

AGENDA

PLANNING COMMITTEE

WEDNESDAY, 13 NOVEMBER 2024

1.00 PM

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

Committee Officer: Jo Goodrum
Tel: 01354 622424
e-mail: memberservices@fenland.gov.uk

- 1 To receive apologies for absence.
- 2 Previous Minutes (Pages 3 - 24)

To confirm and sign the minutes from the previous meeting of 16 October 2024.
- 3 To report additional items for consideration which the Chairman deems urgent by virtue of the special circumstances to be now specified
- 4 To receive Members declarations of any interests under the Local Code of Conduct or any interest under the Local Code of Conduct or any interest under the Code of Conduct on Planning Matters in respect of any item to be discussed at the meeting.
- 5 F/YR24/0085/O
Land South Of 19, Blackmill Road, Chatteris
Erect up to 5 x dwellings (outline application with matters committed in respect of access) with highway works (Pages 25 - 38)

To determine the application.
- 6 F/YR24/0373/F
Land North Of The Walnuts, Flaggrass Hill Road, March
Conversion of existing agricultural building to 2 x dwellings (2-storey 4-bed) involving

demolition of existing sheds. (Pages 39 - 50)

To determine the application.

7 F/YR24/0637/O

Land North-East Of 190, Wype Road, Eastrea

Erect up to 3 x dwellings involving the formation of 3 x accesses (2 x residential, 1 x agricultural) (outline application with matters committed in respect of access)

(Pages 51 - 60)

To determine the application.

8 F/YR24/0424/F

Land East of Mill Hill Roundabout, Wimblington Road, March

Change of use of land to dog exercise area, installation of secure fencing up to 1.8m high (max), erect shelters and formation of new access and car parking. (Pages 61 - 82)

To determine the application.

9 F/YR24/0626/O

Land And Garages At Hawthorne Drive, Whittlesey

Erect up to 2 x dwellings (outline application with matters committed in respect of access and scale) (Pages 83 - 104)

To determine the application.

10 Items which the Chairman has under item 3 deemed urgent

Members: Councillor D Connor (Chairman), Councillor C Marks (Vice-Chairman), Councillor I Benney, Councillor Mrs J French, Councillor R Gerstner, Councillor S Imafidon and Councillor E Sennitt Clough,

PLANNING COMMITTEE



WEDNESDAY, 16 OCTOBER 2024 - 1.00 PM

PRESENT: Councillor C Marks (Vice-Chairman), Councillor S Imafidon, Councillor E Sennitt Clough, Councillor S Clark (Substitute) and Councillor P Murphy (Substitute).

APOLOGIES: Councillor D Connor (Chairman), Councillor I Benney, Councillor Mrs J French and Councillor P Hicks.

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

P41/24 PREVIOUS MINUTES

The minutes of the 21 August and 18 September 2024 were signed and agreed as an accurate record.

P42/24 F/YR23/0245/O LAND SOUTH OF 250 DRYBREAD ROAD, WHITTLESEY ERECT UP TO 175 X DWELLINGS (OUTLINE APPLICATION WITH MATTERS COMMITTED IN RESPECT OF ACCESS)

Tim Williams presented the report to members and drew attention to the update report that had been circulated.

Members received a presentation, in accordance with the public participation procedure, from Georgina McCrae, on behalf of the applicant. Ms McCrae stated that the application was originally submitted in November 2022 and seeks outline planning permission for up to 175 new homes with access in detail and all other matters reserved for future consideration. She advised that over the last 2 years Allison Homes has worked constructively with officers and statutory consultees, including the Highways Authority, Natural England, the IDB, LLFA and the Town Council to reach the scheme before members today.

Ms McCrae stated as outlined in the officer's report and presentation the development will provide 175 new homes in a sustainable location including a minimum of 20% affordable housing helping to address the shortfall of affordable delivered within the District in recent years, already being in discussions with the Housing Officer to ensure the detailed proposals provide for up-to-date local need. She advised that 3.6 hectares of new publicly accessible open space will be created, which is equivalent to over one-third of the site and provides areas for play, habitat creation and allows a smooth transition into the open countryside to the north and east.

Ms McCrae expressed the view that there will be a significant net gain in on-site biodiversity delivered with a predicted 13.8% increase in on-site habitats and 90% increase in hedgerows. She made the point that there would be financial contributions of £2,000 per plot which will be payable towards the NHS, East of England Ambulance and education services.

Ms McCrae referred to highways and that a package of mitigation measures equivalent to around £250,000 have been agreed to mitigate the impact of the development, including a 3 metre footway/cycleway which will be extended to the site providing a safe connection to and from the primary school and wider networks, a series of passing places along Drybread Road to the north

and east to improve access to the A605 and welcome travel packs will be provided to all new residents which will include the provision of bus and cycle vouchers to encourage sustainable travel. She feels, as concluded in the officer's report, that the proposal is considered sustainable development and would accord with the Development Plan when taken as a whole, there are no outstanding objections from technical consultees and it is considered, subject to the detailed design at reserved matters stage, the site has potential to deliver a high-quality living environment for both future and existing residents.

Ms McCrae hoped members would be able to support the application in line with the officer's recommendation.

Members asked questions of Ms McCrae as follows:

- Councillor Sennitt Clough referred to the cycleway, with it passing invariably several roads coming onto Drybread Road that are quite busy and asked what mitigating factors would be put in place to protect children that are crossing Victory Avenue/Coronation Avenue and a series of busy roads that feed into Drybread Road? Ms McCrae responded that the cycleway is an extension of an already agreed cycleway which is being constructed at the moment, with the details having been agreed with the Highway Authority and they are extending from the corner on the south-west of the development up to the access point and then within the site so the proposals do not cross those existing roads that were mentioned.
- Councillor Sennitt Clough expressed her confusion as she heard in the presentation that the cycleway would go from the site to the school. Ms McCrae responded that it extends onto the existing which would connect into the school, with the works to the school approved as part of a previous development to the south which is being constructed at the moment and they would connect on to this so the improved connectivity to the school would be extended to this site. Councillor Sennitt Clough clarified that the cycleway will just be for the length of this development up to the corner of Drybread Road and then connect onto anything that is being delivered by another development. Ms McCrae stated that this is correct, it is being delivered by Allison Homes on an earlier site.
- Councillor Sennitt Clough referred to the passing places and asked if it is Allison Homes' view that the cars exiting this proposed site will turn both left to go down Drybread Road and right, Drybread Road out to the A605 and there is not a preferred direction of travel for the residents exiting this site? Ms McCrae responded that the Transport Assessment suggests that cars will come out of the site and turn left down Drybread Road, which was a long conversation with the Highways Authority in that they did not necessarily want to be encouraging people to turn right by delivering passing places and the number of passing places was reduced. Councillor Sennitt Clough requested clarification that it suggests that vehicles are turning left and in her report she said they were going to add more passing places for vehicles that are turning right to access the A605, asking if this is correct? Ms McCrae confirmed this to be correct, which is at the request of the Highways Authority to mitigate the impact of the development and they have agreed to deliver. Councillor Sennitt Clough asked how many passing places are being created as she believes there are only a couple along there currently? Ms McCrae responded that on the northern boundary of the site there will be two new passing places and when you turn the corner going down to the A605 they are agreed on an existing permission of 3 passing places. Councillor Sennitt Clough stated that knowing the area as she does she would struggle to see along that northern section how the drainage ditches would be overcome and also her concern would be that passing places only possibly allow for a couple of cars at any one time and there would be a backlog, it is a busy road as it is with a Whittlesey gridlock with people using it as a cut through and she would be concerned that passing places would not adequately mitigate the build-up of traffic.
- Councillor Imafidon referred to mention of working with IDBs, making the point with living in the Fens it is known how it floods and drainage is a major concern. He asked Ms McCrae to elaborate how they have worked with IDBs? Ms McCrae responded that the site sits within

an area controlled by an IDB, none of the ditches surrounding the site are IDB controlled so it has been a lot of work with the LLFA but the North Level Drainage Board have been consulted and confirmed that they have no objections to the proposals. She stated that the site is in Flood Zone 1 so it is technically at the lowest risk of flooding, the surface water is managed on site through a combination of swales, permeable paving and an attenuation basin and outfalls at a controlled rate to the north-east of the site at 12.5 litres a second which is agreed with the LLFA and IDB. Ms McCrae advised this is designed to cater for a 1 in a 100 year storm event plus the 40% for climate change. She added that they will have to get formal consent from the IDB for any outfalls or any impact on their managed ditches that they outfall into.

- Councillor Murphy referred to on plan the top of the site showing a play area and public open space and asked if there would be a management company to run this area or would it be left to the Council to run? Ms McCrae responded that the Section 106 Agreement as drafted at the moment is flexible, they have been in discussions with the Town Council as to whether they want to take any of this area. She stated that a management company can be set up and that tends to be what happens on lots of their sites where council's do not want to take it but commuted sums are allowed for if council's do want to take this area on. Councillor Murphy made the point that his portfolio includes play areas and the Council do not take over responsibility for any play areas now, it is up to the Town Council if they want to or a management company, which is the easiest way.
- Councillor Murphy asked when development starts on the site will there be a wheel cleaning vehicle? He referred to there being numerous problems at the other end of Whittlesey near the Aldi store, with the Council taking a lorry along there and finishing up taking 10 tonnes out of the gutters on the roadside and if vehicles are being cleaned onsite it is a lot better than coming out and putting it on the roads. Ms McCrae responded that there will be wheel cleaning facilities and they will be secured as part of the Construction Management Plan.
- Councillor Imafidon referred to the play areas and public open space and asked in the case that the Town Council does not take them on and there is a management company to look after them who is going to pay for this, is it the residents through a service charge? Ms McCrae responded that it would be set up as a resident management company with a service charge fixed so anyone buying those properties know what that service charge is and they become directors of that management company. She added that Allison Homes will look after that public open space until it is completed and transferred. Councillor Imafidon stated that his question is will you make the residents aware of this before they purchase the properties? Ms McCrae confirmed this to be the case.
- Councillor Marks referred to mention of highway and off-site works, with Whittlesey plagued at the moment with a lot of traffic problems and asked when the off-site works will be carried out, before they start to build? Ms McCrae responded that she believes the conditions are drafted for them to be completed before any homes are occupied so they will be delivered early and it may be that enabling works are being carried out on site while the 278 works are being delivered. Councillor Marks expressed the concern that with passing place there are lorries and HGVs travelling both ways.
- Councillor Marks referred to the question from Councillor Murphy about wheel wash facilities and asked if there will also be a road sweeper within the agreement as well? Ms McCrae responded that they do put road sweepers as standard within their Construction Management Plan.
- Councillor Marks asked what the build out programme is for affordable homes v private homes and over what period? Ms McCrae responded that it is difficult to give a timescale at outline but their intention is to have a reserved matters application submitted and approved as soon as they can and start delivering on site. She stated that they do look as standard to deliver affordable housing quite early on in the development and they deliver a lot of sites partnered with registered providers, with 20% being a minimum and they often seek to increase that with some additional affordable housing if registered providers are interested.
- Councillor Sennitt Clough referred to the officer mentioning the triple SI sites, Bassenhally Pits and the Nene Washes, and this development is proposing a significant amount of

houses so there is going to be a lot more people potentially wandering down there may be with dogs and what can they do to preserve those triple SI sites from any kind of ecological damage as there are some rare species on those sites. Ms McCrae responded that as part of the two-year application process they have undertaken a lot of work on this and a full Habitat Regulation Assessment has been prepared, submitted and assessed, which included a recreational pressure assessment on those sites and that resulted in changes to the development framework to increase the areas of open space on site to provide alternative walking routes, with loops throughout the site to provide opportunities for dog walkers to stay on site rather than walking up to those other sites. She added that they also met with the RSPB who managed these sites to see if there is anything they can do to work with them and they did not feel there was an issue as it nearly a 2km walk on mainly a road with no footpath. Councillor Sennitt Clough expressed the view quite a lot of people do walk down there with their dogs because it is a quite road and a dead end.

Members asked questions of officers as follows:

- Councillor Sennitt Clough stated that Whittlesey is at gridlock, it is facing an unprecedented amount of traffic chaos from a number of different factors and asked how can it possibly get round this problem with an extra 175 properties that are being proposed. She made the point that whichever way they turn out onto Drybread Road they are going to go onto the A605 and cross the bridge that has a lot of structural problems, with the B1040 flooding for a significant amount of time and asked how this is going to be dealt with, how are these people going to get to work or to school wherever it is they are travelling to along the A605? Jez Tuttle, from Cambridgeshire County Council Highway Authority, stated that Whittlesey is a very challenging place in terms of transport and at present they do not have a scheme which gives an overall solution to this problem, there is not a wider Whittlesey scheme that may come forward in the future and with these planning applications it is about demonstrable harm and they have to look at whether the harm is significant enough for each individual application to allow them to raise an objection and if the harm can be reduced to an acceptable level by looking at methods of encouraging active travel then they cannot refuse an application. He acknowledged that there is a bigger problem overall in Whittlesey but because they are looking at smaller applications that are not bundled up as one they have to look at them individually and individually the harm is not significant enough for them to say they object. He stated that one of the things they usually do if they have a scheme or if they know something is in the pipeline they can get finance towards it but here there is not a scheme. He made the point that there was a potential scheme to look at the 2 roundabouts in Whittlesey, an active travel scheme to get people across those roundabouts by walking or cycling, but his understanding is that scheme was not brought forward.
- Councillor Sennitt Clough stated that she did not quite catch what he said regarding something may come forward and asked what was it he said? Jez Tuttle responded that he knows there are potential areas that are being looked at and Whittlesey and the A605 is flagged up as a potential area of interest so that is why he could say that something may come forward and it is going to be whether this is considered to be higher up in the list than something else across the County.
- Councillor Marks stated that it is known that Whittlesey has got a problem but these houses would not be built tomorrow so is it known what the programme is for the repairs and timeframe on the bridge and the second bridge by the Dog and Doublet which also cause problems after flooding with there still be traffic lights here. Jez Tuttle responded that he does not have that information about the bridge, he knows it is being worked on by one of the County's teams but he is happy to find this information out and send it to members. Councillor Marks stated that it would have been useful to have had that information today. Councillor Sennitt Clough asked for the information to be provided as she would find it useful as a Whittlesey ward councillor. Jez Tuttle agreed to make enquiries and report back.
- Councillor Sennitt Clough referred to Policy LP7 which states that development of an urban extension must be planned and implemented in a coordinated way through an agreed overarching broad concept plan that is linked to the timely delivery of key infrastructure and

she feels that what she has just heard is that Allison Homes and Highways do not have a timeline, which she finds concerning in relation to this policy. She asked for clarification on this policy. David Rowen responded that this site is not considered to be an urban extension given that it is under 249 dwellings and is classed as a windfall site on the edge of the town rather than a strategic allocation identified within the Local Plan requiring the provision of a Broad Concept Plan. He added that the size of the application does not fall within that requirement of the policy.

- Councillor Sennitt Clough stated that the point remains the same that everything needs to tally up in terms of development planning implementation and that is still very necessary and particularly with other developments that are in the pipeline. David Rowen responded that it does and that is part of the consideration that has been given to this application in terms of highways and delivery of infrastructure through the Section 106 package but because this site, and the one that is subject of Item 6 on the agenda which is closely located, are both individually below the 249 windfall threshold in the Local Plan they have to “wash their own face” and not do a great deal more. Councillor Sennitt Clough stated she understands this but for her the problems remain.
- Councillor Murphy stated that it is a busy road and it is a nuisance with the bridge but by the time these houses get built that bridge will hopefully be repaired. He added that he is responsible for refuse and recycling and the refuse vehicles when they do the collections on a Tuesday morning early get called everything because they have a job to do but they are only there an hour per week. Councillor Murphy made the point that some of what is happening with the traffic is being talked up and not thought out.
- Councillor Marks referred to the Section 106 monies and he has seen the e-mail from Councillor Boden and asked would it be possible for the Chairman and Vice-Chairman to agree it at the time of distribution? David Rowen responded that if that is what the committee wants to do when it comes to making a decision then that is possible. Councillor Marks asked that this can be conditioned and it was confirmed that it could.

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

- Councillor Sennitt Clough stated that she takes issue with what Councillor Murphy said about the traffic issues being talked up as last Friday it was bumper to bumper from Whittlesey through Pondersbridge and out back onto the A605 where the crane place is, there was an accident, the B1040 was open but all it takes is a slight hold up. She made the point that when the B1040 was flooded for the past 2 weeks the queues from the bridge went all the way to the Kellivision roundabout and it does impact people’s lives with people trying to get to work, trying to get to school and it is a huge issue and not talked up at all, it is the reality of everyday life in Whittlesey.
- Councillor Marks stated that he lived in Ramsey for a number of years and used to travel to Thorney and Boston and Whittlesey has always had a problem before even the flyover was there it had the railway gates and he has known it stacked back to Stanground on numerous occasions. He expressed the view that the overpass has helped, the flooding at the Dog and Doublet cannot be overcome but he does not personally believe that by feeding in these vehicles over a period of time that it will make that much difference by adding more vehicles and causing more traffic problems. Councillor Marks expressed the opinion that once the bridge is repaired that will help matters and people do find different ways from Whittlesey to go into Peterborough.
- Councillor Murphy made the point that the flooding happens every year so it is one of things that cannot be stopped and it is known that it will occur. He referred to mention of accidents and they do happen everywhere.
- Councillor Sennitt Clough stated that Councillor Murphy has missed her point in terms of accidents as they do happen unfortunately but all it takes is a slight hold up on an already heavily congested road to cause more chaos than an ordinary smooth flowing road. She agreed that Whittlesey has always been a problem with traffic, she has lived here for three years but has seen a notable increase since the two developments built on the A605 and she does not think it is fair to say that people should find alternate routes through other

smaller villages such as Pondersbridge because that is just relocating the problem elsewhere and other villages are having to suffer the traffic.

Proposed by Councillor Murphy, seconded by Councillor Marks and agreed that the application be GRANTED as per the officer's recommendation.

(Councillor Sennitt Clough declared, under Paragraph 2 of the Code of Conduct on Planning Matters, that a member of Whittlesey Town Council's Planning Committee published two posts on a community Facebook page encouraging residents to lobby her over this application and due to this action she was lobbied but she has not discussed the applications with anyone. She advised that she also lives in the vicinity of the application site, but she is open-minded and is not biased or pre-determined on this application)

P43/24

F/YR23/0705/O

LAND NORTH OF 271 - 311 EASTREA ROAD, WHITTLESEY

ERECT UP TO 249 X DWELLINGS (OUTLINE APPLICATION WITH MATTERS COMMITTED IN RESPECT OF ACCESS) AND THE FORMATION/WORKS TO 2 X ACCESSES

Tim Williams presented the report to members and drew attention to the update report that had been circulated.

Members received a presentation, in accordance with the public participation procedure, from Michael Braithwaite, the agent. Mr Braithwaite stated he is a Chartered Town Planner working with Robert Doughty Consultancy as agent for the applicant Rose Homes EA Ltd based in Whittlesey and he is accompanied by Dino Biagioni, the Managing Director of Rose Homes. He stated that the application is for 249 dwellings on the edge of Whittlesey and as officers have stated the development is in accordance with the Local Plan which allows development of up to 249 dwellings on sites on the edge of larger settlements such as Whittlesey unless the benefit of development is outweighed by the harm.

Mr Braithwaite expressed the view that the development will ensure that housing supply for Whittlesey, and specifically in Fenland, is met into the future, with the targets set in the Local Plan as officers said in the previous debate being a floor not a ceiling. He stated that although in outline the application would accord with national and local policies regarding meeting housing need, providing open space, affordable housing, an appropriate drainage strategy within the site, preserve and enhance ecology and diversity including the safeguarding of the Nene Washes in line with its designation as a European national important site.

Mr Braithwaite expressed the opinion that the development is not at a risk of flooding and will not raise the risk of flooding elsewhere, the surface water drainage system will be managed on site to maintain discharge at existing predicted greenfield levels that will discharge into the wider IDB network and discussions have taken place through the creation of the development with the IDB, LLFA and the Environment Agency on the surface water drainage strategy. He stated that highway safety will be maintained, with a number of pre-application discussions being held with the Highway Authority to try and agree the approach and have continued in a positive fashion throughout the application process.

Mr Braithwaite expressed the view that the residents of the development would have access to the existing jobs and services provided by Whittlesey and the wider area including but not restricted to the new supermarket to the south. He referred to the Neighbourhood Plan which sets out the issue of potential coalescence with Eastrea and provides a buffer zone to the east of Drybread Road.

Mr Braithwaite stated that they are aware of the range of objections made to the application both from statutory consultees in the past and local members of the public regarding highway safety,

impact on local services including health care and education, loss of open countryside and agricultural land, impact on the amenity of existing residents, impacts on heritage but through the application process the applicant has provided further information including a report on the extensive archaeological investigations, assessment of the potential impact on the Nene Washes, a range of highway improvements to the surrounding road network to ease vehicular and pedestrian traffic in this problematic area, with the statutory consultees withdrawing their objections subject to the submitted information and the information on the imposition of conditions and Section 106 requirements proposed by officers. He stated that the conditions set out a number of obligations including early agreement before reserved matters is submitted for a phasing plan to gauge when various aspects of the development will take place, key aspects of the provision and management of open space and off-site highways provision, which are defined in the conditions.

Mr Braithwaite hoped members would approve this policy compliant application for 249 dwellings, which would reduce the pressure to bring forward allocations through the emerging Local Plan.

Members asked questions of Mr Braithwaite as follows:

- Councillor Sennitt Clough asked him to elaborate on the highway improvements and pedestrian safety where it is situated on the A605 opposite the new supermarket. Mr Braithwaite responded that a range of highway improvements include the new access road, off-site junction improvements and widening of the junctions as set out in the report and promoted and agreed by the Highway Authority.
- Councillor Sennitt Clough asked if there will be an additional pedestrian crossing to allow access to the supermarket? Mr Braithwaite responded that there is no additional crossing being provided over the main road.
- Councillor Murphy asked how long it would take to build out 249 dwellings? Mr Braithwaite responded that there are many different answers to this question, most of it is dependent upon how quickly the houses are built as sold and it can be assumed that a development of 249 dwellings will come forward at probably 40 plus a year. Councillor Murphy stated that it would be several years to complete as they take a long time to do and you tend to forget the timescales. Mr Braithwaite stated that there is a need to agree a phasing plan and then submit the reserved matters application so it is probably going to be 18 months to 2 years before development starts and you probably looking at a 5 year development programme.
- Councillor Murphy asked about a wheel wash facility and road sweeper as the development near Aldi left the road in a terrible state. Mr Braithwaite responded it would be good practice for the developer and it will be covered by the Construction Management Plan, which needs to be agreed by the Council.
- Councillor Murphy stated that he cannot see any open spaces on this development and asked if there is any? Mr Braithwaite responded that there is open space which is spread around the site referring to the indicative layout shown on the screen, which will be multifunction areas and also tries to echo the requirements of the drainage strategy as well as picking up on an opportunity to provide circuits to walk around the site for those people to exercise within the site rather than being stuck at end of a cul-de-sac and not being able to wander around the site. Councillor Murphy asked if they would expect a management company to look after these areas? Mr Braithwaite responded that his client preference is for there to be a management company but if it did go to the Town Council the terms would need to be agreed with them but he does not think this is likely.
- Councillor Imafidon asked for an elaboration on the surface water arrangements, provisions to mitigate flooding and any arrangements with the IDBs or Anglian Water? Mr Braithwaite acknowledged that it was a key issue, the development would discharge water into the IDB system that ultimately discharges into the Nene Washes so there is a great need to make sure that the quantity and quality of water is controlled within the site so it does not lead to overwhelming the drainage system or polluting the Nene Washes. He added that there have been discussions with the IDB as part of the production of the drainage strategy that has been submitted.
- Councillor Imafidon asked what has been put in place or is being put in place? Mr

Braithwaite responded that there are a range of measures included and it is an in-principle approach that would yet need to be agreed in detail. He stated that they are looking at roadside swales which serve to filter out and control the water rather than putting them into a drain which gets it off the site as quickly as possible and there will be a system as shown on the indicative plan of ponds within the layout to make sure the swales discharge into that system and get controlled on the way out and there are various mechanisms which manage the discharge, with the drain not just going out of a pipe at the north-east corner but it will be one controlled discharge point.

- Councillor Marks stated that one of the biggest concerns along here is vehicles waiting to get onto site, especially HGVs. He asked, if planning permission is granted, what mitigation is there and also regarding parking overnight, where will these be parked as there is no local parking for HGVs as far as he is aware and are curfew times being put on? Mr Braithwaite clarified that did this refer to during the construction phase and stated that these will be matters covered by the Construction Management Plan and it is generally expected that there would be a compound on site for parking. He added that access arrangements need to be agreed as part of that mechanism and parking off-street allows the wheel cleaning measures to be provided.
- Councillor Sennitt Clough referred to the way forward seeming to be through management companies and there was a neighbouring development where several of the residents have complained about the way in which they have been let down by a management company. She asked how they would ensure that the management company is reputable and ultimately ensure that the residents, as much as they can, are looked after for the money that they put into the management company? Mr Braithwaite responded that residents will be directors of the management company once it is fully up and running, it will be set up by Rose Homes in the first instance and then handed over to the residents to manage themselves. He added that the same could be said for any other form of management as well if it was managed by the Town Council or the District Council there might be issues.
- Councillor Sennitt Clough reiterated the issue of pedestrian and cyclist safety, she is not sure what school, whether it is New Road or Alderman Jacobs, that this development site will feed into but if it is New Road then there will be a large number of primary school aged children crossing the road and she is concerned about the safety of those children travelling to school. She asked if there are any mitigating factors regarding the safety of children travelling to school? Mr Braithwaite responded that it is the Highway Authority that will be able to deal with these issues but they are looking at highways improvements, such as formalising the crossing points on the road whether it is the dropped kerbs or the tactile paving to make sure that the crossing is more obvious and safe, arrangements to the junctions, which will all be set out in the Transport Assessment and the Road Safety Audits that have already been submitted.
- Councillor Sennitt Clough stated that she is not certain from the map whether the access road comes out directly opposite the road to the new Aldi and asked for more information on this as there are potentially two roads coming out onto the A605 from opposite directions? Mr Braithwaite responded that the junctions are staggered and then the highway engineers ensure that there are spaces for queuing traffic to get in and out of the different junctions. He added that there is the proposal to reduce the speed limit to make sure that traffic is travelling at 30mph on this stretch of Eastrea Road.
- Councillor Murphy asked if it would be more beneficial to have a crossing here as it is exactly opposite Aldi, there are 249 houses, people are not going to take their cars across the road to go into Aldi, they are going to walk across the road and it will also slow down the traffic along this stretch of road. Mr Braithwaite responded that this is a question about what is beneficial and what is required to charge upon a developer and it might be straying back into the wider schemes for Whittlesey. He hopes that many people will walk to Aldi and cross the road but the provision of this is beyond the remit of what could be required to provide for this development.

Members asked officers the following questions:

- Councillor Murphy asked if it would be beneficial to provide a crossing here as it so close to Aldi? Hannah Seymour-Shove, Cambridgeshire County Council Highways Officer, responded that as part of the access proposals there will be a pedestrian refuge crossing across the A605 within the vicinity of access as well as a relocated refuge as part of the development to the south. She made the point that there is already an existing Toucan crossing at the southwest corner of the site which will facilitate crossing on routes to schools. Councillor Murphy questioned whether the road was wide enough for a refuge and is it not easier to put in a Zebra crossing? Hannah Seymour-Shove responded that there is one refuge to the east of the eastern access to the Aldi access and then there is another refuge between the access to the BDW site to the south and this site. Councillor Sennitt Clough asked for clarification that if the new proposed refuge will be to east of Aldi? Hannah Seymour-Shove confirmed this to be correct.
- Councillor Marks asked on a traffic survey have they worked out or have figures on who will turn left and head towards Guyhirn as opposed to turning right to go Whittlesey? Hannah Seymour-Shove stated that this would have been conducted as part of the baseline surveys but she does not have that information to hand. Jez Tuttle added that as far as he can recall it was approximately $\frac{3}{4}$ going towards Peterborough and $\frac{1}{4}$ going towards March as Peterborough is the biggest draw going from all the residential developments in Whittlesey.
- Councillor Marks asked on the conditioning of the Section 106 monies could they be the same as the previous application? David Rowen responded that the resolution on the previous application did not change the recommendation or wording of the resolution but if members want to alter the proposal so there is a degree of consultation between officers and members over the allocation of the Section 106 money that is within the committee's gift to do that.
- Councillor Marks referred to the boundary of Coates and Whittlesey and the field and asked if he was right that there is a parade of houses opposite Aldi and then there is a defined barrier by the roadway into the new development? Jez Tuttle responded that there is an existing row of well-established houses south of the site but north of Eastrea Road and Drybread Road going north to south will provide a well-defined boundary, with the green buffer being the fields to the east of Drybread Road and there is an industrial area to the south of Eastrea Road.
- Councillor Sennitt Clough stated that she is not confident in the safety aspect of what has been presented and asked what surveys were undertaken and she wants to ensure that they were in person and not desktop surveys and for how long and for which periods of time that road was visited? She added that she is referring to the proposed site where it enters onto the A605 and also the existing entrances/exits onto the A605 from the supermarket and new estates on the other side of the road and how it all comes together, what it looks like terms of how busy it is now and the proposed site factoring in the 249 houses so she wants to know how the surveys were undertaken, when they were undertaken and all the information related to that in terms of how busy it is already and how 249 houses might impact that street scene as it is. Jez Tuttle responded that as part of the application and the many changes that are going onto that road due to Aldi and the new estates to make sure that all the accesses could be properly implemented safely they undertake a Road Safety Audit, which is undertaken by an independent consultant or Cambridgeshire County Council and it consists of a desktop survey first where they look at the traffic flows and proposed traffic flows from all the accesses. He continued that a site visit is undertaken as part of the audit and they look to see how the accesses will interact with each other and the conditions on the road speeds and flows and then they come up with a series of recommendations, which may be that an access requires moving or reduction of the speed limit. Jez Tuttle stated that these recommendations get taken forward and they will say to the applicant that they need to consider the recommendations, there is a process that follows where they have a discussion about what recommendations can be dealt with now or what can be left to the detailed design. Councillor Sennitt Clough asked if the surveys took place in peak times? Jez Tuttle responded that he believes the surveys were for 12 hours but they concentrate on the peak hours as this is known when the worst congestion is.

- Councillor Marks asked for clarification on the agent saying the speed will be reduced to 30mph, however, Councillor Sennitt Clough referred to it already being 30mph? Hannah Seymour-Shove responded that she believes as part of the access proposals that the 30mph speed limit would be extended to cover over the access. Councillor Marks questioned if this was over both accesses? Hannah Seymour-Shove responded that it would be all the way to Eastrea village.

