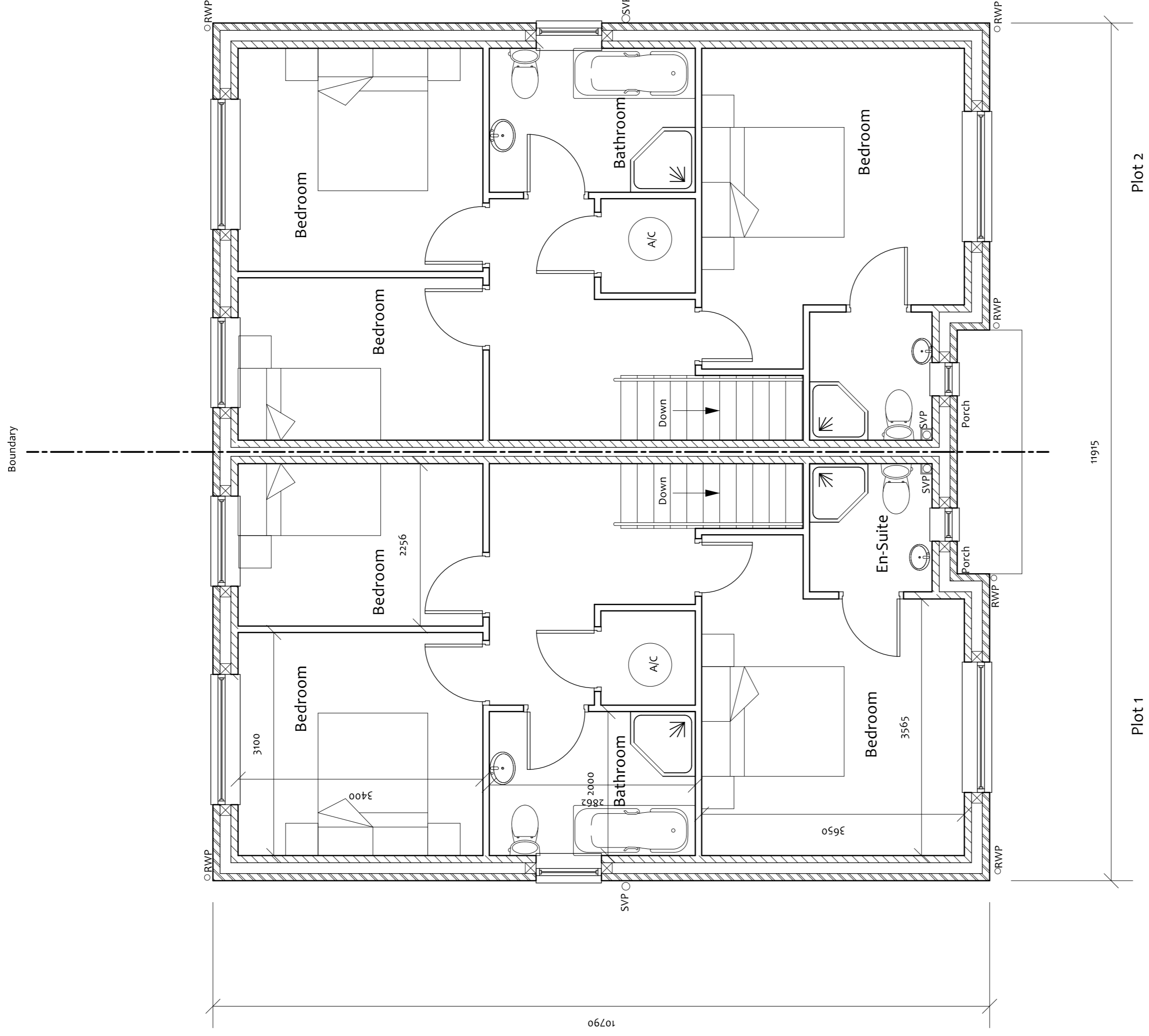
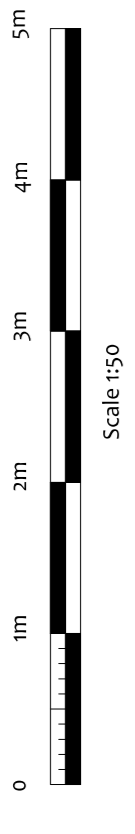
Project: Residential Development

Drawing Title: Proposed Elevations, Roof Plan, Site Section and Street Scene

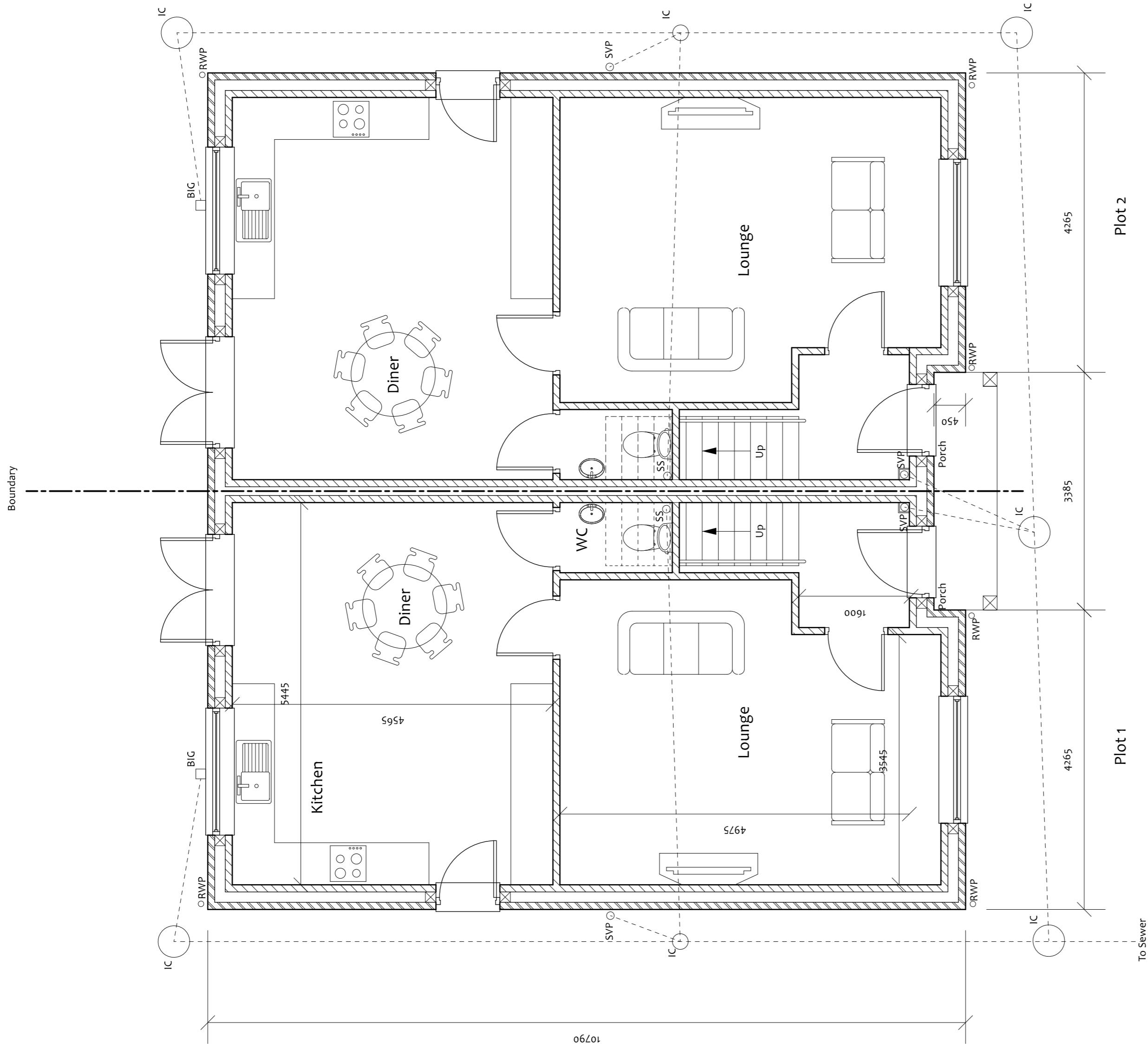
Client: A and L Construction Services Ltd

Date: March 2024
 Scale: 1:100 and 1:200 at A1
 Drawing Number: P-23-2420-5-A

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 This drawing is to be read in conjunction with all relevant engineers and specialist drawings. It is the responsibility of the client to ensure that all relevant specifications and details prepared by Anglia Building Consultants for the Project.



First Floor Plan



Ground Floor Plan



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A	10/5/24	Layout altered
No	Date	Revision
Issue: For Planning Approval		

Site: 113 Elm Low Road, Wisbech, Cambridgeshire, PE14 0DF
Project: Residential Development
Drawing Title: Proposed Floor Plans
Client: A and L Construction Services Ltd
Date: March 2024
Scale: 1:50 at A1 or 1:100 at A3
Drawing Number: P-23-2420-4-A

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F/YR24/0367/F

Applicant: Mr & Mrs Mair

Agent: Mr R Papworth
Morton & Hall Consulting Ltd

Linwood Farm, Linwood Lane, March, Cambridgeshire PE15 0YG

Change of use of the land from agricultural to residential land involving the erection of an annexe ancillary to the existing dwelling.

Officer recommendation: Refuse

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

Government Planning Guarantee

Statutory Target Date For Determination: 30 May 2024

EOT in Place: Yes

EOT Expiry: 31 July 2024

Application Fee: £578

Risk Statement:

This application must be determined by 31/07/2024 otherwise it will be out of time and therefore negatively affect the performance figures.

1 EXECUTIVE SUMMARY

- | |
|---|
| <p>1.1 The application seeks planning permission for the change of use of agricultural land to accommodate a residential building to serve as an annexe to the host dwelling at Linwood Farm. Access to the site is derived from the driveway serving the host dwelling.</p> <p>1.2 The assessment concludes that as the development is located in the open countryside and offers limited physical or functional link to the host dwelling it amounts to be unwarranted residential development in the countryside, contrary to policy LP3 of the Fenland Local Plan and H3 of the March Neighbourhood Plan.</p> <p>1.3 Furthermore, by reason of its location which encroaches into open countryside and its substantial scale and massing, the proposal fails to positively respond to the character and appearance of the area and would result in development which erodes the open character of the countryside contrary to policies LP12 and LP16 of the Fenland Local Plan and the design aims of the March Neighbourhood Plan.</p> <p>1.4 It is considered that the generous curtilage afforded to the host dwelling could</p> |
|---|

accommodate a form of additional accommodation that would overcome the conflicts with the development plan.

1.5 Consequently, the application is recommended for refusal.

2 SITE DESCRIPTION

- 2.1 The application site is a detached two storey dwelling located at Linwood Farm. The host dwelling is constructed of brickwork with a tiled pitched roof. The site is surrounded by agricultural buildings at Linwood Farm, and farmland. Parking space is situated to the front of the dwelling. The residential land supporting the host dwelling is enclosed by trees and dense circa 1m high hedgerow.
- 2.2 The site located in the countryside, on the western side of the A141 and abuts agricultural land to the south and west and agricultural buildings to the north.
- 2.3 A public byway 156/21 runs along the eastern boundary of the site, extending to March Road, Wimblington to the south and Linwood Lane to the north.
- 2.4 The site lies in an area at low risk of all forms of flooding.

3 PROPOSAL

- 3.1 Planning permission is sought to change of use of the land from agricultural to residential land involving the erection of an annexe ancillary to the existing dwelling.
- 3.2 The proposed annexe would be located around 13m metres from the southern side elevation of the host dwelling and would be single storey, with a pitched roof at a height of approx. 5.4 metres and an eaves height of around 2.4 metres.
- 3.3 A circa 20m section of hedgerow would need to be removed to access the development area. New hedge planting is proposed around the perimeter of the development.
- 3.3 The fenestration proposed includes a front door and 4 windows on the front elevation facing north east, two windows on the side elevation facing North west, two sets of doors and a single door on the rear elevation facing South west, and two windows and a set of doors on the side elevation facing South east.
- 3.4 The proposal includes a change of use of the land from agricultural to residential land. This would encroach onto countryside land by some 17 metres x 22 metres.