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

- Councillor Sennitt Clough expressed the view that there will be an impact on the green buffer and it will impinge on the current layout and while Drybread Road is conveniently being used as a boundary between Whittlesey and Eastrea it is essentially a country lane and the layout will forever be changed by this proposed development so she feels this green buffer will be compromised. She expressed concerns about the safety layout of the road and does not feel fully confident that those have been resolved. Councillor Sennitt Clough stated that she needs to be sure that if the officer recommendation is supported that there is confidence going ahead that the safety issue is resolved and how the issues can be mitigated of the green buffer by taking action such as planting more trees and making it greener as it is going to be forever changed.
- Councillor Murphy made the point that there is change everywhere, he used to live next to an open field at one stage but it has been built on and now he lives in the middle of a town, and he feels it is an ecological fact that it is going to happen. He feels that members need to have the mindset that this will happen, it cannot be stopped and why should it be stopped as housing is needed and he feels the proposal should be supported.
- Councillor Sennitt Clough stated that there is a danger of it becoming a philosophical discussion about change if members are not careful and just because change happens does not necessarily make it right. She reiterated that her concerns were about the fundamentals and how they impact material considerations with regards to this application in relation to the safety and the green buffer zone.
- Councillor Marks expressed the view that safety has to be taken into consideration, however, this is an application that is compliant, with Highways being the experts and members should go with what they say. He asked if committee was happy that it be conditioned that the Chairman and Vice-Chairman deal with the Section 106 money via the Head of Planning?
- Councillor Sennitt Clough stated that members represent residents and this is the opportunity to act on behalf of residents in Fenland to make sure that all the safety procedures are in place, she would rather do this than sit back quietly and say well Highways know what they are doing, lets make sure that all safety considerations have been put in place rather than give them carte blanche to go ahead.
- Councillor Marks stated that he accepts what Councillor Sennitt Clough is saying, however, he is no expert in road safety and he does not believe any councillors are and that is why Highways are consulted and members should be led by those experts.
- Tim Williams referred to Councillor Sennitt Clough's comment about the eastern boundary making the point that the plan shown on screen is purely indicative but as mentioned in the report at 10.28 there are views into the site from the east, which is the juxtaposition between the development and countryside so he has said that some of the open space and landscaping could be increased along that eastern edge and that is stating what they would expect in the reserved matters application so there is greater landscaping than is shown in the indicative plan.

Proposed by Councillor Murphy, seconded by Councillor Imafidon and agreed that the application be GRANTED as per the officer's recommendation to include that the allocation of Section 106 monies be in conjunction with the Chairman and Vice-Chairman.

(Councillor Sennitt Clough declared, under Paragraph 2 of the Code of Conduct on Planning

Matters, that a member of Whittlesey Town Council's Planning Committee published two posts on a community Facebook page encouraging residents to lobby her over this application and due to this action she was lobbied but she has not discussed the applications with anyone. She also lives in the vicinity of the application site, but she is open-minded and is not biased or pre-determined on the application)

P44/24

F/YR24/0276/F

GAULTREE FARM, HIGH ROAD, GUYHIRN

ERECT 7 X DWELLINGS (4 X 3-STOREY 4-BED AND 3 X 2-STOREY 3-BED) AND THE FORMATION OF A NEW ACCESS, INVOLVING THE DEMOLITION OF EXISTING DWELLING AND OUTBUILDINGS

David Rowen presented the report to members and drew attention to the update report that had been circulated.

Members received a presentation, in accordance with the public participation procedure, from Shanna Jackson, the agent. Mrs Jackson expressed the view that Guyhirn over the years has evolved to become what can be considered as a commuter settlement, particularly along Gull Road where there are very big £500,000 houses which are occupied by London commuters. She feels this has sadly resulted in local people being brought out of the village with limited opportunities for lower cost family homes and this scheme presents an excellent opportunity to provide lower cost family homes within the heart of the village which can be delivered straight away.

Mrs Jackson made the point that the scheme has been recommended for refusal for various reasons, which include the principle, form and character, residential amenity, highway and flood risk issues. She stated that with regards to the principle, form and character, paragraphs 10.3 and 10.8 of the committee report state that the four plots to the front are acceptable in principle and officers also acknowledge that there is development in-depth elsewhere within the village, the issue, therefore, lies with the three in-depth dwellings but, in her view, there are many examples of development in-depth within the area, such as Nene Close, Glebe Gardens, Spencer Drove and Hillcrest Drive, with the proposal extending no further into the countryside than these developments and will extend no further than the curtilage of other dwellings within the vicinity of the site and despite the development not strictly being infill development there would be no character harm only benefits to be gained by providing lower cost housing within a sustainable location.

Mrs Jackson referred to residential amenity comments which are noted, however, the views from the rear bedroom windows towards garden areas would be obscured by the single-storey rear projections on the dwellings, which, in her view, is no different to any other estate situation anywhere else within the District. She expressed the opinion that the scheme is not cluttered, there are patios around the dwellings which may give a deceptively cluttered impression of more buildings but is actually quite spacious and there is opportunity to provide landscaping to soften the appearance of the buildings and parking areas and they would be happy to accept a condition to this effect.

Mrs Jackson referred to an objection on parking due to the garage spaces falling slightly smaller than the prescribed standard, however, in her view, the Local Plan also states that lesser parking provision may be accepted in central locations with good transport links. She stated that, given this site is within the built up settlement of Guyhirn, it is in a sustainable location where future residents can walk or cycle to amenities as well as catch public transport to go further afield, therefore, in her opinion, this could be an instance where lesser parking provision is acceptable but there are also no objections from the Highway Authority and they have no concerns about the potential for parking on the public highway as a result of the perceived shortfall of parking spaces.

Mrs Jackson stated that they have submitted a sequential test which demonstrates that there are no alternative sites available in Guyhirn which could have accommodated the proposal, however, these results have been dismissed because of the in-depth nature of the development, which, in her view, is unfair. She expressed the opinion that the submitted documents prove that the sequential test is passed and, therefore, the exceptions test applies, with regard to the exceptions test she feels the proposal meets both of the criteria because the Flood Risk Assessment demonstrates that the scheme is technically acceptable and the development comprises the delivery of housing within a sustainable location which can be provided in the very short term, which is a distinct community benefit.

Mrs Jackson hoped members could see the benefits of the scheme and are able to grant planning permission.

Members asked questions of Mrs Jackson as follows:

- Councillor Sennitt Clough asked if she heard rightly that there would be on-street parking? Mrs Jackson responded that the development would generate the need for 14 parking spaces, four of those are proposed garages but because the garages fall slightly lower than the standards in the Local Plan they cannot be counted so it could be perceived that the shortfall would go on the street but Highways have not commented on this and have no concerns so, in her view, there is no fear of on-street parking. Councillor Sennitt Clough referred to the huge number of HGVs that pass down that road to the anaerobic digester plant, she has lived on that road and knows it and she does not think on-street parking would be ideal.
- Councillor Sennitt Clough referred to mention that residents could walk or cycle to amenities and asked what amenities could they walk or cycle to? Mrs Jackson responded that there are the playing fields, the local school, a pub with a restaurant and bus stops. Councillor Sennitt Clough stated that when amenities was mentioned she was thinking shops and larger amenities.
- Councillor Imafidon stated that he knows the road well and the property does need to be taken down it is an eyesore and there is a telescopic frog lift in the rear garden. He asked if the developer would consider reducing the number of units and what is the response to the fact that under LP3 it does not constitute an infill? Mrs Jackson responded that policy LP3 is a settlement hierarchy, it directs development and categorises Guyhirn as a small village where infill only is appropriate, with the spirit of the policy being to ensure there is no encroachment into the open countryside so it is pushing new development into sustainable areas and, in her view, whilst the houses to the rear would not necessarily meet the definition of infill they are still complying with the spirit of the policy as they are not encroaching any further into the countryside than other development in the area plus they are still all within the curtilage of the existing dwelling. She added that if members felt that 7 dwellings were too much they could have a look at it but she is conscious this would be a different application.
- Councillor Murphy referred to 5.8 of the officer's report regarding refuse vehicles and made the point that 7 properties is 14 x 240 litre bins and also food waste when it comes into being in a year that is another 7 more food caddies and a 26 tonne lorry takes a lot of turning, it would have to turn round in a development such as it, it cannot reverse out and needs a lot of space. He asked if this had been taken into consideration? Mrs Jackson responded that there is tracking on the drawings which shows turning for vehicles and she understands what is being said about the size of the refuse vehicle but would be happy to accept a condition for a Refuse Strategy whether it be a private collection or arrangement. Councillor Murphy stated that it needs to come back to the Council to see whether it can be undertaken as he does not think it is realised how much room is needed.
- Councillor Marks expressed concern about the size of the plot compared to what is being proposed to be placed on it and that the garage sizes are being reduced which results in a property where you are unable to get car doors open. He stated that if people are unable to park in the garage they are going to park roadside and then there would be a highway issue

and asked how much the garages are going to be reduced by? Mrs Jackson responded that the Local Plan requires garage spaces to be 3 x 7 to be counted as a space and the drawings show the garage spaces to be 5.9 x 2.8 so it is 1.2 metres shorter and 20cm narrower than required by the Local Plan. She expressed the opinion that the only issue she can see with the garage spaces is where there are four-bedrooms proposed because a four-bedroom property would generate the need for an extra parking space so those units, she believes, would still have two parking spaces and it is the third space that is the issue which is the one that is the garage. Mrs Jackson expressed the view that a family home with children, is it likely that the children would have a car maybe or maybe not, but there are still two parking spaces for a couple as normal and it is whether that third space is essential. Councillor Marks stated that he still maintains that they are trying to get too much onto a plot that it almost becomes greed in what is trying to be achieved.

- Councillor Marks referred to the mention that there are lots of £500,000 homes in the village which locals cannot buy and asked is the developer going to apply a covenant that these are only for local families? Mrs Jackson responded that this is not the intention but, in her view, the nature of the buildings which are smaller family homes would dictate that families could only afford those types of dwelling.

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

- Councillor Sennitt Clough made the point that the information on bins raises a point that she probably would not have considered. She feels the number of houses on this site is too many, she does not have any issues with site itself but the number is 1-2 too many.
- Councillor Imafidon agreed with the comments of Councillor Sennitt Clough which is why he raised the question about a reduction in numbers. He expressed the view that it is a prominent site, there are no highway issues with it being a straight road not far from The Oliver Twist pub and far from the bend leading to the A47 and he feels something should be undertaken on the site, the house on it now does not look very good and the site looks untidy and needs developing but 7 is too many.
- Councillor Clark agreed with everything that has been said and there should be smaller number of dwellings.
- Councillor Marks agreed and feels that officers have got the recommendation correct as there is too much being pushed in to a small space.

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

P45/24

F/YR24/0303/F

WOODLAND, SOUTH OF ST LEONARDS CHURCHYARD, GOREFIELD ROAD, LEVERINGTON

ERECT 2 X DWELLINGS (2-STOREY, 4-BED), INCLUDING FORMATION OF AN ACCESS

David Rowen presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Kevin Salter, the applicant, and Chris Walford, the agent. Mr Salter stated that he represents the company that owns the land, with the whole of land shown yellow and outlined in red on the displayed plan being acquired in 1998, which was a huge problem as the site was overgrown, vandalised and had anti-social behaviour. He advised that they tried to work very closely with all the authorities, the Parish Council, the local councillors, local residents and the then Tree Officer who agreed that he could not do anything until they started working closely with him.

Mr Salter stated that the site was derelict after the former rectory on the yellow site was burnt down in the mid-1990s prior to that the previous owner had got planning consents including this land for a high density residential development and the conversion of the former Chapter House, with that

company going into liquidation it was brought by his company from the Anglo Irish Bank and they have tried to pursue a sensible planning application but one that works to enhance the Conservation Area, with the former development proposals, in his view, being severely detrimental to the Conservation Area. He advised that a scheme was produced with all these different authorities input for a low density five-unit scheme, which was developed and called Chapter Gardens, which, in his view, is a prime example of how to turn around a problem site.

Mr Salter stated that policy at that time was that you could only get five dwellings off a shared driveway and which is why the scheme was produced, which works very well. He advised that the other land was kept back, which he is unsure of as to why, with various suggestions of what could happen on it but over the last 20 years it has become a nightmare of a site and has become badly vandalised.

Mr Salter expressed the view that the trees are mostly Grade C trees, he has worked closely with the Tree Officer and any works have been in accordance with applications or advice received, with the Tree Officer recommending on a previous planning application removal of all the trees so although there are TPOs on some of those trees most of those trees have been supported by the Tree Officer to have them removed. He referred to Paragraph 72 of Subsection 2 of the NPPF which encourages local authorities where Conservation Areas can be enhanced and this is all they are seeking to do here, it is not about getting money from two houses, it is to bring that site to a remediated site, they have a remediation plan as part of the planning application which would deal with all the problem sites within the trees and the replanting of the boundaries with native hedgerows and species.

Mr Walford reiterated that of all the trees on site that are to be removed for the development, with the majority of them having pre-existing consent for removal, which leaves two that have not and those two have been confirmed in the Tree Officer's report to be affected by Ash dieback and are in poor condition. He stated that the Tree Officer's recommendation for approval in terms of trees was very much on the basis that the loss of the trees was not detrimental to the development.

Mr Walford stated that he has lived in Leverington for 24 years and his house looked onto The Glebe and he can vouch for the coming and goings on the site, with it being a run through from the sports field from The Glebe and it has always been a problem area, with antisocial behaviour, fires and the Police called. He feels the best way, like a Listed Building, is to give it families to love it and maintain the area, which he can only see as an enhancement over and above what it is there now and where it is heading, with it being well screened so they are not changing any of the perimeter and the trees there are staying.

Members asked questions of Mr Salter and Mr Walford as follows:

- Councillor Imafidon stated that he knows this area very well and he knows the Grade I Listed church itself has been under attack by vandals. He commended Mr Salter on what they did on the previous site, recognising that it is not an easy task to take on a site like that. Councillor Imafidon asked why two units and why not one as looking at other developments near the site they are quite spacious? Mr Salter responded that there is a development cost, it is going to cost an enormous amount of money to remediate that site and by the time they have got the infrastructure and the grandtrack road, which is a permeable surface and a no dig road which will not be seen from Gorefield Road, reinforced and then filled with gravel or grassed and takes up to 40 tonnes in weight, there is a significant cost to service the land so it would not be viable to build one house on this site. He added that it is primarily about remediating a problem site which has got worse over the last 20 years and has cost an enormous amount of money and problems, with a solution being found for the development that became Chapter Gardens and he wants a solution here as well. Councillor Imafidon sympathised and understood what he is trying to do.
- Councillor Clark stated that as this site lies within her ward she knows there has been anti-

social behaviour and she asked if The Glebe is owned by the church? Mr Salter confirmed this to be correct by the Diocese of Ely. Councillor Clark continued that she has looked through the report and cannot see any consultation with them or the church's Parochial Council? Mr Salter responded that they first approached the Diocesan Board many years ago, probably 20 years ago, to ask if there would be any potential to get an access across The Glebe field and the answer was no and this continued for a number of years until 2016 they said yes and they have an agreement that if they get planning consent they will grant an access across that land. He stated that the Parochial Church Council have a rent on that land and do not have a right of tenure but they are not going to spend legal fees on getting the access if planning permission is not forthcoming and there is an agreement that states if they can get permission they will grant an access. Councillor Clark stated that she has had issues with that piece of land because the school is close and as everyone is aware parking outside schools is horrendous and it was suggested to the Diocese that this land could be turned into car parking but it was refused so she is questioning why they would give them access? Mr Salter responded that is because he is having to pay for it and it is a considerable amount of money, he referred to case law where you have ransom strip or no access to your land and if somebody grants you access to their land you have to pay them the 50% uplifting value between what you say it is worth now which is nothing and what it would be worth with planning consent, working out what the deductible costs are and basically they end up with 50% of the net value as a contribution for allowing an access across the land. Councillor Clark reiterated that she is aware the anti-social behaviour has been bad and there have been special meetings at the village hall with the Police due to this and vandalism and she believes there has been several fires on the land in the past. Mr Salter stated that one of the neighbours who has been keeping a watch on the site for him ever since he has lived there has filmed over his fence some instances and it is horrendous.

- Councillor Sennitt Clough expressed concern about some of the comments made from Leverington Parish Council about the cemetery and whatever it is that is being dug out they have said there will be some damage and she understands that there are some Commonwealth War graves in the cemetery so they do not want the cemetery being disturbed unnecessarily. She asked what if any disruption there will be to the cemetery from the development? Mr Salter responded that it is a no dig road, it is a minimal scrape of the surface and the depth of the road is no more than the width of the table he is sitting at so it will not be seen. He added that there is an established hedgerow between this and the graveyard and in terms of distance it is probably 12-15 feet away from the nearest grave. Mr Salter stated that, in comparison, if you look across the road at what the Parish Council have done for their new graveyard which is going to cover all the allotment area, they have put a solid hard road into the new graveyard area behind the church which is going to have hundreds of graves in it and is 2 foot from the headstones of people's graves with no protection so his development is going to be nowhere near anybody's graves. He made the point that Chapter Gardens is a no dig road, although it is brick paviour as grand tracks was not about then.
- Councillor Sennitt Clough questioned that the hedgerow would remain? Mr Salter confirmed this to be correct.
- Councillor Marks how the site is accessed now to upkeep it? Mr Salter responded that they have a longstanding agreement with Jolliffe's, the agent for the Diocesan Board, to allow them access through an existing gateway opposite the school and when they have accessed it, it is with small machinery and they have removed anything by hand.
- Councillor Marks referred to two homes instead of one and made the point that the trees are fairly substantial, it is quite a tight area and he is concerned about the shading from the trees. He asked would it not be better for one home in the middle as opposed to the two and also in relation to access and turning circles by the homes themselves? Mr Salter responded that economically it would not be viable for one dwelling, especially with construction costs for building a house going through the roof and there is very little profit in a four-bedroom house after all the costs have been taken into account. He referred to the

trees and they already have consent from Fenland to crown a number of the trees and in further investigation there will be probably more tree removal, with there being permission already to remove a number of trees and with the remediation plan they would not be providing trees as big as what is on site currently and it will just be hedgerow. Mr Salter stated that the Conservation Officer in his report refers to an established protected hedgerow on the eastern boundary of the site but there is not one there and never has been but this development proposes one.

- Councillor Marks stated that as a Conservation Area he is really concerned to hear that some trees are going to be crowned and that some other trees may be removed, making the point that this is Conservation Area where the street view when you see the church and the graveyard is the character of the village and whilst it might be a piece of waste ground permission may be given to put two houses on this land and he is not convinced that it will match in with the Conservation Area. Mr Walford referred to the loss of light to the gardens of these properties and stated that Chapter Gardens is a very successful development that has worked with the trees and with the character of the area. Councillor Marks made the point that there is a lot more space around these properties compared to this proposal. Mr Walford responded that there is still a lot of trees though and he feels that if you buy a plot here when you arrive you are going to see there is a lot of trees here and that it is a beautiful site that just needs a bit of love and care and you are buying a property with a lot of trees that will cause some shadowing but he does not think this is detrimental to the development, it can still be an enhanced site and a lovely place to live, with them being south facing gardens albeit with some trees on site. He referred to turning and that there is tracking on the site for emergency vehicle turning and the plan would not be to bring refuse lorries on site because there would be a roadside collection, with there being 4 spaces per house with turning clear of the parking area for emergency vehicles and the waiting on the road is also adequate for these vehicles, with the road system designed mainly for root protection and there will not be any damage to trees even if someone is driving on it and it dissipates any weight.
- Councillor Marks expressed concern about further trees being removed. Mr Salter responded that the remediation plan that forms part of the planning application sets out what the proposal is for the existing trees that have permission to be removed, those that have permission to be crowned and what they intend to do with the boundaries, with the boundaries being a real mess and causing a lot of light not getting into the site so it is more undergrowth removal.

Members asked officers questions as follows:

- Councillor Murphy asked that when there is TPO and there is consent to remove the tree, is there a time limit? David Rowen responded that he believes it is two years. Councillor Murphy asked if this site is over those two years or not? David Rowen responded that from the planning history works to trees were deemed as exempt in 2020 and 2022 so yes the two years looks to have been exceeded. Councillor Murphy asked that the trees cannot be taken now unless the applicant applies again? David Rowen responded that would appear to be the case and made the point that works to trees that are protected by a TPO if they are deemed as exempt works can be undertaken without formal consent being granted because of the urgency of the situation but there is a requirement in the Tree Regulations that the trees are replaced on a like for like basis and as part of any approval that is granted for works to TPOs that is usually subject to a condition that replacements trees are to be provided so it is not normally the case that works to remove trees are just granted there is usually something that requires replacement.
- Councillor Murphy asked if the permission is out of date does the tree revert back to a TPO tree? David Rowen responded that it remains a TPO tree until such time as it has been removed and if the works have not been undertaken within the requisite period then there is no consent in place to do those works. He referred to the comments made by Mr Salter and even if there is approval or was approval in place for those trees to be removed there would be an expectation and a mechanism to have replacement trees planted so it is not the case

that the Council has just accepted trees being cleared from the site there is an expectation that the trees would go back if the removal was deemed necessary.

- Councillor Marks questioned that there could be a possibility that the TPO works has now expired as the 2 years has passed so is there a need to have another report from a Tree Officer before planning permission is granted? David Rowen responded in relation to the current application he does not think that is necessarily material to the determination of the proposal, with the Tree Officer commenting on the application and has not raised objections to the loss of the trees per se but the Council's Conservation Officer has raised concerns in on the loss of the trees and the introduction then of the built form on the site and the overall impact. He does not feel that the issue of the loss of trees precludes the committee making a decision on this application today but in terms of the weight the committee can potentially give to the arguments being put forward by the applicant about the effect of the permissions that are in place for the removal of trees on site is diminished by the time issue that Councillor Murphy picked up on.

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

- Councillor Sennitt Clough expressed the view that the grounds for refusal are not that substantial, she thought initially there were some issues with it being in a Conservation Area and the heritage aspect but feels that all those questions have been answered in such a way as to convince her that this is a good application, being satisfied with the responses from the applicant and agent.
- Councillor Imafidon stated that he personally knows the site and has been contacted by locals and residents about the problems they have on the site, not just vandalism of the Listed church but with squatters, alcohol and drugs and some other anti-social behaviour and the impacts that the near derelict site is having on the local community, with elderly people being afraid to walk around that area. He understands the conservation concerns of the site, the TPOs and the Listed Building but he feels something needs to be undertaken with this site.
- Councillor Marks stated that there is concern within the village and he has concerns over the trees and he is not sure it sits well having two properties in that small area, with the developer having put next door five dwellings in a lot larger area and he would be more comfortable with one property as opposed to two. He recognises the financial side but usually somebody who wants to build a property like this will find a way round, it may become a bit more of an expensive property. Councillor Marks stated that the site does need something doing with it but he feels two properties is one too many.
- Councillor Clark stated that anti-social behaviour in that area is not good and she agrees that one property would be preferable, with her concern being the trees.
- Councillor Sennitt Clough stated that when she thinks about the opportunity to build one property or two, the one property may be a substantially bigger more expensive property but two properties might be slightly cheaper and offer the opportunity for locals to purchase these properties and stay in the area.
- Councillor Marks stated that he agrees, however, it needs to be taken into consideration that this is a Conservation Area and the look of two properties as opposed to one is in the "eye of the beholder" and committee just turned one down at Guyhirn for 7 properties in a small space so it could be argued that committee has denied 7 families housing. He still believes that one would be better than two.
- Councillor Imafidon stated that Leverington is an area where people like to live so he thinks the developer can make it work with either one or two but there is a need to do something with the site. He acknowledged that it is a Conservation Area but from the other development of 5 houses undertaken previously it has been seen how they have been built sympathetically and it was difficult for him to find the site, even knowing the area, and unless you are actually looking for it you will not notice them as the five dwellings blend in. Councillor Imafidon expressed the view that what you do notice is the Church, the vandalism, the graves and the war memorial, he is aware it is a Conservation Area and the importance of preserving Conservation Areas but something needs to be undertaken on

that site otherwise it is just going to get worse, it is making people's lives misery with anti-social behaviour, with drugs and alcohol issues next to a school which should not be taking place around children.

- Councillor Marks agreed that something is needed on the site, however, is the solution two properties in a Conservation Area with the tree and the shading issues.
- David Rowen referred to members talking a lot about the issue of anti-social behaviour and the officer's report does reflect on this and members need to remember when making a decision that the committee is here to deal with the issue of appropriate land use and not to deal with relatively short-term issues of anti-social behaviour, which could be addressed through other mechanisms, such as community policing. He finds it interesting when talking about anti-social behaviour that reference has been made to vandalism at the church but the church is not this application site so is there going to be an argument put forward that there needs to be houses built in the churchyard to address the anti-social behaviour taking place here. David Rowen stated in relation to the impact of this application, the site is within a Conservation Area, it is also within the setting of the church which is a Grade 1 Listed Building so the highest standard of Listed Building and, therefore, that has a more sensitive setting and greater consideration should be given to the impact of that setting as identified by the Council's Conservation Officer. He made the point that the verdant character of this site and the openness of The Glebe all contribute to the character of the Conservation Area, the setting of the church and the overall significance of those heritage assets and consequently substantial or significant harm is identified to those heritage assets, with the recommendation being to refuse the application.

Proposed by Councillor Clark, seconded by Councillor Marks to refuse planning permission as per the officer's recommendation which was not supported by a majority on a vote.

Proposed by Councillor Sennitt Clough, seconded by Councillor Imafidon and agreed that the application be GRANTED against officer's recommendation, with conditions delegated to officers to apply.

Members do not support the officer's recommendation of refusal of planning permission as they do not feel the application would be detrimental or cause harm to the Grade 1 Listed Church or the heritage features within the Conservation Area.

(Councillor Clark declared that this application lies within her ward but she will approach the application with an open-mind)

P46/24

F/YR24/0342/F

51 MARKET PLACE, WISBECH

FORMATION OF 2 X STUDIO FLATS ON THE FIRST AND SECOND FLOOR INCLUDING CHANGE OF USE OF PART OF GROUND FLOOR (FOR ACCESS TO FLATS)

David Rowen presented the report to members.

Members asked questions of officers as follows:

- Councillor Marks referred to the recent approval of single living in containers and that officers were going to find out the area of the container, is it on par with this proposal? David Rowen responded that this was the application site at Mill Close in Wisbech, which was an application submitted by a Housing Association to be occupied by the Ferry Project as transitional housing for people that were previously homeless and the internal size of those units was about 25 square metres, however, those units did also have an area of external veranda which could be used as amenity space and also had access to communal garden facilities. He expressed the view that in comparison with the nature and detail of the accommodation and its access to amenity space there is a significant difference with this

proposal.

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

- Councillor Sennitt Clough expressed the view that the officer's recommendation is correct, it is far too restricted floor space.
- Councillor Imafidon agreed, it needs something but quality accommodation is needed in Wisbech and if this is approved it would not be quality living.

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

(Councillor Imafidon declared, under Paragraph 14 of the Code of Conduct on Planning Matters, that he is a member of Wisbech Town Council but takes no part in planning. He further advised that he lives in proximity to the application site but remains impartial and will approach the application with an open-mind)

**P47/24 F/YR24/0532/O
LAND SOUTH EAST OF 190 WYPE ROAD, EASTREA
ERECT UP TO 2 X DWELLINGS (OUTLINE APPLICATION WITH MATTERS
COMMITTED IN RESPECT OF ACCESS)**

David Rowen presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Lee Bevens, the agent. Mr Bevens referred to item 1.2 and that his client has two previous applications approved along Wype Road for 4 bungalows in total going as far back as 2019 and whilst policy LP3 means that only infill development is accepted the scheme looks to continue ribbon development form on this side of Wype Road and will be the last two bungalows applied for by his client. He expressed the view that members have previously agreed that the previous bungalows approved followed the general pattern of development along Wype Road, which is ribbon or frontage development and he disagrees with officers that this proposal would fail to respect the core shape and form of the settlement by virtue of following this linear pattern along Wype Road.

Mr Bevens understands that some locals have raised the issue of a footpath but the extent of the adoptable footpath is on the opposite side of the road outside of No.127 Wype Road and should any development be approved on that side of the road then the adoptable footpath would be extended further along Wype Road providing additional pedestrian safety. He referred to item 1.3 and they do not believe the site is contrary to policy LP12, the site is adjacent to the existing developed footprint of the village being the two large detached bungalows to the north-east and the two bungalows currently under construction and they do not feel it would have a harmful impact on the character and appearance of the surrounding countryside as the dwellings proposed would be single-storey in height and reflect nearby dwellings.

Mr Bevens expressed the view that the proposal is of a scale and location that is in keeping with the established form of Wype Road and will extend the linear features but in a manner which is proportionate to the small village of Eastrea and will provide two bungalows offering a wider choice of housing. He stated that officers refer to policy LP16 in their recommendation and the site does retain the hedgerow to the front of the site, which would be reinforced in a future reserved matters application and this could be conditioned.

Mr Bevens expressed the opinion that the scheme will improve the character of the local area and does not adversely impact on the street scene. He referred to the slide on the presentation screen, which is an uploaded image from the forthcoming Whittlesey Bypass Consultation, with the site marked in red, which shows the northern and southern bypass options and should the favoured southern bypass come forward this area of Eastrea will be well placed to access that infrastructure

and the associated benefits.

Mr Bevens expressed the view that the proposed scheme will offer well designed bungalows which will meet local demand, with Environmental Health and Highways raising no objection and the site falling within Flood Zone 1 and is the last section of that run before it enters into Flood Zones 2 and 3. He stated that the scheme next door has just sold one of the completed bungalows and there is strong interest in the second bungalow which is just coming out of the ground, which shows the strong demand for this type of product in this area.

Mr Bevens asked members to reconsider the recommendation for refusal and approve the proposal based on the local support for the scheme and the points he has outlined.

Members asked questions of Mr Bevens as follows:

- Councillor Sennitt Clough asked for confirmation that the site is within Flood Zone 1? Mr Bevens confirmed this was correct and that at the bottom of the site, the next piece of land down starts to go into Flood Zones 2 and 3 so as it approaches the railway line and the Sustrans route that runs alongside the bottom of the land it is in Flood Zones 2 and 3 and this would be the last development proposed by his client.

Members asked questions of officers as follows:

- Councillor Sennitt Clough stated that the image on the screen is very much out of date on the strategic outline business case for the relief road, those two routes have not been agreed and this should not have any impact on committee's decision today. David Rowen responded that it is not an image provided by officers but one that has been provided by the agent. He stated that the relevance of that to the decision members are making today is that it is a very long-term project that will be a number of years before it comes to fruition and is immaterial to the determination of an application for these two dwellings.

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

- Councillor Marks stated from memory committee approved the previous bungalows and said no further development but this application has now come along and he feels it will mirror what is already present and it does give the road the end point, especially as it goes into Flood Zones 2 and 3. He stated whilst visiting the site he saw on the lamppost or telegraph pole a yellow notice advertising that there is an application for 3 across the road so it is coming to the end of the village and as long as there are no further developments along there, these are the last two, he would support this application.
- Councillor Sennitt Clough asked for clarification that Councillor Marks said he would be supporting? Councillor Marks confirmed that he would happily support this proposal as long as this is the last development along this side of the road.
- Councillor Sennitt Clough agreed and feels there is a need for bungalows in the area and if this proposal is in the same style as the ones that are already in existence they provide a nice outlook on entry to the village. She stated her only concern was the risk of flooding, she knows the road quite well and if this was the last development along here then she would also support it.

Proposed by Councillor Murphy, seconded by Councillor Imafidon and agreed that the application be GRANTED against officer's recommendation, with authority delegated to officers to apply conditions.

Members do not support officer's recommendation of refusal of planning permission as they feel that the proposal is acceptable in terms of amenity impact and highway safety, it does not harm or is detrimental to the character of the countryside and the site lies in Flood Zone 1.

(Councillors Clark, Marks, Murphy and Sennitt-Clough declared that they know Councillor Mrs Laws who has links to the applicant but will approach the application with an open-mind)

(Councillor Imafidon declared, under Paragraph 2 of the Code of Conduct on Planning Matters, that he had been lobbied on this application but would keep an open-mind)

P48/24 **CONFIDENTIAL - PREVIOUS MINUTES**

The confidential minutes of the meeting of 21 August 2024 were signed and agreed as an accurate record.