4 SITE PLANNING HISTORY

Application	Description	Decision	Date
F/94/0772/F	Erection of a 4-bed detached house	Grant	17 Mar 1995

F/98/0360/F	Removal of Condition 04 of planning permission - F/98/0024/F relating to use of building	Grant	23 Sep 1998
F/98/0024/F	Erection of agricultural storage building	Grant	18 May 1998
F/YR03/0426/F	Erection of rear conservatory and double garage with farm office over	Grant	25 Jun 2003
F/96/0109/F	Erection of a 4-bed detached house	Grant	18 Jun 1996
F/YR22/0569/F	Erect a single-storey rear extension to existing dwelling, amendment to garage roof and garage conversion involving the demolition of existing conservatory	Grant	8 Jul 2022

5 CONSULTATIONS

5.1 March Town Council: Supporting.
'Recommendation; Approval.'

5.2 Definitive Map Team: No objection.

'Public Byway, 21, March, is used to access the proposed planning site. To view the location of the ROW please view our interactive map online which can be found at <http://my.cambridgeshire.gov.uk/myCambridgeshire.aspx>.

Whilst the Definitive Map Team has no objection to this proposal, the byway must remain open and unobstructed at all times.

Informatives:

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

- o Public Byway, 21, March, must remain open and unobstructed at all times. Building materials must not be stored on Public Rights of Way and contractors' vehicles must not be parked on it (it is an offence under s 137 of the Highways Act 1980 to obstruct a public Highway).*
- o No alteration to the Byway's surface is permitted without our consent (it is an offence to damage the surface of a public footpath under s 1 of the Criminal Damage Act 1971).*
- o Landowners are reminded that it is their responsibility to maintain boundaries, including trees, hedges and fences adjacent to Public Rights of way, and that any transfer of land should account for any such boundaries (s154 Highways Act 1980).*
- o The granting of planning permission does not entitle a developer to obstruct a Public Right of Way (Circular 1/09 para 7.1).*
- o Members of the public on foot, horseback and pedal cycle have the dominant right of passage along the public byway; private vehicular users must 'give way' to them*

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

5.3 Environment & Health Services (FDC): No objection.

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

5.4 Cllr Taylor:

As the chairman of the rural and farming committee which incorporates drainage I recommend approval for the above application. Said annexe doesn't take up any quantity of farmland so under the food security guarantee this won't produce an adverse effect. As for surface water drainage there is no surface water discharge into the commissioners catchment as any surface water on this site is recycled

5.5 Local Residents/Interested Parties:

10 residents from March, Doddington and Chatteris areas offering support for the proposal with the following comments;

- Will support an elderly family member with care needs
- Will not negatively affect the area

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) and the March Neighbourhood Plan (2017).

7 POLICY FRAMEWORK

National Planning Policy Framework (NPPF)

Para 2 – Applications to be determined in accordance with the development plan unless material considerations indicate otherwise

Para 11 – A presumption in favour of sustainable development

Para 47 – All applications for development shall be determined in accordance with the development plan, unless material considerations indicate otherwise

Para 130 – Achieving well-designed places

National Planning Practice Guidance (NPPG)

National Design Guide 2021

Context

Identity

Built Form

Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP3 - Spatial Strategy, the Settlement Hierarchy and the Countryside

LP12 - Rural Area 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

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:

LP7 – Design

LP8 – Amenity Provision

LP22 – Parking Provision

LP32 – Flood and Water Management

March Neighbourhood Plan (2017)

There are no specific policies relating to annexes, however the visions, aims and objectives of the plan is that the quality of the built and natural environment is improved along with the level of provision and quality of recreational land facilities.

Policy H2 does focus on windfall development of housing and requires development to accord with policies of the Fenland Local Plan, 2014, as well as ensuring it does not result in adverse impacts in respect of amenity, flood risk, highway safety and loss of open space/ community facilities.

8 BACKGROUND

- 8.1 The application was submitted with initial plans showing the annexe further away from the host dwelling. Concerns were raised regarding the connection between the host dwelling and the annexe, and the impact on the character and appearance of the area due to the encroachment into the countryside. The plans were amended to move the annexe closer to the host dwelling. However, as per the assessment below it is still considered to cause a detrimental impact on the character and appearance of the area and an unwarranted incursion into the open countryside.

9 KEY ISSUES

- **Principle of Development**
- **Design Considerations and Visual Amenity of the Conservation Area**
- **Residential Amenity**
- **Parking**
- **Relationship**
- **Personal Circumstances**
- **Flood Risk**

10 ASSESSMENT

Principle of Development

- 10.1 The application seeks to change of use of the land from agricultural to residential land involving the erection of an annexe ancillary to the existing dwelling.
- 10.2 Local Plan policy LP3 sets out a settlement hierarchy, directing a majority of intended development within Fenland's market towns, then cascading to the larger villages, smaller villages and so on. Development outside of these settlements (identified as 'Elsewhere' development) is intended to be strictly controlled having regard for the need to protect the open nature and character of the countryside.
- 10.3 As noted above, the land proposed comprises an area outside of the curtilage of the host dwelling 'Linwood Farm' and therefore not part of the residential planning unit. Essentially therefore, the development triggers assessment under policy LP3 i.e., residential development in an 'Elsewhere' location. In this regard, LP3 seeks to restrict such development to those deemed to be essential, primarily for land-based activities e.g., agriculture, outdoor recreation, waste and minerals development etc.
- 10.4 The planning unit itself comprises a large area of residential curtilage, capable of accommodating a substantial extension or outbuilding which could otherwise likely cater for the intended occupiers. No justification has been provided as to why this cannot be achieved. Given that the development comprises an annexe, it would be required to demonstrate a physical and functional link to the host dwelling. Therefore, locating it outside of the curtilage and in providing a building which is of a scale and layout capable of functioning almost in isolation to the day to day running of the host dwelling would appear to amount to a residential building with limited physical and functional link to the host dwelling thereby amounting to a structure tantamount to a separate dwelling.
- 10.5 In conclusion, the development would comprise the introduction of a residential unit on land in the open countryside without suitable justification and contrary to the exceptions set out under policy LP3 which seeks to restrict development in the countryside unless demonstrably essential, in-line with national policy. As such, the principle of the development is not acceptable.
- 10.6 As set above, planning law requires a planning application to be determined in accordance with the Development Plan, unless material planning considerations indicate otherwise. Therefore, while the principle of the development is not accepted having regard to spatial policies, the impact of the development and other material considerations are considered below.

Design Considerations

- 10.7 Local Plan policies LP12 and LP16 are concerned with ensuring that developments are acceptable in design terms and that they protect the character and appearance of an area, in this case the countryside.

- 10.8 The proposed annexe would be located to the south of the host dwelling, approximately 13m away from its southern facet. Linwood Farm dwelling is located approximately 400m west of the A141 and around 90m west of the public byway. Views of the host dwellings are readily achievable from the byway and therefore, given the low boundary treatments and open character of the area, views of the annexe would also be achieved.
- 10.9 It is considered that the development, by virtue of its layout and scale would awkwardly project out of the established curtilage of the host dwelling. This results in an incongruous feature of poor design which encroaches unnecessarily into existing countryside, failing to appear as an integral part of the existing rear garden or logical extension to the curtilage and fails to positively respond to both the established residential boundaries and built form, and the open character of the adjacent countryside. This negatively impacts on the character and appearance of the area. Whilst opportunities to introduce soft landscaping e.g., hedgerow around the perimeter exist and could partially mitigate the visual impact of the development, this would not be sufficient to overcome the character harm that would ensue from the encroachment and the awkward layout relative to established boundaries.
- 10.10 Again, given the generous curtilage associated with the host dwelling, this negative impact could likely be avoided with more appropriate solutions which should be explored. Ultimately, location, form and scale of the development result in unwarranted harm to the character and appearance of the area and is contrary to policies LP12, LP16 and Chapter 12 of the NPPF.

Residential Amenity

- 10.11 The proposed development is not within close proximity to any neighbouring properties. Therefore, it is considered that the proposed development would not have any material impact on residential amenities of neighbouring properties. Furthermore, given the size and scale of the building, no concerns are raised in respect of cramped living environments. Therefore, notwithstanding conflicts with other criteria of LP16 as set out above, the proposal is considered to conform with LP16 in respect to residential amenity.

Highways and Parking

- 10.12 Given the generous plot supporting the existing dwelling, there is a parking area to the front of the existing host dwelling which appears to be able to accommodate parking for 4 vehicles as shown on plan reference H9612/02c.
- 10.13 Policy LP15, Appendix A states that 3 on site parking spaces should be provided for dwellings with 4 or more bedrooms. Therefore, it is considered that there is adequate parking for the proposed two-bedroom annexe as well as the host dwelling.

Relationship

- 10.14 Notwithstanding design and visual impacts, an annexe is generally acceptable where it maintains a strong relationship to the host dwelling i.e. a physical and functional relationship e.g., by relying on the facilities and functions of the host

dwelling. This is to avoid opportunity for it to become a separate planning unit over time.

- 10.15 The proposed annexe would be located on an area of land beyond the curtilage of the existing dwelling and therefore outside of the physical parcel of residential land. It would be a considerable distance from the host dwelling and would be served by its own path, garden area and denotes there would be no reliance on the host dwelling's facilities; with the annexe incorporating a lounge, diner, kitchen, WC, entrance hall, utility room, and two bedrooms both with ensembles i.e., all the necessary facilities for day-to-day living.
- 10.16 It is therefore considered that there would not be a strong connection, physical or functional link, between the host dwelling and the proposed annexe – with only the driveway being a shared facility. This results in a development tantamount to a new dwelling and therefore is considered unjustified and unacceptable having regard to the spatial policies of the development plan – LP3 and LP12.

Personal Circumstances

- 10.17 It is understood that there are personal circumstances involved with the application with the annexe required to meet care needs of a family member. Whilst this is acknowledged, it is considered that an annexe of this excessive size and scale, which is located outside of the established curtilage of the host dwelling and with limited reliance on the host dwelling would not be suitable.
- 10.18 Whilst personal circumstances are capable of being a material consideration, the planning system is concerned primarily with land use and the effect of this development would remain long after any personal circumstances any longer applied. The application is for a permanent structure capable of functioning as a dwelling in its own right and as such would not therefore justify the permanent loss of open countryside and the associated development plan conflicts. Neither would it be reasonable to seek to control occupation to those family members, for example through planning condition, as again, the development comprising land use and physical built form is permanent and those occupiers would only be temporary against the lifetime of the development.
- 10.19 Notwithstanding and as already discussed, the application fails to demonstrate that the introduction of a residential building outside of the curtilage is the only reasonable option in addressing the personal needs of the end-user. There are likely other options available to create an annexe development which would meet the needs of the applicant in a more effective way and likely without the identified policy conflicts.

Flood Risk

- 10.20 The proposal is located within flood zone 1 and issues of surface water disposal will be considered under Building Regulations.