(Members resolved to exclude the public from the meeting for this item of business should it need to be discussed 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)

4.37 pm

Chairman

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F/YR24/0085/O

Applicant: Mr V Salisbury

**Agent : Mr R Papworth
Morton & Hall Consulting Ltd**

Land South Of 19, Blackmill Road, Chatteris, Cambridgeshire

Erect up to 5 x dwellings (outline application with matters committed in respect of access) with highway works

Officer recommendation: Refuse

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

1 EXECUTIVE SUMMARY

- 1.1 The site comprises 0.63Ha of agricultural land located at the southern end of Chatteris, south of Blackmill Road in an area of open countryside
- 1.2 The application seeks outline planning permission for the residential development of the site for up to 5 dwellings, with access committed.
- 1.3 The proposal would result in an unacceptable conflict between motor vehicle users and pedestrians along Blackmill Road, resulting in increased risk to the safety of pedestrians. This is contrary to policy LP15 of the Fenland Local Plan and paragraphs 108 and 110 of the NPPF
- 1.4 Furthermore, the site is located in a mineral safeguarding zone, without any identifiable overriding needs for the development that would justify the development within the safeguarding area. The proposal is therefore contrary to Policy 5 of the Minerals and Waste Local Plan.
- 1.5 The recommendation is to refuse the application.

2 SITE DESCRIPTION

- 2.1 The application site is located to the south of Blackmill Road, an unmetalled public byway open to all traffic, in the town of Chatteris. The parcels of land immediately to the north and west of the application site comprise of 2 residential dwellings, albeit with planning permissions in place for 2no. further dwellings. The land to the east of the site has outline planning permission granted for up to 50 units to be accessed via Fairbarn Way to the east.
- 2.2 The site as existing is currently an undeveloped, agricultural field with no apparent boundary screening features.

3 PROPOSAL

- 3.1 The proposal seeks outline planning permission with all matters reserved, except for access, for the erection of up to 5no. dwellings with highway improvements.
- 3.2 The highway works proposed comprise the creation of 2no. passing places along Blackmill Road.
- 3.3 As the application is in outline form only, no detailed designs have been provided. However, the application is supported by an indicative layout showing a linear development on a cul-de-sac, set behind the existing frontage development.
- 3.4 Full plans and associated documents for this application can be found at: <https://www.publicaccess.fenland.gov.uk/publicaccess/>

4 SITE PLANNING HISTORY

F/YR21/0833/O	Erect up to 6 x dwellings (outline application with matters committed in respect of access)	Refused 02.12.2021
F/YR16/1000/F	Erection of a 2-storey, 4-bed workplace home and storage shed for office/horticultural use	Refused 25.05.2017 Appeal Dismissed 06.12.2017 (APP/D0515/W/17/3180740)
F/YR16/0469/F	Erection of a 2-storey, 4-bed dwelling and a workshop with B1, B2 or B8 use	Refused 03.08.2016

5 CONSULTATIONS (summarised)

5.1 Chatteris Town Council (comments received; 07.02.2024, 01.08.2024, 25.09.2024)

Object on following grounds:

- Inadequate access arrangements
- Insufficient land to accommodate highway improvements
- Extra traffic impact on Blackmill Drove
- Overdevelopment in the countryside
- Potential flooding problems

5.2 Councillor Hay (comments received; 05.02.2024, 10.09.2024)

Object on following grounds:

- Increase of 20 vehicles
- Increased risk for pedestrians and dog walkers
- The Drove is not wide enough for more than 1 vehicle
- It is believed that at least 1 of the houses will be in full sight from the drove

5.3 Environmental Health Team (comments received; 16.02.2024, 12.09.2024)

No objection subject to conditions

5.4 Definitive Map Team (comments received; 22.02.2024, 18.09.2024, 30.10.2024)

Object on following grounds:

- Increased traffic from development and narrowness of byway may cause safety issue and lead to significant erosion of byway surface.
- Although the application refers to the inclusion of passing places on Byway 22, Chatteris, as a Public Byway, the public have the right to pass and repass along the whole route on foot, bicycle, horse, horse-drawn carriage and motorised vehicles, including agricultural vehicles.
- There is no legally defined and recorded width for this byway, and we are not able to advise what it would be. As the dimensions are not known, we cannot guarantee that the applicant would be able to improve and widen the byway to secure a standard that may be required by the Local Planning Authority. The applicant therefore would proceed with any development that might affect the highway at their own risk.
- Any change to surface of any part of the byway would need to be authorised by The County Council. Further details and request form can be found at: Rights of way - Cambridgeshire County Council
- Any changes to the surface of the byway would require a legal width to be established, this is done via a Definitive Map Modification Order, information for which can be found here: <https://www.cambridgeshire.gov.uk/asset-library/DMMO-Guidance-Notes-September-2021.pdf>
- Maintains concerns raised under previous application (F/YR21/0833/O)

5.5 Minerals and Waste Team 9 comments received 29.02.2024,

Object on following grounds:

- The site lies within a Sand and Gravel Mineral Safeguarding Area relevant to Policy 5 of the MWLP 2021. This policy seeks to prevent mineral resources of local and/or national importance being needlessly sterilised.
- Policy 5. criterion (I), states that:
“development will only be permitted where it has been demonstrated that there is an overriding need for the development (where prior extraction is not feasible)..”
- It is not considered that any criteria for compliance with Policy 5 have been met.

5.6 Cambridgeshire CC Highways (comments received 13.03.2024, 29.10.2024, 04.11.2024)

[Latest comments 04.11.2024]

Following a review of the documents provided to the Highway Authority as part of the above planning application, the Highway Authority requests that the application be refused on grounds of deliverability.

To reiterate, and whilst there is no submitted forecast of vehicle movements from the proposed dwellings and it is clearly accepted that the byway is currently utilised by a number of pedestrians throughout the day, the modest increase in peak hour vehicle trips arising from the development would not result in a detrimental impact on safety grounds such that an objection from the highway authority could not be substantiated solely on the grounds of highway safety.

It should be clearly understood however that the acceptance of the proposed development on highway grounds is contingent upon the provision of the widening works (the ‘mitigation works’) to the public byway in the form of 2 no. passing

places which are necessary to enable vehicles to pass other users of the byway and make the development acceptable in highway safety terms.

As noted by the Definitive Map officer, the necessary highway mitigation works are reliant upon the alteration and widening works to Byway 22. In this respect, the width of byway has not been legally defined or recorded (by means of a Definitive Map Modification Order (DMMO)), and therefore the Local Highway Authority cannot confirm that the works are deliverable within the highway extent.

Notwithstanding the above, the proposed mitigation works are unlikely to be achievable solely within the defined by width of the byway (to be determined by DMMO) with due regard to the existing ditches/ drains either side of the carriageway. These drainage features unlikely to form part of the public highway but will lie within the riparian ownership of the adjacent frontage properties.

Accordingly, to construct the mitigation works the riparian ditches at those locations would be required to be piped/ infilled, such land being under the ownership of the adjacent properties. Construction of the mitigation works would therefore be reliant upon third party land, and in this respect, it is considered that the scheme is undeliverable on the basis of the information currently available.

In summary therefore, whilst the proposed development is acceptable in safety terms in conjunction with the proposed off-site mitigation works, it is unclear if the necessary mitigation work can be delivered within land under the applicant's control and the adjoining public highway.

Accordingly, the Local Highway Authority objects to the proposed development until such time as this width of the byway has been appropriately determined via a Definitive Map Modification Order and the ownership boundaries are clearly understood to ensure that access the mitigation works are deliverable.

5.7 Local Residents/Interested Parties

Objectors

7 letters of objection were received from residents of Chatteris, raising the following points:

- Danger to pedestrians, horses and horse riders (including those with carriages)
- Loss of wildlife and green space
- Loss of privacy to existing dwellings
- Road not wide enough to accommodate two-way traffic

Supporters

10 letters of support were received from residents of Chatteris, raising the following points:

- Evidence of need for such properties
- Not experienced congestion
- Highway Improvements required
- Houses will be sympathetic to existing surroundings
- Development would enhance the area
- Planning permission granted on surrounding parcels of land

6 STATUTORY DUTY

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014) the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021).

7 POLICY FRAMEWORK

7.1 National Planning Policy Framework (NPPF)

Chapter 2 - Achieving sustainable development
Chapter 4 – Decision-making
Chapter 5 – Delivering a sufficient supply of homes
Chapter 9 – Promoting sustainable transport
Chapter 11 – Making effective use of land
Chapter 12 – Achieving well-designed and beautiful places

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
LP10 – Chatteris
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

7.5 Cambridgeshire and Peterborough Minerals and Waste Local Plan 2021

Policy 5 - Mineral Safeguarding Areas
Policy 10 - Waste Management Areas (WMAs)
Policy 14 - Waste management needs arising from residential and commercial Development
Policy 16: -Consultation Areas (CAS)

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

7.7 **Emerging Local Plan**

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

LP1: Settlement Hierarchy

LP2: Spatial Strategy for the Location of Residential Development

LP5: Health and Wellbeing

LP7: Design

LP8: Amenity Provision

LP12: Meeting Housing Needs

LP13: Custom and Self Build

LP20: Accessibility and Transport

LP22: Parking Provision

LP27: Trees and Planting

LP28: Landscape

LP32: Flood and Water Management

LP46: Residential site allocations in Chatteris

8 **KEY ISSUES**

- **Principle of Development**
- **Access and Highways**
- **Character and appearance impact**
- **Residential amenity**
- **Biodiversity and ecology**
- **Drainage and flood risk**
- **Minerals and Waste**
- **Biodiversity Net Gain (BNG)**

9 **BACKGROUND**

- 9.1 The application site has previously been subject to a total of three applications, all seeking residential development. Two applications were submitted in 2016 for the erection of a residential dwelling along with an outbuilding, the second of which was appealed and subsequently dismissed by the Inspectorate.
- 9.2 In 2021, a new application was submitted which sought outline planning permission for the erection of 6 dwellings, which was also refused.
- 9.3 The current application seeks permission for a smaller residential development consisting of 5 dwellings.

10 ASSESSMENT

Principle of Development

- 10.1 The proposal seeks outline planning permission, with only access committed, for the erection of up to 5no. residential dwellings on land south of Blackmill Road in Chatteris.
- 10.2 Previous planning application refusals and subsequent appeals have considered the site to lie within open countryside rather than within the built settlement. On the basis of this conclusion, the site would be identified as an 'Elsewhere' location by Policy LP3, whereby development is generally sought to be restricted to that which is essential, most commonly related to a rural-based enterprise.
- 10.3 However, application F/YR21/0833/O was considered by the planning committee in 2021, whereby the officer recommendation was for refusal on the following grounds;
- 1. The application site would rely on access via a Public Byway Open to All Traffic, No. 22 ('BOAT') which is unmetalled, unlit and restricted in width. The development would therefore result in an increase in unmitigated conflicts between vehicles and pedestrians, cyclists and equestrian users. Furthermore, due to the nature of the road, this would restrict the occupancy of the development to those more mobile and/ or would place a greater reliance on private motor vehicle to access the most basic services of the settlement.*
- The proposal therefore conflicts with policy LP15 of the Fenland Local Plan and paragraphs 108 and 110 of the NPPF which seeks to achieve safe and effective access and encourage sustainable modes of travel.*
- 2. The application site constitutes an area of open countryside and the development would result in a small pocket of piecemeal development which extends incongruously into the open countryside, resulting in the loss of open character and the urbanisation of the area, thereby causing unwarranted harm to the character and appearance of the area.*
- The proposal is therefore considered to be contrary to Policies LP3 and LP16(d) of the adopted Fenland Local Plan (2014), Policy DM3 of the Fenland District Council Supplementary Planning Document: Delivering and Protecting High Quality Environments in Fenland (2014) and paragraph 130 of the NPPF.*
- 10.4 The application was ultimately refused only the grounds only of access issues (refusal reason 1, above), with the Planning Committee expressing the view that the site fell within the settlement of Chatteris.
- 10.5 Given this, it would not be reasonable to revisit the point of principle in respect of the spatial location of the site and it is therefore recommended to conclude that the site lies within the settlement of Chatteris and therefore that the principle of the development is acceptable having regard to Local Plan policy LP3.

Access and Highways

- 10.6 At the time of the previous application, the site was to be served via a 5m wide access, which was considered to be acceptable in principle, subject to delivery. Notwithstanding this, there is ongoing concern regarding the quality and uncertainty over the legal width of Blackmill Road and its ability to accommodate any increase in traffic movements, particularly its ability to accommodate two-way traffic.
- 10.7 In light of this, the current proposals include off-site works along Blackmill Road through the creation of passing places. The highway authority has confirmed that the proposed scheme of works would be necessary and sufficient to alleviate concerns in highway safety terms. Notwithstanding this, the definitive maps team have advised, as per the previous application, that there is no defined legal width for Chatteris Byway no.22.
- 10.8 As such, it remains unknown whether there is sufficient width to carry out the scheme of works. On this basis, it has not been sufficiently demonstrated that the highway improvement scheme is deliverable and subsequently the scheme cannot be considered acceptable in highway safety terms on this basis. The proposal has received objections from both the Local Highway Authority and the Definitive Mapping Team in this regard.
- 10.9 The proposals are therefore considered to be in conflict with Policy LP15 of the Fenland Local Plan – particularly criterion B) and C) which seeks to prioritise pedestrian and other non-car modes of travel – and paragraph 114-116 of the NPPF (2023). This conclusion is consistent with those of the previously refused application and there are no material considerations to indicate an alternative view can be formed.

Character and appearance impact

- 10.10 The site is set back from the highway and is set behind existing properties that front onto Blackmill Road. When viewed aerially, the treatments along the rear boundary of these existing properties present a clear distinction between the urban development and open countryside. As such, development further south beyond this point will result in a degree of encroachment into what is currently undeveloped countryside.
- 10.11 However, it is considered that the visual impact and degree of encroachment will be greatly reduced by virtue of the development approved on the adjacent site to the west for 50no. units.
- 10.12 It is further of note that the character and landscape impacts could be mitigated and reduced through sensitive boundary treatments and landscaping schemes to ensure that the wider landscape is not unduly harmed.
- 10.13 Therefore, it is considered on balance that the character and appearance impact of the development is acceptable in principle, subject to a suitably designed scheme being submitted at Reserved Matters stage.

Residential Amenity

- 10.14 With matters of scale, layout and appearance not committed, it is not possible to assess whether the scheme would likely cause harm to residential amenity e.g. through overlooking, loss of outlook or overbearing impacts. However, when

considering the submitted indicative layout submitted, it is considered that the site is capable of accommodating the proposed development whilst retaining sufficient separation distances to limit the risk of undue amenity impacts on existing properties.

Biodiversity and Ecology

- 10.15 The site itself comprises solely agricultural land, set on the fringe of a large field. Within the site, there are few features which would indicate the presence of protected habitats. There are, however, mature trees and hedgerow along the northern boundary and the indicative layout indicates that new shrubs are proposed, behind a 1.8m high fence. It is possible that a number of trees and shrubs along the northern boundary will need to be removed to accommodate the development and the impacts on biodiversity of doing so are unknown.
- 10.16 As such, it would be necessary for the full biodiversity implications of the detailed design at Reserved Matters stage. It does appear likely that less intrusive options are possible through the reconfiguration of the site at Reserved Matters stage, and with the possibilities of incorporating enhancement measures across the development.
- 10.17 In this regard, at this stage it would be unreasonable to refuse the application on grounds of biodiversity harm, although a better understanding of constraints and opportunities would need to be addressed through future reserved matters submission in accordance with FLP policies LP16(b) and LP19, should the Outline application be approved.

Flood Risk and Drainage

- 10.18 Concerns have been raised over potential flooding as a result of the development. The site and existing properties in the vicinity lie in flood zone 1, but the EA surface water flooding maps indicates that there may be low to medium risk of surface water flood risk on parts of the site.
- 10.19 Whilst no specific detail has been provided at this stage, matters of drainage method could be appropriate secured via planning condition. In respect of drainage, the development would also fall under Building Regulations control, whereby a satisfactory means of foul and surface water drainage would need to be demonstrated and delivered before the development could be occupied.
- 10.20 It is overall not considered that the proposal would give rise to any concerns that could not be sufficiently addressed at Reserved Matters stage in respect of flood risk and drainage, having regard to the aims and objectives of policies LP14 and LP16(m) of the Fenland Local Plan.

Minerals and Waste

- 10.21 Comments have been received on the application from Cambridgeshire County Council Planning, Minerals and Waste Team. It has been highlighted that the site is located within a Mineral Safeguarding Area (MSA), which means that Policy 5 of the Minerals and Waste Local Plan are a material consideration.
- 10.22 Criterion (a)-(h) offers a list of exceptions to the application of this policy, none of which are considered to apply in this instance. As such, developments within MSA's will only be permitted where it can be demonstrated that:

- The mineral can be extracted where practicable prior to development taking place; or
- The mineral concerned is demonstrated to not be of current or future value; or
- The development will not prejudice future extraction of the mineral; or
- There is an overriding need for the development (where prior extraction is not feasible).

10.23 In this instance, and given the Council's ability to demonstrate a sufficient supply of housing delivery, it is not considered that there are any identifiable overriding needs for the development that would justify support of the scheme having regard to Policy 5 of the Mineral and Waste Local Plan. Therefore, the proposal is in conflict with this policy and not supported on this basis.

Biodiversity Net Gain (BNG)

10.24 The Environment Act 2021 requires development proposals to deliver a net gain in biodiversity following a mitigation hierarchy which is focused on avoiding ecological harm over minimising, rectifying, reducing and then off-setting. This approach accords with Local Plan policies LP16 and LP19 which outlines a primary objective for biodiversity to be conserved or enhanced and provides for the protection of Protected Species, Priority Species and Priority Habitat.

10.25 There are statutory exemptions, transitional arrangements and requirements relating to irreplaceable habitat which mean that the biodiversity gain condition does not always apply. In this instance, one or more of the exemptions / transitional arrangements are considered to apply and a Biodiversity Gain Condition is not required to be approved before development is begun because the application was submitted prior to the requirement for statutory net gain coming into force.

11 CONCLUSIONS

- 11.1 It is acknowledged that the proposal would make a modest contribution towards economic growth, both during the construction phase and in the longer term through assisting the local economy e.g. local services/facilities, thereby helping to sustain the town of Chatteris and the wider district and would make a modest contribution towards the district's housing stock. This also has social benefits.
- 11.2 It is however considered that the proposal would result in harm due to an increased conflict between users of motor vehicles and pedestrians using the byway, with inadequate passing provision – notwithstanding the proposed off-site highway improvements – to enable to safe and free flow of traffic.
- 11.3 It is additionally noted that the proposals conflict with the Cambridgeshire and Peterborough Waste and Minerals Local Plan by virtue of its location in an MSA, with no applicable exception or justification to depart from this. As such, the proposal also conflicts with the Waste and Minerals Local Plan.
- 11.4 The proposal fails to accord with relevant policies of the development plan and is considered to comprise unsustainable development. The Local Planning Authority is required in law to determine planning applications in accordance with the Development Plan unless material planning considerations indicate otherwise. Officers consider that there are no material considerations that have been

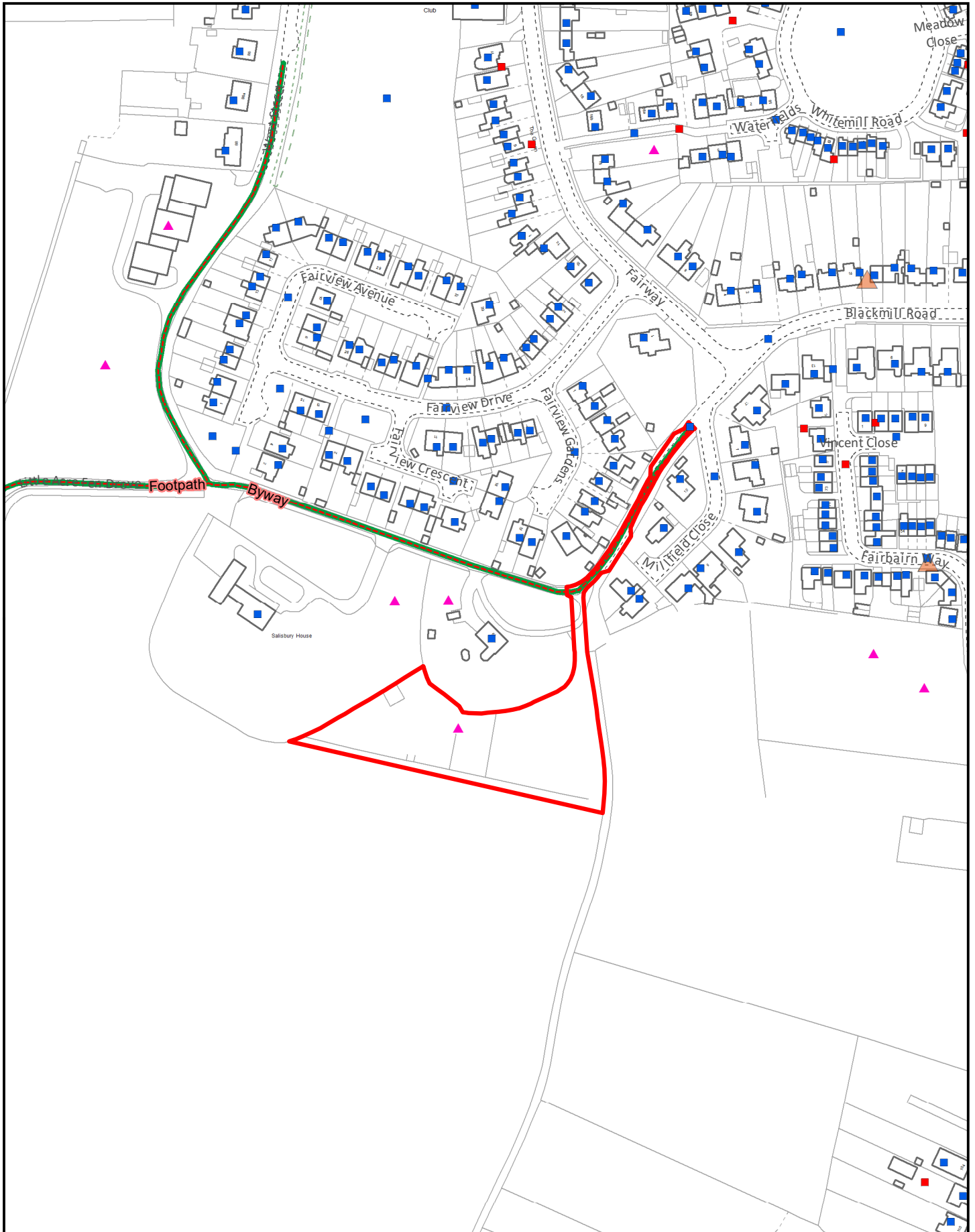
presented to indicate that an approval of the application would be justified in this instance.

11.5 Therefore, Officers recommend that the application is refused.

12 RECOMMENDATION

12.1 **Refuse**; for the following reasons:

1. The application site would rely on access via a Public Byway Open to All Traffic, No. 22 ('BOAT') which is unmetalled, unlit and restricted in width. There is also no defined legal width of the byway, meaning that it cannot be confirmed that the scheme of off-site works is deliverable to render the scheme acceptable in highway terms. Furthermore, due to the nature of the road, this would restrict the occupancy of the development to those more mobile and/ or would place a greater reliance on private motor vehicle to access the most basic services of the settlement. The proposal therefore conflicts with policy LP15 of the Fenland Local Plan and paragraphs 108 and 110 of the NPPF which seeks to achieve safe and effective access and encourage sustainable modes of travel.
2. The application site is located within a mineral safeguarding area. It is not considered that there are any identifiable overriding needs for the development that would justify the development within the safeguarding area. The proposal is therefore contrary to Policy 5 of the Minerals and Waste Local Plan.



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 Contractor to check all dimensions on site before work starts or materials are ordered. Do not scale, 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 ECR 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 BCU (or MHC) as required by the Building Regulations and is to obtain completion certificate and forward to the Engineer.

REVISIONS	DATE

MORTON & HALL CONSULTING LIMITED
 CONSULTING STRUCTURAL ENGINEERS

1 Gordon Avenue,
 March,
 Cambridgeshire,
 PE15 8AU

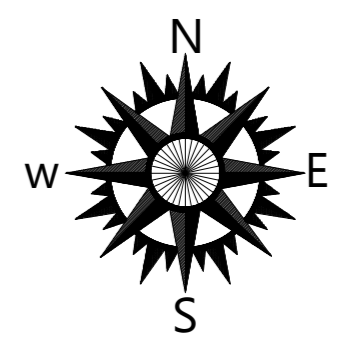
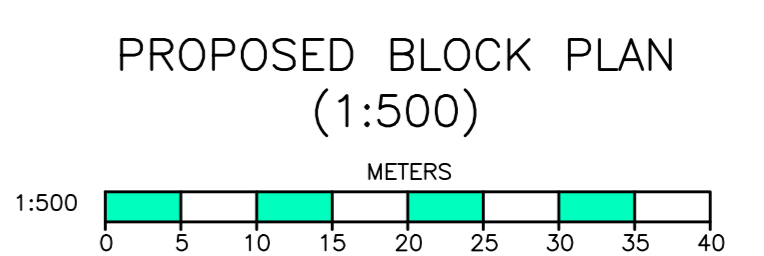
Tel: 01354 655454
 Fax: 01354 660467
 E-mail: info@mortonandhall.co.uk
 Website: www.mortonandhall.co.uk

Fenland District Council
 Building Design Awards
 Building Excellence in Fenland

Mr V Salisbury

19 Blackmill Road
 Chatteris
 Cambridgeshire
 PE16 6SR

Proposed Block Plan With Indicative Layout	
Drawn: R.Pogworth	Scale of Plot:
Date: Dec 2023	Sheet Number:
As Shown	H9186/102



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F/YR24/0373/F

**Applicant: Jamie McGarvie
Ashewell Developments**

**Agent : Mr Ian Gowler
Gowler Architectural**

Land North Of The Walnuts, Flaggrass Hill Road, March, Cambridgeshire

Conversion of existing agricultural building to 2 x dwellings (2-storey 4-bed) involving demolition of existing sheds

Officer recommendation: Refuse

Reason for Committee: Number of representations contrary to Officer recommendation

Government Planning Guarantee

Statutory Target Date For Determination: 20 June 2024

EOT in Place: Yes

EOT Expiry: 22 November 2024

Application Fee: £1156

Risk Statement:

This application must be determined by 22.11.2024 otherwise it will be out of time and therefore negatively affect the performance figures.

1 EXECUTIVE SUMMARY

- 1.1 The application seeks full planning permission to convert the grain store building to 2 x 2-storey 4 bed dwellings.
- 1.2 The development proposal is considered to be satisfactory in respect of its impact on the highway network, parking provision, flood risk, ecological impacts and its impact on residential and visual amenity.
- 1.3 Notwithstanding this, the application site is ultimately located in an unsustainable location outside the settlement limits of March, where residential development is not supported unless justified.
- 1.4 Whilst Policy LP12, Part B of the Fenland Local Plan allows for residential development in locations that would usually be deemed unacceptable, the policy requires that this is for the re-use and conversion of rural buildings.
- 1.5 Notwithstanding that the grain store building is not considered to have any particular architectural or historic merit worthy of its retention, only the steel frame and concrete floor slab are to remain, with all external materials to be removed and replaced. As such, the development is considered to effectively result in a re-build rather than a conversion, in a location with limited

connectivity, and as such the development is considered unacceptable and the recommendation is one of refusal.

2 SITE DESCRIPTION

- 2.1 The application site forms part of a wider agricultural unit adjacent the edge of the settlement of March within the countryside. It is located on the eastern side of Flaggrass Hill Road, a single-track road with wide grass verges, devoid of pedestrian infrastructure and lighting. There is an existing gated access, which is shared with The Walnuts to the southwest and is partially tarmac and gravel, there is also a grassed area to the front of the grain store with a substantial tree.
- 2.2 The grain store building is set back within the site with smaller sheds to the front, it features a curved roof to the front element with a lean-to, to the rear. The walls are primarily metal sheeting with a partial brick wall to the lean-to element. The roof is asbestos.
- 2.3 The site is within flood zone 1, the lowest risk of flooding.

3 PROPOSAL

- 3.1 The application seeks full planning permission to convert the grain store building to 2 x 2-storey 4 bed dwellings, each featuring a full height lounge/kitchen/dinner, sitting room, utility, bedroom and shower room at ground floor level and 3 further bedrooms (1 with en-suite and dressing room) at first floor level. External works will include replacement of the walls and roof and the insertion of fenestration.
- 3.2 Landscaping of the site is also proposed including the formation of a shared gravel drive and parking to serve the proposal and the existing dwelling 'The Walnuts'.
- 3.3 The proposal is a re-submission of the application which was refused under application F/YR21/0659/F.
- 3.4 Full plans and associated documents for this application can be found at:

<https://www.publicaccess.fenland.gov.uk/publicaccess/>

4 SITE PLANNING HISTORY

F/YR21/0659/F	Conversion of a grain store to 2no dwellings (2-storey, 4-bed) involving demolition of existing sheds	Refused 19/05/2023
F/YR21/0583/F	Temporary siting of a mobile home (during refurbishment and repair of existing dwelling) involving the demolition of existing outbuildings	Granted 16/07/2021

5 CONSULTATIONS

5.1 **March Town Council**

Approval subject to satisfactory attenuation measures being implemented.

5.2 **CCC Highways**

No objection subject to conditions

5.3 **FDC Environmental Health**

No objections subject to conditions

5.4 **Local Residents/Interested Parties**

7 letters of support were received from residents of March (two from a single property on Flagrass Hill, two from a single property on Jordons Close, two from a single property on Morton Avenue and one from a property on Southwell Close, with only one representation giving a reason for this support :

- Limited number of properties currently available in the 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) the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021) and the March Neighbourhood Plan (2017).

7 POLICY FRAMEWORK

National Planning Policy Framework (NPPF)

Chapter 2 - Achieving sustainable development

Chapter 4 – Decision-making

Chapter 5 – Delivering a sufficient supply of homes

Chapter 9 – Promoting sustainable transport

Chapter 12 – Achieving well-designed and beautiful places

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

Chapter 15 – Conserving and enhancing the natural environment

National Planning Practice Guidance (NPPG)

Determining a Planning Application

National Design Guide 2021

Context

Identity

Built Form

Movement

Nature

Homes and Buildings

Fenland Local Plan 2014

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

March Neighbourhood Plan 2017

- H2 – Windfall Development
- H3 – Local Housing Need

Delivering and Protecting High Quality Environments in Fenland SPD 2014

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

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
- LP12: Meeting Housing Needs
- LP18: Development in the Countryside
- LP20: Accessibility and Transport
- LP22: Parking Provision
- LP24: Natural Environment
- LP25: Biodiversity Net Gain
- LP27: Trees and Planting
- LP28: Landscape
- LP32: Flood and Water Management
- LP39: Site allocations for March

8 KEY ISSUES

- **Principle of Development**
- **Design and appearance**
- **Residential amenity**
- **Highways and Parking**
- **Flood Risk**
- **Ecology**
- **Biodiversity Net Gain (BNG)**

9 BACKGROUND

- 9.1 The application is a direct re-submission of that which was refused under reference number F/YR21/0659/F. The previous application was refused for the following reason:

The proposed development is located in an unsustainable location out the settlement limits of March, where residential development is not supported unless justified. Policy LP12, Part B of the Fenland Local Plan 2014 and para 80c of the NPPF set out one such exception, supporting the re-use and conversion of rural buildings for residential purposes, where they are worthy of retention and would enhance their setting.

The grain store building is not considered to have any particular architectural or historic merit worthy of its retention; only the steel frame and concrete floor slab are to remain, with all external materials to be removed and replaced, effectively resulting in a re-build rather than a conversion, contrary to the aforementioned policies.

Furthermore, the site by virtue of the lack of illuminated footpaths and single-track road would limit opportunities for sustainable modes of travel, and without sufficient justification for the proposal in such a location, it would also be contrary to Policy LP2 and LP15 of the Fenland Local Plan 2014 and the guidance contained in the National Planning Policy Framework, in particular; Chapter 9.

- 9.2 It should be noted that the NPPF have since been updated, and paragraph 80c is now paragraph 84c.