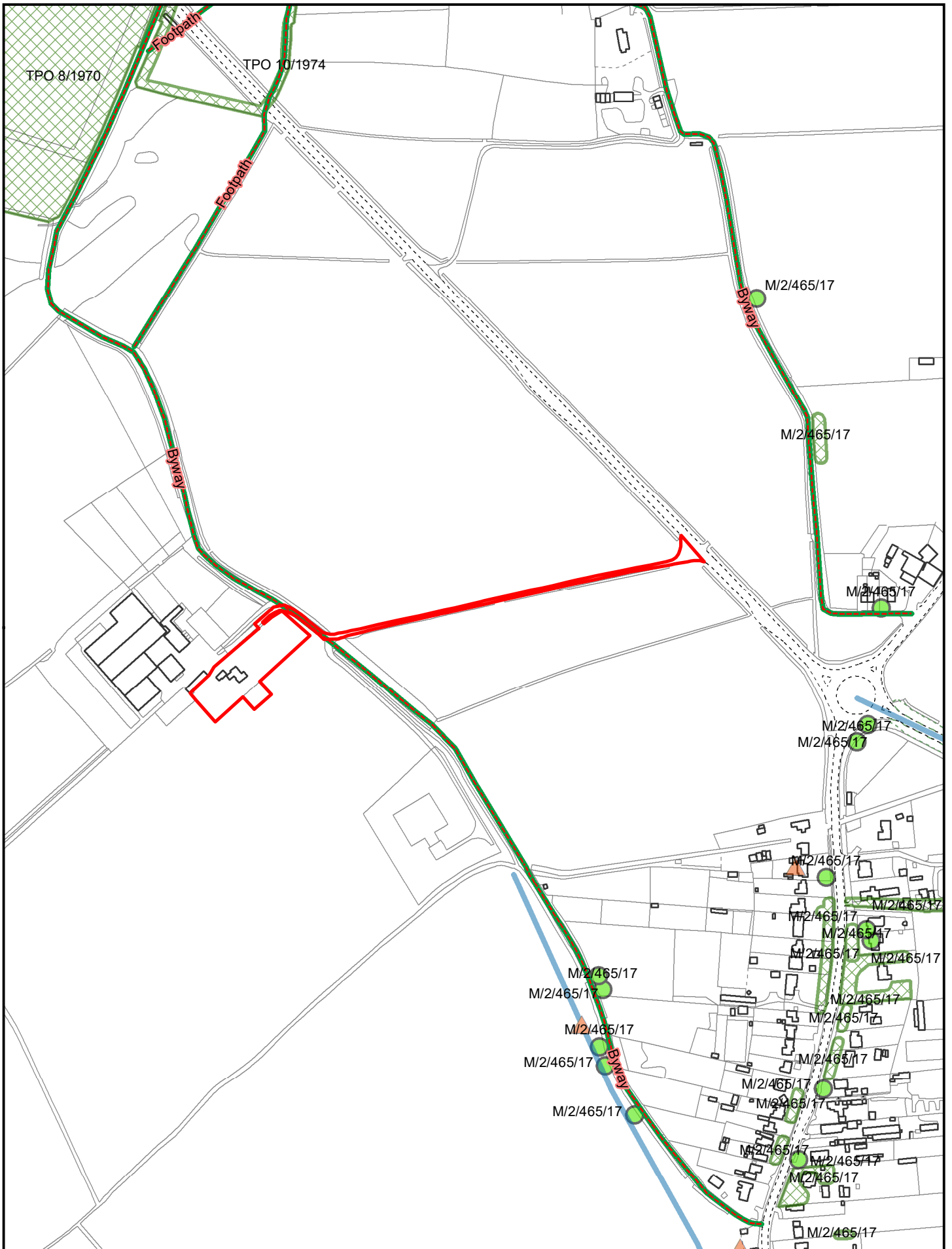
11 CONCLUSIONS

- 11.1 It is considered that the location and scale of the development which results in encroachment into the countryside is not justified. The excessive size and location of the proposed annexe would negatively impact on the character and appearance of the area, and the lack of relationship between the proposed annexe and the host dwelling would result in a form development that would be tantamount to a new dwelling in the countryside, which is unacceptable in this location and contrary to both the spatial and design policies of the development plan.
- 11.2 The NPPF sets out that conditions can be used to make development acceptable where it would otherwise be unacceptable. It is common for annexes to be controlled through an occupancy condition, to ensure that the buildings are only occupied by those associated with the host dwelling. Whilst such a condition would be expected with this development, it would not overcome the visual impact to the character of the area and would not overcome concerns over the lack of physical and functional link, where it relies on development outside of the curtilage of the host dwelling and where opportunities exist to site the structure with the established curtilage.
- 11.3 Whilst the personal circumstances of the end-user have been carefully considered, these are not concluded to outweigh the policy conflict and therefore the proposal is recommended to for refusal.

12 RECOMMENDATION

Refuse; for the following reasons:

1.	The development is located in the open countryside and offers no physical or functional link to the host dwelling. As such, the development amounts to unwarranted residential development in the countryside, contrary to policy LP3 of the Fenland Local Plan, 2014 and H3 of the March Neighbourhood Plan, 2017.
2.	The proposal by reason of its location which encroaches into open countryside and its substantial scale and massing, fails to positively respond to the character and appearance of the area and would result in development which erodes the open character of the countryside contrary to policies LP12 and LP16 of the Fenland Local Plan, 2014 and the design aims of the March Neighbourhood Plan, 2017.



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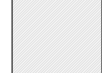







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Scale = 1:5,000



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


LEGEND

-  GRAVEL (PERMEABLE COVERING)
-  TARMAC
-  GRASS
-  BLOCK PAVING
-  PATHS/PATIO AREA
-  SOLAR PANELS TO ROOF
-  APPLICATION SITE
-  LAND UNDER SAME OWNERSHIP
-  HOUSEHOLDER BIN LOCATIONS

C	CLIENTS COMMENTS	MAY 24
B	CLIENTS COMMENTS	APR 24
A	CLIENTS COMMENTS	MAR 24
	REVISIONS	DATE

MORTON & HALL CONSULTING LIMITED
 CONSULTING STRUCTURAL ENGINEERS

1 Gordon Avenue, March, Cambridgeshire, PE15 8AJ
 Tel: 01354 655454 Fax: 01354 660467
 E-mail: info@mortonandhall.co.uk Website: www.mortonconsultingengineers.co.uk

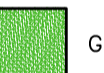






 Fenland District Council
 LABC BUILDING EXCELLENCE AWARDS
 Building Design Awards Winner
 Building Excellence in Fenland

CLIENT
 Mr & Mrs Mair

PROJECT
 Linwood Farm
 Linwood Lane
 March, Cambridgeshire
 PE15 0YG

TITLE Existing & Proposed Site Plan	
DRAWN MH	DATE OF ISSUE
CHECKED	
DATE March 2024	DRAWING NUMBER H9612/02c
SCALE As Shown	








 GRASS
  GRAVEL
  NON SLIP BUFF PAVING
  EXISTING BUILDINGS
  SLAB PAVING
  TREES
  = INSPECTION CHAMBER

EXISTING SITE PLAN (1:500)

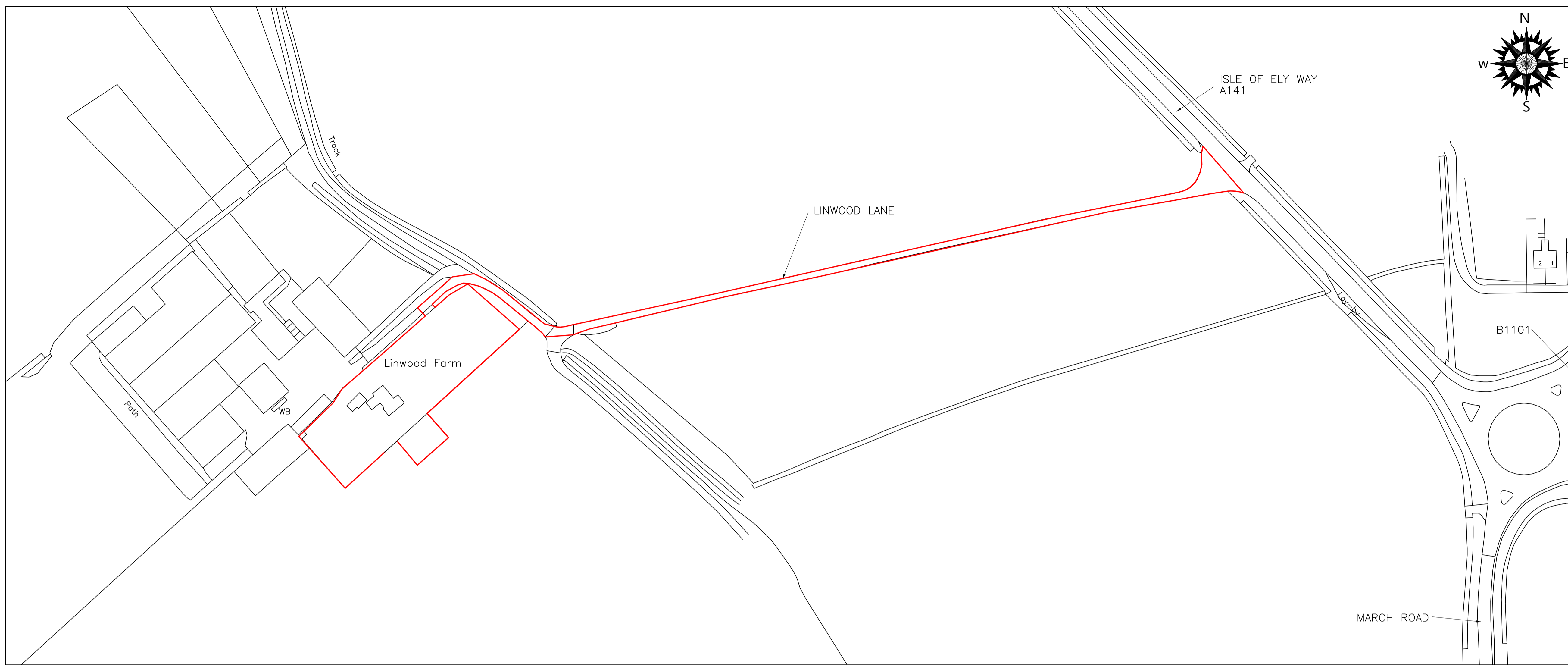
1:500
 0 5 10 15 20 25 30 35 40
 METERS



 GRASS
  GRAVEL
  NON SLIP BUFF PAVING
  EXISTING BUILDINGS
  SLAB PAVING
  TREES
  = INSPECTION CHAMBER

PROPOSED SITE PLAN (1:500)

1:500
 0 5 10 15 20 25 30 35 40
 METERS



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 Contractor to check all dimensions on site before work starts or materials are ordered. If in doubt ask. All dimensions are in mm unless stated otherwise.
 Where materials, products and workmanship are not fully specified they are to be of the standard appropriate to the works and suitable for the purpose stated in or reasonably to be inferred from the drawings and specification. All work to be in accordance with good building practice and BS 8000 to the extent that the recommendations define the quality of the finished work. Materials, products and workmanship to comply with all British Standards and EOTA standards with, where appropriate, BS or EC marks.
 All products and materials to be handled, stored, prepared and used or fixed in accordance with the manufacturers current recommendations.
 The contractor is to arrange inspections of the works by the BCO (or NHBC) as required by the Building Regulations and is to obtain completion certificate and forward to the Engineer
 All finishes, insulation and damp-proofing to architect's details

LEGEND

- GRAVEL (PERMEABLE COVERING)
- TARMAC
- GRASS
- BLOCK PAVING
- PATHS/PATIO AREA
- SOLAR PANELS TO ROOF
- APPLICATION SITE
- LAND UNDER SAME OWNERSHIP
- HOUSEHOLDER BIN LOCATIONS

LOCATION PLAN 1:1250

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A	CLIENTS COMMENTS	APR 24
	REVISIONS	DATE