10 ASSESSMENT

Principle of Development

- 10.1 Policy LP3 of the Fenland Local Plan 2014 sets out the spatial strategy for the district and is an important part of the delivery of sustainable development in the area. It identifies March as one of the main areas for growth, however, the site is considered to fall outside of the main settlement of March and sits within a small outlier of development served by a single track, unlit road, devoid of pedestrian infrastructure. By virtue of the site location and characteristics, it is considered to fall within the countryside where policy LP3 dictates that development should be strictly limited.
- 10.2 Paragraphs 82 and 84 of the NPPF address rural housing, noting that where there is an identified need to support rural communities, Local Authorities should support opportunities to locate housing where it will enhance or maintain the vitality of rural communities, whilst avoiding isolated development in the countryside unless special circumstances apply, such as the re-use of redundant or disused buildings which would enhance the immediate setting. This is reflected in Policy LP12 of the Fenland Local plan 2014, Part B.
- 10.3 The site would not be considered 'physically isolated' having regard to NPPF paragraph 84, given there are dwellings in the immediate vicinity, albeit to the south and therefore closer to the main settlement. However, it could be considered 'functionally isolated' due to the limitations of the highway network and therefore access to services and facilities by sustainable modes of transport.
- 10.4 Whilst the future occupiers of the development would likely support the existing facilities and services of March (with likely reliance on private vehicles) and would add

to the existing outlier community at Flaggrass Hill Road and Creek Fen, March town's facilities and the local community do not appear to be under any kind of threat to justify an exception to policy LP3 in this case, notwithstanding that this benefit would be very modest through the introduction of just 2 dwellings.

- 10.5 With regard to Policy LP2, part B; the grain store is not considered to have any particular architectural or historic merit worthy of its retention, nor would its retention and re-use enhance its immediate setting. Whilst the application is accompanied by a structural report which advises that the existing building is in a satisfactory condition structurally, only the steel frame and concrete floor slab are to remain, with all external materials to be removed and replaced, effectively resulting in a re-build rather than a conversion (having regard to consideration of 'conversion' under case law; *Hibbitt v Secretary of State for Communities and Local Government (1) Rushcliffe Borough Council (2) [2016]*), for which there is no local or national policy support. Furthermore, there is no fallback position in relation to Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as no such prior approval has been sought and the works proposed would fall outside the scope of this Class.
- 10.6 Whilst the policies of the emerging local plan carry extremely limited weight in decision making; Policy LP1, Part A identifies March as a Market Town; Part B advises that land outside settlement boundaries is defined as countryside where development is restricted (as set out in LP18), this site is outside of the defined settlement. LP39 defines residential site allocations in March and this site does not have such an allocation. As such the proposal would also be considered contrary to the aforementioned policies of the emerging Local Plan.

Design considerations and visual amenity of area

- 10.7 Whilst the dimensions of the building are to remain, external materials are to be replaced, including the use of red multi brickwork and timber cladding (full details would be required) with substantial glazing elements, which would result in a more contemporary appearance and an alteration to its rural character, though it is acknowledged that the building is set back from the road, within a complex of existing buildings, and there are modern developments and a variety of materials in the area.
- 10.8 The development proposes the formalisation of the access and parking arrangement, with allocated hardstanding areas for the proposed dwellings and The Walnuts, this, along with the segregation of the site with associated boundary treatments would result in a level of urbanisation. There is an opportunity for further soft landscaping to the front of the site to mitigate this and a condition could be imposed in this regard (as is requested by the Wildlife Officer with respect to ecology).
- 10.9 The proposed garden areas encroach within the agricultural field and therefore countryside beyond the site (which is clear from mid-2020 aerial photographs, where there is a defined boundary, prior to current works being undertaken), this is not a significant incursion given the limited amenity space proposed and there appears to be amenity land to the south that extends further east than the application site. Nevertheless, this does result in a development somewhat at odds with the spacious rural character of the area.
- 10.10 The sheds to be demolished are small wooden structures in poor condition, and as such their removal does not raise any concerns.

Residential Amenity

- 10.11 The relationship between the proposal and the existing dwelling of The Walnuts is not ideal, there would be approximately 18.5m between dwellings and the garden of the existing dwelling would be overlooked at a lesser distance, albeit at an oblique angle. The closest first floor window in the proposal would serve a landing and not a habitable room, and as such this could be conditioned to be obscure glazed to provide some mitigation in this regard. There is likely to be a perception of overlooking due to the extent of glazing where presently there is none, however the distance and angle (subject to the landing window being obscure) is such that this is not significantly adverse.
- 10.12 Any overlooking of the proposal by the existing dwelling would be to the front rather than private amenity. It is however presently unclear how the sites would be separated, and it would be necessary to have appropriate boundary treatments to all dwellings, including between the proposal and the agricultural unit surrounding, a planning condition could be imposed in this regard.
- 10.13 Policy LP16(h) seeks to ensure that developments provide sufficient private amenity space, suitable for the type and amount of development proposed and subject to the character of the area. The proposed dwellings are relatively large 4-bedroom dwellings and properties in the vicinity are generally located on more spacious plots affinitive with the rural nature of the area. The proposal is afforded very limited private amenity space when considering the size of the dwellings and character of the area, it is acknowledged that this is likely to limit encroachment into the countryside, however without wider justification for the development it is considered contrary to the aforementioned Policy.

Highways and Parking

- 10.14 The proposal is to utilise an existing access point to Flaggrass Hill Road, shared with The Walnuts. The LHA advises that this arrangement is adequate to serve the shared development and they have no objections subject to conditions in relation to parking and turning.
- 10.15 Policy LP15 and Appendix A of the Fenland Local Plan states that 3 parking spaces should be provided for 4-bed dwellings such as these; 3 spaces are allocated for each of the proposed and existing dwellings along with turning (though it is acknowledged that turning arrangement for northern plot is not ideal).
- 10.16 It is noted that there are no footpaths or street lighting available for around 410m from the site, until you reach the row of terraced dwellings along Creek Road to the west. This means that occupiers would have to navigate highway which does not prioritise pedestrian movements, taking safe refuge on the highway verge when vehicles pass and would have poor visibility during darker periods, due to the lack of streetlighting in conflict with the aims of NPPF para 112 and LP15 of the Fenland Local Plan. This further reinforces the unsustainable location of the site for unjustified new housing and provides an example for the rationale for the Council's settlement strategies under LP3 – in terms of placing people and property in the most sustainable location to safely access services and facilities and improve accessibility for everyone by all modes of travel.
- 10.17 Therefore, whilst the unsustainability of the site is highlighted through the limitations of the highway network which serves it, the development itself is not considered to have a significant adverse impact on the highway network.

Flood Risk

- 10.18 The application site falls within Flood Zone 1 (low risk) and as such the proposal is considered to be appropriate development in this respect and does not require the submission of a flood risk assessment or inclusion of mitigation measures.
- 10.19 The site has a very low risk of surface water flooding. As such, there are no issues to be addressed in relation to Policy LP14.

Ecology

- 10.20 The application is accompanied by a Preliminary Ecological Assessment which demonstrates that the site has a low potential for ecological constraints and biodiversity.
- 10.21 Comments have been sought from the Council's Ecologist, but these have not been forthcoming. Notwithstanding this, when giving consideration to the comments received in respect of the previous application and that nothing has changed materially since the last application, it is considered that the proposal remains acceptable on balance, in ecological terms.

Biodiversity Net Gain (BNG)

- 10.22 The Environment Act 2021 requires development proposals to deliver a net gain in biodiversity following a mitigation hierarchy which is focused on avoiding ecological harm over minimising, rectifying, reducing and then off-setting. This approach accords with Local Plan policies LP16 and LP19 which outlines a primary objective for biodiversity to be conserved or enhanced and provides for the protection of Protected Species, Priority Species and Priority Habitat.
- 10.23 There are statutory exemptions, transitional arrangements and requirements relating to irreplaceable habitat which mean that the biodiversity gain condition does not always apply. In this instance, one or more of the exemptions / transitional arrangements are considered to apply and a Biodiversity Gain Condition is not required to be approved before development is begun because the application was submitted prior to the requirement for statutory net gain coming into force.

11 CONCLUSIONS

- 11.1 The development raises no significant issues in respect of highway impacts, residential amenity, biodiversity or flood risk.
- 11.2 Notwithstanding this, the application site is ultimately located in an unsustainable and poorly connected location outside the settlement limits of March, where residential development is not supported unless justified.
- 11.3 Whilst Policy LP12, Part B of the Fenland Local Plan allows for residential development in locations that would usually be deemed unacceptable, the policy requires that this is for the re-use and conversion of rural buildings.
- 11.4 Notwithstanding that the grain store building is not considered to have any particular architectural or historic merit worthy of its retention, only the steel frame and concrete floor slab are to remain, with all external materials to be removed and replaced. As such, the development is considered to effectively result in a re-build rather than a conversion, resulting in the erection of residential development in the countryside without sufficient policy support, or material considerations that would indicate a

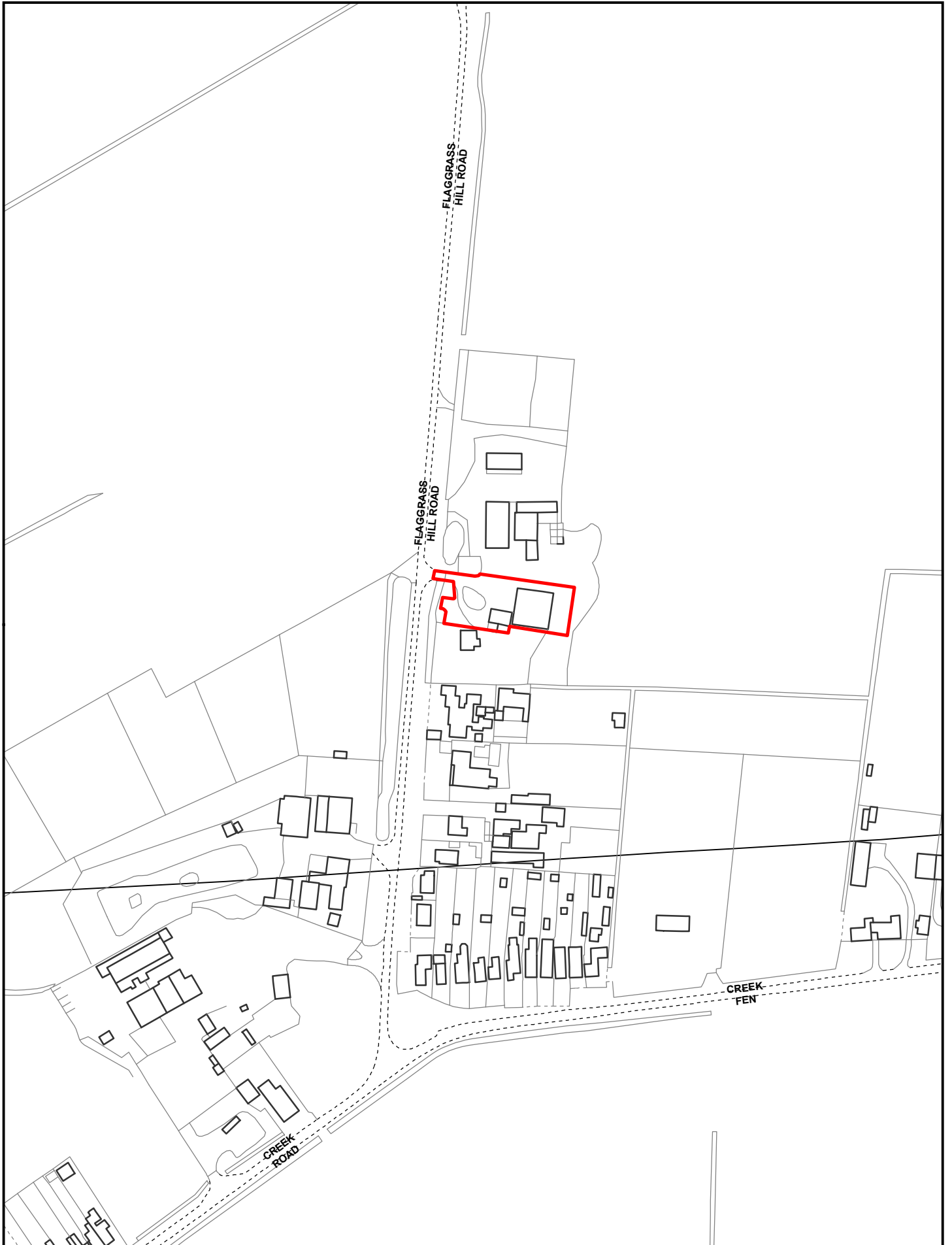
departure from policy is warranted in this instance, particularly given the Council's ability to demonstrate a sufficient supply of sustainable housing land.

- 11.5 As such the development is considered unacceptable and the recommendation is one of refusal

12 RECOMMENDATION

Refuse; for the following reason

1.	<p>The proposed development is located in an unsustainable location outside the settlement limits of March, where residential development is not supported unless justified. Policy LP12, Part B of the Fenland Local Plan 2014 and para 84c of the NPPF set out one such exception, supporting the re-use and conversion of rural buildings for residential purposes, where they are worthy of retention and would enhance their setting.</p> <p>The grain store building is not considered to have any particular architectural or historic merit worthy of its retention; only the steel frame and concrete floor slab are to remain, with all external materials to be removed and replaced, effectively resulting in a rebuild rather than a conversion, contrary to the aforementioned policies.</p> <p>Furthermore, the site by virtue of the lack of illuminated footpaths and single-track road would limit opportunities for sustainable modes of travel, thereby reinforcing its unsustainable location. Without sufficient justification for the proposal in such a location, it would also be contrary to Policy LP2 and LP15 of the Fenland Local Plan 2014 and the guidance contained in the National Planning Policy Framework, in particular; Chapter 9.</p>
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Planning Proposed Front
1 : 100



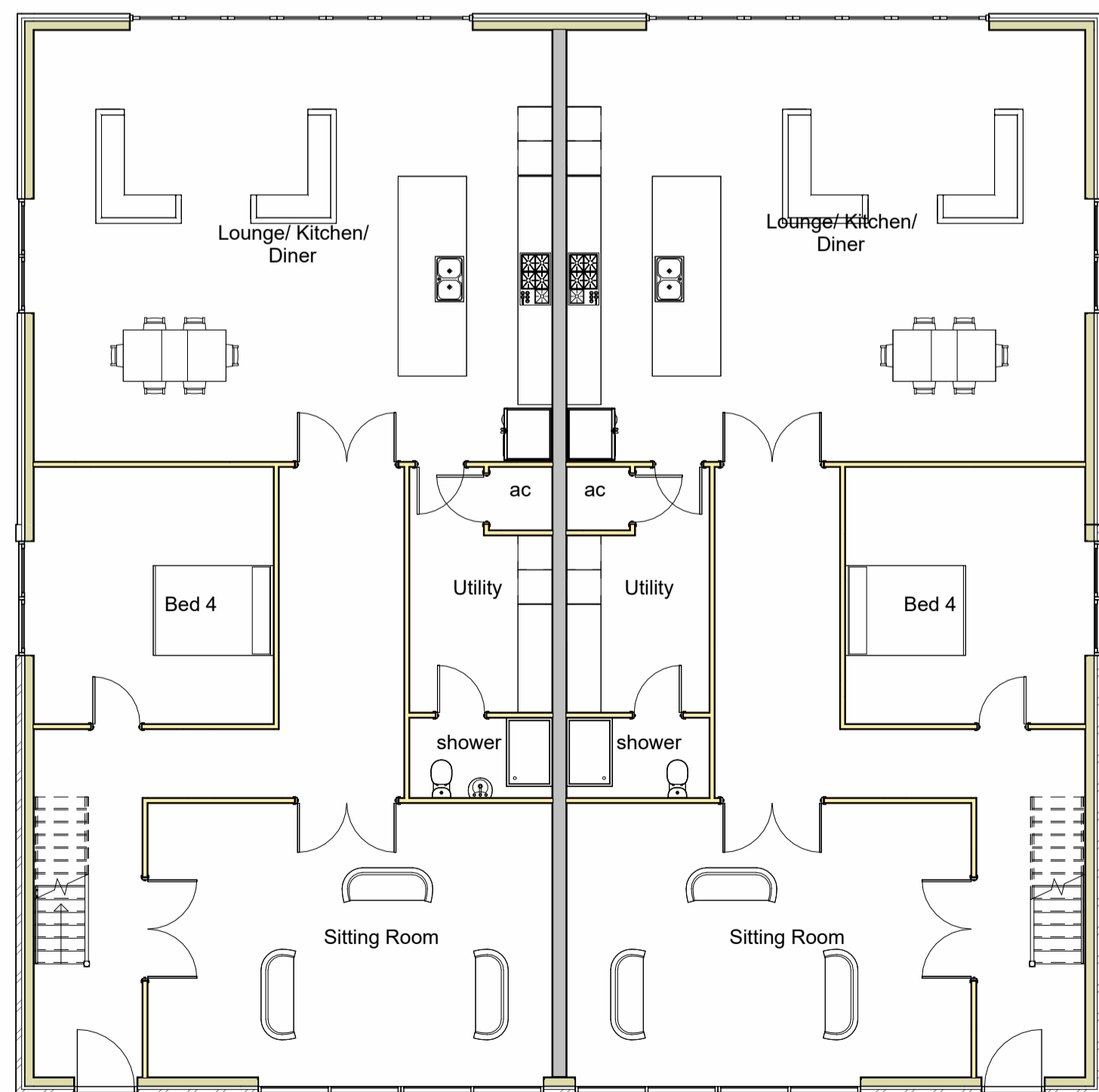
Planning Proposed Rear
1 : 100



Planning Proposed Side (north)
1 : 100



Planning Proposed Side (south)
1 : 100



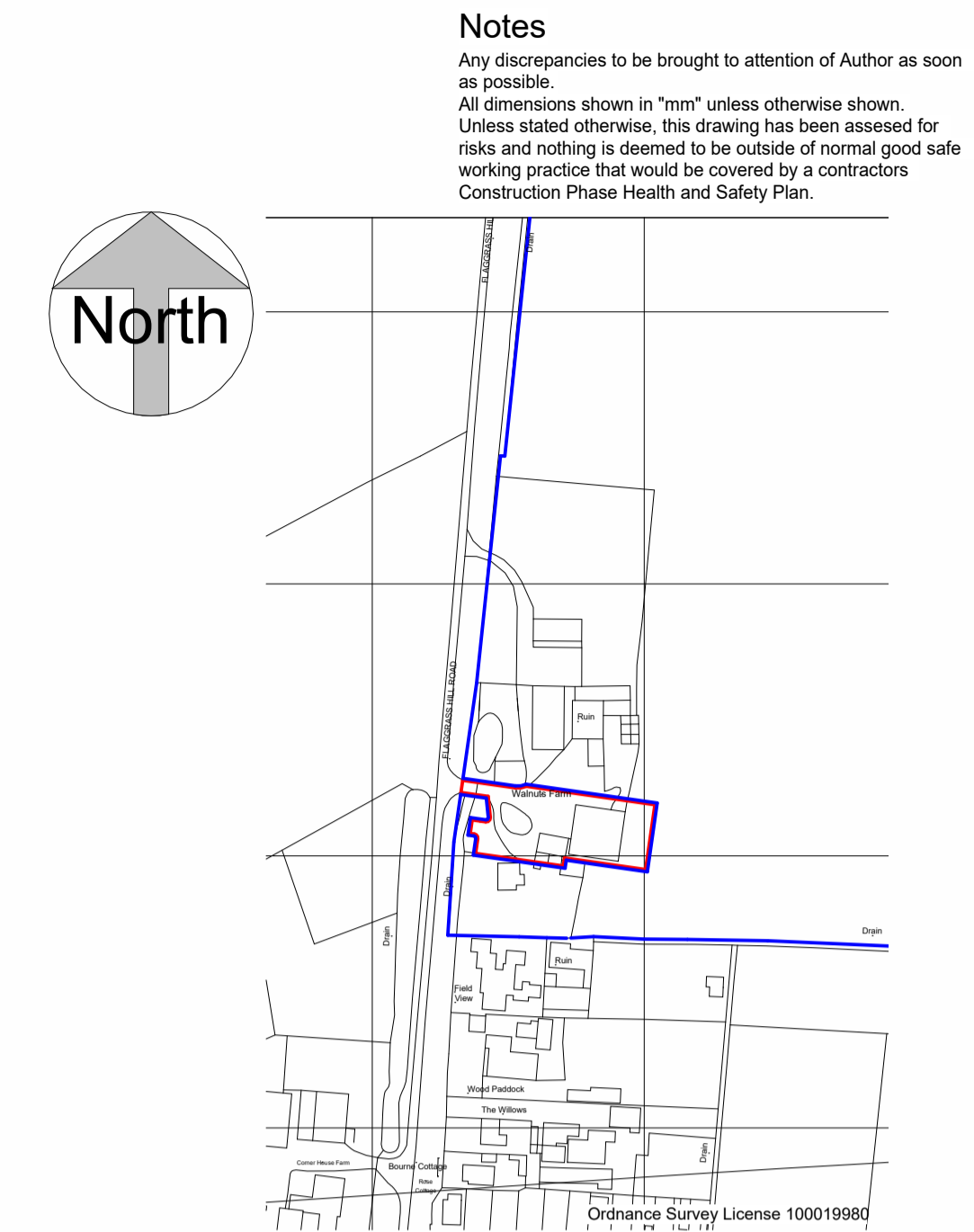
Proposed Ground Floor
1 : 100



Proposed First Floor
1 : 100

MATERIALS
 Floors - Existing structural concrete floor retained, insulation and screed laid over
 Walls - Existing structural steel frame retained. Existing cladding replaced with Red multi brickwork or cedar/larch cladding where shown
 Roof - Existing structural steel frame retained. Cladding replaced with standing seam style cladding.
 Windows and Doors - Dark Grey UPVC/Aluminium
 Gutters and Downpipes - Dark Grey Aluminium/powder coated steel
 External Paving - As noted on site plan

BIODIVERSITY - Read in conjunction with Ecology Report
 Locations marked on site plan
 a - Hedgerow box (up to 3 Total) page 40
 b - Bat Box (up to 5 Total) page 39
 c - Bird Box (up to 10 Total) page 38
 New Native Hedge
 400-600mm high
 5-7 plants per metre
 Hawthorn (*Crataegus monogyna*)
 Blackthorn (*Prunus spinosa*)
 Alder (*Alnus glutinosa*)
 Wild Privet (*Ligustrum vulgare*)
 Wild Cherry (*Prunus avium*)
 Bird Cherry (*Prunus padus*)
 Spindle (*Eunymus europaeus*)
 Juneberry (*Amelanchier lamarckii*)



Location Plan
1 : 2500



Proposed Site Plan
1 : 500

B	Finishes Amended	01-12-22
A	Landscaping amended	27-09-21

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

Conversion of Grain Store at Flaggrass Hill Road for Ashewell Developments

Planning Proposed

date created	scale	drawing no.	rev
02/02/21	As indicated @ A1	441-0R02	B

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F/YR24/0637/O

Applicant: Mr Alan Bedford

**Agent : Mr G Boreham
Morton & Hall Consulting Ltd**

Land North-East Of 190, Wype Road, Eastrea, Cambridgeshire

Erect up to 3 x dwellings involving the formation of 3 x accesses (2 x residential, 1 x agricultural) (outline application with matters committed in respect of access)

Officer recommendation: Refuse

Reason for Committee: Number of representations and Town Council comments contrary to Officer recommendation

1 EXECUTIVE SUMMARY

- 1.1 The application seeks outline planning permission with only access committed for the erection of 3no. dwellings and the formation of 2no. accesses.
- 1.2 The location of the site on the edge of the site on the edge Eastrea means that only infill development is accepted by Policy LP3 of the Fenland Local Plan (2014). The site is beyond the built form of Eastrea and therefore the proposal conflicts with Policy LP3.
- 1.3 Further, the location of the site would result in an encroachment into the countryside and subsequently a significantly detrimental landscape character impact, contrary to Policy LP16 of the Fenland Local Plan (2014).
- 1.4 The application is considered to be acceptable in terms of amenity impact and highway safety.
- 1.5 Overall, it is recommended that the application is refused.

2 SITE DESCRIPTION

- 2.1 The application site is located on Wype Road, Eastrea. The site is currently part of an undeveloped agricultural field situated immediately adjacent to the built form of Eastrea to the North-West.
- 2.2 The site is surrounded to the north, east and south by open countryside, largely characterised by agricultural fields. The land to the north and west of the site is characterised by residential development of varied sizes and scales, although the dwellings in the immediate vicinity of the site are predominantly single storey in nature.

3 PROPOSAL

- 3.1 The proposal seeks outline planning permission, with matters committed in respect of access, for the erection of up to 3no. dwellings, and the creation of 2no. new accesses. The proposal also includes the extension of the existing footpath from the north along the frontage of the site.
- 3.2 The proposed access arrangements include an access for Plot 1, and a shared access for Plots 2 & 3.
- 3.3 A suite of indicative plans has been submitted indicating that the proposed dwellings would be detached properties with detached garages, and would likely be single storey in nature.
- 3.4 Full plans and associated documents for this application can be found at: <https://www.publicaccess.fenland.gov.uk/publicaccess/>

4 SITE PLANNING HISTORY

- 4.1 There is no site history that is relevant to the determination of this application.

5 CONSULTATIONS

5.1 Whittlesey Town Council

The Town Council have no objection and therefore recommend approval. Cllr Wainwright voted in objection however the other councillors voted in favour of approval of the application.

5.2 Environmental Health

No objection

5.3 CCC Highways

No objection

5.4 CCC Archaeology

No objection subject to pre-commencement condition

5.5 Local Residents/Interested Parties

Objectors

No letters of objection were received

Supporters

A total of 9 letters of support were received on the application (five from residents of Whittlesey, two from Eastrea (Wype Road and Eastrea Road) and one from Coates). The following points were made in support of the application:

- The development will have a positive street scene impact
- The dwellings will be in keeping with the properties on the opposite side of the road that have been granted permission

- The site is ideal for development as it is not within a high-risk flood zone
- The development will offer an attractive entrance to the village

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), the Whittlesey Neighbourhood Plan 2021 – 2040 and the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021).

7 POLICY FRAMEWORK – please delete as appropriate

National Planning Policy Framework (NPPF)

Chapter 2 - Achieving sustainable development

Chapter 4 – Decision-making

Chapter 5 – Delivering a sufficient supply of homes

Chapter 9 – Promoting sustainable transport

Chapter 11 – Making effective use of land

Chapter 12 – Achieving well-designed and beautiful places

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

Chapter 15 – Conserving and enhancing the natural environment

National Planning Practice Guidance (NPPG)

Determining a Planning Application

National Design Guide 2021

Context

Identity

Built Form

Homes and Buildings

Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

LP12 – Rural Areas Development Policy

LP13 – Supporting and Managing the Impact of a Growing District

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

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
- LP13: Custom and Self Build
- LP18: Development in the Countryside
- LP20: Accessibility and Transport
- LP22: Parking Provision
- LP24: Natural Environment
- LP25: Biodiversity Net Gain
- LP28: Landscape

8 KEY ISSUES

- **Principle of Development**
- **Visual Amenity Impact**
- **Residential Amenity**
- **Highways/Parking**
- **Biodiversity Net Gain (BNG)**

9 ASSESSMENT

Principle of Development and Visual Amenity

- 9.1 The proposal seeks outline planning permission, with matters committed in respect of access, for the erection of up to 3no. dwellings, and the creation of a new agricultural access.
- 9.2 Policy LP3 of the Fenland Local Plan (2014) identifies Eastrea as a ‘small village’ where a development will be considered on its merits but will normally be limited in scale to residential infilling or a small business opportunity. Appendix C of the Local Plan defines residential infilling as “Development of a site between existing buildings”. The development extends south into open countryside where there is no development beyond. As such, it is not considered to meet the definition of ‘residential infilling’ and the site is considered to relate more to the open countryside than to the settlement, contrary to LP3.
- 9.3 Policy LP12 Part A states that for villages new development will be supported where it contributes to the sustainability of that settlement and does not harm the wide-open character of the countryside and subject to criteria (a) – (k). The proposal is considered to be contrary to the following criteria:
- 9.4 Criteria (a) requires that the site is in or adjacent to the existing developed footprint of the village, except for ‘small’ villages such as Eastrea, where only infill sites will normally be supported.
- 9.5 Criteria (c) seeks to ensure that developments do not have an adverse impact on the character and appearance of the surrounding countryside.
- 9.6 Criteria (d) seeks to ensure that the proposal is of a scale and location that is in keeping with the core shape and form of the settlement and will not adversely harm its character and appearance.
- 9.7 Criteria (e) seeks to ensure development does not extend existing linear features of the settlement or result in ribbon development.

- 9.8 Further to this, LP16(c) requires development to retain natural features such as field patterns and criteria (d) amongst other things, seeks to make a positive contribution to local distinctiveness and character of an area.
- 9.9 In this instance, the site is situated immediately to the south of the extremity of development in Eastrea. When viewed aerially and on the ground, the built form of Eastrea is clearly contained by an established and significant hedgerow to the north of the site that offers a clear distinction between the settlement and the open countryside. It is noted further properties have been approved on the opposite side of Wype Road, beyond the extremity of development on that side of the road. However, it is considered that in this context the application site has increased importance in contributing to a more open character reflective of the edge of village location.
- 9.10 As such, the creation of any further dwellings in this location would detrimentally impact on the character of the area and result in an incongruous incursion into the open countryside, subsequently resulting in substantial harm to the landscape character of the area.
- 9.11 It is therefore considered that the proposals are contrary to the aims of Policy LP12 – Part A (a, c, d and e) and fails to make a positive contribution to the local distinctiveness, character of the area and to the settlement pattern, resulting in a significant adverse impact on visual amenity, contrary to policy LP16 and Policy DM3 of the Fenland District Council Supplementary Planning Document: Delivering and Protecting High Quality Environments in Fenland (2014).

Residential Amenity

- 9.12 As the application is submitted in Outline form with no detailed plans provided, it is not possible to fully assess the impact of the development on residential amenity. Notwithstanding this, the indicative layout plan identifies that the site is sufficiently sizes to comfortably accommodate the proposed units on generous plots that afford ample private amenity space provision for each dwelling.
- 9.13 Furthermore, the indicative street scene identifies that the proposed dwellings will likely be single storey in nature, and therefore there are no concerns in terms of overlooking within the site, or into the private amenity space of the existing property to the north of the site.
- 9.14 As such, it is considered that the site is capable of accommodating a suitably designed, detailed scheme in terms of the preservation and provision of residential amenity, and is therefore compliant in principle with Policies LP2, LP16 of the Fenland District Council Local Plan (2014).

Highways and Parking

- 9.15 Access is the only matter committed as part of this outline application. The site layout shows the creation of 2no. access points to serve the new dwellings, with plots 2 and 3 sharing the same access, and the creation of an access from Wype Road to the agricultural field to the rear off the site.
- 9.16 The field does not currently benefit from an access off Wype Road and no justification has been provided as to why this is now needed. However, it is not considered that the application could be refused on this basis, provided that the access is satisfactory in highway safety terms.

- 9.17 In terms of the proposed residential access points, the highway authority have raised no objection. The geometry of Wype Road allows for excellent forward visibility in both directions, even when taking into account the increase to a 40mph speed limit to the south.
- 9.18 In respect of the creation of a new agricultural access, further information has been requested in respect of the proposed hard surfacing and gate setback to allow tractor/trailer clearance from the public highway. This information has not been forthcoming at the time of writing this report, however, it is considered that this can be secured via condition in the event that planning permission is granted as these matters are not fundamental to the acceptability of the access in highway safety terms.
- 9.19 Whilst details of the internal layout of the site would be required at reserved matters stage, the indicative plans indicate that there is sufficient space on site to provide suitable parking and turning space on site.
- 9.20 It is therefore considered that the proposals are acceptable in terms of parking and highway safety, having regard to Policy LP15(c) of the Fenland Local Plan (2014).

Biodiversity Net Gain (BNG)

- 9.21 The Environment Act 2021 requires development proposals to deliver a net gain in biodiversity following a mitigation hierarchy which is focused on avoiding ecological harm over minimising, rectifying, reducing and then off-setting. This approach accords with Local Plan policies LP16 and LP19 which outlines a primary objective for biodiversity to be conserved or enhanced and provides for the protection of Protected Species, Priority Species and Priority Habitat.
- 9.22 In this instance a Biodiversity Gain Condition is required to be approved before development is begun if the development is found to be acceptable.

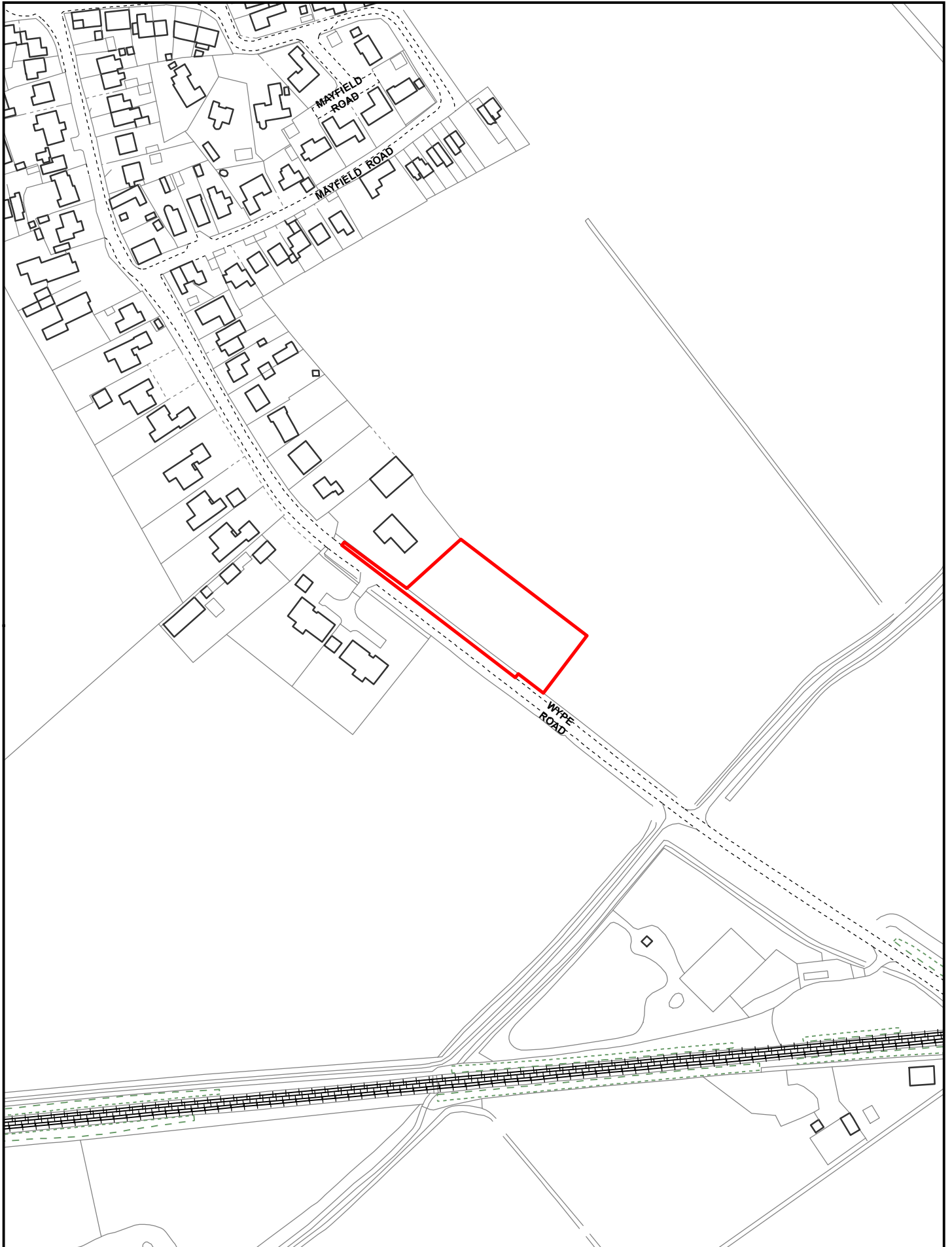
10 CONCLUSIONS

- 10.1 The application seeks outline planning permission with all matters reserved except for access, for the erection of 3no. dwellings and the creation of a new agricultural access.
- 10.2 It is considered that the location of the site beyond the extremity of development in Eastrea would not constitute infill development, as required by Policy LP3 of the Fenland Local Plan, thus resulting in an unacceptable encroachment into the open countryside.
- 10.3 The resultant harm from this would significantly and detrimentally impact on the landscape character of the area. As such, the proposals fail to make a positive contribution to the character of the area.
- 10.4 Therefore, it is considered that the proposal is unacceptable in principle and is contrary to Policy LP12 – Part A (a, c, d and e), LP16 of the Fenland Local Plan, and Policy DM3 Fenland District Council Supplementary Planning Document: Delivering and Protecting High Quality Environments in Fenland (2014).
- 10.5 Subsequently, it is recommended that the application is refused on this basis.

11 RECOMMENDATION

Refuse; for the following reasons:

1.	Policy LP3 of the Fenland Local Plan (2014) sets out the settlement hierarchy within the district and identifies Eastrea as a 'small village' where a development will be considered on its merits but will normally be limited in scale to residential infilling or a small business opportunity. This is further supported by Policy 1(e) of the Whittlesey Neighbourhood Plan. The site is located beyond the built form of the parish with open countryside beyond and therefore would not constitute infill development, contrary to Policy LP3 of the Fenland Local Plan 2014 and Policy 1(e) of the Whittlesey Neighbourhood Plan 2021 – 2040.
2.	Policy LP12 seeks to support development that does not harm the character of the countryside. Policy LP16 (d) of the Fenland Local Plan (2014) and Policy DM3 of Delivering and Protecting High Quality Environments in Fenland Supplementary Planning Document (2014) requires development to deliver and protect high quality environments through, amongst other things, making a positive contribution to the local distinctiveness and character of the area. Policy 7(c) of the Whittlesey Neighbourhood Plan requires development to respect the character of, and minimise the visual impact on, the surrounding landscape. By virtue of its location beyond the built form of Eastrea, development at this site would result in a significant encroachment into the open countryside resulting in an unacceptable and adverse impact on the rural landscape character of the area, contrary to Policy LP12, Policy LP16, Policy DM3 of the Fenland District Council Supplementary Planning Document: Delivering and Protecting High Quality Environments in Fenland (2014), and Policy 7(c) of the Whittlesey Neighbourhood Plan.



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F/YR24/0637/O

Scale = 1:2,500



Ash Tree Farm

LEGEND:

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

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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



B	PLANNERS COMMENTS	SEP 24
A	CLIENTS COMMENTS	APR 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

LABC Fenland District Council Building Design Awards winner

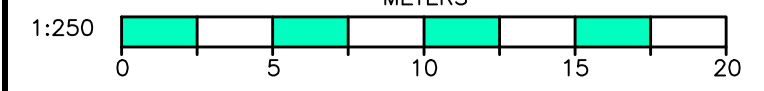
CLIENT
 Alan Bedford

PROJECT
 Land South-East Of 127 Wype Road, Eastrea Peterborough PE7 2AZ

TITLE
 Proposed Site Plan
 INDICATIVE LAYOUT

DRAWN G. Boreham	DATE OF ISSUE
CHECKED	
DATE Mar 2024	DRAWING NUMBER H9631/02B
SCALE As Shown	

PROPOSED SITE PLAN – INDICATIVE LAYOUT (1:250)



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F/YR24/0424/F

**Applicant: Mr Sean Saxby
MJS Investments (March) Ltd**

**Agent: Mr Marcus Vanner
TMV Architects**

Land East of Mill Hill Roundabout, Wimblington Road, March, Cambridgeshire

Change of use of land to dog exercise area, installation of secure fencing up to 1.8m high (max), erect shelters and formation of new access and car parking

Officer recommendation: Refuse

Reason for Committee: Number of representations contrary to Officer recommendation

Government Planning Guarantee

Statutory Target Date For Determination: 17 September 2024

EOT in Place: Yes

EOT Expiry: 22 November 2024

Application Fee: £578

Risk Statement:

This application must be determined by 22 November 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. This application seeks full planning approval for the change of use of land to a dog exercise area, including the installation of secure 1.8m high fencing, shelters, and the formation of a new access and car park on 3.9Ha of undeveloped agricultural land east of Mill Hill roundabout in March.1.2. The scheme is considered acceptable on balance with respect to technical matters regarding highway safety, residential amenity, environmental health, flooding, ecology and biodiversity, subject to appropriate conditions.1.3. However, by virtue of its intended scale, in such a prominent position at the convergence of a major roundabout and owing to the fact that the scheme will include significant incongruous fencing, lighting and infrastructure, it is considered that the proposal will result in a detrimental urbanising impact to the currently open countryside character of the area, contrary to Policies LP12 (a), (c), (d) and LP16 (d) of the Fenland Local Plan 2014 and DM3 of Delivering and Protecting High Quality Environments in Fenland SPD 2014.1.4. As such the scheme is recommended for refusal. |
|---|

2 SITE DESCRIPTION

- 2.1. The application site is a 3.9ha area of undeveloped agricultural land to the south of March, on the corner of the roundabout forming the junction between the A141 and Wimblington Road. The land is bounded to the south by the A141 and west by Wimblington Road, with drains bounding to the north and east.
- 2.2. The site falls partly within flood zone 1, and partly within flood zones 2 and 3.
- 2.3. Opposite the site to the west is Mill Hill Garage, along with three residential dwellings: “Tarn Hows” and nos. 1 & 2 Linwood Lane.

3 PROPOSAL

- 3.1. The application seeks a change in use of the land from undeveloped agricultural farmland to use as a dog exercise area. The land will be bounded by 1.8m fencing and separated into four separate exercise areas separated by 1.8m fencing, screening netting and native hedge planting. Each area will include a shelter, lighting, dog waste bin and gate. A specific disabled area will also include a footpath for accessibility. The development also includes the creation of a lit parking area and will be accessed by a new access into the site proposed from Wimblington Road.
- 3.2. Full plans and associated documents for this application can be found at: <https://www.publicaccess.fenland.gov.uk/publicaccess/>

4 **SITE PLANNING HISTORY** None

5 CONSULTATIONS

5.1. March Town Council

Recommendation; Approval subject to satisfactory highways/access arrangements in line with the Highways Authority's requirements and recommendations. The junction/site access remains dangerously close to the roundabout on a 60mph stretch of road.

5.2. CCC Ecology

The proposal is acceptable on ecology grounds, providing that mandatory biodiversity net gain is secured through suitably worded conditions / obligations:

- 1. Informative regarding national condition for Biodiversity Gain*
- 2. Planning condition / Section 106 agreement to monitor delivery of “significant” on-site BNG, including 30 years management*
- 3. Detailed landscape scheme*

Please find further details below:

Mandatory Biodiversity Net Gain

Mandatory Biodiversity Net Gain requirement apply to this planning application because it was submitted after BNG took effect on 12 February 2024 (or 2 April 2024 for small sites) and does not meet any exemption criteria.

A well written Biodiversity Net Gain (BNG) Metric - Assessment Report has been submitted as part of the application. The report:

- confirms no irreplaceable habitats or statutory designated areas will be adversely impacted as a result of the proposed development (which could affect BNG assessment)*
- provides baseline habitat condition assessment for pre-development*
- demonstrates how the BNG hierarchy has been implemented*
- provides realistic post-development habitat types and condition*
- outlines the proposed 30-year habitat management and monitoring*
- is supported by the submission of the Statutory Metric calculator*

We are satisfied that the scheme will achieve “on-site” BNG much greater than the mandatory 10% biodiversity net gain “on-site” (minimum).

Therefore, there are no ecological grounds to refuse this application. If permission is granted, consideration must be given as to how the LPA intends to manage / monitor the delivery of the biodiversity net gain scheme. [...]

We recommend that the planning condition / S106 includes the implementation of the Habitat Management and Monitoring Plan (which should form part of the Biodiversity Gain Plan secured by the national planning condition) and monitoring its successful delivery, with BNG audit / monitoring reports submitted to the LPA at the monitoring intervals recommended in the Biodiversity Report:

- modified grassland - years 1, 3 and 5 to ensure establishment, then every 3 years*
- hedgerows - years 1, 3 and 5 to ensure establishment, then every 5 years*

Consideration should also be given as to how to deal with applications if delivery of BNG has failed and remedial actions are required.

[...]

We can confirm that this issue [regarding light overspill] could be addressed through a suitably worded condition to require a detailed lighting scheme that is sensitively designed for wildlife to be submitted to and approved by the LPA which will avoid light-spill onto the neighbouring ditch network. [...]

5.3. Arboricultural Officer (FDC)

I have no objection to this. No tree will be impacted. I note that the ecologist has included native hedge planting as part of BNG. If you are minded to approve this, I would suggest that tree planting is included as part of this. There is sufficient space on site to support numerous tree planting with space where species such as Oak, Field Maple and other large trees could be established to benefit future landscape amenity.

5.4. CCC (Lead Local Flood Authority)

We have reviewed the following documents:

- *Flood Risk Assessment and Outline Sustainable Drainage Strategy, Roy Lobley Consulting, Ref: RLC/1618/FRA+OSDS01, Rev: 1, Dated: 26th July 2024*

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

The above documents demonstrate that surface water from the proposed development can be managed through the use of gravel surfacing.

We request the following condition is imposed:

Condition

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 and Outline Sustainable Drainage Strategy prepared by Roy Lobley Consulting (ref: RLC/1618/FRA+OSDS01) dated 26th July 2024 and shall also include:

- a) Full results of the proposed drainage system modelling in the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) plus climate change storm events, inclusive of all collection, conveyance, storage, flow control and disposal elements together with an assessment of system performance;*
- b) Full detail on SuDS proposals (including location, extent, and depths);*
- c) Site Investigation and test results to confirm infiltration rates;*
- d) Full details of the maintenance/responsibility of the surface water drainage system;*
- e) 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.

5.5. Environment Agency

This application falls down to advice note 6 of our local flood risk standing advice and as such we have provided the following advice:

We consider that the main source of flood risk at this site is associated with watercourse under the jurisdiction of the Internal Drainage Board (IDB). As such, the IDB should be consulted with regard to flood risk associated with watercourses under their jurisdiction and surface water drainage proposals.

In all circumstances where flood warning and evacuation are significant measures in contributing to managing flood risk, we expect local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

NPPF Flood Risk Sequential Test

In accordance with the National Planning Policy Framework (paragraph 162), development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. It is for the Local Planning Authority to determine if the sequential test needs to be applied and whether there are other sites available at lower flood risk. Our flood risk standing advice reminds you of this and provides advice on how to apply the test.

5.6. Middle Level Commissioners

Change of use of land to dog exercise area, installation of a secure fencing up to 1.8m high (max), erect shelters and formation of new access and car parking on land east of Mill Hill Roundabout, Wimblington Road, March

We have been made aware of the above planning application which has recently been submitted to your authority for consideration.

Please be advised that neither the Middle Level Commissioners nor the Internal Drainage Boards within our district are, in planning terms, statutory consultees and, therefore, do not actually have to provide a response to the planning authority and we receive no external funding to do so.

However, the above application appears to involve development within the Board's 9m byelaw strip.

During the decision-making process both the applicant and your Council must acknowledge the close proximity of important watercourses and/or associated maintenance access strips to the application site. These watercourses are protected by Byelaws made in accordance with the Land Drainage Act.

Development within, over, or under a Board's maintained watercourse, or within the Board's maintenance strip, requires the Board's prior written consent.

It must not be assumed that consent will be given for any development within, over or under these watercourses and/or any associated maintenance access strips or that the issuing of planning permission by your authority means that the relevant works will be consented.

Please be advised that a more detailed response concerning other relevant Conservation, Environmental, Biodiversity Enhancement and Net Gain Issues; Navigation (where appropriate); Water level and flood risk management matters may be issued to supplement this reply and better inform the parties concerned.

In view of the above, the applicant is urged to contact us to discuss the proposed works via the post-application consultation process as a matter of urgency.

5.7. Anglian Water

Having reviewed the development, there is no connection to the Anglian Water sewers, we therefore have no comments.

5.8. Cambridgeshire County Council Highways Authority

Recommendation

On the basis of the information submitted, from the perspective of the Local Highway Authority, I consider the proposed development is acceptable, subject to the condition(s) listed below.

Comments

The amended access drawing KMC24085 / 001 Rev B addresses the outstanding matters raised by the Local Highway Authority in its previous consultation response dated 29th August 2024.

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

Conditions

Highway Drainage

The approved access and all hardstanding within the site shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway and retained in perpetuity

Reason: To prevent surface water discharging to the highway in accordance with policy LP15 of the Fenland Local Plan, adopted May 2014.

Non-Standard Condition

Prior to commencement of use, the proposed vehicular access shall be constructed using a bound material, for the first 5 metres from the boundary of the public highway into the site, to prevent debris spreading onto the public highway.

Reason: in the interests of highway safety.

Informatives

Works in the Public Highway

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

5.9. Designing Out Crime Officers

Thank you for the opportunity to comment on this revised proposal planning

application. I have viewed the documents and note my colleagues' comments dated 30th May 2024 relating to operating hours and lighting. Having viewed the lighting proposals, I do have some concerns over the solar options. Please see recommendations below.

Lighting:

Lighting columns - would be our preferred system, whilst I note there is a S38 streetlight on the public highway, with a proposal to relocate this, I'm not sure what coverage this would provide over the parking facility. Taking into consideration the length of the 4 proposed exercise areas and the operating times particularly during the winter months there will be a requirement for sufficient lighting across the whole site. Our recommendation for any location would be column lighting to BS5489:1 2020 standards however, if this requirement conflicts with local conditions such as within a conservation area or where there is a dark sky policy, the implications should be discussed with the DOCO and the local lighting authority. A variable lighting system, which increases and decreases lighting levels in accordance with local circumstances/usage, is preferred to any total switch off policy employed to reduce CO2 emissions. The Institution of Lighting Professionals does not encourage switch off unless a full risk assessment has been carried out and, in any case, it should never be implemented purely on the grounds of cost savings. (There are column lights fitted with a back shield that are sympathetic to the environment and work alongside wildlife ecology and light pollution!). A qualified lighting engineer will be able to produce a lighting plan appropriate for the safety and security of residents and their property as well as ecology and wildlife.

- Solar Lighting - Due to the low levels of sunlight during winter months in this country it is likely that the Solar lights will either fade or go out completely overnight.
- Bollards - The use of bollard lights can be useful for way finding they are insufficient for security. Lights placed at lower levels can fail to illuminate the facial features of pedestrians which will then leave those areas in darkness and increase the vulnerability of crime, fear of crime and reduce feelings of safety. If the planning authority is of a mind to accept this perhaps there should be signs placed in the areas concerned explaining that they may not always be lit.

I am happy for the above to be conditioned. I currently have no further comments.

5.10. **Environment & Health Services (FDC)**

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.

5.11. **Local Residents/Interested Parties**

Objectors

The LPA received one letter of objection to the scheme from a purported agricultural tenant of the site, noting that they had not been formally notified of the proposals. As such, Officers requested that the applicant provide appropriate notice, which was duly completed, and the application was

redated accordingly. Further to this, a letter of objection was received from the tenant noting concerns over highway safety owing to the potential for congestion and traffic flows being affected owing to the access being near to the roundabout along with concerns over animal welfare from dogs 'bolting' into the road.

Supporters

The LPA received 21 letters of support for the scheme from 20 address points, including 11 addresses from within the FDC District such as March, Wimblington, Chatteris and Whittlesey and further afield outside the District such as Holbeach, Spalding, Peterborough, Market Deeping, Yarwell (Greater P'boro), Greatford (Lincolnshire), Wilburton (Ely), Wymondham (Norfolk) and Walkern (Stevenage). Two of the letters received were from the applicant/applicant's address.

Reasons for supporting the scheme can be summarised as:

- A much needed service, a safe and secure dog walking area would be of benefit to the community;
- A positive addition to the area;
- Handy when visiting local family;
- Helpful to keep local open areas free of dog mess and/or safety risks from dogs in public areas;
- Well located for ease of access and has potential to be well supported by locals. Minor concerns over turning right into access from Wimblington Road owing to proximity to roundabout.
- Convenient place to stop and a safe area for exercising dogs;
- Offers good access for disabled people who have dogs;

11 letters received included no reasons for support.

6 STATUTORY DUTY

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014), the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021) and the March Neighbourhood Plan (2017).

7 POLICY FRAMEWORK

7.1. National Planning Policy Framework (NPPF)

Chapter 2 - Achieving sustainable development

Chapter 4 – Decision-making

Chapter 6 – Building a strong, competitive economy

Chapter 8 – Promoting healthy and safe communities

Chapter 9 – Promoting sustainable transport

Chapter 11 – Making effective use of land

Chapter 12 – Achieving well-designed and beautiful places

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

Chapter 15 – Conserving and enhancing the natural environment

- 7.2. **National Planning Practice Guidance (NPPG)**
Determining a Planning Application
- 7.3. **National Design Guide 2021**
Context
Identity
Built Form
Movement
Nature
Public Spaces
Uses
Lifespan
- 7.4. **Fenland Local Plan 2014**
LP1 – A Presumption in Favour of Sustainable Development
LP2 – Facilitating Health and Wellbeing of Fenland Residents
LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside
LP6 – Employment, Tourism, Community Facilities and Retail
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
LP17 – Community Safety
LP19 – The Natural Environment
- 7.5. **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.
- 7.6. **Cambridgeshire and Peterborough Minerals and Waste Local Plan 2021**
Policy 5 – Mineral Safeguarding Areas
Policy 14 – Waste management needs arising from residential and commercial Development
- 7.7. **Delivering and Protecting High Quality Environments in Fenland SPD 2014**
DM3 – Making a Positive Contribution to Local Distinctiveness and character of the Area
- 7.8. **Cambridgeshire Flood and Water SPD 2016**
- 7.9. **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
- LP4: Securing Fenland's Future
- LP5: Health and Wellbeing
- LP7: Design
- LP8: Amenity Provision
- LP11: Community Safety
- LP17: Culture, Leisure, Tourism and Community Facilities
- LP18: Development in the Countryside
- LP20: Accessibility and Transport
- LP22: Parking Provision
- LP24: Natural Environment
- LP25: Biodiversity Net Gain
- LP27: Trees and Planting
- LP28: Landscape
- LP31: Open Space and Recreational Facilities
- LP32: Flood and Water Management

8 KEY ISSUES

- **Principle of Development**
- **Character and Appearance**
- **Highway Safety and Parking**
- **Residential Amenity and Environmental Health**
- **Flooding and Drainage**
- **Ecology and Biodiversity Net Gain (BNG)**
- **Other Matters**

9 ASSESSMENT

Principle of Development

- 9.1. The application site is located approximately 0.8km to the south of the periphery of the built form of March, and approximately 1km to the north of the main built form of Wimblington. Notwithstanding the presence of the convergence of significant transport routes between the two settlements, it falls within an area of sporadic development and as undeveloped agricultural land is part of the countryside separation between them. Given this locale and character, the application site is considered to fall within an 'Elsewhere' location, as set out within the Settlement Hierarchy in Policy LP3. Policy LP3 supports proposals where development will be restricted to that which is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services. It is considered that the proposed development, intended as a dog exercise area, complies with Policy LP3 by way of outdoor recreation.
- 9.2. The principle of the development is therefore acceptable subject to the policy considerations set out below.

Character and Appearance

- 9.3. Policy LP12 seeks to protect the character and appearance of the countryside, requiring development proposals to accord with specific criteria (a) – (k). The proposal is considered to be contrary to the following criteria:
- 9.4. Criteria (a) requires that the site be in or adjacent to the existing developed footprint of the village.
- 9.5. Criteria (c) seeks to ensure that developments do not have an adverse impact on the character and appearance of the surrounding countryside.
- 9.6. Criteria (d) seeks to ensure that the proposal is of a scale and location that is in keeping with the core shape and form of the settlement and will not adversely harm its character and appearance.
- 9.7. In addition, Policy LP16 (d) of the Fenland Local Plan seeks to ensure development makes a positive contribution to the local distinctiveness and character of the area, enhances its local setting, reinforces local identity and does not adversely impact, either in design or scale terms, on the street scene, settlement pattern or the landscape character of the surrounding area, supported by Delivering and Protecting High Quality Environments in Fenland SPD 2014.
- 9.8. In this instance, the scheme is divorced from the main settlements of both March and Wimblington, on undeveloped agricultural land within a sparsely developed area located on a highly prominent highway junction. The development proposes alteration to an area of land to the front of the site to create a 1.8m fenced parking area approximately 65m wide by 21m deep, with additional gates and holding pens, along with the formation of a substantial access. Furthermore, the scheme will see the erection of 4 shelters, albeit these will be modest in scale and height, with mono-pitched roofs reaching a maximum height of approximately 2.5m. In addition, the scheme will see the separation of land into 4 large enclosures, separated and bounded by 1.8m fencing stretching approximately 140m along Wimblington Road to the west and approximately 200m along the Isle of Ely Way A141 to the south. The scheme also includes the erection of lighting to various points around the car park and the entire 3.9Ha site. Given the prominence of the site, views will be apparent on approach to the site from all sides regardless of the direction of travel on the adjoining highways.
- 9.9. Ultimately, this scale of development, in such a prominent position, that will include significant lengths of incongruous fencing, lighting and infrastructure will result in a detrimental impact to the currently open countryside character of the area, contrary to Policies LP12 (a), (c), (d) and LP16 (d) of the Fenland Local Plan 2014 and DM3 of Delivering and Protecting High Quality Environments in Fenland SPD 2014.
- Highway Safety and Parking**
- 9.10. Policy LP15 seeks to ensure safe and convenient access for all. Concerns have been raised regarding the impact of traffic entering/exiting the site on the nearby highway network.

- 9.11. The scheme was originally objected to by the Highways Authority, noting concerns over visibility, proximity to the roundabout, and geometry. Consequently, a number of amendments were made to the position and geometry of the access, parking areas and turning spaces to address comments made supported by a Transport Technical Note. Further to this, additional minor adjustments were made in response to consultations with the Highways Authority.
- 9.12. Following a review of the final amended scheme, which includes a left turn only exit route, an appropriate pedestrian/cycle crossing and signage to limit impacts to highway safety, the Highway Authority raise no objection, recommending the inclusion of conditions regarding compliance with the approved plans, drainage and surfacing.
- 9.13. Accordingly, whilst concerns over traffic and highway safety are noted, the revised access arrangement and supporting data suggest that the scheme is compliant to Policy LP15 with respect to highway safety, subject to conditions.
- 9.14. With respect to parking, the scheme proposes to provide 27no. 2.5m x 5m parking spaces, with a minimum of 6m clearance behind to enable manoeuvrability. Within the car park, four separate parking compounds are proposed (including three spaces each) with gates and fencing to enable pedestrians and dogs to enter and exit vehicles safely whilst being segregated from the roadway or remaining parking areas. This is considered an acceptable arrangement and will minimise the risk of dogs running loose into the highway or within the parking area. Given the proposed scale and nature of the scheme the volume and arrangement of parking provision is acceptable with respect to Policy LP15.
- 9.15. Notwithstanding, whilst technically acceptable in respect of Policy LP15, the proposed access arrangement, level of parking and fencing to the front of the site further reinforces concerns over the urbanising impact the scheme will have on the surrounding countryside character as discussed above.

Residential Amenity and Environmental Health

- 9.16. Policies LP2 and LP16 (e) seek to ensure development proposals do not adversely impact on the amenity of neighbouring users such as by virtue of noise, light pollution, loss of privacy and loss of light.
- 9.17. The nearest residential dwellings to the site include “Tarn Hows”, and nos. 1 & 2 Linwood Lane, ranging between 35m and 55m from the site, positioned on the opposite side of Wimblington Road to the west. To the south, 68 March Road is the nearest dwelling at approximately 115m from the site.
- 9.18. The use of the site as a dog exercise area may increase noise in respect of vehicle movements and/or dog barking. However, it is considered that the impact of disturbance from noise will likely be limited given the separation from the nearest dwellings.

9.19. The submitted design and access statement suggests that the facility is intended to be operational between 5am and 11pm every day. These hours of operation are significant, however, it should be noted that Mill Hill Garage located adjacent to the residential dwellings Tarn Hows and Nos. 1 & 2 Linwood Lane is open as follows:

- 5am - 7pm Monday to Friday;
- 6am - 5pm on Saturdays;
- 9am - 5pm on Sundays

As such, given that the potential for noise from the adjacent garage, at much closer proximity to the dwellings (e.g. around 15m from Tarn Hows) is likely to cause more obvious disturbance than the proposed dog exercise area, the proposed extended hours are, on balance, acceptable in this instance.

9.20. The proposal also seeks to include Solar Powered PIR Sensored Lighting on poles within the car park and at various points along the exercise areas, baffled downwards and away from the highway and/or mature vegetation. Some concern has been raised from the Designing Out Crime team of Cambridgeshire Constabulary with respect to the suitability of solar powered lighting to offer appropriate security, noting that “*A qualified lighting engineer will be able to produce a lighting plan appropriate for the safety and security of residents and their property as well as ecology and wildlife.*” As such, notwithstanding the lighting scheme submitted, it is considered appropriate to ensure a full lighting scheme is secured by condition to ensure that the scheme is appropriate whilst balancing its impacts to neighbouring residential amenity, highway safety, and biodiversity whilst ensuring appropriate safety and security for users.

9.21. Dog waste bins are intended to be provided at various points around each exercise area and alongside the shelters. It is understood that users will be reminded to clean up after their dog whilst using the facility. With respect to waste emptying, the Design and Access statement states:

Waste management within the dog park will be carried out by a licensed waste carrier in accordance with local regulations and best practices. The licensed waste carrier will be responsible for the collection and disposal of dog waste from designated waste disposal stations located throughout the park. Regular waste removal schedules will be established to ensure cleanliness and hygiene within the park, promoting a pleasant environment for visitors and reducing environmental pollution.

9.22. A condition can be applied to ensure the waste management strategy is acceptable prior to commencement of use of the facility.

9.23. It is noted that no objections are raised by the Environmental Health team highlighting any concern with respect to light pollution, noise disturbance, nor any additional environmental health concerns such as waste management; nor did any adjacent residents object on the grounds of amenity impact.

9.24. Notwithstanding, should the Environmental Health Team receive substantiated complaints in respect of noise, lighting, or waste as a result of

the development, appropriate nuisance action can be taken where necessary under separate Environmental Legislation.

Flooding and Drainage

- 9.25. Policy LP14 of the Fenland Local Plan (2014) and chapter 14 of the National Planning Policy Framework set out the policy approach towards development in areas of flood risk. Both of these policies seek to encourage development first within areas of lower flood risk, before considering development in areas at higher risk of flooding.
- 9.26. The application site includes areas within flood zones 1, 2 & 3, with the car park and shelters located within flood zone 1. Flood zones 2 & 3 appear to only affect the dog enclosure fields.
- 9.27. It is considered that the change of use will not constitute any additional flood risk to users of the site or adjacent land and or properties than the existing agricultural use, by virtue that in the event of flooding, water will be able to flow unimpeded across the site by virtue of the use of permeable fencing. There have been no objections to the scheme in respect of flood risk or drainage from the LLFA or Environment Agency, subject to conditions regarding a suitable surface water drainage scheme to be submitted.
- 9.28. Middle Level Commissioners offered comment on the application, seeking to ensure that the 9m byelaw strip to the drains bordering the east and southern boundaries of the site are maintained. Further to this comment, the applicant provided revised site layout drawings safeguarding this strip to allow the IDB access for maintenance to their managed watercourses as required.
- 9.29. Given the above, there are no issues to address with regard to flood risk, in accordance with Policy LP14.