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 Building Design Awards Winner
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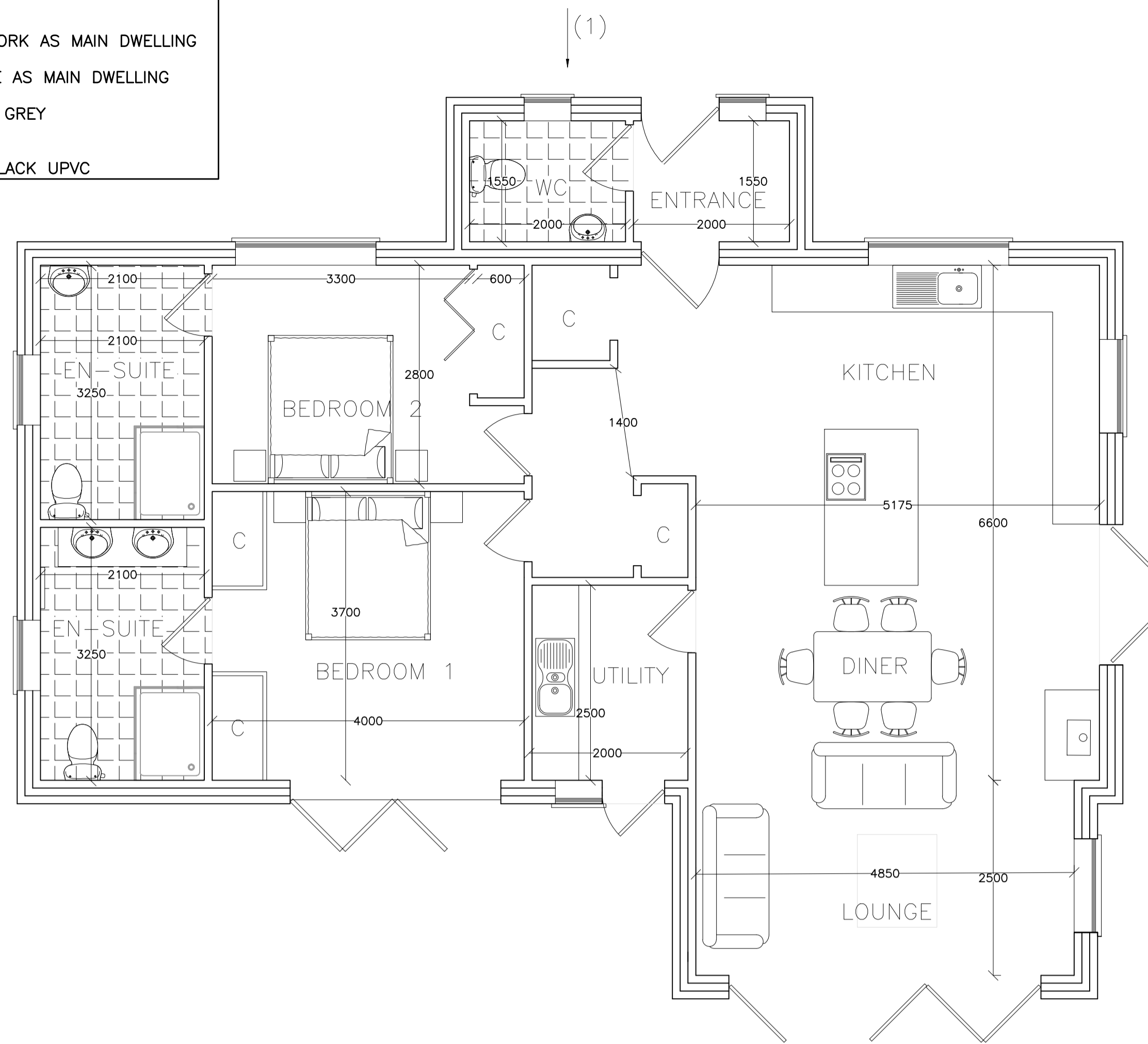
EXISTING STREET SCENE FROM LINWOOD LANE TO THE FRONT 1:200



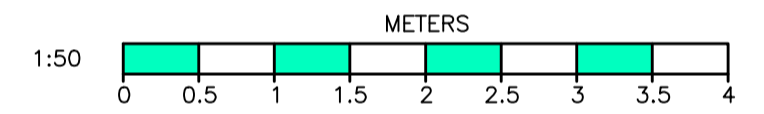
PROPOSED STREET SCENE FROM LINWOOD LANE TO THE FRONT 1:200

CLIENT	Mr & Mrs Mair
PROJECT	Linwood Farm Linwood Lane March, Cambridgeshire PE15 0YG
TITLE	Location Plan & Street Scenes
DRAWN	MH
CHECKED	
DATE	March 2024
SCALE	As Shown
DATE OF ISSUE	
DRAWING NUMBER	H9612/01_A

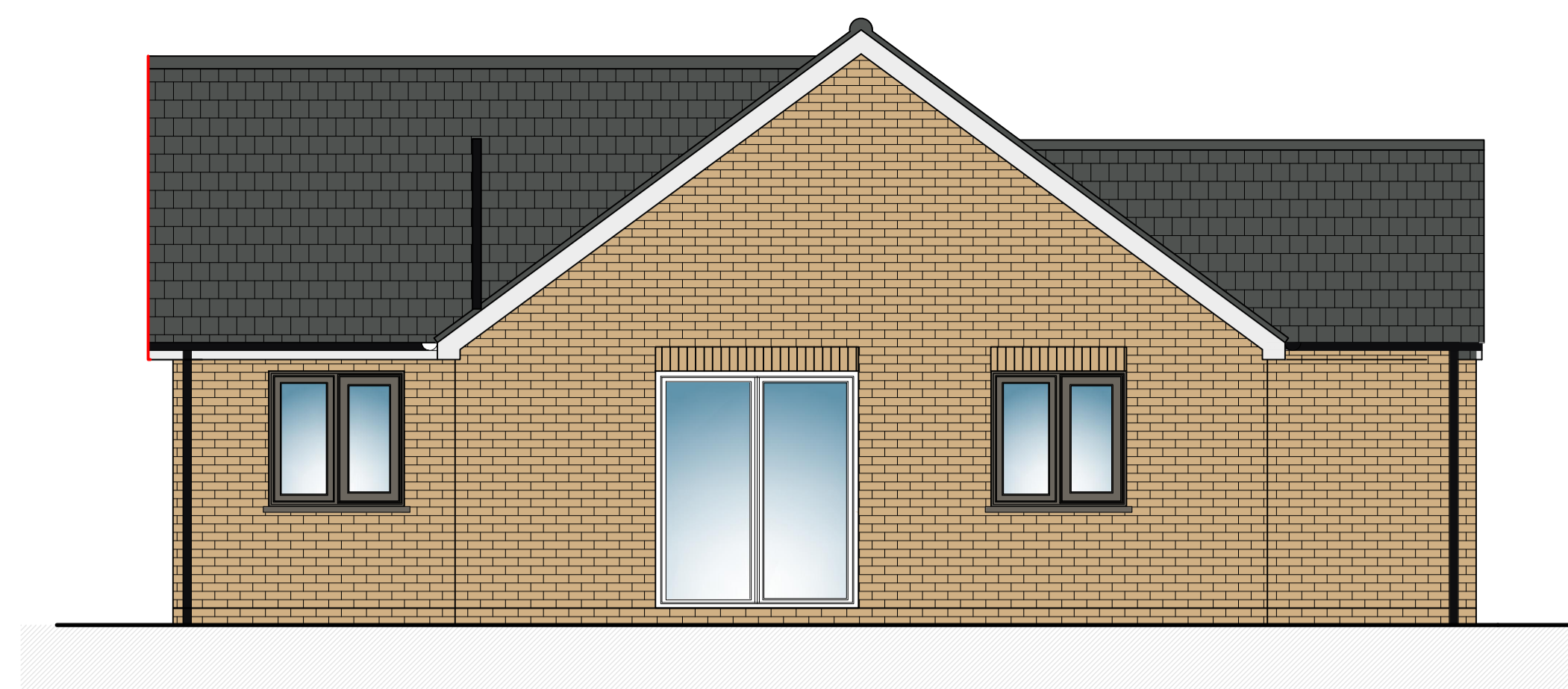
MATERIALS:
 WALLS : BUFF BRICKWORK AS MAIN DWELLING
 TILES : CONCRETE TILE AS MAIN DWELLING
 JOINERY : ANTHRACITE GREY
 UPVC UNITS
 RAINWATER GOODS : BLACK UPVC