Ecology and Biodiversity Net Gain (BNG)

- 9.30. The Environment Act 2021 requires development proposals to deliver a net gain in biodiversity following a mitigation hierarchy which is focused on avoiding ecological harm over minimising, rectifying, reducing and then off-setting. This approach accords with Local Plan policies LP16 and LP19 which outlines a primary objective for biodiversity to be conserved or enhanced and provides for the protection of Protected Species, Priority Species and Priority Habitat.
- 9.31. The application was supported by appropriate ecological assessment and no objections were raised by the ecological officer or arboricultural officer with respect to the proposals, subject to appropriate conditions.
- 9.32. In this instance a Biodiversity Gain Condition is required to be approved before development is begun. Consultation with CCC Ecology note the requirement to impose planning conditions to secure the landscaping scheme, and a Habitat Management and Monitoring Plan, and appropriate lighting scheme for biodiversity (as discussed above), to be approved to ensure the site is appropriately managed to achieve Biodiversity Net Gain in

perpetuity and ensure the scheme complies with Policies LP16, LP19 and the Environment Act 2021.

Other Matters

- 9.33. A number of the letters of support came from areas outside the District, and thus local appetite for the scheme cannot be fully substantiated. The application was scant on justification and/or evidence with respect to market appetite for the proposal, with section 4.1 of the Design and Access Statement, entitled “Justification and Use of Development” stating:

The application seeks to gain the planning consent for a change of use from agricultural land to dog field facilities including access arrangements, boundary treatments, parking and amenities. This being an appropriate use of the site to provide additional recreational space for locals.

- 9.34. Notwithstanding, any benefits from the scheme are not considered to outweigh the harm caused to the character and appearance of the area as discussed above.

10 CONCLUSIONS

- 10.1 On the basis of the consideration of the issues of this application, conflict predominately arises through the detrimental impact of development on the countryside character of the area, rather than as a result of technical matters.
- 10.2. The application site, as undeveloped agricultural land contributes to the wider countryside character of the area separating the main built forms of March and Wimblington on a prominent roundabout junction. The obvious intrusion of the development, by virtue of its significant scale of the proposal, and the use of significant lengths of incongruous fencing, the erection of lighting, parking infrastructure and access, it is considered that the proposal will result in a detrimental urbanising impact to the currently open countryside character of the area, contrary to Policies LP12 (a), (c), (d) and LP16 (d) of the Fenland Local Plan 2014 and DM3 of Delivering and Protecting High Quality Environments in Fenland SPD 2014.
- 10.3. Whilst the scheme is considered acceptable on balance with respect to technical matters regarding highway safety, residential amenity, environmental health, flooding, ecology and biodiversity, subject to appropriate conditions, the overall scheme will result in a significant visual impact to the character of the area and thus is recommended for refusal on this basis.

11 RECOMMENDATION

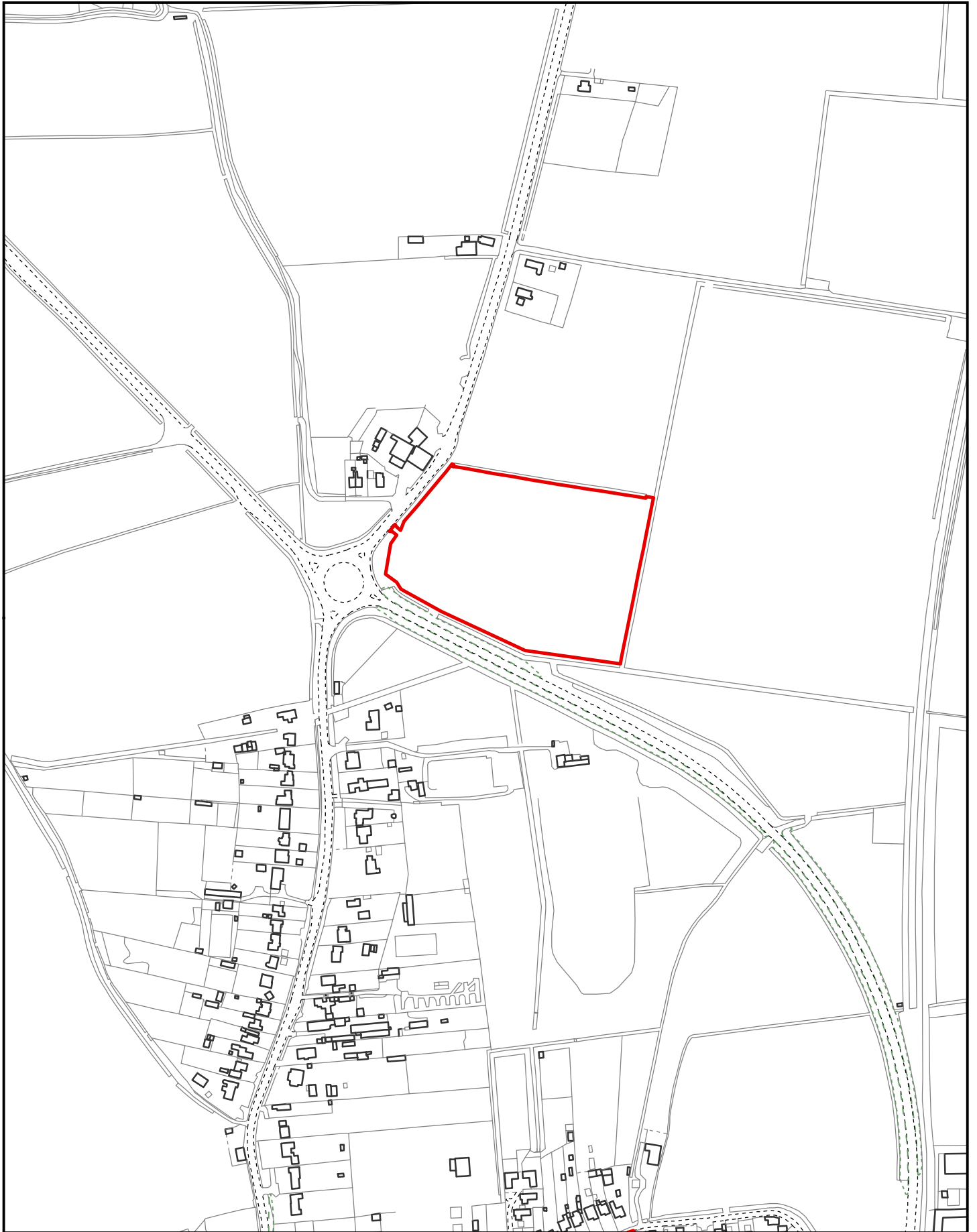
- 11.1 **Refuse**, for the following reasons;

Reasons

1	Policy LP16 (d) of the Fenland Local Plan 2014 and Policy DM3 of the Delivering and Protecting High Quality Environments in Fenland SPD
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2014 seek to ensure development makes a positive contribution to the local distinctiveness and character of the area, and does not, either in design or scale terms, adversely impact on the street scene, settlement pattern or landscape character of the area. Policy LP12 seeks to ensure that development respects the character and appearance of the surrounding countryside and farmland.

The development includes the installation of significant lengths of fencing, parking provision, shelters and lighting and positioned in a prominent location visible on all approaches on current undeveloped agricultural land. Thus, by virtue of the overall scale and siting of the proposed development, the scheme does not respect the character and appearance of the surrounding countryside and farmland as development on this land would result in a distinct urbanisation of existing open and undeveloped agricultural land and will adversely impact and dominate the existing street scene, settlement pattern and landscape character of the area, contrary to Policies LP12 (a), (c) and (d), LP16 (d), of the Fenland Local Plan 2014 and Policy DM3 of the Delivering and Protecting High Quality Environments in Fenland SPD 2014.



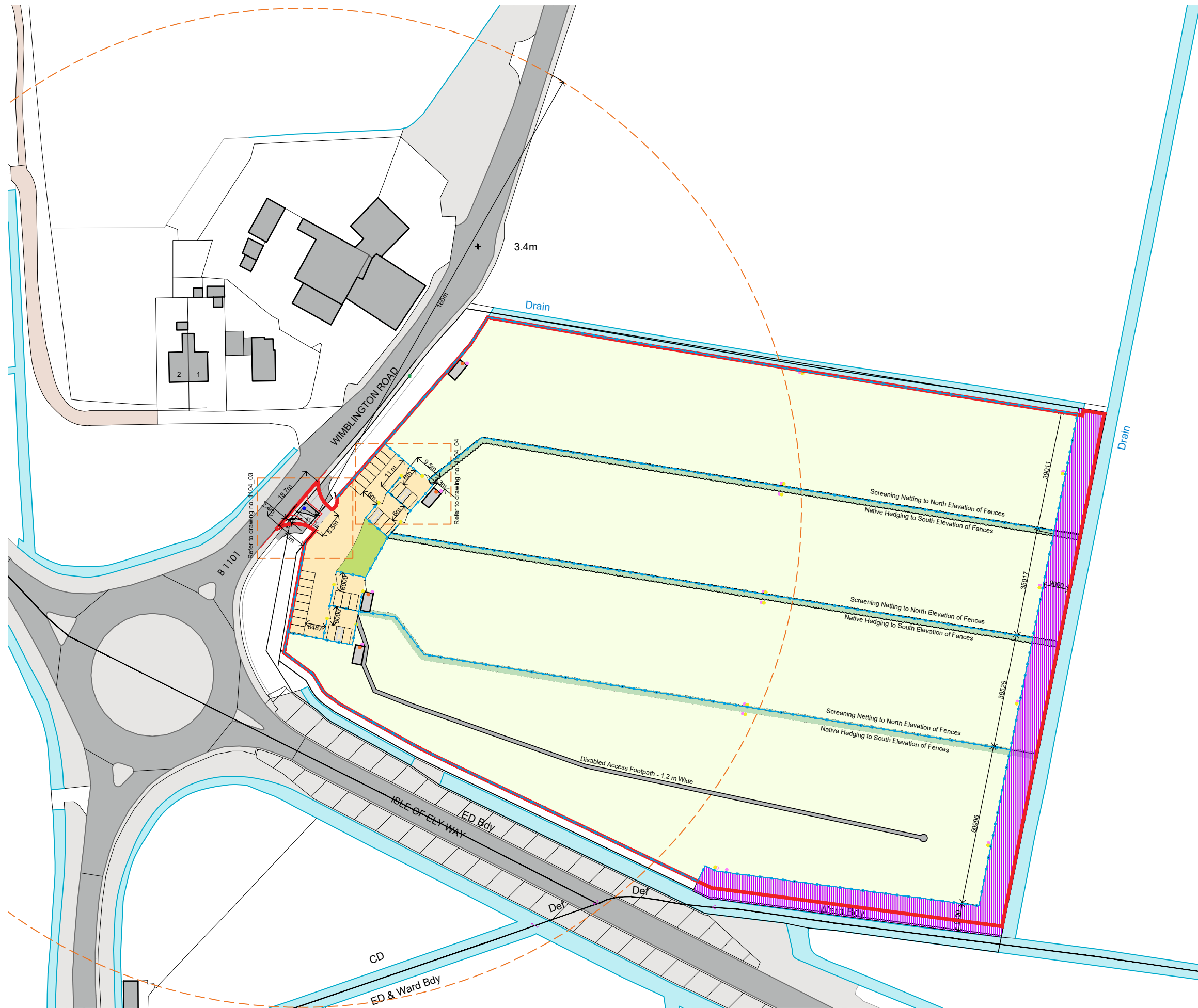
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


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F/YR24/0424/F

Scale = 1:5,000








-  Bin
-  Gravel
-  Tarmac
-  Entrance Vegetation and Logo
-  Grass
-  Footpath
-  Native Hedging
-  MLC 9m Buffer

Lighting Strategy

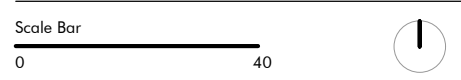
Flood Lights at each Gate and Parking Area
 Linear Lights inside each Shelter
 Flood Lights above each Waste Bin
 All lights to be solar powered/charged and operated only by PIR Sensor.

-  PIR Sensor NexSun 5000 Flood Light
-  PIR Sensor NexSun 2500 Linear Light (Inside Shelter)
-  Existing Streetlight
-  New Streetlight to replace existing



TMV Architects
 The Repeater Station
 London Road
 Norman Cross
 Peterborough PE7 3TB
 info@tmvarchitects.co.uk
 01733 794 795
 tmvarchitects.co.uk

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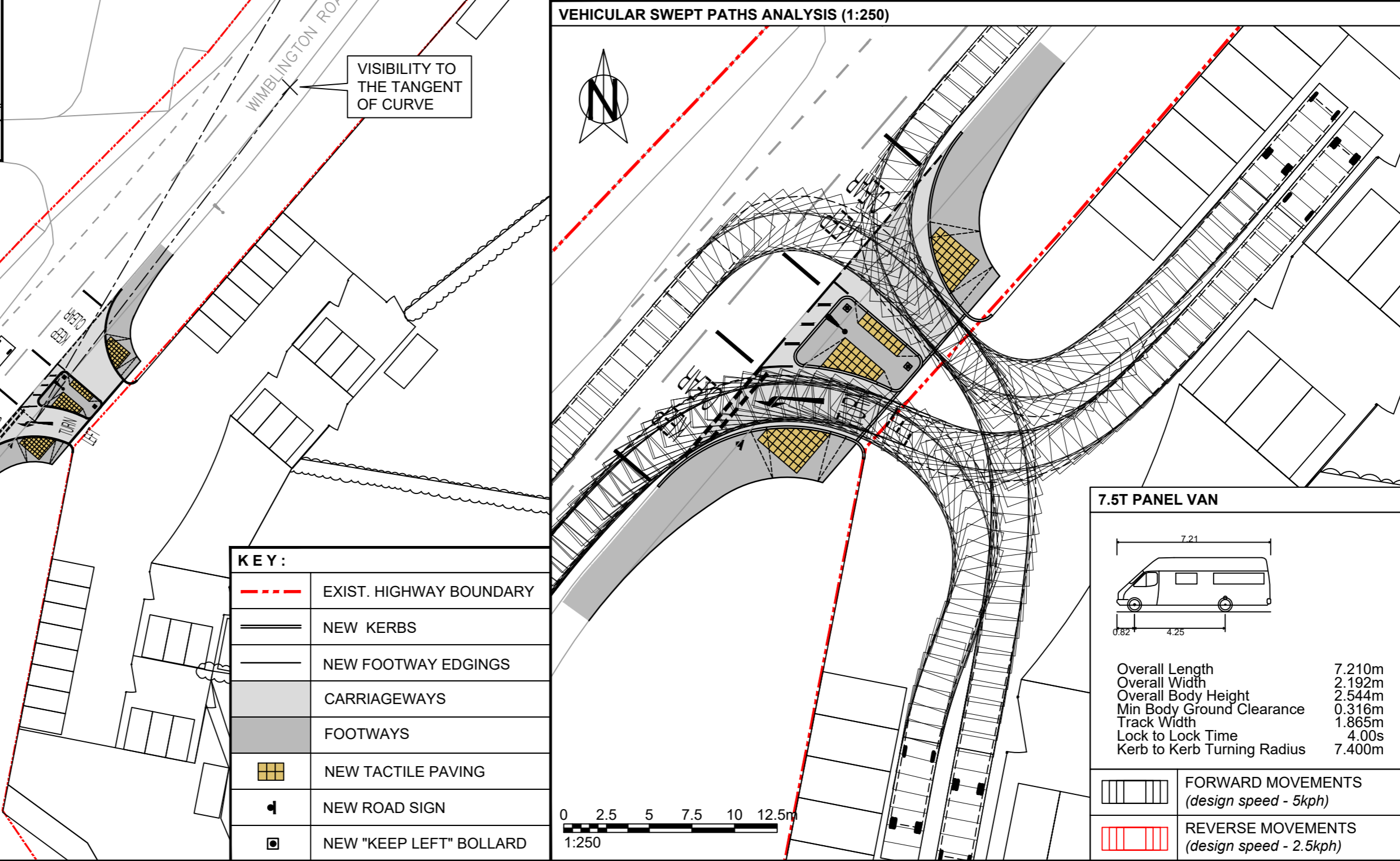
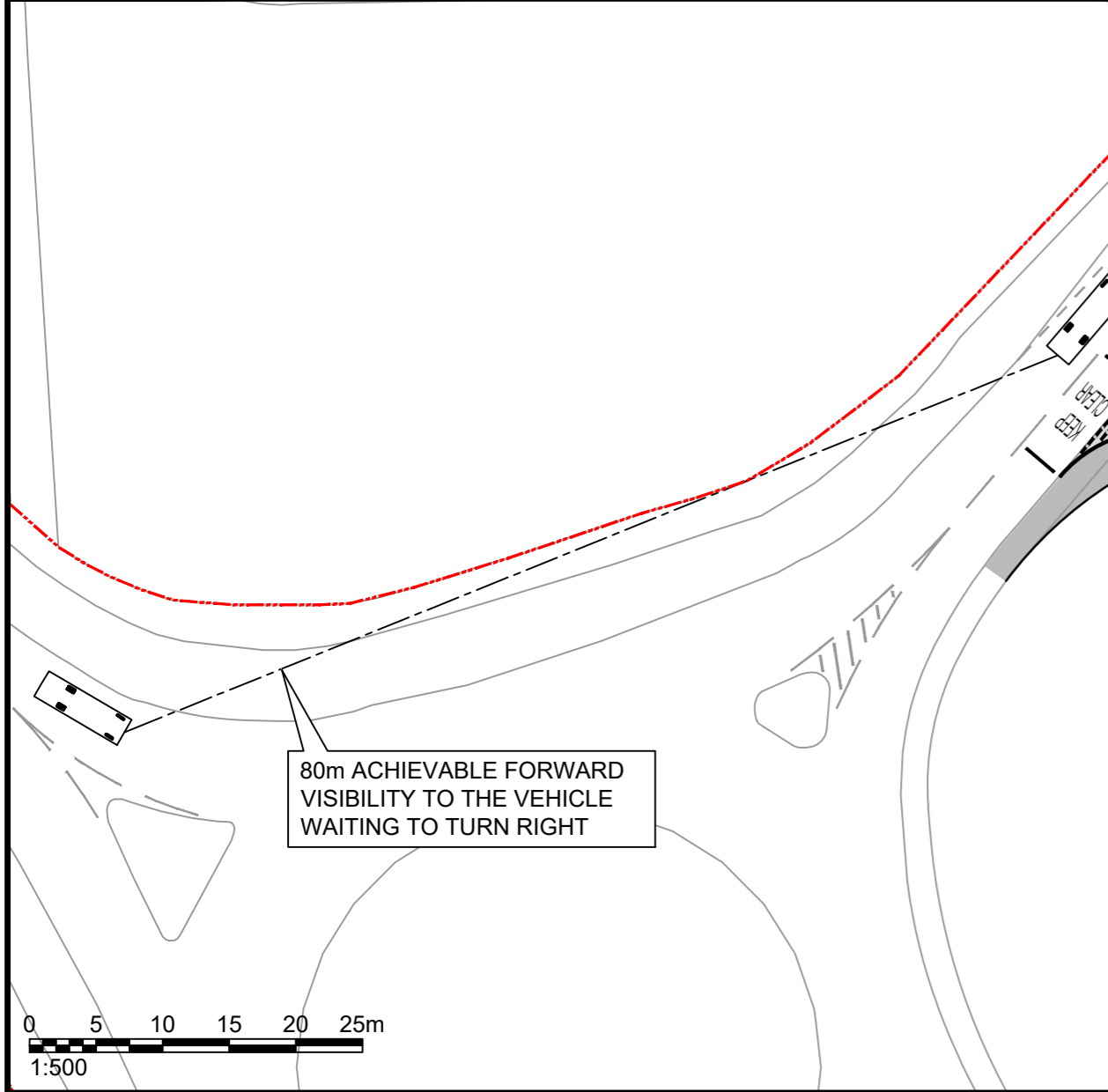
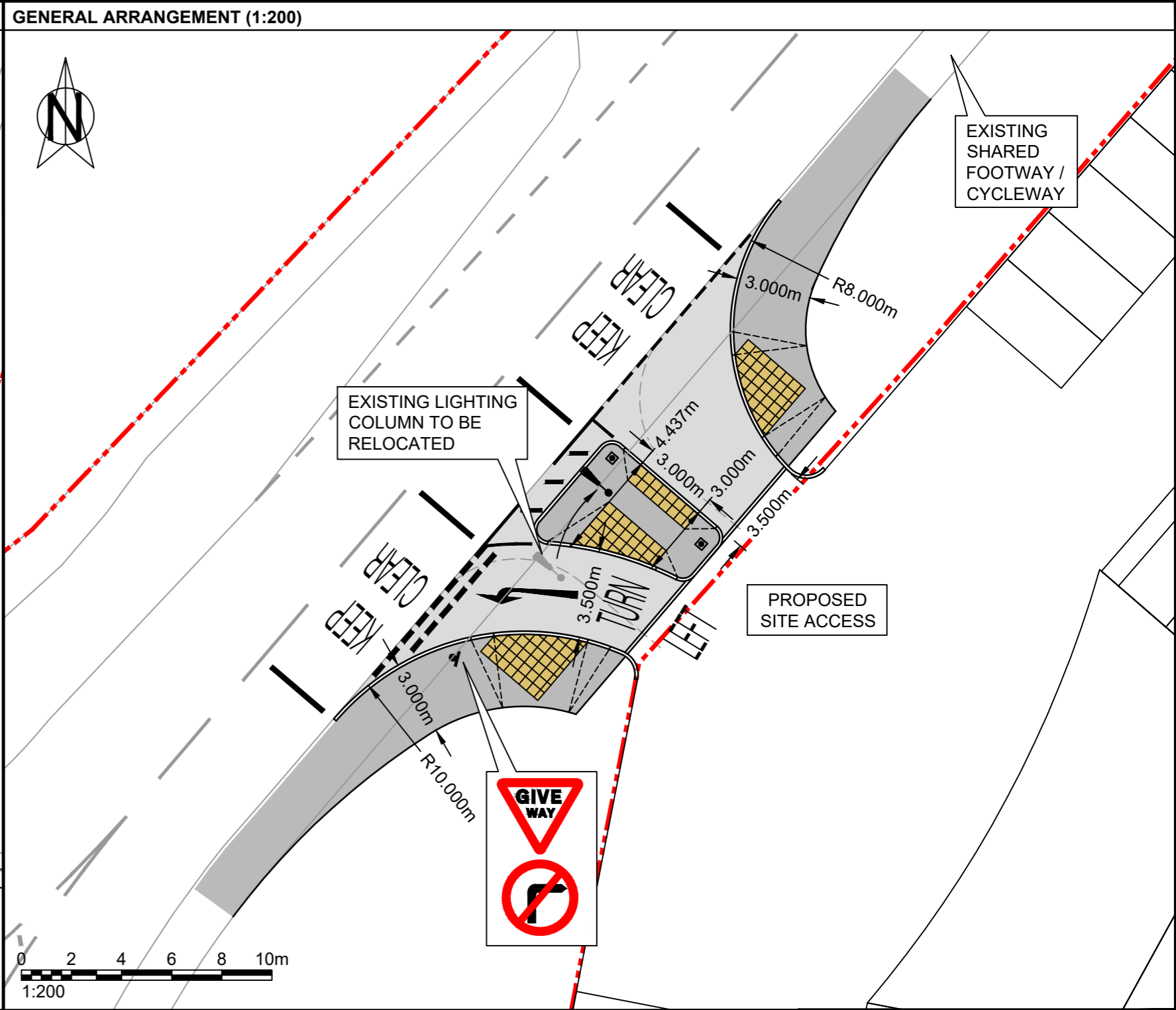
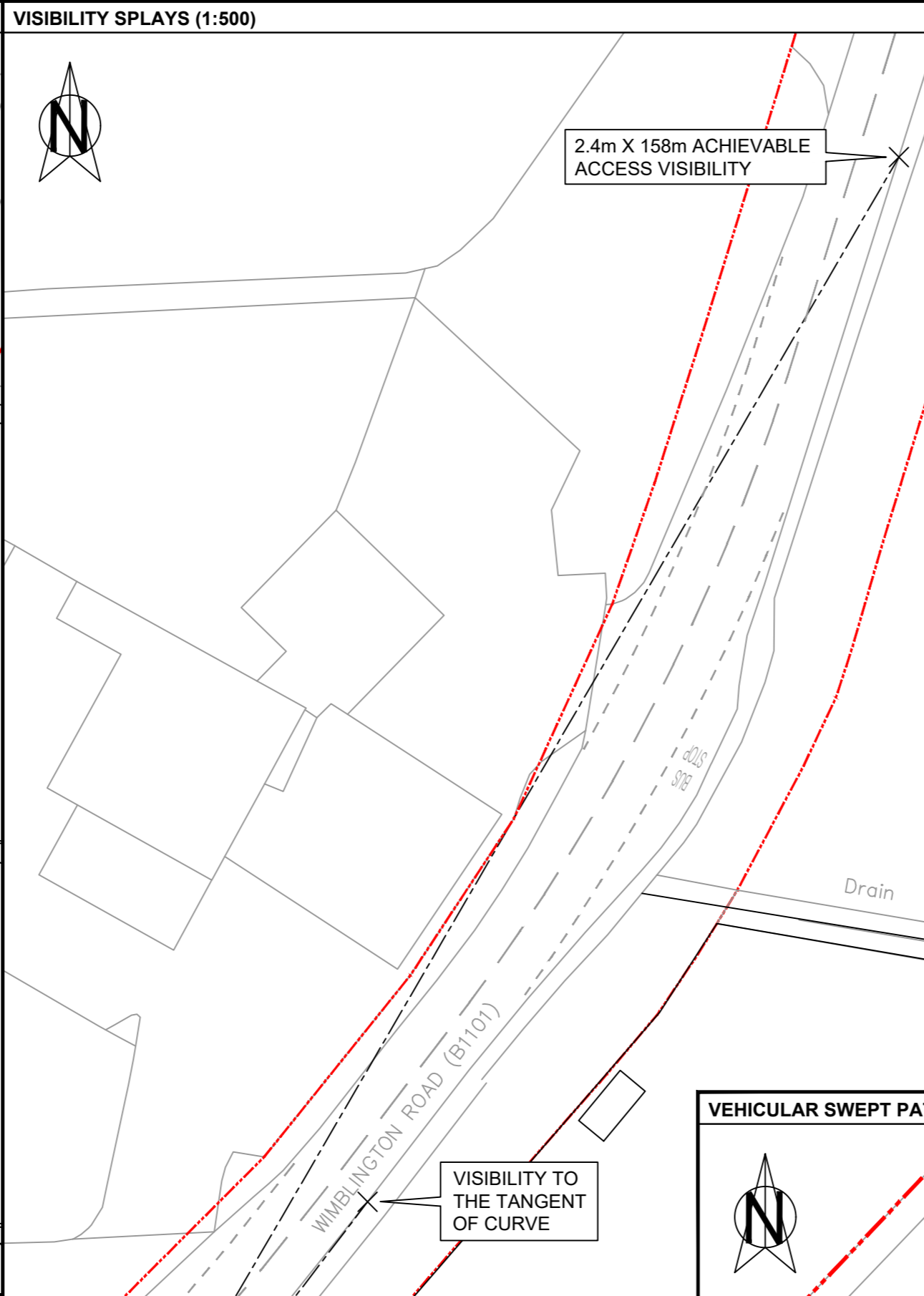
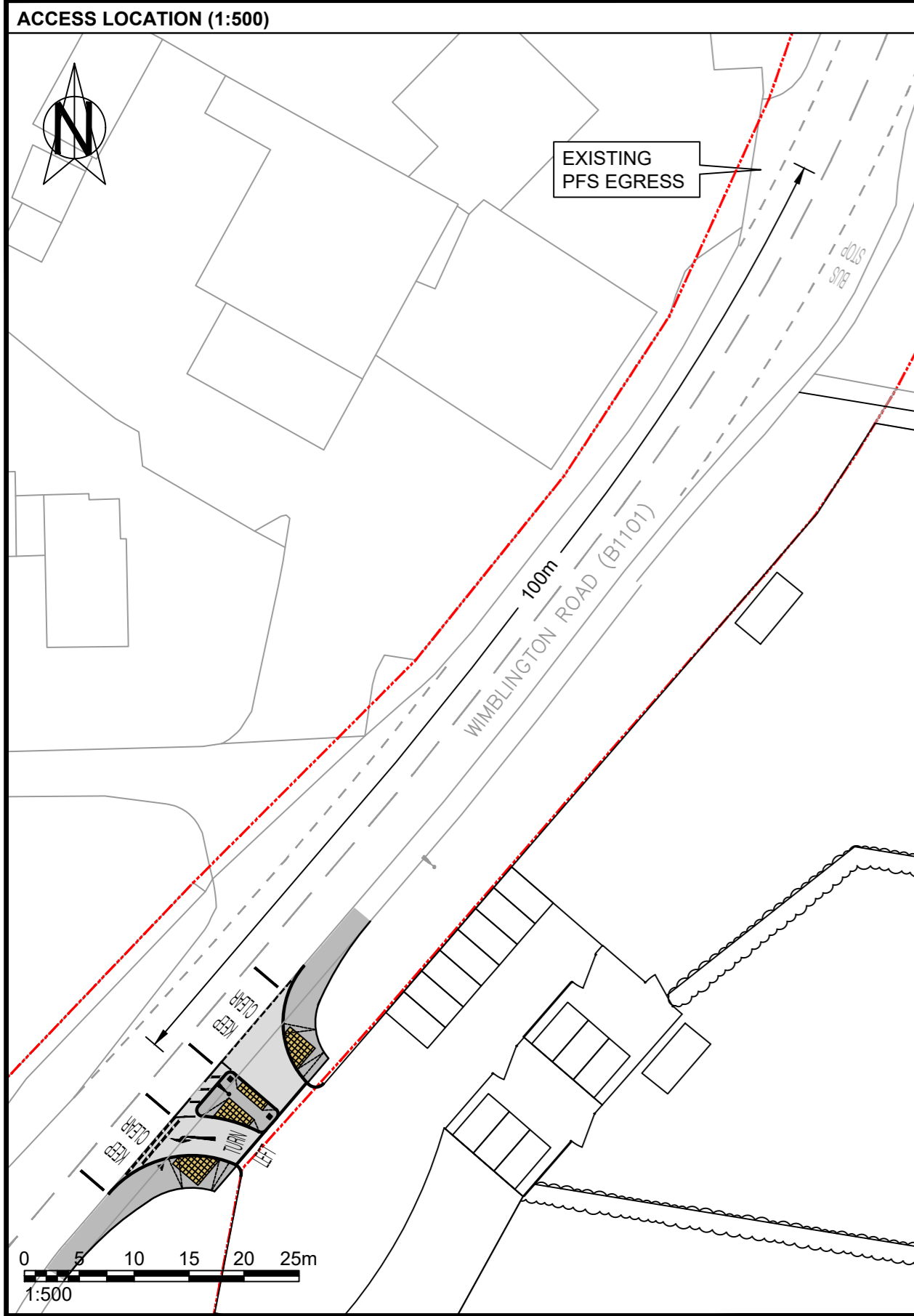


Rev.	Date	Details
E	26.07.24	Street Lighting added

Planning

Drawing Name		Project No.	Dwg No.
Proposed Site Block Plan		1104	02
Project Name		Rev.	Scale
Land Adj. Mill Hill Roundabout, March		E	1:1250 @ A3
Project Name		Drawn	Date
Land Adj. Mill Hill Roundabout, March		MV	02.24

Proposed Site Block Plan



KEY:

	EXIST. HIGHWAY BOUNDARY
	NEW KERBS
	NEW FOOTWAY EDGINGS
	CARRIAGEWAYS
	FOOTWAYS
	NEW TACTILE PAVING
	NEW ROAD SIGN
	NEW "KEEP LEFT" BOLLARD

7.5T PANEL VAN

Overall Length	7.210m
Overall Width	2.192m
Overall Body Height	2.544m
Min Body Ground Clearance	0.316m
Track Width	1.865m
Lock to Lock Time	4.00s
Kerb to Kerb Turning Radius	7.400m

	FORWARD MOVEMENTS (design speed - 5kph)
	REVERSE MOVEMENTS (design speed - 2.5kph)

NOTES:

- (C) This drawing is copyright.
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- Do not scale from this drawing; only figured dimensions are to be worked from.
- Any discrepancies must be reported immediately before proceeding.
- This drawing to be read & printed in colour.

REV	DATE	DESCRIPTION	DRN	CHKD	APRD
B	02.09.2024	Site access revised to comments.	DW	DS	KMcM
A	25.07.2024	Site layout updated.	DW	DS	KMcM

Issue Status

<input type="checkbox"/>	CONCEPT	<input type="checkbox"/>	CONSTRUCTION
<input checked="" type="checkbox"/>	PRELIMINARY	<input type="checkbox"/>	AS BUILT
<input type="checkbox"/>	TENDER	<input type="checkbox"/>	H&S FILE ISSUE

Client
MJS Construction (March) Ltd

Project
Land East Of Mill Hill Roundabout, Wimblington Road

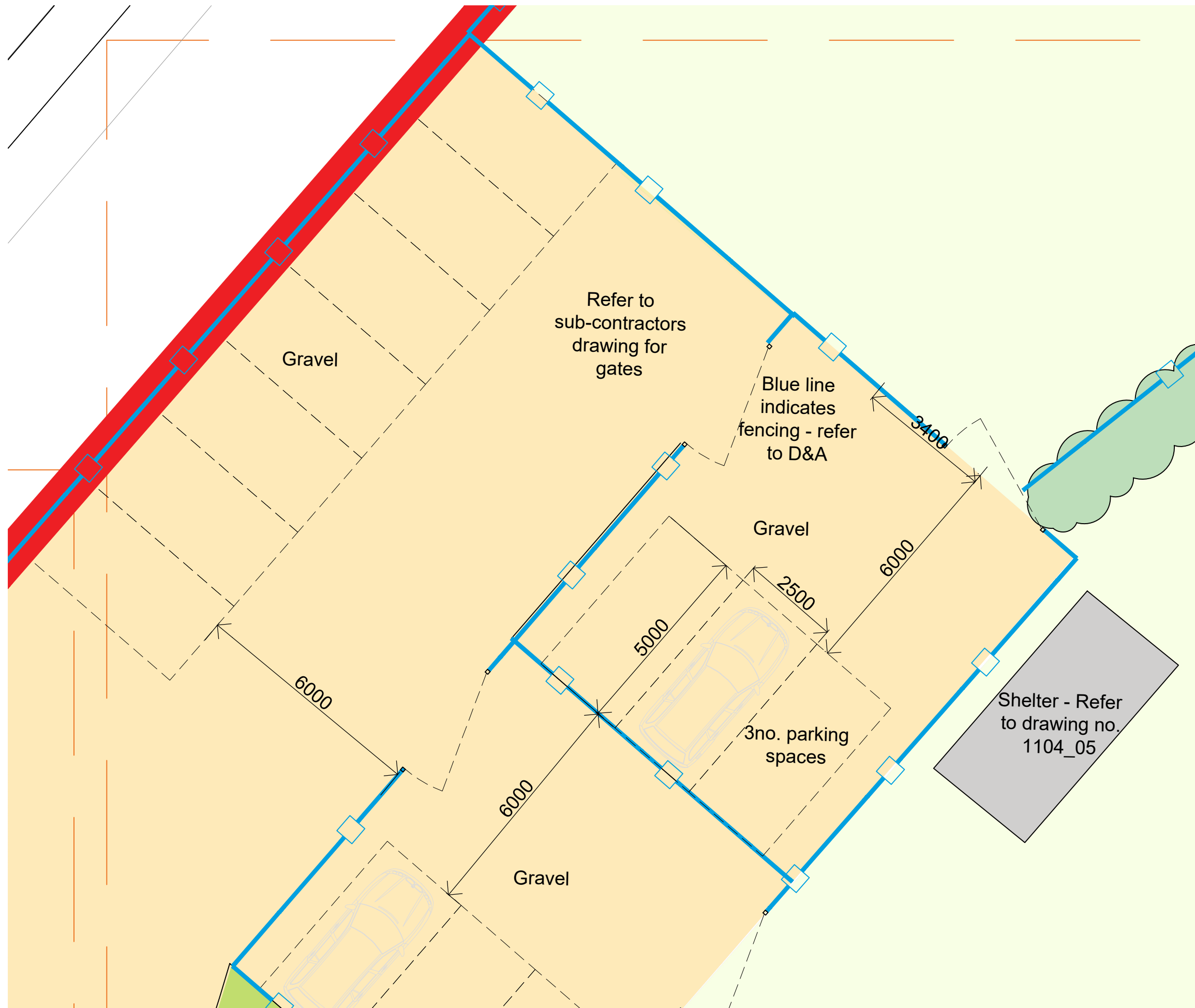
Drawing Title
Proposed Site Access

Scale @ A2	Drwn	DW	Chkd	DS
Var.	Aprd	KMcM	Date	17.07.2024

Drawing Ref
KMC24085 / 001

Rev	B
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kmc
transport planning



TMV Architects
 The Repeater Station
 London Road
 Norman Cross
 Peterborough PE7 3TB
 info@tmvarchitects.co.uk
 01733 794 795
 tmvarchitects.co.uk

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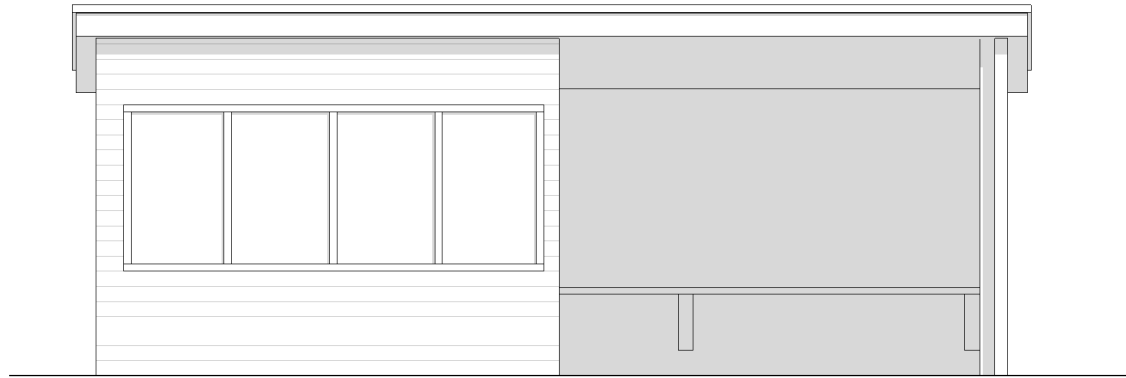


Rev.	Date	Details
C	22.07.24	Boundary Amended to Highways / General Update

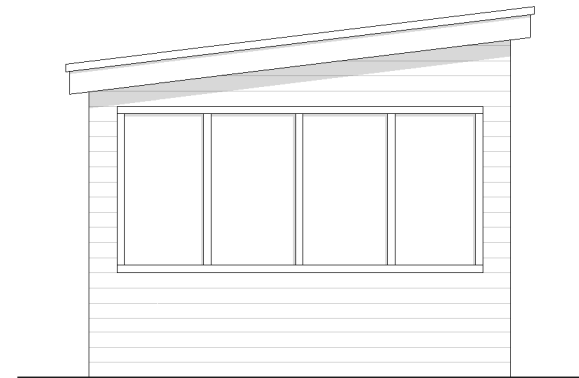
Planning

Drawing Name
Proposed Parking Plan

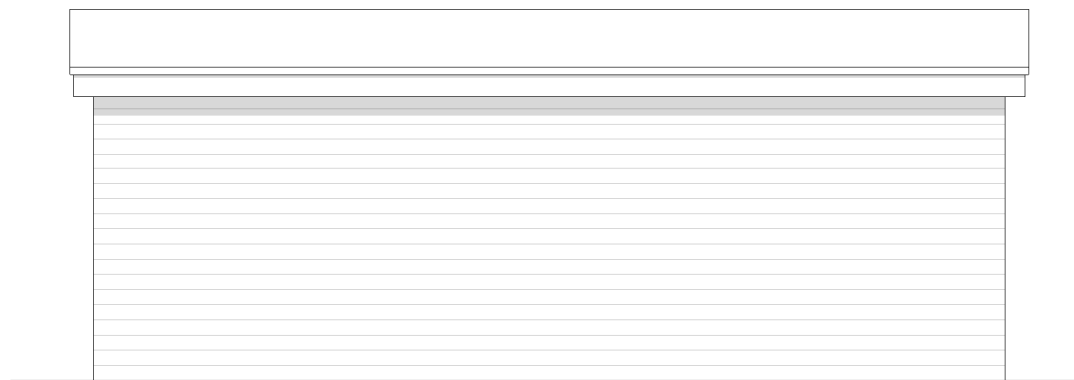
Project Name	Project No.	Dwg No.
Land Adj. Mill Hill Roundabout, March	1104	04
Rev.	Scale	
C	1:100 @ A3	
Drawn	Date	
MV	02.24	



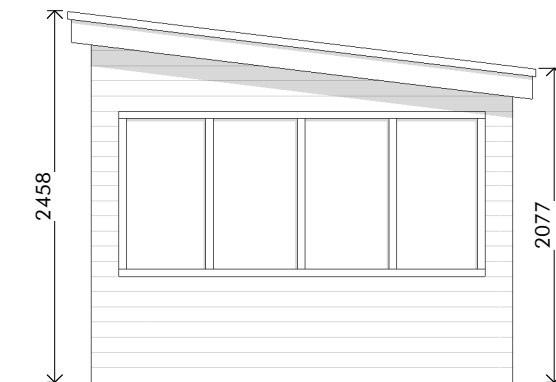
Elevation 1



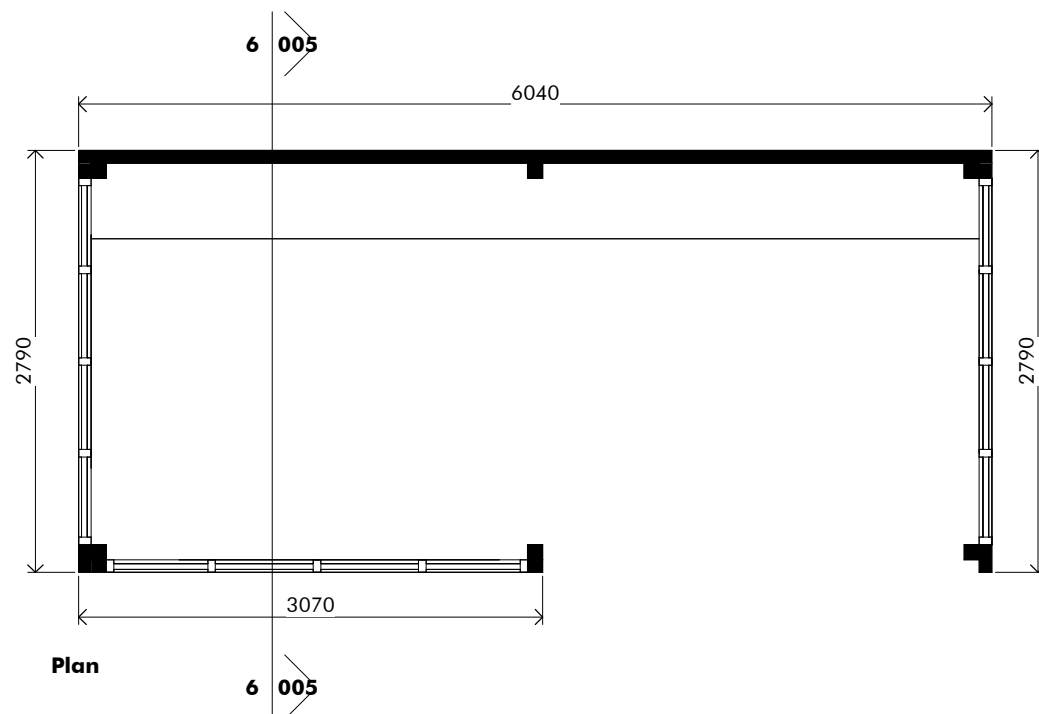
Elevation 2



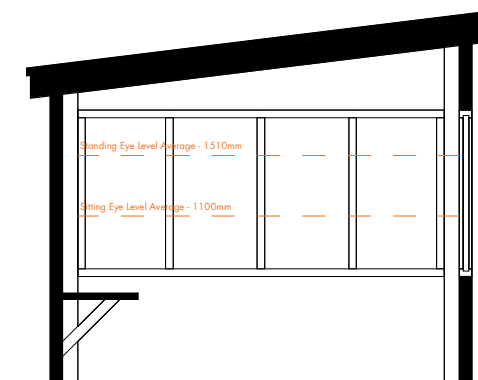
Elevation 3



Elevation 4



Plan



Section



TMV Architects
 The Repeater Station
 London Road
 Norman Cross
 Peterborough PE7 3TB
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Rev.	Date	Details
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Planning

Drawing Name
Proposed Shelter Plans and Elevations

Project Name Land Adj. to Mill Hill Roundabout March	Project No. 1104	Dwg No. 005
Rev.	Scale 1 : 50 @ A3	
Drawn TWT	Date 09.02.24	

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F/YR24/0626/O

**Applicant: Mr Robert Parsons
Parko Developments Ltd**

**Agent : Mr Lee Randall
Ranwood Designs Ltd**

Land And Garages At Hawthorne Drive, Whittlesey, Cambridgeshire

Erect up to 2 x dwellings (outline application with matters committed in respect of access and scale)

Officer recommendation: Approval

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

Government Planning Guarantee

Statutory Target Date For Determination: 13 September 2024

EOT in Place: No

EOT Expiry: 23 October 2024

Application Fee: £578

Risk Statement:

This application must be determined by the 16th of January 2025 otherwise the Council is required to refund the fee of £578.

1 EXECUTIVE SUMMARY

- 1.1 This application seeks outline planning permission with matters committed in respect of access and scale for the erection of up to 2 dwellings.
- 1.2 The location of the site is within the built-up area of Whittlesey, on brownfield land in a residential area. The proposal therefore accords with Policy LP3 regarding the principle of development.
- 1.3 The application is considered to be acceptable in terms of access and scale. This is because the proposed dwellings are served off individual accesses and are single storey in scale.
- 1.4 This application is recommended for approval.

2 SITE DESCRIPTION

- 2.1 The proposal site is within the built-up area of Whittlesey and is a predominately hard surfaced area on which residential garages were previously sited. This area has access points off Hawthorn Drive at the south-western corner, and Sycamore

Road to the north. These access points are secured by metal gates. The site is bordered by timber fencing, beyond which are residential dwellings in all directions. The entirety of the site and surrounding area is located in Environment Agency Flood Zone 1.

3 PROPOSAL

- 3.1 This application seeks outline planning permission with matters committed in respect of access and scale at Hawthorne Drive, Whittlesey, Cambridgeshire. The initial outline proposal was for four dwellings but this has been amended to two.
- 3.2 The indicative plans show Plot 1 to the north of the site, accessed from Sycamore Road and Plot 2 to the south of the site, accessed from Hawthorne Drive. These proposed access locations and route are a committed matter on this outline application.
- 3.3 Scale is also a committed matter, and both proposed plots are single-storey bungalows. The indicative site layout shows that Plot 1 would have a detached double garage. The proposed bungalow would contain three bedrooms, an en-suite, family bathroom, and a combined kitchen / living area.
- 3.4 The indicative site layout shows that Plot 2 would also have a detached double garage. The proposed bungalow would contain four bedrooms, an en-suite, family bathroom, utility room, and a combined kitchen / living area.
- 3.5 The application is exempt from Biodiversity Net Gain requirements as the vast majority of this brownfield site is hard surfaced.
- 3.6 Full plans and associated documents for this application can be found at: <https://www.publicaccess.fenland.gov.uk/publicaccess/>

4 SITE PLANNING HISTORY

- 4.1 None.

5 CONSULTATIONS

- 5.1 The initial scheme on this site was for four dwellings, which was then amended to two dwellings. All statutory and neighbour consultees were reconsulted on September the 10th 2024. Duplicate and similar comments have been collated within this report.
- 5.2 **Natural England – 7th August 2024 and 23rd September 2024.**

The proposed development has the potential to have a harmful effect on terrestrial Sites of Special Scientific Interest (SSSIs) and those Special Areas of Conservation (SACs), Special Protection Areas (SPAs) or Ramsar sites that they underpin.

Natural England has previously commented on this proposal and made comments to the authority in our response dated 07 August 2024, our reference number 484031 (attached).

The information we requested is still needed by Natural England to determine the significance of impacts on designated sites. Without this information Natural England may need to object to the proposal.

Please note we are not seeking further information on other aspects of the natural environment, although we may make comments on other issues in our final response.

Please re-consult Natural England once this information has been obtained. On receipt of the information requested, we will aim to provide a full response within 21 days of receipt.

5.3 Environmental Health – 8th August 2024 and 13th September 2024

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 on 08.08.24 are therefore still relevant.

These comments are detailed below:

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.

Due to the former use and potential for contaminants to exist, a Phase 1 contaminated land risk assessment shall be required before any development is undertaken. This is to determine to what extent contaminants may exist, and if confirmed, what remedial action will then be necessary to ensure the protection for end users both inside the structure and for any proposed external amenity areas such as those put to garden use which could include growing of fruit and/or vegetables for human consumption.

I would therefore recommend the full contaminated land condition as shown below for ease of reference is imposed to ensure the application site is suitable for the intended development and in the interests of human health and the environment:

No development approved by this permission shall be commenced prior to an investigative contaminated land assessment and associated remedial strategy, being submitted to the LPA and receipt of approval of the document/documents from the LPA. This applies to paragraphs a), b) and c). This is an iterative process, and the results of each stage will help decide if the following stage is necessary.

(a) The contaminated land assessment shall include a desk study to be submitted to the LPA for approval. The desk study shall detail the history of the site uses, the proposed site usage, and include a conceptual model. The site investigation strategy will be based on the relevant information discovered by the desk study.

The strategy shall be approved by the LPA prior to investigations commencing on site.

(b) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitable qualified and accredited consultant/contractor in accordance with a quality assured sampling and analysis methodology.

(c) A site investigation report detailing all investigative works and sampling on site, together with the results of the analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the LPA. The LPA shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment including any controlled waters.

No development approved by this permission shall be occupied prior to the completion of any remedial works and a validation report/s being submitted to the LPA and receipt of approval of the document/documents from the LPA. This applies to paragraphs (d), (e) and (f).

(d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance.

(e) If, during the works, contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA.

(f) Upon completion of the works, this condition shall not be discharged until a validation/closure report has been submitted to and approved by the LPA. The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from site, and what has been brought on to site.

REASON: To ensure that the development complies with approved details in the interests of the protection of human health and the environment.

To protect the amenity of existing nearby residents, it is also recommended that a working times restriction condition is imposed in the event that planning permission is granted, with the below considered suitable:

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.

REASON: To protect the amenity of the nearby occupiers.

5.4 CCC Minerals and Waste – 19th August 2024

The proposed development site lies within the consultation area (CA) for the Whittlesey Water Recycling Area (WRA) as identified under Policy 16 (Consultation Areas) of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021). Policy 16 seeks to safeguard water recycling areas (also known as sewage treatment works). It states:

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

(c) not prejudice the existing or future use of the area (i.e. the MAA, MDA, WMA, TIA or WRA) for which the CA has been designated; and

(d) not result in unacceptable amenity issues or adverse impacts to human health for the occupiers or users of such new development, due to the ongoing or future use of the area for which the CA has been designated.*

Within a CA which surrounds a WRA, and unless convincing evidence to the contrary is provided via an odour assessment report, there is a presumption against allowing development which would:

(e) be buildings regularly occupied by people; or

(f) be land which is set aside for regular community use (such as open space facilities designed to attract recreational users, but excluding, for example, habitat creation which is not designed to attract recreational users).

**Where development is proposed within a CA which is associated with a WRA, the application must be accompanied by a satisfactory odour assessment report. The assessment must consider existing odour emissions of the WRC at different times of the year and in a range of different weather conditions.”*

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

The application is for an infill development which would be approximately 350 metres from the WRA. In the area there are several properties located at a similar or closer distance to the WRA.

*It is considered unlikely that the proposed development would be more adversely affected by the operation of the WRA than the existing properties. **Subject to no objection being received from Anglian Water, the MWPA has no objection to this proposal.***

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.

5.5 **Whittlesey Town Council – 29th August 2024 and 1st October 2024**

The Town Council have no objection and therefore recommend approval.

5.6 **Lead Local Flood Authority – 13th September 2024 (Previously objected prior to the amendment of the scheme from four to two dwellings) These comments were again submitted on 1st October 2024.**

*At present we **continue to highlight the following point for your consideration:***

1. No Surface Water Drainage Strategy

Smaller developments can still have a significant effect on local flood risk, particularly when the risks are not properly considered. For example, an extension to an existing property may look to build over existing surface water drainage infrastructure, which must be avoided wherever possible. The following section outlines considerations for drainage and flood risk associated with minor developments:

- i. Existing and proposed impermeable area*
- ii. A description of ground conditions*
- iii. Existing site drainage arrangements*
- iv. Proposed method of surface water disposal*
- v. Existing and proposed runoff rates (if discharging off-site)*
- vi. Required volume of attenuation (m³ per m² of impermeable area)*
- vii. Preliminary SuDS proposals*
- viii. Infiltration test results in accordance with BRE365 (or second viable option for surface water disposal if testing has not yet been undertaken)*

In order to assist developers with the preparation of surface water strategies Cambridgeshire County Council has prepared a guidance document which is available to view [here](#).

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.

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.

Construction Surface Water Maintenance

Prior to final handover of the development, the developer must ensure that appropriate remediation of all surface water drainage infrastructure has taken place, particularly where the permanent drainage infrastructure has been installed early in the construction phase. This may include but is not limited to jetting of all

pipes, silt removal and reinstating bed levels. Developers should also ensure that watercourses have been appropriately maintained and remediated, with any obstructions to flows (such as debris, litter and fallen trees) removed, ensuring the condition of the watercourse is better than initially found. This is irrespective of the proposed method of surface water disposal, particularly if an ordinary watercourse is riparian owned.

5.7 Highways – 23rd September 2024

Recommendation

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

Comments: The development now proposes a single dwelling accessed from both Hawthorne Drive and Sycamore Road respectively. The site accesses are both existing and formed of a bound material. The number of motor vehicle movements generated by a single dwelling are low enough that they are very unlikely to have a significant impact on highway safety, this is supported by studies encapsulated with Manual for Streets. The proposal may impose additional parking demands upon the on-street parking on the surrounding streets and, whilst this is unlikely to result in any significant adverse impact upon highway safety, there is potentially an impact upon residential amenity which the Local Planning Authority may wish to consider when assessing this application.

5.8 Local Residents/Interested Parties

Objectors

Communications of objection from 9 different addresses have been received in total. On the initial plans for four dwellings on site 5 objections were received from Debdale Court, Whittlesey, and 2 from Hawthorne Drive, Whittlesey. On the amended plans for two bungalows on site, four objections from Debdale Court were received.

The objectors make comment on the following grounds:

- Access to back of properties removed as access gates have been erected.
- Access removed without notification 1 or 2 years ago.
- No provision of walkway for rear access.
- Fire safety implications from lack of rear access.
- Overlooking
- Overshadowing
- Noise and disturbance during construction
- Noise and disturbance post construction
- Additional vehicles
- Accesses not wide enough for delivery of construction materials.
- The land should be a public urban garden.
- Impact on children with asthma.
- Impact on mental health.
- Impact on child with sensory needs.
- Impact on dogs from noise.

- Who would be responsible for the upkeep of boundary fences?
- Not all immediate neighbours consulted.
- No site notice erected at any time.

6 STATUTORY DUTY

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014), the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021) and the Whittlesey Neighbourhood Plan (2023)

7 POLICY FRAMEWORK

7.1 National Planning Policy Framework (NPPF)

Chapter 5 – Delivering a sufficient supply of homes

Chapter 12 – Achieving well-designed and beautiful places

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

7.2 National Planning Practice Guidance (NPPG)

Determining a Planning Application

7.3 National Design Guide 2021

Context

Built Form

Homes and Buildings

7.4 Fenland Local Plan 2014

LP4 – Housing

LP5 – Meeting Housing Need

LP11 – Whittlesey

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

7.5 Whittlesey Neighbourhood Plan 2021-2040

Policy 2 – Local Housing Need

Policy 7 – Design Quality

Policy 11 – Adapting to and Mitigating Climate Change

7.6 Cambridgeshire and Peterborough Minerals and Waste Local Plan 2021

Policy 10 - Waste Management Areas (WMAs)

Policy 14 - Waste management needs arising from residential and commercial Development

Policy 16 - Consultation Areas (CAS)

7.7 Emerging Local Plan

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

extremely limited weight in decision making. Of relevance to this application are policies:

- LP1: Settlement Hierarchy
- LP2: Spatial Strategy for the Location of Residential Development
- LP7: Design
- LP8: Amenity Provision
- LP12: Meeting Housing Needs
- LP22: Parking Provision
- LP25: Biodiversity Net Gain
- LP28: Landscape
- LP32: Flood and Water Management
- LP42: Whittlesey - A Market Town fit for the Future
- LP43: Residential site allocations in Whittlesey

8 KEY ISSUES

- **Principle of Development**
- **Layout and Design**
- **Impact on Residential Amenity**
- **Highway Safety and Parking**
- **Flooding Considerations / Drainage**
- **Outstanding matters from representation**

9 BACKGROUND

- 9.1 The initial submitted design proposed 4 dwellings. One single storey detached dwelling, two semi-detached dwellings, and one dwelling above a shared garage block. Whilst elevations and floor plans are to be determined at the reserved matters stage, it was considered that the design constituted overdevelopment of the site, with two storey dwellings of a scale that generated character and amenity concerns. The amended design now proposes two single-storey dwellings, each with a dedicated vehicular access.

10 ASSESSMENT

Principle of Development and Sustainability

- 10.1 The Fenland Local Plan sets out the settlement hierarchy in respect of delivering sustainable development that meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local housing need, whilst making more sustainable use of land and to minimise the loss of high-quality agricultural land by developing in sustainable locations and at appropriate densities.
- 10.2 The site is previously developed and located within the settlement of Whittlesey. Whittlesey is identified within Policy LP3 of the Fenland Local Plan 2014 and the settlement hierarchy as being an Other Market Town. For these settlements the Policy states that *“The majority of the district’s new housing, employment growth, retail growth and wider service provision should take place in these settlements.”*

- 10.3 The principle of development is therefore considered acceptable, subject to the policy considerations set out below.

Layout and Design

- 10.4 This is an application for outline planning permission with some matters reserved. Matters for which approval is sought at this stage of the application process are access and scale.
- 10.5 The site is surrounded by residential development with the majority of the dwellings being two storeys in scale, save for bungalows at 6, 8, 10 and 12 Sycamore Road to the east of the northern access serving Plot 1. It is therefore considered that the proposed bungalows would not conflict with the prevailing form of development in the area. Additionally, by virtue of the location to the rear of existing two storey dwellings, bungalows in this location would not be considered to adversely impact the wider character of the surrounding area.
- 10.6 The amended design now proposes two single-storey dwellings, each with a dedicated vehicular access. The scale is considered to be appropriate for the site, and being single storey in design, minimises character impact on the site and surrounding area.
- 10.7 The principle of development on this site is sound, however, any design that is brought forward must be broadly in keeping with the built character of the surrounding area.
- 10.8 Any application at the reserved matters stage must bring forward a proposal where the design and nature of the development the proposal would not cause an adverse impact to the character or appearance of the area, and therefore be in accordance with Policies LP1 and LP16 of the Fenland Local Plan and Section 12 of the National Planning Policy Framework (December 2023) and the Whittlesey Neighbourhood Plan.

Impact on Residential Amenity/Land Users

- 10.9 Policy LP16 of the Fenland Local Plan (2014) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.
- 10.10 This application seeks outline planning permission for up to 2 dwellings. Therefore, any assessment of amenity impact at the outline stage must be made based on two dwellings being provided.
- 10.11 It is considered that whilst the plot shapes are different to regular plots it does afford a plot size that is comparable to other properties in the vicinity of the site. There is an acceptable level of amenity space for both plots shown on the indicative plans. With both plots having other a third of the plot devoted to private garden space. This accordance with the requirements of criterion h of Policy LP16 regarding private amenity space.
- 10.12 Any fenestration within a final design must seek to not introduce a new overlooking impact to adjacent properties. The indicative design shows fenestration sited solely at ground floor level. The site is surrounded by fencing that is a minimum of 1.8 metres in height, and being located in Environment

Agency Flood Zone 1 there is not a requirement to raise finished floor levels to address potential flood risk. There is not considered to be an overlooking impact based on the indicative plans.

- 10.13 Similarly, given the single storey nature of the proposal it is not considered that any undue overshadowing or restriction of light to neighbouring properties would arise.
- 10.14 In terms of the overlooking of the development site from surrounding properties it is considered that the existing properties are located sufficiently far away from the boundaries of the site, or are of a single storey nature, which would be unlikely to result in substandard amenity for any future residents.
- 10.15 Several of the representations received have raised concerns regarding the impacts during the development process. These are short terms issues which would be given limited weight. The scale of the development is not considered to justify any additional controls through the planning process, as may be reasonable on larger scale developments, and any impacts such as noise or dust could be addressed through environmental protection measures.
- 10.16 Concerns have been raised regarding the impacts arising from the future use of the site for residential purposes and the effect of these on neighbouring residents. However, there is no evidence to suggest how residential use of the site within a wider residential environment would cause such harm.
- 10.17 Consequently, it is considered that the principle of developing the site for two dwellings is unlikely to result in any adverse amenity impacts for future or existing residents and that the development accords with Policy LP16 of the Local Plan.

Highway Safety and Parking

- 10.18 Section 9 of the National Planning Policy Framework (December 2023) specifically relates to 'Promoting sustainable transport'. Paragraph 115 of the National Planning Policy Framework (December 2023) advises 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".
- 10.19 In respect of highway matters, Policy LP15 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy LP15 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.
- 10.20 Furthermore, Policy LP15, to be read in conjunction with Appendix A of the Fenland Local Plan, sets out minimum vehicle parking standards and requires at least two spaces for dwellings of up to three bedrooms and three spaces for dwellings with four or more bedrooms.
- 10.21 The Highways Officer has no objection to the submitted plans and states: *The development now proposes a single dwelling accessed from both Hawthorne Drive and Sycamore Road respectively. The site accesses are both existing and*

formed of a bound material. The number of motor vehicle movements generated by a single dwelling are low enough that they are very unlikely to have a significant impact on highway safety, this is supported by studies encapsulated with Manual for Streets. The proposal may impose additional parking demands upon the on-street parking on the surrounding streets and, whilst this is unlikely to result in any significant adverse impact upon highway safety, there is potentially an impact upon residential amenity which the Local Planning Authority may wish to consider when assessing this application.