PROPOSED GROUND FLOOR PLAN 1:50



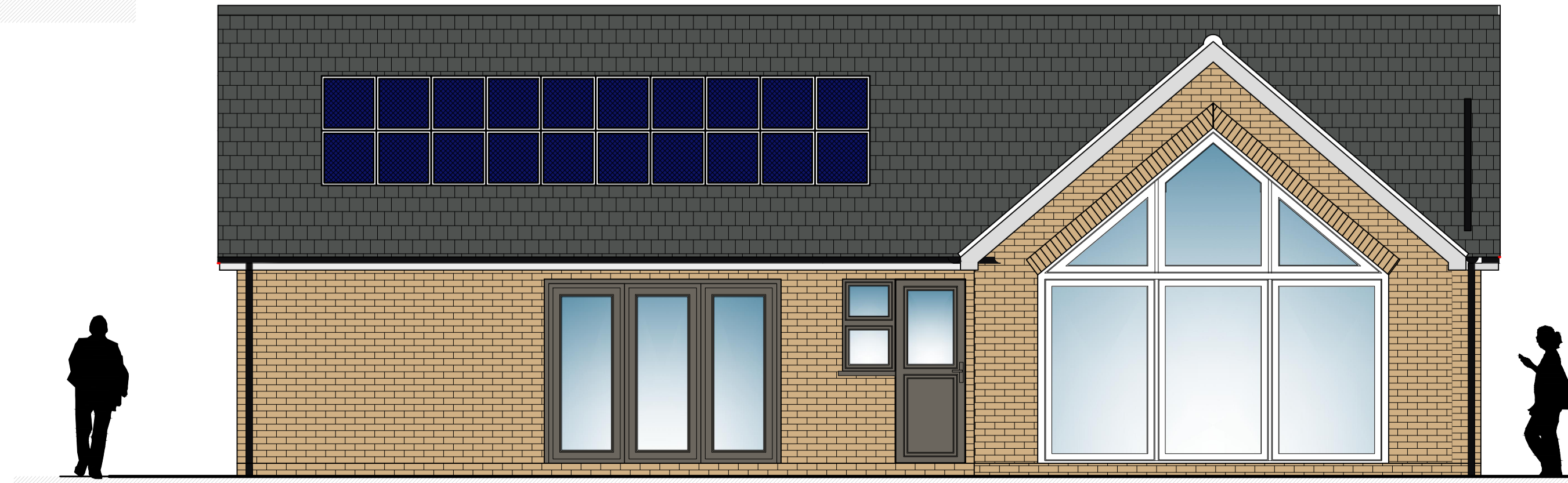
PROPOSED FRONT ELEVATION 1:50 (1)



PROPOSED LEFT HAND SIDE ELEVATION 1:50 (2)

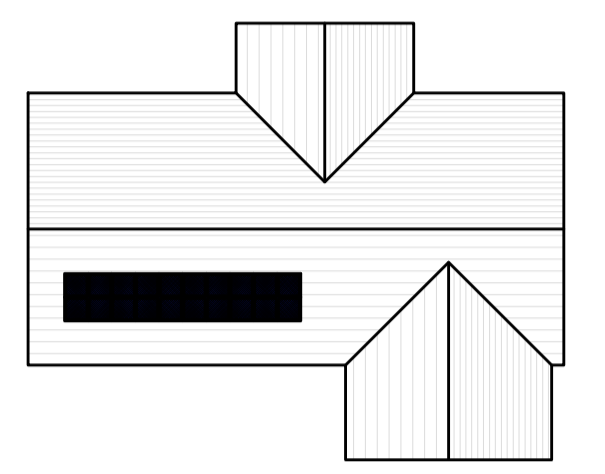


PROPOSED RIGHT HAND SIDE ELEVATION 1:50 (4)



PROPOSED REAR ELEVATION 1:50 (3)

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 All finishes, insulation and damp-proofing to architect's details



PROPOSED ROOF PLAN (1:200)

C	CLIENTS COMMENTS	APR 24
B	CLIENTS COMMENTS	APR 24
A	CLIENTS COMMENTS	MAR 24
	REVISIONS	DATE

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 Building Excellence in Fenland

CLIENT
 Mr & Mrs Mair

PROJECT
 Linwood Farm
 Linwood Lane
 March, Cambridgeshire
 PE15 0YG

TITLE
 Proposed Arrangement

DRAWN	MH	DATE OF ISSUE
CHECKED		
DATE	March 2024	DRAWING NUMBER
SCALE	As Shown	H9612/03

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

Document is Restricted

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