- 10.22 Whilst the layout at this stage is indicative, Plot 1 can afford 5 off road parking spaces, and allow vehicles to exit the site in a forward gear. Plot 2 can afford 5 off road parking spaces and allow vehicles to exit the site in a forward gear. This level of provision accords with Appendix A of the Fenland Local Plan and exceeds the majority of off-road parking provision for existing dwellings in the vicinity of the site.
- 10.23 The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Local Plan Policies LP2 and LP15, as well as Section 9 of the National Planning Policy Framework (December 2023).

Flooding Considerations / Drainage

- 10.24 The proposal is in an area of low flood risk in a built-up settlement. Therefore, there is not a requirement to undertake a sequential test. Because the site is in Flood Zone 1, there is not a requirement to submit a Flood Risk Assessment or raise finished floor levels. Additionally, because a large amount of hard surfacing is to be removed, this should aid natural drainage on site. The LLFA has requested a surface water drainage strategy. This is considered to be a matter that can be addressed via a condition to be assessed at the reserved matters stage of the development process. This outline is solely for outline planning permission with matters committed in terms of access and scale. Therefore, it is considered that no matters committed at this stage of the application would adversely impact the ability of the applicant to submit a surface water drainage strategy with a reserved matters application.
- 10.25 Overall, when considering the development, it is considered that the proposal accords with Policy LP14 of the Fenland Local Plan and the intentions of the National Planning Policy Framework (December 2023) in this regard.

Biodiversity and Biodiversity Net Gain (BNG)

- 10.26 Given the former garage use of the site and its location within a relatively high urban area, it is unlikely that the development would result in any loss to protected species or habitats.
- 10.27 Comments from Natural England are noted. Their concerns centre around the impact of the development on existing areas of importance e.g., Nene Washes SSSI, SAC, SPA and Ramsar sites, mainly through increased visitor numbers to these areas which may negatively impact on their quality. In this regard, it must first be noted that the development would result in 2 relatively modest properties which would therefore likely yield low occupant numbers that may then close to visit those areas. Furthermore, it is noted that Natural England raised no objections when consulted on two larger-scale development proposals at the

edge of Whittlesey (F/YR23/0245/O and F/YR23/0705/O) which cumulatively totalled up to 424 dwellings, concluding on one scheme of up to 175 dwellings that it would not have significant adverse impacts on designated sites.

- 10.28 With the above in mind therefore, it is considered that it would be disproportionate to require any further evidence of impacts through this latest proposal for 2 dwellings.

Biodiversity Net Gain

- 10.29 The Environment Act 2021 requires development proposals to deliver a net gain in biodiversity following a mitigation hierarchy which is focused on avoiding ecological harm over minimising, rectifying, reducing and then off-setting. This approach accords with Local Plan policies LP16 and LP19 which outlines a primary objective for biodiversity to be conserved or enhanced and provides for the protection of Protected Species, Priority Species and Priority Habitat.
- 10.30 There are statutory exemptions, transitional arrangements and requirements relating to irreplaceable habitat which mean that the biodiversity gain condition does not always apply. In this instance, one or more of the exemptions / transitional arrangements are considered to apply and a Biodiversity Gain Condition is not required to be approved before development is begun because the pre-development biodiversity value is too low to require statutory net gain.

Outstanding matters from representation

- 10.31 Several residents have raised issues regarding the loss of access to the rear of their properties and also the safety implications of this. This is largely a private matter for those residents to pursue separately. In terms of safety, it is not considered that having no rear access to these dwellings would be different to the situation experienced by a large number of dwellings.
- 10.32 Alternative uses for the site have also been put forward, however the application must be determined as submitted and assessed on its merits in planning terms.
- 10.33 Concerns have also been raised regarding the lack of notification of the application. However all statutorily required notifications have been carried out, including the erection of a site notice.

11 CONCLUSIONS

- 11.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.
- 11.2 The application site is brownfield within an established residential area in a Market town. Access and scale are considered to be acceptable, and there are no matters brought forward to suggest that amenity and design cannot be satisfactorily addressed at reserved matters stage.
- 11.3 Any future design would need to ensure that it does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking, whilst conforming with the Fenland Local Plan and

the provisions of the National Planning Policy Framework when viewed as a whole.

- 11.4 Taking into consideration these factors, the proposal is considered to comply with Policies LP1, LP2, LP3, LP4, LP5, LP11, LP14 and LP16 of the Fenland Local Plan (2014); Policies 1, 2 and 7 in the Whittlesey Neighbourhood Plan, in addition to the Sections 5, 12 and 14 contained within the National Planning Policy Framework (NPPF) (December 2023).

12 RECOMMENDATION

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

1	<p><i>Reserved Matters</i></p> <p>(i) the layout of the site (ii) the external appearance of the buildings; (iii) the landscaping</p> <p>(hereinafter called "the Reserved Matters" shall be obtained from the Local Planning Authority prior to the commencement of development).</p> <p>Reason: To enable the Local Planning to control the details of the development hereby permitted and to ensure the development meets the policy standards required by the development plan and any other material considerations including national and local policy guidance.</p>
2	<p><i>Reserved Matters timing</i></p> <p>Application for approval of the Reserved Matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.</p> <p>Reason: To ensure compliance with Section 92 of the Town and Country Planning Act 1990.</p>
3	<p><i>Commencement</i></p> <p>The development hereby permitted shall begin before the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.</p> <p>Reason: To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
4	<p><i>Quantum</i></p> <p>The residential elements of the development shall not exceed 2no. single-storey dwellings (Use Class C3).</p> <p>Reason: For the avoidance of doubt and to ensure a satisfactory standard of development.</p>
5	<p><i>Vehicular Access to Proposed Dwellings</i></p> <p>Each dwelling hereby permitted shall only be served by its own vehicular access as shown on the approved plans.</p> <p>Reason: In the interests of highway safety and residential amenity in</p>

	accordance with policy LP15 of the Fenland Local Plan 2014 and Policy 7 of the Whittlesey Neighbourhood Plan 2021-2040.
6	<p><i>Surface Water Drainage</i></p> <p>The details required by condition 1 above, shall include details of the surface water drainage strategy to serve the development. The scheme shall be implemented in accordance with the approved details before the relevant parts of the development are first brought into use and thereafter retained in perpetuity.</p> <p>Reason: To ensure a satisfactory method of surface water drainage and to prevent the increased risk of flooding in accordance with the National Planning Policy Framework, Policy LP14 of the Fenland Local Plan, 2014 and policy 10 of the Whittlesey Neighbourhood Plan 2021-2040.</p>
7	<p><i>Contaminated Land</i></p> <p>No development approved by this permission shall be commenced prior to a contaminated land assessment and associated remedial strategy, being submitted to the LPA and receipt of approval of the document/documents from the LPA. This applies to paragraphs a), b) and c). This is an iterative process and the results of each stage will help decide if the following stage is necessary.</p> <p>(a) The contaminated land assessment shall include a desk study to be submitted to the LPA for approval. The desk study shall detail the history of the site uses, the proposed site usage, and include a conceptual model. The site investigation strategy will be based on the relevant information discovered by the desk study. The strategy shall be approved by the LPA prior to investigations commencing on site.</p> <p>(b) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitable qualified and accredited consultant/contractor in accordance with a quality assured sampling and analysis methodology.</p> <p>(c) A site investigation report detailing all investigative works and sampling on site, together with the results of the analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the LPA. The LPA shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment including any controlled waters. No development approved by this permission shall be occupied prior to the completion of any remedial works and a validation report/s being submitted to the LPA and receipt of approval of the document/documents from the LPA. This applies to paragraphs d), e) and f).</p> <p>(d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice.</p> <p>(e) If, during the works, contamination is encountered which has not previously been identified then the additional contamination shall be fully</p>

	<p>assessed and an appropriate remediation scheme agreed with the LPA.</p> <p>(f) Upon completion of the works, this condition shall not be discharged until a validation/closure report has been submitted to and approved by the LPA. The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from site, and what has been brought on to site.</p> <p>Reason: To control pollution of land or water in the interests of the environment and public safety in accordance with Policy LP17 of the Fenland Local Plan, 2014.</p>
8	<p><i>Existing and Proposed Site Levels</i></p> <p>The details required by condition 1 above shall include full details of the existing and proposed site levels and proposed floor levels of the buildings, hard surfaced areas and garden/amenity areas, including any mitigation measures arising as a consequence (for example increased height of boundary treatment), shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed and retained in accordance with the details so approved.</p> <p>Reason: To reduce the risk of flooding of the development and in the interests of visual amenity in accordance with Policies LP14 and LP16 of the Fenland Local Plan, 2014, Policy 7 of the Whittlesey Neighbourhood Plan 2021-2040, and Chapters 12 and 14 of the National Planning Policy Framework.</p>
9	<p><i>Landscaping</i></p> <p>The approved landscaping required under Condition 1 shall be carried out and completed in its entirety during the first planting season following practical completion of the development. Any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: To ensure that the development is adequately landscaped, in the interests of its visual amenity and that of the area in which it is, in accordance with Policies LP14 and LP19 of the Fenland Local Plan, 2014 and Policy 7 of the Whittlesey Neighbourhood Plan 2021-2040.</p>
10	<p><i>Refuse Collection</i></p> <p>Prior to the first occupation of the development hereby approved a refuse collection strategy shall be submitted to and approved in writing by the Local Planning Authority. The approved refuse collection strategy shall be implemented in accordance with the agreed details in full and thereafter be retained in perpetuity unless otherwise agreed in writing.</p>

	<p>Reason: To ensure a satisfactory form of refuse collection and compliance with Policy LP16 of the Fenland Local Plan, 2014 and Policy 14 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan, 2021.</p>
11	<p><i>Removal of Permitted Development Rights – Access Gates</i> Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking, amending or re-enacting that order), no gates or other means of enclosure shall be erected across the vehicular accesses unless approved in writing by the Highway Authority.</p> <p>Reason: In the interests of highway safety and to ensure compliance with Policies LP15 and LP16 of the Fenland Local Plan, adopted May 2014 and Policy 7 of the Whittlesey Neighbourhood Plan 2021-2040.</p>
12	<p><i>Lighting</i> The details required by condition 1 above shall include, a scheme for the provision of external lighting. Such a scheme shall include the access road and parking areas lit by columns to BS5489:1 2020 and security lights to dwellings dusk to dawn LED bulkhead lights. The approved details shall be implemented prior to the occupation of the dwelling to which they relate and be retained thereafter in perpetuity.</p> <p>Reason: In order to ensure that the site meets the crime prevention guidelines in accordance with Policy LP17 of the Fenland Local Plan 2014 and Policy 7 of the Whittlesey Neighbourhood Plan 2021-2040.</p>
13	<p><i>Approved Plans</i> The development hereby permitted shall be carried out in accordance with the following approved plans and documents;</p>



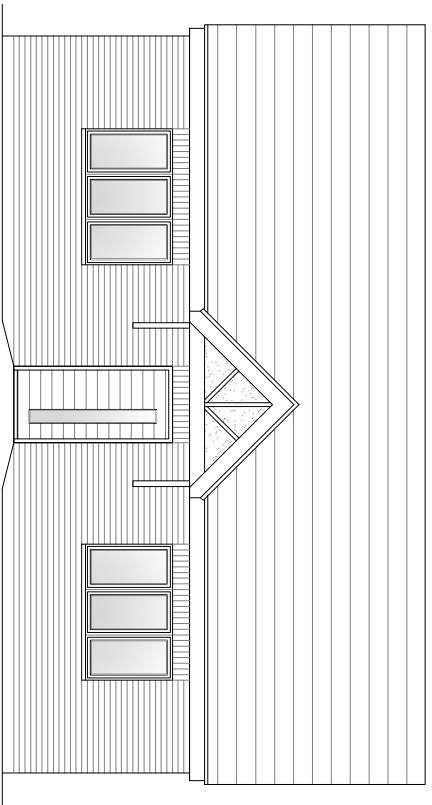
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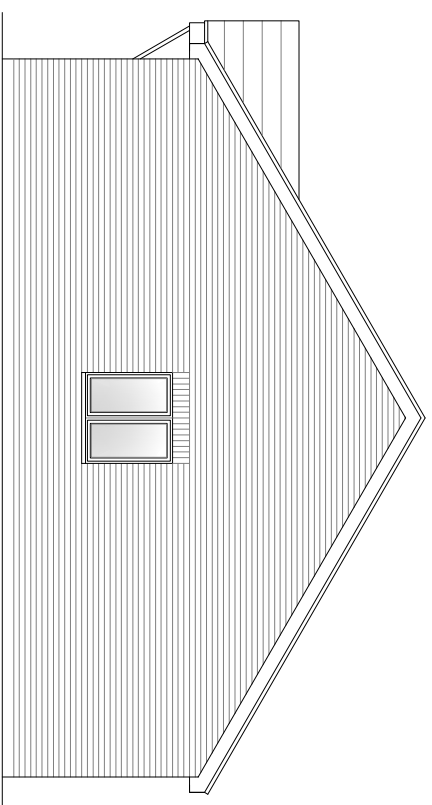
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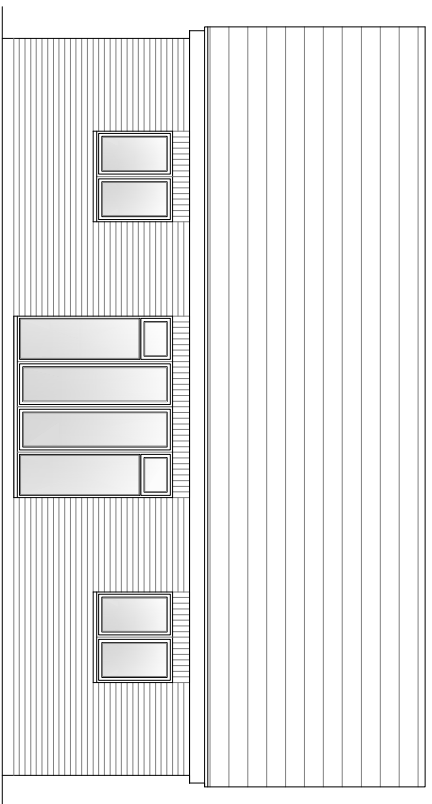




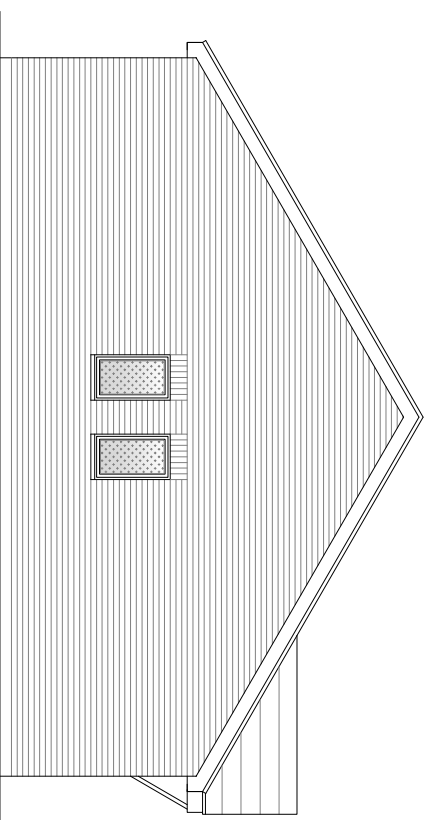
Proposed Front Elevation
Plot 1



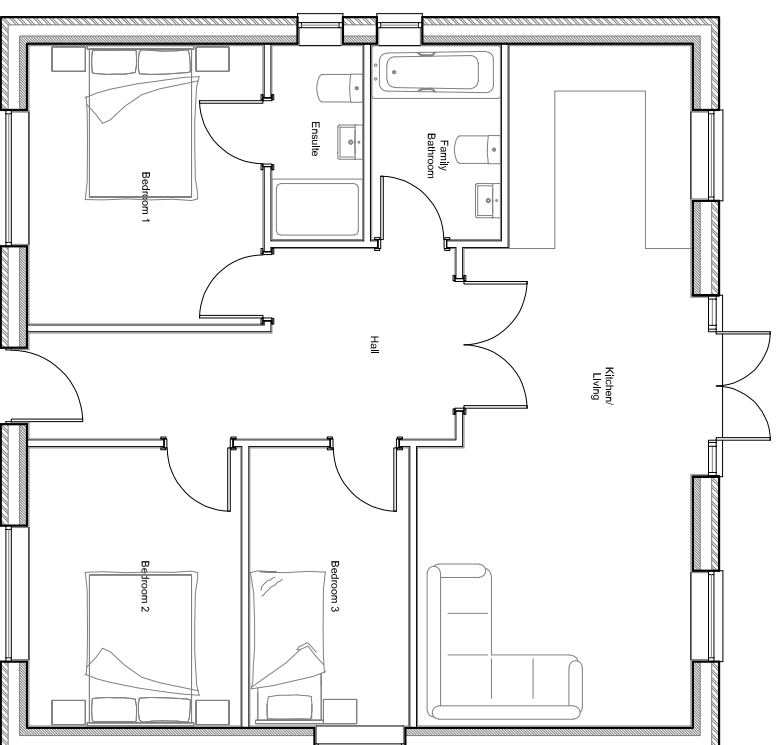
Proposed Side Elevation



Proposed Rear Elevation



Proposed Side Elevation



Proposed Floor Plan
Plot 1

Gross Internal Areas:
Plot 1 79.64sqm

LMR
architectural and development
designs
15 Duncan Close
Moulton Park
Northampton
NN3 6WL
T: 01604 492100
M: 07904 333447
E: info@lmrdesigns.co.uk
W: www.lmrdesigns.co.uk

client
Parko Developments

site
**Land off Sycamore Road
Whittlesey**

drawing title
**Proposed HouseTypes
Plot 1**

drafted by:
LV

checked
LMR

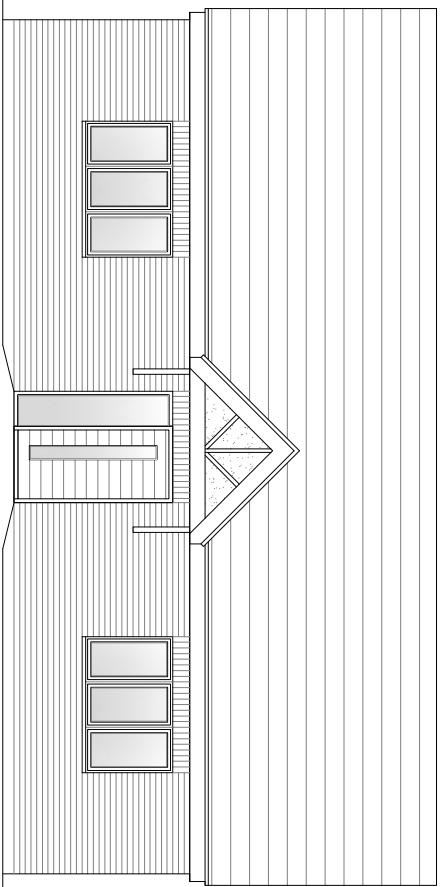
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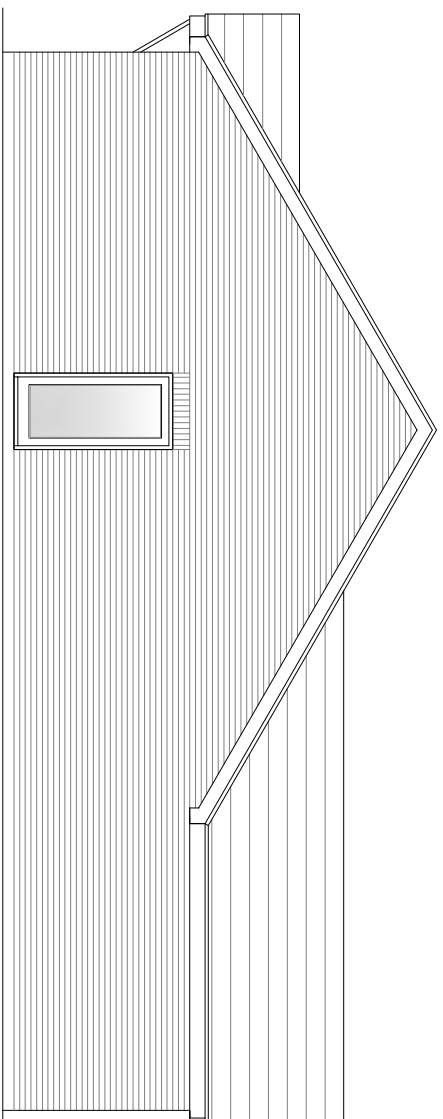
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023 - 053 - 004

revision
A

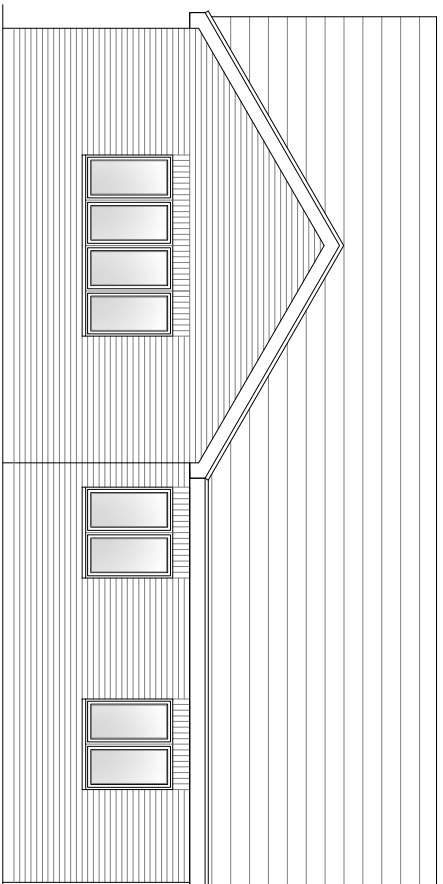
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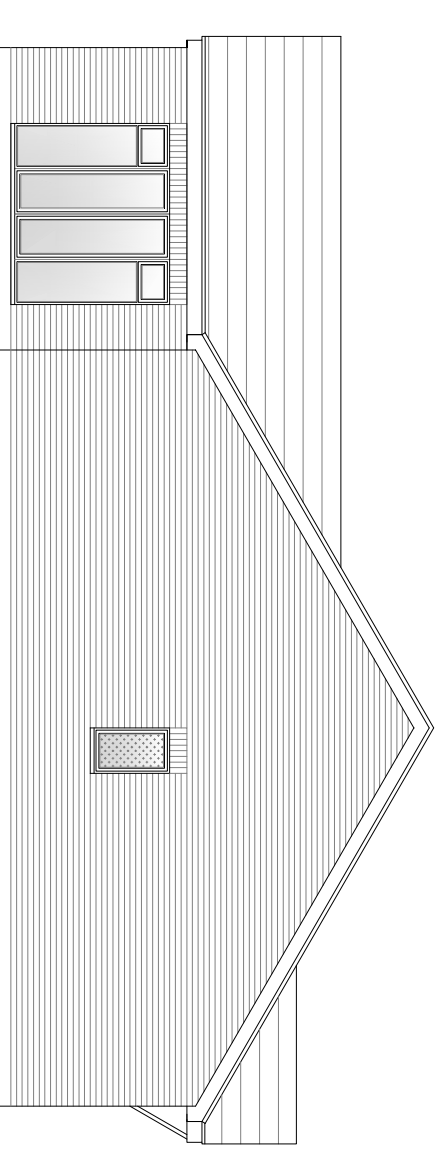
Proposed Front Elevation
Plot 2



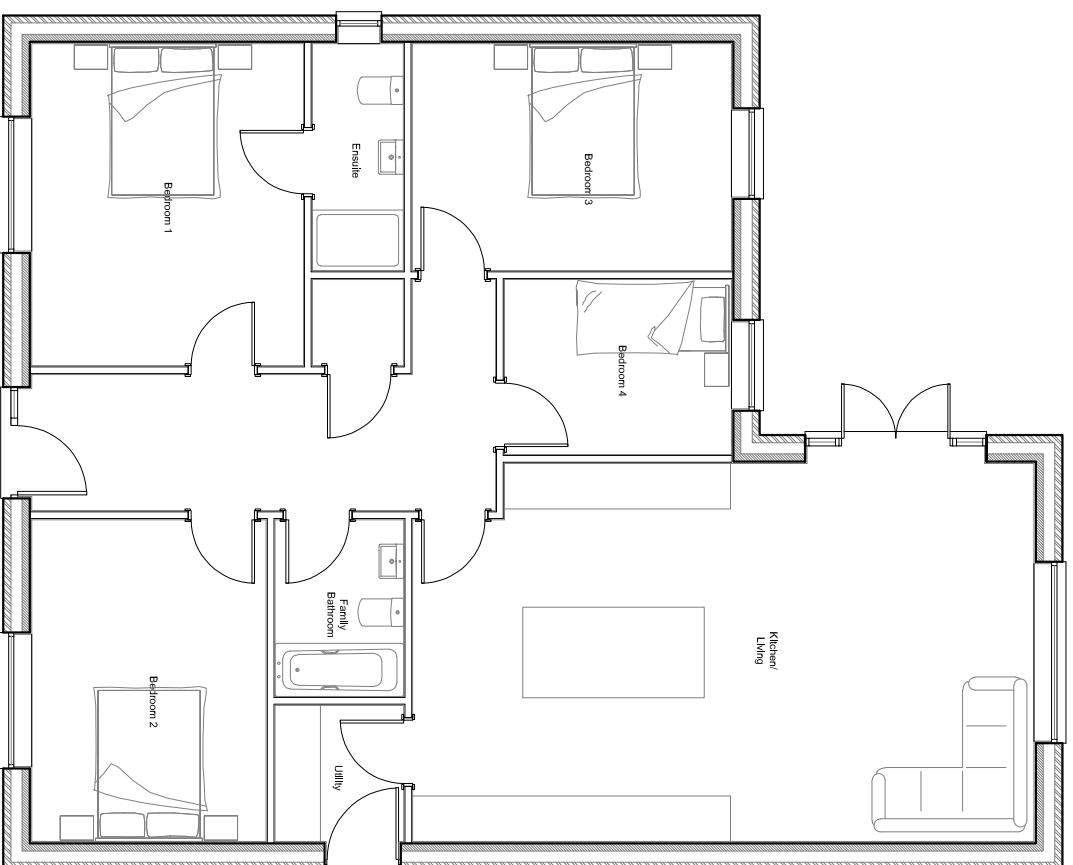
Proposed Side Elevation



Proposed Rear Elevation



Proposed Side Elevation



Proposed Floor Plan
Plot 2

Gross Internal Area:
Plot 2 | 118.78sqm

LNR
architectural and development
designs
15 Duncan Close
Moulton Park
Northampton
NN3 6WL
T: 01604 492100
M: 07904 333447
E: info@lnrdesigns.co.uk
W: www.lnrdesigns.co.uk

client
Parko Developments

site
**Land off Sycamore Road
Whittlesey**

drawing title
**Proposed HouseTypes
Plot 2**

drafted by:
LVW

checked
LMR

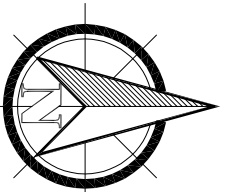
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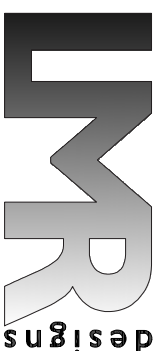
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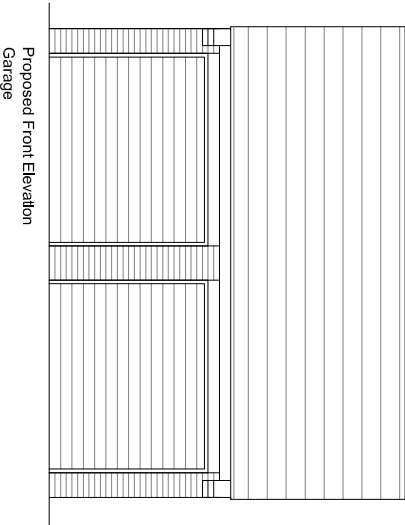
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1:50	0	1m:	2m
	0	0.5m:	2m

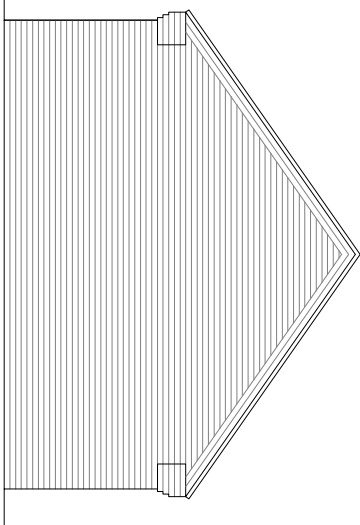


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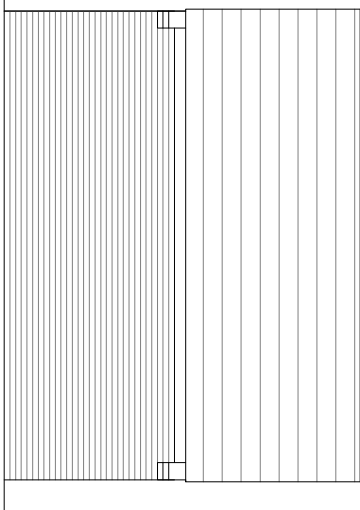
 <p>architectural and development</p> <p>15 Duncan Close Moulton Park Northampton NN3 6WL</p>	
client	<p>Parko Developments</p>
site	<p>Land off Sycamore Road Whittlesey</p>
drawing title	<p>Proposed Block Plan</p>
drafted by:	<p>LW</p>
checked	<p>LMR</p>
scale	<p>1:500@A3</p>
date	<p>Jan 2024</p>
drawing number	<p>023 - 053 - 002</p>
revision	<p>C</p>



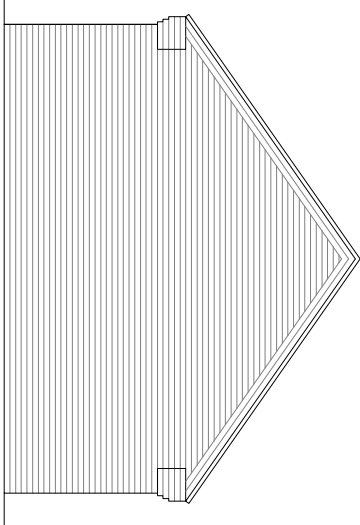
Proposed Front Elevation Garage



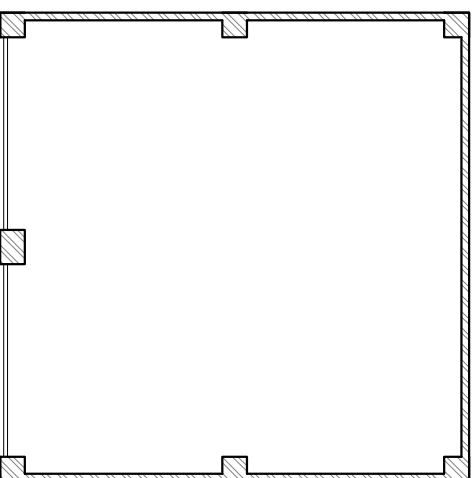
Proposed Side Elevation



Proposed Rear Elevation

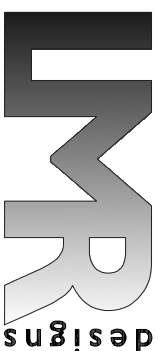


Proposed Side Elevation



Proposed Garage Floor Plan

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1:50	0	1m	2m
	0	0.5m	

 <p>LMR designs architectural and development</p> <p>T: 01604 492100 M: 07904 333447 E: info@lmrdesigns.co.uk W: www.lmrdesigns.co.uk</p> <p>15 Duncan Close Moulton Park Northampton NN3 6WL</p>	
client	Parko Developments
site	Land off Sycamore Road Whittlesey
drawing title	Proposed Garage
drafted by:	checked
LW	LMR
scale	date
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drawing number	revision
023 - 053 - 006	A